



ORDINANCE NO. 28400

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the
2 Tacoma Municipal Code to implement changes as negotiated with the
Tacoma Joint Labor Committee; and declaring the effective dates thereof.

3 BE IT ORDAINED BY THE CITY OF TACOMA:

4 Section 1. That Tacoma Municipal Code (“TMC”) 1.12.095, Health Care
5 and Disability Benefits, is hereby amended, effective January 1, 2017, to read as
6 follows:
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9 **1.12.095 Health Care and Disability Benefits.**

10 A. Health Care and Disability Coverage.

11 1. The City shall pay all or such portion of the premiums or expenses for, medical, hospital, vision, long-
12 term disability, and dental coverage for eligible permanent, project, appointive, and temporary pending
13 exam employees and their dependents, as defined by the applicable employee benefit plan or agreement,
beginning on the first day of the calendar month following the date of hire, unless the date of hire is also
14 the first working day of the calendar month, in which case benefits would be effective on the date of hire.
For temporary employees, the City shall pay all or such portion of the premium or expenses for medical
15 and dental benefits beginning on the first day of the calendar month following 60 days of continuous
employment from the date of hire, except for temporary hiring-hall workers for whom benefits are
administered through their unions. Employee contributions toward the cost of insurance premiums or
benefit expenses shall be by payroll deduction, except where expressly exempted by applicable
bargaining agreement or operation of law.

16 a. If a permanent, project, appointive, or temporary pending exam employee fails to timely enroll in, or
17 properly opt out of, medical coverage within the required enrollment period, the employee will be
18 enrolled in the City’s default medical plan. If a temporary employee fails to timely enroll in, or waive,
medical coverage, the employee will be determined to have waived coverage.

19 b. Subject to applicable procedures and legal restrictions, full-time and part-time employees may qualify
to opt out of City-provided medical, dental, and/or vision insurance.

20 c. No City employee or eligible dependent may be insured under more than one City medical, dental, or
vision insurance plan.

21 2. Employees hired into a part-time status after January 1, 1983, shall have the option of electing to enroll
22 in either the medical benefits plan, or the dental benefits plan, or both, with the cost of the same being
prorated on the hours the employee is hired to work (such as three-quarter time, half-time, and so forth).
23 Employees electing coverage under this paragraph shall contribute the cost of elected coverage by payroll
deduction.

24 B. Tacoma Rail – Gap Medical Coverage. The City shall pay for a policy of health insurance, or medical
25 and/or hospital insurance coverage from a health care contractor or insurer furnishing such service to the
City for a Tacoma Rail Division employee who retires on or after January 1, 2004, and who, at the time
26 of retirement (a) was employed in the unrepresented, appointive classification of Rail Superintendent,
Assistant Rail Superintendent, or Railway Roadmaster, (b) is a member of the Federal Railroad
Retirement System, and (c) who, because of lack of age only, cannot qualify for Social Security and



1 Medicare benefits. The coverage to be provided such eligible retiree shall be substantially similar to that
 2 provided for active employees. Payments for such coverage may be made only from the time of
 3 retirement to the time when the eligible retired employee qualifies or would have qualified for Medicare
 4 benefits. In no event shall the granting of this privilege give or grant such eligible retired employee any
 5 preferential treatment with reference to the health contracts over and above that of active employees of
 6 the City of Tacoma, and such privilege is at all times subject to the ability of the City of Tacoma to
 7 negotiate for and obtain said health care coverage.

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9 Section 2. That TMC 1.12.140, Compensation of employees other than
 10 full-time regular employees, is hereby amended, effective January 1, 2017, to read
 11 as follows:

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13 **1.12.140 Compensation of employees other than full-time regular employees.**

14 The following rules shall apply to the compensation and employee allowances of part-time, temporary
 15 and emergency personnel, and construction workers:

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17 C. Temporary ~~and emergency~~ personnel ~~and construction workers~~ (who are not regular employees) shall
 18 not be entitled to vacation, Personal Time Off, sick leave benefits, or holidays with pay, except as
 19 hereafter provided:

20 1. That when such employees are required to work on an established holiday they shall be compensated
 21 for such work in cash at the straight time, time-and-one-half or double-time rate in the manner provided
 22 for regular full-time employees under the provisions of Section 1.12.200.

23 2. In the event an employee on a temporary appointment receives a permanent appointment, all
 24 continuous temporary employment shall be included in the computation for vacation ~~and sick leave~~
 25 and/or Personal Time Off, as applicable, in the same manner as for regular employees.

26 D. Temporary employees engaged in detached or independent construction or maintenance work as provided
 in Sections 1.12.150 and 1.24.720 are designated as a distinct class or group for which the City has elected,
 pursuant to Ordinance No. 14247, voluntary coverage under the State Unemployment Compensation Act
 through agreements entered into with the State of Washington as authorized by RCW 50.04.200.

E. After six months of continuous service, temporary employees shall be eligible for holidays with pay as
 provided in Section 1.12.200.

