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Chapter 4.04
PERSONNEL REGULATIONS

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Cases: Amendment to City Charter Art. 16, and the personnel ordinance passed pursuant to it, were not void as conflicting with the Public Employees' Collective Bargaining Act. **City of Seattle v. Auto Sheet Metal, Etc.,** 27 Wn.App. 669, 620 P.2d 119 (1980).

Personnel ordinance was not invalid even though it was not passed within the time limit set by the City Charter. **City of Seattle v. Auto Sheet Metal, Etc.,** 27 Wn.App. 669, 620 P.2d 119 (1980).

4.04.010Title.

This chapter shall be entitled "The 1978 City of Seattle Personnel Ordinance." It may be cited as the "Personnel Ordinance."
(Ord. 107790 § 1, 1978.)

4.04.020Purpose.

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)[1] and upon fair and uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force.
(Ord. 107790 § 2, 1978.)

1.Editor's Note: The Charter is included at the beginning of this Code.

4.04.030Definitions.

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

1. "Actual service" means the number of regular paid hours accumulated by an employee in a class or title.
2. "Appointing authority" means a person authorized by ordinance or Charter to employ others on behalf of the City, usually the head of a department.
3. "City" means The City of Seattle.
4. "City Council" means the City Council of The City of Seattle.
5. "Class" means any group of positions sufficiently similar that the same title may equitably be applied to all.
6. "Class series" means two (2) or more classes which perform similar tasks or work but which differ in degree of responsibility and difficulty.
7. "Days" means calendar days.
8. "Demotion" means the movement of an employee from a higher class to a lower class, for cause.
9. "Director" means the Personnel Director or his/her designated representative.
10. "Discharge" means a separation from employment for cause.
11. "Employee" means a person employed in a position on a full-time or part-time basis.
12. "Employing unit" means any department of the City and, within the Executive Department, any office created by ordinance.

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13. "Exempt employee" means one who serves at the discretion of the appointing authority in a position which is exempted by the City Charter[1] or SMC Chapter 4.13 from compliance with this chapter regarding selection, discipline and discharge of employees, and appeals of personnel actions to the Civil Service Commission.

14. "Grant-funded position" means a position funded fifty percent (50%) or more by a categorical grant to carry out a specific project or goal and all positions funded by public employment programs. For the purpose of this chapter, the term "categorical grant" shall not include financial assistance provided to the City in the form of Community Development Block Grant funds, Urban Development Action Grant funds, General Revenue Sharing funds, and any funds provided under a statutory entitlement or distributed on the basis of a fixed formula including but not limited to relative population.

15. "Grievance" means a dispute between an employee and his/her supervisor(s) or employing unit based upon the employee's good faith belief that an aspect of his/her employment has been adversely affected and desire for remedial action.

16. "Hourly employee" means one who is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

17. "Inappropriate pressure" means any suggestion (oral or written communication) to any City employee, the effect of which would either: (a) preclude job advertising and open consideration of qualified applicants, or (b) result in the selection of an employee for reasons other than relative ability, knowledge or skill.

18. "Layoff" means the discontinuation of employment and suspension of pay of any regular or probationary employee because of lack of work, lack of funds, or through reorganization.

19. "Misconduct" means the intentional violation of a standard of conduct established by statute, ordinance, rule, regulation, policy or directive, or common law, or the violation of such standard as a result of recklessness or gross negligence.

20. "Part-time position" means a position that has been designated as "part-time" in, and created by, the annual budget or by another ordinance and that requires an average of twenty (20) hours or more but less than forty (40) hours of work per week during a year.

21. "Probationary employee" means an employee who has been appointed to a position within the classified service but who has not completed a one (1) year period of probationary employment.

22. "Promotion" means any appointment to a higher level classification or position which occurs subsequent to an employee's initial appointment.

23. "Reduction" means the movement of an employee from a higher-paid position to a lower-paid position, not for cause.

24. "Regular employee" means an employee who has been appointed to a position within the classified service and who has completed a one (1) year probationary period of employment.

25. "Reinstatement" means reappointment of a regular employee from a reinstatement list to a position in a class in which regular status was previously held.

26. "Salaried employee" is one who is exempt from the provisions of the Fair Labor Standards Act (FLSA).

27. "Seniority" means a regular employee's length of continuous service in his or her present class and all higher classes since original regular appointment to that class, including all periods of unpaid leave of absence or suspension that are for less than fifteen (15) days.

28. "Suspension" means the temporary discontinuation of an employee from employment for a specified period for cause or pending determination of charges against said employee, which charges could result in discharge or demotion.

29. "Temporary worker" means a person who is employed to fill a temporary, emergency or short-term need. The term includes persons employed in seasonal or intermittent positions and workers employed less than an average of twenty (20) hours per week during a year. Except as may be provided by ordinance or labor contract, temporary workers shall be exempt from the provisions of this chapter.

(Ord. 118397 § 59, 1996; Ord. 117484 § 1, 1995: Ord. 117019 §1, 1994: Ord. 116037 § 2, 1992: Ord. 114314 § 1, 1989; Ord. 111582 § 1, 1984; Ord. 110852 § 1, 1982: Ord. 110302 § 1, 1981: Ord. 107790 § 3, 1978.)

1.Editor's Note: The Charter is set out at the front of this Code.

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4.04.040Administration.

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.

(Ord. 118397 § 60, 1996; Ord. 107790 § 4, 1978.)

4.04.045Temporary employment service.

The Personnel Director is authorized to develop and implement a temporary employment service to provide temporary workers to City employing units upon request therefor and upon payment by the requesting employing unit of the cost of such service. Because an arbitrary limitation on the number of temporary workers to be hired to implement this authorization would impede the operation of such service, all positions to be occupied by such temporary workers are hereby created, and the Personnel Director is authorized, with approval of the Budget Director or his/her designee, to fill whatever number of positions he/she determines is necessary to operate such service for City employing units. The Personnel Director may delegate authority to department heads to fill temporary worker positions when such delegation would improve the quality of the temporary employment service or would result in cost efficiencies.

(Ord. 118404 § 1, 1996: Ord. 114811 § 1, 1989.)

4.04.050Rule-making authority.

A. Pursuant to the Administrative Code of the City (Ordinance 102228),[1] the Personnel Director may promulgate, amend, or rescind rules for the administration of the personnel system of the City generally, as well as specifically for the purpose delineated in this chapter.

B. The Mayor shall appoint a committee for the purpose of advising the Personnel Director regarding rules for the administration of the personnel system. The committee shall be comprised of at least five (5) City employees, none of

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whom may be an employee of the Personnel Division.
(Ord. 118397 § 61, 1996: Ord. 107790 § 5, 1978.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

Cases: Ordinance vesting rule-making authority in the Director of Personnel did not conflict with City Charter. **City of Seattle v. Auto Sheet Metal, Etc.,** 27 Wn.App. 669, 620 P.2d 119 (1980).

4.04.060Emergency rules.

A. When the Director finds that there is the immediate need for a rule for administration of the personnel system in order to prevent a substantial loss to the City, or the impairment of its business, or undue hardship to its employees, the Director may make an emergency rule, upon identifying the emergency in writing, to the Mayor and City Council.

B. Emergency rules shall remain in effect only until a permanent rule, passed pursuant to Ordinance 102228,[1] becomes effective, or for sixty (60) days, whichever is shorter.
(Ord. 107790 § 6, 1978.)

1.Editor's Note: Ord. 102228 is codified in Chapter 3.02 of this Code.

4.04.070Rights of employees.

A. Employees have the right to compete openly for positions on the basis of knowledge, skills, and abilities.

B. Employees have the right to a timely resolution of their grievances, and appeals.

C. Employees shall not be demoted, suspended, or discharged except only for cause, and they may appeal such adverse actions as specified in this chapter.

D. Employees have the right to fair and equal treatment as provided in Ordinance 102562, as amended (Seattle Fair Employment Practices Ordinance).[1]

E. Employees may bargain collectively through representatives of their own choosing, pursuant to RCW Chapter 41.56.

F. Employees may examine their own personnel files and are entitled to a copy of anything contained therein, at the City's expense.

G. Employees may have outside employment as long as it does not interfere with their ability to carry out their duties for the City, subject to the provisions of the Ethics Ordinance (Ordinance 100435, as amended).[2]

H. Employees may engage in political activities, subject to RCW 41.06.250. Political activities of employees in operations which are financed primarily or totally by federal grant-in-aid funds are also subject to the Hatch Act, 15 USC/1501, et seq.

I. Employees have the right to report an "improper governmental action" to an "auditing official," another government official or a member of the public, to cooperate in an investigation, and to testify in a proceeding thereon, and to be protected from "retaliatory action" for doing so. (Each term in quotation marks is defined in Section 4.20.850.)
(Ord. 115464 § 2, 1990; Ord. 107790 § 7, 1978.)

1.Editor's Note: The Fair Employment Practices ordinance is codified in Chapter 14.04 of this Code.
2.Editor's Note: The Ethics Ordinance is codified in Chapter 4.16 of this Code.

4.04.080Affirmative action.

The City shall have an affirmative action plan, as adopted by Ordinance 109112[1] and as subsequently amended, in order to provide its employees with a workplace free from discrimination, and to remedy the effects of past discrimination against women, minorities, handicapped and older workers. Personnel actions taken in accordance with this chapter shall be subject to and consistent with the affirmative action plan.
(Ord. 109112 § 5, 1980: Ord. 107790 § 8, 1978.)

1.Editor's Note: The affirmative action plan provisions of Ord. 109112 are codified in Chapter 4.80 of this Code.

4.04.090Affirmative action—Plan.[1]

This section was eliminated through consolidation with Section 4.04.080 by Ordinance 109112 § 5.

1.Editor's Note: The affirmative action plan is codified in Chapter 4.80 of this Code.

4.04.100Affirmative action—Monitoring and implementation.[1]

This section was eliminated through consolidation with Section 4.04.080 by Ordinance 109112 § 5.

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1.Editor's Note: The affirmative action plan is codified in Chapter 4.80 of this Code.

4.04.110Handicapped persons.

A. The City's affirmative action plan, as adopted by Ordinance 109112[1] and as subsequently amended, shall contain provisions to encourage recruitment, hiring and retention of handicapped workers.

B. A preemployment physical which discloses existence of a disability that would affect job performance may result in the disqualification of that applicant for that particular job; provided that an applicant may be hired as long as the handicap or disability does not affect the proper performance of the job; provided further that the applicant may be hired if the job may be accommodated to the employee's limitations.

(Ord. 109112 § 6, 1980: Ord. 107790 § 9, 1978.)

1.Editor's Note: The affirmative action provisions of Ord. 109112 are codified in Chapter 4.80 of this Code.

4.04.120Collective bargaining.

A. It is the policy of the City to meet and confer and/or negotiate with the bargaining representatives of the public employees of the City for the purpose of collective bargaining as contemplated by RCW Chapter 41.56 as amended.

B. There is established an Executive Labor Committee appointed by the Mayor. The City Council shall establish a City Council Labor Committee. There is established a Labor Relations Policy Committee consisting of the City Council's Labor Committee and the Mayor's appointees. The Committee may designate representatives of the Executive or Legislative or other departments or other persons to assist the City's negotiators.

C. The Labor Relations Policy Committee is further authorized upon the request of the Board of Library Trustees of the Seattle Public Library to meet, confer, and negotiate with bargaining representatives of the public employees of the Seattle Public Library for the purpose of collective bargaining as contemplated by RCW Chapter 41.56, and to timely recommend to the Board of Library Trustees proposed wages, hours, and other conditions of employment for the purposes of Library budgets and such collective bargaining agreement or agreements as may be required and authorized by the Board.

D. Agreements Confirmed by City Council. All labor agreements negotiated pursuant to RCW Chapter 41.56 shall be subject to confirmation by a majority of the City Council.

The Director of Labor Relations or his/her designee shall coordinate and chair all meetings with the bargaining representatives of the public employees of the City for the purpose of collective bargaining as contemplated by RCW Chapter 41.56; provided, however, that no binding oral or written agreements shall be entered into with the bargaining representative(s) of employees of the City relative to substantive changes in City policy toward wages, hours, or working conditions without the participation of the Director of Labor Relations or his designee, the concurrence of the Labor Relations Policy Committee, and approval by a majority of the City Council; and provided, further that no binding oral or written agreements involving the day-to-day administration of collective bargaining agreements or bargaining relations shall be entered into with the bargaining representative(s) of employees of the City by any City department without the prior approval of the Personnel Director or designee.

E. Confidentiality. All elected public officials and appointed City officers assigned the responsibility of proposing, reviewing, or determining labor relations policies shall maintain strict confidentiality during the period of negotiations.

(Ord. 107790 § 10, 1978.)

Cases: Amendment to City Charter Art. 16, and the personnel ordinance passed pursuant to it, were not void as conflicting with the Public Employees' Collective Bargaining Act. **City of Seattle v. Auto Sheet Metal, Etc.,** 27 Wn.App. 669, 620 P.2d 119 (1980).

4.04.130Classification.

A. The Personnel Director shall classify positions of employment in City government so as to group together positions sufficiently similar that the same title may equitably be applied to all, and may establish such classifications according to a wage and salary structure. Classification may be by budget title. Classification is not required for examination purposes, and need not precede examination for a position.

