



Legislation Passed October 23, 2018

The Tacoma City Council, at its regular City Council meeting of October 23, 2018, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 40140

A resolution authorizing an increase to the contract with Clean Energy, d.b.a. Clean Energy Corp., in the amount of \$100,000, plus applicable sales tax, for a total of \$299,500, budgeted from the Solid Waste Fund, for ongoing preventative maintenance of a compressed natural gas fueling facility at the Transfer and Recovery Center - Specification No. ES16-0546N.

[Shane Pettit, Assistant Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40141

A resolution authorizing an increase to the contract with Transpo Group USA Inc, in the amount of \$23,534.72, plus applicable sales tax, for a total of \$204,981.72, budgeted from the Transportation Capital Fund, to conduct a Right-of-Way survey and create As-Built plans for the location between Puyallup Avenue and East 72nd Street on Portland Avenue - Specification No. PW17-0391F.

[Mazedur Hossain, P.E., Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40142

A resolution authorizing the defeasance and redemption of Sewer Revenue and Refunding Bonds, Series 2006, and Sewer Revenue Refunding Bonds, Series 2011, and delegating the authority to approve the final terms of the bonds.

[Teresa Sedmak, City Treasurer; Andy Cherullo, Director, Finance]

Ordinance No. 28533

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement changes related to mandatory paid sick leave; changes in pay and compensation for employees represented by the Teamsters Local Union No. 117, General Unit; and other changes to nonrepresented classifications.

[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]



RESOLUTION NO. 40140

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600012338 with Clean Energy, d.b.a. Clean Energy Corp., in the
4 amount of \$100,000, plus applicable sales tax, for a cumulative total of
5 \$299,500, budgeted from the Solid Waste Fund, for ongoing preventative
6 maintenance of a compressed natural gas fueling facility at the Transfer
7 and Recovery Center, pursuant to Specification No. ES16-0546N.

8 WHEREAS the City has complied with all applicable laws and processes
9 governing the acquisition of those supplies, and/or the procurement of those
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That the Council of the City of Tacoma concurs with the Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 increase Contract No. 4600012338 with Clean Energy, d.b.a. Clean Energy Corp.,
20 in the amount of \$100,000, plus applicable sales tax, for a cumulative total of
21 \$299,500, budgeted from the Solid Waste Fund, for ongoing preventative
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1 maintenance of a compressed natural gas fueling facility at the Transfer
2 and Recovery Center, pursuant to Specification No. ES16-0546N,
3 consistent with Exhibit "A."
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5 Adopted _____
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8 Attest: Mayor

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11 City Clerk

12 Approved as to form:
13 _____
14 City Attorney

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RESOLUTION NO. 40141

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600013308 with Transpo Group USA Inc, in the amount of
4 \$23,534.72, plus applicable sales tax, for a cumulative total of
5 \$204,981.72, budgeted from the Transportation Capital Fund, to conduct
6 a Right-of-Way survey and create As-Built plans for the location between
7 Puyallup Avenue and East 72nd Street on Portland Avenue, pursuant to
8 Specification No. PW17-0391F.

9 WHEREAS the City has complied with all applicable laws and processes
10 governing the acquisition of those supplies, and/or the procurement of those
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the
14 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 Section 1. That the Council of the City of Tacoma concurs with the Board of
17 Contracts and Awards to adopt the recommendation for award as set forth in the
18 attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 increase Contract No. 4600013308 with Transpo Group USA Inc, in the amount of
21 \$23,534.72, plus applicable sales tax, for a cumulative total of \$204,981.72,
22 budgeted from the Transportation Capital Fund, to conduct a Right-of-Way survey
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1 and create As-Built plans for the location between Puyallup Avenue and East 72nd
2 Street on Portland Avenue, pursuant to Specification No. PW17-0391F, consistent
3 with Exhibit "A."
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5 Adopted _____
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8 Mayor

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11 City Clerk

12 Approved as to form:
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14 City Attorney

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RESOLUTION NO. 40142

1 A RESOLUTION of the City of Tacoma, Washington, authorizing the defeasance
2 and redemption of certain sewer revenue bonds of the City and certain
3 matters related thereto.

