

ORDINANCE NO. 2230

ORDINANCE RATIFYING PRIOR DEVIATIONS FROM THE 1993 EMPLOYEE
HANDBOOK AND ENABLING NEW EMPLOYEE HANDBOOK RULES TO
HENCEFORTH BE IMPLEMENTED VIA RESOLUTION

WHEREAS, the City is presently operating under the 31-page "City of Selah Personnel Rules and Regulations" dated January 1, 2011, with regard to many topics and issues for employment of its workforce – and particularly with regard to non-union employees; and

WHEREAS, such 31-page document is referred to within the instant Ordinance as the "2011 Employee Handbook" for ease of reference; and

WHEREAS, upon review of the City's records, it appears that the 2011 Employee Handbook was not approved or adopted by (the then-existing incarnation of) the City Council via a formal Resolution or Ordinance; however, it is possible that the 2011 Employee Handbook may have been approved by (the then-existing incarnation of) the City Council via a simple motion, and it is also possible the 2011 Employee Handbook may have been implemented by (former) City management without having been submitted to the City Council for consideration or action; and

WHEREAS, certain components of the 2011 Employee Handbook have a financial impact, including the following four components: (1) a Tuition Assistance Program set forth within section 6.5; (2) an educational incentive pay chart and explanatory language also set forth with section 6.5; (3) a longevity incentive pay chart and explanatory language set forth within section 6.6; and (4) a vacation accrual chart and explanatory language set forth within section 7.2; and

WHEREAS, consistently since 2011, current and former City non-union employees have received and utilized reimbursements, payments and accruals under and stemming from those four components of the 2011 Employee Handbook; the expected corresponding financial impacts have been included within the City's annual budgets since 2011; and the City Council (via its successive incarnations) has approved each annual budget, has approved each budget adjustment, and also has approved each presentation of claims and payroll since 2011 – and those items/actions encompass all reimbursements, payments and accruals that non-union employees have received and utilized under and stemming from the 2011 Employee Handbook; and

WHEREAS, on or about December 12, 2000, the longevity incentive pay chart and its explanatory paragraphs – which later became included within the 2011 Employee Handbook – were approved by (the then-existing incarnation of) the City Council when it adopted Resolution No. 1353; and

WHEREAS, on July 13, 1993, an earlier document (also) labeled "City of Selah Personnel Rules and Regulations" – which measures 30 pages and is similar, but not identical, to the 31-page 2011 Employee Handbook – was approved by (the then-existing incarnation of) the City Council via a formal ordinance, specifically Ordinance No. 1090; and

WHEREAS, such 30-page document is referred to within the instant Ordinance as the "1993 Employee Handbook" for ease of reference; and

WHEREAS, certain components of the 1993 Employee Handbook have financial impacts, including the following three components: (1) a Tuition Assistance Program set forth within section 6.5; (2) an educational incentive pay chart and explanatory language also set forth within section 6.5; and (3) a vacation accrual chart and explanatory language set forth within section 7.2 (and, by contrast, the 1993 Employee Handbook does not contain any longevity pay chart or explanatory language, because such items apparently did not come into existence until 2000 as previously stated above); and

WHEREAS, upon review of the City's records, it appears that neither the 1993 Employee Handbook nor Ordinance No. 1090 has been (prior to the current date) formally amended or repealed via a subsequent ordinance or action despite – as previously stated above – the 2011 Employee Handbook becoming the document that the City has operated under since 2011; and

WHEREAS, current City management desires to eventually implement a fully-revised employee handbook, as a replacement for any and all prior versions; current and former City staff have invested considerable time toward drafting a fully-revised employee handbook; and such drafting work is expected to continue for additional months for multiple reasons, including the general complexity of the issues and a recent turnover of the City's payroll and human resources personnel; and

WHEREAS, current City management desires to implement new rules for non-union employees, without waiting until a fully-revised employee handbook is ready for implementation, with regard to:

- (1) Tuition Assistance (which will be fully negated);
- (2) Educational incentive pay (which will be adjusted upward and otherwise modified);
- (3) Longevity incentive pay (which will be adjusted upward and otherwise modified);
and
- (4) Vacation accruals (which will be adjusted upward and otherwise modified);

and;

WHEREAS, the current City Council finds that good cause exists for immediately implementing new rules vis-à-vis non-union employees on such four (4) topics, without further delay; and

WHEREAS, because the 1993 Employee Handbook was, as stated above, approved via a formal ordinance, any deviations from it or amendments to it should have also occurred via an ordinance; however, as stated above, deviations and amendments subsequently occurred without a corresponding ordinance being approved; and additional changes are now proposed, as stated in the preceding paragraph of the instant Ordinance; and

WHEREAS, the current City Council finds that good cause exists for ratifying all prior deviations from and amendments to the 1993 Employee Handbook, and, further, for confirming that no legal obstacles exist or should exist vis-a-vis immediately implementing – via a separate resolution – the above-identified new rules, despite any preexisting procedural irregularities (and all preexisting procedural irregularities will now be cured via the instant Ordinance);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Ratification of all Prior Deviations from and Amendments to the 1993 Employee Handbook. That all prior deviations from and amendments to the 1993 Employee Handbook are hereby ratified, despite any preexisting procedural irregularities (and all preexisting procedural irregularities are cured by this Section 1).

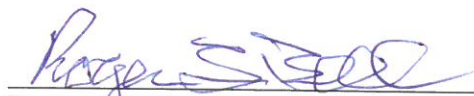
Section 2. New Rules May be Implemented via Resolution. That, henceforth, new employee handbook-type rules that have a financial impact may be implemented via one or more resolutions and, by contrast, do not need to be implemented via an ordinance.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance.

Section 5. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3rd ¶) and .160 (1st and 2nd ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper this Ordinance shall not take effect until at least five (5) after such publishing has occurred.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 9th day of July, 2024.



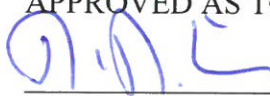
Roger Bell, Mayor

ATTEST:



Kimberly Grimm, Finance Director (a/k/a Clerk/Treasurer)

APPROVED AS TO FORM:



Rob Case, City Attorney