

Preamble - Definitions and Application of Personnel Rules

Preamble.1 Authority

SMC 4.304.050, and subsequent revisions thereto, Rule Making Authority

Preamble.2 Definitions

The following definitions shall be used for the interpretation and administration of all Personnel Rules, except where subchapters to these Rules provide otherwise.

1. “Administrative reassignment” means paid leave status which an appointing authority may authorize for any City officer or employee in his or her department or office, when such employee is the cause of or subject of, or otherwise significantly affected by an active official investigatory process related to alleged violations of personnel rules, policies of the City and/or City Department, City ordinances, or state or federal laws and/or an investigation intended to determine the employee’s fitness for duty. Administrative reassignment shall not be considered discipline.
2. “Alternative Dispute Resolution Program” or “ADR” shall mean a Citywide function located in the Personnel Department to promote the resolution of workplace disputes through training, mediation, conciliation and facilitated discussion.
3. “Appointing authority” shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City. The term includes and can be used interchangeably with department head, department director, superintendent, or chief.
4. “Appointment” shall mean the placement of an employee in a position by initial hire, promotion, transfer, demotion or reduction.
5. “Civil Service Commission” shall mean the Civil Service Commission of the City of Seattle, which is charged with hearing appeals regarding the administration of the personnel system.
6. “Classification specification” shall mean a written description of a classification that includes a title, a description of distinguishing characteristics, a statement of duties and responsibilities, and a statement of minimum qualifications.
7. “Classified service” shall mean all employment positions in the City that are not excluded by ordinance, City Charter or State law from the provisions of Seattle Municipal Code 4.04 or Personnel Rules passed pursuant thereto related to the

selection, discipline, termination or appeals of personnel actions to the Civil Service Commission.

8. "Demotion" shall mean the movement of an employee from his or her current classification to a classification with a lower maximum salary rate, for justifiable cause.
9. "Discharge" shall mean separation from employment, for justifiable cause.
10. "Disciplinary action" shall mean an action taken by the appointing authority or a designated management representative in response to a proven act of employee misconduct or uncorrected poor work performance. Disciplinary actions include verbal warnings, written reprimands, suspension, demotion and discharge.
11. "Discrimination," "discriminate," and/or "discriminatory act" shall mean any act, by itself or as part of a practice, which is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status; or the presence of any sensory, mental, or physical disability.
12. "Elected official" shall mean the Mayor, City Councilmembers, City Attorney, and all Municipal Court Judges whether elected or appointed.
13. "Employing unit" shall mean any department of the City and, within the Executive and Legislative Departments, any office created by ordinance.
14. "Exempt employee" shall mean one who serves at the discretion of the appointing authority in a position which is exempted by the City Charter 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.
15. "Exempt position" shall mean a position of employment held by an at-will employee who serves at the discretion of the appointing authority in a position that is excluded by ordinance, City Charter or State law from compliance with the provisions of Seattle Municipal Code Chapter 4.04 or the Personnel Rules adopted pursuant thereto related to selection, discipline, termination or appeals of personnel actions to the Civil Service Commission.
16. "External applicant" shall mean an applicant for employment with the City who is not a regularly appointed employee.

17. "Facilitated conversation" shall mean an informal conversation between parties assisted and coached by a trained neutral person.
18. "Finance Director" shall mean the Director of Finance at the Department of Finance and Administrative Services who is charged with managing the City's financial accounts.
19. "Grievable incident" shall mean an alleged action or event that resulted from the alleged misapplication of the provisions of Seattle Municipal Code Chapter 4.04 or the Personnel Rules and any policies or procedures adopted pursuant thereto which aggrieves the employee who files the grievance. The scope of 'grievable incidents' may be limited further as defined by Personnel Rule 1.4.
20. "Harassing conduct" shall mean but is not limited to epithets, slurs, and negative stereotyping; threatening, intimidating or hostile acts; or written or graphic materials that denigrate or show hostility or aversion that is placed on walls, bulletin boards, electronic bulletin boards, e-mail or otherwise placed or circulated in the workplace; when such actions or materials are related to or directed at an individual or group because of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, ancestry, age, disability, marital status, families with children status, veteran status, or political ideology.
21. "Harassment" may include but is not limited to verbal or physical conduct toward an individual because of his or her race, color, religion, creed, sex, sexual orientation, gender identity, national origin, ancestry, age, disability, marital status, families with children status, veteran status, or political ideology, or that of his or her relatives, friends or associates, when such harassing conduct has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities. The term includes sexual harassment.
22. "Harassment complaint" shall mean any oral or written complaint alleging an incident or incidents of harassment made by an employee to a management representative, or any information obtained by a management representative indicating that harassment has occurred or may be occurring in the workplace.
23. "Hourly employee" shall mean an employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a workweek.
24. "Inappropriate pressure" shall mean any written or verbal suggestion to a City employee the effect of which would preclude open consideration of qualified

applicants, or result in the selection of an employee for reasons other than relative ability, knowledge and skills.

25. "Initial appointment" shall mean the first appointment of an individual to a non-temporary position, or the re-appointment of a former City employee after separation from City employment, or after the exhaustion of the reinstatement or reversion/recall period.
26. "Internal applicant" shall mean a regularly appointed City employee or an active temporary worker who applies for another position of City employment who applies for a regular position of City employment.
27. "Management representative" shall mean any individual working at or above the level of supervisor or crew chief who is responsible for directing the work of employees and who exercises independent judgment with respect to the direction of such work. The term includes human resources representatives, strategic advisors, and departmental equal employment opportunity officers, but excludes individuals employed in the City's Alternative Dispute Resolution Program.
28. "Mediation" shall mean an informal voluntary meeting between the parties to a dispute and one or more trained neutral mediators who assist them to find a mutually acceptable resolution to their conflict.
29. "Opportunity for Advancement Bulletin" or "OFA" shall mean the City's official internal communication of job vacancies.
30. "Overtime threshold" shall mean 40 straight-time hours of work per workweek. Hours worked beyond the overtime threshold must be compensated at the appropriate overtime rate of pay.
31. "Performance evaluation" shall mean a formal assessment or appraisal by a supervisor of an employee's job performance.
32. "Period of war or armed conflict" shall include World War I; World War II; the Korean conflict; the Vietnam era; the Persian Gulf War; the period beginning on the date of any future declaration of war by the United States Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the United States Congress; or the following armed conflicts if the person was awarded the respective campaign badge or medal: the crisis in Lebanon, the invasion of Grenada, Panama—Operation Just Cause, Somalia—Operation Restore Hope, Haiti—Operation Uphold Democracy, or Bosnia—Operation Joint Endeavor, Operation Noble Eagle; southern or central Asia—Operation Enduring Freedom; and Persian Gulf—Operation Iraqi Freedom.

33. "Personnel Director" shall mean the head of the Personnel Department or his or her designated management representative.
34. "Pre-disciplinary hearing" shall mean an opportunity for an employee to meet with the appointing authority to respond to the charges made against him or her that may result in the appointing authority's decision to impose a suspension, demotion or discharge.
35. "Probation" shall mean an extension of the selection process during which period an employee is required to demonstrate his or her ability to perform the job for which he or she was hired. Employees shall serve one 12-month probationary period, except that their probation may be extended in accordance with the Seattle Municipal Code and these Rules.
36. "Probationary employee" shall mean an employee who has not yet completed a probationary period of employment.
37. "Progressive discipline" shall mean a process of applying and documenting disciplinary actions progressing from less to more serious depending on the employee's history and the nature of his or her offense.
38. "Project Hire" shall mean a program administered by the Personnel Director that provides job referrals to individuals who are at risk of layoff or who are on a reinstatement list.
39. "Promotion" shall mean an appointment to a class or position with a higher maximum pay rate that occurs subsequent to an employee's initial appointment.
40. "Reduction" shall mean the non-disciplinary voluntary or involuntary movement of an employee to a position with a lower maximum pay rate at the request of the employee to be reduced, or by the appointing authority or his or her designated representative for reasons of organizational change, reduction in force, poor job match or poor work performance.
41. "Regular employee" shall mean an employee who has been appointed to a position in the classified service and who has completed a probationary period of employment.
42. "Regular status" shall mean the status an employee holds after completion of a probationary period.
43. "Regularly appointed employee" shall mean an individual with a probationary, trial service, regular or exempt appointment to a position of City employment.