4 WHEREAS the City of Tacoma, Washington ("City"), now owns, operates,
5 and maintains a municipal sewer system, comprising Wastewater Management
6 and Surface Water Management ("System"), and

7 WHEREAS the City has issued and has outstanding the following sewer
8 revenue bonds and obligations:

9	10	11	12	13
Designation	Authorizing Documents	Date of Ordinance	Principal Amount Outstanding as of September 1, 2018	
13 Sewer Revenue and Refunding Bonds, 2006 (the "2006 Bonds")	14 Ordinance No. 27490 and Substitute Resolution No. 36895	15 5/16/2006 and 6/20/2006, respectively	16 \$ 5,000	
17 Sewer Revenue Refunding Bonds, 2011 (the "2011 Bonds")	18 Ordinance No. 28015 and Substitute Resolution No. 38334	19 9/20/2011 and 9/27/2011, respectively	20 \$ 34,315,000	

21 and

22 WHEREAS, based on the recommendation of City staff, the City Council
23 has determined that effecting the defeasance to maturity and/or the redemption of
24 the 2006 Bonds and the 2011 Bonds in the manner described herein is in the best
25 interest of the City; Now, Therefore,

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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Section 1. That the City Council hereby authorizes the use of revenues of the System for the purpose of refunding and defeasing the outstanding 2006 Bonds and paying costs associated with such refunding and defeasance. The City Council hereby further authorizes the use of revenues of the System for the purpose of effecting the defeasance to maturity and/or the first optional redemption date of the outstanding 2011 Bonds and paying costs associated with such defeasance and refunding.

Section 2. That the City Finance Director and Treasurer, or his or her designee (each, a "Designated Representative") are each hereby directed to cause the 2006 Bonds and the 2011 Bonds (together, the "Defeased Bonds") to be defeased to maturity and/or redeemed prior to their scheduled maturities. The Designated Representatives are each hereby directed to determine the date(s) the Defeased Bonds are to be defeased and/or redeemed, provided, that the date(s) fixed for defeasance shall occur no more than 90 days from the date this resolution is adopted. Notice of the defeasance and redemption of the Defeased Bonds shall be provided by the City or by U.S. Bank National Association, as bond registrar for the Defeased Bonds and escrow agent ("Escrow Agent"), in the manner provided in the applicable ordinances authorizing the issuance of the Defeased Bonds.

The revenues of the System authorized herein shall be deposited with the Escrow Agent pursuant to an escrow deposit agreement ("Escrow Agreement") to be used immediately upon receipt thereof to defease the Defeased Bonds as authorized by the ordinances authorizing the issuance of the Defeased Bonds and



1 to pay costs of such defeasance and refunding. The revenues deposited with the
2 Escrow Agent shall be used to defease the Defeased Bonds and discharge the
3 obligations thereon by holding such funds and cash and/or through the purchase of
4 certain government obligations (as defined in chapter 39.53 RCW) as described in
5 the Escrow Agreement (“Acquired Obligations”) bearing such interest and maturing
6 as to principal and interest in such amounts and at such times which, together with
7 any necessary beginning cash balance, provide for the payment of the principal of
8 and interest on the Defeased Bonds on each maturity date and/or redemption date.
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10 Said defeasance and call for redemption of the Defeased Bonds shall be
11 irrevocable after delivery of the Acquired Obligations and any necessary cash
12 balance to the Escrow Agent.

13 In order to carry out the purposes of this Section 2, each Designated
14 Representative is authorized and directed to execute and deliver to the Escrow
15 Agent. The signature of one Designated Representative shall be sufficient to bind
16 the City.
17

18 Section 3. That, if any provision in this resolution is declared by any court of
19 competent jurisdiction to be contrary to law, then such provision shall be null and
20 void and shall be deemed separable from the remaining provisions of this resolution
21 and shall in no way affect the validity of the other provisions of this resolution.
22

23 Section 4. That the Designated Representatives, each acting singly, and the
24 other officers, agents, and employees of the City shall be and each of them is
25 hereby authorized, empowered, and directed to execute and deliver such other
26 documents and agreements, and to take such other actions as in their judgment



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may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this resolution. All actions taken by the Designated Representatives and the other officers, agents, and employees of the City pursuant to or in anticipation of the authority of this resolution but prior to its effective date are hereby ratified, confirmed, and approved.

