

## Title 4

### PERSONNEL

This title is intended for those provisions of the Code which relate to city employees.

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## Chapter 4.04

## PERSONNEL REGULATIONS

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## 4.04.010 Title.

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

## 4.04.020 Purpose.

The purpose of this chapter is to establish for the city a system of personnel administration based upon merit principles as enumerated in the City Charter, Article XVI, Section 4 (as amended)<sup>1</sup> and upon fair and uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force. (Ord. 107790 § 2, 1978.)

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

## 4.04.030 Definitions.

Unless another meaning is clearly indicated from the context, as used in this chapter, the following terms shall mean:

1. "Appointing authority" means a person authorized by ordinance or Charter to employ others on behalf of the city; usually the head of a department.
2. "Assignment" means appointment to one of a number of levels of duties, responsibilities and salaries within one class, except that such level is not a permanent or vested right and is subject to review.
3. "Certification" means a list of names selected from a register and submitted by the Personnel Department to an appointing authority, from which list the authority may appoint to fill a vacancy or replace a temporary employee.
4. "City" means The City of Seattle.
5. "City Council" means the City Council of The City of Seattle.
6. "Class" means any group of positions sufficiently similar that the same title may equitably be applied to all.
7. "Days" means calendar days.
8. "Demotion" means the removal of an employee from a higher to a lower class for cause.
9. "Director" means the Director of the Personnel Department or his/her designated representative.
10. "Exempt employee" means one who serves at the discretion of the appointing authority in a position which is exempted by the City Charter or the exemptions ordinance<sup>1</sup> from compliance with this chapter regarding examination and selection, discipline and termination of employees, and appeals of personnel actions to the Commission created by this chapter.
11. "Graded examination" means a test for qualifying applicants for placement on a register of those eligible for appointment to a job, in order of their relative merit.
12. "Grievance." A "grievance" exists when an employee in good faith believes an aspect of his/her employment has been adversely affected and desires remedial action.
13. "Inappropriate pressure" means any suggestion (oral or written communication) to a city employee, the effect of which would either: (a) preclude job advertising and open consideration of qualified applicants, or (b) result in the selection of an employee for

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reasons other than relative ability, knowledge, and skill.

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

15. "Pass-fail examination" means a test for qualifying for placement on a register of those eligible for appointment to a job.

16. "Probationary employee" means an employee who has been appointed from a register but who has not completed a one-year period of probationary employment.

17. "Provisional employee" means an employee who, prior to January 1, 1979, was appointed for the purpose of performing work in a position for which no register existed.

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

19. "Register" means a list of successful examinees for a given position or class from which names may be selected by the Personnel Director for certification and submission to an appointing authority.

20. "Regular employee" means an employee who has been appointed from a register and who has completed a one-year probationary period of employment. A regular employee may work full time or part time.

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

22. "Seniority" means the length of continuous service in the employee's present class and all higher classes since original regular appointment to that class.

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

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

25. "Termination or discharge" means separation from employment for cause. (Ord. 107790 § 3, 1978.)

### 4.04.040 Administration.

A. There shall be a Personnel Department, the head of which is the Director of Personnel. The Director shall be appointed by the Mayor, subject to confirmation by a majority vote of the City Council, and shall serve for a four-year term. The Director may be removed from office by the Mayor for cause by filing with the City Council a statement of the reasons therefor.

B. The duties of the Director include:

1. Promote the improvement of city personnel administration, and personnel standards within the city;

2. Lead city departments, offices, boards, and commissions, and their personnel offices, in the development of effective personnel programs. To help the Director perform this duty, the personnel offices of city departments shall keep the Director informed of their actions;

3. Act as the city's central agency for establishing standards for personnel practices which are uniform as is practicable from department to department;

4. At the Mayor's direction, develop, implement, and administer a centralized affirmative action program in conjunction with city rights agencies;

5. Develop and administer a system of classification of positions of employment in the city, and a wage and salary plan therefor;

6. Develop and administer centralized employee relations functions, relating to standard grievance procedures, collective bargaining, employee morale and motivation, and employee discipline and termination;

7. Develop and implement employee safety programs in addition to those which may be provided within departments, and develop safety programs in coordination with departments;

