

ORDINANCE NO. 1689

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON
regarding employee policies, amending chapter 2.12 DMMC.

WHEREAS, in November 2016, state voters approved Initiative 1433 which set the minimum wage for most employees and provides paid sick leave for all eligible employees effective January 1, 2018, and

WHEREAS, the Patient Protection and Affordable Care Act (PPACA), 42 USC 18001 *et seq.*, requires that large employers offer health insurance to employees working an average of 30 or more hours per week or face tax penalties, and

WHEREAS, chapter 2.12 DMMC currently does not conform to Initiative 1433 or the PPACA so amendments are needed to bring it into compliance, and other amendments are needed for clarity and consistency; and now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 2.12.005 and section 1 of Ordinance No. 1484 as amended by section 1 of Ordinance No. 1557 are amended as follows:

Definitions.

Use of words and phrases. As used in this ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

"Annual pay schedule" means the actual dollar amounts contained in the basic pay plan.

"Basic pay plan" is a pay plan containing forty (40) or more salary ranges. Within each range there are pay steps.

"City" is the municipal corporation of the state of Washington known as the City of Des Moines.

"City Council" is the elected legislative body of the City, composed of seven members.

"City Manager" is the chief executive officer and appointing authority of the City. The City Manager is appointed by the City Council.

"Collective bargaining agreement" or "CBA" means a contractual agreement between the City and an employee group that governs wages, hours and working conditions for represented employees.

"Domestic partner" means a state registered domestic partner where at least one partner is at least 62 years of age.

"Employee" is any individual appointed to a paid position of service with the City.

"Employee, regular full-time" is an employee who has been appointed to a budgeted position which lasts for an indefinite period in an ongoing, year-round basis, with a regular work schedule of forty (40) or more hours per week. Normally such an employee receives a monthly salary.

"Employee, regular part-time" is an employee who has been appointed to a budgeted position which lasts for an indefinite period in an ongoing, year-round basis with a regular work schedule of more than sixteen (16) hours and less than forty (40) hours per week.

"Employee, limited term" is an employee appointed to a full-time or part-time position for a specific project or need. The position shall last only for so long as the project or specific need for which it was created exists, but in no event longer than three (3) years. Limited-term employees are entitled to the same benefits offered to regular employees except the Social Security replacement retirement program.

"Employee, extra-hire" is an employee appointed to either a budgeted or non-budgeted position that is a (a) temporary; (b) seasonal, (c) variable-hour part-time; or (d) an ongoing position with a regular work schedule of sixteen (16) hours per week or less. Extra-hire employees are eligible for overtime, but shall receive no holiday pay, floating holiday, vacation, or any other benefits of the City except those mandated by law or regulations.

"Holiday" is a designated day off during which the employee would otherwise be scheduled to work.

"Leave" is an authorized absence from regularly scheduled work hours that has been approved by the proper authority.

"Pay grade" is a specified salary range within the Basic Pay Plan.

"Pay step" is a single rate of pay within a pay grade or range. Pay steps consist of "A", "B", "C", "D", and "E" step in the basic pay plan.

"Position classification" is the assignment of a position to a pay grade in the basic pay plan.

"Position description" is a written statement setting forth the general duties and responsibilities of a position. It may also be called "job description".

"Salary range" is a set of salaries consisting of an established minimum, intermediate, and maximum rate of pay.

"Volunteer" is an individual who provides services to the City on a voluntary basis and whose compensation is limited to: reimbursement for reasonable expenses incurred in the performance of services as a volunteer; reasonable fringe

benefits, excluding health coverage; and/or nominal fees or honorarium provided in connection with services as a volunteer. Volunteers are not employees and are not eligible for benefits.

Sec. 2. DMMC 2.12.010, formerly DMMC 2.72.010, and section 1 of Ordinance No. 790 as amended by section 2(3)(part) of Ordinance No. 1135, as amended by section 2 of Ordinance No. 1484 are amended as follows:

Salary and benefits.

(1) It shall be the policy of the City to treat non-union full or part-time regular employees equitably as to salary increases and benefits which are provided by the City to employees represented by a labor union. While it is the intent of the City to provide equitable compensation for non-represented employees, at times there may be different outcomes for certain uniformed employees because of the constraints of labor negotiations with bargaining units that have binding interest arbitration.

(2) For full or regular part-time employees not represented by a labor union, salary rates and benefits shall be set according to resolution of the City Council.

(3) For employees represented by a labor union, salary rates and benefits shall be set according to the terms provided in a current and valid labor contract.