Section 5. That this resolution shall take effect immediately after its adoption.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Pacifica Law Group LLP
Bond Counsel to the City of Tacoma

By _____



ORDINANCE NO. 28533

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of
 2 the Tacoma Municipal Code to implement changes related to mandatory
 3 paid sick leave; implement rates of pay and compensation for employees
 4 represented by the Teamsters Local Union No. 117; and other changes to
 nonrepresented classifications to reflect the organizational structure; and
 declaring the effective dates thereof.

5 BE IT ORDAINED BY THE CITY OF TACOMA:

6 Section 1. That Chapter 1.12 of the Tacoma Municipal Code (“TMC”) is
 7 hereby amended, effective January 1, 2018, as set forth in the attached
 8 Exhibit “A.”
 9

10 Section 2. That Section 1.12.355 of the TMC is hereby amended, effective
 11 as provided by law, as follows:

Code	A	Job Title	1A	1B	1C	1D	2A	2B	2C	2D	3A	3B	3C
2106	A	Natural Resources Biologist Specialist I	32.45	32.86	33.27	33.69	34.11	34.54	34.97	35.41	35.85	36.30	36.75
			3D	4A	4B	4C	4D	5A	5B	5C	5D	6A	
			37.21	37.68	38.15	38.63	39.11	39.60	40.09	40.59	41.10	41.61	
Code	A	Job Title	1A	1B	1C	1D	2A	2B	2C	2D	3A	3B	3C
2089	A	Natural Resources Biologist Specialist II	37.14	37.60	38.07	38.55	39.03	39.52	40.01	40.51	41.02	41.53	42.05
			3D	4A	4B	4C	4D	5A	5B	5C	5D	6A	
			42.58	43.11	43.65	44.20	44.75	45.31	45.88	46.45	47.03	47.62	
Code	A	Job Title	1A	1B	1C	1D	2A	2B	2C	2D	3A	3B	3C
2094	A	Natural Resources Biologist Specialist III	42.70	43.23	43.77	44.32	44.87	45.43	46.00	46.58	47.16	47.75	48.35
			3D	4A	4B	4C	4D	5A	5B	5C	5D	6A	
			48.95	49.56	50.18	50.81	51.45	52.09	52.74	53.40	54.07	54.75	



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Code	A	Job Title	1A	1B	1C	1D	2A	2B	2C	2D	3A	3B	3C
5341	A	Fleet Manager, Assistant	39.84	40.34	40.84	41.35	41.87	42.39	42.92	43.46	44.00	44.55	45.11
			3D	4A	4B	4C	4D	5A	5B	5C	5D	6A	
			45.67	46.24	46.82	47.41	48.00	48.60	49.21	49.83	50.45	51.08	

Section 3. That Section 1.12.640 of the TMC is hereby amended, effective as provided by law, as follows:

1.12.640 Application of additional rates.

* * *

5365 An Animal Control & Compliance Officer (CSC 5365) will receive an application of rate of 3 percent per hour when assigned by a Supervisor and performing specific training and evaluation duties as outlined in the Letter of Agreement with the Teamsters Local Union No. 117, General Unit.

* * *

Section 4. That Section 1 is effective January 1, 2018. That Sections 2 and 3 are effective as provided by law.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

1 * * *

2 **1.12.230 Sick allowance with pay.**

3 * * *

4 2. Permissible Use of Paid Sick Leave.

5 a. Sick leave may be taken in tenths (0.10) of an hour increments.

6 b. Injury or illness of employee to such extent as to constitute a hazard to the safety or health of himself or herself or other employees.

7 c. Medical or dental care for the employee. Supervisors should attempt to accommodate appointments for care. Employees should attempt to schedule such appointments to minimize disruption to work.

8 d. Quarantine of employee due to exposure to a contagious disease.

9 e. On-the-job injuries during the first three days if not eligible for Workers' Compensation and as a supplement to Workers' Compensation after the 120-day supplementary on-the-job injury benefits provided under Section 1.12.090.

10 f. Death of a spouse, father, mother, foster parent, brother, sister, child, foster child, grandparents, or grandchildren of employee or relatives of the spouse of the employee in the same categories of relationship subject to the requirements of subsection B.5. hereinafter set forth.

