

## Personnel Rule 11.0 – Temporary Employment

### 11.1 Authority

SMC 4.04.030 and subsequent revisions thereto, Definitions

SMC 4.04.045 and subsequent revisions thereto, Temporary employment service

SMC 4.04.075 and subsequent revisions thereto, Alternative dispute resolution

SMC 4.04.280 and subsequent revisions thereto, Temporary employment oversight and compliance systems

SMC 4.13.020 and subsequent revisions thereto, System-wide exemptions from the Civil Service and Public Safety Civil Service Systems

SMC 4.20.055 and subsequent revisions thereto, Premium pay, compensation and benefits for temporary workers

SMC 4.20.190 and subsequent revisions thereto, Holiday pay or time off

SMC 4.20.220, and subsequent revisions thereto, Jury duty or subpoena as witness—No loss of pay

SMC 4.24.010, and subsequent revisions thereto, Computation of sick leave – exemptions

SMC 4.28.010, and subsequent revisions thereto, Granting of funeral leave

SMC 4.30.010, and subsequent revisions thereto, Establishment of eligibility for certain funeral leave and non-personal sick leave uses

SMC 4.34.005, and subsequent revisions thereto, Definitions

SMC 4.34.045, and subsequent revisions thereto, Eligibility for use of accrued vacation credit

SMC 4.44.020, and subsequent revisions thereto, City compensation additional to State Industrial Insurance and Medical Aid

RCW 1.16.050 – Legal Holidays and Legislatively Recognized Days

RCW 49.44.160, Public Employers—Intent

RCW 49.44.170, Public Employers—Unfair Practices—Definitions--Remedies

## 11.2 Definitions

- A. “Appointing authority” shall mean an individual authorized by City Charter or ordinance to employ others on behalf of the City. The term includes and can be used interchangeably with department head, director, superintendent or chief. For purposes of this Rule, “appointing authority” may mean the management representative designated by the appointing authority to implement this Rule within the employing unit.
- B. “Assignment conversion” shall mean the termination of a temporary assignment and the reassignment of the duties to one or more existing or new regular positions.
- C. “Assignment review committee” shall mean a committee consisting of the Personnel and Finance Directors and a third individual designated by the Mayor to hear temporary workers’ appeals for assignment conversion.
- D. “Break in service” shall mean a temporary worker’s resignation, quit, retirement or failure to return from unpaid leave of absence, or failure to work for one calendar year following their last assignment.
- E. “Delegated authority” shall mean the Seattle Human Resources Director’s assignment to the appointing authority of the authority to hire temporary workers.
- F. “Employing unit” shall mean any department of the City and, within the Executive and Legislative departments, any office established by ordinance.
- G. “Family member” shall be defined consistent with the Washington Family Care Act, RCW 49.12.265 and 49.12.903, and shall include:
  - 1. “Child” - 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 eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability.
  - 2. “Grandparent” - a parent of a parent of an employee.
  - 3. “Parent” - a biological or adoptive parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
  - 4. "Parent-in-law" - a parent of the spouse of an employee.
  - 5. "Spouse" - a husband, wife or domestic partner.
- H. “Fringe benefits” shall mean the following benefits and paid leave, provided at the same level and under the same conditions as for a regularly appointed employee: medical, dental and vision coverage; basic group term life, basic long-term disability, sick leave, vacation, holiday pay, funeral leave and jury duty compensation.

- I. “Health care professional” shall mean any person authorized by the City, any state government and/or the federal government to diagnose and treat physical or mental health conditions, including a doctor, nurse, emergency medical care provider, and/or a public health clinic worker, so long as that person is performing within the scope of their practice as defined by relevant law.
- J. “Hours” shall mean hours for which straight-time wages are paid except as otherwise specified.
- K. “Overtime” shall mean hours worked over and above the overtime threshold.
- L. “Overtime threshold” shall mean 40 straight-time hours of work and/or paid leave per workweek. Hours worked beyond the overtime threshold must be compensated at the appropriate overtime rate of pay.
- M. “Pending separation” shall mean a period of one calendar year following a temporary worker’s last work day during which the temporary worker is not actively assigned and may or may not be available for work.
- N. “Premium pay” shall mean a percentage of a temporary worker’s straight-time hourly rate of pay provided as compensation in lieu of fringe benefits.
- O. “Regularly appointed employee” shall mean an individual with a probationary, regular or exempt appointment to a regularly budgeted position of City employment.
- P. “Regularly budgeted position” shall mean a position that has been approved by the City Council for the employment of a regularly appointed employee.
- Q. “Seattle Human Resources Director” or “Director” shall mean the director of the Seattle Department of Human Resources or their designated management representative.
- R. “Temporary assignment” shall mean the duties and responsibilities assigned by the appointing authority to a temporary position. A temporary assignment is defined as one of the following types:
  - 1. “Interim assignment of up to 1 year to a vacant regular position (Position Vacancy)” to perform work associated with a regularly budgeted position that is temporarily vacant and has no incumbent.
  - 2. ”Interim assignment for short-term replacement of a regularly appointed employee (Incumbent Absence)” of up to 1 year to perform work associated with a regularly budgeted position when the incumbent is temporarily absent.
  - 3. “Less than half-time assignment” for seasonal, on-call, intermittent or regularly scheduled work that may be ongoing or recur from year to year but does not exceed 1040 hours per year except as provided by this Rule.
  - 4. “Short-term assignment” of up to 1 year to perform work in response to emergency or unplanned needs such as peak workload, special project, or other short-term work that does not recur and does not continue from year to year.

5. “Term-limited assignment” to perform time-limited work of more than one but not more than three years related to a capital improvement or information technology project, grant or other specific non-routine body of work for which the employing unit must hire individuals with skill sets not generally required of regularly appointed employees; or for the long-term absence of a regularly appointed employee because of disability time loss, military leave, or authorized medical leave of absence. Term-limited assignments may only be made to jobs that are non-represented or represented by a bargaining unit that has agreed to the terms and conditions of this assignment type.
- S. “Temporary position” shall mean a numerical designation given to a temporary assignment for tracking purposes.
- T. “Temporary worker” shall mean an individual hired for one or more temporary assignments. A temporary worker is not covered by the classified (civil) service regardless of job title, is not guaranteed a minimum number of hours of work and is not limited in the number of hours such employee may work.
- U. “Workweek” shall mean a designated block of 168 hours within which an employee’s work schedule is contained.
- V. “Year” shall mean 26 consecutive pay periods unless otherwise specified. For purposes of the utilization review described at 11.13 (C), the year begins with the first pay period for which wages are paid in the next calendar year. (For example, pay period ending December 27, 2005 is the first pay period of 2006; pay period ending December 26, 2006 is the first pay period of 2007.)

### **11.3 Application of this Rule**

- A. This Rule governs the utilization and management of workers hired by the City of Seattle for temporary assignments, including interim, less than half-time, short-term and term-limited assignments.
- B. Individuals hired for Work/Study or Intern opportunities, or for other student or job-training employment programs, including Seattle Youth Employment Program, Seattle Conservation Corps, and similar programs intended to provide short-term employment opportunities for the development of basic job skills, are not subject to this Rule.
- C. For temporary workers in assignments under the jurisdiction of a collective bargaining agreement, this Rule prevails except where it conflicts with a collective bargaining agreement, any memoranda of understanding signed pursuant to a collective bargaining agreement, or any established practice relative to the members of a bargaining unit that has been recognized by the Seattle Human Resources Director and incorporated as a term of the collective bargaining agreement.

