SEATTLE CITY COUNCIL

Legislative Summary

CB 118811

Record No.: CB 118811 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **Ord. no:** Ord 125148 **In Control:** City Clerk

File Created: 09/07/2016

Final Action: 09/29/2016

Title: AN ORDINANCE relating to City employment; amending Section 4.04.030 of the Seattle Municipal Code; authorizing a Memorandum of Understanding between The City of Seattle and certain City unions; and ratifying and confirming certain prior acts.

Notes:

	Date
Filed with City Clerk:	9/29/2016
Mayor's Signature:	9/29/2016
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Sponsors: Burgess

Attachments: Att 1 - MOU with Unions

Drafter: sarah.butler@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/13/2016	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	09/13/2016	sent for review	Council President's Office			
	Action Text:	The Council Bill (CB) was sent for review. to the Council President's Office					
	Notes:						
1	Council President's Office	09/15/2016	sent for review	Full Council			
	Action Text:	The Council Bill (CB) was sent for review. to the Full Council					
	Notes:						
1	Full Council	09/19/2016	referred	Full Council			
	Action Text:	The Council Bill (CB) was referred. to the Full Council					
	Notes:						
1	Full Council	09/26/2016	passed				Pass

Action Text: The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Notes: Motion was made and duly seconded to pass Council Bill 118811.

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1	City Clerk	09/28/2016	submitted for Mayor's signature	Mayor
1	Mayor	09/29/2016	Signed	

Action Text: The Council Bill (CB) was Signed.

Notes:

1	Mayor	09/29/2016	returned	City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1	City Clerk	09/29/2016	attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125148

COUNCIL BILL 118811

AN ORDINANCE relating to City employment; amending Section 4.04.030 of the Seattle Municipal Code; authorizing a Memorandum of Understanding between The City of Seattle and certain City unions; and ratifying and confirming certain prior acts.

WHEREAS, The City is currently engaged in several large projects such as the Summit Re-Implementation project in multiple City departments, and the New Customer Information System at City Light and Seattle Public Utilities; and

WHEREAS, regularly appointed employees need to be and have been assigned to these projects for continuity of operations after the projects complete; and

WHEREAS, term-limited temporary workers are performing the "regular" body of work of regularly appointed employees who are assigned to these projects; and

WHEREAS, the Seattle Municipal Code and many collective bargaining agreements with City labor unions limit the conditions under which term-limited temporary work may be assigned; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.04.030, last amended by Ordinance 124567, is amended as follows:

* * *

35. "Temporary worker" includes both temporary and less than half time employees and means a person who is employed in:

a. an interim assignment of up to one year to a vacant regular position to perform work associated with a regularly budgeted position that is temporarily vacant and has no incumbent; or

b. an interim assignment for short-term replacement of a regular employee of up to one year when the incumbent is temporarily absent; or

c. a short-term assignment of up to one year, which may be extended beyond one year only while the assignment is in the process of being converted to a regular position, to perform work that is not ongoing regular work and for which there is no regularly budgeted position; or

d. a less than half-time assignment for seasonal, on-call, intermittent or regularly scheduled work that normally does not exceed 1,040 hours in a year, but may be extended up to 1,300 hours once every three years and may also be extended while the assignment is in the process of being converted to a regular position; or

e. a term-limited assignment for a period of more than one but less than three years for time-limited work related to a specific project, grant or other non-routine substantial body of work((~~, or~~)); for the replacement of a regularly appointed employee when that employee is absent on long-term disability time loss, medical or military leave of absence; or for the replacement of a regularly appointed employee who is assigned to special time-limited project work.

For purposes of administering temporary assignments, one year shall be equivalent to 26 consecutive pay periods. The Seattle Human Resources Director may promulgate rules that direct departments to limit temporary assignments to fewer hours than this ordinance provides for.

Except as may be provided by ordinance or labor contract, temporary workers shall be exempt from the provisions of this ((~~title~~)) Title 4.

* * *

Section 2. The Mayor is authorized on behalf of The City of Seattle ("City") to execute a Memorandum of Understanding between the City and certain City labor unions, substantially in

the form attached to this ordinance as Attachment 1 and identified as "Memorandum of Understanding By and Between City of Seattle And Certain City Unions." The Memorandum of Understanding between the City and those labor unions amends existing collective bargaining agreements to make them consistent with Seattle Municipal Code subsection 4.04.030.35.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance is ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 26th day of September, 2016, and signed by me in open session in authentication of its passage this 26th day of September, 2016.

