

ORDINANCE 3540

AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING A PROGRAM ENTITLED "SHARED LEAVE" AND ADDING A NEW SECTION 3.80.092 TO THE MUNICIPAL CODE, AND ESTABLISHING AN EMERGENCY CLAUSE.

WHEREAS, the City provides vacation leave to its employees under policies which are terms of employment; and

WHEREAS, the City Council finds that it is in the public interest to permit employees to give up or transfer accrued vacation to other employees in order to permit them to deal with medical and other health emergencies under carefully defined circumstances; and

WHEREAS, the City Council finds that an emergency exists necessitating the immediate institution of a program for leave sharing;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. A new section is hereby added to Chapter 3.80 of the Kirkland Municipal Code to be known as KMC 3.80.092, entitled "Leave Sharing Program" and to read as follows:

3.80.092 Leave Sharing Program.

A. Donation of Leave. Only vacation leave is available to be donated. All donated leave must be voluntarily given. An employee may donate any amount of vacation leave, provided that it does not cause the employee's vacation leave balance to fall below ten (10) days. Employees wishing to donate leave which would cause their leave balance to fall below 10 days must seek and obtain written permission from the City Manager. A donor must fill out and sign a "VACATION LEAVE TRANSFER" form to authorize the City to transfer vacation leave.

B. Eligibility to receive shared leave. Subject to the approval of the City Manager or his designee, an employee may receive donated leave under the following conditions:

1. the employee suffers from, or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition, and
2. the employee's job is one in which vacation and/or sick leave can be used and accrued; and
3. the employee is not eligible for time loss compensation under RCW 51.32; and
4. the employee has abided by City policies and procedures regarding the use of sick leave; and
5. the employee has exhausted, or will shortly exhaust his/her sick leave and vacation leave; and
6. the condition has caused or is likely to cause the employee to go on leave without pay or terminate City employment where termination is due solely to the exhaustion of leave; and

7. an employee may not receive donated vacation leave beyond that which, if combined with the employee's own leave, could result in the employee being on City paid leave for more than 75 work days in any 6 month period.

C. Application to receive shared leave. An employee wishing to receive shared leave must make such request using the Application to Receive Shared Leave form. The application must be accompanied by documentation from a licensed physician or other authorized health provider verifying the severe or extraordinary nature and the expected duration of the condition. The application should be submitted to the City's designee for the shared leave program.

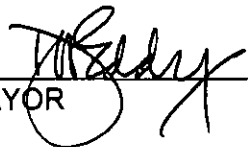
D. Approval to receive shared leave. Based upon the information provided on the application and in the physician's documentation, the City will approve/disapprove the use of shared leave for the applicant. If shared leave is approved, the City will determine the amount of shared leave the recipient may receive. No shared leave may be used by the recipient until all other forms of paid leave available for him/her to use are exhausted.

E. Value of shared leave. All vacation leave hours donated shall be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value will then be divided by the receiving employee's hourly rate to determine the actual number of hours received. The value of any leave transferred under this program which remains unused will be returned at its original value to the donor. To the extent administratively feasible, the value of unused leave transferred by more than one employee will be returned on a pro-rata percentage basis.

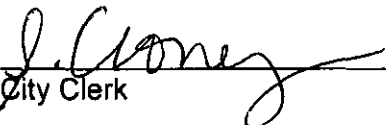
Section 2. The City Council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage.

Passed by affirmative vote of at least 5 members of the Kirkland City Council in regular, open meeting this 21st day of May, 1996.

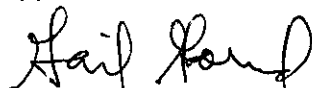
Signed in authentication thereof this 21st day of May, 1996.


MAYOR

Attest:


Deputy City Clerk

Approved as to Form:


City Attorney