44. "Reinstatement" shall mean the appointment from a reinstatement list of an employee within 12 months of layoff to a position in a class in which he or she previously held probationary, trial service or regular status.
45. "Reinstatement list" shall mean a list maintained by the Personnel Director of regular, probationary, and trial service employees who are eligible for reappointment to a position in a class in which they were laid off.
46. "Reversion recall list" shall mean a list maintained by the Personnel Director of individuals who did not complete their trial service period and who could not revert to their former classifications due to lack of appropriate vacancies.
47. "Salaried employee" shall mean an employee who regularly receives each pay period a predetermined amount of compensation. In general, this base salary will not be reduced because of variations in the quality or quantity of work performed. However, unpaid suspensions can be issued pursuant to Personnel Rule 1.3.2(B)
48. "Scholarship" shall mean funds used to assist employees with education expenses paid to colleges, universities, and vocational institutions by issuing advance and/or reimbursement payments to the employee or directly to the educational institution.
49. "Sexual harassment" includes but is not limited to unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
50. "Standing" shall mean the classification in which an employee accrues service credit for layoff purposes.
51. "Supervisor file" shall mean files maintained by the employee's supervisor which may include, but are not limited to, documents or electronic files reflecting workplace or performance expectations, the employee's performance or conduct, communications between employee and supervisor, and counseling efforts and discipline. A supervisor file shall not contain confidential employee medical information.
52. "Suspension" shall mean the temporary discontinuation without pay of an employee from employment for a specified period of time, for justifiable cause.

53. "Transfer" shall mean the movement of an employee within the same employing unit from one position to another position in the same class or with the same maximum pay rate.
54. "Trial service" shall mean a 12-month trial period of employment for a regular employee who has completed a probation period and who is subsequently appointed via promotion or transfer to a position in another classification, except that the trial period may be extended in accordance with the Seattle Municipal Code and these Rules.
55. "Trial service employee" shall mean an employee who has not yet completed a period of trial service.
56. "Verbal warning" shall mean a verbal notification from the appointing authority or designated management representative to an employee that specified activities or conduct are inappropriate for the work place, that performance standards have not been met, and/or that a violation of work place rules or policies has occurred; and that continuation thereof will result in more severe discipline, up to and including discharge.
57. "Veteran" shall mean one who has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities: (1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation; (2) As a member of the women's air forces service pilots; (3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days; (4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; (5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or (6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.
58. "Written reprimand" shall mean a written notification from the appointing authority or designated management representative to an employee that specified activities or conduct are inappropriate for the work place, that performances standards have not been met, and/or that a violation of work place rules or

policies, and that continuation thereof will result in more severe discipline, up to and including discharge.

Preamble.3 Application of Personnel Rules

All Personnel Rules shall be applied to City employees as described below, except where subchapters to these Rules provide otherwise.

- A. The Personnel Rules apply to all regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, the Personnel Rules shall prevail except where they conflict with the employee's collective bargaining agreement, any memoranda or agreement or understanding signed pursuant to the collective bargaining agreement, or any established and recognized practice relative to the members of the bargaining unit.
- C. The Personnel Rules do not apply to individuals who are hired under the terms of a grant that includes provisions that conflict with this Rule, nor do they apply to individuals hired under contract to the City. These individuals are subject to all applicable federal, state and City laws.
- D. Except for Chapter 11, the Personnel Rules do not apply to individuals hired by the City on a temporary, intermittent, or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor do they apply to individuals hired under contract to the City. These individuals are subject to all applicable federal, state and City laws.
- E. Appointing authorities may establish written policies and procedures for the implementation of the Personnel Rules to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of the Personnel Rules.

Personnel Rule 1.1 – Discrimination and Workplace Harassment

1.1.0 Authority

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.80.020 and subsequent revisions thereto, Affirmative Action Plan—Policy

SMC Chapter 14.04 and subsequent revisions thereto, Fair Employment Practices Ordinance

Council Resolution 30291 and subsequent revisions thereto, Workplace Harassment Policy and Investigation Procedures

Mayor's Executive Order Affirming All Employees' Right to a Workplace Free from Harassment

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

RCW 49.60, Discrimination—Human Rights Commission

1.1.1 Application of this Rule

- A. This Rule does not apply to employees of City departments that have alternative internal investigation procedures established by ordinance unless the affected employees are not subject to such internal investigation procedures.
- B. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

1.1.2 Anti-discrimination

It is the policy of the City of Seattle to provide a work environment for its employees that is free from discrimination and promotes equal employment opportunity for and equitable treatment of all employees. Any individual who believes he or she has been discriminated against in employment may make an internal complaint to any management representative or file a complaint with the Seattle Office of Civil Rights, Washington State Human Rights Commission, or the Equal Employment Opportunity Commission.

1.1.3 Anti-Harrassment

Harassment of an individual is illegal conduct and a violation of this Rule. The City of Seattle will not tolerate harassment of its employees by co-workers, supervisors, managers, officers of the City or from non-employees conducting business with the City.

1.1.4 Making a Harassment Complaint

- A. Employees shall promptly report to any management representative any allegations or complaints of harassment. Where the complaint is against an elected official, it shall be filed with the Seattle Office of Civil Rights, the Ethics and Elections Commission, the Washington State Human Rights Commission, or the Equal Employment Opportunity Commission. Reporting a harassment complaint to or discussing a complaint with a management representative will result in an investigation.
 - 1. Employees may make informal inquiries about legal rights and agency procedures to the Seattle Office of Civil Rights, the Washington State Human Rights Commission, and the Equal Employment Opportunity Commission. Such inquiries do not constitute a harassment complaint.
 - 2. Employees may seek confidential assistance, counseling and referral through the City's Employee Assistance Program. Contacting the Employee Assistance Program for assistance, counseling and referral does not constitute a harassment complaint.
- B. A harassment complaint may be oral or written. Where possible, it should include the date(s) the incident(s) occurred, name(s) of the individual(s) involved, name(s) of witness(es), and a description of the incident(s). It may also include a statement of the desired remedy.
- C. Employees have the right to consult with or file a harassment complaint with the Seattle Office of Civil Rights, the Washington State Human Rights Commission, or the Equal Employment Opportunity Commission, or to pursue other legal action, in addition to their rights and responsibilities under this Rule.
- D. Retaliation against an employee who brings a complaint of harassment, reports allegations of harassment, or participates in an investigation of a harassment complaint is prohibited and shall not be tolerated. "Retaliation" for the purposes of administering Personnel Rule 1.1.4(D) means an adverse job action(s) taken against an employee because he or she has complained about harassment, given a statement about a harassment investigation, participated in a harassment investigation, or supported a harassment complainant.

1.1.5 Investigating Harassment Complaints

- A. A management representative who is told or otherwise becomes aware that harassment may be occurring is obligated immediately to report the allegation or complaint to the alleged harasser's appointing authority.
 - 1. The appointing authority or designated management representative shall, as soon as practicable, notify the alleged harasser that he or she has been named in a harassment complaint and that it will be investigated.
 - 2. The appointing authority or designated management representative shall, as soon as practicable, assess the need to relocate either or both the complainant and the alleged harasser to another work unit, or to place either or both on administrative reassignment. The complainant shall not be given work or placed at a work site that is, in the judgment of the appointing authority or designated management representative, in any way less desirable than his or her current position and work site.

- B. The appointing authority or designated management representative shall designate a qualified City investigator or contract with an independent investigator to immediately commence an investigation of the complaint. If either the complainant or the alleged harasser raises a reasonable objection to the investigator assigned, the appointing authority or designated management representative shall attempt to reassign the investigation.
- C. The investigator shall complete his or her investigation as promptly as possible while ensuring that the investigation is fair, complete and impartial. It shall be the City's objective to complete all investigations within 90 days unless compelling circumstances require more time. The department shall regularly inform the complainant about the status of the investigation.
 - 1. The investigation shall include interviews with the complainant and the alleged harasser and any other person(s) whom the investigator has reason to believe has information directly related to the complaint or the investigation thereof.
 - 2. The investigator shall assure compliance with any employee's right to union representation, including the right of the alleged harasser, who may reasonably believe that disciplinary action may be taken based upon his or her statements to the investigator or on the outcome of the investigation.
 - 3. The investigator shall maintain records of the investigation and shall prepare and provide a report of the investigation to the appointing authority. The appointing authority shall provide a written summary of the allegations and the investigation findings to the complainant and to the alleged harasser.
 - 4. In determining from the totality of the circumstances whether conduct is sufficiently severe or pervasive to create an intimidating, hostile or offensive work environment, the investigator shall consider the conduct from the perspective of a reasonable person of the alleged victim's race, color, religion, creed, sex, sexual orientation, gender identity, national origin, ancestry, age, disability, marital status, families with children status, veteran/military status or political ideology.
 - 5. To the extent that it does not hinder the investigation or the resolution of the complaint and is permitted under local, state and federal laws, management representatives and any independent investigator shall maintain the confidentiality of a harassment complaint.
- D. To avoid duplication of efforts or otherwise conserve City resources, the appointing authority or designated management representative may suspend or close an investigation for any reason that does not conflict with this Rule, including the reason that the complainant is actively pursuing his or her complaint in another forum or has agreed to participate in a mediation of the complaint.

