

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1122-11**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, AMENDING SULTAN MUNICIPAL CODE SECTION 2.30 RELATING TO PERSONNEL AND EMPLOYMENT PRACTICES FOR THE CITY OF SULTAN; TO REPEAL SECTION 2.30.080(D) "ANNUAL VACATION CASH-OUT"; TO AMEND SECTION 2.30.090(A) "SICK LEAVE ACCUMULATION" TO ELIMINATE THE REFERENCE TO SICK LEAVE BUY-BACK IN SECTION 2.30.090(D); TO REPEAL SECTION 2.30.090(D) "SICK LEAVE BUY-BACK"; TO REPEAL SECTION 2.30.090(E) "TERMINATION OF EMPLOYMENT" AND TO ADD A NEW SECTION 2.30.110(F) "OTHER LEAVES" ESTABLISHING BEREAVEMENT LEAVE FOR NON REPRESENTED EMPLOYEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 730-99 effective January 7, 2000 amending Chapter 2.30 of the Sultan Municipal Code "Personnel Policies" to facilitate efficient service to the public and provide a personnel management system within the city government; and

WHEREAS, the City Council adopted Ordinance 776-01 effective December 28, 2001 amending Ordinance 730-99 and Chapters 2.30.080 "Vacation", 2.30.090 "Sick Leave", and 2.30.100 [creating a new section 2.30.095 "Payroll Records"] of the Sultan Municipal Code; and

WHEREAS, Ordinance 776-01 created a new section 2.30.080(D) "Annual Vacation Cash-Out"; amending section 2.30.090(A) converting sick leave in excess of 960 hours to "Sick Leave Buy-Back" in 2.30.090(D); and amending section 2.30.090(E) creating a new subsection "Termination of Employment" to provide compensation for 100% of accrued sick leave for non-represented employees up to a maximum of 960 hours in the same manner as unused vacation; and

WHEREAS, the City Council has determined that it is in the best interest of the city and the citizens of Sultan to discontinue annual vacation cash-out for non-represented employees on the last payday of the year; to discontinue the practice of annually reducing sick leave accrual in excess of 480 hours on the last payday of the year for non-represented employees and; to discontinue the practice of compensating accrued sick leave up to a maximum of 960 hours upon resignation, termination of retirement of an employee; and

WHEREAS, the City Council recognizes the importance of providing time-off to employees to grieve the loss of family members through the establishment of Bereavement Leave;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repeal 2.30.080(D) “Annual Vacation Cash-Out . Section 2.30.080(D) of the Sultan Municipal Code is hereby repealed in its entirety as follows:

~~D. Annual Vacation Cash-out. For the purposes of reducing excess vacation accrual, non-represented employees will receive compensation, annually, for a maximum of 80 hours of accrued vacation each year, so long as two workweeks of accrued vacation remain for the benefit of the employee. This compensation shall occur on the last payday of the year.~~

Section 2. Amend 2.30.090(A) “Sick Leave Accumulation. Section 2.30.090(A) of the Sultan Municipal Code is hereby repealed and replaced in its entirety to read as follows:

2.30.090 Sick leave.

A. Accumulation. All permanent employees whose normal work week totals 20 hours or more may be granted sick leave with pay for illness or injury. Sick leave shall be accrued at a rate of eight hours for each calendar month of the employee’s service, but not to exceed a maximum of 960 hours. ~~Any hours accrued beyond 960 hours shall be converted to sick leave buy back as described in subsection D of this section. Part time employees accrue sick leave at a rate proportionate to the number of regular hours worked per month.~~ This section shall not apply to employees hired under LEOFF I.

Section 3. Repeal Section 2.30.090(D) “Sick Leave Buy-Back”. Section 2.30.090(D) of the Sultan Municipal Code is hereby repealed in its entirety as follows:

~~D. Sick Leave Buy Back. For the purposes of reducing excess sick leave accrual, nonrepresented employees shall be compensated, annually, a maximum of 40 hours sick leave; provided, they have a minimum of 480 hours accrued sick leave. This compensation shall occur on the last payday of the year.~~

Section 4. Repeal Section 2.30.090(E) “Termination of Employment”. Section 2.30.090(E) of the Sultan Municipal Code is hereby repealed in its entirety as follows:

~~E. Termination of Employment. Upon resignation, termination, or retirement an employee shall be compensated for accrued sick leave up to a maximum of 960 hours at the rate of pay at the date of termination in the same manner as unused vacation as described in SMC 2.30.080(E)(3); provided, however, that sick leave compensation will commence after all vacation compensation is exhausted.~~

Section 5. Add a new section 2.30.110(F) Establishing Bereavement Leave For Non-Represented Employees. Section 2.30.110 "Other Leaves" of the Sultan Municipal Code is hereby amended to read as follows:

F. For non-represented employees, in the event of a death in the employee's immediate family, the employee shall be granted use of up to three (3) days of leave with pay, which shall not be deducted from the employee's sick leave, vacation leave or other leave balance. For purposes of this section only, immediate family is defined as spouse and children of the employee, step-children, parents, step-parents, brother, sister, mother- and father-in-law, brother- and sister-in-law, daughter- and son-in-law, grandmother, grandfather, grandchildren, aunts, uncles, or any person legally dependent upon the employee.

Section 6 Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.


Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force January 1, 2012.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22nd DAY OF November 2011.


CITY OF SULTAN


Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:


Laura Koenig, City Clerk

Approved as to form:


Margaret J. King, City Attorney

Ordinance: 1122-11 Personnel Policies

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