(4) For extra-hire employees, hourly rates and benefits will be set by the City Manager. Extra-hire employees receive no benefits of the City except those mandated by law or regulations. Extra-hire employees receive sick leave benefits only as provided in RCW 49.46.200 and 49.46.210. Extra-hire employees are not eligible for the Washington State Public Employees' Retirement System (PERS) unless they meet the state criteria

for eligibility in PERS, which requires at least five (5) months of seventy (70) hours or more for two (2) consecutive years initially. Once a position is determined to be PERS-eligible, it will continue to be eligible for PERS if it requires at least five (5) months of seventy (70) or more hours of compensated service at least every other year. Extra-hire employees will be deemed eligible for health coverage if, based on City prior approval, the employee averages thirty (30) or more hours per week during a measurement period as established in the City's Personnel Manual.

(5) The salary rates contained in the basic pay schedule shall be established on the basis of full-time services in full-time positions at forty (40) hours per week and regular part-time employees at less than forty (40) hours per week. Department directors shall average forty-two (42) hours per week on an annual basis.

Sec. 3. DMMC 2.12.020, formerly DMMC 2.72.020, and section 2 of Ordinance No. 790 as amended by section 1 of Ordinance No. 822 as amended by section 1 of Ordinance No. 949 as amended by section 2(3)(part) of Ordinance No. 1135 as amended by section 1 of Ordinance No. 1178 as amended by section 3 of Ordinance No. 1484 are amended as follows:

Pay plans and annual pay schedule.

(1) Basic pay plan. The basic pay plan for regular non-represented employees shall consist of forty (40) or more salary ranges. Within each range there shall be five (5) steps, A through E, consisting of five percent (5%) incremental increases. The differential between Step A in each range shall be four percent (4%).

(2) The pay plan for extra-hire employees shall consist of salary ranges, steps and increases set by the City Manager.

(3) The City Council may by resolution provide for pay plans other than the basic pay plan.

(4) Annual pay schedules.

(a) Full-time and regular part-time non-represented pay schedules. The actual dollar amounts contained in pay plans are designated the "annual pay schedules." The annual pay schedule for regular full-time and regular part-time non-represented employees shall be established by resolution of the City Council. Such resolution shall establish the annual pay schedule and the period of time (not to exceed three years) during which the schedule shall be effective. The annual pay schedule may not be decreased during the stated schedule period and the stated schedule period may not be diminished; provided, however, nothing contained in this section shall prevent the City Council from increasing the annual pay schedule amounts during the schedule period; and provided further, that the scheduled amounts and/or period stated in the annual pay schedule may be decreased by the City Council upon the affirmative vote by secret ballot of two-thirds of the total number of regular, full-time nonunion employees. The City Manager shall, within (thirty) 30 days of adoption or modification of the annual pay schedule, execute the terms of such resolution.

(b) Extra-hire pay schedule. The annual pay schedule for extra-hire employees shall be established and implemented by the City Manager.

(c) Labor union pay schedule. For employees represented by a labor union, the existing annual pay schedule may be modified only as provided in any current and valid collective bargaining agreement or memorandum of understanding.

Sec. 4. DMMC 2.12.030, formerly DMMC 2.72.030, and section 3 of Ordinance No. 790 as amended by section 2 of Ordinance No. 822 as amended by section 2(3)(part) of Ordinance No. 1135 as amended by section 4 of Ordinance No. 1484 are amended as follows:

Pay plan administration. The City Manager is authorized to adopt rules and regulations for implementation and administration of the basic pay plan and other pay plans. Such authority shall include the authority to place job positions in the basic, extra-hire, or other pay plans at appropriate range-grades and to reclassify positions; provided, that the Director of Finance certifies that sufficient funds are available for such purposes.

Sec. 5. DMMC 2.12.080, formerly DMMC 2.72.080, and section 8 of Ordinance No. 790 as amended by section 2(3)(part) of Ordinance No. 1135 as amended by section 5 of Ordinance No. 1557 are amended to as follows:

Other retirement. In lieu of Social Security, eligible regular employees shall be covered under a qualified retirement plan chosen by the City and its employees. The City shall contribute a percentage of employee salary negotiated with City employee groups; which amount shall not exceed the then current employer Social Security rate less a percentage amount necessary to purchase a benefit plan to replace Social Security death and disability benefits. To be eligible for this program, employees must be appointed to a regular position of thirty (30) hours per week or more. The employer contribution rate may be modified by City Council resolution, when such change is not in violation of an employee agreement.

Sec. 6. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 7. Effective date. This Ordinance shall take effect and be in full force five (5) days after its passage by the Des Moines City Council in accordance with law.

PASSED BY the City Council of the City of Des Moines this 26th day of October, 2017 and signed in authentication thereof this 26th day of October, 2017.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1689, Adopted October 26, 2017.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance regards employee policies, and amends chapter 2.12 DMMC.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins, CMC
City Clerk

Published: October 31, 2017