

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2293

AN ORDINANCE relating to employee work rules and conditions of employment; amending chapter 3.80 of the Bellevue City Code, and repealing section 3.80.110 thereof.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance 238, as amended, and section 3.80.010 are hereby amended to read as follows:

3.80.010 Definitions. Unless the context indicates otherwise, certain words and phrases used in this chapter shall have the following meanings:

- A. "Calendar month of service: means that the employee must, during at least eighteen full days of each calendar month, have performed or been given credit for either, or a combination of the following:
1. On the job duty at actual work as a full time employee; or
 2. Credit approved for valid absence from duty on a regular working day during which regular pay continues the same as if actually on duty.
- B. "Regular full time employee" means an individual who is employed by the City with the expectation that the duration of such employment will be at least one year, and who works forty hours or more per normal work week. Such employees shall be compensated on the basis of a monthly salary established by ordinance.
- C. "Portion of month of service," as applied to a regular part-time employee, means that the employee must, during the calendar month, have performed or been given credit for at least 72 hours of regular part-time service by either, or a combination of, the following:
1. On the job duty at actual work as a part-time employee; or
 2. Credit approved for valid absence from duty on a regular work day during which regular pay continues the same as if actually on duty.

- D. "Regular part-time employee" means an individual who is employed by the City with the expectation that the duration of such employment will be at least one year, and whose work schedule is normally less than forty but not less than twenty hours per week. Such employee's compensation shall be such proportion of the monthly salary, vacation, sick leave bonus, sick leave and holiday entitlement established by ordinance for the employee's job classification as the employee's normal weekly hours worked bears to forty hours. All other fringe benefits shall be paid at the rates specified for regular full-time employees.
- E. "Vacation leave" means a working day or the accumulation of working days on which a regular full-time or regular part-time employee of the City may, by pre-arrangement, continue to receive the regular rate of compensation although such employee does not report for duty or perform the normal functions of the job classification in which such employee regularly works or is assigned to duty.

Vacation leave time shall accrue only during the period of time which the employee is on a regular full-time or regular part-time status.

Section 2. The following new definitions are hereby added to section 3.80.010 of the Bellevue City Code:

- F. "Seasonal employee" means an employee who is employed by the City on a full-time work schedule, but for a period of not more than six calendar months of service during any twelve-month period. Such employees shall be compensated on a hourly basis and shall receive no other form of compensation, or receive any other benefits, except as may be required by city, state or federal law.
- G. "Hourly employee" means an employee who is employed by the City on an indefinite and fluctuating work schedule and who works sixty-nine hours or less during at least one calendar month of any period of five consecutive calendar months. Such employees shall be compensated on an hourly basis and shall receive no other form of compensation, or receive any other benefits, except as may be required by city, state or federal law.
- H. "Reclassification" means the movement of a job classification from one pay range to another pay range without any substantial change in the duties and responsibilities assigned to that job classification.

- I. "Promotion" means the advancement of an employee from a lower job classification to a higher job classification.
- J. "Demotion" means the movement of an employee from a higher job classification to a lower job classification.
- K. "Lateral transfer" means the movement of an employee from one job classification in a pay range to another job classification in the same pay range, or the movement of a person from a job classification in one department to a job classification in another department in the same or similar pay range.
- L. "Probationary period - new employees" The six month period designed to give the City an opportunity to determine whether a new employee has the capability to perform the work for which the employee was hired, and during which the new employee may be discharged at any time with or without cause, except as might be prohibited by state or federal law.
- M. "Probationary period - promotion or transfer" A three month period designed to give the department to which an employee is promoted or transferred the opportunity to determine whether such employee is capable of performing the job responsibilities of that position. Such employee, when determined by the receiving department to be incapable of performing the responsibilities of the job, has no rights or guarantee of returning to such employee's former job.
- N. "Discipline" Any action taken by the City against an employee for misconduct, an infraction of City work rules, policies, or contract rules, and which may include probation, lay-off, suspension or other appropriate action.
- O. "Exempt employee" Any employee who acts in a bonafide executive, administrative or professional capacity as defined by the Fair Labor Standards Act. Such positions shall be specifically identified by title by the Personnel Officer, with the approval of the City Manager.
- P. "Nonexempt employee" Any employee other than an exempt employee as defined in subsection O above.
- Q. "Termination" The severance of an employee's employment with the City, whether with or without cause.

- R. "Layoff" Separation of an employee from employment which is instigated by the City, but without fault of the employee.
- S. "Disciplinary suspension without pay" A temporary removal of an employee from the payroll for a period not to exceed twenty working days because of an infraction or violation of City work rules or policies, contract rules or other misconduct, the purpose of which is to serve as a warning and notice of possible permanent separation from employment if warranted by the employee's future conduct.
- T. "Merit increase" A voluntary pay increase by the City to an employee for one or more of the following: the quality of the employee's work, improved efficiency of the employee, increased production or quality of performance by the employee.
- U. "General salary adjustment" An increase in wages or salary paid to City employees which may be based on the fluctuation of the consumer price index of the Bureau of Labor Statistics, or on any other basis deemed appropriate by the City Manager with City Council approval.
- V. "Supplemental pay" Compensation paid in addition to, and not as a part of, the basic wage or salary rate for a job classification.
- W. "Tuition reimbursement" Financial assistance paid by the City for defraying the cost of tuition and fees of an employee for approved courses. Payment will be made as outlined in the Tuition Reimbursement Policy of the City for satisfactory completion of courses taken at accredited community colleges, colleges, universities, vocational, professional and/or proprietary schools contingent upon the availability of department funds.
- X. "Salary and wage administration" The function of establishing, managing and monitoring the City's salary and wage structure and the procedures for salary and wage adjustments.
- Y. "Funeral leave" The period of time off granted with pay and chargeable to an employee's accrued sick leave due to the death of a member of the employee's immediate family. At the discretion of the Personnel Director, appropriate evidence of the family member's death may be requested by the City.

- Z. "Employee's immediate family" means the employee's mother, father, sister, brother, spouse, children, mother-in-law, father-in-law, grandparents, greatgrandparents, grandchildren, greatgrandchildren, and no other persons.
- AA. "Emergency leave" The period of time off granted with pay and chargeable to an employee's accrued sick leave due to the illness of or accidental injury to a member of the employee's immediate family.
- BB. "Combined emergency and funeral leave" The conjunction of emergency and funeral leave as defined herein.
- CC. "Sick leave" Time off with pay that may be granted to an eligible employee and chargeable against his or her accrued hours as outlined in section 3.80.250 hereof.
- DD. "Holiday credit" The eight hour credit, or proportional credit in the case of regular part-time employees, recorded in the employee's name when a City holiday falls on a date the employee was not scheduled to work, and which applies only to employees who work other than a normal forty-hour, Monday through Friday work week. Such holiday credit is not forfeited at the end of the year in which it is earned, but is converted to vacation credit at such time and is thereafter subject to all limitations and provisions pertaining to accrued vacation time.
- EE. "Compensated time" Credit in hours recorded in the name of employees who are eligible for overtime compensation, as such employee's department reports the earning of the employee to the finance department. Compensating time may be used in the same manner as vacation hours except that compensating time is not forfeited at the end of the year in which it was earned, but is converted to vacation credit at such time and thereafter is subject to all limitations and provisions pertaining to accrued vacation time.

Section 3. Section 2 of Ordinance 1942 and Bellevue City Code, section 3.80.050 are hereby amended to read as follows:

3.80.050 Forty hour week - overtime. Nonexempt employees shall be compensated for authorized, required overtime by the receipt of extra pay at one and one-half times the normal rate of pay, or, to the extent permitted by state and federal law, by the receipt of compensatory leave at the rate of one and one-half hours for each hour worked, or by a combination thereof, at the discretion of the department head after consultation with the employee. Overtime is defined as hours of work in excess of eight hours per day or forty hours per week.

The foregoing overtime provisions shall not apply to exempt employees.

Compensatory leave shall be scheduled at such time as the department head finds most suitable, considering the wishes of the employee and the requirements of the department.

The City Manager shall have the discretionary authority to grant overtime, on a straight time basis, in exceptional circumstances, to employees who are otherwise ineligible for overtime pay.

Section 4. Section 4 of Ordinance No. 238, as amended, and Bellevue City Code Section 3.80.060 are hereby amended to read as follows:

3.80.060 Legal Holidays. In the operation of the administrative offices of the City, the following are legal holidays:

- A. Sundays and Saturdays;
- B. The first day of January, commonly called New Year's Day;
- C. The twelfth day of February, being the anniversary of the birth of Abraham Lincoln; or in lieu thereof the City Manager may, with the concurrence of the Council, each year designate another day as a legal holiday;
- D. The third Monday of February, being the anniversary of the birth of George Washington;
- E. The thirtieth day of May, commonly known as Memorial Day;
- F. The fourth day of July, being the anniversary of the Declaration of Independence;
- G. The first Monday of September, known as Labor Day;
- H. The eleventh day of November, known as Veterans Day;
- I. The fourth Thursday of November, known as Thanksgiving Day;
- J. The Friday after Thanksgiving;
- K. The twenty-fifth day of December, commonly called Christmas Day.

