

Original

ORDINANCE No. 238

AN ORDINANCE declaring certain working conditions and rules of employment, fixing legal holidays, providing for leave without pay, civil leave, vacation leave, sick leave, overtime compensation and setting forth regulations in connection therewith.

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

Section 1. Definitions. Unless the context otherwise indicates, the words and phrases used in this ordinance shall have the following meanings:

(a) Vacation Leave. The term "vacation leave" shall mean a working day or the accumulation of working days on which a full-time employee of the City of Bellevue, Washington, may by prearrangement continue to receive the regular rate of compensation although he does not report for duty or perform the normal functions of the job classification in which he regularly works or is assigned for duty.

Vacation leave time shall accrue only during the period of time during which the employee is on a permanent status, compensated on the basis of a full-time employee. This does not include employees compensated on an hourly basis. Vacation leave time shall not accrue during any period of leave of absence without pay.

(b) Full Time Employee. The term "full-time employee" shall have reference to each person, regularly employed by the City of Bellevue, who continuously devotes his services to such employment and is compensated on the basis of a salary fixed by ordinance on a monthly basis.

(c) Calendar Month of Service. The term "calendar month of service" shall mean that the employee must, during at least eighteen (18) 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.

(d) Regular Rate of Compensation. The term "regular rate of compensation" has reference to the monthly rate of pay fixed by ordinance for the class or position of employment on the pay distribution immediately preceding the date the employee in that job classification is first absent from employment.

Section 2. Employees to Work in Assigned Department or Position: Every employee of the City of Bellevue shall be subject to the general control and direction of the City Manager. Every employee shall work at such job and perform such services as may be directed by the City Manager even though the work assigned may be of a different nature or performed in a department or division of the municipal government different from that in which such employee is normally classified or engaged.

Section 3. Forty-Hour Week; Extra Time Service Compensated by Time Off Duty. All employees of the City of Bellevue shall be employed upon a 40-hour week basis; and all overtime shall be adjusted by compensatory leave. The term "compensatory leave", as used in this Section, shall mean that all time rendered or devoted by such employee in excess of 40 hours per week shall be compensated by the same amount of time off duty with pay. Unless otherwise directed by the City Manager, compensatory leave must be claimed and adjusted within two weeks after the close of the week in which such overtime work was performed; and if not so claimed and adjusted within the time herein specified, the employee shall receive no compensation for such overtime.

Section 4. Legal Holidays. In the operation of the administrative offices of the City of Bellevue, the following are legal holidays: (1) Sunday; (2) the first day of January, commonly called New Year's Day; (3) the twelfth day of February, being the anniversary of the birth of Abraham Lincoln; (4) the twenty-second day of February, being the anniversary of the birth of George Washington; (5) the thirtieth day of May, commonly known as Memorial Day; (6) the fourth day of July, being the anniversary of the Declaration of Independence; (7) the first Monday in September, known as Labor Day; (8) the twelfth day of October,

known as Columbus Day; (9) the elventh day of November, known as Veteran's Day; (10) the twenty-fifth day of December, commonly called Christmas Day; (11) the day on which any general election is held throughout the state; and (12) any day designated by public procliamation of the Chief Executive of the State as a legal holiday, or as a day of Thanksgiving.

Section 5. Leave of Absence Without Pay. If, in the opinion of the City Manager, the same would be to the interest and welfare of the city, he may grant to any employee a leave of absence without pay for a period of not to exceed six (6) months. No leave without pay will be granted to any employee solely for personal gain or profit of such employee. No leave without pay will be granted to any employee until the employee has first utilized all his earned and unused vacation time. Leave of absence time without pay shall not accrue vacation leave or sick leave time.

Section 6. Civil Leave. Necessary leave shall be allowed by the City Manager to permit any employee to report for duty or to serve as a member of a jury, or to exercise any civil duty provided by law.

Each employee who is granted such civil leave, and who receives compensation for the performance of such civil duty, shall be paid by the city for the time he is so absent, only the amount of the excess of his regular salary over the compensation so received for civil duty. Every employee, upon completion of civil duty service, shall on the next work day report in writing to the Payroll Department the dates and periods of such absence from regular time duty with the city. As soon as compensation has been received for the ~~redemption~~ of such civil duty service, the employee shall promptly report the same in writing to the Payroll Department; and it shall be the duty of the Payroll Department to make the necessary adjustment and deduction from the next pay of such employee.

Section 7. Length of Permissive Leave for Vacation and Longevity Leave Time. The length of vacation leave time that may be taken in any one calendar year shall individually vary with the length of continuous service time of each employee. Each full-time employee shall individually accrue permissive time for vacation leave at the rate of one work day off duty for each completed calendar month of service performed during the preceding calendar year as a full-time employee of the City of Bellevue.

In addition to permissive leave time accruing for vacation, as set forth in the preceding paragraph, each full-time employee shall accrue from accumulated service time, longevity service leave computed according to the length of service, as follows:

- (a) Two (2) working days service time leave after completion of Three (3) years continuous service.
- (b) Three (3) working days service time leave, after completion of Five (5) years continuous service.
- (c) Five (5) working days service time leave after completion of Ten (10) years continuous service.
- (d) Seven (7) working days service time leave after completion of Fifteen (15) years continuous service.
- (e) Ten (10) working days service time leave after completion of Twenty (20) years continuous service and a like service time leave after completion of each successive year thereafter.

The term "years continuous service", as used in the subsections of the preceding paragraph, shall not mean a calendar year but shall be computed on the basis of units of twelve consecutive calendar months of service which have fully accrued prior to the commencement of the leave period.

