

FILE NO. 132755

Proposition

OF

United Veterans Club of King County

to submit to voters, at March, 1932, election an
amendment to amend Article XVI by adding
a new section, eliminating married women from
city public service.

SEP 12 1931

FILED

BY

ADDRESS

H. W. CARROLL

CITY COMPTROLLER AND EX-OFFICIO CITY CLERK

E. M. STREET

DEPUTY

ACTION OF THE COUNCIL

REFERRED

SEP 14 1931

TO

JUDICIARY

REFERRED

TO

REPORTED

REPORT ADOPTED

REPORTED

REPORT ADOPTED

REF. FOR ORD.

C. B.

ORD.

DISPOSITION

JAN 11 1932

ON FILE

REPORT OF COMMITTEE

Mr. President:

Your JUDICIARY Committee

to which was referred the within Petition

would respectfully report that we have considered the same and respectfully recommend that it be PLACED ON FILE.

CHAIRMAN

CHAIRMAN

ASSISTANT CORPORATION COUNSEL

J. AMBLER NEWTON
CHARLES L. SMITH
CAMPBELL C. McCULLOUGH
EMLYN I. JONES
WALTER L. BAUMGARTNER
GLEN E. WILSON
JOHN E. SANDERS
EDWARD A. SWIFT, JR.
GEO. T. MCGILLIVRAY

CITY ATTORNEY
BRUCE MACDOUGALL

THE CITY OF SEATTLE

LAW DEPARTMENT

A.C.VAN SOELEN, CORPORATION COUNSEL

November 28, 1931.

CHIEF CLERK

R. B. MCCLINTON

SECRETARY

RUTH GRIFFIN

LAW CLERKS

WM. D. COVINGTON

VEIDA S. MORROW

JOHN A. LOGAN

C. V. HOARD

CLAIM AGENT

J. H. DENNIS

RE: Validity of proposed Charter amendment prohibiting employment of married women in the classified civil service.

Mr. John E. Carroll, Chairman
Judiciary Committee
City Council
Seattle, Washington

Dear Sir:

You request to be advised if the proposed Charter amendment set forth in Comptroller's File No. 132755, prohibiting employment of married women in the classified civil service, will, if adopted by the voters, "legally accomplish the purpose sought." Said proposed amendment, which is self-executing, applies to married women now in City service, to those hereafter seeking to enter the service, and to single women now or hereafter in the service and who marry after entering the service. We assume you have in mind some constitutional objection which might invalidate the proposed legislation.

Appellate courts, including our own, have held that the state (including its political subdivisions) has the same freedom of choice as to whom it will employ as has an individual and that it may choose not to select its employees from a certain class, and generally, that legislation specifying the terms and conditions by which public work may be done is valid, all such matters presenting questions of policy to be determined solely by the people or their authorized representatives.

Civil service employees have no vested right (in the constitutional sense) in their positions, nor do they have such a vested right in the present civil service article (Art. XVI of the Charter). Accordingly, the courts have uniformly held that civil service positions may be abolished, that the same may be combined in the interests of economy or efficiency, and that the status of civil service employees may be entirely changed by the people.

Mr. John E. Carroll
#2.

11/28/31

The proposed Charter amendment is, in our opinion, valid and involves a question of policy for the determination of the voters only, and you are so advised.

Comptroller's File No. 132755, which accompanied your request, is herewith returned.

Yours very truly,

A. C. VAN SOELEN,
Corporation Counsel,

By:

John E. Sanders
JOHN E. SANDERS,
Assistant.

JES:AM
Enc.

OFFICERS

THOMAS N. SWALE, PRESIDENT
HENRY W. CRAMER, SECY.-TREAS.

ADVISORY COMMITTEE

COL. WM. INGLIS, CHAIRMAN
F. J. WETTRICK
T. J. L. KENNEDY
ED CLIFFORD
IRVING BROWN

EXECUTIVE BOARD

TOM S. PATTERSON
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COL. WM. INGLIS
RAYMOND F. KNIGHT
T. J. L. KENNEDY
ED CLIFFORD
PHILIP TWOROGER
HENRY W. CRAMER

UNITED VETERANS' CLUB
OF
KING COUNTY

SEATTLE, WASHINGTON

OFFICE OF THE SECRETARY
827 CENTRAL BUILDING

Sept. 11, 1931

Honorable City Council
County City Bldg.
Seattle

Gentlemen:

Inclosed please find proposed resolution and proposition to amend Article XVI of the City Charter by adding thereto a new section, and providing for the submission of same to the voters; and a proposed ordinance relating to its submission at the next general municipal election. The foregoing speak for themselves but in brief they have to do with the elimination of married women from City public service.

Said resolution and proposition and said ordinance have the unanimous endorsement of our club and we respectfully request that your honorable body give the same your prompt and favorable attention and action.