B. The Director may make rules for employees' transfers from one class to another without examination, provided, that such transfer shall not constitute a promotion; and provided, further, that the similarity of such classes can be documented.

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(Ord. 110253 § 1, 1981: Ord. 107790 § 11, 1978.)

4.04.140Employee compensation and benefits.

The Director is the administrator of employee compensation, incentives, and benefits, such as sick leave, health care, dental benefits, and vacation time, except for the retirement program, and shall administer each program according to the terms of the ordinance, resolution or contract which establishes it. The Director shall promulgate rules for the administration of benefits.
(Ord. 107790 § 12, 1978.)

4.04.145Policies concerning temporary employees.

A. Settlement Agreement. This section implements the Settlement Agreement dated June 5, 1989, in the case of **Scannell v. The City of Seattle**, King County Superior Court Cause No. 844600, and should be interpreted and applied accordingly.

B. Review. The City may work temporary employees beyond one thousand forty (1040) regular hours within any twelve (12) month period. However, the City shall not use temporary employees to supplant permanent positions. After a position has been filled by a temporary employee for nine hundred sixteen (916) regular hours or more in a calendar year and the City wants to continue to have that work performed, the City shall, in its ensuing budget process, review the circumstances of that job and determine if that position should be staffed by a permanent employee in the future.

C. Assignment/Scheduling. The City will not assign or schedule temporary employees (or fail to do so) solely to avoid accumulation of regular hours that will increase premium pay provided in Section 4.20.055, or solely to avoid considering creation of a permanent position as stated in subsections A and B above.

D. Annual Report. A report subject to public disclosure will be annually prepared showing how many regular hours are worked by temporary employees in each year. The report, arranged by payroll department and payroll titles within each payroll department, shall list employee name, payroll department, payroll title, date of hire, regular hours worked in that year, cumulative hours worked to date and bargaining unit code; and it shall be prepared from the last payroll master file tape for each year.

E. Credit for Hours Worked. A temporary employee who has worked in excess of five hundred twenty (520) regular hours and who is appointed to a permanent position without a voluntary break in service greater than thirty (30) days shall have his or her time worked counted for purposes of salary step placement (where appropriate), and eligibility for medical and dental coverage. Section 4.34.100 provides credit for vacation accrual increases and Sections 4.36.103 and 4.36.125 provide for participation in the City Employees' Retirement System.

F. Enforcement. These provisions may be enforced by a lawsuit in the Superior Court.
(Ord. 117301 § 1, 1994.)

4.04.150Employee selection.

A. The Personnel Director shall approve selection procedures for upward movement of current City employees as well as access to the employment process by members of the public for employing units.

B. The Director shall establish a system for maintaining a pool of qualified applicants to fill staffing needs in employing units in a flexible, timely and responsive way.

C. 1. The Personnel Director shall coordinate official advertisements for all regular position vacancies.

2. Employees shall be notified of all regular position vacancies through internal City advertisement. The Director may waive this requirement upon written presentation by the appointing authority of sufficient reasons for doing so. Criteria which may establish the basis for granting such waiver shall be published by the Director prior to the effective date of the ordinance codified in this section.

D. The appointing authority of an employing unit shall specify the essential job functions, skills and availability requirements of a vacant position. Upon the request of the appointing authority, the Director shall evaluate applicants from the public to identify those who are qualified for employment. The evaluation shall be a job-related assessment of qualifications based on essential job duties to be performed.

E. The Personnel Director shall forward to the employing unit only names of applicants who meet the advertised criteria. Regular employees may apply directly to the employing unit for consideration.

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F. Final interviews and selection of regular employees will be conducted by the appointing authority according to procedures approved by the Personnel Director.

1. The Personnel Director shall audit the qualifications of each finalist prior to a final selection to ensure the individual selected meets the advertised qualifications.

G. The Personnel Director shall establish procedures governing the recall and reinstatement of employees who have been laid off, and may provide assistance programs to support the alternative placement of employees whose positions are targeted for layoff.

H. The Director may promulgate rules distinguishing various types of temporary employment according to the City's needs.

I. The Mayor, City Councilmembers, and their immediate staff shall not initiate any recommendations regarding candidates for City employment. However, the Mayor, City Council-members and their immediate staff may respond to requests for recommendations regarding their direct knowledge of a candidate's ability, knowledge and skill. No person shall use inappropriate pressure to effect the hiring of any candidate for City employment.

(Ord. 117019 § 2, 1994: Ord. 110302 § 2, 1981: Ord. 107790 § 13, 1978.)

4.04.160Veteran's preference.

Veteran's preference in employment shall be granted only as required by state and federal law. If no state or federal law requires the City to grant a veteran's preference, then none shall be granted.

(Ord. 107790 § 14, 1978.)

4.04.170Residence.

City residence shall not be required, but preference in hiring may be accorded by rule to job applicants who reside in the City; and residency may be required of exempt employees.

(Ord. 107790 § 15, 1978.)

4.04.180Performance evaluation.

A. The Personnel Director shall develop and ensure compliance with a City-wide performance evaluation system, which may be adopted with the Director's approval to meet particular needs of departments. Such system shall include, but not be limited to:

1. Written evaluations of every City employee by his/her supervisor, conducted at least annually, based on job-related performance;

2. Provision for written employee comment on the evaluation form;

3. Review of the evaluation by the rater's supervisor, and right of the employee to review of the evaluation, ultimately, to the department head. Rules shall provide for employee's representation as a part of the review process at the employee's option;

4. Procedures for checking the validity of the performance evaluation system.

B. The evaluation of an employee shall be a confidential portion of his/her personnel record.

C. Within two (2) years of the effective date of the ordinance codified in this chapter,[1] every City employee covered by the evaluation system shall be evaluated by his/her supervisor. The results of this first evaluation shall be used only for purposes of communication, and shall not be used as a basis for any personnel action; provided, that this subsection shall not apply to any employees who have been covered by a written performance evaluation system prior to the effective date of the ordinance codified in this chapter.

D. The results of evaluations conducted subsequent to the first evaluation contemplated in subsection C shall be used to:

1. Improve communications between employees;

2. Help identify and reward outstanding employee performance;

3. Help identify and correct inadequate employee performance; and

4. Help demonstrate cause for personnel actions.

(Ord. 107977 § 1, 1979: Ord. 107790 § 16, 1978.)

1.Editor's Note: Ord. 107790 became effective on January 10,1979.

4.04.190Employee incentives.

The Personnel Director shall develop proposals for employee incentive programs, including proposals for merit pay based upon employee performance evaluation, and shall report such proposals to the Mayor and City Council by July 1, 1979.

(Ord. 107790 § 17, 1978.)

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4.04.200Employee development.

A. The Personnel Director shall provide, consistent with funds appropriated therefor, City-wide training programs, and shall report to the Mayor and the City Council, via the Office of Management and Planning, on training expenditures and accomplishments. Such reports will be based on information received from departments to the Director in accordance with his or her directions. The Director also shall recommend to the Mayor and the City Council appropriate levels of funding for such training programs.

B. Apprenticeship.

1. The Director may establish programs of apprenticeship positions in the City's service. The programs may be established pursuant to RCW Chapter 49.04 at the Director's discretion.

2. a. There shall be a Joint Advisory Apprenticeship Committee to advise the Director concerning the need for apprenticeship programs in the City, and the need for legislation, administration and rules therefor. The Committee may, at the request of the Director, assist in recruiting, examining, selecting, training, evaluating, and disciplining apprentices, subject to personnel rules and the affirmative action plan of the City. Rules shall specify the relationship of the apprentice to his/her departmental supervisor.

b. The Joint Apprenticeship Advisory Committee shall consist of six (6) members, three (3) of whom shall represent organized labor. Members shall be appointed by the Mayor and confirmed by the City Council, and shall serve for staggered three (3) year terms. Members may be removed by the Mayor by filing a statement of reasons therefor with the City Council. The Mayor shall then appoint a successor for the unexpired term.

c. Apprentices shall be treated as probationary or regular employees under this chapter, except that the terms of their apprenticeship agreements shall govern the terms of their employment, in case of conflict.

(Ord. 117750 § 1, 1995; Ord. 107790 § 18, 1978.)

4.04.210Upward mobility for City employees.

To maintain an effective City work force, it is essential to provide employees rewarding opportunities for career growth and upward mobility. To this end, the Personnel System shall be designed to include career paths for all but the highest level of employment. To the extent practical under the City budget, the Director shall offer career counseling and job-related training:

A. To assist interested employees in competing for better positions; and

B. To assist departments in identifying employees who are interested in upward mobility and in encouraging their progress.

(Ord. 107790 § 19, 1978.)

4.04.220Layoff.

A. Order of Layoff. Within an employing unit, the order for layoff in a given class shall be as follows:

1. Probationary employees;
2. Regular employees;

Provided, that temporary workers and interim employees shall be separated prior to the layoff of any probationary employee in the same employing unit and class.

Among regular employees, order of layoff shall be in order of seniority until a performance evaluation system as contemplated by this chapter is in effect. Thereafter, the regular employee having the lowest performance evaluation in the class shall be laid off first, but among employees whose performance is substantially the same, layoff shall be in the order of seniority.

In the event one (1) or more positions having different budget and class titles or having budget titles only and no class titles are scheduled to be abrogated for any reason and such abrogation will result in a layoff, the Director shall establish an order of layoff for regular employees that reflects their relative seniority in positions with the same budget title as such positions affected by the layoff.

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B. Exceptions to Normal Order of Layoff.

1. Upon a showing by the appointing authority that the operating needs of an employing unit require such action, the Director may authorize an exception to the normal order of layoff and the retention in active employment of any employee who has some special experience, training or skill which is exceptional to the knowledges, skills and abilities expected of the population of employees for the positions affected by the layoff. Such exceptions to the normal order of layoff may be based upon documented recruiting and/or hiring specifications, current job descriptions or similar documentation acceptable to the Director.

2. The Director shall modify the normal order of layoff in the smallest respect sufficient to prevent a negative disparate impact upon women, the disabled, or minorities when these conditions are present:

a. Five (5) or more employees in an Equal Employment Opportunity job category are to be laid off at one time in an employing unit;

b. The Director determines that women, the disabled, or minorities are substantially underrepresented in the EEO category affected by the layoff, or that any such protected group would become substantially underrepresented in the EEO category as a result of a layoff in normal order; and

c. A layoff in the normal order should have a negative disparate impact on any such protected group; provided, that no such modification shall affect a regular employee unless all probationary employees in the affected class or assignment level have been laid off.

d. For purposes of this permitted modification of the normal order of layoff, an impact upon minorities shall be evaluated, and corrective action shall be taken, for minorities as a single group that shall not be divided by ethnicity or other subclassifications.

C. Employee Options For Transfers to Avoid Layoff (Bumping). Insofar as the option is available, as determined by the Director, any regular employee subject to being laid off may displace within the same employing unit the employee who has the least seniority in the displacing employee's class, or if the order of layoff reflects seniority within a budget title pursuant to SMC Section 4.04.220 A above, in the displacing employee's budget title.

The least-senior regular employee who is laid off or is displaced pursuant to the immediately preceding paragraph may displace the employee having the least seniority in the next lower class in a class series, or next lower budget title when (1) the displacing employee has had an appointment to such lower class or budget title, and (2) the employee to be sequentially displaced has less seniority than the displacing employee.

Notwithstanding any other provision of this chapter, in all cases, to be eligible to displace another employee in order to avoid a layoff, the displacing employee must possess the skills required to perform the duties of the position held by the employee who would be displaced.

D. Reinstatement.

1. The names of all employees laid off from active employment shall be placed on a reinstatement list. Such list shall be for the class or budget title from which they have been laid off. The entire reinstatement list shall be sent to any appointing authority for use in filling a vacancy in a position of that class or budget title. An appointing authority may refuse to make an appointment from the reinstatement list only upon stating a reason therefor to the Director.

2. The Director may implement programs to refer laid-off employees to vacant City positions in any employing unit; provided, that each referred employee shall possess skills commensurate with the duties of the position to be filled, as determined by the Director, and provided, further, that no such referral shall result in a promotion for the affected employee unless the employee has been referred as a result of an appropriate qualifications audit. An appointing authority may refuse to hire a person so referred only upon stating, in writing, a reason therefor to the Director.

E. Notice of Layoff.

Where a regular employee is separated by reason of layoff, when possible, thirty (30) days' prior written notice shall be given the affected employee, and at least fifteen (15) days' prior written notice shall be given unless:

1. Delaying the layoff would cause the employing unit to exceed its revenue for personal services for the affected work or program; or

2. The layoff is one of a number of layoffs and delaying the layoff would cause serious financial detriment to the City; or

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3. The layoff is caused by fire, storm damage, earthquake, destruction of property, strike, or any other such event that could not reasonably have been foreseen, or by peremptory state or federal legislation.

(Ord. 118121 § 1, 1996: Ord. 117360 § 1, 1994; Ord. 117327 § 1, 1994: Ord. 110852 § 2, 1982: Ord. 110253 § 2, 1981: Ord. 107790 § 20, 1978.)

4.04.225Smoking in the work environment.

A. Definitions.

1. "Smoking" or "to smoke" means and includes inhaling, exhaling, or carrying any burning tobacco or other plant matter, including but not limited to cigarettes, cigars or pipes.

2. "Smoking debris" includes but is not limited to cigarette or cigar butts, cigarette paper or product packaging, tobacco, smoke, ash, or any other residue resulting from smoking.

