

ORDINANCE O-4854

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AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 3.80.090 OF THE KIRKLAND MUNICIPAL CODE REGARDING CITY OF KIRKLAND EMPLOYEE VACATION LEAVE IN ORDER TO AUTHORIZE PAYMENT IN LIEU OF VACATION LEAVE IN UNFORESEEN EMERGENCIES.

WHEREAS, the City Council recognizes that City employees may experience unforeseen emergency situations that cause the employee financial hardship; and

WHEREAS, in order to provide flexibility to support City employees during such unforeseen emergencies, to encourage employee wellness, and to support City efforts to retain and recruit employees, the City Council desires to modify the City's personnel vacation leave provisions.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Section 3.80.090 of the Kirkland Municipal Code, and the corresponding portions of Ordinance O-4835 (2023), is amended to read as follows, with new text shown in underline and deleted text shown in ~~strikethrough~~:

3.80.090 Vacation leave.

(a) Approval. An employee shall be eligible to use paid vacation leave as it is accumulated. All requests for vacation leave must be scheduled and approved at least five days prior to the requested vacation time, unless an exception is granted by the department director. Vacation leave shall be granted by the department director only in the best interests of the city. Department directors requesting vacation leave must coordinate such request with the city manager's office.

(b) Vacation Accrual Schedule.

(1) Vacation leave does not accrue, nor may it be used until the first day of the following pay period in which it is earned, meaning leave cannot be used during the period in which it is earned.

(2) Each regular and temporary full-time and part-time employee shall accrue vacation leave according to the following hourly rate schedule for regular working hours compensated, excluding overtime:

Year of Employment	Vacation Leave Hours per Regular Hours Compensated	Annual Vacation Accrual Based on 2080 Working Hours per year
*1st year of employment	0.0500 hours	104 hours vacation

Year of Employment	Vacation Leave Hours per Regular Hours Compensated	Annual Vacation Accrual Based on 2080 Working Hours per year
*2nd year of employment	0.0500 hours	104 hours vacation
*3rd year of employment	0.0500 hours	104 hours vacation
*4th year of employment	0.0500 hours	104 hours vacation
*5th year of employment	0.0616 hours	128 hours vacation
*6th year of employment	0.0616 hours	128 hours vacation
*7th year of employment	0.0616 hours	128 hours vacation
*8th year of employment	0.0658 hours	136 hours vacation
*9th year of employment	0.0658 hours	136 hours vacation
10th year of employment	0.0658 hours	136 hours vacation
11th year of employment	0.0693 hours	144 hours vacation
12th year of employment	0.0693 hours	144 hours vacation
13th year of employment	0.0693 hours	144 hours vacation
14th year of employment	0.0770 hours	160 hours vacation
15th year of employment	0.0770 hours	160 hours vacation
16th year of employment	0.0770 hours	160 hours vacation
17th year of employment	0.0847 hours	176 hours vacation
18th year of employment	0.0847 hours	176 hours vacation
19th year of employment	0.0847 hours	176 hours vacation
20th year of employment	0.0924 hours	192 hours vacation
25th year of employment and thereafter	0.0962 hours	200 hours vacation

45 (c) Accumulation. Vacation leave shall not be accumulated in excess
46 of two hundred eighty hours within a calendar year without the express
47 prior written authorization of the city manager or his or her designee. No
48 more than two hundred forty hours may be carried over from one
49 calendar year to the next except as provided in this subparagraph.
50 Requests to the city manager or designee for exceptions shall be for a
51 specific number of hours to be used for a specific purpose and to be
52 taken by a specific date. Accrued unused vacation leave shall not, under
53 any circumstances, exceed three hundred twenty hours. Any vacation

54 leave accrued in excess of the above referenced maximums shall be
55 forfeited and shall not form the basis of any severance pay or additional
56 compensation.

