
Council Bill Number: 113961
Ordinance Number: 120658

AN ORDINANCE relating to the Civil Service systems of the City; transferring functions of the Public Safety Civil Service Commission and amending Chapters 4.04 and 4.08 of the Seattle Municipal Code.

Status: Passed

Note: Green Power Program

Vote: 8-1 (No: McIver)

Date filed with the City Clerk: 2001/12/03

Date of Mayor's signature: 2001/11/26 (about the signature date)

Date introduced/referred to committee: 2001/11/13

Committee: Budget

Sponsor: PAGELER

Committee Recommendation: Pass

Index Terms: CITY-EMPLOYEES, GOVERNMENTAL-REORGANIZATION, CIVIL-SERVICE, PERSONNEL-ADMINISTRATION, PUBLIC-SAFETY-CIVIL-SERVICE-COMMISSION, POLICE-DEPARTMENT, FIRE-DEPARTMENT, PERSONNEL-DEPARTMENT

Electronic Copy: [PDF scan of Ordinance No. 120658](#)

Reference: Related: Ord 101811, 108666, 110900

Text:

ORDINANCE _____

AN ORDINANCE relating to the Civil Service systems of the City; transferring functions of the Public Safety Civil Service Commission and amending Chapters 4.04 and 4.08 of the Seattle Municipal Code.

WHEREAS, the City of Seattle is facing substantial budgetary shortfalls for the 2002 budget year due to severely declining revenue sources; and

WHEREAS, Initiative 747 has been approved by the voters of the State of Washington, and as a result the City expects additional revenue shortfalls in 2002 and beyond; and

WHEREAS, in light of these projected budgetary shortfalls and recent revenue projections, the Executive proposed city-wide cuts to the 2002 proposed budget; and

WHEREAS, during the budget planning process for 2002, the City Council and Executive identified further cost-saving measures and additional opportunities for streamlining and reducing inefficiencies while continuing to provide governmental services; and

WHEREAS, the City Council and Executive have determined that certain inefficiencies currently exist within the Public Safety Civil Service Commission Department which can be addressed effectively by certain corrective measures; and

WHEREAS, reorganizing the Public Safety Civil Service Commission Department, transferring certain functions and

staff positions from the Public Safety Civil Service Commission Department to the Personnel Department, and eliminating certain positions within the Public Safety Civil Service Commission Department will accomplish several goals, including: Immediate budget savings, longer term economies of scale in city operations, improved management oversight of Public Safety Civil Service Commission functions and staff transferred to the Personnel Department, the provision of additional support and resources of the Personnel Department for those transferred functions and staff, and administrative and management efficiencies; and

WHEREAS, the reorganization of the Public Safety Civil Service Commission contemplated by this ordinance will not affect the existence or independence of the three-member commission or the commission's jurisdiction and authority over appeals; and

WHEREAS, in the 2002 budget ordinance, the City Council expressed its intent to transfer the administrative function of special examinations previously performed by the Public Safety Civil Service Commission Department to the Personnel Department and also add the equivalent of the Public Safety Civil Service Special Exams Analyst positions to the Personnel Department; and

WHEREAS, all functions previously performed by the Public Safety Civil Service Commission Department will continue to be performed by the Commission, its staff, or the Director of Personnel; and

WHEREAS, the City Council and Executive have determined that the functions of the City's public safety civil service system will remain the same, and that the City's public safety civil service system will continue to substantially accomplish the purposes of RCW 41.08 and 41.12 in providing for the administration of a public safety civil service system in accordance with state law; and

WHEREAS, this reorganization is intended to maintain an orderly civil service system for public safety employees that substantially accomplishes the purposes of RCW 41.08, 41.12, and 41.56;

NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2002, Section 4.04.020 of the Seattle Municipal Code is amended as follows:

SMC 4.04.020 Purpose.

The purpose of this chapter is to establish for the City a system of personnel administration based upon merit principles as enumerated in the City Charter, Article XVI, Section 4 (as amended) (Note 1) and upon fair and uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force and to substantially accomplish the purposes of RCW 41.08, 41.12 and 41.56.

Section 2. Effective January 1, 2002, Section 4.04.030 of the Seattle Municipal Code is amended to include the following definitions in alphabetical order and the remaining definitions shall be renumbered accordingly:

4.04.030 Definitions

Unless another meaning is clearly indicated from the context, as used in this title:

3. "Certify" for Public Safety Civil Service employees means verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.

23. "Provisional employee" for Public Safety Civil Service employees means an employee who was appointed to a position for which no register existed.