3. "Enclosed work area" means that area closed in by a roof and walls, with at least one (1) opening for ingress and egress, with the intended use primarily for and by officers and employees.

4. "Common areas" means that area enclosed by a roof and walls in facilities which are owned, leased or rented by the City, including but not limited to employee lounges, lunchrooms, stairways, elevators, and restrooms.

B. Uniform Smoking Policy. Smoking is prohibited in all City enclosed work and common areas, with the following exceptions:

1. Temporary designated smoking areas:

a. Temporary smoking designated areas will be established, where feasible, within each City facility that permanently houses twenty-five (25) or more City employees.

b. The Executive Services Director (ESD) or his or her designee shall determine the number and locations of those areas that shall become designated smoking areas, using already available means of ventilation or separation of office space.

c. Temporary designated smoking areas shall be available for use whenever City employees are working in City facilities. Employees may use said temporary designated smoking areas only during their rest break(s) and lunch hour or before and after the work shift.

d. All temporary designated smoking areas shall be removed by ESD two (2) years after the implementation date of the smoking policy unless abolished sooner or extended further by a legislative act of the Council.

2. Smoking is permitted in outdoor areas unless smoke would be drawn into the work or common areas.

3. City Vehicles. Persons may smoke in City vehicles when:

a. The vehicle is occupied only by persons who smoke; and

b. The employee under whose name the vehicle is assigned agrees to return the vehicle thoroughly aired with all smoking debris removed; and

c. Smoking is not otherwise prohibited for safety reasons.

4. Other Exceptions.

a. Represented Officers and Employees. Where members of a bargaining unit determine that the uniform smoking policy creates a unique situation, with an impact peculiar to their particular bargaining unit, an exception request may be submitted to the Personnel Director, who will meet and confer and/or negotiate with the bargaining representative regarding an exception to the Citywide smoking policy.

b. Nonrepresented Officers and Employees. Any nonrepresented officer(s) or employee(s) who find that the uniform smoking policy creates a unique situation with an adverse impact on the employee(s) while in his/her usual place of work, may submit an exception request to his/her Department Director, who shall submit the request, along with the Director's recommendation, to the Personnel Director. The Personnel Director shall determine the feasibility of allowing an exception to the policy in the employee's work area.

C. Applicability. The Citywide smoking policy shall apply in all enclosed work and common areas, whether in enclosed individual or shared office spaces, and shall apply to all persons who visit enclosed work and common areas, including all officers, employees, contractors, or visitors during all hours and days of the year.

D. Implementation.

1. Effective Date. The Citywide uniform smoking policy shall become effective within three (3) months after adoption of the ordinance codified in this section.[1]

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2. Notification. All City of Seattle Employment Bulletins shall include notification of the Citywide uniform smoking policy.

E. Compliance.

1. Discipline. Discipline shall be imposed on any City officer or employee violating the uniform smoking policy, in accordance with the particular employee's collective bargaining agreement, The Charter or the City Personnel Rules, whichever is applicable.[2] The primary objective of discipline with regard to the City's uniform policy governing smoking in the work environment shall be to correct behavior in violation of said policy, not to punish or penalize employees who smoke.

2. Smoking Cessation Classes.

a. For all officers and employees who wish to quit smoking, the City will temporarily sponsor smoking cessation classes for two (2) years after the effective date of the smoking policy unless abolished sooner or extended further by a legislative act of the Council.[1] Officers and employees may also choose to use an alternative to the City-sponsored smoking cessation classes. The city will establish the cost per person of providing the City-sponsored smoking cessation classes and will reimburse officers and employees

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participating in and completing any City-approved alternative smoking cessation program in an amount equal to the City's "per employee" cost for the program it sponsors. Said officers and employees may take advantage of only one (1) of the above options at the City's expense, one (1) time during the period that they are offered.

b. The City will offer an officer or employee the opportunity to attend a City-sponsored smoking cessation class or to be reimbursed a dollar amount equivalent to the City's cost per person for one (1) of its smoking cessation classes to be applied to other, City-approved alternative smoking cessation programs as established in subsection E2a of this section in conjunction with the first disciplinary warning imposed. Said offer will be made available for only a two (2) year period after the effective date of the smoking policy.[1]

c. "Employee" as used in subsections E2a and E2b of this section is defined in subsection 10 of Seattle Municipal Code Section 4.04.030.

F. Review. The Personnel Director shall study the impact of the policy and shall make recommendations to the Council regarding implementation of the policy ten (10) months after the effective date of this policy.[1] The Council may also consider recommendations from employees regarding the effect of the policy in enclosed work and common areas. The Council may adopt those recommendations which are consistent with the provisions of this chapter.

(Ord. 118397 § 63, 1996; Ord. 113836 § 1, 1988: Ord. 113148 § 1, 1986.)

1.Editor's Note: Ordinance 113148 was passed by the City Council on October 20, 1986.

2.Editor's Note: The Charter is set out at the front of Volume I of this Code; the Personnel Rules are codified in Title 4 of this Code.

4.04.230Progressive discipline.

A. In order of increasing severity, the disciplinary actions which his/her supervisor may take against an employee for inappropriate behavior or performance include:

1. A verbal warning, which shall be accompanied by a notation in the employee's personnel file;
2. A written reprimand, a copy of which must be placed in the employee's file;
3. Suspension up to thirty (30) days;
4. Demotion;
5. Discharge.

B. Which disciplinary action is taken depends upon the seriousness of the affected employee's conduct; except, in the absence of mitigating circumstances, a verbal warning or a written

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reprimand shall not be given for a major disciplinary offense.

C. Suspension, demotion or discharge shall be approved by the employee's department head in writing. An hourly employee may be suspended up to one (1) day without the department head's approval for emergency situations, in accordance with rules promulgated by the Director. Suspensions of nonrepresented salaried employees shall be in increments of no less than one (1) week; provided, that when discipline is administered for major safety violations, suspensions of at least one (1) day but less than one (1) week may be approved.

D. Disciplinary actions shall be reported by the department head to the Personnel Director for records purposes, and the Personnel Director's use in compiling guidelines for like treatment of like behavior from department to department.

E. The Personnel Director may establish rules for application of discipline which are consistent for like behavior from department to department. A department may, by rule, be permitted to impose a more severe penalty than is otherwise sanctioned where misconduct which may be of minimal significance to other departments has a substantial impact on the operations, costs, or safety within that department.

F. The following is a nonexclusive list of major disciplinary actions where a verbal warning or written reprimand will not be appropriate in the absence of mitigating circumstances:

1. Assault or threat toward another person;

2. Being impaired or affected by and/or testing positive for alcohol or a controlled substance during working hours or using or possessing alcohol or a controlled substance at the workplace;

3. Use of City time, equipment or facilities for private gain or other non-City purpose;

4. Falsifying or destroying the business records of the employer at any time or place, without authorization;

5. Knowingly making a false statement on an application for employment or falsifying an employment related examination score;

6. Intentional damage to or theft of the property of the City, another employee, or others;

7. Carrying or otherwise possessing firearms or any type of weapon in the course of employment, except as authorized by the appointing authority;

8. Unauthorized absence;

9. Endangering the safety of, or causing injury to, the person or property of another through negligence or intentional failure to follow policies or procedures;

10. Making a bribe, accepting a bribe, or soliciting a bribe;

11. A knowing or intentional violation of the City Code of Ethics;

12. Conviction of any felony or misdemeanor crime that is or may be work related, or may impair the employee's ability to perform his/her job duties, whether committed at or away from the worksite or during or outside working hours;

13. Racial/sexual harassment and/or acts of discrimination that are prohibited by federal, state, or local laws; or

14. Other offenses of parallel gravity.

G. Where an employee is accused of any action which, if proven, would be grounds for removal of that employee from his/her position of employment, the appointing authority may suspend the employee pending investigation of the matter. An employee who is suspended without pay and who is finally exonerated, shall be reinstated and awarded back pay and benefits.

H. Conviction of a crime shall not disqualify a person from City employment, except where the conviction is for conduct reasonably related to the work the applicant would be performing for the City, and the conviction is less than five (5) years old.

I. A department which takes a disciplinary action that is subject to appeal to the Civil Service Commission shall inform the employee in writing that:

1. He or she has the right to appeal to the Civil Service Commission;

2. To appeal, the employee must file a statement with the Civil Service Commission within twenty (20) days; and

3. The twenty (20) days begin to run on the date of delivery if the notice is given to the employee personally or delivered to his or her most recent address shown on departmental records; and on the third day after the date of mailing if the notice is mailed.

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(Ord. 117959 § 1, 1995: Ord. 117483 § 1, 1995: Ord. 116037 § 1, 1992; Ord. 114267 § 1, 1988; Ord. 107790 § 21, 1978.)

4.04.235Corrective action process.

The Director may, by rule, provide for a corrective action process for the purpose of addressing performance problems and/or minor acts of misconduct which are not considered major disciplinary offenses. Examples of major disciplinary offenses are provided in Section 4.04.230 F. Such a corrective action process will replace verbal warnings and/or written reprimands, except in those instances where a verbal warning or a written reprimand is appropriate discipline because of the presence of mitigating circumstances following a determination that an employee has committed a major disciplinary offense.
(Ord. 117959 § 2, 1995.)

4.04.240Intradepartmental grievance procedure.

A. The Director shall establish rules for the presentation of employee grievances in succession, to an employee's immediate supervisor, to the division manager, and to the head of the department for a written decision if necessary. Grievances pursued beyond the employee's immediate supervisor must be submitted in writing in a timely manner.

B. The Director may advise and assist the head of a department in resolving a grievance, and shall seek consistency of treatment of like grievances among the several departments, offices, boards, and commissions of the City.

C. By submitting a grievance to binding arbitration provided by a collective bargaining agreement, the employee waives his/her right to initiate a grievance procedure under this section.
(Ord. 107790 § 22, 1978.)

4.04.250Civil Service Commission.

A. 1. There shall be a three (3) member Civil Service Commission. One (1) Commissioner shall be appointed by the Mayor, one (1) Commissioner shall be appointed by the City Council, and one (1) Commissioner shall be elected by City employees as prescribed hereafter. The term of each Commissioner shall be three (3) years; provided, that the term of the first employee's Commissioner shall be three (3) years, the term of the first Mayor's Commissioner shall be two (2) years, and the term of the first Council's Commissioner shall be one (1) year. Each term shall begin on January 1st.

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2. Appointments and elections to fill vacancies on the Commission shall be for the unexpired term. Two (2) Commissioners constitute a quorum.

B. Eligibility of Commissioners. In order that the independence of the Commissioners be assured, no person shall serve as Commissioner who is also a member of the Mayor's office, the City Council staff, the Civil Service Commission staff, an elected official, a head of a City department, or an exempt City employee.

C. Election for Employee's Commissioner. All City employees who are regular or probationary employees of the City, except members of the Public Safety Personnel System, are eligible to vote for the employee-selected Commissioner. Elected, exempt, and temporary employees may not vote in that election.

D. Commissioner's Election, Administration. Election of the employees' designate to the Commission shall be administered by the City Clerk. Election shall be held during the week beginning on the first Monday in November, 1987, and every third year thereafter. The City Clerk shall give notice of such election and furnish ballots therefor. Balloting shall be permitted by mail postmarked between the hours of one minute past midnight (12:01 a.m.) Monday to twelve midnight (12:00 midnight) of the succeeding Friday of the election week. Ballots may also be deposited during regular office hours at polling places prescribed by the City Clerk.

E. Commissioner Candidacy. Not earlier than the first Monday in October of each year in which a Commissioner will be elected, nor later than the succeeding Friday, any person who is to become a candidate for Commissioner shall file a declaration of candidacy for office with the City Clerk, on a form furnished by the City Clerk.

F. Voting. The candidate receiving the majority of votes cast shall win the election. If no candidate receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes cast shall be candidates in a runoff election held at a date and time to be determined by the City Clerk. The runoff election be scheduled so that completion of balloting and certification shall occur before five p.m. (5:00 p.m.) on the last business day of December of the election year. Notice and voting shall be the same as for regular Commissioner's election.

G. Commissioner Vacancies. Vacancies occurring in the office of the employee's designate to the Commission shall be filled at a special election to be called for such purpose by resolution of the City Council.

H. No City employee who is elected Commissioner shall suffer a monetary loss or other penalty on account of his/her absence from his/her regular position while performing the duties of Commissioner.

I. Campaign Reporting. Candidates for Commissioner shall comply with the terms of The City of Seattle (Ordinance 106653)[1] including, but not limited to, filing of disclosure statements regarding campaign financing.

J. Recall of Employee Member. The employee designate to the Commission may be recalled by a vote of a majority of the number of votes cast in a recall election.

Recall proceedings are instituted by filing with the City Clerk a demand for recall, stating good cause therefor. Within sixty (60) days of filing, the statement must be supported by a petition filed therewith, bearing the signatures of eligible employees equal in number to twenty-five percent (25%) of the number that voted in the last Commissioner's election; provided, no more than fifty percent (50%) may be signatures of the employees of a single department. Upon verification of sufficient signatures, the City Clerk shall announce a recall election as soon as is practicable.

K. Removal of Appointed Commissioners. The Mayor or the City Council may remove its appointed Commissioner by making a public statement setting forth the reasons therefor, and may appoint a replacement for the remainder of such Commissioner's unexpired term.