57
58 (d) Payment in Lieu of Vacation Leave. There shall be no pay in lieu
59 of unused vacation leave, ~~except in cases of separation from city~~
60 ~~employment as specifically authorized by this section.~~

61
62 (1) Except as otherwise provided in this section, only an
63 employee who has completed at least six months of service and
64 successfully completed probation is eligible to receive payment in lieu
65 of vacation leave.

66
67 (2) In cases of separation from city employment, an eligible
68 employee shall receive pay for any vacation time earned but not taken,
69 up to the date of separation but not to exceed a maximum of two
70 hundred forty hours accumulated vacation leave unless specifically
71 authorized by the city manager.

72
73 (3) In cases of an unforeseen emergency, an eligible employee
74 may apply to the city manager to receive pay in lieu of vacation time
75 earned but not taken. The city manager has discretion to approve such
76 a request and authorize payment in lieu of accrued vacation leave, with
77 such pay limited to the amount necessary to meet the emergency but
78 not to exceed a maximum of two hundred forty hours accumulated
79 vacation leave. At least forty hours of leave must remain to cover
80 unanticipated absences. The city manager shall create a policy
81 regarding consideration of requests for pay in lieu of vacation leave in
82 unforeseen emergencies, which policy shall at minimum require that the
83 employee demonstrate to the city manager that the unforeseen
84 emergency would result in severe financial hardship to the employee if
85 payment were not permitted. An "unforeseen emergency" means an
86 unanticipated occurrence that is caused by an event beyond the control
87 of the employee.

88
89 (4) Should an employee separate from employment within the
90 same calendar year that the employee was granted pay in lieu of
91 vacation leave, the maximum payment received by the employee for
92 vacation time earned but not taken shall be no more than two hundred
93 forty hours accumulated vacation leave unless specifically authorized
94 by the city manager.

95
96 (e) Front-loading. The city manager is authorized to provide new
97 employees with a front-loaded, advanced amount of paid vacation leave
98 before it has accrued, provided that such front-loading meets the
99 requirements of this section for accrual, use, and carryover. In
100 circumstances where an employee was provided front-loaded vacation
101 hours, those front-loaded vacation hours are not eligible for payment in
102 lieu of vacation leave.

103
104 Section 2. If any provision of this ordinance or its application to
105 any person or circumstance is held invalid, the remainder of the
106 ordinance or the application of the provision to other persons or
107 circumstances is not affected.

108

109 Section 3. This ordinance shall be in force and effect five days
110 after its passage by the Kirkland City Council and publication pursuant
111 to Section 1.08.017 of the Kirkland Municipal Code in the summary form
112 attached to the original of this ordinance and by this reference approved
113 by the City Council.

114
115 Passed by majority vote of the Kirkland City Council in open
116 meeting this 20th day of June, 2023.

117
118 Signed in authentication thereof this 20th day of June, 2023.



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Publication Date: June 26, 2023

Approved as to Form:



Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4854

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 3.80.090 OF THE KIRKLAND MUNICIPAL CODE REGARDING CITY OF KIRKLAND EMPLOYEE VACATION LEAVE IN ORDER TO AUTHORIZE PAYMENT IN LIEU OF VACATION LEAVE IN UNFORESEEN EMERGENCIES.

1 SECTION 1. Amends Kirkland Municipal Code Section
2 3.80.090 related to employee vacation leave.

3
4 SECTION 2. Provides a severability clause for the ordinance.

5
6 SECTION 3. Authorizes publication of the ordinance by
7 summary, which summary is approved by the City Council pursuant to
8 Section 1.08.017 Kirkland Municipal Code and establishes the effective
9 date as five days after publication of summary.

10
11 The full text of this Ordinance will be mailed without charge to
12 any person upon request made to the City Clerk for the City of Kirkland.
13 The Ordinance was passed by the Kirkland City Council at its meeting
14 on the 20th day of June, 2023.

15
16 I certify that the foregoing is a summary of Ordinance 4854
17 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk