

ORDINANCE No. 118470

COUNCIL BILL No. 111588

INDEXED

The City

AN ORDINANCE amending Seattle Municipal Code Section 4.20.300, Payment for performance of out-of-class duties, to provide the same retroactivity provisions for nonrepresented employees as were implemented in collective bargaining agreements signed in July 1996 and after.

OK

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council report that we have considered the same

TECHNOLOGY & LABOR POL

Full Com

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COMPTROLLER FILE No.

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| Introduced: <u>DEC 1 8 1996</u>             | By: <u>PODLODOWSKI</u>                                   |
| Referred: <u>DEC 1 8 1996</u>               | To: <u>TECHNOLOGY &amp; Telecommunications Committee</u> |
| Referred:                                   | To:  |
| Referred:                                   | To:  |
| Reported: <u>JAN 2 1 1997</u>               | Second Reading: <u>JAN 2 1 1997</u>                      |
| Third Reading: <u>JAN 2 1 1997</u>          | Signed: <u>JAN 2 1 1997</u>                              |
| Presented to Mayor: <u>JAN 2 7 1997</u>     | Approved: <u>JAN 2 7 1997</u>                            |
| Returned to City Clerk: <u>JAN 2 8 1997</u> | Published: <u>Full 4 pag.</u>                            |
| Vetoed by Mayor:                            | Veto Published:  |
| Passed over Veto:                           | Veto Sustained:  |

*Law Department*

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported  
and Adopted

able President:

committee on

h was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

NOLOGY & LABIA POLICY COMMITTEE

DO PASS

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Full Council vote 7-0

Committee Chair

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ORDINANCE 118470

**AN ORDINANCE** amending Seattle Municipal Code Section 4.20.300, *Payment for performance of out-of-class duties*, to provide the same retroactivity provisions for non-represented employees as were implemented in collective bargaining agreements signed in July 1996 and after.

**WHEREAS** the out-of-class provisions codified at Seattle Municipal Code Section 4.20.300 were the result of an agreement reached by a Labor/Management Task Force on service efficiencies in December 1994; and

**WHEREAS** it was the intention of City management that these provisions would be implemented as consistently as possible for all eligible employees; therefore

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** Seattle Municipal Code Section 4.20.300, Ordinance 97330 as last amended by Ordinance 117961, is further amended as follows:

A. Except as otherwise provided in authorized collective bargaining agreements, qualified employees, assigned by proper authority to perform the ongoing duties and accept the responsibilities of a higher-paid classification in order to avoid a significant interruption of work or services, shall be paid at the rate established for such higher-paid classification as in promotion while performing such duties. Each out-of-class assignment is limited to six (6) months unless an extension is authorized by the appointing authority.

Appropriate reasons for considering the assignment of out-of-class duties include:

1. Absence of a position incumbent;
2. Peak workload periods;

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- 3. Position vacancy; or
- 4. Completion of a special project.

B. An employee whose primary job title is eligible for overtime pay shall perform the ongoing duties of a higher-paid classification for a minimum of four (4) consecutive hours to be eligible for the higher pay rate. An employee whose primary job title is not eligible for overtime shall perform such duties for a minimum of two (2) consecutive weeks to be eligible for the higher pay rate.

1. Hours worked in an out-of-class assignment, including any hours in an assignment that was in effect on January 20, 1996, will be credited toward salary step placement in the event the employee who was so assigned is promoted, or his or her positions reclassified, to the same class as the out-of-class assignment, within twelve (12) months of the end of such out-of-class assignment.

2. When an employee is assigned to perform the same out-of-class duties on a full-time, continuous basis for twelve (12) months or longer, he or she will receive a step increment in the higher salary range; provided, that he or she has not already received an increment because of increases to the primary pay rate; provided further, that such increment does not exceed the top step of the higher salary range. This provision shall apply to any hours worked in a continuous assignment prior to January 20, 1996 when such assignment was

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still in effect on January 20, 1996, and shall apply to all assignments made on or after January 20, 1996.

C. When an employee or officer serves as acting head of a department or office, payment for the performance of such higher duties shall be as follows:

1. If the employee or officer is the highest-ranking unsubordinated employee, he or she shall receive his or her regular salary, plus, for all hours worked as acting head, the difference between his or her regular salary and the lowest salary step of the higher position.

2. If the Mayor designates someone other than the highest-ranking unsubordinated employee to be acting department or office head, the rate of compensation will be calculated as in promotion.

D. Compensation for acting head assignments will be paid for up to twelve (12) months after the occurrence of a vacancy. An acting head assignment may continue for up to ninety (90) days of any City Council rejection of a nomination to fill a department or office head vacancy and will terminate when such vacancy is filled on a permanent basis.

E. An employee who is assigned to perform in an acting capacity the duties, and to accept the responsibilities, of the principal staff assistant to any multi-member City administrative board or commission, will be compensated as in SMC Section 4.20.300A.

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**Section 2.** Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

**Section 3.** This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; but if not approved by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

PASSED by the City Council of the City of Seattle this 21 day of January, 1996, and signed by me in open session in authentication of its passage this 21 day of January, 1996.