1.1.6 Resolution of Harassment Complaints

- A. If the investigation substantiates the complaint of harassment by a City employee, an appropriate City official shall make a determination regarding the appropriate resolution, including disciplinary action. Before making the decision to impose

- disciplinary action, the appointing authority or designated representative shall ensure that the harasser has been given the opportunity to review the results of the investigation, has been told of the evidence obtained, and has had an opportunity to provide to the appointing authority or designated representative a response to the outcome of the investigation. The appointing authority or designated representative shall take the employee's response into account before taking final action on the complaint.
- B. In addition to any disciplinary action taken, substantiated complaints shall be noted in the employee's personnel file and referenced in his or her first performance evaluation following the conclusion of the investigation. The employee shall be ineligible for consideration for any performance pay program or any individual performance award program for which he or she might otherwise qualify, for a period of one year following the resolution of the complaint. The prohibition against performance pay or awards for the individual employee shall not adversely affect awards extended to work groups or teams on which the employee is a participant.
 - C. If during the course of the investigation, the investigator determines that the allegation or complaint of harassment or discrimination was reported to a management representative, and that management representative failed to promptly report the allegation or complaint to the appointing authority or designated management representative, the appointing authority shall investigate and take appropriate action against the management representative, to include disciplinary action. In addition, the failure to report shall be noted in the management representative's personnel file and referenced in his or her first performance evaluation following completion of the investigation. The management representative shall forfeit for one year following resolution of the complaint any eligibility for individual performance pay or performance awards.

Following determination of a substantiated complaint of harassment, the appropriate management representative should inquire of the complainant at a frequency and for whatever duration is necessary to ensure that the harassment has not resumed and that the complainant has not been retaliated against for making a complaint. After the investigation has been completed, the complainant continues to have an obligation to promptly report to any management representative any allegations or complaints of harassment.

Personnel Rule 1.2 – Alternative Dispute Resolution

1.2.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.075 and subsequent revisions thereto, Alternative Dispute Resolution Program

RCW 5.60.070 and subsequent revisions thereto, Mediation—Disclosure—Testimony

RCW 7.07 and subsequent revisions thereto, Uniform Mediation Act

RCW 7.75 and subsequent revisions thereto, Dispute Resolution Centers

1.2.1 Application of this Rule

- A. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

1.2.2 Administration

- A. The Personnel Director shall implement and administer an Alternative Dispute Resolution Program as an option for the management of conflicts or disputes in the workplace, in order to mitigate their negative impact on workplace productivity and livability.
- B. Types of workplace conflicts or disputes that may be appropriate for a facilitated conversation or mediation include, but are not necessarily limited to, interpersonal conflicts, claims of discrimination and harassment, employee-to-employee relationships, employee-to-supervisor relationships, and work team conflicts.
- C. The ADR program staff shall conduct an intake process and determine whether a given conflict or dispute is suitable for a facilitated conversation, a mediation, or neither. Where the ADR Coordinator determines that a facilitated conversation or mediation would be contractually or legally prohibited or otherwise inappropriate, he or she will attempt to refer the parties to the appropriate venue for resolution. The decision of the ADR Coordinator regarding the appropriateness of a facilitated conversation or mediation shall not be subject to appeal.
- D. The Personnel Director shall establish and maintain a neutral pool of trained volunteer mediators.

1.2.3 Terms of Participation

- A. Employees whose complaint, dispute or disagreement is accepted for either a facilitated conversation or for mediation must

1. Enter into the facilitated conversation or mediation voluntarily;
 2. Be willing and able to share all information, listen to the other party or parties, move from their original position, and keep any agreements they make;
 3. Be willing and able to participate fully in the facilitated conversation or mediation process, with or without accommodation.
- B. Records of an employee's participation in a facilitated conversation or mediation process, as well as the information shared and any agreements reached, shall be confidential to the extent provided under state laws.
- C. Time spent in a facilitated conversation or mediation process, including time spent in the intake process, is considered regular pay hours for compensation purposes.
- D. Participation in a facilitated conversation or mediation process shall not deprive the participants of their ability to exercise any other contractual or legal rights to seek resolution of the dispute or conflict.

1.2.4 Remedies Permitted

The parties to a facilitated conversation or mediation process may agree to any remedy as long as it does not alter or affect issues that must be collectively bargained, obligate the City without proper authorization, or violate any federal, state or local law.

1.2.5 Effect of Mediation on Employee Grievances

An employee who files a grievance under the employee grievance procedure may, at any time prior to the disposition of the grievance at Step Three, request that the Alternative Dispute Resolution Coordinator determine whether a mediation process would be an appropriate way to address the grievance. If the dispute is accepted for a mediation process, the appointing authority shall waive the timelines for the employee grievance procedure until the completion of that process. If the dispute is not resolved through ADR, the employee may resume his or her pursuit of a remedy through the employee grievance procedure.

Personnel Rule 1.3 – Progressive Discipline

1.3.0 Authority

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.230 and subsequent revisions thereto, Progressive Discipline

SMC 4.20.065 and subsequent revisions thereto, Administrative Reassignment

SMC 4.77 and subsequent revisions thereto, Drug-free Workplace and Drug and Alcohol Testing

City Charter Article XVI, Section 7, Suspension or Dismissal

Drug-free Workplace Policy, last revised February 2011

1.3.1 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed employees in the classified service.
- B. This Rule does not apply to employees who are exempted by state law, the City Charter or SMC Chapter 4.13 from compliance with the Personnel Rules or SMC Chapter 4.04 related to selection, discipline, termination or appeals of personnel actions to the Civil Service Commission.
- C. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

1.3.2 Order of Severity of Disciplinary Action

- A. In order of increasing severity, an appointing authority or designated management representative may take the following disciplinary actions against an employee for misconduct or poor work performance:
 - 1. A verbal warning, which shall be accompanied by a notation in the employee's personnel file. A verbal warning is appropriate only when the supervisor determines that there are sufficient mitigating factors related to the employee's conduct or performance that a written reprimand suspension, demotion or discharge is unwarranted.
 - 2. A written reprimand, a copy of which must be placed in the employee's personnel file. A written reprimand is appropriate only when the supervisor determines that there are sufficient mitigating factors related to the employee's conduct or performance that suspension, demotion or discharge is unwarranted.

- B. In order of increasing severity, the disciplinary actions which a supervisor may recommend and the appointing authority may approve against an employee include:
 - 1. Suspension up to 30 calendar days.
 - a) Salaried employees shall be suspended in minimum increments of one workweek, except that suspensions for major safety violations may be imposed for at least 1 workday but less than 1 workweek.
 - 2. Demotion.
 - a) The appointing authority may demote an employee to a vacant position in a lower-paying classification or title in the same employing unit for disciplinary reasons. The employee must meet the minimum qualifications for the lower-paying classification or title. An employee who is demoted shall lose all rights to the higher class.
 - 3. Discharge.
- C. The disciplinary action imposed depends upon the seriousness of the employee's offense and such other considerations as the appointing authority or designated management representative deems relevant. In the absence of mitigating circumstances, a verbal warning or a written reprimand shall not be given for a major disciplinary offense.
- D. A regular employee may be suspended, demoted or discharged only for justifiable cause. This standard requires that:
 - 1. The employee was informed of or reasonably should have known the consequences of his or her conduct;
 - 2. The rule, policy or procedure the employee has violated is reasonably related to the employing unit's safe and efficient operations;
 - 3. A fair and objective investigation produced evidence of the employee's violation of the rule, policy or procedure;
 - 4. The rule, policy or procedure and penalties for the violation thereof are applied consistently; and
 - 5. The suspension or discharge is reasonably related to the seriousness of the employee's conduct and his or her previous disciplinary history.
- E. The appointing authority may suspend, demote or discharge a probationary employee without just cause. A written statement of any such action shall be provided to the Personnel Director and the Civil Service Commission.

1.3.3 Major Disciplinary Offenses

- A. The following is a nonexclusive list of major disciplinary offenses where a verbal warning or written reprimand will not be appropriate in the absence of mitigating circumstances:
 - 1. Committing an act of workplace violence, including but not limited to verbal assault, threatening behavior or physical assault occurring in or arising from the workplace;

2. Testing positive for or being impaired or affected by alcohol or other controlled or illegal substance during working hours;
 3. Possession or sale of alcohol for use in the workplace or during working hours;
 4. Possession without a lawful prescription for or sale of a controlled or illegal substance in the workplace or during working hours.
 5. Reporting to work while taking a lawfully prescribed controlled substance or over-the-counter medication without obtaining a recommendation in writing from a health care provider, if the substance could affect the employee's ability to work safely;
 6. Use of City time, equipment or facilities for private gain or other non-City purpose;
 7. Falsifying or destroying the business records of the employer at any time or place, without authorization;
 8. Knowingly making a false statement on an application for employment or falsifying an employment-related examination document;
 9. Intentional damage to or theft of the property of the City, another employee, or others;
 10. Carrying or otherwise possessing firearms or any type of dangerous weapon and/or ammunition or similar devices or materials in the course of employment or on City property, except as authorized by the appointing authority;
 11. Making a bribe, accepting a bribe, or soliciting a bribe;
 12. Unauthorized absence;
 13. Endangering the safety of, or causing injury to, the person or property of another through negligence or intentional failure to follow policies or procedures;
 14. Conviction of any felony or misdemeanor crime or release from imprisonment for such conviction within the last 10 years when such conviction is work-related or may impair the employee's ability to perform his or her job duties;
 15. A knowing or intentional violation of the City Code of Ethics or other ordinances, the Personnel Rules, or the employing unit's adopted policies, procedures and workplace expectations;
 16. Acts of harassment or acts of discrimination that are prohibited by federal, state or local laws, or a failure to fulfill a responsibility to report incidents of harassment or discrimination to an appropriate City management representative;
 17. Acts of retaliation against City employees or members of the public.
 18. Other offenses of parallel gravity.
- B. In determining the level of discipline to impose, the appointing authority or designated management representative shall consider factors that he or she deems relevant to the employee and his or her offense, including but not necessarily limited to:
1. The employee's employment history, including any previously imposed disciplinary actions;

2. The extent of injury, damage or disruption caused by the employee's offense;
3. The employee's intent; and
4. Whether the offense constituted a breach of fiduciary responsibility or of the public trust.

1.3.4 Reassignment During Investigation

- A. While investigating an employee's alleged misconduct the appointing authority may remove the employee or other employees who are the cause of or otherwise significantly affected by such investigation from the workplace. The employee(s) may be temporarily reassigned to another work unit, or may be placed on administrative reassignment.
- B. An employee who is reassigned to another work unit pending the outcome of an investigation shall not have his or her pay rate reduced as a result of such reassignment.
- C. The appointing authority shall place an employee on paid administrative reassignment only when he or she determines that the employee's absence from the workplace is in the best business interest of the employing unit and there is no workplace to which the employee may be reassigned.

1.3.5 Pre-Disciplinary Hearing

- A. Prior to suspending, demoting or discharging a regular employee, the appointing authority shall conduct a pre-disciplinary hearing to permit the employee to respond to the charges made against him or her.
 1. The appointing authority shall provide the employee with oral or written notice of the charges made against him or her, an explanation of the evidence and the disciplinary action contemplated, and a reasonable opportunity for the employee to present an account of his or her conduct or performance.
 2. Upon receipt of a notice of recommended disciplinary action, an employee may choose to respond verbally or in writing. If the employee chooses to respond verbally, the appointing authority shall schedule a pre-disciplinary hearing.
 3. An employee may have a representative accompany him or her to a pre-disciplinary hearing. However, the pre-disciplinary hearing is not an evidentiary hearing, nor will the employee or his or her representative be permitted to cross-examine witnesses.
- B. Following his or her evaluation of the information presented by the employee, the appointing authority shall determine whether to impose or modify the disciplinary action contemplated against the employee.

1.3.6 Right of Appeal

- A. A written notification signed by the appointing authority of a suspension, demotion or discharge shall be delivered to the affected employee not later than 1 working day after the action becomes effective. The notification shall include the reason for the action taken. In the case of a regular employee, the notification shall also include a description of the employee's rights for appeal.
 - 1. In order to appeal the disciplinary action imposed, the employee must file a grievance provided by Personnel Rule 1.4 within 20 calendar days of the decision to impose discipline by the appointing authority.
 - 2. An employee who has exhausted the Employee Grievance Procedure under Personnel Rule 1.4 and remains dissatisfied with the outcome may file an appeal with the Civil Service Commission.
- B. A copy of the written notification to the employee shall be provided to the Civil Service Commission and to the Personnel Director concurrent with or prior to the effective date of the disciplinary action.
- C. An employee may grieve a verbal warning or written reprimand using the Employee Grievance Procedure provided in Personnel Rule 1.4. Verbal warnings and written reprimands may not be appealed to the Civil Service Commission.

Personnel Rule 1.4 – Employee Grievance Procedure

1.4.0 Authority

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.240 and subsequent revisions thereto, Employee Grievance Procedure

SMC 4.04.260 and subsequent revisions thereto, Appeals to Civil Service Commission

1.4.1 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed employees who have probationary, trial service or regular status except as specifically provided within the Rule.
- B. This Rule does not apply to employees who are exempted by state law, the City Charter or SMC Chapter 4.13 from compliance with the Personnel Rules or SMC Chapter 4.04 related to selection, discipline, termination or appeals of personnel actions to the Civil Service Commission.
- C. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

1.4.2 Procedure

- A. A regular, trial service or probationary employee may initiate a grievance when there is a disagreement between the employee and his or her supervisor or employing unit concerning the proper application of provisions of the Seattle Municipal Code Chapter 4.04 or Personnel Rules and any policies or procedures adopted pursuant thereto, except as follows:
 - 1. An employee who is represented under the terms of a collective bargaining agreement between the City and an authorized bargaining unit may utilize this grievance procedure to grieve the improper application of provision of the Seattle Municipal Code Chapter 4.04, or the Personnel Rules, policies and procedures adopted pursuant thereto. Alleged violations of the collective bargaining agreement are not grievable using the procedure provided in this Rule.
 - 2. The classification and compensation decisions rendered by the Personnel Director are not grievable under this Personnel Rule. An employee may, however, grieve an alleged violation of any provisions of SMC 4.04, the Personnel Rules and policies or procedures adopted pursuant thereto that govern the processes of classifying and setting compensation for employment positions if the employee believes that those processes were not followed.
- B. The employee grievance procedure shall consist of three steps. In an effort to expedite the grievance process, grievances shall be filed at the step in which there

is authority to adjudicate, provided that the supervisor(s) be notified of any step that is skipped. If the employee and the department are not able to agree on which step the grievance shall be initiated, the employee shall file the grievance at Step One. The employee and his or her departmental management shall make a reasonable effort to settle grievances at the lowest possible step.

1. Step One. The employee shall present a written request for a meeting with his or her immediate supervisor within 20 calendar days following the grievable incident. At the meeting, the employee shall identify
 - a. The grievable incident;
 - b. The provision of Seattle Municipal Code Chapter 4.04 or the Personnel Rule or policy or procedure adopted pursuant thereto that he or she believes was improperly applied; and
 - c. The remedy he or she seeks.

Within 14 calendar days of the meeting, the supervisor shall provide a response, verbally or in writing, to the grievant, indicating whether the supervisor found that the grievance has merit, the reasons for that determination, and, if the grievance has merit, what remedy he or she proposes.

If the supervisor does not have the authority to resolve the grievance or denies the grievance at Step One, the supervisor shall instruct the employee that he or she may proceed to Step Two.

2. Step Two. If the grievance is not resolved at Step One, the employee shall present the grievance in writing to his or her division director within 14 calendar days following receipt of the Step One response. The employee's written description of his or her grievance must be signed and dated and shall include the information provided at Step One as well as an explanation of why the employee found the Step One outcome unacceptable. If the grievance is initially submitted at Step Two, the employee shall present the grievance in writing to his or her division director within 20 calendar days of the grievable incident. The employee's written description of his or her grievance must be signed and dated and shall include the information required at Step One.

The division director shall provide a written response within 14 calendar days of the presentation of the Step Two grievance, informing the grievant of the outcome of his or her review and any proposed remedy. Denial of the grievance shall permit the employee to proceed to Step Three.