25. "Register" for Public Safety Civil Service employees means a list of candidates for employment who have passed an

employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

Section 3. Effective January 1, 2002, Section 4.04.040 of the Seattle Municipal Code is amended as follows:

4.04.040 Administration

A. There shall be a personnel system for the City, administered by the Director of Personnel. The Director shall be appointed, confirmed, and removed as provided in Section 3.24.030 C.

B. The duties of the Director include:

1. Promote the improvement of City personnel administration, and personnel standards within the City;
2. Lead City departments, offices, boards, and commissions, and their personnel offices, in the development of effective personnel programs. To help the Director perform this duty, the personnel offices of City departments shall keep the Director informed of their actions;
3. Act as the City's central agency for establishing standards for personnel practices which are uniform as is practicable from department to department;
4. At the Mayor's direction, develop, implement, and administer a centralized affirmative action program in conjunction with City rights agencies;
5. Develop and administer a system of classification of positions of employment in the City, and a wage and salary plan therefor;
6. Develop and administer centralized employee relations functions, relating to standard grievance procedures, collective bargaining, employee morale and motivation, and employee discipline and termination;
7. Develop and implement employee safety programs in addition to those which may be provided within departments, and develop safety programs in coordination with departments;
8. Develop, monitor, and/or approve departmental training plans.
9. Develop and administer a centralized system and regular procedures for recruitment and selection of City employees;
10. Conduct personnel research and staff resource planning for the City;
11. Develop and administer a regular system of performance evaluation of City employees;
12. Develop and administer benefit programs, other than retirement benefits administered by the Employee's Retirement Board, for City employees;
13. Assist various City departments in layoff and reinstatement actions;
14. Appoint, remove, and supervise the officers and employees of the Personnel Department;
15. Develop and maintain a personnel management information records system for all City employees regardless of category of employment or department to which appointed;
16. Design experimental programs in human resources management, for the Mayor's consideration;
17. Contract for special personnel services he/she deems necessary, upon approval of the City Council;

18. Review all City payrolls to ensure that each employee is receiving the proper pay.

C. With respect to employees of the Public Safety Civil Service system enumerated in SMC 4.08.060, the duties of the Director include:

1. Classify for purposes of examination, all positions covered by said system. No appointments, promotions or transfers shall be made to or from positions covered by said system except as provided in SMC Chapters 4.04.040(C) and 4.08.

2. Prepare and administer examinations, which shall be graded and open to all who meet appropriate job-related qualifications; provided that the Director may, by rule, designate other methods of examination based on merit when in the Director's judgment graded examination is not practicable. Such examinations may include tests of physical fitness and/or manual skill. The Director shall superintend and keep a record of all examinations. The Director may designate a suitable number of persons to be examiners to conduct such examinations. The Director shall charge a nonrefundable application fee of Twenty- five Dollars (\$25) for entry-level firefighter and police officer applicants. The Director shall waive this fee for indigent applicants upon submission by the applicant of a declaration of indigency.

Examinations for all classes shall be timely prepared and administered by the Director so as to provide at all times current registers for all classifications. Eligible registers shall remain in effect for a time determined by the Director; provided, that no eligible register shall remain in effect for more than two (2) years.

3. Provide notice of the time and place and general scope of every examination to be held by publication in the City official newspaper not less than ten (10) days preceding such examination, and for promotional exams by posting in the Public Safety Civil Service Commission office and in Police and Fire Department offices for not less than ninety (90) days, and by other notice deemed reasonable or necessary by the Director.

4. Keep a record of all examinations held under his/her direction.

5. Prepare a register for each class of positions in this system from the returns or reports of the examiners of the persons whose standing upon examination for such class is not less than the minimum established by the Director. Persons, when graded, shall take rank upon the register as candidates in the order of their relative excellence as determined by competitive examination. Veteran's preference in examination and appointment shall be granted as required by federal and state law including RCW 41.08.040 and 41.12.040; provided, a person shall be entitled to use such preference only once to successfully attain an appointment or promotion to a position.

6. When a vacant position is to be filled, certify to the appointing authority the names of candidates in the top twenty-five (25) percent of the eligible register, or the top five (5) candidates, whichever number is larger, subject to any current affirmative action requirements. Where more than one (1) position in a class is to be filled, certify one (1) additional name of the person standing next highest on the register for each additional position. The appointing authority shall fill such positions by appointment only from the persons certified by the Director.

If there are no registers for a class, authorize temporary, provisional appointment to the vacant position. A provisional appointment shall not continue for a period longer than four (4) months, and no person shall receive more than one (1) provisional appointment or serve more than four (4) months as provisional appointee in any twelve (12) month period.

7. Adopt suitable rules for examination, classification, eligibility, preparation of registers, certification and appointments. Such rules may be amended, modified or rescinded from time to time and all rules and amendments thereof shall be printed for free public distribution.