L. Duties. The duties of the Commission are as follows:

1. To appoint, remove, and supervise Commission staff;

2. To make rules for the conduct of Commission business pursuant to the Administrative Code of the City (Ordinance 102228);[2]

3. To hear appeals involving the administration of the personnel system. The Commission may administer oaths, issue subpoenas, receive evidence, compel the production of documents for such purposes, and may question witnesses at its hearings;

4. To conduct investigations and issue findings regarding any complaints that the Mayor,

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a City Councilmember, or a member of their immediate staff has initiated a recommendation regarding a candidate for City employment, or that any person has used inappropriate pressure to effect the hiring of any candidate for City employment. The Commission may administer oaths, issue subpoenas, receive evidence, compel the production of documents for such purposes, and may question witnesses at its hearing;

5. To issue such remedial orders as it deems appropriate; provided, that no remedial order may supervene the exclusive authority of the City Council as it relates to the financial transactions of the City. The Commission shall have the power to reinstate employees. It may introduce legislation for lost wages and benefits, and may make recommendations to the Mayor and City Council;

6. To review and comment upon rules promulgated by the Personnel Director pursuant to the Administrative Code of the City (Ordinance 102228);[2]

7. Delegation of Powers. The Commission may delegate its powers, in whole or in part, to a hearing examiner who may be from the City Hearing Examiner's office. Decisions of a Hearing Examiner may be appealed to the Commission. The Commission may not delegate its powers to, or employ the services of, the Personnel Director or a member of the Personnel Division.

(Ord. 118397 § 64, 1996; Ord. 118337 § 1, 1996; Ord. 117242 § 7, 1994; Ord. 116368 § 84, 1992; Ord. 112606 § 2, 1985; Ord. 111892 § 1, 1984; Ord. 107790 § 23, 1978.)

1.Editor's Note: The Fair Campaign Practices Ordinance is codified in Chapter 2.04 of this Code.

2.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

4.04.255Determinations regarding exemptions from Civil Service.

Any question regarding whether the City's legislative authority has made a particular position of employment exempt from the Civil Service shall be determined solely by the Personnel Director only by reference to pertinent annual City budgets and exemptions ordinances and the records of the Executive Services Department with respect to such position and the occupant thereof; the Civil Service Commission shall have no jurisdiction to determine such question.

(Ord. 118397 § 65, 1996: Ord. 114314 § 3, 1989.)

4.04.260Appeals to Civil Service Commission.

A. A regular employee who is aggrieved thereby may appeal to the Civil Service Commission his/her demotion, suspension, termination of employment, or violation of this chapter or rules passed pursuant thereto; provided that the employee first exhausts his/her intradepartmental grievance remedies.

B. An appeal shall be in the form of a concise statement of the reason for appeal.

1. An appeal from an action other than a disciplinary action must be filed with the Commission within twenty (20) days of the action appealed from.

2. An appeal from a disciplinary action must be filed within twenty (20) days of giving to the employee notice of the action and the information that he or she has a right to appeal to the Civil Service Commission and twenty (20) days for filing an appeal.

3. The twenty (20) day limit for filing appeals begins to run on the date of delivery of the notice. “Date of delivery” means the date the notice is personally delivered to the employee or the third day after the date of mailing if the notice is mailed to the address shown on departmental records as the employee's most recent residence address or as the address supplied by the employee for receiving notices.

C. By submitting the same complaint to binding arbitration provided by a collective bargaining agreement, the employee waives his/her right to an appeal under this section.

D. A complaint alleging discrimination in violation of the City's Fair Employment Practices Ordinance[1] shall be referred by the Com-

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mission to the rights agency of the City having jurisdication over such complaints for its recommendation as to appropriate settlement of the case.

E. An employee may be represented at a hearing before the Commission by a person of his/her own choosing at his/her own expense.

F. The Commission shall keep a record of its own proceedings, but the record need not include a written verbatim transcript.

G. The Commission shall accord appellants in disciplinary actions the right to cross-examine witnesses and to produce relevant evidence at hearings.

H. The Commission shall conduct hearings on a timely basis and render decisions on the issues presented at hearing within ninety (90) days after a hearing is completed.

(Ord. 114267 § 2, 1988; Ord. 107790 § 24, 1978.)

1.Editor's Note: The Fair Employment Practices Ordinance is codified in Chapter 14.04 of this Code.

4.04.270Transition.

This chapter effects major changes in the City's personnel system. In order that the business of the City may continue without major hiatus during implementation of this new personnel system, the following transitional provisions are authorized and made:

A. Upon the effective date of the ordinance codified in this chapter,[1] the appointment of each employee of the City is ratified and confirmed.

B. Upon the effective date of the ordinance codified in this chapter,[1] all regular employees of the City shall remain regular employees of the City, without loss of accrued vacation, sick leave, compensation time, or like benefit, if any, which is also recognized under the new personnel system.

C. Upon the effective date of the ordinance codified in this chapter,[1] probationary employees shall remain probationary employees without loss of accrued vacation, sick leave, compensation time, service time accrued toward regular employment, or like benefit, if any, which is also recognized under the new personnel system.

D. Upon the effective date of the ordinance codified in this chapter,[1] provisional employees shall become probationary employees of the City without loss of accrued vacation, sick leave, or compensation time or like benefit, if any, which is also recognized under the new system.

E. The accrued vacation, sick leave, compensation time, or like benefit of every employee, if such benefit exists, is preserved upon the effective date of the ordinance codified in this chapter;[1] provided, that such benefit is a sort recognized under the new system.

F. Upon the effective date of the ordinance codified in this chapter,[1] the Civil Service Commission shall assume jurisdiction over appeals previously made by employees, who are not members of the public safety personnel system, to the previous Civil Service Commission. The Commission shall hear such cases under its choice of previous Civil Service Laws and Rules or newer rules of the Personnel Director, whichever set of rules is deemed fairer to the employee.

G. Upon the effective date of the ordinance codified in this chapter,[1] the existing job classifications in the City are ratified and confirmed, and shall remain in effect until changed.

H. The responsibilities for administration of all the records, books, and papers of the Retirement Board relating to employee benefits other than those relating to the Retirement Program, the Group Term Life Insurance program, and the disability program established for members of the Retirement System (Ordinance 78444), namely, those records, books, and papers relating to employee health care (Ordinance 8384), vacation (Ordinance 86799), sick leave (Ordinance 88522), dental care (Ordinance 100862)[2] and all other employee benefits, are transferred to the Personnel Department.

I. The Civil Service Commission heretofore appointed pursuant to Charter Article XVI, prior to its 1977 amendments, is terminated. All of the offices, equipment, and properties of such Civil Service Commission, and all of its records, books, and papers are transferred to the Public Safety Commission established pursuant to the provisions of this chapter; provided, that records, books, and papers relating to employees and positions of employment not a part of the Public Safety Civil Service Commission are transferred to the Personnel Department established pursuant to Charter Article XVI[3] and this chapter; except for such records as relate to employee grievances; and provided, further that all such records relating to grievances of employees not

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covered by the Public Safety Civil Service Commission are transferred to the Civil Service Commission established pursuant to Charter Article XVI as amended in 1977, and pursuant to the terms of this chapter.

J. Insofar as they are not in conflict with the terms of this chapter, the Civil Service Rules of the City adopted February 17, 1965, as amended as of December 31, 1978, are adopted as the rules of the Personnel Department established pursuant to the terms of Charter Article XVI as amended in 1977 and the terms of this chapter, until such rules are amended or repealed by the Personnel Director.

K. The adoption of this chapter and rules adopted pursuant hereto shall not affect the provisions of any existing collective bargaining agreement between an employee organization and the City.
(Ord. 107790 § 25, 1978.)

1.Editor's Note: Ordinance 107790 became effective on January 10, 1979.

2.Editor's Note: The following ordinances are codified in the following chapters of this Code:
Retirement System (Ord. 78444) Chapter 4.36
Health Care (Ord. 83834) Chapter 4.56
Vacations (Ord. 86799) Chapter 4.32
Sick Leave (Ord. 88522) Chapter 4.24
Dental Care (Ord. 100862) Chapter 4.60

3.Editor's Note: The Charter is included at the beginning of this Code.

Chapter 4.08
PUBLIC SAFETY CIVIL SERVICE

Sections:

4.08.010Title.
4.08.020Purpose.
4.08.030Definitions.
4.08.040Public Safety Civil Service Commission.
4.08.050Organization of Commission—Secretary and Chief Examiner.
4.08.060Jurisdiction.
4.08.070Powers and duties of Commission.
4.08.080Affirmative action.
4.08.090Qualifications of applicants.
4.08.100Tenure of employment—Removal for cause.
4.08.110Filling of vacancies—Probationary period.
4.08.120Performance evaluation.
4.08.130Training programs.
4.08.140Rights of employees.
4.08.150Salary or wages not paid except to those lawfully appointed.
4.08.160Prohibited employee conduct.
4.08.170Cooperation of City officers and employees.
4.08.180Collective bargaining.
4.08.190Transition.
4.08.200Temporary replacements.
4.08.210Penalties.

Statutory Reference: for Charter provisions regarding civil service regulations, see Charter Art. XVI.

Severability: The provisions of this chapter are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.
(Ord. 107791 § 21, 1978.)

4.08.010Title.

This chapter shall be entitled "The 1978 City of Seattle Public Safety Civil Service Ordinance."
(Ord. 107791 § 1, 1978.)

4.08.020Purpose.

The general purpose of this chapter is to establish a civil service system for employees in the Police and Fire Departments of the City, governing appointments, promotions, layoffs, recruitment, retention, classifications, removals and discipline, pursuant to Charter Article XVI,[1] all 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 made on the basis and policies hereinafter specified as in said state law.
(Ord. 107791 § 2, 1978.)

1.Editor's Note: The Charter is included at the beginning of this Code.

4.08.030Definitions.

The following words and phrases shall have the meanings hereinafter described unless the context in which included clearly indicates otherwise:

A. "Appointing authority" means a person who is authorized to employ others on behalf of the City, which means: (1) the Fire Chief with respect to any Seattle Fire Department position included in this system, or (b) the Chief of Police with respect to any Seattle Police Department position included in this system.

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B. "Certify" 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.

C. "City" means The City of Seattle.

D. "City Council" means the City Council of The City of Seattle.

E. "Class" means a group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.

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F. "Commission" means the Public Safety Civil Service Commission hereinafter created, and the term "Commissioner" means any one (1) member of said Commission.

G. "Demotion" means removal of an employee from a higher to a lower class of employment, for cause.

H. "Exempt position" means a position of City employment which is subject to civil service rules and regulation only to the extent provided in the Exemptions Ordinance,[1] and in which one serves at the discretion of the appointing authority. An exempt position must be established by a two-thirds (2/3) vote of the City Council.

I. "Probationary employee" means a person appointed from a register who has not yet completed one (1) year's employment.

J. "Provisional employee" means an employee who was appointed to a position for which no register existed.

K. "Reduction" means the removal of an employee from a higher class to a lower class of employment for reasons other than cause.

L. "Register" 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.

M. "Regular employee" means a person appointed from a register who has satisfactorily completed a one (1) year period of probationary employment.

N. "Reinstatement" means reappointment of a regular employee to a position in a class in which he/she was a regular employee.

O. "Suspension" means temporary withdrawal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in discharge.

P. "Temporary employee" means a person appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.

Q. "Termination" means separation from employment for cause.

(Ord. 107791 § 3, 1978.)

1.Editor's Note: The Exemptions Ordinance is codified in Chapter 4.12 of this Code.

4.08.040Public Safety Civil Service Commission.

A. There is created a Public Safety Civil Service Commission composed of three (3) members. One (1) member shall be appointed by the

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Mayor, one (1) by the City Council and one (1) elected by and representing employees. The term of each Commissioner shall be three (3) years; provided, that the term of the first Council Commissioner shall be two (2) years and the term of the first Mayor's Commissioner shall be one (1) year. Each term shall commence on January 1st, and appointments to fill vacancies shall be for the unexpired term. Two (2) Commissioners shall constitute a quorum. Commissioners may receive compensation for their services as may be fixed from time to time by ordinance.

B. Officers and employees in the Mayor's office, on the City Council staff, and on the Public Safety Civil Service Commission staff, and employees holding exempt positions shall be ineligible for the office of Commissioner.

C. All regular and probationary employees who are members of this system are eligible to vote for an employee-selected Public Safety Civil Service Commissioner.

D. Election shall be administered by the City Clerk. Election shall be held during the week beginning on the first Monday in November, 1987, and every third year thereafter. The City Clerk shall give notice of such election and furnish ballots therefor. Balloting shall be permitted by mail postmarked between the hours of one minute past twelve midnight (12:01 a.m.) Monday to twelve midnight (12:00 midnight) of the succeeding Friday of the election week. Ballots may also be deposited during regular office hours at polling places prescribed by the City Clerk.

E. Not earlier than the first Monday in October of each year in which a Commissioner will be elected, nor later than the succeeding Friday, any person who is to become a candidate for Commissioner shall file a declaration of candidacy for office with the City Clerk, on a form furnished by the City Clerk.

F. The candidate receiving the majority of votes cast shall win the election. If no candidate receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes shall be candidates in a runoff election at a date and time to be determined by the City Clerk. The runoff election be scheduled so that completion of balloting and certification shall occur before five p.m. (5:00 p.m.) on the last business day of December of the election year. Notice and balloting shall be the same as for a regular Commissioner's election.