#### **11.4 Use of Temporary Workers**

The City employs temporary workers to supplement the regular workforce on an interim, less than half-time, short-term or term-limited basis. The appointing authority for the employing unit to which a temporary worker is assigned shall be responsible for managing the worker's assignment in accordance with this Rule.

#### **11.5 Authority To Hire a Temporary Worker**

- A. The Seattle Human Resources Director may maintain a Temporary Employment Service (TES) to place temporary workers with an employing unit upon request of the appointing authority. Because an arbitrary limit on the number of temporary positions available to operate the temporary employment service would impede its efficiency, the Seattle Human Resources Director is authorized, with the approval of the Director of Finance, to fill as many temporary positions as are necessary to meet the needs of the service.
- B. The Seattle Human Resources Director may allow the appointing authority to hire temporary workers when, in the judgment of the Director, the employing unit's ability to directly hire temporary workers improves the quality of the temporary employment service or results in cost efficiencies.
- C. The Seattle Human Resources Director shall not approve temporary assignment requests more than three months in advance of the assignment start date. Requests to extend an approved temporary assignment must be submitted at least two weeks in advance of the assignment expiration date shown in the Temporary Assignment Tracking System.
- D. An unanticipated temporary assignment of five business days or less may be filled by the employing unit. Such assignments do not require use of the temporary assignment request and tracking panels, and are not subject to the compliance and utilization reviews described in this policy. An assignment established under Rule 11.5 (D) requires written notification of the start date to the Seattle Human Resources Director or designee no later than the end of the first day of the assignment, and shall not exceed five business days.
- E. The Seattle Human Resources Director may withdraw authority for temporary assignments at any time for failure to comply with these Rules.
- F. Requests for TES placements and requests for delegated authority to hire temporary workers shall be made in the manner prescribed by the Seattle Human Resources Director. The Seattle Human Resources Director shall not approve incomplete requests or requests submitted by anyone other than the appointing authority or designated management representative.

#### **11.6 Assessment of Need for Temporary Workers**

The appointing authority shall not use temporary workers to supplant regularly appointed employees. Prior to employing a temporary worker, the appointing

authority shall evaluate the work to ensure that it is a temporary assignment as defined by this Rule and not a body of work that should be assigned to a regularly budgeted position.

### **11.7 Interim Assignment, Position Vacancy**

- A. The appointing authority may request a position vacancy assignment only when such appointing authority has initiated a hiring process to make a regular appointment to the position. The date the hiring process is scheduled to begin shall be noted on the temporary assignment request.
- B. A position vacancy assignment shall be limited to 6 months except as explicitly approved by the Seattle Human Resources Director. The temporary worker so assigned shall receive the premium pay rates described at 11.15 (D) in lieu of fringe benefits as long as the assignment does not exceed 1040 hours.
- C. The Seattle Human Resources Director may authorize an extension to a position vacancy assignment based upon written notification from the appointing authority of the circumstances warranting such extension. The Seattle Human Resources Director may authorize an assignment extension of up to four additional months, for a maximum of ten months, for reasons that may include but may not be limited to:
  - 1. Candidate rejects final job offer;
  - 2. Candidate must give current employer notice;
  - 3. Candidate fails to satisfy pre-employment requirements
  - 4. Job offer is made and withdrawn for reasons beyond the employing unit's control
- D. The appointing authority must submit a plan for termination of the assignment to the Seattle Human Resources Director when the assignment has been in effect for five months, unless the assignment will end before accumulating 1040 hours. If the plan is not submitted by the time the assignment has been in effect for five months, the assignment must terminate at or before six months.
- E. A temporary worker in a position vacancy assignment shall receive fringe benefits as described at 11.16 in lieu of premium pay after the assignment has accumulated 1040 hours and for the remainder of the assignment, unless the Seattle Human Resources Director determines that the assignment end date is so imminent that the benefits will be of minimal value to the worker. There shall be no opportunity to extend an assignment after this determination has been made.
- F. Any and all consecutive assignments to the same regular position number shall be considered a single assignment for purposes of accumulating hours for eligibility for fringe benefits. When the reason for the assignment changes (i.e. from position vacancy to incumbent absence or vice versa) the employing unit shall notify the Seattle Human Resources Director of the change and submit an assignment extension request if necessary, but shall not submit a new assignment request.

- G. If a temporary worker is assigned to a single position vacancy assignment for over one year, such employee shall be regularly appointed to the position and shall not serve a probationary period.

### **11.8 Interim Assignment, Incumbent Absence**

- A. The appointing authority may request an incumbent absence assignment when the position's regular incumbent is on paid or unpaid leave, or is assigned to perform the work of another position. The temporary worker so assigned shall receive the premium pay rates described at 11.15 (D) in lieu of fringe benefits as long as the assignment does not exceed 1040 hours.
- B. An incumbent absence assignment when the regular incumbent is on a paid or unpaid leave shall be limited to less than one year. After the assignment has been in effect for 1040 hours, the temporary worker shall receive fringe benefits as described at 11.16 in lieu of premium pay for the remainder of the assignment unless the Seattle Human Resources Director determines that the assignment end date is so imminent that the benefits will be of minimal value to the worker. There shall be no opportunity to extend an assignment after this determination has been made.
- C. An incumbent absence assignment when the regular incumbent is assigned to perform the work of another position shall be limited to 6 months.
- D. Any and all consecutive assignments to the same regular position number shall be considered a single assignment for purposes of accumulating hours for eligibility for fringe benefits but not for time limits on assignments. When the reason for the assignment changes (i.e. from incumbent absence to position vacancy or vice versa) the employing unit shall notify the Seattle Human Resources Director of the change and submit an assignment extension request if necessary, but shall not submit a new assignment request.
- E. An interim assignment for incumbent absence shall terminate at the end of its 24<sup>th</sup> consecutive pay period if it has not previously ended. The employing unit shall cease assigning the work to a temporary worker.
- F. The replacement of a regularly appointed employee who will be absent for more than 1 year due to disability time loss, military leave of absence, or authorized medical leave of absence shall be accomplished using a term-limited assignment, provided the position is non-represented or represented by a bargaining unit that has agreed to the terms and conditions of this assignment type. If the regularly appointed employee's absence is initially expected to be less than one year but the appointing authority later determines that it is likely to exceed one year, such appointing authority shall request that the assignment be converted to term-limited upon making that determination, and the temporary worker assigned shall immediately begin receiving fringe benefits in lieu of premium pay.

## 11.9 Less Than Half-Time Assignment

- A. A less than half-time assignment shall be managed to no more than 1040 hours in each year.
- B. A temporary worker in a less than half-time assignment shall receive premium pay as described at 11.15 (D).
- C. A temporary worker in a less than half-time assignment shall not be concurrently placed in any other assignment that would cause such worker's combined assignments to exceed 1040 hours in a year. All hours accumulated by a temporary worker in a less than half-time assignment shall accrue to the primary assignment, regardless of differences in job codes or locations.
- D. The Seattle Human Resources Director may approve an extension of a less than half-time assignment to a maximum of 1300 hours in one year during any three consecutive years provided the Director concurs with the appointing authority's determination that
  1. The need for the extension was unforeseen and will not recur; and
  2. There is no viable alternative to continuing the temporary assignment.