If the division director denies the grievance, does not have the authority to resolve the grievance, or if the division director is the employee's immediate supervisor and has responded to the grievance at Step One, the division director shall instruct the employee that he or she may proceed to Step Three.

3. Step Three. If the grievance is not resolved at Step Two, the employee shall submit a Step Three grievance to the City Personnel Director within 14 calendar days after the date of the division director's response. The Step Three grievance shall consist of:
 - a. The written Step Two grievance;
 - b. The division director's response to the Step Two grievance;
 - c. An explanation of any and all reason(s) the employee finds the Step Two response unacceptable; and
 - d. A cover sheet signed and dated by the grievant that clearly identifies the submittal as a Step Three grievance.

If the grievance is initially submitted at Step Three, the employee shall present the grievance in writing to the Personnel Director within 20 calendar days of the grievable incident. The employee's written description of his or her grievance must be signed and dated and shall include the information required at Step One.

The Personnel Director shall review the grievance and may meet with the grievant and any other individuals the Director identifies as having additional relevant information about the grievable incident. The Personnel Director shall provide a report of his or her investigation to the grievant and the grievant's appointing authority within 14 calendar days after receipt of the Step Three grievance or within 7 calendar days after meeting with the grievant, whichever is later.

In addition, the Personnel Director shall provide to the appointing authority a confidential recommendation for resolution of the grievance. The appointing authority may consider the Personnel Director's recommendation for resolution, but he or she shall be responsible for determining the grievance resolution.

The appointing authority will answer the grievance setting forth his or her decision in writing within seven (7) calendar days after receipt of the Personnel Director's recommendation. The appointing authority shall notify the employee of his or her right to appeal the suspension, demotion or termination to the Civil Service Commission.

- C. The timelines provided in Personnel Rule 1.4.2 B may be extended by mutual written agreement of the aggrieved employee and the appropriate management representative at the relevant step. The employee's failure to comply with these timelines, absent an agreement to extend them, shall constitute his or her withdrawal of the grievance. Failure of the appropriate management representative to comply with these timelines shall allow the employee to proceed to the next step.

1.4.3 Alternative Dispute Resolution

An employee who files a grievance under the employee grievance procedure may at any time prior to the disposition of the grievance at Step Three request that the Alternative

Dispute Resolution Coordinator determine whether a mediation process would be an appropriate way to address the grievance. If the dispute is accepted for a mediation process, the appointing authority shall waive the timelines for the employee grievance procedure until the completion of that process. If the dispute is not resolved through ADR, the employee may resume his or her pursuit of a remedy through the employee grievance procedure.

1.4.4 Appeal to Civil Service Commission

If a regular employee exhausts this grievance procedure and remains dissatisfied with the outcome of an action that falls within the jurisdiction of the Civil Service Commission, he or she may file an appeal with the Civil Service Commission in accordance with Seattle Municipal Code Section 4.04.260:

- A. In order to appeal an action that is upheld by the grievance process, the employee must file a “Notice of Appeal” with the Civil Service Commission within 20 calendar days of the delivery of the Step Three grievance response.
- B. The 20 calendar days begins to run on the date of delivery of the notice of the Step 3 grievance response and right to appeal is given to the employee personally or delivered by messenger to the employee’s most recent address as shown on departmental records. If the notice of grievance response and right to appeal is mailed, the 20 calendar days begins to run on the third calendar day after the notice is mailed.

Personnel Rule 1.5 – Performance Management

1.5.0 Authority

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.180 and subsequent revisions thereto, Performance evaluation

1.5.1 Application of this Rule

- A. This Rule applies to regular, trial service and probationary employees.
- B. For regular, trial service and probationary employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to employees appointed to exempt positions; however, the appointing authority may implement a performance evaluation system for exempt employees.
- D. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

1.5.3 Performance Management Training

- A. Appropriate performance management training is a component of the City's performance management systems. Performance management training for supervisors and managers may include but need not be limited to:
 - 1. Engaging in effective communication,
 - 2. Participating in setting and communicating expectations,
 - 3. Providing and receiving ongoing feedback,
 - 4. Recognizing good individual and team performance,
 - 5. Assessing the causes of deficient job performance,
 - 6. Assisting employees in performance improvement,
 - 7. Conducting effective performance evaluations,
 - 8. Appropriately implementing progressive discipline, and
 - 9. Appropriately seeking assistance.
- B. Performance management training for employees may include but need not be limited to:
 - 1. Engaging in effective communication,
 - 2. Participating in setting and communicating expectations,
 - 3. Providing and receiving ongoing feedback,
 - 4. Participating in performance improvement processes,
 - 5. Participating in performance evaluation processes, and
 - 6. Appropriately seeking assistance.

1.5.3 Job Expectations

- A. The setting and communication of job expectations is a goal of the performance evaluation system. All supervisors and employees should identify employees' job expectations:
 - 1. On at least an annual basis to set expectations for the coming year,
 - 2. When the employee begins a new job,
 - 3. When there are changes in job expectations, and
 - 4. When an employee needs or requests clarification about his or her job expectations.
- B. Job expectations should be reasonable and fair and should align with the employee's class specification as well as the overall organizational priorities, goals and strategies for the employing unit and the City.
- C. Each supervisor and employee may identify any training and other resources necessary for the employee to meet his or her job expectations.
- D. Any documentation of job expectations by the supervisor shall be maintained in the supervisor file, with a copy to the employee.

1.5.4 Performance Evaluation

- A. Every employing unit is expected to develop and maintain a performance evaluation system which may include but need not be limited to:
 - 1. Annual job-related performance evaluations,
 - 2. Provision for employee comment on formal performance evaluations,
 - 3. Review of formal performance evaluations by the rater's supervisor, and
 - 4. The employee's right to have his or her formal performance evaluation reviewed by the supervisor's chain of command up to and including the appointing authority.
- B. The results of performance evaluations shall be used to:
 - 1. Improve communications with employees,
 - 2. Help identify and recognize outstanding employee performance,
 - 3. Help identify and correct inadequate employee performance, and
 - 4. Help demonstrate just cause for personnel actions.
- C. The Personnel Director may conduct regular audits of performance evaluation records to monitor employing units' implementation and maintenance of a performance evaluation system.

1.5.5 Communicating Performance Deficiencies

- A. Supervisors should address deficiencies in an employee's job performance immediately, rather than waiting for the formal performance evaluation, by conducting a counseling session with the employee to:
 - 1. Review job expectations for the employee's position,
 - 2. Communicate to the employee the job performance deficiencies, and
 - 3. Begin to assess the cause of the job performance deficiencies.

- B. Supervisors should document an assessment of the cause of the employee's job performance deficiencies, addressing issues that may include but may not be limited to:
 - 1. Are the job expectations consistent with the employee's position classification?
 - 2. Were the job expectations communicated to the employee?
 - 3. How does the employee's performance compare with others in the same classification?
 - 4. Did the employee receive appropriate job-related training and/or equipment?
 - 5. Has the employee previously demonstrated the ability to meet his or her job expectations?
- C. The supervisor should document all meetings held to discuss job performance deficiencies and shall maintain the documentation in the supervisor file, with a copy to the employee.

1.5.6 Employee Failure to Correct Performance Deficiencies

- A. If, after counseling an employee, a supervisor concludes that he or she still does not adequately perform his or her job, the supervisor should consult with the human resources professional(s) in his or her employing unit to determine whether to proceed with progressive discipline.
- B. If a supervisor determines that progressive discipline is the appropriate course of action, he or she shall proceed in accordance with Personnel Rule 1.3.

1.5.7 Alternative Dispute Resolution Program

The parties to a performance management process may mutually agree to use the services available through the Alternative Dispute Resolution Program at any time. Mediation is not a substitute for performance management. However, communication problems or workplace conflict may aggravate an employee's job performance deficiencies. Mediation may help address communication problems or workplace conflict, thereby improving the employee's ability to correct performance deficiencies.