11 g. Employees working shifts other than the regular Monday through Friday workweek shall be paid holiday pay plus paid sick leave when scheduled to work on a holiday and they are unable to work due to illness or injury. Such employees, when not scheduled to work on a holiday, shall not be entitled to paid sick leave therefor.

12 h. Preinduction physical for service in the Armed Forces.

13 i. Illness or disability due to pregnancy or conditions related thereto.

14 j. ~~Pursuant to RCW 49.12.270, effective January 1, 2003, sick leave may be used to care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent in law, or grandparent of the employee who has a serious health condition or an emergency condition, both (a) and (b) are subject to the requirements of subsection B.3 hereinafter set forth. For purposes of this section, the following definitions apply:~~

15 ~~(1) "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 18 years of age; or (b) 18 years of age or older and incapable of self care because of a mental or physical disability.~~

16 ~~(2) "Grandparent" means a parent of a parent of an employee.~~

17 ~~(3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.~~

18 ~~(4) "Parent in law" means a parent of the spouse of an employee.~~

19 ~~(5) "Spouse" means a person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy. Sick leave may be used to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. For purposes of this section, "family member" means any of the following:~~

20 ~~(1) A child, including a biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.~~



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(2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis to an employee when the employee was a minor child.

(3) A spouse.

(4) A registered domestic partner.

(5) A grandparent.

(6) A grandchild.

(7) A sibling.

k. Sick leave may be used when the employee’s assigned City work location has been closed by order of a public official for any health-related reason, or when an employee’s child's school or place of care has been closed by order of a public official.

* * *

D. ~~Incentive~~ Payments for Nonuse of Sick Leave Accruals.

1. An employee separated from the City service due to death or retirement for disability or length of service with attendant pension payments under any City employee pension system who does not qualify for a VEBA deposit under TMC Section 1.12.229 shall be compensated at a rate for the classification in which he or she was working on the date of separation to the extent of 25 percent of ~~his or her~~ accrued sick leave ~~accrual~~ hours.

* * *

1.12.231 Sick allowance with pay – Locomotive Engineer, ~~Railway Switch Operator, Railway Switching Supervisor~~ Railway Conductor, and Railway Yardmaster.

The following provisions apply to permanent full-time or permanent Extra Board employees of the Tacoma Municipal Belt Line Railway in the classifications of Locomotive Engineer, ~~Railway Switch Operator, Railway Switching Supervisor~~ Railway Conductor, and Railway Yardmaster.

* * *

D. Pursuant to RCW 49.12.270, effective January 1, 2003, sick leave may be used to care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent in law, or grandparent of the employee who has a serious health condition or an emergency condition. In the event of any such absence, a statement by the attending physician attesting to the nature and seriousness of said injury or illness shall be required if requested by the Superintendent. For purposes of this section, the following definitions apply:

(1) “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 18 years of age; or (b) 18 years of age or older and incapable of self care because of a mental or physical disability.

(2) “Grandparent” means a parent of a parent of an employee.

(3) “Parent” means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(4) “Parent in law” means a parent of the spouse of an employee.

(5) “Spouse” means a person legally married to a City employee and for purposes of this section includes an individual registered as the employee’s domestic partner under state law or City policy. Sick leave may be used to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. For purposes of this section, “family member” means any of the following:



1 (1) A child, including a biological, adopted, or foster child, a stepchild, or a child to whom the
2 employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or
3 dependency status.

4 (2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or
5 the employee's spouse or registered domestic partner, or a person who stood in loco parentis to an
6 employee when the employee was a minor child.

7 (3) A spouse.

8 (4) A registered domestic partner.

9 (5) A grandparent.

10 (6) A grandchild.

11 (7) A sibling.

12 E. Sick leave may be used when the employee's assigned City work location has been closed by
13 order of a public official for any health-related reason, or when an employee's child's school or
14 place of care has been closed by order of a public official.

15 ~~EF.~~ An employee separated from the City service due to death or retirement for disability or length
16 of service under Railroad Retirement Pension with attendant pension payments, who does not
17 qualify for a VEBA deposit under Section 1.12.229, shall be compensated to the extent of
18 25 percent of ~~his or her~~ accrued sick leave ~~accruals~~ hours. A permanent employee separated in good
19 standing from the City service for any other reason than death or retirement shall be compensated to
20 the extent of 10 percent of ~~his or her~~ accrued sick leave ~~accruals~~ up to a maximum accrual of
21 ~~120 days~~ 960 hours.