The appointing authority shall request an extension at least two weeks in advance of the original assignment end date. It shall be the appointing authority's responsibility to demonstrate that the assignment will not exceed or has not exceeded 1040 hours in more than one of three consecutive years, and to provide an assignment termination date.

- E. When a less than half-time assignment exceeds 1040 hours as provided by 11.9 (D) the temporary worker assigned thereto shall continue to receive premium pay until the assignment is terminated at or before 1300 hours.
- F. A less than half-time assignment cannot exceed 1040 hours in each of two consecutive years unless the appointing authority has submitted an assignment conversion plan to the Seattle Human Resources Director who may then extend the assignment pending the identification or legislation as necessary of an appropriate regular. The worker in such assignment shall receive fringe benefits as described at 11.16 in lieu of premium pay after 1040 hours.
  1. The Seattle Human Resources Director shall only approve an assignment extension of up to 90 calendar days for conversions that do not require new position authority.
  2. For conversions that require new position authority, the Seattle Human Resources Director will approve the extension for the time necessary to obtain such authority, provided that the appointing authority has notified the Finance Director of the intention to include the conversion in the Department's next budget submittal.
  3. Once regular position authority has been approved, the converted assignment may be filled only as a position vacancy assignment.
  4. If the Executive or the Legislative rejects the appointing authority's proposal for a new regular position, the work shall be



reassigned to an existing regular position or terminated. Under no conditions may work that has been identified as continuing or recurring and that exceeds 1040 hours per year continue to be assigned to a temporary worker more than 30 calendar days after a request for a regular position has been rejected.

### **11.10 Short-Term Assignment**

- A. A temporary worker in a short-term assignment that is managed to less than 1040 hours shall receive premium pay as described at 11.15 (D) in lieu of fringe benefits.
- B. Short –term assignments shall be less than 1 year. After the short-term assignment has been in effect for 1040 hours, the temporary worker in such an assignment shall receive fringe benefits as described at 11.16 in lieu of premium pay for the remainder of the assignment. The Seattle Human Resources Director may waive benefits activation if the assignment end date is so imminent that the benefits will be of minimal value to the worker. The assignment shall not be extended after this determination has been made.
- C. The appointing authority shall provide to the Seattle Human Resources Director a plan for termination or conversion of the assignment when the assignment has been in effect for 900 hours, unless the assignment will end prior to accumulating 1040 hours. If the plan is not submitted at or before 900 hours, authorization for the assignment will be revoked no later than 1040 hours.
- D. A short-term assignment shall terminate at the end of its 24<sup>th</sup> consecutive pay period if it has not previously ended, unless the Seattle Human Resources Director has received an assignment conversion plan from the appointing authority.
  - 1. The Seattle Human Resources Director shall only approve an assignment extension of up to 90 calendar days for conversions that do not require new position authority.
  - 2. For conversions that require new position authority, the Seattle Human Resources Director will approve the extension for the time necessary to obtain such authority, provided that the appointing authority has notified the Finance Director of the intention to include the conversion in the Department’s next budget submittal.
  - 3. Once regular position authority has been approved, the converted assignment may be filled only as a position vacancy assignment.
  - 4. If the Executive or the Legislative rejects the appointing authority’s proposal for a new regular position, the work shall be reassigned to an existing regular position or terminated. Under no conditions may work that has been identified as continuing or recurring and that exceeds 1040 hours per year continue to be assigned to a temporary worker more than 30 calendar days after a request for a regular position has been rejected.

### **11.11 Term-Limited Assignment**

- A. The Seattle Human Resources Director may approve a term-limited assignment for work of more than 1 but no more than 3 consecutive years for:
1. Special time-limited project work that is clearly outside the routine work performed in the department and that requires skills and qualifications that are not typically used by the department; or
  2. Replacement of a regularly appointed employee whose absence of longer than 1 year is due to disability time loss, military leave of absence, or authorized leave of absence for medical reasons.
- Term-limited assignments shall only be authorized for non-represented work or work that is represented by a bargaining unit that has agreed to the terms and conditions of this assignment type.
- B. Temporary workers assigned to term-limited assignments shall receive fringe benefits in lieu of premium pay for the entire duration of the assignment. They shall not have civil service status, regardless of the job title to which they are assigned.
- C. Term-limited assignments are subject to all review and oversight systems described in this Rule.
- D. A temporary assignment that is initiated as another assignment type shall not be eligible for conversion to a term-limited assignment except as provided at 11.8 (F) or as the result of an administrative appeal as provided at 11.12 (A).
- E. Any term-limited assignment that has not otherwise terminated shall be inactivated at the end of the 76<sup>th</sup> consecutive pay period following its initiation and the temporary worker(s) assigned thereto shall be placed on pending separation status.

### **11.12 Temporary Worker Appeal Process**

- A. The Seattle Human Resources Director shall convene an assignment review committee to evaluate whether a short-term or less than half-time temporary assignment should be converted to regular position authority or a term-limited assignment when the worker(s) therein submits, in a manner prescribed by the Director, an appeal for conversion because:
1. The worker's current assignment has exceeded the allowable threshold and the worker believes they are performing an ongoing body of work that should be converted to regular position authority or a term-limited assignment; or
  2. The worker is 1 of 2 or more temporary workers who are assigned substantially the same work in the same department, and the worker believes the assignments should be aggregated into one ongoing body of work and converted to a regular part-time or full-time position or a term-limited assignment.

- B. The procedure for evaluating and responding to an appeal for assignment conversion by a short-term or less than half-time worker shall be as follows:
1. If a temporary worker elects to appeal under this Rule such worker must do so while in the relevant assignment or within 10 business days of leaving the assignment.
  2. The Seattle Human Resources Director shall forward the appeal to the appointing authority, who shall, within 10 business days, respond in writing to the Seattle Human Resources Director for distribution to the assignment review committee, with a copy from the appointing authority to the originating worker.
  3. The originating worker has 10 business days from receipt of the appointing authority's response to file a written rebuttal with the Seattle Human Resources Director if such worker wishes to do so. The worker's failure to rebut constitutes withdrawal of the appeal.
  4. Upon expiration of the 10 business days for receipt of a written rebuttal from the temporary worker, the assignment review committee shall review the circumstances of the original assignment request, assignment history, worker's appeal, department response and worker's rebuttal, and make a determination about the status of the assignment within 30 business days following the Seattle Human Resources Director's receipt of the appeal. The Seattle Human Resources Director may extend any of the time limits for this appeal process upon written notification to all parties. If the assignment review committee agrees that the assignment is an ongoing body of work requiring conversion to regular position authority or a term-limited assignment, they shall so inform the Mayor.
  5. The Mayor shall contact the appointing authority with the assignment review committee's recommendation.
    - a. If the recommendation is for regular position authority, the appointing authority shall decide whether to use existing authority or request new authority. If the Mayor declines to recommend or the City Council declines to approve new position authority, the appointing authority must terminate the assignment within 30 business days and discontinue the work or assign it to an existing position(s).
    - b. If the recommendation is for conversion to a term-limited assignment, the worker and the hours such worker has accumulated in the assignment to date shall be transitioned to a term-limited assignment.
    - c. If the assignment review committee declines to recommend conversion of the assignment, the Seattle Human Resources Director shall promptly provide the appointing authority with a date by which the temporary work must terminate.