Personnel Rule 4.1 - Classified Service Selection Process—Internal Applicants

4.1.0 Authority

City Charter, Article XVI, Section 4, Merit Principles

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.070 and subsequent revisions thereto, Rights of Employees

SMC 4.04.150 and subsequent revisions thereto, Employee Selection

SMC 4.04.160 and subsequent revisions thereto, Veterans' Preference

SMC 4.04.300 and subsequent revisions thereto, Trial Service Periods

SMC 4.04.310 and subsequent revisions thereto, Subsequent Appointments

RCW 41.04.005 and subsequent revisions thereto, "Veteran" defined for certain purposes

RCW 41.04.007 and subsequent revisions thereto, "Veteran" defined for certain purposes

RCW 41.04.010 and subsequent revisions thereto, Veterans' scoring criteria status in examinations

WAC 162-12-140 and subsequent revisions thereto, Pre-employment Inquiries

4.1.1 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed employees and temporary workers on active status who apply for positions in the classified service.
- B. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

4.1.2 Merit Principles

- A. The Personnel Director shall provide for the recruitment, selection, transfer and advancement of individuals based on their relative ability, knowledge and skills, without regard for political beliefs or activities.
- B. Recruitment and selection processes shall include the advertisement of employment opportunities and open consideration of applicants based on a job-related assessment of their qualifications.

4.1.3 Employment Advertisement

- A. Employing units must submit notice of all classified service employment opportunities for publication in the Opportunity for Advancement bulletin, unless the Personnel Director waives publication. Internal advertisement may occur concurrent with or prior to any authorized external advertisement. The transfer, reduction or demotion of an employee to a vacancy within the same employing unit is not considered an employment opportunity for advertising purposes.
- B. Published descriptions of the level, nature and complexity of duties assigned to a classified service position and the minimum qualifications required to perform them must be consistent with the adopted classification specification or, in the absence of a classification specification, with a documented description of the position. A statement of desired qualifications may be included to more closely reflect the job-related requirements of the specific position and the business needs of the hiring department.
- C. At the request of the appointing authority, the Personnel Director may waive the requirement for internal publication of employment opportunities for the following reasons:
 - 1. Return of a former City employee from a reinstatement list (i.e., reappointment within 12 months of layoff);
 - 2. Return of a former City employee from a reversion recall list (i.e., return from a trial service period);
 - 3. Employment of a participant in Project Hire;
 - 4. Reasonable accommodation of an injured worker, and accommodation under the Americans With Disabilities Act or the Washington State Law Against Discrimination;
 - 5. Promotion of an employee who has successfully completed an apprenticeship or a formal upward mobility program;
 - 6. Compliance with a court order, Civil Service Commission order, or similar remedial action;
 - 7. Use of the results of a recent advertisement for a position of the same title, duties, and working conditions;
 - 8. Movement of an employee to avoid layoff as a result of reorganization or job rotation;
 - 9. Return from exempt to classified service when the employee has return rights.

4.1.4 Internal Applicants

- A. Internal applicants shall apply directly to the employing unit in which an advertised employment opportunity exists by submitting application materials as instructed in the OFA.
- B. Internal applicants may use City computers, printers, copiers and related equipment to prepare applications, resumes and other materials for application to a City employment opportunity that is published in the OFA as long as such activities do not unreasonably interfere with the employee's ability to carry out his

or her normal job duties. Internal applicants must obtain advance supervisory approval for work time spent on resume and application preparation.

- C. Internal applicants may participate in interviews and other official selection processes for City jobs during normal work hours without loss of pay or paid leave balances. Advance supervisory approval of work release time is required. Internal applicants will not be compensated for additional time or other expenses related to their participation in selection processes.

4.1.5 Selection Process

- A. To ensure that selection processes are conducted in a fair and reasonable manner, each employing unit will provide a copy of its current selection procedures to the Personnel Director. The appointing authority must file revisions to its selection procedures with the Personnel Director within 30 days of adoption by the employing unit.
- B. The employing unit will evaluate application materials from all qualified applicants in order to determine which applicants are most competitive to proceed to the next phase of the selection process.
- C. The employing unit may develop and administer any job-related skills tests and interviews that the appointing authority or his or her designated management representative deems necessary. All available information related to the suitability of the applicant for the job will be used to evaluate each applicant.

4.1.6 Final Selection

- A. The Personnel Director will conduct qualifications audits of all applicants identified by the employing unit as finalists for a job vacancy. The audit will include a comparison of the finalist's or finalists' qualifications with those qualifications advertised for the job. No job offer will be made to any finalist for a job vacancy until the Personnel Director has conducted a qualifications audit.
- B. The employing unit shall make a provisional job offer to the position finalist contingent upon passing a pre-employment physical, criminal background check as required by law, and/or drug test if either is required for the position.
- C. No individual shall apply inappropriate pressure to influence the outcome of a selection process.
- D. If the employing unit's selection process includes a competitive examination, veterans' preference of 5% shall be added to the passing mark or grade, based upon a possible perfect mark or grade of 100 points, for a veteran who was called to active military service from employment with the City, or with the State of Washington or any of its political subdivisions. This preference shall apply to an individual's first promotional examination only.

4.1.7 Trial Service

- A. An employee who has satisfactorily completed a probation period and is subsequently promoted or transferred to a position in another classification shall serve a 12-month

trial service period in the subsequent position. An employee's trial service period may be extended up to 3 additional months by written mutual agreement between the department and employee, subject to approval by the Personnel Director prior to expiration of the trial service period.

- B. The trial service period shall provide the department with the opportunity to observe the employee's work and revert such an employee without just cause. Employees who have been reverted during the trial service period shall not have the right to appeal to the Civil Service Commission.

C. Reversion to Former Position

1. An employee who has been appointed from one classification to another classification within the same or different department and who fails to satisfactorily complete the trial service period shall be reverted to a vacant position within the former department (if applicable) and classification from which they were appointed. Where no such vacancy exists, such employee shall be given 15 calendar days' written notice prior to being placed on a Reversion Recall List for their former department and former classification and prior to being removed from the payroll.
2. The names of regular employees who have been reverted for purposes of re-employment in their former department shall be placed on the Reversion Recall List for the same classification from which they were promoted or transferred for a period of 1 year from the date of reversion.
3. If a vacancy is to be filled in a department and a valid Reversion Recall List for the classification for that vacancy contains the name(s) of eligible employees who have been removed from the payroll from that classification and from that department, such employees shall be reinstated in order of their length of service in that classification. The employee who has the most service in that classification shall be the first reinstated.
4. An employee whose name is on a valid Reversion Recall List for a specific job classification who accepts employment with the City in that same job classification shall have their name removed from the Reversion Recall List. Refusal to accept placement from a Reversion Recall List to a position the same, or essentially the same, as that which the employee previously held shall cause an employee's name to be removed from the Reversion Recall List, which shall terminate rights to reemployment under this Reversion Recall List provision.
5. A reverted employee shall be paid at the step of the range that they normally would have received had they not been promoted or transferred.

D. Subsequent appointments

1. If a probationary employee is subsequently appointed in the same classification from one department to another, the receiving department may, with approval of the Personnel Director, require that a complete twelve (12) month probationary period be served in that department. If a regular employee or an employee who is serving a trial service period is subsequently appointed in the same classification from one department to another, the receiving department may, with the approval of the Personnel

Director, require that a twelve (12) month trial service period be served in that department.

2. If a probationary employee is subsequently appointed to a different classification in the same or different department, the employee shall serve a complete twelve (12) month probationary period in the new classification, not to exceed a total of 24 months of probationary employment. If a regular employee is subsequently appointed to a different classification in the same or different department, the employee shall serve a complete twelve (12) month trial service period in the new classification.
3. Within the same department, if a regular employee is appointed from a lower classification for which he or she is serving a trial service period to a higher classification in a closely related field, the trial service period for both classifications shall overlap. The employee shall complete the term of the original trial service period and be given regular status in the lower classification, and then serve out the remainder of the 12-month trial service period in the higher classification.
4. Within the same department, if a probationary employee is regularly appointed from a lower classification to a higher classification in a closely related field, the probationary period and the new trial service period for the higher classification shall overlap. The employee shall complete the term of the original probationary period and be given regular standing in the lower classification and then serve out the remainder of the 12-month trial service period in the higher classification.

Personnel Rule 4.2 - Classified Service Selection Process—External Applicants

4.2.0 Authority

City Charter, Article XVI, Section 4, Merit Principles

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.150 and subsequent revisions thereto, Employee Selection

SMC 4.04.160 and subsequent revisions thereto, Veterans' Preference

SMC 4.04.290 and subsequent revisions thereto, Probation Periods

SMC 4.04.300 and subsequent revisions thereto, Trial Service Periods

SMC 4.04.310 and subsequent revisions thereto, Subsequent Appointments

SMC 4.14 and subsequent revisions thereto, Executive Recruiting

RCW 41.04.005 and subsequent revisions thereto, "Veteran" defined for certain purposes

RCW 41.04.007 and subsequent revisions thereto, "Veteran" defined for certain purposes

RCW 41.04.010 and subsequent revisions thereto, Veterans' scoring criteria status in examinations

4.2.1 Application of this Rule

1. The provisions of this Rule apply to external applicants who seek regular appointment to positions in the classified service.
2. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

4.2.2 Merit Principles

- A. The Personnel Director shall provide for the recruitment, selection, transfer and advancement of individuals based on their relative ability, knowledge and skills, without regard for political beliefs or activities.
- B. Recruitment and selection processes shall include the advertisement of employment opportunities and open consideration of applicants based on a job-related assessment of their qualifications.

