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ORDINANCE NO. 3412

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC SECTION 2.35.045 SHARED LEAVE IN ORDER TO PROVIDE FOR A LIMITED EXPANSION OF THE PROGRAM, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Edmonds has established a shared leave program in order to provide for the transfer of accrued vacation leave benefits from one employee to another who has suffered a catastrophic illness and has exhausted his or her leave benefits; and

WHEREAS, the City Council believes it to be in the public interest, and the best interests of its employees, to expand the program to permit the use and transfer of sick leave from one employee to another for a catastrophic illness and to permit the transfer of vacation for less serious illnesses, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds City Code Section 2.35.045 Shared Leave is hereby amended to read as follows:

Section 2.35.045 Shared leave.

A. Intent. The purpose of shared leave is to permit city employees, at no additional employee cost to the city other than the administrative cost of administering the program, to come to the aid of a fellow employee who is suffering from or has an immediate family member suffering from illness, injury, impairment, physical or mental conditions which has caused, or is likely to cause, the employee to take leave without pay or to terminate his or her employment. "Immediate family" is defined

as spouse, son, daughter, mother, father, and in-laws of the same degree. The Personnel Director may, but has no obligation, to approve recognition of other, significant relationships similar in nature to that of the immediate family, if the needs of the City permit. In addition to these purposes, the shared leave program may be used by employees who have been involuntarily called to military service.

B. A department director, with the mayor's approval, may permit an employee to receive shared leave under this section if:

1. The employee suffers, or has an immediate family member suffering from an illness, injury, impairment or physical or mental condition, which has caused, or is likely to cause, the employee to go on leave without pay or to terminate his or her employment with the city. In addition, the shared leave program may be utilized by an employee who has been involuntarily called to active duty in the Washington National Guard or in the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States. An employee seeking to utilize the shared leave program due to an involuntary call to military service need not establish compliance with subsections (B)(2) through (4) of this section.

2. The employee has depleted or will shortly deplete his or her total of accrued vacation, sick leave, compensatory time, holiday time, and/or other paid leave.

3. Prior to a request to use of shared leave, the employee has abided by the sick leave policy.

4. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits or such benefits have been exhausted.

5. Use of shared leave will not significantly increase the city's costs except for those costs which would otherwise be incurred in the administration of this program and which would otherwise be incurred by the employee's department.

C. The department director, with the concurrence of the mayor, shall determine the amount of shared leave, if any, which an employee may receive under this ordinance. The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. Shared leave shall be limited to no more than a maximum of six (6) continuous calendar months or six (6) months

total in any five (5) year period and cannot be used to extend the absence of the employee beyond the post-leave time prescribed by State Statute, the applicable labor agreement, or city policy.

D. Shared leave shall be funded through voluntary transfers of accrued vacation and/or sick leave from other city employees to the employee approved for a shared leave. Both vacation and sick leave can be donated for a shared leave request, which has been approved due to an extraordinary/catastrophic type illness or injury. For this type of request, all donated vacation must be used prior to any use of donated sick leave. For illnesses and injuries, which are non-catastrophic in nature, only vacation leave can be donated and used. Sick leave donations are not allowed for this type of request. Co-workers who donate leave must retain a reasonable amount of accrued vacation and sick leave to protect them from a wage loss due to illness or injury and to enjoy a reasonable vacation period. When reviewing police employees, the police chief may consider holiday and compensatory time for purposes of approving shared leave requests and donations of leave time. Department Directors shall not transfer any leave time in excess of the amount specified in the request. All donations shall be voluntary. The department director shall determine that no significant increase in city costs will occur as a result of the transfer of leave.

E. Leave may be transferred from employee(s) from one department to an employee of the same department, or, with the concurrence of both department directors, to an employee of another department.

F. While an employee is on shared leave, he or she will continue to be classified as a city employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave.

1. All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.

2. The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payments by the city to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

G. Leave shall be transferred on a dollar-for-dollar basis. The value of the leave shall be determined at the current hourly wage of the transferor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

H. The personnel department shall be responsible for computing values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. The administrative services director shall determine the appropriate fund transfers and budget amendments as needed for city council action. Records of all leave time transferred shall be maintained in the event any unused time is returned at a later date.

I. The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. The department director shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned on a pro-rata basis.

J. The personnel department shall monitor the use of shared leave to insure equivalent treatment for all employees of the city. Inappropriate use or treatment of the shared leave provision may result in cancellation of the donated leave or use of shared leave.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____
W. Scott Snyder

FILED WITH THE CITY CLERK:	07/19/2002
PASSED BY THE CITY COUNCIL:	07/23/2002
PUBLISHED:	07/28/2002
EFFECTIVE DATE:	08/02/2002
ORDINANCE NO. <u>3412</u>	

SUMMARY OF ORDINANCE NO. 3412

of the City of Edmonds, Washington

On the 23rd day of July, 2002, the City Council of the City of Edmonds, passed Ordinance No. 3412. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC SECTION 2.35.045 SHARED LEAVE IN ORDER TO PROVIDE FOR A LIMITED EXPANSION OF THE PROGRAM, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 25th day of July, 2002.

CITY CLERK, SANDRA S. CHASE