Michael Cole  
President \_\_\_\_\_ of the City Council

Approved by me this 28 day of January, 1996.  
Norman Bruce  
Mayor

Filed by me this 28 day of January, 1996.  
Janith E. Hopper  
City Clerk

(Seal)

# City of Seattle Personnel Department

Norman B. Rice, Mayor Sarah Welch, Personnel Director



November 25, 1996

**TO:** The Seattle City Council  
**ATTN:** Tina Podlodowski, Chair  
Technology and Labor Committee

**VIA:** Norman B. Rice, Mayor  
**ATTN:** Tom Tierney, OMP Director

**FROM:** For *Steve Fokier*  
Sarah Welch, Personnel Director

**SUBJECT:** Proposed Legislation To Amend SMC 4.20.300

The attached council bill proposes amending Seattle Municipal Code Section 4.20.300, *Payment for performance of out-of-class duties*, to extend credit for salary step placement and salary step increments to employees who were working out-of-class when this section was last revised.

The earlier revision to this section incorporated changes to the out-of-class program that were proposed by a labor/management task force on service efficiencies in out-of-class. The intent of the task force was that, insofar as it was possible, nonrepresented employees and represented employees would be compensated under a consistent set of rules and procedures when working out-of-class. The SMC section, affecting primarily nonrepresented employees, was revised in January; most relevant collective bargaining agreements were signed in July.

In order to get labor's final agreement on the out-of-class program changes, the City agreed that two new program provisions (service credit for step placement and an automatic step increment after 12 months) would be applied retroactively for any employee who was in a continuous out-of-class assignment on the date that the relevant collective bargaining agreement was signed. This retroactivity had not been a part of the program implementation for nonrepresented employees. We would like to rectify that by passage of this proposed legislation, because it was never our intent that affected employees would be treated differently based on whether or not they were represented.

Your favorable consideration of this council bill will be appreciated. If you have any questions, please contact Kathy Steinmeyer, Policy Development Staff, 4-7921.

SW/kss  
Attachment

cc: Personnel Department Administrators

Approved by 12/5/96  
Norman B. Rice

96-407  
96-

# City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director  
Norman B. Rice, Mayor

November 27, 1996

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING  
DEPARTMENT: Personnel

SUBJECT: AN ORDINANCE amending Seattle Municipal Code Section 4.20.300, *Payment for performance of out-of-class duties*, to provide the same retroactivity provisions for nonrepresented employees as were implemented in collective bargaining agreements signed in July 1996 and after.

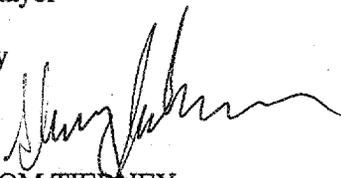
Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Sherry Johnson at 684-8084.

Sincerely,

Norman B. Rice  
Mayor

by



TOM TIERNEY  
Director

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Enclosure



COPY RECEIVED  
96 DEC -4 AM 10:48  
SEATTLE CITY ATTORNEY

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



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**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: Tech

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PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

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City of Seattle, City Clerk

No. ORDINANCE IN

City of Seattle

ORDINANCE 118470

AN ORDINANCE amending Seattle Municipal Code Section 4.20.300, PAYMENT FOR PERFORMANCE OF OUT-OF-CLASS DUTIES, to provide the same retroactivity provisions for non-represented employees as were implemented in collective bargaining agreements signed in July 1996 and after.

WHEREAS, the out-of-class provisions codified at Seattle Municipal Code Section 4.20.300 were the result of an agreement reached by the Labor/Management Task Force on services effectiveness in December 1994, and

WHEREAS, it was the intention of City management that these provisions would be implemented as consistently as possible for all eligible employees, therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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- 1. Absence of a position incumbent,
2. Peak workload periods,
3. Position vacancy, or
4. Completion of a special project.

B. An employee whose primary job title is eligible for overtime pay shall perform the ongoing duties of a higher-paid classification for a minimum of four (4) consecutive hours to be eligible for the higher pay rate. An employee whose primary job title is not eligible for overtime shall perform such duties for a minimum of two (2) consecutive weeks to be eligible for the higher pay rate.

1. Hours worked in out-of-class assignment, INCLUDING ANY HOURS IN AN ASSIGNMENT THAT WAS IN EFFECT ON JANUARY 20, 1996, will be credited toward salary step placement in the event the employee who was assigned is promoted, or his or her position is reclassified to the same class as the out-of-class assignment, within twelve (12) months of the end of each out-of-class assignment.

2. When an employee is assigned to perform the same out-of-class duties on a full-time, continuous basis for twelve (12) months or longer, he or she will receive a step increment in the higher salary range, provided that he or she

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD#118470 (FULL)

was published on

02/05/97

The amount of the fee charged for the foregoing publication is the sum of \$ , which amount has been paid in full.

Subscribed and sworn to before me on

02/05/97

Notary Public for the State of Washington, residing in Seattle