



**Eugene City Council**

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www.eugene-or.gov

# EUGENE CITY COUNCIL AGENDA

February 24, 2014

**5:30 p.m. CITY COUNCIL WORK SESSION**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

**7:30 p.m. CITY COUNCIL MEETING**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

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**Meeting of February 24, 2014;  
Her Honor Mayor Kitty Piercy Presiding**

**Councilors**

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

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**CITY COUNCIL WORK SESSION**

**Harris Hall**

**5:30 p.m.**

**A.**

**WORK SESSION:**

**Sick Leave Ordinance**

- 6:00 p.m. B. **WORK SESSION: Update from Police Auditor**
- 6:30 p.m. C. **COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL, AND CITY MANAGER**

**CITY COUNCIL MEETING**  
**Harris Hall**

1. **PUBLIC FORUM**
2. **CONSENT CALENDAR**  
*(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)*
  - A. **Approval of City Council Minutes**
  - B. **Approval of Tentative Working Agenda**
3. **ACTION: An Ordinance Extending the Sunset Date of the Permitted Overnight Sleeping (“Rest Stop”) Pilot Program Adopted by Ordinance No. 20517**

*\*time approximate*

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The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page ([www.eugene-or.gov](http://www.eugene-or.gov)).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

**For more information, contact the Council Coordinator at 541-682-5010,**

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Work Session: Sick Leave Ordinance

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Meeting Date: February 24, 2014  
Department: Central Services  
*www.eugene-or.gov*

Agenda Item Number: A  
Staff Contact: Mia Cariaga  
Contact Telephone Number: 541-682-5408

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### ISSUE STATEMENT

The purpose of this work session is to discuss a potential sick leave ordinance as requested by councilors Claire Syrett and Alan Zelenka.

### BACKGROUND

The council has expressed interest in discussing an ordinance to establish minimum standards for earned paid sick time for workers within the city of Eugene through exploration of similar regulations from other jurisdictions.

Other cities in the region that have implemented sick leave-related ordinances are Portland and Seattle. Portland implemented protected sick time for employees effective January 1, 2014, and Seattle has required paid sick and safe time since 2012.

### COUNCIL OPTIONS

Discussion.

### CITY MANAGER'S RECOMMENDATION

No City Manager recommendation.

### SUGGESTED MOTION

No motions provided.

### ATTACHMENTS

- A. City of Portland Code related to Protected Sick Time
- B. City of Seattle Ordinance related to Paid Sick and Safe Time

### FOR MORE INFORMATION

Staff Contact: Mia Cariaga  
Telephone: 541-682-5408

Item A.

Staff E-Mail: Mia.Cariaga@ci.eugene.or.us

**EXHIBIT A --- AMENDED****TITLE 9 -- Protected Sick Time****Chapter 9.01 Protected Sick Time**

**9.01.010 Purpose.** The purpose of this Chapter is to promote a sustainable, healthy, and productive workforce by establishing minimum standards for Employers to provide sick leave and to ensure that all persons working in the City will have the right to earn and use paid sick time. Allowing employees to earn and take sick time will maintain a healthy workforce and promote a vibrant, productive, and resilient City. It is the City's aspiration that all persons working in the City will be provided the right to earn and use paid sick time.

**9.01.020 Definitions.**

For purposes of this Chapter, the following definitions apply:

- A. "City" means the City of Portland as defined in Title 1 of the Code of the City of Portland.
- B. "BOLI Commissioner" means the Commissioner of the Bureau of Labor and Industries (BOLI) of the State of Oregon as established by ORS 651.020.
- C. "Employee" means an individual who renders personal services to an Employer where the Employer either pays or agrees to pay for the personal services or suffers or permits the individual to perform the personal services. "Employee" includes Home Care Workers as defined by ORS 410.600(8).
- D. "Employee" does not include:
  - 1. A copartner of the Employer
  - 2. An Independent contractors
  - 3. A participant in a work training program administered under state or federal assistance laws;
  - 4. Those who are participating in a work study program that provides students in secondary or post secondary educational institutions with employment opportunities for financial and/or vocational training; or
  - 5. Railroad workers exempted under the Federal Railroad Insurance Act, 45 USC 363.
- E. "Employer" means the same as that term is defined in ORS 653.010(3), but does not include:
  - 1. The United States Government; or

2. The State of Oregon including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary; or
  3. Any political subdivision of the State of Oregon or any county, city, district, authority, public corporation or public entity other than the City.
- F. "Family Member" means the same as that term is defined in ORS 659A.150 (4) and includes domestic partners as defined under ORS 106.310.
- G. "Health Care Provider" means the same as that term is defined in ORS 659A.150 (5)(a).
- H. "Paid Time Off" or PTO means:
1. A bank of time, including time accrued in regular increments according to an established formula, provided by an Employer to an Employee, that the Employee can use to take paid time off from work for any purpose, including the purposes covered by this Chapter; or
  2. A contribution made by an Employer to a vacation pay account, in the name of a construction trade union Employee covered by a collective bargaining agreement, that the Employee may cash out or use for any purpose, including the purposes covered by this Chapter.
- I. "Sick Time" means time that has been accrued and may be used by an Employee under this Chapter, and that is calculated at the same hourly rate and with the same benefits, including health care benefits, as the Employee normally earns during hours worked and is provided by an Employer to an Employee at the accrual rate described in Section 9.01.030.
- J. "Sick Leave" means time off from work using Sick Time.
- K. "Retaliatory Personnel Action" means:
1. Any threat, discharge, suspension, demotion, other adverse employment action against an Employee for the exercise of any right guaranteed under this Chapter, or
  2. Interference with, or punishment for, participating in any manner in an investigation, proceeding or hearing under this Chapter.
  3. Adverse employment actions based on Sick Leave use not covered in this Chapter are not Retaliatory Personnel Actions.
- L. "Year" means any consecutive 12-month period of time that is normally used by an Employer for calculating wages and benefits, including a calendar year, tax year, fiscal year, contract year, or the year running from an Employee's anniversary date of employment.

**9.01.030 Accrual of Sick Time.**

- A. Employers with a minimum of 6 Employees shall provide Employees with a minimum of one hour of paid Sick Time for every 30 hours of work performed by the Employee, within the geographic boundaries of the City, except as otherwise provided in this Chapter.
- B. Employers with a maximum of 5 Employees shall provide Employees with a minimum of one hour of unpaid Sick Time for every 30 hours of work performed by the Employee within the geographic boundaries of the City, except as otherwise provided in this Chapter.
- C. Employees who are paid base wage plus piece rate, tips or commission shall accrue and be paid Sick Time based on the base wage.
- D. Salaried executive, administrative or professional Employees under the federal Fair Labor Standards Act or the state minimum wage and overtime laws will be presumed to work 40 hours in each work week for purposes of earning and accruing Sick Time unless their normal work week is less than 40 hours, in which case Sick Time is earned and accrued based upon that normal work week.
- E. Employees who travel to the City and make a stop as a purpose of conducting their work accrue benefits under this Chapter only for the hours they are paid to work within the City.
- F. Employees may accrue a maximum 40 hours of Sick Time in a Year, unless the Employer provides, or is contractually obligated to provide, more. Sick Time equivalent to this amount may be given at the beginning of a Year to meet this requirement for accrual.
- G. Sick Time accrued by an Employee that is not used in a calendar year may be used by the Employee in the following Years. An Employer is not required to allow an Employee to carry over accrued hours in excess of 40 hours.
- H. If an Employee is transferred by an Employer to a separate division, entity or location of the Employer within the City, the Employee is entitled to all Sick Time accrued at the prior division, entity or location and is entitled to transfer and use all Sick Time as provided in this Chapter. If a Sick Time equivalent is given at the beginning of a Year, in accordance with subsection G of this section, the Employer is not required to allow an Employee to carry over accrued hours.
- I. Accrued Sick Time shall be retained by the Employee if the Employer sells, transfers or otherwise assigns the business to another Employer and the Employee continues to work in the City.
- J. An Employer shall provide previously accrued and unused Sick Time to an Employee who is rehired by that Employer within six months of separation from that Employer. The Employee shall be entitled to use previously accrued Sick Time immediately upon re-employment.
- K. An Employer with a minimum of 6 Employees who provides a minimum of 40 hours in a Year of paid time off through a PTO policy, or an Employer with a maximum of 5 Employees who provides a minimum of 40 hours per Year of unpaid time off, that can be

used under the same provisions of this Chapter, is not required to provide additional Sick Time.

- L. Sick Time will begin to accrue for Employees who are employed on the date this ordinance takes effect on the effective date. New Employees shall begin accruing Sick Time on commencement of employment.
- M. An Employer with a Sick Leave or PTO policy in effect that provides the Employee with accrual of Sick Time that equals or exceeds the requirements of this Section is compliant with this section.

**9.01.040 Use of Sick Time.**

- A. An Employee becomes eligible to use Sick Time when he or she has worked for an employer within the geographic boundaries of the City for at least 240 hours in a Year. Once an Employee becomes eligible to use Sick Time he or she remains eligible regardless of the number of hours worked for that employer in subsequent Years.
- B. An Employee may use Sick Time for the following qualifying absences:
  - 1. Diagnosis, care, or treatment of the Employee's, or the Employee's Family Member's, mental or physical illness, injury or health condition including, but not limited to, pregnancy, childbirth, post-partum care and preventive medical care;
  - 2. Purposes described in ORS 659A.272 Domestic Violence, Harassment, Sexual Assault or Stalking.
  - 3. An absence from work due to:
    - a. Closure of the Employee's place of business, or the school or place of care of the Employee's child, by order of a public official due to a public health emergency;
    - b. Care for a Family Member when it has been determined by a lawful public health authority or by a Health Care Provider that the Family Member's presence in the community would jeopardize the health of others; or
    - c. Any law or regulation that requires the Employer to exclude the Employee from the workplace for health reasons.
- C. An Employee may use Sick Time:
  - 1. In increments of one hour, unless a lesser time is allowed by the Employer. Where it is physically impossible for an Employee to commence or end work part way through a shift, the entire time an Employee is forced to be absent may be counted against an Employee's Sick Time.
  - 2. To cover all or part of a shift.
  - 3. To cover a maximum of 40 hours per Year, unless otherwise allowed by the Employer or as provided by law.



- D. An Employee may not use Sick Time:
1. If the Employee is not scheduled to work in the City on the shift for which leave is requested; or
  2. During the first 90 calendar days of employment, unless the Employer allows use at an earlier time.
- E. Except as allowed under subsection 9.01.040 G, An Employee, when absent from work for a qualifying reason under subsection 9.01.040 B, shall use accrued Sick Time hours on the first day and each subsequent day of absence until all accrued time has been used.
- F. An Employer may not require the Employee to:
1. Search for or find a replacement worker as a condition of the Employee's use of Sick Time.
  2. Work an alternate shift to make up for the use of Sick Time.
- G. If the Employer allows shift trading, and if an appropriate shift is available, then the Employer shall allow the Employee to trade shifts instead of using Sick Time.
- H. Employers shall establish a written policy or standard for an Employee to notify the Employer of the Employee's use of Sick Time, whether by calling a designated phone number or by using another reasonable and accessible means of communication identified by the Employer for the Employee to use.
- I. The Employee shall notify the Employer of the need to use Sick Time, by means of the Employer's established policy or standard, before the start of the employees scheduled work shift or as soon as practicable.
- J. When the need to use Sick Time is foreseeable, the Employee shall provide notice to the Employer by means of the Employer's established policy or standard as soon as practicable, and shall make a reasonable effort to schedule the Sick Leave in a manner that does not unduly disrupt the operations of the Employer. The Employee shall inform the Employer of any change to the expected duration of the Sick Leave as soon as practicable.
- K. For absences of more than 3 consecutive days, an Employer may require reasonable documentation that Sick Time has been used for one of the purposes listed in Subsection 9.01.040 AB, including but not limited to:
1. Documentation signed by a licensed Health Care Provider,
  2. Documentation for victims of domestic violence, harassment, sexual assault or stalking as provided in ORS 659A.280 (4), or
  3. A signed personal statement that the Sick Leave was for a purpose covered by Subsection 9.01.040 B.
- L. If an Employer chooses to require documentation of the purpose for the use of Sick Time, the Employer shall pay the cost of any verification by the Health Care Provider that is not covered by insurance or another benefit plan as provided in ORS 659A.168 (2).

- M. Employers suspecting Sick Leave abuse, including patterns of abuse, may require documentation from a licensed Health Care Provider verifying the Employee's need for leave at the Employee's expense. Indication of patterns of abuse may include but are not limited to, repeated use of unscheduled Sick Time on or adjacent to weekends, holidays, or vacation, pay day, or when mandatory shifts are scheduled.
- N. Nothing in this Chapter requires an Employer to compensate an Employee for accrued unused Sick Time upon the Employee's termination, resignation, retirement, or other separation from employment.
- O. An Employer with a Sick Time or PTO policy in effect that provides the Employee with use of Sick Leave that equals or exceeds the requirements of this Section is compliant with this section.

**9.01.050 Exercise of Rights Protected; Retaliation Prohibited.**

- A. It shall be unlawful for an Employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Chapter.
- B. An Employer shall not take Retaliatory Personnel Action or discriminate against an Employee because the Employee has exercised rights protected under this Chapter.
- C. Retaliatory Personnel Action shall not be taken against any person who mistakenly, but in good faith, alleges violations of this Chapter.
- D. It shall be a violation for an Employer's absence control policy to count earned Sick Leave covered under this Chapter as an absence that may lead to or result in an adverse employment action against the Employee.

**9.01.060 Notice and Posting.**

- A. Employers shall provide and post notice of Employee rights under this Chapter. The notice shall be in English and other languages used to communicate with the Employer's workforce. The City may contract with the Bureau of Labor and Industries to create and disseminate the required poster. The City shall provide a template for the notice.
- B. In addition to providing Employees with written notice, Employers may comply with posting requirements of this section by displaying a poster in a conspicuous and accessible place in each establishment where Employees are employed. ,.
- C. An Employer who knowingly violates the notice and posting requirements of this section may be subject to a civil fine as provided in administrative rules.
- D. Fines shall not be assessed against any Employer who mistakenly, but in good faith, violates this Section.

**9.01.070. Employer Records.**

Employers shall retain records documenting hours worked, and Sick Time accrued and used by Employees, for a period of at least two years as required by ORS 653.045(1). Employers shall allow access to such records by BOLI or other agency authorized to enforce this Chapter.

**9.01.080 Administrative Rules Implementing this Chapter.**

- A. The City Attorney may adopt rules, procedures and forms to assist in the implementation of the provisions of this Chapter.
- B. All rules adopted to implement this Chapter shall be subject to a public review process.
- C. Not less than ten or more than thirty days before such public review process, a notice shall be published in a newspaper of general circulation and sent to stakeholders who have requested notice. The notice shall include the place and time, when the rules will be considered and the location at which copies of the full text of the proposed rules may be obtained.
- D. The duration of public review process shall be a minimum of 21 calendar days from the date of notification for written comment.
- E. During the public review process a designee of the City shall hear testimony or receive written comment concerning the proposed rules.
- F. The City shall review and consider the comments received during the public review process, and shall either adopt, modify, or reject the proposed rules.
- G. All initial rules shall be effective January 1<sup>st</sup>, 2014, and all subsequent rules shall be effective 30 days after adoption by the City Attorney and shall be filed in the office of the City Auditor.
- H. Notice of changes in Administrative Rules shall be published in a newspaper of general circulation, sent to stakeholders who have requested notice and posted on the BOLI and City web sites.

**9.01.090 Enforcement.**

- A. The City may contract with BOLI to enforce this Chapter.
- B. Pursuant to agreement between BOLI and the City, enforcement may be governed by the procedures established pursuant to ORS 659A.800 *et. seq.*, ORS. Chapter 652 or ORS Chapter 653, or such other procedures as may be agreed upon by BOLI and the City. Rules adopted by the City pursuant to Section 9.01.090 of this Chapter may also be used to implement enforcement and administration of this Chapter.

- C. Pursuant to agreement between BOLI and the City, any person claiming to be aggrieved by an unlawful employment practice under this Chapter may file a complaint with BOLI under procedures established under ORS 659A.820, ORS Chapter 652 or ORS Chapter 653, or such other procedures as BOLI or the City may establish for taking complaints which shall include options for resolution of complaints through such means as mediation.
- D. Pursuant to agreement, BOLI shall have the same enforcement powers with respect to the rights established under this Chapter as are established under ORS 659A.820 *et. seq.*, ORS Chapter 652 and ORS Chapter 653, and if the complaint is found to be justified, the complainant may be entitled to any remedies provided under ORS 659A.850 *et. seq.*, ORS Chapter 652 and ORS Chapter 653 and their implementing regulations and any additional remedies, provided that those remedies are specified in the agreement between the City and the BOLI Commissioner.
- E. Any person claiming to be aggrieved by a violation of this Chapter shall have a cause of action for damages and such other remedies as may be appropriate. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be handled as provided for in ORS 659A.870 *et. seq.* The court may grant such relief as it deems appropriate.

**9.01.100 Confidentiality and Nondisclosure.**

- A. If the Employer obtains health information about an Employee or Employee's Family Member, such information shall be treated as confidential to the extent provided by law.
- B. All records and information kept by an Employer regarding an Employee's request or use of Sick Time under subsection 9.01.040 (A)(2) shall be confidential as described in ORS 659A.280(5).

**9.01.110 Other Legal Requirements.**

This Chapter provides minimum requirements pertaining to Sick Time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use by Employees of Sick Time, whether paid or unpaid, or that extends other protections to Employees.

**9.01.120 Public Education and Outreach.**

The City shall develop and implement an outreach program to inform Employers and Employees about the requirements for Sick Time under this Chapter.

**9.01.130 Severability.**

If any provision of this Chapter or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or application of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable.

**9.01.140 Application.**

This Chapter is effective January 1, 2014.





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### City of Seattle Legislative Information Service

*Information retrieved on July 5, 2012 10:44 AM*

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**Council Bill Number: 117216**

**Ordinance Number: 123698**

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AN ORDINANCE relating to employment in Seattle; adding a new chapter 14.16 to the Seattle Municipal Code; establishing minimum standards for the provision of paid sick and paid safe time; prescribing penalties, remedies and enforcement procedures; amending Section 3.14.931 of the Seattle Municipal Code; and requesting a post- implementation assessment from the Seattle Office for Civil Rights.

**Status:** Passed as amended

**Date passed by Full Council:** September 12, 2011

**Vote:** 8-1 (No: Conlin)

**Date filed with the City Clerk:** September 23, 2011

**Date of Mayor's signature:** September 23, 2011

[\(about the signature date\)](#)

**Date introduced/referred to committee:** June 27, 2011

**Committee:** Housing, Human Service, Health, and Culture

**Sponsor:** LICATA; CO-SPONSOR GODDEN

**Committee Recommendation:** Pass as amended

**Date of Committee Recommendation:** August 10, 2011

**Committee Vote:** 4 (Licata, Clark, Godden, O'Brien) - 0 - 1 (Abstain: Conlin)

**Index Terms:** LABOR, HEALTH-CARE, BUSINESS-ORGANIZATION

**Fiscal Note:** [Fiscal Note to Council Bill 117216](#)

**Electronic Copy:** [PDF scan of Ordinance No. 123698](#)

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**Text**

AN ORDINANCE relating to employment in Seattle; adding a new chapter 14.16 to the Seattle Municipal Code; establishing minimum standards for the provision of paid sick and paid safe time; prescribing penalties, remedies and enforcement procedures; amending Section 3.14.931 of the Seattle Municipal Code; and requesting a post- implementation assessment from the Seattle Office for Civil Rights.

WHEREAS, A large number of workers in the city of Seattle will at some time during the year need temporary time off from work to take care of their own or their family members' health needs or their own or their family members' safety or other needs resulting from domestic violence, sexual assault, or stalking; and

WHEREAS, many workers do not have access to any paid leave for sick or safe days or have an inadequate number of paid sick or safe days;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council makes the following findings:

When workers have no paid sick leave or an inadequate amount available to them, they are more likely to come to work when they or their family members are sick. Workers who are



compensated through tips still have a financial incentive to work when ill, even if they do have paid leave. Absent the proper care needed for treatment or recovery, the ill worker's or ill family member's health problems may intensify or be prolonged.

Employees who come to work when they are sick are likely to expose other employees, customers, and members of the public to infectious diseases, such as the flu.

Workers with no paid sick leave, or an inadequate amount to take time off to care for a sick child, are likely to send sick children to school or a child care center, thereby potentially spreading contagious illnesses.

Family economic security is at risk for workers who lack adequate paid sick leave because workers who lack paid sick leave lose earnings if they miss work to care for themselves, their children, or other family members who are ill or injured.

Victims of domestic violence, sexual assault and stalking with no paid sick leave are less able to receive medical treatment, participate in legal proceedings and obtain other necessary services. In addition, without paid sick leave, domestic violence victims are less able to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries.

Paid sick and safe days will promote the safety, health and welfare of the people of the City of Seattle by reducing the chances that worker's illnesses will intensify or be prolonged, by reducing the exposure of co-workers and members of the public to infectious diseases, and by reducing the exposure of children at schools and day cares to infectious diseases; resulting in a healthier and more productive workforce, better health for older family members and children, enhanced public health and improved family economic security.

Paid sick and safe days will enable victims of domestic violence, sexual assault and stalking and their family members to participate in legal proceedings, receive medical treatment, or obtain other necessary services and, thus, to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries.

Through the collective bargaining process, employers and represented workers can develop alternative means of meeting the policy goals underlying the paid leave requirements established by this ordinance.

To safeguard the public welfare, health, safety, and prosperity of the city of Seattle, all persons working in our community should have access to adequate paid sick and safe leave, because doing so will ensure a more stable workforce in our community, thereby benefiting workers, their families, employers, and the community as a whole.

Section 2. A new Chapter 14.16 "Paid Sick Time and Paid Safe Time" is added to Title 14 of the Seattle Municipal Code as follows:

14.16.010. Definitions

For purposes of this chapter

A. "Adverse action" means the discharge, suspension, discipline, transfer, demotion or denial of promotion by an employer of an employee for any reason prohibited by 14.16.040.

B. "Agency" shall mean the Seattle Office for Civil Rights.

C. "Business" and "engaging in business" has the same meanings as in Chapter 5.30.

D. "City" shall mean the City of Seattle.

E. "City department" means any agency, office, board or commission of the City, or any Department employee acting on its behalf, but shall not mean a public corporation chartered under Ordinance 103387, or its successor ordinances, or any contractor, consultant, concessionaire or lessee.

F. "Charging party" means the person aggrieved by an alleged violation of this chapter or the person making a charge on another person's behalf, or the Director when the Director files a charge.

G. "Commission" means the Seattle Human Rights Commission.

H. "Director" means the Director of the Office for Civil Rights.

I. "Eating and/or drinking establishment" means a place where food and/or beverages are prepared and sold at retail for immediate consumption either on- or off-premise, but excludes food and beverage service sites, such as cafeterias, that are accessory to other activities and primarily serve students, patients and/or on-site employees.

J. "Employee" shall mean any individual employed by an employer, and shall include traditional employees, temporary workers, and part-time employees. Individuals performing services under a work study agreement are not covered by this chapter. Employees are covered by this chapter if they perform their work in Seattle. An employee who performs work in Seattle on an occasional basis is covered by this chapter only if he performs more than 240 hours of work in Seattle within a calendar year. An employee who is not covered by this Chapter is still included in any determination of the size of the employer. In the event that a temporary employee is supplied by a staffing agency or similar entity, absent a contractual agreement stating otherwise, that individual shall be deemed to be an employee of the staffing agency for all purposes of this chapter, except as provided in subsection 14.16.010.T.4.b.

K. "Employer" shall mean, as defined in subsection 14.04.030.K, any person who has one or more employees, or the employer's designee or any person acting in the interest of such employer. Employer size shall be determined as provided in subsection 14.16.010.T. For purposes of this act, "employer" does not include any of the following:

1. The United States government;

2. The State of Washington, including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary;

3. Any county or local government other than the City.

L. "Employment agency" or "staffing agency" means any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place individuals with an employer or in employment.

M. "Full-time equivalent" shall mean the number of hours worked for compensation that add up to one full-time employee, based either on an eight-hour day and a five-day week or as full-time is defined, in writing or in practice, by the employer.

N. "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 the relevant law.

O. "Paid sick time" and/or "paid sick days" shall mean accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in 14.16.030.A.1 of this chapter, for which time an employee shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken. Employees are not entitled to compensation for lost tips or commissions and compensation shall only be required for hours that an employee is scheduled to have worked.

1. For purposes of determining eligibility for "paid sick time," "family member" shall mean, as defined in the Washington Family Care Act, RCW 49.12.265 and 49.12.903, as follows:

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

b. "Grandparent" means a parent of a parent of an employee.

c. "Parent" means 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.

d. "Parent-in-law" means a parent of the spouse of an employee.

e. "Spouse" means husband, wife or domestic partner. For purposes of this chapter, the terms spouse, marriage, marital, husband, wife, and family shall be interpreted as applying equally to city or state registered domestic partnerships or individuals in city or state registered domestic partnerships as well as to marital relationships and married persons to the extent that such interpretation does not conflict with federal law. Where necessary to implement this chapter,

gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in city or state registered domestic partnerships.

P. "Paid safe time" and/or "paid safe days" shall mean accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in 14.16.030.A.2, for which time an employee shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken.

1. For the purposes of determining eligibility for "paid safe time":

a. "Family or household members" shall mean, as defined in RCW 49.76.020, spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

b. "Domestic violence" shall mean:

1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;

2) sexual assault of one family or household member by another; or

3) stalking, as defined below in subsection 14.16.010.P.1.c, of one family or household member by another family or household member.

c. "Stalking" shall be defined as in RCW 9A.46.110,

d. "Dating relationship" shall mean, as defined in RCW 49.76.020, a social relationship of a romantic nature.

e. "Sexual assault" shall be defined as in RCW 49.76.020.

Q. "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging a violation of this chapter, the person alleged or found to have committed a violation of this chapter and the Office for Civil Rights.

R. "Person," as used in this chapter, includes one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, firm, institution, or any

group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any department, office, agency or instrumentality of the City.

S. "Respondent" means any person who is alleged or found to have committed a violation of this chapter.

T. "Tier One," "Tier Two," and "Tier Three" employers are defined as follows:

1. "Tier One employer" shall mean an employer that employs more than 4 and fewer than 50 full-time equivalents on average per calendar week.
2. "Tier Two employer" shall mean an employer that employs at least 50 and fewer than 250 full-time equivalents on average per calendar week.
3. "Tier Three employer" shall mean an employer that employs 250 or more full-time equivalents on average per calendar week.
4. The determination of employer tier for the current calendar year will be calculated based upon the average number of full-time equivalents paid for per calendar week during the preceding calendar year for any and all weeks during which at least one employee worked for compensation. To determine the number of full-time equivalents, all compensated hours of all employees shall be counted, including:
  - a. work performed outside of the City; and
  - b. compensated hours made available by part-time employment, temporary employment or through the services of a temporary services or staffing agency or similar entity.
5. For employers that did not have any employees during the previous calendar year, the employer tier will be calculated based upon the average number of full-time equivalents paid for per calendar week during the first 90 calendar days of the current year in which the employer engaged in business.

#### 14.16.020. Accrual of Paid Sick Time and Paid Safe Time

A. All employees of Tier 1, Tier 2 and Tier 3 employers have the right to paid sick time and paid safe time as provided in this section.

B. Employees shall accrue paid time, to be used as either paid sick or safe time, as follows:

1. Employees of a Tier One or Tier Two employer shall accrue at least one hour of paid time for every 40 hours worked.
2. Employees of a Tier Three employer shall accrue at least one hour of paid time for every 30 hours worked.

C. No Tier One employer shall be required to allow an employee to use a combined total of paid sick time and paid safe time exceeding 40 hours in a calendar year. No Tier Two employer shall be required to allow an employee to use a combined total of paid sick time and paid safe time exceeding 56 hours in a calendar year. No Tier Three employer shall be required to allow an employee to use a combined total of paid sick time and paid safe time exceeding 72 hours in a calendar year.

D. In the case of employees who are exempt from overtime payment under section 213(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. section 201 et seq.) (hereinafter referred to as "FLSA" exempt employees), no employer shall be required to accrue leave for such employees for hours worked beyond a 40-hour work week. If their normal work in a work week is less than 40 hours, paid sick time and paid safe time accrues based upon that employee's normal work week.

E. Paid sick time and paid safe time as provided in this section shall begin to accrue at the commencement of employment. For individuals who are employed on the date this ordinance takes effect, accrual shall begin on the date this ordinance takes effect. Accrual rates shall not apply to hours worked before this ordinance takes effect.

F. Except as provided in Section 14.16.090, employees shall be entitled to use accrued paid sick time or safe time beginning on the 180th calendar day after the commencement of their employment. When an employee is separated from employment and rehired within seven months of separation by the same employer, the previous period of employment shall be counted for purposes of determining the employee's eligibility to use accrued sick time or safe time under this subsection, provided that if separation does occur, the total time of employment used to determine eligibility must occur within two calendar years.

G. Unused paid sick time and paid safe time shall be carried over to the following calendar year; however, no Tier One employer shall be required to allow an employee to carry over a combined total of paid sick time and paid safe time in excess of 40 hours, no Tier Two employer shall be required to allow an employee to carry over a combined total of paid sick time and paid safe time in excess of 56 hours and no Tier Three employer shall be required to allow an employee to carry over a combined total of paid sick time and paid safe time in excess of 72 hours.

H. A Tier One or Tier Two employer with a combined or universal paid leave policy, such as a paid time off (PTO) policy, is not required to provide additional paid sick and safe leave, provided that:

1. Available paid leave may be used for the same purposes and under the same conditions as paid sick and safe time as set forth in Section 14.16.030; and
2. Paid leave is accrued at the rate consistent with subsection 14.16.020.B.1; and
3. Use of paid leave within any calendar year is limited to no less than the amounts specified respectively for Tier One and Tier Two employers in subsection 14.16.020.C; and

4. Any accrued but unused paid leave may be carried over to the following calendar year consistent with subsection 14.16.020.G.

I. A Tier Three employer with a combined or universal paid leave policy, such as a paid time off (PTO) policy, is not required to provide additional paid sick and safe leave, provided that:

1. Available paid leave may be used for the same purposes and under the same conditions as paid sick and safe time as set forth in Section 14.16.030; and

2. Paid leave is accrued at a rate consistent with subsection 14.16.020.B.2; and

3. Use of paid leave within any calendar year is limited to no less than 108 hours; and

4. Any accrued but unused paid leave may be carried over to the following calendar year; however no Tier Three employer with a combined or universal leave policy shall be required to carry over unused leave in excess of 108 hours.

J. Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick and safe time that has not been used.

K. If an employee is transferred to a separate division, entity, or location within the City, or transferred out of the City and then transferred back to a division, entity, or location within the City, but remains employed by the same employer, the employee is entitled to all paid sick and safe time accrued at the prior division, entity, or location and is entitled to use all paid sick and safe time as provided in this section.

L. When there is a separation from employment and the employee is rehired within 7 months of separation by the same employer, previously accrued paid sick and safe time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued paid sick and safe time and accrue additional sick and safe time immediately upon the re-commencement of employment, provided that the employee had previously been eligible to use paid sick and safe time. If there is a separation of more than 7 months, an employer shall not be required to reinstate accrued paid sick and safe time and for the purposes of this chapter the rehired employee shall be considered to have newly commenced employment.

M. Subject to terms and conditions established by the employer, the employer may, but is not required to, loan paid sick time and paid safe time to the employee in advance of accrual by such employee.

#### 14.16.030. Use of Paid Sick Time and Paid Safe Time

A. 1. Paid sick time shall be provided to an employee by an employer for the following reasons:

Item A.

a. An absence resulting from an employee's mental or physical illness, injury or health condition; to accommodate the employee's need for medical diagnosis care, or treatment of a mental or physical illness, injury or health condition; or an employee's need for preventive medical care;

b. To allow the employee to provide care of a family member with a mental or physical illness, injury or health condition; care of 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 preventive medical care.

2. Paid safe time shall be provided to an employee by an employer for the following reasons:

a. When the employee's place of business has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material,

b. To accommodate the employee's need to care for a child whose school or place of care has been closed by order of a public official for such a reason.

c. For any of the following reasons related to domestic violence, sexual assault, or stalking, as set out in RCW 49.76.030:

1) To enable the employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

2) To enable the employee to seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;

3) To enable the employee to obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

4) To enable the employee to obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or

5) To enable the employee to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

B. Paid sick time and paid safe time shall be provided upon the request of an employee. When possible, the request shall include the expected duration of the absence. An employer may require an employee to comply with the employer's usual and customary notice and procedural



requirements for absences and/or requesting leave, provided that such requirements do not interfere with the purposes for which the leave is needed.

1. If the paid leave is foreseeable, a written request shall be provided at least 10 days, or as early as possible, in advance of the paid leave, unless the employer's normal notice policy requires less advance notice;

2. If the paid leave is unforeseeable, the employee must provide notice as soon as is practicable and must generally comply with an employer's reasonable normal notification policies and/or call-in procedures, provided that such requirements do not interfere with the purposes for which the leave is needed.

C. For employees covered by the overtime requirements of the FLSA, accrued paid sick time and paid safe time may be used in hourly increments or smaller increments if an employer so designates. For FLSA exempt employees, an employer may make deductions of paid sick time and paid safe time in accordance with the FLSA. For FLSA exempt public employees, paid sick time and paid safe time must be used in accordance with a pay system established by statute, ordinance or regulation or by a policy or practice established pursuant to the principles of public accountability

D. When the use of accrued time is foreseeable, the employee shall make a reasonable effort to schedule the use of sick or safe time in a manner that does not unduly disrupt the operations of the employer.

E. For use of paid sick time of more than three consecutive days for a reason set out in subsection 14.16.030.A.1, an employer may require reasonable documentation that the sick time is covered by subsection 14.16.030.A.1. Documentation signed by a health care provider indicating that sick time is necessary shall be considered reasonable documentation. An employer may not require that the documentation explain the nature of the illness. For any employee who is not offered health insurance by the employer, the employer and the employee shall each pay half the cost of any out-of-pocket expense incurred by the employee in obtaining the employer-requested documentation. These expenses are limited to the cost of services provided by health care professionals, the services of health care facilities, testing prescribed by health care professionals and transportation to the location where such services are provided. An employee who has declined to participate in the health insurance program offered by his or her employer shall not be entitled to reimbursement for out-of-pocket expenses.

F. For use of "paid safe time" of more than three consecutive days for a reason set out in subsection 14.16.030.A.2,

1. an employer may require that requests under subsections 14.16.030.A.2.a and 14.16.030.A.2.b 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;

2. an employer may require that requests under subsection 14.16.030.A.2.c be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, and that the leave taken was for one of the purposes covered by subsection 14.16.030.A.2.c. As set out in RCW 49.76.040(4), an employee may satisfy this verification requirement by one or more of the following methods:

a. a police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

b. a court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking; or

c. documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this section does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection c; or

d. an employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes of subsection 14.16.030.A.2.c.

G. Upon mutual consent by the employee and the employer, an employee may work additional hours or shifts during the same or next pay period without using available paid sick or safe time for the original missed hours or shifts. However, the employer may not require the employee to work such additional hours or shifts. Should the employee work additional shifts, the employer shall comply with any applicable federal, state or local laws concerning overtime pay.

H. Nothing in this chapter shall be construed to prohibit an employer from establishing a policy whereby employees may voluntarily exchange assigned hours or "trade shifts".

I. When paid sick or safe time is requested by an employee who works in an eating and/or drinking establishment, the employer may offer the employee substitute hours or shifts. If the employee accepts the offer and works these substitute hours or shifts, the amount of time worked during the substitute period or the amount of time requested for sick and safe time, whichever is smaller, may be deducted from the employee's accrued sick and safe time. Should the employee work the substitute hours or shifts, the employer shall comply with any applicable federal, state or local laws concerning overtime pay. However, no employer is required to offer such substitute hours or shifts, and no employee is required to accept such hours or shifts if they are offered.

J. Nothing in this chapter shall be construed to prohibit an employer from establishing a policy whereby employees may donate unused accrued paid sick leave to another employee.

K. Each time wages are paid, employers shall provide, in writing, information stating an updated amount of paid time available to each employee for use as either sick time or safe time. Employers may choose a reasonable system for providing this notification, including, but not limited to, listing remaining available paid time on each pay stub or developing an online system where employees can access their own paid leave information.

#### 14.16.040. Exercise of Rights Protected; Retaliation Prohibited

A. It shall be a violation for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter.

B. It shall be a violation for an employer to take adverse action or to discriminate against an employee because the employee has exercised in good faith the rights protected under this chapter. Such rights include but are not limited to the right to use paid sick time and/or paid safe time pursuant to this chapter; the right to file a complaint with the Agency about any employer's alleged violation of this chapter; the right to inform his or her employer, union or similar organization, and/or legal counsel about an employer's alleged violation of this section; the right to cooperate with the Agency in its investigations of alleged violations of this chapter; the right to oppose any policy, practice, or act that is unlawful under this section; and the right to inform other employees of his or her potential rights under this section.

C. It shall be a violation for an employer's absence control policy to count paid sick or safe time covered under this chapter as an absence that may lead to or result in any adverse action taken against the employee.

D. The protections afforded under subsection 14.16.040.B shall apply to any person who mistakenly but in good faith alleges violations of this Section 14.16.040.

#### 14.16.050. Notice and Posting

A. Employers shall give notice that employees are entitled to paid sick time and paid safe time; the amount of paid sick and safe time and the terms of its use guaranteed under this chapter; that retaliation against employees who request or use paid sick and safe time is prohibited; and that each employee has the right to file a complaint or bring a civil action if paid sick time or paid safe time as required by this section is denied by the employer or the employee is retaliated against for requesting or taking paid sick time or paid safe time.

B. The Agency shall create and make available to employers a poster and a model notice, hereinafter referred to as the "Notice," which contains the information required under subsection A of this Section for their use in complying with this subsection. The poster shall be printed in English and Spanish and any other languages that the Agency determines are needed to notify employees of their rights under this chapter.

C. Employers may comply with this section by displaying the Agency's poster in a conspicuous and accessible place in each establishment where such employees are employed.

D. Employers may also comply with this section by including the Notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist, or by distributing a copy of the Notice to each new employee upon hiring. In either case, distribution may be accomplished electronically.

E. To meet the requirements of paragraph D of this section, employers may duplicate the text of the Notice or may use another format so long as the information provided includes, at a minimum, all of the information contained in that Notice.

F. An employer who willfully violates the notice and posting requirements of this section shall be subject to a civil fine in an amount not to exceed \$125 for the first violation and \$250 for subsequent violations.

#### 14.16.060. Employer Records

A. Employers shall retain records documenting hours worked by employees and paid sick time taken by employees, for a period of two years, and shall allow the Agency access to such records, with appropriate notice and at a mutually agreeable time, to investigate potential violations and to monitor compliance with the requirements of this chapter.

B. Employers shall not be required to modify their recordkeeping policies to comply with this section, as long as records reasonably indicate employee hours worked in Seattle, accrued paid sick and safe time, and paid sick and safe time taken. When an issue arises as to the amount of accrued paid sick time and/or paid safe time available to an employee under this chapter, if the employer does not maintain or retain adequate records documenting hours worked by the employee and paid sick and safe time taken by the employee, or does not allow the Agency reasonable access to such records, it shall be presumed that the employer has violated this chapter.

C. Records and documents relating to medical certifications, re-certifications or medical histories of employees or employees' family members, created for purposes of this chapter, are required to be maintained as confidential medical records in separate files/records from the usual personnel files. If the Americans with Disabilities Act (ADA) applies, then these records must comply with the ADA confidentiality requirements.

#### 14.16.070. Regulations

The Agency shall be authorized to coordinate implementation and enforcement of this chapter and shall promulgate appropriate guidelines or regulations for such purposes.

#### 14.16.080. Enforcement

A. Powers and duties

## 1. of Agency

a. The Agency shall receive, investigate, and pass upon charges alleging violations of this chapter as defined herein, conciliate and settle the same by agreement, and monitor and enforce any agreements or orders resulting therefrom or from a subsequent hearing thereon under and pursuant to the terms of this chapter; and shall have such powers and duties in the performance of these functions as are defined in this chapter and otherwise necessary and proper in the performance of the same and provided for by law. The Agency shall further assist other City agencies and departments upon request in effectuating and promoting the purposes of this chapter.

b. The Director of the Agency is authorized and directed to promulgate rules consistent with this chapter and the Administrative Code.

## 2. of Commission

The Seattle Human Rights Commission shall study, advise, and make recommendations for legislation on policies, procedures, and practices which would further the purposes of this chapter. The Commission shall hear appeals from the Director's determinations of no reasonable cause and, in cases involving respondents who are City departments, hear appeals from determinations of reasonable cause and the orders relating to the remedy thereof. It shall, where appropriate and necessary, in its judgment, hear and determine complaints jointly with the Hearing Examiner as provided in subsections 14.16.080.H and 14.16.080.I. The Commission shall have such powers and authority in carrying out these functions as are provided for by this chapter or otherwise established by law.

### B. Charge filing, timing, amendments, notice and investigation.

1. A charge alleging a violation of this chapter shall be in writing on a form or in a format determined by the Agency, and signed by or on behalf of a charging party, and shall describe the violation complained of and should include a statement of the dates, places and circumstances and the persons responsible for such acts and practices.

2. Whenever charges are made by or on behalf of a person claiming to be aggrieved, the person making the charge must provide the Director with the name, address and telephone number of the individual on whose behalf the charge is made. Thereafter, the Director shall verify the authorization of such charge by the person on whose behalf the charge is made.

3. A charge shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the informational requirements necessary for processing.

4. A charge alleging a violation of this chapter or pattern of such violations may also be filed by the Director whenever the Director has reason to believe that any person has been engaged or is engaging in a violation of this chapter.

5. Charges filed under this chapter must be filed within 180 days after the occurrence of the alleged violation of this chapter with the Agency.

6. In addition to any relief authorized by this chapter, liability may accrue and an aggrieved person may obtain relief as provided in this chapter, including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful practices that have occurred during the charge filing period are similar or related to unlawful practices with regard to sick time or safe time that occurred outside the time for filing a charge.

7. The charging party or the Agency may amend a charge to cure technical defects or omissions; or to clarify and amplify allegations made therein; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original charge. For jurisdictional purposes, such amendments shall relate back to the date the original charge was first filed. The amendment must be filed within 180 days after the occurrence of the additional violation and/or retaliation and prior to the Agency's issuance of findings of fact and a determination with respect to the original charge. Such amendments may be made at any time during the investigation of the original charge so long as the Agency will have adequate time to investigate such additional allegations and the parties will have adequate time to present the Agency with evidence concerning such allegations before the issuance of findings of fact and a determination.

8. The Director shall cause to be served or mailed by certified mail, return receipt requested, a copy of the charge on the respondent within twenty (20) days after the filing of the charge and shall promptly make an investigation thereof.

9. The investigation shall be directed to ascertain the facts concerning the violation of this Chapter alleged in the charge, and shall be conducted in an objective and impartial manner.

10. During the investigation the Director shall consider any statement of position or evidence with respect to the allegations of the charge which the charging party or the respondent wishes to submit. The Director shall have authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed, and access to evidence for the purpose of examination and copying, and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

11. The Director may require a fact finding conference or participation in another process with the respondent and any of respondent's agents and witnesses and charging party during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues which can be resolved, and afford an opportunity to discuss or negotiate settlement. Parties may have their legal counsel present if desired.

C. Findings of fact and determination of reasonable cause or no reasonable cause.

1. The results of the investigation shall be reduced to written findings of fact and a determination shall be made by the Director that there is or is not reasonable cause for believing that a violation

of this chapter has been or is being committed, which determination shall also be in writing and issued with the written findings of fact. Where a City department is a respondent the Director shall issue such findings and determination only after having submitted proposed findings and determinations to the respondent and charging party for review and comment. With respect to the findings and determination, "issued" shall be defined as signed and dated by the Director.

2. The findings of fact and determination shall be furnished promptly to the respondent and charging party.

3. Once issued to the parties, the Director's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or in response to an order by the Seattle Human Rights Commission after an appeal taken pursuant to Section 14.16.080.D or 14.16.080.G provided, that the Director may correct clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the Director's own motion.

D. Determination of no reasonable cause -- Appeal from and dismissal.

If a determination is made that there is no reasonable cause for believing a violation of this chapter has been committed, the charging party shall have the right to appeal such determination to the Commission within 30 days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. Such statement shall state specifically the grounds on which it is based and the reasons the determination or order or both is in error. The Commission shall promptly deliver a copy of the statement to the Agency and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or remanding it to the Director with appropriate instructions. In considering such appeals the Commission shall only review whether the investigation was adequate and the Director's findings are supported by a preponderance of the evidence. The burden shall be on the charging party to demonstrate that the matter should be remanded to the Director. In the event no appeal is taken or such appeal results in affirmance, the determination of the Director shall be final and the charge deemed dismissed and the same shall be entered on the records of the Agency.

E. Determination of reasonable cause -- Conciliation and settlement of cases involving all respondents except City departments.

1. In all cases except a case in which a City department is the respondent, if a reasonable cause determination is made, the Director shall endeavor to eliminate the unlawful practice by conference, conciliation and persuasion. Conditions of settlement may include (but are not limited to) the elimination of the unlawful practice, hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership in a labor organization, or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed \$10,000. Any settlement agreement shall be reduced to writing and signed by the Director, the charging party and the respondent. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties.

2. In case of failure to reach an agreement and of conciliation and upon a written finding to that effect furnished to the charging party and respondent, except a case in which a City department is a respondent, the Director shall promptly cause to be delivered the entire investigatory file, including the charge and any and all findings made, to the City Attorney for further proceedings and hearing under this chapter pursuant to Section 14.16.080.H.

F. Determinations of reasonable cause -- Conciliation, settlement and conclusion of cases involving City departments as respondents.

In all cases in which a City department is a respondent:

1. A determination of reasonable cause by the Director shall be deemed a finding that an unlawful practice has been committed by respondent and is dispositive of this issue for all future proceedings under this chapter, unless appealed, reversed and remanded as provided in this chapter.

2. Within sixty days of a determination of reasonable cause, the Director shall confer with the parties and determine an appropriate remedy, which remedy may include (but is not limited to) hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, or such other action as will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed \$10,000. Such remedy shall be reduced to writing in an order of the Director.

3. The charging party must sign a release in the form and manner requested by the Department, releasing the City from further liability for acts giving rise to the charge in order to obtain the benefits of the remedy provided under this section and before payment can be made. Without such release, the Director's order with respect to the charging party's individual relief shall have no force and effect. In such event the Director shall notify the parties involved in writing.

4. In all cases where the remedy determined by the Director before or after any appeal includes a monetary payment which exceeds the sum of \$5,000, the charge or claim, the Director's determination, order, the charging party's signed release and such further documentation as may be required shall be presented to the City Council for passage by separate ordinance. If the City Council fails or refuses to appropriate the amount ordered by the Director within 90 days, the Director shall certify the case to the Hearing Examiner for a hearing to determine the appropriate monetary relief in the case which determination shall be final and binding upon the City.

5. Where the Director's order includes a monetary payment of \$5,000 or less, such payment shall be made under the authority and in the form and manner otherwise provided for by law for payment of such claims.

G. Appeals to the Commission from determinations of reasonable cause and orders of excess involving City departments as respondents.

In all cases in which a City department is a respondent:



1. The charging party or respondent may appeal the Director's order and determination of reasonable cause to the Commission within 30 days of the Director's order by filing a written statement of appeal with the Commission. Such statement shall state specifically the grounds on which it is based and the reasons the determination or order or both is in error.

2. The Commission shall promptly mail a copy of the statement to the Department and to the other party and shall promptly consider and act upon such appeal by either affirming the Director's determination or order or remanding it to the Director with appropriate instructions.

3. The filing of an appeal shall stay the enforcement of any remedy provided for in the Director's determination or order during the pendency of the appeal.

4. In such appeal, the Commission shall consider only the record submitted to it by the Department and written statements of positions by the parties involved and, in its discretion, oral presentation. The Commission shall reverse the Director's determination or order only upon a finding that it is clearly erroneous.

#### H. Complaint and hearing of cases with all respondents except City departments.

1. Following submission of the investigatory file from the Director in cases involving all respondents under 14.16.080.E, the City Attorney shall prepare a complaint against such respondent relating to the charge and facts discovered during the investigation thereof and prosecute the same in the name and on behalf of the Department and the City at a hearing before the Hearing Examiner sitting alone or with representatives of the Commission as provided in this chapter and to appear for and represent the interests of the Department and the City at all subsequent proceedings; provided, if the City Attorney determines that there is no legal basis for a complaint to be filed or for proceedings to continue, a statement of the reasons therefore shall be filed with the Department, charging party and the respondent.

2. The complaint shall be served on respondent in the usual manner provided by law for service of complaints and filed with the Seattle Hearing Examiner. A copy of such complaint shall be furnished to the charging party.

3. Within 20 days of the service of such complaint upon it, the respondent shall file its answer with the Hearing Examiner and serve a copy of the same on the City Attorney.

4. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a date for the hearing of such complaint and give notice thereof to the Commission, the City Attorney and respondent, and shall thereafter hold a public hearing on the complaint, which hearing shall commence no earlier than 90 days nor later than 120 days from the filing of the complaint, unless otherwise ordered by the Hearing Examiner.

5. After the filing of a complaint with the Hearing Examiner, it may be amended only with the permission of the Hearing Examiner, which permission shall be granted when justice will be served thereby and all parties are allowed time to prepare their case with respect to additional or

expanded charges which they did not and could not have reasonably foreseen would be in issue at the hearing.

6. The hearing shall be conducted by a Hearing Examiner from the Office of Hearing Examiner, or a hearing examiner pro tempore appointed by the Hearing Examiner from a list approved by the Commission, sitting alone or with representatives of the Commission if any are designated. Such hearings shall be conducted in accordance with SMC Chapter 3.02 and the Hearing Examiner rules applicable to cases brought under this Title 14.

7. The Commission, within 30 days after notice of the date of hearing from the Hearing Examiner, at its discretion, may appoint two of its members who have not otherwise been involved in the charge, investigation, fact finding, or other resolution and proceeding on the merits of the case, who have not formed an opinion on the merits of the case, and who otherwise have no pecuniary, private or personal interest or bias in the matter, to hear the case with the Hearing Examiner. If the Commission has designated representatives they shall each have an equal vote with the Hearing Examiner, except the Hearing Examiner shall be the chairperson of the panel and make all evidentiary rulings. Should a question arise as to previous involvement, interest or bias of an appointed Commissioner, the Hearing Examiner shall resolve the issue in conformance with the law on the subject.

8. The review of all matters properly brought under this subsection 14.16.080.H shall be de novo. Nothing in this paragraph shall be construed to limit or prevent de novo review of matters brought before the Hearing Examiner (or the Hearing Examiner and members of the Commission as the case may be) under Sections 14.04.170, 14.06.110, 14.08.170, or 14.10.130.

#### I. Decision and order.

1. Within 30 days after conclusion of the hearing, the Hearing Examiner presiding at the hearing (or the Examiner and Commissioners as the case may be) shall prepare a written decision and order. The final decision shall be filed as a public record with the City Clerk, and copies thereof mailed to each party of record and to the Agency.

2. Such decision shall contain a brief summary of the evidence considered and shall contain findings of fact, conclusions of law upon which the decision is based, and an order detailing the relief deemed appropriate, together with a brief statement of the reasons therefore.

3. In the event the Hearing Examiner (or a majority of the panel composed of the Examiner and Commissioners), determines that a respondent has committed a violation of this chapter, the Hearing Examiner (or panel majority) may order the respondent to take such affirmative action or provide for such relief as is deemed necessary to correct the practice, effectuate the purpose of this chapter, and secure compliance therewith, including but not limited to hiring, reinstatement, or upgrading with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership in a labor organization, or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed \$10,000. Back pay liability shall not accrue from a date more than 2 years prior to the initial filing of the charge.

4. Respondent shall comply with the provisions of any order affording relief and shall furnish proof of compliance to the Agency as specified in the order. In the event respondent refuses or fails to comply with the order, the Director shall notify the City Attorney of the same and the City Attorney shall invoke the aid of the appropriate court to secure enforcement or compliance with the order.

#### K. Violation -- Penalty.

It is unlawful for any person to willfully engage in an unfair practice under this chapter or willfully resist, prevent, impede or interfere with the Director or Hearing Examiner in the performance of their duties under this chapter, or to fail, refuse, or neglect to comply with any lawful order of the Director or Hearing Examiner. Conduct made unlawful by this section constitutes a violation subject to the provisions of Chapter 12A.02 of the Seattle Criminal Code (Ordinance 102843, as amended), and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed \$500.

#### 14.16.090. New Employers

The provisions of this Chapter shall not apply to Tier One and Tier Two employers until 24 months after the hire date of their first employee. For the purposes of this section, employer tier shall be calculated based upon the average number of full-time equivalents employed per calendar week during the first 90 calendar days following the hire date of their first employee.

#### 14.16.100. Confidentiality and Nondisclosure

A. Except as provided in subsection B of this section, an employer shall maintain the confidentiality of information provided by the employee or others in support of an employee's request for sick or safe days under this section, including health information and the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this act, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.

B. Information given by an employee may be disclosed by an employer only if it is

1. requested or consented to by the employee;
2. ordered by a court or administrative agency; or
3. otherwise required by applicable federal or state law.

#### 14.16.110. Encouragement of more generous sick time policies; no effect on more generous policies

A. Nothing in this chapter shall be construed to discourage or prohibit an employer from the adoption or retention of a paid sick and safe time policy more generous than the one required herein.

B. Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous sick and safe time to an employee than required herein.

C. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding paid sick or safe time or use of sick or safe time as provided under federal or Washington state law, or the Seattle Municipal Code.

#### 14.16.120. Waiver of the Provisions of the Chapter

The provisions of this chapter shall not apply to any employees covered by a bona fide collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

Any waiver by an individual of any provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

#### 14.16.130. Other Legal Requirements

This chapter provides minimum requirements pertaining to paid sick and safe time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use by employees of sick or safe time, whether paid or unpaid, or that extends other protections to employees; and nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor shall this chapter be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this chapter affecting such person.

Section 3. Consistent with the duties established for the Seattle Human Rights Commission in Section 2 of this ordinance, subsection 3.14.931.E of the Seattle Municipal Code, last amended by ordinance 118392, is amended as follows:

#### 3.14.931 Seattle Human Rights Commission -- Duties

\*\*\*

E. Hear appeals and hearings as set forth in Chapters 14.04, ~~(and)~~ 14.08, and 14.16 of the Seattle Municipal ~~(Court)~~ Code.

Section 4. Eighteen months after the effective date of this ordinance, the Seattle Office for Civil Rights and the Seattle Office of City Auditor will provide Council with a written evaluation of the impacts this ordinance has had on employees and employers. This evaluation will include an assessment of patterns and practices relating to shift swapping, the potential abuse of leave by employees who take time for other than the intended purposes, use of explicit waivers of the requirements of this ordinance in collective bargaining agreements, and of complaints and enforcement actions.

Section 5. This ordinance shall take effect on September 1, 2012.

Section 6. Severability. The several provisions of this ordinance are declared to be separate and severable and an order of any court of competent jurisdiction holding invalid any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or holding invalid the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and signed by me in open session in authentication of its passage this

\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

Monica Martinez Simmons, City Clerk

(Seal)

Ben Noble Leg - paid sick leave Sep 12, 2011 Version #6



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- [City Charter](#)
- [Municipal Archives](#)
- [All Resources](#)
- [Feedback](#)



# Paid Sick Leave

- 2013 Oregon Legislative Session
  - Senate Bill 801
  - House Bill 3390
- Connecticut
- City of Portland



# City of Portland

- Effective January 1, 2014
- Businesses within city and workers within city
- Paid leave: medium to large sized businesses
- Unpaid leave: small businesses
- Employees that work 240+ hours
  - One hour for every 30 hours worked
  - Maximum of 40 hours annually





# City of Portland

- Qualifying use of sick time defined
- Employer requirements for notice, posting and records
- Enforcement
  - Complaint based
  - Contract with Bureau of Labor and Industries (BOLI)





# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Work Session: Tri-Annual Report to City Council from Police Auditor

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Meeting Date: February 24, 2014  
Department: Office of the Police Auditor  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: B  
Staff Contact: Mark Gissiner  
Contact Telephone Number: 541-682-5005

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#### **ISSUE STATEMENT**

The Police Auditor is appearing before the City Council to discuss the activities of the Police Auditor's Office.

#### **BACKGROUND**

The Eugene City Council is the hiring authority for the Police Auditor. Tri-annually the Police Auditor provides and discusses issues involving the Police Auditor's Office.

#### **RELATED CITY POLICIES**

Eugene Charter and Police Auditor Ordinances

#### **COUNCIL OPTIONS**

Offer comments and questions.

#### **CITY MANAGER'S RECOMMENDATION**

Not applicable.

#### **FOR MORE INFORMATION**

Staff Contact: Mark Gissiner  
Telephone: 541-682-5005  
Staff E-Mail: [mark.a.gissiner@ci.eugene.or.us](mailto:mark.a.gissiner@ci.eugene.or.us)



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Public Forum

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Meeting Date: February 24, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 1  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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#### **ISSUE STATEMENT**

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

#### **SUGGESTED MOTION**

No action is required; this is an informational item only.

#### **FOR MORE INFORMATION**

Staff Contact: Beth Forrest  
Telephone: 541-682-5882  
Staff E-Mail: [beth.l.forrest@ci.eugene.or.us](mailto:beth.l.forrest@ci.eugene.or.us)



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Approval of City Council Minutes

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Meeting Date: February 24, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2A  
Staff Contact: Kris Bloch  
Contact Telephone Number: 541-682-8497

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#### **ISSUE STATEMENT**

This is a routine item to approve City Council minutes.

#### **SUGGESTED MOTION**

Move to approve the minutes of the February 10, 2014, Work Session, February 10, 2014, Meeting, and February 12, 2014, Work Session.

#### **ATTACHMENTS**

- A. February 10, 2014, Work Session
- B. February 10, 2014, Meeting
- C. February 12, 2014, Work Session

#### **FOR MORE INFORMATION**

Staff Contact: Kris Bloch  
Telephone: 541-682-8497  
Staff E-Mail: [kris.d.bloch@ci.eugene.or.us](mailto:kris.d.bloch@ci.eugene.or.us)





**ATTACHMENT A**

**MINUTES**

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**February 10, 2014  
5:30 PM**

**Councilors Present:** George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

**CITY COUNCIL WORK SESSION: Harris Hall**

**A. WORK SESSION: City Hall Rebuild Update**

Mayor Piercy convened the February 10, 2014 City Council work session. City Manager, Jon Ruiz introduced this topic and turned the floor over to the City’s Design and Construction Section Manager, Mike Penwell. Mr. Penwell introduced the members of the Rowell Brokaw Architecture team. They presented sketches of possible designs for phase 1 of the City Hall rebuild.

Councilors were asked to weigh in on various aspects of the project, which included art, public access, visibility, history and other items. Parking was also discussed in depth; surface vs. structured parking and some related revenue impacts.

ADJOURN: The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Michelle Mortensen,  
Deputy City Recorder



## ATTACHMENT B

## MINUTES

Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401

February 10, 2014  
7:30 PM

## CITY COUNCIL MEETING: Harris Hall

Mayor Piercy convened the February 10, 2014 City Council meeting.

1. PUBLIC FORUM – 26 people signed up to speak

1. Leonard Epstein – Urged Council to preserve Amazon Headwaters & restore LRAPA funding.
2. David Saul – Urged Council to protect the Amazon Headwaters.
3. Julia Olson – Expressed concerns about climate Change; asked Council to pass ordinance.
4. Robin Cassidy-Duran - February 16-22 is national stenographer/court reporter week.
5. Emily Heilbrun - Urged Council to please purchase Amazon Headwaters land.
6. Marli Miller – Noted the value of Amazon Headwaters; environmental area, education, etc.
7. John Koenig – Urged Council to please purchase and preserve Amazon Headwaters land.
8. Ethen Perkins - Urged Council to please purchase and preserve Amazon Headwaters land.
9. Tyson Stuber – Represented the Carpenters Union; expressed concerns about Capstone work.
10. Heather Sielicki – Urged Council to purchase and preserve the Amazon Headwaters land.
11. Debra McGee – Represented Occupy Interfaith; urged housing first model like Utah has.
12. Judy Berg - Urged Council to please purchase and preserve Amazon Headwaters land.
13. Melanie Letalik - Urged Council to please purchase and preserve Amazon Headwaters land.
14. Jennifer Yeh – RE: 955 Coburg Rd: a tentative agreement was reached.
15. Sue Prichard – RE: Single Family Code amendments; please preserve neighborhoods.
16. Sue Wolling – Expressed climate change concerns; she asked us to consider options.
17. Carolyn Jacobs - R1 code amendments need more attention.
18. Dean Hale – Expressed concerns about the Public Hearing process; asked for review.
19. Drix - He's happy to live in Eugene; offered ideas for Eugene Oregon bumper stickers.
20. Emily Fox – Researched Goal 5 requirements related to environmental areas/protection.
21. Dennis Hebert – He's happy the City voted to purchase Civic Stadium.
22. Aaron Noteboom – He represents Amber Benson and supports the negotiations underway.
23. Charlie Tebbutt - Urged Council to purchase and preserve the Amazon Headwaters land.
24. Sharon Blick - Urged Council to purchase and preserve the Amazon Headwaters land.
25. Bill Aspegren – He expressed concerns about the proposed R1 Code Amendments.
26. Michael Gannon - Urged Council to purchase and preserve the Amazon Headwaters land.

**MOTION AND VOTE:** Councilor Poling, seconded by Councilor Clark moved that we schedule the work session on Initiating the Process to Amend Metro Plan Diagram for 955 Coburg Rd. no later than April 9, 2014. **PASSED; 8:0.**

Councilor Evans requested more information about the Capstone Project violations. The City Manager indicated staff could provide some information about the types of violations and what is being done to address them. The City Manager also noted that other agencies such as BOLI and OSHA are also looking into allegations, concerns and complaints.

**2. CONSENT CALENDAR**

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Syrett moved to approve the Consent Calendar. **8:0 PASSED.**

**3. WORK SESSION/EXECUTIVE SESSION: Beverly Property**

The City Manager introduced this item and turned the floor over to Parks and Open Space Division Manager, Craig Carnagey. Mr. Carnagey presented a brief Power Point overview of the Beverly property and the status of the PROS bond fund. The presentation included a map of the area, how this property connects to other natural areas, how it can be accessed, the size of the parcel, discussion of a recent PUD permit application for this site, other acquisition work underway by parks staff in other areas of town, and the available, unencumbered funds from the PROS bond. Councilors expressed a desire to have more information. This item was moved to the February 19, 2014 City Council work session for more discussion.

**ADJOURN:** Meeting adjourned at 9:50 pm

Respectfully submitted,

Michelle Mortensen,  
Deputy City Recorder

## ATTACHMENT C

## MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**February 12, 2014  
12:00 PM**

**Councilors Present:** George Brown, Betty Taylor, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Councilors Absent: Alan Zelenka

CITY COUNCIL WORK SESSION - Harris Hall

Mayor Piercy convened the February 12, 2014 City Council work session.

**A. WORK SESSION/ACTION: Envision Eugene Implementation - An Ordinance Concerning Single Family Code Amendments for Accessory Buildings, Alley Access Lots and Secondary Dwellings, and for Protection Measures Specific to the University Area.**

Interim Planning Director, Carolyn Burke introduced this item and provided a recap of the previous work related to Envision Eugene, the public outreach and participation to date and the policy and plan changes that need to happen to move Eugene toward the new goals. Ms. Burke then turned the floor over to Senior Planner Alissa Hunter-Hansen, who presented Power Point slides describing the proposed changes and some visual representations of the kinds of impacts those changes may have on future development.

The proposed changes include improving compatibility standards citywide for

- Secondary dwelling units (SDU)
- Accessory buildings
- Existing alley lots
- Allow for new alley access lots
- Add University Area Interim Protection Measures

Councilor Clark requested to see 3 things addressed when this item comes back to Council for action: Setbacks, lot size and standards for appeals.

Council discussion:

- Great work by staff
- Concerns expressed about not counting SDU's in density
- Alley access lots happen so infrequently it's not worth amending the code
- Adjustment criteria too vague/arbitrary
- University Area Interim Protection Measures should be separated from other items
- Adopt Interim Protection Measures as soon as possible

Item 2.A.

- PDD staff need to come back to Council fairly quickly with an ordinance that addresses the remaining elements of the R-1 Low Density Residential Zone package
- We must look for ways to convert older houses into newer, more affordable housing

**MOTION AND VOTE:** Councilor Clark, seconded by Councilor Brown moved to have the City Manager bring back to Council a separate ordinance which on its own will accomplish the interim protection measures. **7:0 PASSED.**

**ADJOURN:** The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Michelle Mortensen,  
Deputy City Recorder

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Approval of Tentative Working Agenda

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Meeting Date: February 24, 2014  
Department: City Manager’s Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2B  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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#### **ISSUE STATEMENT**

This is a routine item to approve City Council Tentative Working Agenda.

#### **BACKGROUND**

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, “The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business.” Scheduling of this item is in accordance with the Council Operating Agreements.

#### **RELATED CITY POLICIES**

There are no policy issues related to this item.

#### **COUNCIL OPTIONS**

The council may choose to approve, amend or not approve the tentative agenda.

#### **CITY MANAGER’S RECOMMENDATION**

Staff has no recommendation on this item.

#### **SUGGESTED MOTION**

Move to approve the items on the Tentative Working Agenda.

**ATTACHMENTS**

A. Tentative Working Agenda

**FOR MORE INFORMATION**

Staff Contact: Beth Forrest  
Telephone: 541-682-5882  
Staff E-Mail: beth.l.forrest@ci.eugene.or.us



# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 20, 2014

<b>FEBRUARY 24</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. WS: Paid Sick Leave Ordinance		30 mins – CS/Cariaga
B. WS: Update from Police Auditor		30 mins – PA/Gissiner
C. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins

<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
3. Action: Ordinance Extending Sunset Date of Rest Stop Pilot Program		CAO/Klein

<b>FEBRUARY 26</b>	<b>WEDNESDAY</b>	<b>** NOTE: 5:30 PM BUDGET COMMITTEE MEETING ADDED **</b>
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<b>Noon</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences: Zelenka</b>	
A. WS: Integrated Pest Management		45 mins – PW/Finney
B. WS:		

<b>5:30 p.m.</b>	<b>Budget Committee Meeting</b>
<b>B/T Room, Library</b>	<b>Expected Absences:</b>
A. Budget Committee Deliberations	

<b>MARCH 5</b>	<b>WEDNESDAY</b>	<b>** NOTE: 6:00 PM BUDGET COMMITTEE MEETING ADDED **</b>
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<b>6:00 p.m.</b>	<b>Budget Committee Meeting</b>
<b>Harris Hall</b>	<b>Expected Absences:</b>
A. Budget Committee Deliberations	

<b>MARCH 6</b>	<b>THURSDAY</b>	<b>** NOTE: 5:30 PM BUDGET COMMITTEE MEETING ADDED **</b>
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<b>5:30 p.m.</b>	<b>Budget Committee Meeting</b>
<b>Harris Hall</b>	<b>Expected Absences:</b>
A. Budget Committee Deliberations	

<b>MARCH 10</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences: Taylor, Evans, Syrett</b>	
A. WS: Climate Recovery Ordinance		45 mins – CS/O'Sullivan
B. WS:		

<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences: Taylor, Evans, Syrett</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Annexation Resolution for Nordic Homes (A 14-1)		CS/Taylor
3. Action: Ordinance Providing for Withdrawal of Annexed Properties from Special Districts		PDD/Taylor
4. Committee Reports: Police Comm, Lane Metro, LTD (EmX), LWP, OMPOC, McKenzie Watershed		

A=action; PH=public hearing; WS=work session

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 20, 2014

<b>MARCH 11</b>	<b>TUESDAY</b>	<b>** NOTE: 6:00 PM BUDGET COMMITTEE MEETING ADDED **</b>
6:00 p.m.	<b>Budget Committee Meeting</b>	
Harris Hall	<b>Expected Absences:</b>	
A. Budget Committee Deliberations		

<b>MARCH 12</b>	<b>WEDNESDAY</b>	
Noon	<b>Council Work Session</b>	
Harris Hall	<b>Expected Absences: Taylor, Evans</b>	
A. WS: West Eugene EmX Update		45 mins – PW/Inerfeld
B. WS: Initiating Process to Amend Metro Plan Diagram for 955 Coburg Road		45 mins – PDD/Nystrom

COUNCIL BREAK: March 13, 2014 – April 9, 2014

<b>APRIL 9</b>	<b>WEDNESDAY</b>	
12:00 p.m.	<b>Council Work Session</b>	
Harris Hall	<b>Expected Absences:</b>	
A. WS: City Hall		90 mins – CS/Penwell

<b>APRIL 14</b>	<b>MONDAY</b>	
5:30 p.m.	<b>Council Work Session</b>	
Harris Hall	<b>Expected Absences:</b>	
A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC		30 mins
B. WS: MUPTe Revisions		60 mins - PDD/Braud

<b>7:30 p.m.</b>	<b>Council Meeting</b>	
Harris Hall	<b>Expected Absences:</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

<b>APRIL 16</b>	<b>WEDNESDAY</b>	
Noon	<b>Council Work Session</b>	
Harris Hall	<b>Expected Absences:</b>	
A. WS: South Willamette Street Improvement Plan		90 mins – PW/Henry

<b>APRIL 21</b>	<b>MONDAY</b>	
7:30 p.m.	<b>Council Public Hearing</b>	
Harris Hall	<b>Expected Absences:</b>	
1. PH:		

<b>APRIL 23</b>	<b>WEDNESDAY</b>	
Noon	<b>Council Work Session</b>	
Harris Hall	<b>Expected Absences:</b>	
A. WS: Striker Field Redesignation		45 mins – PW/Björklund
B. WS: Onsite Management of Multi-Unit Housing Facilities		45 mins – PDD/Laurence

<b>APRIL 28</b>	<b>MONDAY</b>	
5:30 p.m.	<b>Council Work Session</b>	
Harris Hall	<b>Expected Absences: Zelenka</b>	

A=action; PH=public hearing; WS=work session

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 20, 2014

- |   |               |
|---|---------------|
| A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager | 30 mins       |
| B. WS: Glass Recycling  | 45 mins - PDD |

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences: Zelenka**

- |   |            |
|---|------------|
| 1. Public Forum                                     |            |
| 2. Consent Calendar                                 |            |
| a. Approval of City Council Minutes                 | CS/Forrest |
| b. Approval of Tentative Working Agenda             | CS/Forrest |
| c. Approval of 2013 CDBG Reallocations              | PDD/Wisth  |
| 3. Action: 2014-15 Annual CDBG and HOME allocations | PDD/Wisth  |

**APRIL 30 WEDNESDAY**

**Noon Council Work Session**

- Harris Hall Expected Absences:**
- |  |                     |
|--|---------------------|
| A. WS: Urban Forestry Policy/Sidewalks | 45 mins – PW/Snyder |
|--|---------------------|

**MAY 12 MONDAY**

**5:30 p.m. Council Work Session**

- Harris Hall Expected Absences:**
- |   |                     |
|---|---------------------|
| A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC | 30 mins             |
| B. WS: MUPTC Revisions                                      | 60 mins - PDD/Braud |

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**

- |   |            |
|---|------------|
| 1. Public Forum   |            |
| 2. Consent Calendar   |            |
| a. Approval of City Council Minutes   | CS/Forrest |
| b. Approval of Tentative Working Agenda                                       | CS/Forrest |
| c. Ratification of MWMC FY 2014-15 Regional Wastewater Program Budget and CIP | PW/Huberd  |

**MAY 14 WEDNESDAY**

**Noon Council Work Session**

- Harris Hall Expected Absences:**
- |        |  |
|--------|--|
| A. WS: |  |
| B. WS: |  |

**MAY 19 MONDAY**

**7:30 p.m. Council Public Hearing**

- Harris Hall Expected Absences:**
- |        |  |
|--------|--|
| 1. PH: |  |
|--------|--|

**MAY 21 WEDNESDAY**

**Noon Council Work Session**

- Harris Hall Expected Absences:**
- |        |  |
|--------|--|
| A. WS: |  |
| B. WS: |  |

**MAY 27 TUESDAY**

**5:30 p.m. Council Work Session**

- Harris Hall Expected Absences:**
- |   |         |
|---|---------|
| A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager | 30 mins |
| B. WS:  |         |

A=action; PH=public hearing; WS=work session

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 20, 2014

**7:30 p.m.**                                      **Council Meeting**  
**Harris Hall**                                   **Expected Absences:**

1. Public Forum
2. Consent Calendar
  - a. Approval of City Council Minutes CS/Forrest
  - b. Approval of Tentative Working Agenda CS/Forrest

<b>MAY 28</b>	<b>WEDNESDAY</b>
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**Noon**    **Council Work Session**  
**Harris Hall**                                   **Expected Absences:**

- A. WS:
- B. WS:

<b>JUNE 9</b>	<b>MONDAY</b>
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**5:30 p.m.**                                      **Council Work Session**  
**Harris Hall**                                   **Expected Absences:**

- A. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed 30 mins
- B. WS:

**7:30 p.m.**                                      **Council Meeting**  
**Harris Hall**                                   **Expected Absences:**

1. Public Forum
2. Consent Calendar
  - a. Approval of City Council Minutes CS/Forrest
  - b. Approval of Tentative Working Agenda CS/Forrest

<b>JUNE 11</b>	<b>WEDNESDAY</b>
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**Noon**    **Council Work Session**  
**Harris Hall**                                   **Expected Absences:**

- A. WS:
- B. WS:

<b>JUNE 16</b>	<b>MONDAY</b>
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**7:30 p.m.**                                      **Council Public Hearing**  
**Harris Hall**                                   **Expected Absences:**

1. PH:

<b>JUNE 18</b>	<b>WEDNESDAY</b>
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**Noon**    **Council Work Session**  
**Harris Hall**                                   **Expected Absences:**

- A. WS:
- B. WS:

<b>JUNE 23</b>	<b>MONDAY</b>
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**5:30 p.m.**                                      **Council Work Session**  
**Harris Hall**                                   **Expected Absences:**

- A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager 30 mins
- B. WS:

**7:30 p.m.**                                      **Council Meeting**  
**Harris Hall**                                   **Expected Absences:**

1. Public Forum
2. Consent Calendar

A=action; PH=public hearing; WS=work session

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 20, 2014

- |   |            |
|---|------------|
| a. Approval of City Council Minutes       | CS/Forrest |
| b. Approval of Tentative Working Agenda   | CS/Forrest |
| 3. Public Hearing and Action: FY15 Budget | CS/Silvers |

<b>JUNE 25</b>	<b>WEDNESDAY</b>
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<b>Noon</b>	<b>Council Work Session</b>
<b>Harris Hall</b>	<b>Expected Absences:</b>
A. WS:	
B. WS:	

<b>JULY 9</b>	<b>WEDNESDAY</b>
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<b>12:00 p.m.</b>	<b>Council Work Session</b>
<b>Harris Hall</b>	<b>Expected Absences:</b>
A. WS:	
B. WS:	

<b>JULY 14</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC		30 mins
B. WS:		

<b>7:30 p.m.</b>	<b>Council Meeting</b>	
<b>Harris Hall</b>	<b>Expected Absences:</b>	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

<b>JULY 16</b>	<b>WEDNESDAY</b>
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<b>Noon</b>	<b>Council Work Session</b>
<b>Harris Hall</b>	<b>Expected Absences:</b>
A. WS:	
B. WS:	

<b>JULY 21</b>	<b>MONDAY</b>
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<b>7:30 p.m.</b>	<b>Council Public Hearing</b>
<b>Harris Hall</b>	<b>Expected Absences:</b>
1. PH:	

<b>JULY 23</b>	<b>WEDNESDAY</b>
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<b>Noon</b>	<b>Council Work Session</b>
<b>Harris Hall</b>	<b>Expected Absences: Taylor</b>
A. WS:	
B. WS:	

<b>JULY 28</b>	<b>MONDAY</b>
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<b>5:30 p.m.</b>	<b>Council Work Session</b>	
<b>Harris Hall</b>	<b>Expected Absences: Zelenka</b>	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		

A=action; PH=public hearing; WS=work session

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 20, 2014

**7:30 p.m.**

**Council Meeting**

**Harris Hall**

**Expected Absences: Zelenka**

1. Public Forum
2. Consent Calendar
  - a. Approval of City Council Minutes
  - b. Approval of Tentative Working Agenda

CS/Forrest

CS/Forrest

**JULY 30**

**WEDNESDAY**

**Noon**

**Council Work Session**

**Harris Hall**

**Expected Absences:**

- A. WS:
- B. WS:

COUNCIL BREAK: July 31, 2014 – September 8, 2014

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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Action: An Ordinance Extending the Sunset Date of the Permitted Overnight Sleeping (“Rest Stop”) Pilot Program Adopted by Ordinance No. 20517

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Meeting Date: February 24, 2014  
 Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
 Contact: Michael Wisth  
 Contact Telephone Number: 541-682-5540

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### ISSUE STATEMENT

The council is to take action on the proposed ordinance to extend the sunset date of a permitted overnight sleeping (“rest stop”) pilot program adopted by Ordinance No. 20517, which currently sunsets on March 31, 2014.

### BACKGROUND

On September 25, 2013, Ordinance No. 20517 was adopted concerning permitted overnight sleeping. Section 3 of that ordinance adopted a rest stop pilot program with a sunset date of March 31, 2014.

The opening of the first rest stop pilot site did not occur until December 1, 2013. In order to have sufficient time to evaluate the pilot program, and then take action to extend, amend or make permanent the pilot program, the council may extend the sunset date of the Rest Stop Pilot Program to October 1, 2014, matching the sunset date of Opportunity Village.

A public hearing for this item was held on February 18, 2014.

### RELATED CITY POLICIES

Eugene Code 4.815 Prohibited Camping and Eugene Code 4.816 Permitted Camping.

### COUNCIL OPTIONS

The council may choose to extend the sunset date of Ordinance No. 20517, or allow the amendment to sunset on March 31, 2013.

### CITY MANAGER’S RECOMMENDATION

The City Manager recommends extending the sunset date of Ordinance No. 20517 to October 1, 2014.

**SUGGESTED MOTION**

I move to adopt Council Bill 5109 extending the sunset date of Ordinance No. 20517 to October 1, 2014.

**ATTACHMENTS**

A. Proposed Ordinance

**FOR MORE INFORMATION**

Staff Contact: Michael Wisth, Community Programs Analyst

Telephone: 541-682-5540

Staff E-Mail: michael.c.wisth@ci.eugene.or.us



**ATTACHMENT A**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE EXTENDING THE SUNSET DATE OF THE PERMITTED OVERNIGHT SLEEPING (“REST STOP”) PILOT PROGRAM ADOPTED BY ORDINANCE NO. 20517.**

**The City Council of the City of Eugene finds as follows:**

**A.** On September 25, 2013, Ordinance No. 20517 was adopted concerning permitted overnight sleeping. Section 3 of that Ordinance adopted a permitted overnight sleeping (“rest stop”) pilot program with a sunset date of March 31, 2014.

**B.** The opening of the first rest stop pilot site did not occur until December, 2013. In order to have sufficient time to evaluate the pilot project, and then take action to extend, amend or make permanent the pilot, the sunset date should be extended to October 1, 2014.

**NOW, THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN** that the rest stop pilot program adopted in Section 3 of Ordinance No. 20517, shall sunset and be repealed on October 1, 2014, unless extended or made permanent by future Council action.

**Passed by the City Council this**  
\_\_\_\_\_ day of \_\_\_\_\_ 2014.

**Approved by the Mayor this**  
\_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