22 ~~FG.~~ Benefits under this section apply to nonoccupational injury or bona fide sickness of organic
23 origin and of sufficient severity to disable the employee; provided, that such nonoccupational injury
24 or sickness was not caused by the use of drugs or intoxicants, recklessness, gross negligence, or any
25 act contrary to law.

26 ~~GH.~~ In order to be granted benefits under this section, the employee must report to the proper
authority the reason for the absence and keep the Superintendent informed of his or her condition,
as appropriate. The Superintendent must be satisfied that the reason for the absence is legitimate,
and satisfactory evidence, including a verifying certificate of inability to work from a reputable
physician, may be required.

~~HI.~~ Bereavement leave of up to four working days will be allowed in case of employee's spouse,
father, mother, foster parent, grandparent, grandchild, brother, sister, child, or foster child, or
spouse's parent, brother, sister or grandparent. Each working day of such leave will be paid at the
employee's regular basic daily rate; provided, that if the employee has served in higher or lower
positions on temporary appointments, benefits shall be computed on the pay rate appropriate to the
class or position that the employee has worked on for the majority of time in the six-month period
immediately prior to the effective date of the sick leave taken. Bereavement leave may be charged
against the employee's sick leave accruals, if any. Employees must notify the Superintendent prior
to taking bereavement leave.

~~IJ.~~ Enforcement of Sick Leave Provisions.

1. Misrepresentation of any material facts in connection with paid sick leave by any employee shall
constitute grounds for suspension or discharge.

2. It shall be the responsibility of the Superintendent or his or her designated representative to:

a. Review all applications for sick leave and approve those which are bona fide and comply with
the provisions of this section. Employees still absent at the end of a pay period may be certified for



payment of sick leave by the Superintendent by his or her signing the payroll timecards, subject to the Superintendent's approval for sick leave pay immediately upon the employee's return to work.

1 b. Investigate any suspected abuse of sick leave.

2 c. Withhold approval of sick leave pay in the event of unauthorized use.

3 d. Initiate disciplinary action if, as a result of investigation, it is determined that an employee has been guilty of willful misrepresentation in a request for sick leave pay.

4 **1.12.232 Sick allowance with pay – LEOFF I Police and Fire personnel.**

* * *

5 **2. Use of Paid Sick Leave.**

6 a. Sick leave may be taken in tenths (0.10) of an hour increments.

7 b. In all cases when eligible, employees shall be placed on leave pursuant to RCW 41.26 and shall not be eligible to be paid for sick leave for an absence when there is eligibility to be paid for leave under RCW 41.26; however, without regard to payment:

8 (1) When such leave is determined to be not job-connected, the sick leave accruals shall be debited hour-for-hour for time absent from the scheduled shift;

9 (2) When such leave is determined to be job-connected, sick leave shall be debited for the date of injury and up to three days when the disability leave is less than 15 calendar days;

10 (3) If the job-connected leave exceeds 15 calendar days but less than 120 work days, sick leave shall be debited for the day of injury only. If the job-connected disability leave exceeds 120 work days, sick leave shall be debited one-half day for every work day missed in excess of 120 work days;

11 (4) If the officer who is on leave is not able to return to work at the end of the disability leave pursuant to RCW 41.26, that person shall be retired and paid off for any unused sick leave as provided herein. In no such event shall an officer be placed on sick leave.

12 c. Death of a spouse, father, mother, foster parent, brother, sister, child, foster child, grandparents or grandchildren of employee or relatives of the spouse of the employee in the same categories of relationship subject to the requirements of subsection B.6. hereinafter set forth.

13 d. Pursuant to RCW 49.12.270, effective January 1, 2003, sick leave may be used to care for: (a) A child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition, both (a) and (b) are subject to the requirements of subsection B.3 hereinafter set forth. For the purposes of this section, the following definitions apply:

14 (1) "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 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

15 (2) "Grandparent" means a parent of a parent of an employee.

16 (3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

17 (4) "Parent-in-law" means a parent of the spouse of an employee.