Section 8. Special Vacation Leave for New Employees. Full-time employees who have not accrued vacation leave time by reason of employment in the preceding calendar year, may be entitled to claim limited vacation leave with pay, during the calendar year in which employed, not to exceed a maximum of six (6) days, at the rate of one work day leave for each calendar month of service completed between the date of his employment and the commencement time of the vacation.

Provided, however, that such vacation leave cannot be taken until after the completion of six full calendar months of service; and such vacation leave, if claimed, must be completed within the calendar year in which employment is commenced.

Section 9. Procedure for Permission to Take Vacation.

Every employee desiring to claim accrued vacation leave must first procure the approval of the Department Head under which he is employed. It shall be the duty of the Department Head to 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 10. Spacing of Vacation Leave Periods. In order to avoid unreasonable extended periods of absence from position of employment, vacation leave time for two successive years must be separated by at least twenty (20) days of on the job work time. Vacation leave during any calendar year may be claimed and taken for a continuous period, or may be divided into not more than two separate periods during any calendar year.

Section 11. Computation of Time. The original date of employment shall be used in computation of continuous service time, notwithstanding the fact that such date of employment may antedate the effective date of this ordinance. Vacation leave time shall not accrue for service time during a fraction of a month which is insufficient to constitute a "calendar month of service" as defined by this ordinance. Termination of employment and subsequent re-employment shall be considered a new tenure of service from the most recent employment date.

Section 12. Record of Vacation Time. It shall be the duty and responsibility of each Department Head to prepare in writing on or by March 15 of each year a preliminary schedule of vacations for each of the subordinate employees in his department. A copy of such preliminary schedule shall be filed with the City Clerk and a copy filed with the City Manager.

On or by the last day of each calendar year, each department head shall file with the City Clerk and the City Manager a written

report listing thereon names of the employees and the vacation leave periods during which vacations were taken by each of the respective employees. All used vacation time shall be entered on the personnel record of the respective employee.

Section 13. Waiver of Vacation Leave and Longevity Leave.

Vacation leave shall not be accumulated from year to year. Failure of an employee to make use of earned vacation and longevity leave time within the year following its accrual as prescribed by this ordinance, 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 his regular job during which the employee may have been entitled to take time off for vacation.

Section 14. Termination of Employment - Earned Vacation Time.

Upon termination of employment, the employee shall be entitled to regular compensation for any earned vacation time which has not been used or forfeited for failure to timely claim.

Section 15. Severance Pay for Vacation Earned in the Year of Termination of Employment. Every full-time employee shall, in lieu of vacation time earned during the year in which employment terminates with the City, be entitled to severance pay at the rate of one day's pay for each completed calendar month of service performed as a full-time employee of the City of Bellevue, during the calendar year of termination.

Section 16. Accrual of Sick Leave Time. Subject to the limitations contained in this ordinance, each regular full-time employee of the City of Bellevue, who is compensated by a fixed monthly salary, shall accrue permissive leave time, without deduction in pay, to be known as sick leave. Sick leave must first be earned at the rate of one day of sick leave for each completed "calendar month of service" as an employee of the city. A part-time or temporary employee shall not accrue sick leave time.

Section 17. Maximum Sick Leave. Sick leave for each employee shall accumulate from date of his employment with the city until claimed and used but shall in no event exceed forty-five (45) working days sick leave in each calendar year.

Section 18. General Rules Regulating Sick Leave. Bona fide doctor and dental appointments requiring not more than two hours absence from work shall not be charged against the sick leave record of the employee, if orally reported to the satisfaction of the Head of the Department.

If the period of absence claimed as sick leave does not exceed three (3) days, no doctor's certificate will be required to accompany the request for approval of sick leave time unless required by the Department Head or by the City Manager. Requests for approval of periods of absence for sick leave in excess of three (3) days must be accompanied by a doctor's certificate or satisfactory authoritative proof of sickness or injury.

Section 19. Use of Vacation Time to Supplement Sick Leave. At the option of the employee, sick leave in excess of the maximum permissible days may be supplemented by deduction from fully accrued and unused vacation leave time.

Section 20. Approved Grounds for Sick Leave. In accordance with the terms of this ordinance, 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) Not to exceed three (3) days for the death of any member of the immediate family of the employee. "Immediate family" shall include only: mother, father, sister, brother, spouse, children, father-in-law and mother-in-law.

Section 21. Procedure to Claim 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 procedure:

(a) On the first day of his absence from duty, the employee or someone on his behalf, shall give to his immediate supervisor notice by telephone or otherwise, the reason for such absence.

(b) Within thirty-six (36) hours after his return to duty, such employee shall fill out and file with the Department Head, a written report and request for approval of such absence as sick leave.

(c) Such written report and request shall explain the precise nature and extent of the sickness, injury or reason for the absence. If the report and request for sick leave is approved by the Head of the Department under which employed, the same shall be forwarded to the office of the City Manager and if not disallowed within three days from receipt in the office of the City Manager, the same shall be entered in the Personnel Records of the City as having been approved. If a claim for sick leave is denied by the City Manager, the claimant shall be entitled to a hearing within five (5) days.

Section 22. Official Record of Sick Leave. There shall be maintained in the office of the City Clerk, as a part of the Personnel Records, an accurate and permanent record of sick leave for each full-time regular employee. Such records shall currently disclose the dates on which each employee was granted sick leave with pay.

Section 23. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 8<sup>th</sup> day of April, 1958, and signed in authentication thereof this 8<sup>th</sup> day of April, 1958.

[Signature]  
Mayor

Approved as to form:

[Signature]  
City Attorney  
(SEAL)

Attest:

[Signature]  
City Clerk

FILED  
CITY OF BELLEVUE  
DATE April 9, 1958  
CITY CLERK [Signature]

Published April 10, 1958