G. Vacancies occurring in the office of the employee's Commissioner shall be filled at a special election to be called for such purpose by resolution of the City Council.

H. No City employee who is elected to the Public Safety Civil Service Commission shall suffer a monetary loss or other penalty on account of his/her absence from his/her regular position during regular hours while performing the duties of Commissioner.

I. Candidates for Public Safety Civil Service Commission shall comply with the terms of the Fair Campaign Practices Ordinance of the City (Ordinance 106653)[1] regarding filing of disclosure statements regarding campaign financing.

J. Pursuant to the City Charter Article XIX,[2] Commissioners may be removed for cause by the City Council following a hearing and the Mayor's appointee may also be removed by the Mayor upon filing a statement of reasons therefor.

(Ord. 118337 § 2, 1996; Ord. 117242 § 8, 1994; Ord. 116368 § 85, 1992; Ord. 112606 § 1, 1985; Ord. 109358 § 1, 1980: Ord. 107791 § 4, 1978.)

1.Editor's Note: The Fair Campaign Practices Ordinance is codified in Chapter 2.04 of this Code.

2.Editor's Note: The Charter is included at the beginning of this Code.

4.08.050 Organization of commission—Secretary and chief examiner.

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 a 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 be filled by appointment of a Public Safety Civil Service employee, such employee, if removed as Examiner 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 Secretary and Chief Examiner.

(Ord. 107791 § 5, 1978.)

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4.08.060Jurisdiction.

A. The Public Safety Civil Service system includes and is limited to, and the provisions of this chapter apply only to police special recruits, police recruits, police officers, police sergeants, police lieutenants, and police captains; and fire fighter prerecruits, fire fighters, fire lieutenants, fire captains, fire battalion chiefs, and fireboat pilots, fireboat engineers, and assistant fireboat engineers.

B. Appointments and promotions to the positions:

1. Above the rank and position of Battalion Chief in the Fire Department; and

2. Above the rank and position of Police Captain in the Police Department

shall be made by assignment from the ranks and positions of Battalion Chief or Captain in the Seattle Fire Department for Fire Department ranks and positions, and Captain or Lieutenant in the Seattle Police Department for Police Department ranks and positions, at the sole discretion of the appointing authority. In the event of removal from the assigned position, the officer shall resume the rank and position from which he or she was so assigned.

(Ord. 112821 § 1, 1986: Ord. 109358 § 2, 1980: Ord. 107791 § 6, 1978.)

4.08.070Powers 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. 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.

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.

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.

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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 (1) months as provisional appointee in any twelve (12) month period.

G. 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. To hear and determine appeals or complaints respecting the administration of this chapter.

I. 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.

J. 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.

(Ord. 107791 § 7, 1978.)

4.08.080Affirmative action.

Personnel actions regarding employees covered by the system set forth in this chapter shall be subject to and consistent with the City's Affirmative Action Plan as adopted by ordinance 109112[1] and as subsequently amended.

(Ord. 109112 § 7, 1980: Ord. 107791 § 8, 1978.)

1.Editor's Note: The Personnel Ordinance is codified in Chapter 4.04 of this Code.

4.08.090Qualifications of applicants.

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

(Ord. 107791 § 9, 1978.)

4.08.100Tenure of employment—Removal for cause.

A. The tenure of every regular employee who is a member of this system shall be only during good behavior and acceptable job performance, and any such employee may be removed, suspended, demoted, or discharged for cause. Suspensions shall not exceed thirty days. Any regular employee may be removed, suspended, demoted, or discharged by the appointing authority only upon the filing with the Commission of a statement in writing of the reasons therefor, a duplicate of which shall be served upon the employee. Any regular employee so removed, suspended, demoted, or discharged may within ten days from the date of service of such statement, file with the Commission a written demand for a hearing, whereupon, in due course, the Commission shall conduct such hearing. The hearing shall be confined to the determination of the question of whether such removal, suspension, demotion, or discharge was made in good faith for cause. After such hearing, the Commission may affirm the action of the appointing authority, or if it shall find that the action was not made in good faith for cause, shall order the immediate

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reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted, or discharged. The Commission upon such hearing, in lieu of affirming the removal, may modify the order of removal, suspension, demotion, or discharge by directing a suspension, without pay, for up to thirty days, and subsequent restoration to duty, or demotion in classification, grade or pay. The findings of the Commission shall be certified in writing by the appointing authority, and shall be forthwith enforced by such officer.

B. All hearings pursuant to this section shall be open to the public at the request of the employee. Hearings shall be held after due notice of the time and place of hearing to the affected employee. The employee has the right to representation of his/her choosing and at his/her own expense.

C. The Commission shall cause to be made a record of all such hearings. Upon request, the Commission shall furnish such record to the employee.

D. By submitting a grievance to binding arbitration under a collective bargaining agreement, the employee waives his/her right to demand a hearing under this section. A complaint alleging discrimination in violation of the City's Fair Employment Practices Ordinances[1] shall be referred by the Commission to the rights agency of the City having jurisdiction over such complaints for its recommendation as to appropriate settlement of the case.

(Ord. 107791 § 10, 1978.)

1.Editor's Note: The Fair Employment Practices Ordinance is codified in Chapter 14.04 of this Code.

4.08.110Filling 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 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 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 Commission. If an appointee is not then discharged or demoted, his/her appointment shall be deemed complete.

(Ord. 107791 § 11, 1978.)

4.08.120Performance evaluation.

The performance of employees covered by this system shall be evaluated in accordance with rules adopted by the respective appointing authorities.

(Ord. 107791 § 12, 1978.)

4.08.130Training programs.

The appointing authorities shall from time to time adopt and administer training programs for their respective departments, subject to provisions of the affirmative action plan.[1]

(Ord. 107791 § 13, 1978.)

1.Cross-reference: The affirmative action program is codified in Chapter 4.80 of this Code.

4.08.140Rights of employees.

A. Employees have the right to compete openly for positions on the basis of knowledge, skills, and abilities.

B. Employees have the right to a timely resolution of their grievances, and appeals.

C. Employees shall not be demoted, suspended, or discharged except only for cause, and they may appeal such adverse actions as specified in this chapter.

D. Employees have the right to fair and equal treatment as provided in Ordinance 102562, as amended (Seattle Fair Employment Practices Ordinance).[1]

E. Employees may bargain collectively through representatives of their own choosing, pursuant to RCW Chapter 41.56.

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F. Employees may examine their own personnel files and are entitled to a copy of anything contained therein, at the City's expense.

G. Employees may have outside employment as long as it does not interfere with their ability to carry out their duties for the City, subject to the provisions of the Ethics Ordinance (Ordinance 100435, as amended).[2]

H. Employees may engage in political activities, subject to RCW 41.06.250. Political activities of employees in operations which are financed primarily or totally by federal grant-in-aid funds are also subject to the Hatch Act, 15 USC/1501, et seq.

I. Employees have the right to report an "improper governmental action" to an "auditing official," another government official or a member of the public, to cooperate in an investigation, and to testify in a proceeding thereon, and to be protected from "retaliatory action" for doing so. (Each term in quotation marks is defined in Section 4.20.850.)
(Ord. 115464 § 3, 1990; Ord. 107791 § 14, 1978.)

1.Editor's Note: The Fair Employment Practices Ordinance is codified in Chapter 14.04 of this Code.
2.Editor's Note: The Ethics Ordinance is codified in Chapter 4.16 of this Code.

4.08.150Salary or wages not paid except to those lawfully appointed.

The Finance Director shall not approve, or pay any salary or wages to any person for services as an officer or employee in the Police and Fire Departments unless such person is occupying an office or place of employment according to law and is entitled to payment therefor.
(Ord. 116368 § 86, 1992: Ord. 107791 § 15, 1978.)

4.08.160Prohibited employee conduct.

A. It is unlawful for anyone to wilfully or corruptly, by himself or in collusion with one (1) or more persons, to deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in doing so, or wilfully or corruptly make any false representation concerning the same or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospect or chances of any person so examined, or to be examined, to be appointed, employed or promoted.

B. It is unlawful for any person to:

1. Solicit political support from City employees during the employee's working hours; or

2. Grant or promise to grant any act or thing of value to a City employee in return for the employee's giving him/her special consideration in the course of the employee's business; or

3. Withhold or threaten to withhold any right or benefit of an employee, or to bring or threaten to bring any disciplinary charge conditioned on the employee's according special consideration to that person, in the employee's course of business; or

4. To use City property or materials to engage in solicitations other than for City purposes, or for political campaign purposes; or

5. If a City employee, solicit for other than City purpose or engage in political campaigning, on City time.
(Ord. 107791 § 16, 1978.)

4.08.170Cooperation of City officers and employees.

All officers and employees of the City shall afford to the Commission reasonable access to and reasonable facilities for the inspection and copying of all books, papers, documents and accounts in any way pertaining to any office, place, position or employment under the jurisdiction of the Commission and shall also produce the books, papers, documents and accounts and attend and testify whenever requested by the Commission to do so.
(Ord. 107791 § 18, 1978.)

4.08.180Collective bargaining.

The adoption of this chapter shall not affect the provisions of any existing collective bargaining agreement.
(Ord. 107791 § 19, 1978.)

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4.08.190Transition.

In order that the business of the City may continue without major hiatus during implementation of this new civil service ordinance, the following transitional provisions are authorized and made:

A. Upon the effective date of the ordinance codified in this chapter,[1] the appointment of each employee covered by this system is ratified and confirmed.

B. Upon the effective date of the ordinance codified in this chapter,[1] all regular employees covered by this system shall remain regular employees, without loss of accrued service time, or accrued vacation, sick leave, compensatory time or like benefit, if any, which is also recognized under this chapter.

C. Upon the effective date of the ordinance codified in this chapter,[1] probationary employees covered by this system shall remain probationary employees without loss of accrued vacation, sick leave, compensatory time, service time accrued toward regular employment, or like benefit, if any, which is also recognized under this chapter.

D. Provisional appointments to positions covered by this system shall on May 1, 1979, be deemed vacant and the incumbent thereof shall not be reappointed to such position except as provided in this chapter.

E. Upon the effective date of the ordinance codified in this chapter,[1] the Commission shall assume jurisdiction over appeals previously made by employees who are members of this system to the previous Civil Service Commission. The Commission shall hear such cases under its choice of previous Civil Service Laws and Rules or the Commission's newer rules, if any, whichever set of rules is deemed fairer to the employee.

F. Upon the effective date of the ordinance codified in this chapter,[1] the existing job classifications in this system are ratified and confirmed, and shall remain in effect until changed.

(Ord. 107791 § 20, 1978.)

1.Editor's Note: Ord. 107791 became effective on January 10, 1979.

4.08.200Temporary replacements.

The Public Safety Civil Service Commission may appoint a temporary replacement to participate in its proceedings on a particular matter with full speaking and voting rights of a member when:

A. The Commission is hearing an appeal under Section 4.08.100 or otherwise acting in an adjudicatory capacity; and

B. The member is disqualified from acting by reason of interest or other cause or is excused in order to preserve fairness or an appearance of fairness to the Commission's proceedings.

Commission's proceedings with a temporary replacement shall be valid to all intents and purposes. The appointment of a temporary replacement shall not reduce the rights or privileges of the regular member, who is excused from acting on the particular matter, with respect to any other matters or proceedings of the Commission.

(Ord. 108077 § 1, 1979: Ord. 107791 § 23, 1978.)

4.08.210Penalties.

Any person who violates any of the provisions of Section 4.08.160 shall, upon conviction thereof, be fined in an amount not to exceed Five Hundred Dollars ($500.00) and/or imprisoned in the City Jail for a period not to exceed one hundred eighty (180) days. In addition, such violation shall constitute good cause for dismissal or other discipline at the discretion of the appointing authority.

(Ord. 107791 § 17, 1978.)

Chapter 4.10
LIMITED DUTY ASSIGNMENTS—PREGNANCY

Sections:

4.10.010Purpose—Policy.
4.10.020Procedure—Accommodation.
4.10.030Limitations.
4.10.040Departmental operating procedures.

4.10.010Purpose—Policy.

It is the policy of The City of Seattle to recognize pregnancy as a normal occurrence in a woman's life and to provide female employees an opportunity to continue to participate in the work force during a normal pregnancy.

(Ord. 113597 § 1(part), 1987.)

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4.10.020Procedure—Accommodation.

A. Notwithstanding other provisions of Title 4 of this Code, a female employee who, upon advice of her physician and/or a physician employed by the City, may not safely perform all of the normal duties of her job due to pregnancy and who indicates a desire to continue working prior to taking sick leave or maternity leave for which she may otherwise be eligible, shall, upon concurrence of the City, receive consideration for temporary reassignment. The employing department shall reasonably accommodate such a pregnant employee's desire for medically approved continued employment during pregnancy via one (1) or more of the alternatives listed below within the employing department, with the first alternative having preference, as long as such accommodation can be reasonably made:

1. Temporary reassignment to limited duties within the employee's job classification;

2. Temporary reassignment of the employee to a similar classification with equal pay for which the employee is qualified;

3. Temporary reassignment of the employee to another classification for which the employee is qualified but with lesser pay to be assigned to the pay step closest to that which the employee was receiving in her normal job classification.

