

ORDINANCE NO. 1557

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to employee policies and amending DMMC 2.12.005, 2.12.040, 2.12.050, 2.12.060, 2.12.080, 2.12.090, 2.12.120, and 2.12.130 to be consistent with state law, the City's personnel policies, and Collective Bargaining Agreements (CBAs).

WHEREAS, on April 22, 2010, the City Council passed Ordinance No. 1484, amending chapter 2.12 DMMC, *Employee Policies*, for the City's workforce, and

WHEREAS, the City's general employment policies and practices are currently described in the City of Des Moines Personnel Manual, which is promulgated by the City Manager under authority of DMMC 2.12.100, and

WHEREAS, some of the City's specific compensation and working conditions are established in various Collective Bargaining Agreements (CBAs), and

WHEREAS, State Referendum 74 was passed by the voters at the November 6, 2012 general election recognizing that marriages are now allowed by the State of Washington regardless of gender; now therefore,

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

Sec. 1. DMMC 2.12.005, *Definitions*, and section 1 of Ordinance No. 1484 are amended to read as follows:

Definitions.

(1) Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

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

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

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

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

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

(7) "Collective Bargaining Agreement" or "CBA" means a contractual agreement between the City and an Employee Group that governs wages, hours, and working conditions for employees.

(8) "Domestic partner" means a state registered domestic partner where at least one (1) partner is at least sixty-two (62) years of age.

(9) "Employee" is any individual appointed to a position of service with the City.

(10) "Employee, regular full-time" is an employee who has received an appointment to a budgeted position on a full workweek, year-round basis. Normally such an employee receives a monthly salary.

(11) "Employee, regular part-time" is an employee who has been appointed to a year-round budgeted position for less than 40 hours per week.

(12) "Employee, regular part-time flexible" is an employee who has been appointed to a year-round budgeted position for less than 1,664 hours per year. The employee's weekly schedule can vary between zero and forty hours from week to week.

(13) "Employee, temporary/seasonal or intermittent" is an employee who has received a temporary appointment to either a budgeted or non-budgeted position. A seasonal or intermittent employee is considered a temporary employee. Temporary employees are eligible for overtime, but shall receive no holiday pay, floating holiday, vacation, sick leave, or any other benefits of the City, with the exception of Washington State Public Employees' Retirement System (PERS) if a temporary/seasonal or intermittent position meets the state criteria for eligibility in PERS. PERS position eligibility requires at least five months of 70 hours or more for two consecutive years initially and will continue to be eligible for PERS if it requires at least five months of 70 or more hours of compensated service at least every other year.

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

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

(16) "Pay grade" is a specified salary range within the basic pay plan.

(17) "Pay step" is a single rate of pay within a pay grade or range. Pay steps consist of

"A", "B", "C", "D", and "E" steps in the basic pay plan.

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

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

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

Sec. 2. DMMC 2.12.040, *Holidays*, and section 4 of Ordinance No. 790, formerly 2.72.040, as amended by section 2(3)(part) of Ordinance No. 1135 are amended to read as follows:

Holidays.

(1) City employees shall be entitled to paid holidays as identified in the *City Personnel Manual* or *CBAs* as currently written or subsequently amended.

(2) Any holiday falling on a Sunday shall be observed on the following Monday and any holiday falling on Saturday shall be observed the preceding Friday.

(3) The City Manager shall have the authority to administer holidays for part-time employees, floating holidays, and holiday overtime schedules as specified in the *City personnel manual*.

Sec. 3. DMMC 2.12.050, *Vacations*, and section 5 of Ordinance No. 790, formerly 2.72.050, as amended by section 2(3)(part) of Ordinance No. 1135 are amended to read as follows:

Vacations. Annual paid vacations shall be granted to all full-time employees and, on a pro rata basis, to part-time employees. Paid vacation shall be granted in accordance with the City of Des Moines *Personnel Manual* and Collective Bargaining Agreements.

As compensation for a minimum 42-hour work week, department directors are granted an added eight hours per quarter year vacation time. For purposes of vacation taken, a week shall consist of 40 hours for department directors.

Sec. 4. DMMC 2.12.060, *Sick leave*, and section 6 of Ordinance No. 790, formerly 2.72.060, as amended by section 2(3)(part) of Ordinance No. 1135 are amended to read as follows:

Sick leave. All full-time employees shall accrue sick leave benefits at the rate of one working day for each calendar month of continuous employment. Regular part-time employees shall accrue sick leave benefits on a pro rata basis according to the City *Personnel Manual* and to hours worked.

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

Health and welfare plans. Employees who qualify under the City *Personnel Manual* are eligible to participate in the City's health insurance programs as identified in the City *Personnel Manual*.

Sec. 6. DMMC 2.12.090, *Other retirement*, and section 9 of Ordinance No. 790, formerly DMMC 2.72.090, as amended by section 2(3)(part) of Ordinance No. 1135 are amended to read as follows:

Other retirement. In lieu of Social Security all 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 qualify for this program employees must be full-time or regular part-time and work a minimum of 32 hours per week, or be flexible part-time and average a minimum of 21 hours per week. The employer contribution rate may be modified by council resolution, when such change is not in violation of an employee agreement.

Sec. 7. DMMC 2.12.120, *Benefit coverage*, and section 1 of Ordinance No. 1394 are amended to read as follows:

Benefit coverage.

(1) Effective through May 31, 2013. In compliance with DMMC 2.12.110, the City will provide benefit coverage through May 31, 2013, or as provided in Executive Order, to domestic partners of the same and opposite gender and dependent children on the same basis as provided to spouses and dependent children.

(2) Effective June 1, 2013. In compliance with DMMC 2.12.110, the City will provide benefit coverage from June 1, 2013, or as provided in Executive Order, to state registered domestic partners where at least one partner is at least 62 years of age and their dependent children on the same basis as provided to spouses and dependent children.

Sec. 8. DMMC 2.12.130, *Eligibility*, and section 2 of Ordinance No. 1394 are amended to read as follows:

Eligibility. Eligibility for domestic partnership status is established by the presentation of an affidavit of domestic partnership meeting the definition of domestic partner as defined in this Ordinance and that the domestic partnership has existed for a minimum of one (1) year.

Sec. 9. 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. 10. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 6th day of December, 2012 and signed in authentication thereof this 6th day of December, 2012.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: December 11, 2012

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1557, Adopted December 6, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to employee policies and amends DMMC 2.12.005, 2.12.040, 2.12.050, 2.12.060, 2.12.080, 2.12.090, 2.12.120, and 2.12.130 to be consistent with state law, the City's personnel policies, and Collective Bargaining Agreements (CBAs).

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

Sandy Paul
City Clerk

Published: December 11, 2012