6. If the recommendation is to convert the assignment to regular position authority, the worker shall immediately begin receiving fringe benefits as described in 11.16, unless such worker is already benefited. As soon as the appropriate position is identified or created, the worker will be placed in a position vacancy assignment until a competitive hiring process is completed. Such hiring process shall take into account and give substantial weight to the experience of the temporary worker who has been assigned to perform the tasks associated with the position.
  7. If the assignment review committee determines that the work assigned to the appellant is less than half-time or temporary, the worker may file a notice of appeal with the committee within 10 business days from receipt of the committee's finding. The committee shall direct the appeal to be considered by a City of Seattle hearing examiner or, at its option and City expense, by an independent neutral arbitrator. The hearing examiner's or arbitrator's decision shall be confined to upholding the committee's finding or overturning the finding and determining that the assignment should be converted to regular position authority or a term-limited assignment.
  8. Temporary workers working pursuant to a collective bargaining agreement that includes a grievance procedure under which this matter may be addressed may use such grievance procedure or the appeal process described in this rule, but not both.
- C. A temporary worker in a term-limited assignment may use the process described in this rule to appeal whether their assignment should be converted to regular position authority. If the appeal goes to a hearing examiner or arbitrator and the worker prevails, and a regular position is identified or created and any affected unions agree, the worker shall be regularly appointed to the position and the time worked in the assignment to date shall count toward satisfaction of the probationary period. If the final determination is to terminate the body of work, the Seattle Human Resources Director shall promptly provide the appointing authority with a date by which the assignment must terminate.
- D. A temporary worker whose assignment to a vacant regular position exceeds 1 year and is not converted to a regular position pursuant to 11.7 H may appeal using this appeal process to establish that such worker has worked 1 year or more in a vacant regular position. A temporary worker who prevails in such an appeal shall be appointed to the position and shall not be required to fulfill a probationary period.

### **11.13 Compliance and Utilization Reviews**

- A. All temporary assignments shall be monitored by the Seattle Human Resources Director for compliance with this Rule. Personnel shall develop, implement and manage an assignment tracking system for all

temporary assignments other than those made pursuant to 11.5 (D). A description of the current assignment tracking system and procedures for its operation are included in Attachment #1.

- B. At least once each year as part of the budget process, the appointing authority and the Seattle Human Resources Director shall evaluate all temporary workers who exceeded 1040 hours in the same or related titles and employing unit within the previous calendar year to determine whether they were assigned recurring or continuing bodies of work requiring assignment conversion. This review is in addition to the continuing reviews described at 11.13(A).
  - 1. Where a recurring or continuing body of work in excess of 1040 hours per calendar year is identified pursuant to this compliance review, the appointing authority must provide for assignment conversion or termination. Under no conditions may an assignment that has been identified as recurring or continuing and more than half-time continue to be assigned to a temporary worker beyond the end of the calendar year in which that determination is made.
  - 2. The review required by this Rule may include evaluation of assignments of the same type and reason that individually accumulated fewer than 1040 hours to determine whether they should be aggregated and treated as a single body of work to maximize the use of regular employees.
  - 3. The Seattle Human Resources Director shall also monitor employees assigned through TES to determine whether an employee paid through TES is assigned a body of work that warrants the creation of a new regular position even though the employee may perform services in multiple locations or for multiple departments.
- C. On request of the Seattle Human Resources Director, the appointing authority shall provide any data about temporary assignments the Director requires in order to ensure compliance with this Rule.

#### **11.14 Terms and Conditions of Temporary Employment**

- A. Temporary workers are not guaranteed a minimum number of hours of employment, nor are they limited in the number of hours they may work.
- B. The appointing authority may require that any individual interested in temporary employment be available to work for a minimum number of hours or periods of time during the year.
- C. Temporary workers shall not be placed in assignments where they have supervisory or managerial control over regularly appointed employees except when the Seattle Human Resources Director grants an exception to this Rule upon written application by the appointing authority, based on the absence of managerial or supervisory skills among regular employees who might otherwise be assigned out-of-class, the need to return a retiree

for a short period of time for transitional purposes, or other similar reasons.

- D. Temporary workers must meet the minimum qualifications of the official job description associated with the job title under which they are paid. When there is a classified service title that corresponds to the temporary job title, the official job description shall be the classification specification or classification standards. Temporary workers shall be assigned to job titles that are consistent with the duties and responsibilities they are expected to perform.
- E. Temporary workers shall be paid using the proper job code for each assignment. When there is a represented (BU) and non-represented job code for the same job title, the non-represented job code shall be used only for interim assignments to perform the work of positions that are not represented, or by explicit agreement with the relevant bargaining unit.
- F. A temporary worker may not be terminated for reasons related to such worker's race, color, religion, creed, gender, gender identity, sexual orientation, national origin, ancestry, age, disability, marital status, families with children status, veteran status or political ideology. A temporary worker may be counseled about performance or conduct issues when they first surface, but should be terminated if they does not resolve the problem when it is brought to their attention.
- G. Temporary workers are governed by and subject to the protections afforded by local, state and federal laws.
- H. Temporary workers must be separated prior to the layoff of any regularly appointed employee in the same employing unit and job title.
- I. Temporary workers do not have civil service status, are not subject to progressive discipline rules and have no right to a pre-disciplinary hearing (sometimes referred to as the "Loudermill") or to grieve or appeal to the Civil Service Commission alleged violations of provisions of the City Charter or of Seattle Municipal Code Chapter 4.04, or the Personnel Rules or published personnel policies and procedures adopted pursuant thereto.
- J. Temporary workers shall be placed on pending separation status at the end of each assignment unless immediately reassigned. City Personnel will place any temporary worker who has not received pay for at least six consecutive pay periods on pending separation status if the employing unit has failed to do so. A temporary worker on pending separation status for one calendar year shall be terminated.

### **11.15 Compensation for Temporary Employment**

- A. Temporary workers are paid only for hours worked, except that temporary workers who receive fringe benefits shall be paid for authorized use of accumulated sick leave and vacation, for funeral leave, for jury duty, and for holidays falling within their period of assignment, including two personal holidays per year. Temporary workers who do not receive fringe benefits and are eligible to accrue paid sick leave consistent with

Personnel Rule 11.17 shall also be paid for authorized use of accumulated sick leave.