B. Because of the separate and unique retirement system for uniformed police officers and firefighters, the temporary reassignment for pregnant firefighters or police officers shall only be provided as in subsection A1 of this section.

(Ord. 113597 § 1(part), 1987.)

4.10.030Limitations.

A. Temporary reassignments made pursuant to SMC Section 4.10.020 of this Code shall be limited to the period of temporary incapacity caused by normal pregnancy both before childbirth and upon return to work but prior to the time when released by the employee's physician or a consulting physician retained by the City, to return to full duty.

B. "Temporary incapacity," for purposes of this section, is the period during which the employee cannot perform all of her regular duties, but is capable of performing a temporary limited duty assignment provided by the City as contemplated in SMC Section 4.10.020.

C. Female employees shall continue to be eligible for paid leave and leave without pay pursuant to the personnel laws and rules regarding such matters in order to provide for the period of temporary disability (illness) attributable to pregnancy and pregnancy-related conditions.

D. Leaves of absence associated with maternity and parenting shall be authorized pursuant to Personnel Rules concerning Leaves of Absence Without Pay, Maternity Leave and Parenting Leave as shall be promulgated by the Personnel Director.

(Ord. 113597 § 1(part), 1987.)

4.10.040Departmental operating procedures.

Based upon guidance provided by the Personnel Director, each department shall promulgate a departmental operating procedure to implement this policy.

(Ord. 118397 § 66, 1996: Ord. 113597 § 1(part), 1987.)

Chapter 4.13
EXEMPTIONS FROM CIVIL SERVICE SYSTEMS[1]

Sections:

4.13.010Exemptions from the Civil Service and Public Safety Civil Service Systems.
4.13.020System-wide exemptions from the Civil Service and Public Safety Civil Service Systems.

1.Editor's Note: Attachment A of Ordinance 113579 is on file with the ordinance in the City Clerk's office.

4.13.010Exemptions from the Civil Service and Public Safety Civil Service Systems.

In addition to those positions exempted by statute, City Charter, or other ordinance provision (elected officers, officers appointed pursuant to the City Charter, assistant City attorneys, heads of employing units, members of boards and commissions established by the City Charter,[1] members of boards and commissions established by ordinance, positions excluded from the Public Safety Civil Service System pursuant to SMC Section 4.08.060, system-wide exemptions provided for in SMC Section 4.13.020, and library employees),

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the positions of City employment listed in the subsections of this section requiring a particularly high degree of professional responsiveness and individual accountability, or requiring a confidential or fiduciary relationship with the appointing authority, or being judicial positions requiring insulation as a third branch of government, are hereby declared to be exempt from the Seattle Municipal Code Chapters 4.04, 4.08, and the rules of the Personnel Department and the Public Safety Civil Service Commission regarding examination, selection, discipline, termination, and appeals.

Employing Unit	Titles of Exempt Positions
A. All Employing Units	Administrative Secretary
	Assistant to the Superintendent
	Executive Assistant/Secretary
	All legal advisors and associate legal advisors to employing units
	Office/Maintenance Aide
B. Arts Commission	Executive Director—Arts Commission
	Deputy Director—Arts Commission
C. City Light	Account Services Director—City Light
	Accounting Director—City Light
	Chief Engineer—City Light
	Chief Engineer—City Light, Assistant to
	City Light Superintendent, Deputy
	Civil Engineering Director—City Light
	Customer Information System Project Director
	Customer Relations Director—SCL
	Data Processing Systems Manager
	Distribution Engineering Director—Seattle City Light
	Electric Services Director—City Light
	Electrical Operations Director
	Energy Management Services Director
	Energy Planning and Forecasting Director

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Facilities Management Director— City Light

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Financial Planning Director—

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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Hydroelectric Manager

For current SMC, contact the Office of the City Clerk

Mechanical Engineering Director—City Light

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Power Generation Director

For current SMC, contact the Office of the City Clerk

Power Management Director— City Light

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Power Systems and Substation Engineering Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Project Management Director— City Light

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Strategic Technology and Planning Director—City Light

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

CommissionExecutive Director—Civil Service Commission

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

E. Construction and Land UseCode Development and Community Relations Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Construction Inspection Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Finance and Administrative Services Director—DCLU

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Housing and Zoning Enforcement Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Land Use Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Permits and Plans Examination Director

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Principal Engineer—DCLU

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Special Projects Facilitator—DCLU

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

F. ExecutiveAdministrative Staff Analyst (OMP)

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact
the Office of the City Clerk

Administrative Staff Assistant (OED)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Administrative Staff Assistant (OCR)

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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All directors of offices in the Executive Department

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Employing UnitTitles of Exempt Positions

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

All positions in the Office of the Mayor, except clerical positions classified in the Office Assistant and Accounting Support class series

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Budget Analyst (OMP)

For current SMC, contact the Office of the City Clerk

Budget Analyst, Senior (OMP)

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Budget Analyst, Supervising (OMP)

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Budget Analyst Trainee (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Budget Director, Assistant (OMP)

For current SMC, contact the Office of the City Clerk

Budget Director, Deputy (OMP)

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Business Development and Contract Services Director
(Office of Economic Development)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Deputy Director (OIR)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Director IV (OCR)

For current SMC, contact the Office of the City Clerk

Director VIII (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Enforcement Manager (OCR)

For current SMC, contact
the Office of the City Clerk

Financial Economist (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Intergovernmental Relations Coordinator (OIR)

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

International Community Programs Coordinator (OIR)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

International Specialist, Chief (OIR)

Seattle Municipal Code
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sections for complete text, graphics,
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For current SMC, contact
the Office of the City Clerk

Lobbyist

Seattle Municipal Code
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Seattle Municipal Code
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Lobbyist, Senior

For current SMC, contact the Office of the City Clerk

Management and Planning Director, Assistant (OMP)

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Manager IV (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Manager VIII (OMP)

Seattle Municipal Code
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Seattle Municipal Code
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Manager IX (OMP)

For current SMC, contact the Office of the City Clerk

Manager X (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Planning and Development Specialist II (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Planning and Development Specialist, Senior (OMP)

Seattle Municipal Code
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Seattle Municipal Code
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Policy and Management Analyst (OMP)

For current SMC, contact
the Office of the City Clerk

Public Information Specialist, Senior (OMP)

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Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Employing UnitTitles of Exempt Positions

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Transportation Planner, Associate (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Transportation Planner, Senior (OMP)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Urban Design Planner, Senior (OMP)

For current SMC, contact the Office of the City Clerk

Urban Economist (OMP)

Seattle Municipal Code
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Seattle Municipal Code
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G. Executive Services Accounting Services Director

For current SMC, contact the Office of the City Clerk

Administrative Services Director

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Administrative Services Deputy Director

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Administrative Staff Assistant

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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(PosNo. 025346)

For current SMC, contact
the Office of the City Clerk

Architectural Services Director

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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Building Operations Director

For current SMC, contact the Office of the City Clerk

Classification Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Communications Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Communications and Network Services Director

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Compliance Manager/Deputy

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For current SMC, contact the Office of the City Clerk

Director

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Computer Services Manager

For current SMC, contact the Office of the City Clerk

Contracting Division Director

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Contracting Services Administrator

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Data Processing Applications

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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Director

For current SMC, contact the Office of the City Clerk

Debt Management Coordinator

Seattle Municipal Code
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the Office of the City Clerk

Seattle Municipal Code
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Director I

For current SMC, contact
the Office of the City Clerk

Director IV

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the Office of the City Clerk

Seattle Municipal Code
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Director VIII

For current SMC, contact
the Office of the City Clerk

Director X

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the Office of the City Clerk

Seattle Municipal Code
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Director XII

For current SMC, contact
the Office of the City Clerk

Economist—Dept. of Finance

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Emergency Preparedness Administrator

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Employee Services Administrator

Seattle Municipal Code
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Seattle Municipal Code
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Employment Services Director

For current SMC, contact
the Office of the City Clerk

Finance Director

Seattle Municipal Code
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Seattle Municipal Code
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Fleet Services Director

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Employing UnitTitles of Exempt Positions

For current SMC, contact the Office of the City Clerk

Hearing Examiner, Deputy

Seattle Municipal Code
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Seattle Municipal Code
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Information Systems Director— Administrative Services

For current SMC, contact the Office of the City Clerk

Investment Officer

Seattle Municipal Code
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Seattle Municipal Code
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Investment Officer, Assistant

For current SMC, contact
the Office of the City Clerk

Labor Relations Director

Seattle Municipal Code
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Seattle Municipal Code
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Management Planning and

For current SMC, contact
the Office of the City Clerk

Support Director

Seattle Municipal Code
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Seattle Municipal Code
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Manager VIII—#011162

For current SMC, contact
the Office of the City Clerk

Municipal Facilities Administrator

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

PPS Replacement Project Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Personnel Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Personnel Services Administrator

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Planner, Senior

Seattle Municipal Code
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the Office of the City Clerk

Seattle Municipal Code
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Planning Director, Assistant

For current SMC, contact the Office of the City Clerk

Policy Development Director

Seattle Municipal Code
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the Office of the City Clerk

Seattle Municipal Code
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Purchasing Manager

For current SMC, contact
the Office of the City Clerk

Risk Manager

Seattle Municipal Code
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Seattle Municipal Code
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Strategic Technology Planner

For current SMC, contact
the Office of the City Clerk

System Services Director

Seattle Municipal Code
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For current SMC, contact
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Seattle Municipal Code
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Technology Officer, Chief

For current SMC, contact
the Office of the City Clerk

Telecommunications Director

Seattle Municipal Code
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Seattle Municipal Code
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Treasury Director

For current SMC, contact
the Office of the City Clerk

Vehicle Maintenance Director

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

For current SMC, contact the Office of the City Clerk

H. FireAll Positions included in the Public Safety Civil Service

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Administrative Staff Assistant (#007954)

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Fire Personnel Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Fiscal Administration Director—Fire

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

MIS/Communications Systems Director—Fire

Seattle Municipal Code
August, 1997, code update file
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See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.
For current SMC, contact the Office of the City Clerk

I. Hearing Examiner, Office of	All positions in the Office of Hearing Examiner, except clerical positions classified in the Office Assistant and Accounting Support Assistant class series

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Employing Unit	Titles of Exempt Positions

For current SMC, contact the Office of the City Clerk

J. Housing and

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

For current SMC, contact
the Office of the City Clerk

Human ServicesDeputy Director, DHHS

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Director, Division on Aging

Seattle Municipal Code
August, 1997, code update file
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See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

For current SMC, contact the Office of the City Clerk

Director for Education

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

For current SMC, contact the Office of the City Clerk

Family and Youth Services Director

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.
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For current SMC, contact the Office of the City Clerk

Housing and Community Service Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Program Support Director

Seattle Municipal Code
August, 1997, code update file
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See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

For current SMC, contact
the Office of the City Clerk

K. LawAll positions in the Law Department, except clerical positions classified in the Office Assistant and Accounting Support Assistant class series

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.
For current SMC, contact the Office of the City Clerk

L. LegislativeAll positions in the Legislative Department, except clerical positions classified in the Office Assistant and Accounting Support Assistant class series

Seattle Municipal Code
August, 1997 code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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M. Municipal CourtAll Municipal Judges, Magistrates, and Commissioners

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

4.13.010 PERSONNEL

All positions in the Probation Counselor class series

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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this source file.

Administrative Staff Assistant

For current SMC, contact
the Office of the City Clerk

Administrative Specialist I (PosNo 023563)

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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Administrative Specialist II

For current SMC, contact
the Office of the City Clerk

(PosNo 011478)

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Bailiff

For current SMC, contact the Office of the City Clerk

Bailiff, Chief

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Chief Clerk—Municipal Court

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Director II

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Director X

For current SMC, contact the Office of the City Clerk

Manager VIII

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.

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For current SMC, contact the Office of the City Clerk

Municipal Court Administrator

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Municipal Court Marshal

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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Municipal Court Marshal, Senior

For current SMC, contact
the Office of the City Clerk

Municipal Court Marshal, Supervisor

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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Personnel Manager

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Probation Service Director

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Employing UnitTitles of Exempt Positions

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.

N. NeighborhoodsCommunity Service Centers Division
Director

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

For current SMC, contact the Office of the City Clerk

Citizens Service Bureau Division Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Neighborhood Programs Division Director

For current SMC, contact the Office of the City Clerk

Urban Conservation Supervisor

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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O. Parks and

For current SMC, contact the Office of the City Clerk

Recreation Aquarium Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Environmental Programs Director

For current SMC, contact the Office of the City Clerk

Facilities Maintenance and Development Director

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Major Projects and Planning Director—Parks

For current SMC, contact the Office of the City Clerk

Management Director—Parks

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Operations Director—Parks

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Parks and Recreation Services Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Parks and Recreation Services Director—Citywide

For current SMC, contact the Office of the City Clerk

Special Events Coordinator

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Zoo Director

For current SMC, contact the Office of the City Clerk

P. Planning Commission,

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Office of thePlanning Commission Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Q. PoliceAdministrative Assistant to Chief of Police

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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All positions included in the Public Safety Civil Service

For current SMC, contact the Office of the City Clerk

Community Policing Director

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Emergency Preparedness Administrator

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Police Department Clinical Psychologist

For current SMC, contact the Office of the City Clerk

Police Personnel Director

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Warrant Officer

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Warrant Officer, Senior

Seattle Municipal Code
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Seattle Municipal Code
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Warrant Officer, Supervisor

For current SMC, contact the Office of the City Clerk

R. Public Safety Civil

Seattle Municipal Code
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Seattle Municipal Code
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Service Commission Secretary and Chief Examiner

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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Employing Unit	Titles of Exempt Positions

For current SMC, contact the Office of the City Clerk

S. Seattle Public Branch Executive—Seattle Public

Seattle Municipal Code
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Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Director V

Seattle Municipal Code
August, 1997, code update file
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the Office of the City Clerk

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Director VI

For current SMC, contact
the Office of the City Clerk

Director VIII

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

Director X

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Director XII

Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Drainage and Wastewater Utility Director, Assistant

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

For current SMC, contact the Office of the City Clerk

Facilities Maintenance and

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact
the Office of the City Clerk

Development Director

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Strategic Policy Director

Seattle Municipal Code
August, 1997, code update file
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Seattle Municipal Code
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Water Operations Director

For current SMC, contact
the Office of the City Clerk

T. Retirement Executive Director—Retirement System

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact the Office of the City Clerk

U. Seattle CenterFinance and Administration
Director—Seattle Center

Seattle Municipal Code
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Seattle Municipal Code
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Manager X #025158

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
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this source file.