HWC/D

Yours truly

United Veterans Club of King County

By W. M. Inglis President

Henry W. Cramer Secretary

RESOLUTION NO. _____

PROPOSITION NO. _____

A RESOLUTION AND PROPOSITION to amend Article XVI of the City Charter by adding thereto a new section, and providing for the submission of such proposed amendment to the qualified electors of the City for their ratification or rejection at the general municipal election to be held therein on the 8th day of March, 1932.

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

That Article XVI of the City Charter be amended by adding thereto a new section to be numbered 36 and to read as follows:

Section 36. It is contrary to the public policy of the City of Seattle to employ married women. No married woman shall be eligible to examination or certification for, or appointment to, or retention in, any office, position or place of employment in the classified Civil Service; and any such examination, certification, appointment or retention shall be void. The marriage of any female incumbent of any office, position or place of employment in the classified Civil Service shall ipso facto constitute the resignation of such incumbent and ipso facto work a forfeiture by her of such office, position and/or place and create a vacancy therein. All offices, positions and places of employment in the classified Civil Service now occupied by married women are hereby declared to be vacant and forfeited by the incumbents thereof; Provided, however, that in any individual case where immediate severance would work unusual hardship on the family of such incumbent the Civil Service Commission may, after hearing in any such individual case and upon such determination, issue a permit to such incumbent married woman now in such service authorizing her retention therein, with the consent of the

department head where she may be now employed, for a period of time not extending beyond December 31, 1932.

The duties of the Comptroller and Treasurer under Section 28 of this Article shall be applicable hereto and the violation hereof shall constitute an offense under Section 30 of this Article and subject the offender to the penalties thereby provided. The acceptance of any salary by a married woman ineligible to receive the same, or in violation hereof, shall constitute the receiving of money belonging to the City within the meaning of Article IX, Section 8 of this Charter and subject such married woman and her husband to the Civil action and double recoveries provided thereby.

FURTHER
AND BE IT/RESOLVED that such proposed amendment be submitted to the qualified electors of the City of Seattle for their ratification or rejection at the general municipal election to be held in said City on the 8th day of March, 1932.

Passed the City Council the _____ day of _____, 1931, and signed by me in open session in authentication of its passage, the _____ day of _____, 1931.

President of the City Council.

Filed the _____ day of _____, 1931.

City Comptroller and ex-officio City Clerk

By _____
Deputy Clerk.

ORDINANCE NO. _____

AN ORDINANCE relating to the general municipal election of 1932; providing for the submission thereof of the proposed charter amendment contemplated by Resolution No. _____, and requiring the City Comptroller and ex-officio City Clerk to certify to the Election Board of King County, Washington, as required by law, said proposed charter amendment in the form of a specified ballot title, and said amendment in full.

Be it Ordained by The City of Seattle as follows:

Section 1. That there be submitted to the qualified electors (voters) of the City of Seattle, at the general municipal election to be held in said City on Tuesday, the 8th day of March, 1932, the proposed charter amendment contemplated by Resolution No. _____, entitled:

"A RESOLUTION AND PROPOSITION to amend Article XVI of the City Charter by adding thereto a new section, and providing for the submission of such proposed amendment to the qualified electors of the City for their ratification or rejection at the general municipal election to be held therein on the 8th day of March, 1932."

Section 2. At the general municipal election to be held in the City of Seattle, and in each of the several voting precincts therein, on Tuesday, the 8th day of March, 1932, there shall be voted upon by the qualified electors (voters) of said City the proposed charter amendment mentioned in Section 1 of this ordinance.

Section 3. The proposition so submitted shall be voted upon in the following manner, to-wit: There shall be placed upon the ballot a statement of the substance of said proposed amendment in substantially the following form:

"PROPOSED CHARTER AMENDMENT NO. _____

"Shall the Charter be amended with a view to barring the entry of married women into the classified Civil Service and eliminating those already therein, as contemplated by Resolution No. _____?"

"YES.

NO.

"

Every qualified elector (voter) at such election desiring to vote in favor of the ratification and adoption of said amendment shall vote a ballot containing the word "Yes". Every qualified elector (voter) at such election desiring to vote for the rejection of said amendment shall vote a ballot containing the word "No".

Not less than forty-five (45) days before the date of such election, the City Comptroller and ex-officio City Clerk shall certify to the Election Board of King County, Washington, constituted by Remington's Compiled Statutes of Washington, Section 5147 (as amended), such proposed charter amendment in the form of a ballot title conforming to the foregoing statement of the same, and shall certify therewith a copy of said proposed charter amendment in full.

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed the City Council the.....day of....., 19.....,
and signed by me in open session in authentication of its passage this.....day of
....., 19.....

President.....of the City Council.

Approved by me this.....day of....., 19.....

.....
Mayor.

Filed by me this.....day of....., 19.....

Attest:.....
City Comptroller and Ex-Officio City Clerk.

(SEAL)

By.....
Deputy Clerk.

Published.....

.....
City Comptroller and Ex-Officio City Clerk.

By.....
Deputy Clerk.

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"YES.

NO.

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Section 6. (30-day ending)

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