8. Comply with the applicable portions of the Rules of Practice and Procedure of the Public Safety Civil Service Commission in effect on January 1, 2002, until such time as the Personnel Director adopts rules to carry out the new duties assigned pursuant to Section 4 of this ordinance.

9. Comply with the procedures regarding the promotions of police officers and sergeants set forth in the effective

collective bargaining agreement between the City and the exclusive bargaining agent of such employees, as approved by ordinance, to the extent such procedures are inconsistent with the terms of this ordinance, the rules adopted by the Director, or the rules of the Public Safety Civil Service Commission.

Section 4. Effective January 1, 2002, Section 4.08.020 of the Seattle Municipal Code is amended as follows:

SMC 4.08.020 Purpose.

The general purpose of this chapter is to establish a civil service commission system to hear the appeals of for employees in the Police and Fire Departments of the City, governing regarding appointments, promotions, promotional testing, layoffs, recruitment, retention, classifications, removals and discipline, pursuant to Charter Article XVI, (Note 1) which, together with applicable provisions of the Personnel System established by SMC Chapter 4.04 provide for a civil service system in the Police and Fire Departments in substantial compliance with RCW Chapters 41.08, 41.12, 41.56. All appointments and promotions to Police and Fire Department positions, retention therein and removal therefrom shall be based on merit and according to the made on the basis and policies and procedures hereinafter specified or according to the procedures regarding the promotions of police officers and sergeants set forth in the effective collective bargaining agreement between the City and the exclusive bargaining agent of such employees, as approved by ordinance, to the extent such procedures are inconsistent with those set forth herein, as in said state law.

Section 5. Effective January 1, 2002, Section 4.08.050 of the Seattle Municipal Code is amended as follows:

SMC 4.08.050 Organization of commission -- Secretary and chief examiner Executive Director.

A. Immediately after appointment, the Commission shall organize by electing one (1) Commissioner as Chairman and thereafter hold regular meetings at least once a month, and such additional meetings as

may be required for the proper discharge of duties.

B. The Commission shall appoint an Executive Director Secretary and Chief Examiner, who shall keep the records for the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the Commission may prescribe.

C. Should the position of Secretary and Chief Examiner Executive Director be filled by appointment of a Public Safety Civil Service employee, such employee, if removed as Examiner Executive Director other than for cause, shall be appointed to the first available position in the class from which he/she was appointed to the position of Executive Director Secretary and Chief Examiner.

Section 6. Effective January 1, 2002, Section 4.08.070 of the Seattle Municipal Code is amended as follows:

SMC 4.08.070 Powers and duties of Commission.

The Commission shall:

A. Make suitable rules to carry out the purposes of this chapter and for examination, appointments, promotions, transfers, demotions, reinstatements, suspensions, layoffs, discharges, and any other matters connected with the purposes of this chapter with the exception of matters related to examination, classification, eligibility, preparation of registers, certification and appointments. Such rules may be amended, modified or rescinded from time to time and all rules and amendments thereof shall be printed for free public distribution. The Commission shall initially be governed by the rules in the "Civil Service Laws and Rules" adopted February 17, 1965, as amended and in existence as of July 1, 1978. The Commission may thereafter supplement, amend, supersede or repeal such rules.

B. Classify for purposes of examination, all positions covered by this system. No appointments, promotions or transfers

~~shall be made to or from positions covered by this system except as provided in this chapter.~~

~~C. Prepare and administer examinations, which shall be graded and open to all who meet appropriate job-related qualifications; provided that the Commission may, by rule, designate other methods of examination based on merit when in the Commission's judgment graded examination is not practicable. Such examinations may include tests of physical fitness and/or manual skill. The Commission may designate a suitable number of persons to be examiners to conduct such examinations. A Commissioner may act as examiner. The Commission shall charge a nonrefundable application fee of Twenty-five Dollars (\$25) for entry-level firefighter and police officer applicants. The Commission shall waive this fee for indigent applicants upon submission by the applicant of a declaration of indigency.~~

~~Examinations for all classes shall be timely prepared and administered by the Commission so as to provide at all times current registers for all classifications. Eligible registers shall remain in effect for a time determined by the Commission; provided, that no eligible register shall remain in effect for more than two (2) years with the following temporary exceptions:~~

~~1. The Police Sergeant Promotional Exam register to be posted on December 14, 1997 will remain in effect until July 14, 2000.~~

~~2. The Fire Lieutenant and Fire Captain Promotional Exam registers to be posted on March 20, 1998 will remain in effect until August 15, 2000.~~