18 (5) "Spouse" means a person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy. Sick leave may be used to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. For purposes of this section, "family member" means any of the following:



1 (1) A child, including a biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

2 (2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis to an employee when the employee was a minor child.

3 (3) A spouse.

4 (4) A registered domestic partner.

5 (5) A grandparent.

6 (6) A grandchild.

7 (7) A sibling.

8 e. Sick leave may be used when the employee's assigned City work location has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed by order of a public official.

9 f. Pre-induction physical for service in the Armed Forces.

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10 **D. ~~Incentive~~ Payments for Nonuse of Sick Leave Accruals.**

11 1. An employee separated from the City service due to death or retirement for disability or length of
12 service with attendant pension payments under any City employee pension system, who does not
13 qualify for a VEBA deposit under TMC Section 1.12.229, shall be compensated at the rate in effect
14 at the time of retirement, for the classification in which he or she was working in on the date of
15 separation to the extent of 25 percent of ~~his or her~~ accrued sick leave ~~accruals~~ hours.

16 2. A regular or appointive employee separated in good standing from the City service for any other
17 reason who has a minimum of 10 days accrual shall be compensated at his or her regular
18 classification rate of pay to the extent of 10 percent of ~~his or her~~ accrued sick leave ~~accruals~~ hours
19 up to a maximum ~~accrual~~ of 120 days 960 hours. An employee separated from the City service due
20 to layoff may, upon reemployment from the eligible list or departmental reemployment list upon
21 which placed as provided in Section 1.24.900, have his or her sick leave accrual restored upon
22 repayment to the City of the 10 percent payment as herein provided. If appointed from other
23 employment lists within the two-year period of eligibility, such repayment may also apply.

24 3. Sick leave accruals for each Police and Fire service employee shall be redetermined as of
25 April 30, 1989. Such accruals shall be redetermined by charging all illness and injury claims,
26 arising after March 1, 1970, other than claims for which leave under RCW 41.26 could have been
used against sick leave credits in the same manner as charged against other employees of the City.
These sick leave accruals are available to be drawn on for required sick leave pursuant to this
chapter and are included under the incentive payment plan referred to in D.1, above.

4. Such Police and Fire service employees shall have their sick leave accruals and charges against
sick leave determined in the manner set forth in this chapter, irrespective of any benefits to which
the Police and Fire service employees are entitled by state and federal law, as of April 30, 1989.

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1.12.248 Personal Time Off plan.

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B. Permissible use of PTO accruals.

1. Use of PTO. PTO may be taken in tenths (0.10) of an hour increments.



2. Planned Use of PTO. PTO requests may be required in writing and the appointing authority, or his or her designee, shall consider the request and shall approve or deny it.

3. Unplanned Use of PTO.

a. PTO may be used without prior approval for employee or family emergencies, including when the employee's assigned City work location has been closed by order of a public official for any health related reason, or when an employee's child's school or place of care has been closed by order of a public official. If an advance written request is not possible, the employee shall notify his or her supervisor of the need for and the request of the time off prior to the beginning of his or her shift. An employee must keep his or her department head informed of his or her condition if unplanned use of PTO is of more than four working days in duration. Unplanned use of PTO, which does not qualify for mandatory paid sick leave and which interferes with job performance or City operations may subject the employee to corrective action.

b. Unplanned PTO may be used for on-the-job injuries during the first three days if not eligible for Workers' Compensation and after the 120-day supplementary on-the-job injury benefits provided in Section 1.12.090 of the Tacoma Municipal Code.

4. ~~Pursuant to RCW 49.12.270, effective January 1, 2003, an employee is allowed to use any or all of the employee's choice of sick leave or PTO to care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent in law, or grandparent of the employee who has a serious health condition or an emergency condition. For purposes of this section, the following definitions apply:~~

~~(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 18 years of age; or (b) 18 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 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 a person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy.~~

An employee is allowed to use any or all of the employee's choice of paid sick leave or PTO to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or to care for a family member who needs preventive medical care. For purposes of this section, "family member" means any of the following:

(1) A child, including a biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis to an employee when the employee was a minor child.

(3) A spouse.

(4) A registered domestic partner.

(5) A grandparent.

(6) A grandchild.

(7) A sibling.

* * *