8. Develop, monitor, and/or approve departmental training plans.

9. Develop and administer a centralized system and regular procedures for recruitment and selection of city employees;

10. Conduct personnel research and staff resource planning for the city;

11. Develop and administer a regular system of performance evaluation of city employees;

12. Develop and administer benefit programs, other than retirement benefits administered by the Employee's Retirement Board,

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

for city employees;

13. Assist various city departments in layoff and reinstatement actions;

14. Appoint, remove, and supervise the officers and employees of the Personnel Department;

15. Develop and maintain a personnel management information records system for all city employees regardless of category of employment or department to which appointed;

16. Design experimental programs in human resources management, for the Mayor's consideration;

17. Contract for special personnel services he/she deems necessary, upon approval of the City Council;

18. Review all city payrolls to ensure that each employee is receiving the proper pay. (Ord. 107790 § 4, 1978.)

#### 4.04.050 Rule-making authority.

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

B. The Mayor shall appoint a committee for the purpose of advising the Personnel Director regarding rules for the administration of the personnel system. The committee shall be comprised of at least five city employees, none of whom may be an employee of the Personnel Department. (Ord. 107790 § 5, 1978.)

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

#### 4.04.060 Emergency rules.

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

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

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

#### 4.04.070 Rights of employees.

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

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

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

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

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

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

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

H. Employees may engage in political activities, subject to RCW 41.06.250. Political activities of employees in operations which are financed primarily or totally by federal grant-in-aid funds are also subject to the Hatch Act, 15 USC/1501, et seq. (Ord. 107790 § 7, 1978.)

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

2. Editor's Note: The Ethics Ordinance is codified in Chapter 4.16 of this Code.

#### 4.04.080 Affirmative action—Required.

A. Past discrimination in the city employment processes has resulted in present underrepresentation of minorities and women in city employment. Notwithstanding other provisions of this chapter, this past discrimination and its continuing effects require the city to take affirmative action to ensure equal employment opportunity for minorities and women in all aspects of employment.

B. When minorities and women are not fairly represented on registers or among applicants, a good faith effort shall be made through appropriate recruitment and examinations to secure sufficient minority and women candidates. No examination or selection procedure

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or the results thereof shall be used which significantly exclude or discriminate against minorities or women if a less exclusionary or discriminatory examination or selection procedure exists or can with reasonable likelihood be developed.

C. Job-related training programs in essential skills and abilities shall be developed and made available to minorities and women to assist them in entering job classifications in which they are substantially underrepresented.

D. Efforts shall be made to include minorities and women in the employee selection process, such as the inclusion of women and minorities on interviewing panels.

E. A responsibility of every employee shall be to further the success of the city's affirmative action plan, and is an appropriate element of every employee's performance evaluation.

(Ord. 107790 § 8(A), 1978.)

### 4.04.090 Affirmative action—Plan.

The Mayor shall be responsible for developing and implementing the affirmative action plan<sup>1</sup> of the city; provided that the plan shall be approved by the City Council. The plan shall be based on adequate data regarding the community and the city's work force. Comprehensive data related to affirmative action shall be included in the personnel management records system. The Mayor shall:

A. Annually prepare, revise, and update the city's affirmative action plan or revision thereto;

B. Establish new goals and timetables for the employment of minorities and women on a city-wide departmental basis according to Equal Employment Opportunity Commission category or other usable form;

C. Adopt guidelines for designating which positions are to be filled affirmatively to meet goals and timetables for the employment of minorities and women;

D. Identify areas where special training programs are needed to meet the goals and timetables of the affirmative action plan;

E. Prescribe guidelines for use during any layoff which will meet the affirmative action needs of the city.

(Ord. 107790 § 8(B), 1978.)

1. Cross-reference: For provisions regarding the city's affirmative action program, see Chapter 4.80 of this Code.

### 4.04.100 Affirmative action—Monitoring and implementation.

A. The Personnel Director and other city officers, departments, and agencies shall provide all necessary information to enable the Human Rights Department (HRD) to monitor the progress of minorities and the Office of Women's Rights (OWR) to monitor the progress of women under the affirmative action plan. HRD and OWR shall verify whether departments are in conformance with the plan. Any instance of noncompliance with the plan shall be reported to the appointing authority and the Personnel Director, who shall cooperate with HRD and OWR in eliminating noncompliance and in remedying its effects and ensuring future compliance. Failure of a department or agency to cooperate or to comply with a request shall be reported to the Mayor.

B. If a department is not in compliance with the affirmative action plan, the Mayor may require by executive order that the Director provide a selective certification of women or minorities to fill certain positions in that department.

C. To ensure that affirmative action is fully implemented in all city departments and offices, adequate resources shall be provided to carry out the activities mandated by this chapter. (Ord. 107790 § 8(C), 1978.)

### 4.04.110 Handicapped persons.

A. It is the policy of the city to employ handicapped persons and to make substantial efforts to continue the employment for those persons who become handicapped while performing city duties. The affirmative action plan will encourage recruitment, hiring, and retention of the handicapped.

B. The appointing authority, with the concurrence of the Personnel Director, is encouraged to restructure jobs and adjust job schedules in order to hire handicapped persons.

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

(Ord. 107790 § 9, 1978.)

**4.04.120 Collective bargaining.**

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

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

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

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

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

bargaining representative(s) of employees of the city by any city department without the prior approval of the Personnel Director or designee.

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

(Ord. 107790 § 10, 1978.)

**4.04.130 Classification.**

A. The Personnel Director shall classify positions of employment in city government so as to group together positions sufficiently similar that the same title may equitably be applied to all, and may establish such classifications according to a wage and salary structure.

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

(Ord. 107790 § 11, 1978.)

**4.04.140 Employee compensation and benefits.**

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

(Ord. 107790 § 12, 1978.)

**4.04.150 Examination and selection.**

A. The Personnel Director shall establish examination procedures by rule.

B. All employees except temporary and exempt employees shall be examined prior to appointment.

C. The Personnel Director shall conduct examinations to identify applicants who are qualified for employment. The examinations shall be a job-related measurement of relative ability, knowledge, and skills. The examination shall be open to the public and be publicly announced.

D. The Personnel Director shall determine the appropriate form for each examination, which may include, but need not be limited

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to, written, graded, and pass-fail examinations, resume analysis, oral examination, and work sampling.

The Director may delegate the duty to examine applicants to an appointing authority, who shall administer a test approved by the Director, and who shall conduct such examination according to personnel rules.

E. The Personnel Director shall promote a flexible system of establishing timely, responsive job registers. When it becomes feasible, the Director shall institute a continuous examination system.

F. Upon receipt of a request from a department for a job certification, the Personnel Director shall give the appointing authority a list of those persons who have been found eligible for appointment, consisting of the top fifteen names or the top twenty-five percent of an eligible register, up to fifty names, whichever number is greater. If the register is from a pass-fail examination, the appointing authority shall be given names of eligibles, chosen from the register in a fair manner as established by rule. The Director shall by rule provide for treatment of like scores.

G. Where a vacancy requires an employee having special traits or skills or availability not common to all members of that same job class, the Director shall forward only the names of those applicants having the desired trait, skill, or availability, up to the number of names which would have been provided from the whole register if special skills certification had not been requested.

H. If no register exists for the particular vacancy, the Personnel Director may send names from a closely related register having in the appointing authority's judgment sufficiently similar job qualifications.

I. If a register contains five or fewer names and if no applicants are acceptable to the appointing authority, the appointing authority may, with the concurrence of the Personnel Director, make a temporary appointment.

J. Final interviews and actual selection of an employee will be conducted by the hiring department according to procedures established by rule by the Personnel Director.

K. The Director may promulgate rules distinguishing various types of temporary employment developed according to the city's needs. No person's temporary employment shall exceed 1040 hours per year, and no department

shall employ temporary employees to perform more than 1040 hours of substantially the same duty in any one year. If a register is available for employees able to perform the type of work for which a temporary appointment shall be made, appointment shall be from the register from among those persons whose names appear on the register who will accept temporary employment.

L. The Personnel Director shall make rules regarding the return to the register of those eligibles whose names have been removed (for example, by reason of probationary appointment), but who again become eligible for employment.

M. The Mayor, City Councilmembers, and their immediate staff shall not initiate any recommendations regarding candidates for city employment. However, the Mayor, City Councilmembers, and their immediate staff may respond to requests for recommendations regarding their direct knowledge of a candidate's ability, knowledge, and skill. No person shall use inappropriate pressure to effect the hiring of any candidate for city employment.  
(Ord. 107790 § 13, 1978.)

### 4.04.160 Veteran's preference

Veteran's preference in employment shall be granted only as required by state and federal law. If no state or federal law requires the city to grant a veteran's preference, then none shall be granted.  
(Ord. 107790 § 14, 1978.)

### 4.04.170 Residence.

City residence shall not be required, but preference in hiring may be accorded by rule to job applicants who reside in the city; and residency may be required of exempt employees.  
(Ord. 107790 § 15, 1978.)

### 4.04.180 Performance evaluation.

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

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

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

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

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

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

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

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

1. Improve communications between employees;

2. Help identify and reward outstanding employee performance;

3. Help identify and correct inadequate employee performance; and

4. Help demonstrate cause for personnel actions.

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

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

#### 4.04.190 Employee incentives.

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

(Ord. 107790 § 17, 1978.)

#### 4.04.200 Training.

A. The goals of city training programs are primarily to provide for affirmative action,

to meet the needs of the city to train employees for the jobs which they hold, and to implement performance evaluation; and further to develop employees' job performance potential.

1. Each department of the city shall prepare an annual projection of training needs, according to instructions as to form and deadlines for submission, provided by the Personnel Department.

2. Based on the annual projections from departments, the Personnel Director shall prepare an annual training plan consisting of:

a. City-wide training programs provided in the Personnel Department budget; and

b. Departmental training programs budgeted for and managed within a department, but approved by the Director of Personnel as to consistency with city-wide training goals; and

c. A recommendation as to appropriate levels of funding for the training program.

3. The Personnel Director may also make other training programs available to employees and departments at the trainee's expense.

#### B. Apprenticeship.

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

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

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

c. Apprentices shall be treated as probationary or regular employees under this chapter, except that the terms of their



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apprenticeship agreements shall govern the terms of their employment, in case of conflict.

(Ord. 107790 § 18, 1978.)

### 4.04.210 Upward mobility for city employees.

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

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

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

(Ord. 107790 § 19, 1978.)

### 4.04.220 Layoff.

A. Within a department, order for layoff shall be prescribed by the Personnel Director and shall be according to rule. Rules shall provide at least for layoff in the following order:

1. Temporary employees;
2. Probationary employees;
3. Regular employees.

Among regular employees, order of layoff shall be in order of seniority until a performance evaluation system as contemplated by this chapter is in effect. Thereafter, layoff shall be by order of performance; provided that among employees whose performance is substantially the same layoff shall be in the order of seniority. No such layoff shall result in a disparate impact upon the affirmative action goals of a job category in a department.

Rules may be promulgated regarding layoffs in grant-funded positions, providing that grant-funded employees shall not displace other regular employees upon their layoff from grant-funded positions. Rules may also be promulgated to provide for layoff out of order to preserve the employment of persons possessing essential skills which if lost would substantially jeopardize a departmental responsibility.

B. The names of all persons laid off from city employment shall be placed on a reinstatement register for the class in which they have been terminated. The entire reinstatement register shall be sent to any appointing authority

for position vacancies of that job title. An appointing authority may refuse to hire from the reinstatement register only upon stating a reason therefor to the Personnel Director.

C. Where regular employment is terminated by reason of layoff, when possible, thirty days' notice shall be given the affected employee(s), and at least fifteen days' notice shall be given unless that would result in serious financial detriment to the city.

(Ord. 107790 § 20, 1978.)

### 4.04.230 Discipline and termination.

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

1. A verbal warning, which should be accompanied by a notation in the employee's personnel file;

2. A written reprimand, a copy of which must be placed in the employee's file;

3. Suspension up to thirty days;

4. Demotion;

5. Termination.

B. Which disciplinary action is taken depends upon the seriousness of the affected employee's conduct.

C. Suspension, demotion, or termination shall be approved by the employee's department head in writing. An employee may be suspended up to one day without the department head's approval for emergency situations, in accordance with rules promulgated by the Director.