4.2.3 Employment Advertisement

- A. The appointing authority must submit all official classified service job advertising to the Personnel Director for approval.
- B. Notice of all classified service employment opportunities must be published in the OFA even if posted externally, unless the Personnel Director waives OFA publication.
- C. Published descriptions of the level, nature and complexity of duties assigned to a classified service position and the minimum qualifications required to perform them must be consistent with the adopted classification specification or, in the absence of a classification specification, with a documented description of the position. A statement of desired qualifications may be included to more closely reflect the job-related requirements of the specific position and the business needs of the hiring department.

4.2.4 External Applicants

- A. External applicants shall apply directly to the employing unit in the format specified in the job advertisement or posting

4.2.5 Recruiting of External Applicants

- A. When it is necessary to recruit outside regional labor markets, the appointing authority may authorize payment of reasonable and necessary expenses related to an applicant's travel to and from Seattle to participate in an interview process.
 - 1. The appointing authority must file and the Director of Finance and Administrative Services must approve a claim for payment or reimbursement of travel expenses.
 - 2. Authorized travel expenses include lodging, meals, incidental and round-trip transportation from the applicant's home to Seattle and back. Applicants who drive their personal vehicles may be reimbursed at the rate set by the Personnel Director for mileage reimbursement. However, payment for mileage cannot exceed the round-trip airfare of a common carrier for the same trip.
- B. Positions that are eligible for travel expense consideration are:
 - 1. Positions paid at salary range 400 and above, or at or above the equivalent of the top step of range 400 when no range is specified;
 - 2. Positions under salary range 400 but over salary range 300, for which the employing unit cannot successfully recruit in the local employment area because of the scarcity of persons possessing the position qualifications; and
 - 3. All positions assigned to the Accountability Pay for Executives, Manager, and Strategic Advisor Compensation Programs, regardless of pay level.

4.2.6 Selection Process

- A. To ensure that selection processes are conducted in a fair and reasonable manner, each employing unit will provide a copy of its current selection procedures to the Personnel Director. The appointing authority must file revisions to its selection procedures with the Personnel Director within 30 days of adoption by the employing unit.
- B. The employing unit will evaluate application materials from external applicants in order to determine which applicants are best-qualified to proceed to the next phase of the selection process. Assessment of external applicants may occur concurrently with or subsequent to the assessment of internal applicants.
- C. The employing unit may develop and administer any job-related skills tests and interviews that the appointing authority or his or her designated management representative deems necessary. All available information related to the suitability of the applicant for the job will be used to evaluate each applicant.

4.2.7 Final Selection

- A. The Personnel Director will conduct qualifications audits of all applicants identified by the employing unit as finalists for a job. The audit will include a comparison of the finalist's or finalists' qualifications with those advertised for the job. No job offer will be made to any finalist for a job vacancy until the Personnel Director has approved a qualifications audit.
- B. The employing unit shall make a provisional job offer to the position finalist contingent upon passing a pre-employment physical, criminal background check consistent with Personnel Rule 10.3, and/or drug test if required for the position. The position finalist must demonstrate authorization to work in the United States prior to commencing work.
- C. No individual shall apply inappropriate pressure to influence the outcome of a selection process.
- D. If the employing unit's selection process includes a competitive examination, veterans' preference shall be added to the passing mark or grade, based upon a possible perfect mark or grade of 100 points, as follows:
 - 1. 10% to a veteran who served during a period of war or in an armed conflict (as provided in the definition of "veteran" in the Preamble to the Personnel Rules) and does not receive military retirement;
 - 2. 5% to a veteran who did not serve during a period of war or in an armed conflict, or who receives military retirement.

Eligible veterans may only claim veterans' preference to their first appointment.

4.2.8 Re-Employment of Former City Employees

- A. Employees whose most recent period of City employment ended in a layoff are eligible for reinstatement to the same classification or budget title within 12 months of such layoff. An individual whose layoff occurred longer than 12 months before his or her re-employment shall be considered an external applicant as provided in Rule 4.2.8 (B).

1. The Personnel Director shall provide the names of individuals who are eligible for reinstatement to the appointing authority of any employing unit who has a vacancy in that classification or budget title. Pursuant to Personnel Rule 6.2.9.A, the appointing authority may refuse to hire from the reinstatement list only upon stating a reason therefor to the Personnel Director.
 2. An individual who is reinstated from layoff shall have the same status as he or she held prior to layoff, with credit given toward time already served if such status is probationary or trial service. The employee shall be placed at the same step in the salary range as he or she had attained prior to layoff, and credit will be given for prior service for purposes of salary step progression. Any unused sick leave balance shall be restored, and the vacation accrual rate and hours worked for purposes of determining number of floating holidays shall be the same as when the employee was laid off.
- B. A former City employee who resigned or quit City employment may apply and be considered for employment as an external applicant. His or her vacation accrual rate and hours worked for purposes of determining number of floating holidays will reflect prior service; otherwise, an individual re-employed under this Rule shall be treated the same as a new hire.
- C. A former City employee who took a service retirement from City employment may apply and be considered for employment as provided by Rule 4.2.8 (B). The amount of his or her monthly pension payment may be affected by re-employment with the City, or he or she may be subject to limitations on the number of hours he or she is permitted to work.
- D. A former City employee who was terminated for cause may apply and be considered for rehire as an external applicant only with the approval of the appointing authority and the concurrence of the Personnel Director.
- E. A former City employee whose termination was a probationary dismissal may apply and be considered for rehire as an external applicant only with the approval of the appointing authority.

4.2.9 Moving Expenses

- A. The appointing authority may authorize, upon the approval of the Personnel Director, moving expenses for individuals who must relocate to Seattle in order to accept an offer of employment with the City as:
1. Positions identified in the Salary Ordinance (Ordinance 97330, as amended) by salary range 400 and above, or a salary equivalent to or higher than the top step of range 400 when no range is given, or
 2. Positions under salary range 400 but over salary range 300, 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 therefore, or
 3. Positions assigned to the Accountability Pay for Executives Program, the Manager Compensation Program, or the Strategic Advisor Compensation

Program, that do not otherwise meet any of the eligibility criteria in this section.

- B. The appointing authority and the employee for whom moving expenses have been authorized must stipulate in writing that, if the individual leaves the employing unit which paid the moving expenses within 12 months of initial appointment, he or she shall reimburse this employing unit for such expenses. In the event the employee moves from one City department to another within 12 months, the City department that makes the subsequent job offer may instead make the reimbursement payment to the City department that paid the moving expenses.
- C. An individual's new job with the City must be at least 50 miles farther from his or her place of residence than his or her former job to qualify for moving expenses.
- D. Moving expenses include the cost of transportation to Seattle to find housing; food and lodging expenses for up to five days while engaged in the search for housing; and the cost of transporting the employee and his or her family and household goods and personal effects to Seattle. Payment or reimbursement of moving expenses may not exceed the authorized maximum rate set by the Personnel Director in January of each year.

4.2.10 Probation

- A. Upon initial appointment to a position in the classified service, an employee must complete a 12-month probationary period.

Personnel Rule 4.3—Transfer, Reduction and Demotion Between Classified Service Positions

4.3.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.290 and subsequent revisions thereto, Probation Periods

SMC 4.04.300 and subsequent revisions thereto, Trial Service Periods

SMC 4.04.310 and subsequent revisions thereto, Subsequent Appointments

4.3.1 Application of this Rule

1. The provisions of this Rule apply to employees who are regularly appointed to positions in the classified service.
2. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

4.3.2 Reduction

- A. A regularly appointed employee may reduce or be reduced to a vacant position in a lower classification in the same employing unit with the approval of the appointing authority or his or her designated management representative. No selection process is required; however, the employee must be able to demonstrate that he or she meets the minimum qualifications for the lower classification.
- B. An employee so reduced must successfully complete a probationary period only if he or she has not completed an initial probationary period. An employee so reduced shall not serve a trial service period.
- C. Upon showing that the reason for a reduction no longer exists, the appointing authority or his or her designated management representative may return an employee to an available vacant position in the former class within the same employing unit. No selection process is required. The employee's status in the higher class shall be the same as it was immediately prior to the reduction.
- D. Reduction to a position in another employing unit shall be treated as a selection process as provided by Personnel Rule 4.1. The Personnel Director may waive advertisement for reduction to a position in another employing unit to avoid layoff as a result of reorganization or job rotation or for the reasonable accommodation of a qualified individual under the Americans with Disabilities Act or the Washington State Law against Discrimination.