F. Emergency personnel and construction workers (who are not regular employees) shall not be entitled
 to vacation, Personal Time Off, sick leave benefits, or holidays with pay, except as hereafter provided:

1. That when such employees are required to work on an established holiday they shall be compensated
 for such work in cash at the straight time, time-and-one-half or double-time rate in the manner provided
 for regular full-time employees under the provisions of Section 1.12.200.

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Section 3. That TMC 1.12.230, Sick allowance with pay, is hereby amended,
 effective January 1, 2017, to read as follows:



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1 **1.12.230 Sick allowance with pay.**

2 A. Eligibility for Sick Leave. The following provisions, unless otherwise specified, apply to all regular,
3 probationary, project, [temporary](#), temporary pending exam, or appointive full-time employees except
4 those employees of the Tacoma Municipal Belt Line Railway set forth in Section 1.12.231 and members
5 of the Police and Fire Departments covered by RCW 41.26 (LEOFF I Pension System) set forth in
6 Section 1.12.232.

7 1. Accrual. Regular, probationary, project, [temporary](#), temporary pending exam, or appointive full-time
8 employees shall accrue sick leave at the rate of 3.69 hours for each 80 hours in which he or she is in paid
9 status. Eligible employees who are on leave of absence for active duty training or for inductive purposes
10 shall accrue sick leave.

11 a. Sick leave earned shall be credited to an employee's accruals after the completion of each biweekly
12 pay period and may not be used in the pay period earned.

13 b. For purposes of this section, eligible permanent employees of the Municipal Belt Line Railway
14 assigned to the Extra Board will be considered as full-time employees.

15 2. Permissible Use of Paid Sick Leave.

16 a. Sick leave may be taken in tenths (0.10) of an hour increments.

17 b. Injury or illness of employee to such extent as to constitute a hazard to the safety or health of himself
18 or herself or other employees.

19 c. Medical or dental care for the employee. Supervisors should attempt to accommodate appointments for
20 care. Employees should attempt to schedule such appointments to minimize disruption to work.

21 d. Quarantine of employee due to exposure to a contagious disease.

22 e. On-the-job injuries during the first three days if not eligible for Workers' Compensation and as a
23 supplement to Workers' Compensation after the 120-day supplementary on-the-job injury benefits
24 provided under Section 1.12.090.

25 f. Death of a spouse, father, mother, foster parent, brother, sister, child, foster child, grandparents, or
26 grandchildren of employee or relatives of the spouse of the employee in the same categories of
relationship subject to the requirements of subsection B.5. hereinafter set forth.

g. Employees working shifts other than the regular Monday through Friday workweek shall be paid
holiday pay plus paid sick leave when scheduled to work on a holiday and they are unable to work due to
illness or injury. Such employees, when not scheduled to work on a holiday, shall not be entitled to paid
sick leave therefor.

h. Preinduction physical for service in the Armed Forces.

i. Illness or disability due to pregnancy or conditions related thereto.

j. Pursuant to RCW 49.12.270, effective January 1, 2003, sick leave may be used to care for: (a) a child of
the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent,
parent-in-law, or grandparent of the employee who has a serious health condition or an emergency
condition, both (a) and (b) are subject to the requirements of subsection B.3 hereinafter set forth. For
purposes of this section, the following definitions apply:

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person
standing in loco parentis who is: (a) Under 18 years of age; or (b) 18 years of age or older and incapable
of self-care because of a mental or physical disability.

(2) "Grandparent" means a parent of a parent of an employee.



(3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

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(4) "Parent-in-law" means a parent of the spouse of an employee.

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(5) "Spouse" means a person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy.

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D. Incentive Payments for Nonuse of Sick Leave Accruals.

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1. An employee separated from the City service due to death or retirement for disability or length of service with attendant pension payments under any City employee pension system who does not qualify for a VEBA deposit under TMC Section 1.12.229 shall be compensated at a rate for the classification in which he or she was working on the date of separation to the extent of 25 percent of his or her sick leave accruals.

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a. An employee separated from the City service due to retirement, and represented by the Tacoma Fire Fighters Union, Local 31, shall receive a contribution into the Washington State Council of Fire Fighters (WSCFF) Employee Benefit Trust in the amount of the sick leave payment as defined in TMC Section 1.12.230.D.1 in lieu of a cash payment, when properly authorized annually by Local 31.

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2. A regular, project, temporary, temporary pending exam, or appointive employee separated in good standing from the City service for any other reason than death or retirement due to disability or length of service with attendant pension payments under any City employee pension system pursuant to Section 1.12.229 who has a minimum of 10 days accrual shall be compensated at a rate for the classification in which he or she was working on the date of separation to the extent of 10 percent of his or her sick leave accruals up to a maximum accrual of 120 days. An employee separated from the City service due to layoff may, upon reemployment from the eligible list or departmental reemployment list upon which placed as provided in Section 1.24.900, have his or her sick leave accrual restored upon repayment to the City of the 10 percent payment as herein provided. If appointed from other employment lists within the two-year period of eligibility, such repayment may also apply.

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Section 4. That Sections 1, 2, and 3 will become effective January 1, 2017.

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Passed _____

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Mayor

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Attest:

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City Clerk

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Approved as to form:

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Deputy City Attorney