~~D. Provide notice of the time and place and general scope of every examination to be held by publication in the City official newspaper not less than ten (10) days preceding such examination, and for promotional exams by posting in the Commission office and in Police and Fire Department offices for not less than ninety (90) days, and by other notice deemed reasonable or necessary by the Commission.~~

~~E. Prepare a register for each class of positions in this system from the returns or reports of the examiners of the persons whose standing upon examination for such class is not less than the minimum established by the Commission. Persons, when graded, shall take rank upon the register as candidates in the order of their relative excellence as determined by competitive examination. Veteran's preference in examination and appointment shall be granted as required by federal and state law including RCW 41.08.040 and 41.12.040; provided, a person shall be entitled to use such preference only once to successfully attain an appointment or promotion to a position.~~

~~F. When a vacant position is to be filled, certify to the appointing authority the names of candidates in the top twenty-five (25) percent of the eligible register, or the top five (5) candidates, whichever number is larger, subject to affirmative action requirements. Where more than one (1) position in a class is to be filled, certify one (1) additional name of the person standing next highest on the register for each additional position. The appointing authority shall fill such positions by appointment only from the persons certified by the Commission.~~

~~If there are no registers for a class, authorize temporary, provisional appointment to the vacant position. A provisional appointment shall not continue for a period longer than four (4) months, and no person shall receive more than one (1) provisional appointment or serve more than four (4) months as provisional appointee in any twelve (12) month period.~~

~~G. B. Make investigations concerning the enforcement and effect of this chapter and the rules prescribed hereunder; and inspect all offices, places, positions, and employments affected by this chapter and ascertain whether this chapter and all such rules are being obeyed. Such investigations may be made by the Commission, or by any Commissioner or agent designated by the Commission for that purpose. Like investigation may be made on written petition of a person duly verified stating that irregularities or abuses exist, setting forth in concise language the necessity and grounds for such investigation. In the course of such investigation, the Commission shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of books and papers relevant to such investigation. Alternatively, investigation or hearing may be conducted by a delegated agent of the Commission, whose investigation may be aided by subpoenas issued by the Commission.~~

~~((H.)) C. To hear and determine appeals or complaints respecting the administration of this chapter~~

and Section 4.04.040(C) of the Seattle Municipal Code.

~~((I))~~ D. Maintain a roster of employees of this system, and other records as may be necessary for proper administration of this chapter, and provide all necessary records to the Personnel Director for inclusion in the City's personnel management information records system.

~~((E))~~ Recommend from time to time such City legislation as the Commission may deem advisable for the betterment of this system and/or the administration thereof.

F. Comply with the procedures regarding the promotions of police officers and sergeants set forth in the effective collective bargaining agreement between the City and the exclusive bargaining agent of such employees, as approved by ordinance, to the extent such procedures are inconsistent with those set forth herein.

Section 7. Effective January 1, 2002, Section 4.08.090 of the Seattle Municipal Code is amended as follows:

SMC 4.08.090 Qualifications of applicants.

An applicant for a position in the classified Public Safety Civil Service must meet the minimum qualifications prescribed by the ~~Commission~~ Personnel Director, which standards shall be documented by the ~~Commission~~ Personnel Director to be related to the physical and mental demands required to perform the duties assigned to the position to which the applicant seeks appointment.

Section 8. Effective January 1, 2002, Section 4.08.110 of the Seattle Municipal Code is amended as follows:

SMC 4.08.110 Filling of vacancies -- Probationary period.

A. Whenever a position covered by this system becomes vacant, the appointing authority, if it desires to fill the vacancy, shall make requisition upon the ~~Commission~~ Personnel Director for the names and addresses of persons eligible for and willing and able to accept the appointment. The appointing authority shall fill such vacancies by appointment from the register of persons certified by the ~~Commission~~ Personnel Director therefor. To facilitate the selection of appointees from the persons so certified, the appointing authority may require such persons to come before him/her and shall be entitled to inspect such persons' application and examination papers, and may fill such positions by appointment from the persons so certified without regard to their order of certification.

B. No appointment, employment or promotion in this system shall be deemed complete until after the expiration of a period of one year's probationary service. Before the expiration of the period of probation, the appointing authority may discharge or, in the case of a promotion, demote an appointee upon filing in writing the reasons therefor with the Director of Personnel and the Commission. If an appointee is not then discharged or demoted, his/her appointment shall be deemed complete.

Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2002, and signed by me in open session in authentication of its passage this _____ day of _____, 2002.

President _____ of the City Council

Approved by me this _____ day of _____, 2002.

Mayor

Filed by me this _____ day of _____, 2002.

City Clerk

(Seal)

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LLH/MM

(Ver. 02)