- B. Temporary workers shall not be required to attend and may not be compensated for attendance at meetings, training, retreats, seminars, ceremonies or other events that are not specifically tied to the performance of their assignments.
- C. Temporary workers are eligible for overtime compensation at 1 ½ times their regular pay rate for all hours worked beyond the overtime threshold in a work week. Temporary workers shall not receive compensatory time off in lieu of overtime pay.
  - 1. Temporary workers who work on any day designated by the City as an official holiday shall be paid a holiday pay rate of 1 ½ times their regular rate of pay for hours worked, exclusive of the premium pay described at 11.15 (D).
  - 2. When a holiday falls on a Saturday or Sunday and the City observes the holiday on the preceding Friday or following Monday, only temporary workers who receive premium pay in lieu of fringe benefits and who work the actual Saturday or Sunday holiday shall receive the holiday pay rate provided at 11.15 (C1).
- D. Temporary workers shall receive premium pay, in addition to their regular hourly rate of pay, in lieu of fringe benefits including paid leave, unless they are in benefits-eligible assignments. The premium pay rates are as follows:
  - 1. 5% of the regular hourly rate of pay for the first 520 cumulative straight-time hours of work;
  - 2. for cumulative straight-time hours 521 through 1040; 10% of the regular hourly rate of pay
  - 3. for cumulative straight-time hours 1041 through 2080, 15% of the regular hourly rate of pay; except if the temporary worker worked 800 or more straight-time hours in the previous 12 months, the premium pay rate shall be 20%;
  - 4. for cumulative straight-time hours 2081 and above, 20% of the regular hourly rate of pay; except that if the temporary worker worked 800 or more straight-time hours in the previous 12 months, the premium pay rate shall be 25%.
- E. The regular hourly rate of pay for temporary workers who receive premium pay shall be equivalent to the minimum rate of the salary range associated with the regular job title corresponding to the job title to which they are assigned, plus premium, except as otherwise provided by ordinance, temporary workers assigned to job titles that correspond to regular job titles in any of the City's discretionary pay programs may be paid any rate in the applicable pay zone.
- F. When a temporary worker has obtained a premium pay level, the premium pay level shall not be reduced unless there is a break in service. A temporary worker who returns to work following a break in service shall begin at zero hours for purposes of calculating premium pay.

- G. A temporary worker who is receiving fringe benefits shall be eligible for wage progression under the same terms and conditions as a regularly appointed employee in the corresponding regular job title.
  - 1. If the temporary worker's job title corresponds to a job title in the Step Progression Pay Program, the temporary worker shall progress to step 2 upon completion of six months of actual service and to successive steps after each additional 12 months of service in the same benefits eligible assignment.
  - 2. If the temporary worker's job title corresponds to a job title in any of the City's discretionary pay programs, the temporary worker's pay rate shall be subject to the same review and adjustment policies as regular employees in the same title and employing unit while such worker is in the benefits eligible assignment.
- H. The appointing authority shall not schedule or fail to schedule a temporary worker solely to avoid the accumulation of hours for premium pay, fringe benefits or utilization review purposes.

#### **11.16 Fringe Benefits**

- A. A temporary worker who becomes eligible for fringe benefits in lieu of premium pay by virtue of such worker's assignment shall be enrolled in the City-sponsored medical, dental and vision plans of the worker's choice, in addition to basic group term life and basic long term disability, effective the first working day of the first full month of eligibility. The temporary worker may waive or decline coverage under the same terms and conditions as a regularly appointed employee, but such worker shall not be eligible for premium pay in lieu of fringe benefits as a result of waiving or declining coverage.
- B. A temporary worker shall accrue sick leave at the same rate as provided in Personnel Rule 7.7.4 B as soon as such employee no longer receives premium pay in lieu of fringe benefits.
  - 1. An eligible temporary worker may use accrued sick leave as provided by Seattle Municipal Code Section 4.24.035 and Personnel Rule 7.7.1 through 7.7.7, beginning 30 calendar days after such worker begins to accrue leave.
  - 2. Any accumulated and unused sick leave balance remaining at the end of the temporary worker's assignment shall be held in abeyance pending assignment to another temporary assignment that qualifies for fringe benefits, or appointment to a regular position that is eligible for sick leave under Seattle Municipal Code Chapter 4.24.
  - 3. Upon separation from the City for any reason other than service retirement, a temporary worker shall forfeit any accumulated and unused sick leave balance. A temporary worker who is rehired within 12 months of separation shall have their previously accrued and unused sick leave balance restored. A temporary worker who



takes service retirement from the City shall be eligible to cash out his or her unused sick leave balance as provided by Seattle Municipal Code Section 4.24.200 or 210.

4. Temporary workers who accrue sick leave are not eligible to make or receive sick leave donations under the sick leave transfer program.
- C. A temporary worker shall begin to accrue vacation at the rate provided by Seattle Municipal Code Section 4.34.020 B as soon as such worker no longer receives premium pay in lieu of fringe benefits. Such worker shall be eligible to use vacation, with supervisory approval, as provided by Seattle Municipal Code Section 4.34.045.
1. A temporary worker's vacation accrual rate shall include credit for all regular straight-time hours worked since their initial appointment to City employment.
  2. The six-month waiting period for eligibility to use accumulated vacation shall begin with the date of the temporary worker's initial appointment or most recent date of appointment if such worker had a break in service and include all continuous straight-time hours worked in all assignments since. If the worker has satisfied the threshold when such worker begins to accrue vacation, they may use accumulated vacation, with supervisory approval, as soon as a minimum of one hour has been accrued.
  3. Any accumulated and unused vacation balance remaining at the end of the temporary worker's assignment shall be cashed out by the employing unit at the straight-time rate of pay received by the worker on the last work day in the assignment, unless such worker is immediately hired into a regular position that is eligible for vacation accrual under Seattle Municipal Code Chapter 4.34 or is placed in another benefits-eligible assignment.
- D. A temporary worker shall be compensated at their straight-time rate of pay for all officially recognized City holidays that occur subsequent to the worker becoming eligible for fringe benefits, for as long as the worker remains in such eligible assignment.
1. To qualify for holiday pay, the worker must be on active pay status the normally scheduled workday before or after the holiday as provided by Seattle Municipal Code Section 4.20.200. Authorized unpaid absences of four days or less before or after the holiday shall not affect the temporary worker's eligibility for holiday pay provided that only one holiday is affected.
  2. Officially recognized City holidays that fall on Saturday shall be observed on the preceding Friday. Officially recognized City holidays that fall on Sunday shall be observed on the following Monday. If the City's observance of a holiday falls on a temporary worker's normal day off, such worker shall be eligible for another day off, with pay, during the same workweek.

3. Temporary workers who work less than 80 hours per pay period shall have their holiday pay pro-rated based on the number of straight-time hours worked during the preceding pay period.
- E. A temporary worker shall receive 2 personal holidays immediately upon becoming eligible for fringe benefits, provided such worker has not already received personal holidays in another assignment within the same calendar year.
1. Personal holidays cannot be carried over from calendar year to calendar year, nor can they be cashed out.
  2. A temporary worker must use any personal holidays before eligibility for fringe benefits terminates. If a worker requests and is denied the opportunity to use personal holidays during the eligible assignment, the employing unit must permit the worker to use and be compensated for the holidays immediately following the last day worked in the assignment, prior to termination of the assignment.
- F. A temporary worker who is eligible for fringe benefits shall be eligible for time off without loss of pay or paid leave balances to attend the funeral of a close relative as provided by Seattle Municipal Code Section 4.28.010. An eligible worker may use up to five days of accumulated sick leave to attend the funeral of a relative other than a close relative, with supervisory approval.
- G. A temporary worker who is eligible for fringe benefits and who serves on jury duty during their normal work hours shall be paid their regular straight-time compensation for such service upon surrendering to the City any compensation received from the court, less transportation allowance. Time spent on jury duty during normal work hours shall count toward the overtime threshold. However, a worker who serves on jury duty on a day off or during non-work hours shall not be compensated and such service shall not count toward the overtime threshold.
- H. A temporary worker who becomes eligible for fringe benefits in an assignment receives such benefits only while such worker works in that assignment, unless the worker is moved to another assignment that has become eligible for fringe benefits under this policy.
- I. Straight-time hours worked in a benefited assignment continue to accrue toward eligibility for the next higher premium pay rate, if applicable.