Redevelopment Director—Seattle Center

For current SMC, contact
the Office of the City Clerk

Seattle Center Director, Deputy

Seattle Municipal Code
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Seattle Municipal Code
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For current SMC, contact
the Office of the City Clerk

and Elections	CommissionAll positions in the office of the Seattle Ethics and Elections Commission.

Seattle Municipal Code
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For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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W. TransportationAdministrative Staff Assistant (Position #007689)

For current SMC, contact
the Office of the City Clerk

Director XII

Seattle Municipal Code
August, 1997, code update file
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For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
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Street Maintenance Director

For current SMC, contact the Office of the City Clerk

Transportation Services Director

Seattle Municipal Code
August, 1997, code update file
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this source file.

For current SMC, contact
the Office of the City Clerk

Engineering Director, Assistant—

Seattle Municipal Code
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Seattle Municipal Code
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For current SMC, contact
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Seattle Municipal Code
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See ordinances creating and amending
sections for complete text, graphics,
and applicable dates. Confirm accuracy of
this document by contacting
For current SMC, contact
the Office of the City Clerk

(Ord. 118572 § 1, 1997; Ord. 118561 § 8, 1997; Ord. 118499 § 13, 1997; Ord. 118394 § 1, 1996: Ord. 118392 § 19, 1996; Ord. 118014 § 8, 1996; Ord. 117907 § 1, 1995: Ord. 117844 § 8, 1995; Ord. 117748 § 7, 1995; Ord. 117728 § 2, 1995; Ord. 117613 § 11, 1995; Ord. 117395 § 1, 1994: Ord. 117242 § 1, 1994; Ord. 117169 §§ 12, 142(part), 1994; Ord. 117132 § 8, 1994; Ord. 116933 § 1, 1993; Ord. 116914 § 5, 1993; Ord. 116873 § 6, 1993; Ord. 116859 § 3, 1993; Ord. 116749 § 4, 1993; Ord. 116641 § 1, 1993: Ord. 116310 § 3, 1992; Ord. 116265 § 8, 1992; Ord. 116239 § 7, 1992; Ord. 116236 § 1, 1992: Ord. 116005 § 7, 1991; Ord. 115987 § 9, 1991; Ord. 115941 § 1, 1991: Ord. 115749 § 3, 1991; Ord. 115693 § 3, 1991; Ord. 115673 § 1, 1991; Ord. 115545 § 3, 1991; Ord. 115532 § 1, 1991; Ord. 115501 § 1, 1991; Ord. 115420 § 1, 1990: Ord. 114513 § 1, 1989: Ord. 113579 § 1, 1987.)

1.Editor's Note: The Charter is included at the beginning of this Code.

4.13.020System-wide exemptions from the Civil Service and Public Safety Civil Service Systems.

In addition to those positions exempted by statute, City Charter,[1] or other provisions of this chapter, all positions of City employment, regardless of classification, that are required to fill temporary, emergency, or short-term needs, including but not limited to those occupied by Student Accountants — Intermittent, Student Engineers and Student Engineers — Intermittent, Municipal Government Interns, Cooperative Interns, Youth Work Training Enrollees and Youth Employment Enrollees — Summer, work study program enrollees, interim employees and temporary workers, including intermittents, as defined in the Personnel Ordinance,[2] are hereby made exempt from the Civil Service; and all provisions regarding examination, selection, discipline, termination and appeals in the Seattle Municipal Code Chapters 4.04 and 4.08 and the rules of the Personnel Department, the Civil Service Commission, and the Public Safety Civil Service Commission shall be inapplicable to the occupants of all such exempt positions.
(Ord. 114314 § 4, 1989: Ord. 113579 § 2, 1987.)

1.Editor's Note: The Charter is included at the beginning of this Code.
2.Editor's Note: The Personnel Ordinance is set out at Chapter 4.04 of this Code.

Chapter 4.14
EXECUTIVE RECRUITING

Sections:

4.14.100Payment for travel expenses.
4.14.110Eligibility for payment of travel expenses.
4.14.120Claims for payment of travel expenses.
4.14.130Funds for payment of authorized expenses.
4.14.140Payment of moving expenses for certain employees.
4.14.150Moving expenses defined.

4.14.100Payment for travel expenses.

When the appointing authority of an employing unit deems it necessary for the successful recruitment of qualified persons for key positions in the service of the employing unit, he or she may, upon the approval of the Budget Director and the filing of a claim therefor, authorize payment of reasonable and necessary expenses incurred by applicants from out of the City for positions in the employing unit for traveling to and from Seattle for the purpose of being interviewed for employment by the City. Payment of authorized expenses may be made in advance by the employing unit for the applicant(s), or the applicant(s) may be reimbursed for authorized expenses paid out of pocket. Authorized expenses shall include lodging, meals, incidentals, and transportation from such applicant's place of residence to Seattle and return to such place of residence, or mileage in accordance with the mileage reimbursement rate established in SMC Chapter 4.70, provided that payment for mileage shall not exceed the round-trip airfare of a common carrier and provided further that no payment shall be authorized for:

A. Fines, penalties, and/or forfeitures;

B. Tobacco, alcoholic beverages, entertainment, gratuities, personal telephone calls and telegrams, or other like personal items;

C. First-class travel accommodations unless coach or economy accommodations were not available; or

D. Meals in lieu of other meals for food service provided during the period of travel by a carrier and included in the fare charged.
(Ord. 117258 § 1(part), 1994.)

4.14.110 Eligibility for payment of travel expenses.

The appointing authority may approve payment of travel expenses for applicants for positions which meet the following criteria:

A. Positions identified in the Salary Ordinance (Ordinance 97330 as amended)[1] by salary range 40.0 and above, or a salary equivalent to the top step of range 40.0 and above when no range is provided; or

B. Positions under salary range 40.0, or the equivalent thereto, for which the employing unit is unable to successfully recruit qualified candidates in the immediate employment area because the position qualifications are rare in the general population.

(Ord. 117258 § 1(part), 1994.)

1. Editor's Note: The Salary Ordinance is set out at Chapter 4.20 of this Code.

4.14.120 Claims for payment of travel expenses.

Authorized claims for payment of expenses other than for mileage and incidentals shall be submitted to the City Finance Director by the employing unit authorized to make the payment and shall be accompanied by invoices and/or receipts showing payment of such claimed expenses. Invoices and/or receipts showing payment of overnight lodging expenses shall have clearly identified thereon the rate for the accommodations utilized.

(Ord. 117258 § 1(part), 1994.)

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4.14.130Funds for payment of authorized expenses.

To provide for the payment of expenses as authorized in Section 4.14.110, the employing unit authorized to fill the position for which the applicants were interviewed is authorized to use unexpended and unencumbered budgeted funds available therefor.

(Ord. 117258 § 1(part), 1994.)

4.14.140Payment of moving expenses for certain employees.

A. If necessary to obtain the services of a particular individual, the following persons may have moving expenses, incurred by them in relocating to the City (from a distance consistent with the Internal Revenue Service Distance Test for moving expenses deductions), reimbursed or advanced by the City upon presentation of verifying documents and upon the additional conditions set forth below:

1. Department, office, and agency heads appointed by the Mayor, upon confirmation by the City Council of such appointments, when payment or reimbursement is authorized by the Mayor;

2. Executive Director of the Legislative Department, upon appointment by the City Council, when such payment or reimbursement is authorized by the President of the City Council;

3. The following positions, when reimbursement is authorized by the head of the employing unit and the Budget Director, and when conditions specified by the administrative guidelines issued by the Personnel Director are met:

a. Positions identified in the Salary Ordinance (Ordinance 97330, as amended)[1] by salary range 40.0 and above, or a salary equivalent to or higher than the top step of range 40.0 when no range is given; provided that such positions are not represented under the terms of a collective bargaining agreement, or

b. Positions under salary range 40.0, or the equivalent thereto, for which the employing unit was unable to recruit persons in the immediate employment area who possess the unique skills, expertise and/or educational qualifications therefor, provided that such positions are not represented under the terms of a collective bargaining agreement.

(Ord. 117258 § 1(part), 1994.)

1.Editor's Note: The Salary Ordinance is set out at Chapter 4.20 of this Code.

4.14.150Moving expenses defined.

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For purposes of implementing this chapter, the phrase "moving expenses" includes expenses incurred for transportation to Seattle to secure housing, as well as food and lodging expenses for a period not to exceed five (5) days, incurred while engaged in securing housing. In addition, moving expenses shall include all lodging, food, and transportation expenses of family and household goods and personal effects which are incurred solely for the purpose of relocating, from departure of such family and goods from place of current residence until the time that family and possessions arrive in the City, unless such expenses have been otherwise reimbursed; provided, that nothing in this section shall prohibit the payment of other types of moving and related expenses as approved by the appointing authority but in no case shall moving expenses in total exceed the maximum as provided for in subsection A of this section.

A. Effective January 1, 1994, the authorized maximum rate for moving expenses as defined herein shall be Eleven Thousand Nine Hundred and Eight Dollars ($11,908.00). The authorized rate shall be adjusted each year by the annual percentage change in the Seattle-Tacoma Consumer Price Index for the twelve (12) month period ending the previous June 30th, rounded to the nearest dollar. The revised maximum shall take effect January 1st each year.

B. Payment for such reimbursement, when authorized, shall be made from unexpended and unencumbered balances accumulating in the budgets of the employing units which eligible persons head or in which such persons serve, and the City Finance Director is authorized to pay the necessary warrants.

C. The appointing authority shall transact an agreement with an individual for whom travel and moving expenses are extended, which shall stipulate that, should such individual leave the City's employ within twelve (12) months of initial appointment to a position, he or she shall reimburse the employing unit for all such expenses.

D. The appointing authority shall report all moving expense authorizations to the Personnel Director. The Personnel Director shall provide a summary report to the City Council annually demonstrating how department authorization for moving expenses met the administrative guidelines.

(Ord. 118324 § 1, 1996: Ord. 117258 § 1(part), 1994.)

Chapter 4.16
CODE OF ETHICS

Sections:

4.16.010Code of Ethics.
4.16.020Purpose.
4.16.030Definitions.
4.16.070Prohibited conduct.
4.16.075Prohibited conduct after leaving City.
4.16.080Statements of financial interests.
4.16.090Complaints, investigations, hearings, and enforcement.
4.16.100Penalty for violation.

4.16.110 Severability. The invalidity of any section, subsection, provision, clause, or portion of this ordinance, or the invalidity of 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.
(Ord. 109950 § 4.16.110, 1981: Ord. 108882 § 11, 1980.)

4.16.010Code of Ethics.

This chapter shall be known as the "Code of Ethics" and may be cited as such.
(Ord. 109950 § 1(part), 1981: Ord. 108882 § 4.16.010, 1980.)

4.16.020Purpose.

A. The City finds that the proper operation of democratic representative government requires that public officers and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Accordingly, it is the purpose of this chapter to establish ethical standards of conduct for all officers and employees of the City, whether elected or appointed, paid or unpaid; to set forth those acts that are incompatible with such standards; to require disclosure by such officers and employees of private financial or other interests in matters affecting the City; and to provide effective means for enforcement thereof. This chapter is not to be construed so as to impair the ability of City officers and employees to participate in ceremonial, representational, or

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informational functions in the pursuit of their official duties.

B. This chapter shall be liberally construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for City officers and employees.

C. This Code shall be interpreted and applied in a manner consistent with the maxim that "De minimis non curat lex" and to allow inadvertent minor violations to be corrected and cured without full hearing in conformance with the spirit and purpose of this Code.

(Ord. 115548 § 1, 1991; Ord. 109950 § 1(part), 1981: Ord. 108882 § 4.16.020, 1980.)

4.16.030Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

A. "Administrator" means the Executive Director of the Seattle Ethics and Elections Commission.

B. "Assist" shall have the meaning set forth at RCW 42.18.050.

C. "Board of Ethics" or "Board" means the Seattle Ethics and Elections Commission established by Section 3.70.010.

D. "City agency" means every department, office, board, commission, or committee of the City, or any subdivision thereof, but excludes public corporations and ad hoc advisory committees.

E. "City officer or employee" means every individual elected or appointed to an office or position of employment in any City agency, whether such individual is paid or unpaid.