4.3.3 Demotion

- A. An employee may be demoted by the appointing authority to a vacant position in a lower classification in the same employing unit for disciplinary reasons. The employee must meet the minimum qualifications for the lower classification.
- B. An employee so demoted must successfully complete a probationary period only if he or she has not completed an initial probationary period. An employee so demoted shall not serve a trial service period.
- C. A demoted employee has no right of return to the class from which he or she was demoted.

4.3.4 Transfer

- A. An employee may request to transfer to a vacant position in the same classification or with the same maximum pay rate within his or her employing unit.
 - 1. If the employee transfers to a position in the same classification, his or her status shall remain the same as it was immediately before the transfer.
 - 2. If the employee transfers to a position in a different classification and has completed a 12-month probationary period, he or she must serve a trial service period. If the employee transfers to a position in a different classification and has not completed a 12-month probationary period, he or she must complete a probationary period consistent with Personnel Rule 4.2.10.
- B. Transfer to a position in a different employing unit shall be treated as a selection process as provided by Personnel Rule 4.1. The Personnel Director may waive advertisement for transfer between employing units to avoid layoff as a result of reorganization or job rotation or for the reasonable accommodation of a qualified individual under the Americans with Disabilities Act or the Washington State Law Against Discrimination.
 - 1. If a probationary employee is subsequently appointed in the same classification from one department to another, the receiving department may, with the approval of the personnel Director, require that a 12-month probationary period be served in that department.
 - 2. If an employee who is serving a trial service period is subsequently appointed in the same classification from one department to another, the receiving department may, with the approval of the Personnel Director, require that a 12-month trial service period be served in that department.
 - 3. If a regular employee is subsequently appointed in the same classification from one department to another, the employee shall retain his or her regular status in the new position and is not required to serve a trial service period, unless the appointment was a reinstatement after layoff.

Personnel Rule 5.1 - Training

5.1.0 Authority

29 CFR 790 General Statement as to the Effect of the Portal to Portal Act of 1947 on the Fair Labor Standards Act of 1938

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

5.1.1 Application of this Rule

- A. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

5.1.2 Request and Approval

- A. Employee participation in City-paid or sponsored training is at the discretion of the appointing authority or designated management representative.
- B. The appointing authority or designated management representative may require an employee's participation, or may approve an employee's request to participate, in a training program if the appointing authority or designated management representative determines that the program meets one or more of the following criteria:
 - 1. Supports the employing unit's operations, objectives, and mission;
 - 2. Is expected to improve performance of the employee's current job; and/or
 - 3. Supports the employee's clearly identified career path at the City which has been endorsed by the appointing authority.
- C. Employee training shall be prioritized as follows:
 - 1. Legally required training - training required to comply with federal, state or local regulations; or training required to maintain a professional license necessary for the performance of assigned job duties;
 - 2. Mandated training - programs at which employees' attendance is mandated by the Mayor of the City of Seattle, the appointing authority, or the appointing authority's designated management representative;
 - 3. High priority business needs training- training programs specific to the operations of individual employing units;
 - 4. Employee-driven training for professional/career development - programs and classes voluntarily selected by the employee to enhance his or her qualifications relative to career movement at the City, as opposed to skills improvement relative to his or her current job.

- D. Approval to participate in training opportunities shall include authorization specifying the amount of time the employee may use to complete the program.

5.1.3 Working Hours

- A. Authorized training shall be treated as a work assignment. Employees shall be compensated for time spent in authorized training activities during normal work hours. For hourly employees, time spent in authorized training activities, including completion of assignments, studying, and testing, counts toward the overtime threshold.
- B. Employees may not use paid time, other than accumulated and unused vacation, compensatory time off or other appropriate paid leave, to participate in personal training activities that have not been designated a work assignment by the appointing authority or designated management representative.
- C. An hourly employee must obtain the explicit prior approval of his or her appointing authority or designated management representative to work more than his or her scheduled hours, including work associated with an authorized training opportunity. Hourly employees may be disciplined for working unauthorized overtime.
- D. When an hourly employee's workday is begun prior to and completed subsequent to a class or training program, time spent in transit to and from the class or training program shall be included in the computation of the employee's hours worked.
- E. The appointing authority or designated management representative shall monitor employee progress in authorized training activities and may withdraw approval for the employee's continued participation if the employee fails to meet established deadlines or to achieve predetermined objectives.

5.1.4 Scholarship Advance or Reimbursement

- A. With the advance approval of the appointing authority or designated management representative, and in keeping with the policies and procedures established by the City Finance Director, employees may request designated scholarship funds as cash advances or reimbursements for costs associated with tuition, laboratory fees, textbooks, and other reasonable and usual expenses associated with employee-driven training for professional or career development at the City.
- B. An employee who receives financial assistance from other sources may receive a scholarship advance or be reimbursed by the City only for allowable expenses in excess of this outside assistance.

5.1.5 Use of City Facilities and Equipment for Training Purposes

- A. The appointing authority or designated management representative may approve an employee's use of departmental facilities and equipment, including but not limited to computers, video equipment, and software and licensing agreements, for training purposes.

- B. The appointing authority or designated management representative may schedule an employee's use of departmental facilities and equipment to minimize disruptions to the employing unit's workload and to co-workers. The appointing authority shall be responsible for the security of equipment and facilities when he or she requires or allows an employee to access needed facilities and equipment after normal work hours.
- C. The appointing authority or designated management representative may approve employee access to departmental facilities and equipment for the employee's personal non-job-related training, as long as the employee's use does not interfere with the employing unit's business use of such facilities and equipment. When there is a charge to the public for the use of City facilities, an employee who uses those facilities for non-work purposes shall be subject to the same use conditions.

Personnel Rule 5.2 - Travel

5.2.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.70 and subsequent revisions thereto, Reimbursement for Use of Personal Automobiles

SMC 4.72 and subsequent revisions thereto, Travel Expenses

29 CFR 790 General Statement as to the Effect of the Portal to Portal Act of 1947 on the Fair Labor Standards Act of 1938

5.2.1 Application of this Rule

- A. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

5.2.2 Personal Automobile Use Expense Reimbursement

When, in the course of performing assigned job duties, an employee finds it necessary to use his or her personally owned vehicle, the employee shall be reimbursed for such use at the rate established by the Personnel Director.

5.2.3 Travel Expenses

When traveling outside the City at the direction of the appointing authority, employees shall be reimbursed for:

- A. Actual expenses incurred for registration fees for conventions, seminars, or similar events;
- B. Actual expenses incurred for transportation or the standard mileage rate set by the Personnel Director, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier;
- C. Actual expenses incurred for meals when travel outside the City is not a routine or normal part of the employee's job, provided that the reimbursement shall not exceed the amount established by the City's Finance Director;
- D. Actual expenses for automobile rental or other local transportation;
- E. Actual necessary expenses for lodging, provided that costs do not exceed the amount set by the City's Finance Director; and

- F. Other reasonably necessary expenses related to the City business being performed, including, but not limited to, writing materials, reading materials, and telecommunications.

5.2.4 Compensable Hours

- A. An hourly employee may not work more than his or her scheduled hours without the explicit prior approval of his or her supervisor. Hourly employees may be disciplined for working unauthorized overtime.
- B. When an hourly employee's workday has begun prior to, and is completed subsequent to work-related travel, time spent in transit shall be included in the computation of the employee's hours worked.
- C. Except as covered by Rule 5.2.3(B), time spent in travel to and from work shall not be compensable.
- D. Time spent in travel that keeps an hourly employee away from his or her home community overnight will be considered work time when the hours spent traveling correspond to hours worked by said employee on a normal work day. Hours of travel outside of hours that correspond to the employee's regular work hours are not compensable.

5.2.5 Working Conditions

An employee shall be covered by the City's workers' compensation plan for all job-related injuries or illnesses occurring as a result of participation in work related travel. If an employee has incurred a work-related injury or illness while traveling, the employee shall notify his or her supervisor immediately and complete all necessary documents concerning the injury or illness.