### **11.17 Paid Sick Leave for Temporary Workers Who Receive Premium Pay**

- A. Temporary workers have a right to accrue and use paid sick leave as provided under the City's Paid Sick and Safe Time Ordinance and the State of Washington's Paid Leave law. Retaliation against a temporary worker for authorized use of such sick leave is prohibited.

For the purposes of complying with the Paid Sick and Safe Time Ordinance, the City is considered a “Tier 3” employer, and the benefit year is for time processed from January 1 through December 31.

1. A temporary worker accrues paid sick leave at the rate of 0.034 hours for each hour worked.
  2. A temporary worker is eligible to use paid sick leave beginning on the 90<sup>th</sup> calendar day after the commencement of employment.
  3. A temporary worker may use paid sick leave for the following reasons:
    - a. An absence resulting from a temporary worker’s mental or physical illness, injury or health condition; to accommodate a temporary worker’s need for medical diagnosis care, or treatment of a mental or physical illness, injury or health condition; or a temporary worker’s need for preventative medical care; or
    - b. To allow the temporary worker to provide care for a family member with a mental or physical illness, injury, health condition; or care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventative medical care, or
    - c. An absence due to the closure of a temporary worker’s place of business by order of a public official for any health related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material; or
    - d. To accommodate the temporary worker’s need to care for a child whose school or place of care has been closed by order of public official for any health related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material; or
    - e. An absence related to domestic violence, sexual assault or stalking as set forth in RCW 49.76.030 (see also Personnel Rule 7.7.4 E 4).
- B. The City may require reasonable verification that the temporary worker’s use of sick leave is for an authorized purpose for absences of more than three consecutive days. The employee must provide verification to the City in a reasonable time period during or after the employee returns from leave. The City’s requirement for such verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.
1. Documentation signed by a health care provider verifying the employee’s need for sick leave for an authorized purpose shall be considered reasonable verification for health-related absences. An explanation of the nature of the condition for which sick leave is needed is not required.

2. Notice of closure of an employee's child's school or place of care shall be considered reasonable verification for sick leave used pursuant to Personnel Rule 7.7.4. E 3.
  3. Documentation identified in Personnel Rule 7.11 D 3 shall be considered reasonable verification for sick leave used to cover absences related to stalking, sexual assault and domestic violence.
- C. If the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee must be allowed to provide an oral or written explanation to their employer which asserts:
1. That the employee's use of paid sick and safe time was for an authorized purpose under SMC 14.16.030(A)(1) or (2); and
  2. How the verification requirement creates an unreasonable burden or expense on the employee.
- D. Temporary workers shall use paid sick leave in increments of not less than 15 minutes.
- E. When possible, and when the use of accrued leave is foreseeable, the employee shall make a reasonable effort to schedule the use of sick leave in a manner that doesn't unduly disrupt the operations of the City.
- F. For use of paid sick leave of more than three consecutive days for reasons set forth in Personnel Rule 11.17.A(3)(a) or A(3)(b) (employee or family health-related reasons), the appointing authority may require reasonable documentation that the sick time is covered by this Rule. Documentation signed by a health care provider indicating that sick time is necessary shall be considered reasonable documentation.
- G. For use of paid sick leave of more than three consecutive days for reasons set forth in Personnel Rule 11.17.A 3 d (public health reasons), the appointing authority may require reasonable documentation that the sick time is covered by this Rule. An appointing authority may require that any request be supported by verification of a closure order by a public official of the employee's child's school or childcare establishment, and the employee may satisfy this verification request by providing notice of the closure order in whatever format the employee received the notice.
- H. For use of paid sick leave of more than three consecutive days for reasons set out in Personnel Rule 11.17.A 3 e (domestic violence, sexual assault or stalking) an appointing authority may require that the temporary worker provide documentation to substantiate the request consistent with documentation requirements of Personnel Rule 7.11.3 D.
- I. The City shall carry over up to 72 hours of a temporary worker's unused accrued sick leave into the following calendar year.
- J. Temporary workers are not eligible to make or receive sick leave donations under the sick leave transfer program.

### **11.18 Leave of Absence for Temporary Workers Who Receive Premium Pay**

- A. A temporary worker who has worked 2,080 cumulative straight-time hours with no break in service and who has also worked at least 800 straight-time hours in an assignment or assignments in which such worker received premium pay within the previous 12 months may request unpaid leave for personal or medical reasons.
  - 1. Each period of leave requested cannot exceed the number of vacation hours the worker would have earned in the previous 12 months if such worker were eligible to accrue and accumulate vacation.
  - 2. The timing and scheduling of the leave of absence must be agreeable to the appointing authority. A temporary worker granted leave under this provision must be returned to their assignment at the end of the unpaid leave if the work continues to be performed by a temporary worker.

### **11.19 Unpaid Religious Days for Temporary Workers**

- A. Pursuant to the authority of RCW 1.16.050, an employee is entitled to two unpaid days per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. These days shall be taken in increments of a whole calendar day and may not be carried over from year to year.
- B. An employee may take unpaid religious days at any time with supervisory approval. The employee's supervisor or other management representative may deny the use of an unpaid religious day if the employee is necessary to maintain public safety, or if the employee's absence creates an undue hardship as defined by the Washington State Office of Financial Management.
- C. Temporary workers will not receive any service credit for the purposes of retirement or step progression increases for taking any such unpaid religious day.
- D. The City will continue to provide reasonable accommodation based on religion under federal law to employees who seek accommodation in addition to the two unpaid days.

### **11.20 Retirement System Membership for Temporary Workers**

- A. A temporary worker may elect to join the Seattle City Employees' Retirement System:
  - 1. Within 6 calendar months of completing 1044 hours of compensated straight-time service; or
  - 2. Upon appointment to an eligible position or election to a City office, if such appointment or election occurs after the worker has

- completed 1044 hours of City service but before the worker has completed 10,440 hours of City service; or
3. Within 6 calendar months of completing 10,440 hours of continuous compensated straight-time service.
- B. If the temporary worker elects to join the retirement system, such worker's first 1044 hours of continuous City service are applied to their 6-month waiting period and the worker accrues creditable service. After deducting hours applied to his or her waiting period, the temporary worker may determine whether or not they will acquire service credit for the remainder of their earlier service.