F. "Immediate family" means:

1. A spouse or domestic partner as contemplated by Sections 4.30.010 — 4.30.020;

2. Any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or

3. Any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of the City officer or employee.

G. "Person" means individual, association, corporation, or other legal entity.

(Ord. 116377 § 4, 1992; Ord. 116005 § 8, 1991: Ord. 115552 § 1, 1991; Ord. 109950 § 1(part), 1981: Ord. 108882 § 4.16.030, 1980.)

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4.16.070Prohibited conduct.

No current City officer or employee shall:

1. Disqualification From Acting On City Business.

a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the officer's or employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where the conflict occurs;

b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the officer or employee is required to act in the discharge of his or her official duties, and fail to disqualify himself or herself from acting or participating;

c. Fail to disqualify himself or herself from acting on any transaction which involves the City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;

d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which the City or any City agency may be a party, and fails to disclose such interest to the appropriate City authority prior to the formation of the contract or the time the City or City agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

2. Improper Use Of Official Position.

a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the officer or employee, rather than primarily for the benefit of the City; or to achieve a private gain or an exemption from duty or responsibility for the officer or employee or any other person;

b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or City property, for a purpose which is, or to a reasonable person would appear to be, for other than a City purpose; provided, that nothing shall prevent the private use of City property which is available on equal terms to the public generally (such as the use of library books or tennis courts), the use of City property in accord-ance with municipal policy for the conduct of official City business (such as the use of a City automobile), if in fact the property is used appropriately; or the use of City property for participation of the City or its officials in activities of associations of governments or governmental officials;

c. Except in the course of official duties, assist any person in any City transaction where such City officer or employee's assistance is, or to a reasonable person would appear to be, enhanced by that officer or employee's position with the City; provided that this subsection 4.16.079 A1c shall not apply to: any officer or employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;

d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with the City, and influence or attempt to influence the selection of, or the conduct of business with, such business entity by the City.

3. Accept Gifts or Loans.

a. Solicit or receive any retainer, gift, loan, entertainment, favor, or other thing of monetary value from any person or entity where the retainer, gift, loan, entertainment, favor, or other thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by such officer or employee in his or her official capacity; provided, that nothing shall prohibit contributions which are solicited or received and reported in accordance with applicable law.

4. Disclose Privileged Information.

a. Disclose or use any privileged or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

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5. Hold Financial or Beneficial Interest in City Transaction.

a. Regardless of prior disclosure thereof hold or acquire a beneficial interest, direct or indirect, personally or through a member of his or her immediate family, in any contract which, in whole or in part, is, or which may be, made by, through, or under the supervision of such officer or employee or which may be made for the benefit of his or her office; or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person or entity beneficially interested therein, in violation of Chapter 42.23 RCW;

b. Regardless of prior disclosure thereof, be beneficially interested, directly or indirectly, in any contract or transaction which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract or transaction from any other person beneficially interested therein. This subsection shall not apply to the furnishing of electrical, water, other utility services or other services by the City at the same rates and on the same terms as are available to the public generally.

(Ord. 116377 § 5, 1992; Ord. 115548 § 2, 1991; Ord. 109950 § 1(part), 1981: Ord. 108882 § 14.16.070, 1980.)

4.16.075Prohibited conduct after leaving City.

A. No former officer or employee shall disclose or use any privileged or proprietary information gained by reason of his/her City employment unless the information is a matter of public knowledge or is available to the public on request;

B. No former officer or employee shall, during the period of one (1) year after leaving City Office or employment:

1. Assist any person in proceedings involving the agency of the City with which he/she was previously employed, or on a matter in which he or she was officially involved, participated or acted in the course of duty;

2. Represent any person as an advocate in any matter in which the former officer or employee was officially involved while a City officer or employee;

3. Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

C. A City officer, who contracts with a former City officer or employee for expert or consultant services within one (1) year of the latter's leaving City office or employment, shall promptly inform the Administrator about the agreement.

D. The prohibitions of Sections 4.16.075 B1 and 4.16.075 B2 shall not apply to former employees acting on behalf of a governmental agency unless such assistance or representation is adverse to the interest of the City.

(Ord. 116377 § 6, 1992: Ord. 115548 § 3, 1991.)

4.16.080Statements of financial interests.

A. Officers and Employees Subject to RCW 42.17.240. Every officer or employee of the City subject to the reporting requirements of RCW 42.17.240 shall file a duplicate copy of the required report with the Ethics and Elections Commission (the “Commission”) at the same time the original report is required to be filed with the Public Disclosure Commission.

B. Officers and Employees Not Subject to RCW 42.17.240 — Reporting Person — Reporting Requirement.

1. The Commission shall adopt by rule a list of the City officers and employees, identified by job title, pocket number, position description, or other means that provide adequate specificity, who shall file a statement of financial interests with the Commission. The list may be amended by rule from time to time, and shall include: (a) every head of a City department and every division manager reporting directly to the head of a City department; (b) every Assistant City Attorney; (c) each Deputy Mayor and each other member of the Mayor's staff with authority to direct the expenditure of City resources; (d) the City Clerk, City Auditor, and every employee in the City Auditor's office who conducts or supervises the conduct of audits; (e) employees identified by department heads as having had decision-making authority over the preceding one (1) year period for (i) the purchase of goods or (ii) the purchase of equipment or (iii) the negotiation of contracts or (iv) the execution of contracts, the

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purchases or contracts having a total value of Five Thousand Dollars ($5,000.00) or more; (f) each employee who supervises, directly or through others, an employee listed pursuant to subsection B1e of this section; and (g) every member of a City committee, City board, or City commission, that administers, interprets or executes City ordinances, whether a member is paid or unpaid. Each head of a City department shall identify the employees within that department fitting the categories in this subsection in accordance with procedures adopted by the Commission.

2. Each person listed or described on the then-current list of the Commission adopted under this section and each person taking on the duties or assuming the position of such a person (a "reporting person")shall file a statement of financial interests within two (2) weeks of employment or appointment; and in addition, after January 1st and before April 15th of each year. The statement shall be for the preceding calendar year.

3. Each statement of financial interests filed under this section shall provide complete information with respect to the reporting person and each member of the immediate family of the reporting person.

4. Each statement of financial interests filed under this section shall be sworn as to its truth and accuracy.

C. Officers and Employees Not Subject to RCW 42.17.240 — Contents of the Statement of Financial Interests Required by Section 4.16.080 B.

1. Every head or listed division manager of a City department, every Assistant City Attorney, the employees designated in subsection B1c of this section in the Office of the Mayor and the employees designated in subsections B1d, e, and f of this section shall file with the Commission the information required in subsections C3a—d of this section.

2. Every member of a City committee, City board, or City commission, that administers, interprets or executes City laws, whether a member is paid or unpaid, shall file with the Commission the information required in subsections C3a—c of this section. In addition, every member of the Landmarks Preservation Board and every member of a special review district shall file with the Commission the information required in subsections C3a—d of this section.

3. The financial interests statement shall contain the following information:

a. The name and address of each person engaged in any transaction or activity with the City, excluding the purchase of utilities, from whom the reporting person, or a member of the reporting person's immediate family, has received compensation in any form of a total value of Two Thousand Five Hundred Dollars ($2,500.00) or more, excluding campaign contributions reported in accordance with applicable law, and the name of each City agency involved in the transaction or activity, if known;

b. The name and address of each person engaging in any transaction or activity with the City, excluding the purchase of utilities, in which the reporting person or a member of the reporting person's immediate family held a direct financial interest with a value of One Thousand Five Hundred Dollars ($1,500.00) or more; provided that policies of insurance and amounts on deposit in accounts with banks, savings and loan associations or credit unions shall not constitute a direct financial interest within the meaning of this section, and the name of each involved City agency, if known;

c. If a reporting person or a member of his or her immediate family holds a position in an entity engaged in any transaction with the City, the name of the person holding office and the title of office, directorship, or trusteeship held. The reporting person shall include the name and address of the entity and, if known, the name of each City agency with which the entity was involved. The reporting person may exclude an entity whose only transactions with the City consist of the purchase of utilities.

d. A list, including either addresses or legal descriptions of all real property in the City in which the reporting person or a member of the reporting person's immediate family held a direct financial interest; and if the facilities and properties of a City agency which employs the reporting person extend beyond the City limits, the list shall include all real property located within the county or counties within which such City agency has property or facilities, except that a member of a special review district need only report as to property within the district. No property shall be identified on the statement as being the home or personal residence of the reporting person.

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D. Officers and Employees Not Subject to RCW 42.17.240 — Suspension or Modification of Reporting Requirements. After hearing, the Commission may by order suspend or modify a reporting requirement in a particular case if it finds that literal application of the requirement would cause a manifestly unreasonable hardship and that such suspension or modification will not frustrate the purposes of this chapter.

(Ord. 117056 § 1, 1994: Ord. 109950 § 1(part), 1981: Ord. 108882 § 4.16.080, 1980.)

4.16.090Complaints, investigations, hearings, and enforcement.

In addition to the powers of the Commission and its Executive Director under SMC Sections 3.70.100 and 3.70.160 to initiate an investigation, an investigation may also be initiated by filing a complaint.

A. Any person may file a complaint alleging a violation of this chapter. If such complaint is filed by a member of the Board of Ethics, he or she is then disqualified from participating in any proceedings that may arise from the complaint.

B. The complaint shall be in writing and shall be signed by the complainant. The written complaint shall state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) alleged to have violated this chapter. The complaint shall be filed with the Administrator. The complainant shall provide the Administrator with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.

C. Within thirty (30) days after receipt of a complaint, the Administrator shall conduct a preliminary investigation to determine whether a complaint, on its face, alleges facts that, if true, would constitute a violation of Chapter 4.16. At the request of the Administrator, the Board may, for good cause shown, extend the time for completion of the preliminary investigation. If the Board determines that the preliminary investigation must be completed in less than thirty (30) days in order to avoid prejudice or irreparable harm to the person alleged to have violated this chapter, the Board shall order the Administrator to complete the preliminary investigation in a shorter period of time, and the Administrator shall comply.

D. If the Administrator determines, after investigation, that there are no reasonable grounds to believe that a violation has occurred, or determines that the violation was inadvertent and

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minor, the Administrator shall dismiss the complaint. If the Administrator does so dismiss the complaint, he or she shall do so in writing, setting forth the facts and the provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person named in the complaint as the alleged violator and to the Board.

E. If, after investigation, the Administrator has reason to believe that a material violation of Chapter 4.16 has occurred, the Administrator shall initiate an enforcement proceeding by issuing to the alleged violator a charging document which includes the provisions of Chapter 4.16 allegedly violated and the conduct that constitutes the violation(s), and shall issue a copy of the charging document to the Board and schedule a hearing before the Board. No hearing shall be scheduled, however, while an Administrator's recommendation for a settlement is awaiting action by the Board.

F. The Board shall commence a hearing within thirty (30) days from the date that the Administrator schedules the hearing. The Board shall issue a written determination stating whether the chapter has been violated and setting forth the facts and the provisions of law upon which this determination is based. A copy of said determination shall be delivered to the complainant, if any, to the person charged with the violation and, where appropriate, to the person's superior.

G. All hearings hereunder shall be conducted as “contested case” hearings under the Administrative Code, Seattle Municipal Code Chapter 3.02 (Ordinance 102228) and the Board's rules and regulations.

H. If the Board determines that a City officer or employee has violated the provisions of this chapter, the Board may recommend that the officer or employee be subject to disciplinary action. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or removal from office, or such other disciplinary action as may, by the appropriate City authority, be deemed necessary and proper, and consistent with personnel ordinances and rules. A written report of the disciplinary action taken as a result of the Board recommendation shall be made by the appropriate City authority to the Board within fourteen (14) calendar days after receipt of the Board's recommendation; provided, that this section shall not derogate from employee rights under any collective bargaining agreement or City personnel ordinance, or rules promulgated thereunto. If the appropriate City authority determines that the written report of disciplinary action taken as a result of the Board recommendation required in the section cannot be made to the Board within fourteen (14) calendar days after receipt of the Board's recommendation, because of procedures prescribed under any collective bargaining agreement, personnel ordinance, or rule promulgated thereunto, the appropriate City authority shall so report to the Board within fourteen (14) calendar days after receipt of the Board's recommendation, stating the date on which the written report of disciplinary action taken will be submitted to the Board. If the violation involves prohibited conduct of a former officer or employee, the Board may recommend to the administering City authority that no contract be made or that the contract be terminated and that proceedings be begun anew in order to prevent injury to the City or to avoid an unfair advantage accruing to a competitor by reason of the violation. Upon receipt of the written report of the disciplinary action taken, or in the event no report is received, the Board shall review such matter and make such further recommendation as may be appropriate.

(Ord. 116377 § 7, 1992; Ord. 115548 § 4, 1991: Ord. 109950 § 1(part), 1981: Ord. 108882 § 4.16.090, 1980.)

4.16.100Penalty for violation.

Violation of any provision of Section 4.16.070 or 4.16.080 of this chapter constitutes an infrac-tion for which a monetary fine, not to exceed Five Hundred Dollars ($500.00) may be assessed. Violation may be proven by a preponderance of evidence, and need not be proven beyond a reasonable doubt.

(Ord. 109950 § 1(part), 1981: Ord. 108882 § 4.16.100, 1980.)

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