When one of the above listed holidays falls on the sixth day of the employee work week, the City Manager shall designate either the fifth day of the work week or the first day of the next week

to be observed as the holiday. When one of the above listed holidays falls on the seventh day of the employee work week, the following day shall be observed as the holiday.

Section 5. Section 7 of Ordinance No. 238, as amended, and Bellevue City Code Section 3.80.090 are hereby amended to read as follows:

3.80.090 Vacation Leave Time. Each regular full-time and regular part time employee shall accrue permissive time for vacation leave at the rate set forth below, based upon the employee's continuous length of service accumulated as of the most recent anniversary date of the employee's employment. Such vacation leave time shall not vest or be available to the employee until the employee has worked for the City a minimum of six calendar months.

Length of Service	Annual Leave in Days Accrued Per Year of Service	Hours of Leave Accrued Per Month of Service
0 through 5 years	12	8
6 through 10 years	15	10
11 through 15 years	18	12
16 through 20 years	20	13 1/3
21 through 25 years	22	14 2/3
Over 25 years	25	16 2/3

At the discretion of the City Manager, a new employee of the City may be granted permissive time for vacation leave at a greater rate than that to which such employee is entitled under the above schedule.

Section 6. Section 8-A of Ordinance No. 238, as amended, and Bellevue City Code Section 3.80.100 (C) are hereby amended to read as follows:

3.80.100 Regular Part-Time Employees - Vacation Leave and Sick Leave.

C. Regular part-time employees shall be entitled to full participation in the medical, dental, group life and industrial insurance programs provided for regular full-time employees.

Section 7. Section 1 of Ordinance No. 1328, and Bellevue City Code Section 3.80.110 are each hereby repealed.

Section 8. Section 9 of Ordinance No. 238, Bellevue City Code, Section 3.80.140 are hereby amended to read as follows:

3.80.140 Permission to Take Vacation. Every employee desiring to claim accrued vacation leave must first procure the approval of

the employee's department head or designee. The department head or designee shall keep a roster of vacation leave and approve a schedule of vacation leave of subordinate personnel so as to least interfere with the operation of the department.

Section 9. Section 12 of Ordinance No. 238, and Bellevue City Code, Section 3.80.170 are hereby amended to read as follows:

3.80.170 Record of Vacation Time. All used vacation time shall be entered on the Employee Attendance Record of the respective employee and reported to the Finance Department as that department may direct.

Section 10. Section 13 of Ordinance No. 238, as amended, and Section 3.80.180 of the Bellevue City Code are hereby amended to provide as follows:

3.80.180 Vacation Leave - Accrual in Excess of Normal Amount - Waiver. Vacation leave shall not accumulate from year to year without limit. At the beginning of each calendar year each regular full-time and regular part-time employee may retain in his/her personal account, a maximum number of vacation leave hours in the amount of the annual rate of accrual then being earned by said employee plus one day, provided, however such employees may under special circumstances, retain in their personal accounts a number of vacation leave hours in excess of said maximum where determined not to be contrary to the interests of the City by the City Manager and approved by the City Manager in writing.

Failure of the employee to have used accrued vacation leave in excess of the maximum shall constitute a waiver and loss of such leave and shall not form the basis of any severance pay or additional compensation to such employee by reason of having continued to work at this regular job during a period in which the employee may have been entitled to take time off for vacation.

Section 11. Section 14 of Ordinance No. 238 and Bellevue City Code, Section 3.80.190 are hereby amended to read as follows:

3.80.190 Terminal Vacation Pay. Upon the effective date of the termination of an employee's employment with the City, such employee shall thereupon be entitled to a sum of money equal to his former regular compensation for any earned vacation leave time which has not been used or forfeited for failure to timely claim; provided however, that in the event such employee fails to give the department head under whom he is employed at least two weeks notice of such termination of employment, the foregoing terminal vacation pay shall be forfeited.

Section 12. Section 17 of Ordinance No. 238, as amended, and Bellevue City Code Section 3.80.210 are hereby amended to read as follows:

3.80.210 Maximum Sick Leave. Sick leave for qualified employees shall accumulate from date of employment with the City until claimed and used; provided, however, that unused sick leave may accumulate to a maximum of 1,440 hours only.