### **11.21 Family and Medical Leave for Temporary Workers**

- A. All temporary workers are eligible for family and medical leave after six calendar months of employment. Six calendar months of employment is measured from the worker's most recent appointment to City employment and includes any involuntary breaks in service and time on pending separation status.
- B. The family and medical leave entitlement is for up to 90 calendar days or, for a full-time worker, the equivalent of 520 straight-time work hours of unpaid time off per rolling 12-month period. The hourly equivalent entitlement is pro-rated for workers who work less than full-time. If the worker works a fluctuating schedule, the amount of leave available shall be based on an average of the straight-time hours worked during each of the 12 months immediately preceding the pay period in which the leave is to begin. If the worker has worked fewer than 12 months, the available leave shall be based on an average of the number of straight-time hours worked in each month since initial appointment. Where a temporary worker and their spouse/domestic partner both work for the City, each is entitled to up to 90 calendar days or the equivalent of 520 straight-time work hours of unpaid family and medical leave per rolling 12-month period. The rolling 12-month period begins 12 months prior to the date the worker wants to begin their family and medical leave.
- C. A temporary worker may take unpaid family and medical leave for any one or a combination of the following reasons:
1. The non-medical care of the worker's child or of the worker's spouse/domestic partner after birth;
  2. The placement of a child with the worker or the worker's spouse/domestic partner for adoption or foster care;
  3. To care for an eligible family member, i.e., the worker's spouse/domestic partner, or a child or parent of the worker or the worker's spouse/domestic partner, who has a serious health condition; or
  4. For the worker's own serious health condition that makes the worker unable to perform the functions of his or her job.

5. A qualifying military exigency for the spouse/domestic partner, son, daughter or parent of the employee set forth in the federal Family and Medical Leave Act and its implementing regulations.
  6. The care of a spouse/domestic partner, parent, son, daughter, or next of kin who is a covered servicemember and has a serious illness or injury under the terms and circumstances that such leave would be available under the federal Family and Medical Leave Act and its implementing regulations.
- D. The entitlement to family and medical leave taken for the non-medical care of the temporary worker's newborn child or a child placed with the worker or the worker's spouse/domestic partner for foster care or adoption expires 12 months after the birth or placement of the child. Leave taken for this reason must be concluded by the first anniversary of the child's birth or placement.
  - E. A temporary worker is eligible to take family and medical leave on an intermittent basis or reduced leave schedule where the leave is taken for a serious health condition of the worker or an eligible family member and such intermittent or reduced schedule leave is medically necessary. Intermittent and reduced leave schedule family and medical leave may be taken in minimum increments of 15 minutes.
  - F. If the temporary worker has previously elected to participate in the City's health care coverage, such worker may self-pay the required premium payments for the duration of their properly certified family and medical leave. This will not count as the one-time opportunity to maintain coverage while working insufficient hours.
  - G. Temporary workers must provide at least 30 days' advance notice of the need and reason to take family and medical leave when the need for leave is foreseeable. In the case of an unforeseen need for leave, the worker shall provide notice of the need and reason to take family and medical leave as soon as possible. If a worker is unable to provide notice of the need and reason for leave, the City shall accept notice from the worker's representative.
  - H. A temporary worker need not specifically mention family and medical leave when notifying the appointing authority of their need to be off work. The temporary worker only has to give sufficient information for the appointing authority to infer that the reason for the absence is potentially family and medical leave-qualifying.
  - I. When family and medical leave is taken for the worker's or an eligible family member's serious health condition, the temporary worker must submit a health care provider's certification of the condition and the need for the worker to be away from work.
  - J. A temporary worker's family and medical leave request shall not be denied pending receipt of a health care provider's certification of the serious health condition. The worker shall be placed on provisional family and medical leave. If the temporary worker fails to provide adequate certification within 15 calendar days of their notification of the need for

family and medical leave, the temporary worker shall be placed on pending separation. The temporary worker must be notified of this status.

1. A temporary worker whose family and medical leave request is denied for lack of proper certification and who is eligible to do so may request a leave of absence as described in 11.17.
- K. The appointing authority may require recertification of a temporary worker's need for continuing family and medical leave, but may not require such recertification more often than every 30 days.
- L. A temporary worker must be returned to the assignment from which such worker took family and medical leave if the assignment is still available or if another temporary worker has been placed in the assignment in the interim. The temporary worker's use of family and medical leave cannot be held against the worker in the consideration of eligibility for other temporary assignments or for regular appointment or as the basis for any other adverse personnel action.
- M. A temporary worker shall be required to provide a medical release to return to work when leave has been taken for the worker's own serious health condition. The worker shall be notified of this requirement at the time that their absence is designated as family and medical leave.
- N. A temporary worker who fails to return to work from family and medical leave for any reason other than a continuation of their serious health condition or other circumstances beyond their control shall be treated as a voluntary quit.

## **11.22 Military Leave of Absence for Temporary Workers**

- A. A temporary worker who is a member of the United States Armed Forces military reserves or the National Guard is entitled to 21 work days per year, October 1 through September 30 inclusive, of paid military leave. The worker shall be paid by the employing unit to which the worker is assigned when the military leave of absence commences, at the rate of pay including premium pay that the worker is earning at the time. The temporary worker must be returned to their assignment at the end of the paid military leave if the assignment is available, or another temporary worker has been placed in the assignment in the original worker's absence.
- B. A temporary worker who is activated for unpaid military leave, voluntarily or otherwise, shall be returned to their assignment upon release if the assignment is available, or if another temporary worker has been placed in the assignment while the worker was on military leave. However, this return right applies only if
  1. The worker's reason for leaving the assignment was to report for active duty;
  2. The length of the military leave of absence does not exceed five years except at the request of the federal government;
  3. The worker's discharge from military service is for reasons other than dishonorable discharge;



4. The worker applies for re-employment within a reasonable period of time; that is
  - For service less than 31 days, the beginning of the first regularly scheduled work day after release from active duty, allowing reasonable time to travel from the duty arena to the worker's residence, to rest, and to travel to the place of employment;
  - For service between 31 and 180 days, no more than 14 days following release from active duty;
  - For service longer than 180 days, no more than 90 days following release from active duty.

### **11.23 Health Care Coverage for Temporary Workers Who Receive Premium Pay**

- A. After a temporary worker who does not otherwise qualify for fringe benefits has worked at least 1040 cumulative straight-time hours and at least 800 straight-time hours in the preceding 12 months, the worker may elect to participate in the City's medical and dental insurance programs. The worker must make this election within 90 days of becoming eligible. This is a 1-time opportunity, unless there is a subsequent break in service.
- B. To participate, the temporary worker must agree to have their paycheck reduced by an amount equal to the total cost of the monthly health care premium. The worker is also responsible for all deductibles and co-pays associated with the program such worker selects.
- C. The worker must continue to work at least 80 hours per month to maintain eligibility and sufficient hours to pay the premium. If the temporary worker's work hours are insufficient to maintain eligibility and/or to pay the premium, the temporary worker may pay the difference or self-pay the premium for up to three consecutive months. This opportunity to maintain coverage will only be offered one time. Failure to work sufficient hours to maintain eligibility and/or to timely pay the premium will thereafter result in cancellation of the temporary worker's eligibility to participate in the City's health care programs, except that this does not preclude the worker's maintaining coverage while on properly certified family and medical leave or applying for coverage under COBRA.

### **11.24 Compensation for Inclement Weather or Emergency Conditions**

A temporary worker who is directed not to report to work or to report to work late, or who chooses not to report to work or to report to work late because of inclement weather or other emergency conditions, shall not be compensated for hours not worked. A temporary worker who is sent home or chooses to leave work early because of inclement weather or other emergency conditions shall not be compensated for hours not worked. A temporary worker who receives fringe benefits may charge their time loss against any accumulated and unused vacation or personal holiday balance. When practicable, a temporary worker may flex their

work hours to make up the lost time provided that doing so does not make them eligible for overtime compensation.

