

Personnel Rule 3.7 – Executive and Merit Leaves

3.7.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority

SMC 4.20.320 and subsequent revisions thereto, Executive Leave for Eligible Employees

3.7.1 Definitions

- A. "Appointing authority" shall mean the head of an employing unit, authorized by ordinance or City Charter to employ others on behalf of the City. The term includes and can be used interchangeably with department head, department director, superintendent, and chief.
- B. "Days" shall mean work days.
- C. "Eligible salaried employee" shall mean an employee who is regularly appointed to a position that has a maximum pay rate equal to or greater than the top step of salary range 36.5, or who is regularly appointed to a title in the Accountability Pay for Executives or Manager and Strategic Advisor compensation programs regardless of pay rate, with the following exceptions:
 - 1. If any classification in a class series within the Step Progression Compensation Program has a maximum pay rate less than the top step of salary range 36.5, then all employees in positions allocated to classifications in the series up to and including the "senior" level are ineligible;
 - 2. All employees appointed to positions allocated to the following classifications:
 - a. Generation Supervisor
 - b. Power Supply Engineer
 - c. Water Maintenance Supervisor
 - d. Water Pipe District Supervisor
 - e. Water Quality Lab Supervisor
 - f. Water Transmission Supervisor
 - g. Water Treatment Supervisor

Employees who are not covered by or are otherwise exempt from the overtime provisions of the Fair Labor Standards Act and who work in the Executive, Legislative and Law Departments and the Municipal Court.

All appointing authorities who receive vacation allowance pursuant to SMC Section 4.34.030.

- D. "Executive leave" shall mean annual paid leave that is granted to an eligible salaried employee.
- E. "FLSA" shall mean the Fair Labor Standards Act, which regulates minimum wage and overtime compensation requirements.

- F. "Hourly employee" shall mean an employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a workweek.
- G. "Merit leave" shall mean annual paid leave that is awarded to an eligible salaried employee in recognition of his or her exceptional job performance.
- H. "Regularly appointed employee" shall mean an employee who has an exempt, probationary or regular appointment to a position of City employment.

3.7.2 Application of this Rule

- A. This Rule applies to eligible salaried employees.
- B. This Rule does not apply to employees who are represented under the terms of a collective bargaining agreement.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes compensation provisions that conflict with this Rule.
- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such procedures do not conflict with the provisions of this Rule.

3.7.3 Executive Leave

- A. Eligible salaried employees shall receive 4 days, the equivalent of 32 hours, of paid executive leave annually. Executive leave is prorated for an employee who becomes eligible following the first full pay period in January, at the rate of 1 day of executive leave for each calendar quarter that the employee is in an eligible title during the first full pay period of the quarter.
- B. Executive leave must be used in increments of not less than 1 day. Executive leave cannot be cashed out or carried over from year to year.
- C. Eligible salaried employees who work part-time schedules shall receive executive leave days proportionate to their work schedules and must use executive leave in increments that are equivalent in length to their normal work days.

3.7.4 Merit Leave

- A. The appointing authority may award eligible salaried employees a maximum of 6 days of paid merit leave annually in recognition of exceptional job performance. An eligible salaried employee may be granted up to the full 6 days of merit leave regardless of his or her length of service in an eligible position.
- B. Merit leave shall be awarded in December in recognition of the current year's performance. Eligible salaried employees may use the current year's award beginning in January of the year following the year for which the merit leave was awarded.

- C. Merit leave must be used in increments of not less than 1 day. Merit leave cannot be cashed out or carried over from year to year.
- D. An eligible salaried employee who is authorized to work less than full-time shall be eligible to receive a pro-rated award of merit leave based on the number of hours he or she is authorized to work, by budget authority or by his or her supervisor, during the calendar year for which the award is made.
- E. Eligible salaried employees who have been suspended or demoted shall not receive merit leave for the year in which such disciplinary action was imposed.

3.7.5 Occasional Absences of Less than Four Hours

Eligible salaried employees shall fulfill their professional responsibilities with no expectation of overtime compensation. The appointing authority shall allow them discretion in structuring their workday to ensure that they can fulfill those responsibilities. Eligible salaried employees shall not be required to use their paid leave balances for occasional absences of four hours or less during a work day, and shall be paid their regular salaries despite such absences. Eligible salaried employees shall notify their supervisors in advance of such absences and shall schedule such absences to cause the least impact on their work units. Such absences shall not interfere with the employee's ability to produce his or her expected work outcomes.

3.7.6 Movement between Hourly and Salaried Positions

- A. An employee who becomes an eligible salaried employee by virtue of a subsequent appointment shall be awarded executive leave in accordance with Rule 3.7.3 A. He or she shall be eligible for consideration for up to 6 days of merit leave regardless of the date of the subsequent appointment.
- B. An employee who becomes an eligible salaried employee by virtue of a classification or compensation change shall continue to receive overtime compensation for hours worked over 40 in a work week until the date that an official notification of the classification or compensation change is transmitted by the Seattle Human Resources Director. If such classification or compensation change is retroactive, there is no retroactivity associated with the change to eligible salaried employee. The employee does not receive a retroactive executive or merit leave adjustment and is not required to repay overtime compensation received for the period of retroactivity. An employee may retain a compensatory time balance for 12 months following the effective date of a change from hourly to eligible salaried employee with the approval of his or her appointing authority.
- C. A salaried employee who becomes an hourly employee may retain and use any unused executive and merit leave balances through the end of the calendar year in which the change to hourly occurs.