Section 13. Section 18 of Ordinance No. 238 and Bellevue City Code Section 3.80.220 are hereby amended to read as follows:

3.80.220 General Rules Regulating Sick Leave. Continuance of pay, during absence from duty by reason of facts that would warrant the approval of sick leave, is contingent upon strict compliance with the following:

- A. For each day of the employee's absence from work, the employee or someone on his or her behalf shall notify the employee's supervisor within a reasonable time of the employee's scheduled starting time;
- B. To insure the health, welfare and safety of the employee and fellow employees, the City may require a doctor's certificate indicating approval for the employee to return to work for absences of personal illness in excess of three days.
- C. To assist in the elimination of the abuse of sick leave, the City may require the employee to show valid and satisfactory proof of illness.

Section 14. Section 21 of Ordinance 238 and Bellevue City Code Section 3.80.250 is hereby amended to read as follows:

3.80.250 Approved Grounds for Sick Leave. In accordance with the terms of this chapter, eligible employees shall be entitled to request allowance for sick leave with pay for the following reasons:

- A. Personal illness or physical incapacity, resulting from causes beyond the employee's control;
- B. Forced quarantine of the employee, in accordance with state or community health regulations;
- C. Maternity Leave.
- D. Funeral leave not to exceed six days per calendar year.
- E. Emergency leave not to exceed six days per calendar year.

- F. Combined emergency and funeral leave: should the occasion arise when employee is on emergency leave and the ill member of the employee's immediate family dies, upon notification to the employee's department, the employee may take funeral leave. The combination of emergency and funeral leave shall in no instance exceed twelve days per calendar year.

Section 15. Section 21 of Ordinance No. 238, Bellevue City Code Section 3.80.260 are hereby repealed.

Section 16. Section 22 of Ordinance No. 238, and Bellevue City Code Section 3.80.270 are hereby amended:

3.80.270 Official Record of Sick Leave. There shall be maintained in the Finance Department, as a part of the payroll records, an accurate and permanent record of sick leave for each regular full-time and regular part-time employee. Such record shall currently disclose the dates on which each employee was granted sick leave with pay.

Section 17. Section 1 of Ordinance No. 1010, as amended, and Bellevue City Code, Section 3.80.280 are hereby amended to read as follows:

3.80.280 Fingerprinting Identification Photograph and Driver's Abstract. As a condition of employment, each employee shall be:

- A. Fingerprinted as required by state statute.
- B. Photographed for identification purposes.
- C. Required to grant permission to the City to request the prospective employee's driver's abstract for insurance purposes.

Section 18. Section 2 of Ordinance No. 1308 and Bellevue City Code Section 3.80.290 are hereby amended to read as follows:

3.80.290 Union Contracts. If a bargaining unit contract covers any of the provisions of this chapter, all employees under such contract shall accrue benefits according to the provisions thereof, rather than according to the provisions of this chapter, and where any conflict exists between the provisions of any such contract and this chapter, such contract shall control.

Section 19. Section 1 of Ordinance No. 1394 and Bellevue City Code Section 3.80.300 are hereby amended to read as follows:

3.80.300 Hiring immediate family members. As determined by the City Manager or his designee, members of the immediate family

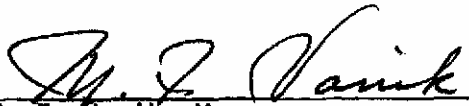
(as defined in Section 3.80.010 hereof) of City employees shall not be hired if:

- A. One member would have the authority or practical power to supervise, appoint, remove or discipline the other;
- B. One member would be responsible for auditing the work of the other;
- C. Due to the confidentiality of the material handled in a position, it would not be in the best interest of the City to fill the position with an immediate family member.
- D. In order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the City must limit the employment of immediate family members of policy level officers of customers, regulatory agencies, or others with whom the City deals.
- E. Otherwise required by compelling business necessity.

Section 20: This Ordinance shall take effect and be in force 30 days after passage, approval and legal publication.

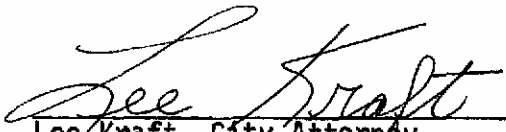
PASSED by the City Council this 9 day of February, 1976 and signed in authentication of its passage this 9 day of February, 1976.

(SEAL)



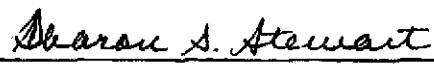
M. F. Vanik, Mayor

Approved as to form:



Lee Kraft, City Attorney

Attest:



Sharon S. Stewart, Deputy City Clerk

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