President _____ of the City Council

Approved by me this 29th day of September, 2016.

Edward B. Murray, Mayor

Filed by me this 29th day of September, 2016.

for Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1: Memorandum of Understanding By and Between City of Seattle And Certain City Unions

MEMORANDUM OF UNDERSTANDING

By and Between

CITY OF SEATTLE

And

CERTAIN CITY UNIONS

This Memorandum of Understanding ("MOU") is entered into between the City of Seattle ("City") and the unions signatory to this MOU ("Unions"). Collectively, the City and the Unions shall be known as "the Parties."

1. Most collective bargaining agreements contain provisions defining a temporary worker and limiting the conditions under which temporary work may be assigned. For "term-limited" temporary assignments, the parties agree to amend their collective bargaining agreements to remove the existing provision describing the conditions under which term-limited work may be assigned and replace it with the language in Section 2 of this MOU.

   The terms temporary employee and temporary worker shall be defined to include both temporary and less than half time employees and means a person who is employed in: ...

2. *a term-limited assignment for a period of more than one but less than three years for time-limited work related to a specific project, grant or other non-routine substantial body of work; for the replacement of a regularly appointed employee when that employee is absent on long-term disability time loss, medical or military leave of absence; or for the replacement of a regularly appointed employee who is assigned to special time-limited project work.*

3. Unions signatory to this MOU whose collective bargaining agreements do not contain provisions related to term-limited temporary work but who represent temporary workers agree to the conditions of assigning term-limited temporary work provided in Section 2 of this MOU.

SIGNED this _____ day of _____ 2016.

Executed under the Authority

of Ordinance No. _____

FOR THE CITY OF SEATTLE

Edward B. Murray,
Mayor

Susan L. Coskey,
Seattle Human Resources Director

David Bracilano,
Labor Relations Director

FOR THE CITY UNIONS

Fernando Arevalo,
Business Representative
I.U. Painters and Allied Trades, District Council #5

Erik Van Rossum, Business Representative
H.E.R.E., Local 8

Mylor Treneer, Business Representative
I.A.T.S.E., Local 15

Guadalupe Perez, Union Representative
P.T.E., Local 17 PTA

Ray Sugarman, Union Representative
P.T.E., Local 17, PTA

Shaun Van Eyk, Union Representative
P.T.E., Local 17 PTA, Probation Counselors

Audrey Eide, General Counsel
Council 2, W.S.C.C.C.E., Local 21PA

Mark Watson, Staff Representative
W.S.C.C.C.E., Council 2, Local 21, 21C, and L21Z

Kurt Swanson, Business Representative
U.A. Plumbers and Pipefitters, & Waterworks, Local 32

Kal Rohde, Business Representative
Sheet Metal Workers, Local 66

John Cunningham, Business Representative
IBEW, Local 77 Material Controllers Unit

Joe Simpson, Business Representative
IBEW, Local 77, Power Marketers Unit, and Transportation Unit

Dan Morgan, Directing Business Representative, IAMAW District Lodge 160, Local 79 & 289

John Sceary, Secretary-Treasurer
Local 117 Teamsters, JCC Unit, Guest Services, Evidence Warehouser Unit

Scott Fuquay, President
Seattle Municipal Court Marshals' Guild
I.U.P.A., Local 600

Ian Gordon, Business Manager
P.S.I.E., Local 1239 and Local 1239 Security Officers (JCC); Local 1239 Recreation Unit

Janet Lewis, Business Representative
I.B.E.W., Local 46

Steve Cant, Business Representative
IBEW, Local 77 CMEO Unit

Steve Kovac, Business Representative
IBEW, Local 77 City Light, and Transportation Unit

Melody Coffman, Business Representative
IAMAW, District Lodge 160, Local 79 & 289

Brian Self, Business Representative
Boilermakers Union, Local 104

Mike Bolling, Business Representative
I.U. Operating Engineers, Local 286

Scott A. Sullivan, Business Agent
Teamsters, Local 763 (JCC) and Municipal Court units

Peter Hart, Regional Director
Inland Boatmen's Union of the Pacific

Jeff Skillman, Business Representative
Pacific Northwest Regional Council of Carpenters

Nanette Toyoshima, President
Seattle Parking Enforcement Officers Guild

Brian Smith, President
Seattle Police Dispatchers' Guild