### **11.25 Workers' Compensation for Temporary Workers**

Temporary workers who suffer an on-the-job injury or illness that leads to an accepted workers' compensation claim may qualify for disability time loss at the State rate, except that temporary workers who are receiving fringe benefits at the time of injury or illness shall qualify for the City supplement.

### **11.26 Non-Discrimination and Anti-Harassment**

- A. It is the policy of the City of Seattle to provide a work environment for all workers that is free from discrimination and promotes equal employment opportunity for and equitable treatment of workers. Discrimination toward or harassment of an individual because of the individual's race, color, religion, creed, sex, sexual orientation, gender identify, national origin, ancestry, age, disability, marital status, families with children status, veteran status or political ideology, or that of the individual's family, friends or associates is illegal conduct and will not be tolerated.
- B. If a temporary worker makes a verbal or written complaint to a management representative about discrimination or harassment, either directed at or observed by the worker, the management representative has an obligation to promptly report the allegation to the appointing authority of the alleged harasser. The allegation must be promptly and thoroughly investigated.
- C. The appointing authority should assess the need to relocate either or both the complainant or the alleged harasser to another work unit, or to remove either or both from the workplace altogether. A temporary worker should not be placed on paid administrative reassignment unless there are no other viable options. The appointing authority shall ensure that a temporary worker who files an allegation of harassment is not materially harmed as a result thereof.

### **11.27 Alternative Dispute Resolution (ADR) Program**

Temporary workers are eligible to participate in mediation, a facilitated conversation or other ADR program activity at the discretion of the Alternative Dispute Resolution program manager or when the ADR program activity has been initiated by a regular employee or employees. When temporary workers participate in an ADR program activity, the time spent in such activity is compensable and counts toward the overtime threshold.

### **11.28 Reasonable Accommodation under ADA/WLAD**

Temporary workers are covered under the Americans with Disabilities Act and the Washington Law against Discrimination. The reasonableness of the removal of sensory, mental or physical impediments to a qualified temporary worker's ability to perform the essential functions of an assignment must be evaluated on a case-by-case basis.

### **11.29 Training and Travel for Temporary Workers**

- A. Temporary workers are only eligible for City-sponsored or City-paid training that is necessary to perform the jobs to which they are assigned, provided that the same training would be provided to a regular employee. For example, training on a new software package or upgrade is appropriate when the temporary worker must use the software to perform the work they are assigned to do and similarly situated regular employees receive training. Safety training directly related to the worker's job is also appropriate.
- B. Temporary workers shall be compensated at their normal rate of pay, including premium if applicable, for attendance at classes, conferences or seminars. Hours spent in training count toward the overtime threshold of 40 hours per workweek or as otherwise provided by the relevant collective bargaining agreement.
- C. If the training entails assignments that must be performed outside normal working hours, the temporary worker must be compensated for hours spent on such activities. The supervisor should evaluate the work to be done and pre-authorize the maximum amount of time the worker may spend on these activities.
- D. Supervisors may permit a temporary worker to use departmental facilities and equipment, including but not limited to computers, video equipment, and software and licensing agreements, to complete authorized training assignments. They should schedule the worker's use of facilities and equipment to minimize disruptions to the work unit and workload, but they are responsible for the security of equipment and facilities if they require or allow a temporary worker to access facilities and equipment outside of normal working hours.
- E. When a temporary worker, at management's direction, travels outside the City for training or other purposes the worker must be reimbursed for actual transportation expenses incurred, conference or seminar registration fees if applicable, meals and lodging. Non-local transportation charges may not exceed the cost of a round-trip coach-class airfare. Meal, local transportation and lodging costs may not exceed the amounts established by the Finance Director.
- F. If the time spent in travel that keeps the temporary worker away from home overnight occurs during hours that correspond with the worker's schedule on a normal work day, such worker must be compensated for the time. Hours of travel outside of hours that correspond to the worker's normal work hours are not compensable.

- G. When a temporary worker's work day begins prior to and is completed subsequent to work-related travel, the time spent in transit is compensable.

### **11.30 Workplace Violence Prevention**

- A. The City of Seattle does not tolerate workplace violence by or against its employees, its customers or clients, or by or against visitors to its worksites. A temporary worker who commits or threatens to commit acts of workplace violence, including assault or physical, verbal or visual harassment shall be terminated from employment with the City and may in addition be subject to penalties under the laws of the City of Seattle and the State of Washington.
- B. The possession and use of dangerous weapons by temporary workers while on City property, conducting City business, or in a City vehicle is prohibited. Dangerous weapons are defined in Personnel Rule 8.1 (C).
  - 1. Temporary workers who carry dangerous weapons in their personal vehicles are prohibited from bringing or leaving those vehicles on City property or using such vehicles for conducting official City business.
  - 2. Temporary workers may carry mace or pepper spray for their personal protection onto City property, except where specifically prohibited, as long as those devices are concealed from sight and stored in a secure compartment. Use of these devices on City property or while conducting official City business is prohibited except when specifically allowed in the normal course of business.
- C. Temporary workers are encouraged to promptly report any threat or act of workplace violence whether or not any physical injury has occurred. Such reports shall be taken seriously, dealt with appropriately and, except as required by law, treated as confidential to the extent that it does not hinder the investigation or resolution of the report.
- D. The City prohibits and will not tolerate retaliation against anyone who in good faith files a complaint of workplace violence or provides any information about such complaint.

### **11.31 Temporary Worker Files**

- A. TES shall maintain employment files for temporary workers hired and placed by Personnel. Departments that hire temporary workers through delegated authority shall maintain employment files for these workers.
  - 1. Employment files for temporary workers who transfer to a different employing unit shall be forwarded to the new employing unit for maintenance.
  - 2. If a temporary worker is appointed to a regular position in any City department, such worker's employment file shall be incorporated into the employment file established by the appointing authority.

3. Employment files for temporary workers who are terminated shall be forwarded to City Personnel's Records Retention Program the calendar year following their termination.
- C. Employment files for temporary workers may include, but need not be limited to, documentation for OSHA requirements, application, resume, references or recommendations from past employers, W-4 Form, I-9 Form, waiver and authorization to release information, City of Seattle notice of assignment of a temporary worker to perform bargaining unit work (authorization to deduct service fees), driving abstract and payroll information. Medical records shall be kept in separate files.

### **11.32 Regular Appointment from Temporary Employment**

- A. Temporary workers may apply for regular appointment as provided by Personnel Rule 4.1, Classified Service Selection Process—Internal Applicants, except as otherwise provided by collective bargaining agreements.
- B. A temporary worker who has worked at least 520 straight-time hours and is regularly appointed to a position in the Step Progression Pay Program without a break in service shall have their temporary service credited toward salary step placement, provided that the service was in a job title corresponding to the same or higher classification in the same series as the regular appointment. There shall be no automatic credit toward rate placement in any of the City's discretionary pay programs.
- C. Straight-time hours worked as a temporary worker shall count toward the vacation accrual rate calculation for a worker who accepts a regular appointment to a position that is covered under the City's vacation ordinance, SMC Chapter 4.34. All straight-time hours worked since the most recent voluntary break in service shall count toward the 6-month vacation use eligibility period. A temporary worker who has previously satisfied the 6-month vacation use eligibility period shall not be required to do so again.
- D. A temporary worker who accepts a regular appointment to a position in the classified service must serve a 1(one) year probation.