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

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

F. The following is a nonexclusive list of grounds for discipline or termination of an employee:

1. Making a false statement of a material

fact on an application for employment;

2. Falsifying an examination score, either one's own score or that of another person;

3. Intentional violation of a regulation, order, or direction given by one's supervisor, in the absence of exonerating circumstances;

4. Unlawfully inducing, or attempting to unlawfully induce another, to breach a law, regulation, or rule of the city;

5. Intentional violation of personnel rules;

6. Incompetency or uncorrected inefficiency in the performance of the duties of employment;

7. Improper or unauthorized use of city property or equipment;

8. Use of, or attempt to use inappropriate pressure in securing any personnel action; and for the Mayor, City Councilmembers, or their immediate staff, initiation of a recommendation regarding any candidate for city employment;

9. Soliciting, assessing, or collecting money, goods, or services, on city time and property, for the purpose of securing the nomination or election of any person to political office, or for the purpose of advancing or opposing a proposed ballot issue or a ballot measure;

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

11. Exercising unreasonable physical force against any person during performance of city business;

12. A pattern of infractions relating to working hours, or unexcused absence from work for three or more days;

13. Failure to pass a medical examination required for employment, unless waived for good cause by the city;

14. Intentional breach of the City Ethics Ordinance (Ordinance 100435);<sup>1</sup>

15. Sexual harassment of another employee;

16. Theft from the city;

17. Uncorrected abusive use of alcohol or drugs during working hours;

18. Using abusive language, including but not limited to racist or sexist slurs, during the performance of city business.

G. Where an employee is accused of any action which, if proven, would be grounds for removal of that employee from his/her position of employment, the appointing

authority may suspend the employee pending investigation of the matter. An employee who is suspended without pay and who is finally exonerated, shall be reinstated and awarded back pay and benefits.

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

(Ord. 107790 § 21, 1978.)

1. Editor's Note: The Ethics Ordinance is codified in Chapter 4.16 of this Code.

#### 4.04.240 Intradepartmental grievance procedure.

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

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

C. By submitting a grievance to binding arbitration provided by a collective bargaining agreement, the employee waives his/her right to initiate a grievance procedure under this section.

(Ord. 107790 § 22, 1978.)

#### 4.04.250 Civil Service Commission.

A. There shall be a three member Civil Service Commission. One Commissioner shall be appointed by the Mayor, one Commissioner shall be appointed by the City Council, and one Commissioner shall be elected by city employees as prescribed hereafter. The term of each Commissioner shall be three years; provided, that the term of the first employee's Commissioner shall be three years, the term of the first Mayor's Commissioner shall be two years, and the term of the first Council's Commissioner shall be one year. No Commissioner may serve more than two terms. Each term shall begin on January 1st.

Appointments and elections to fill vacancies on the Commission shall be for the unexpired

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term. Two Commissioners constitute a quorum.

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

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

D. Commissioner's Election, Administration. Election of the employees' designate to the Commission shall be administered by the City Comptroller. Election shall be held during the week beginning on the first Monday in December, 1978, and every third year thereafter. The City Comptroller shall give notice of such election and furnish ballots therefor. Balloting shall be permitted by mail postmarked between the hours of 12:01 a.m. Monday to twelve midnight of the succeeding Friday of the election week. Ballots may also be deposited during regular office hours at polling places prescribed by the City Comptroller.

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

F. Voting. The candidate receiving the majority of votes cast shall win the election. If no candidate receives a majority of the votes cast, the two candidates receiving the highest and next highest number of votes cast shall be candidates in a runoff election held during the week beginning on the third Monday after the first day of election. Notice and voting shall be the same as for regular Commissioner's election.

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

H. No city employee who is elected Commissioner shall suffer a monetary loss or other

penalty on account of his/her absence from his/her regular position while performing the duties of Commissioner.

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

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

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

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

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

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

2. To make rules for the conduct of Commission business pursuant to the Administrative Code of the city (Ordinance 102228);<sup>2</sup>

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

4. To conduct investigations and issue findings regarding any complaints that the Mayor, a City Councilmember, or a member of their immediate staff has initiated a recommendation regarding a candidate for city employment, or that any person has used inappropriate pressure to effect the hiring of any candidate for city employment. The Commission may administer oaths, issue subpoenas, receive

evidence, compel the production of documents for such purposes, and may question witnesses at its hearing;

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

6. To review and comment upon rules promulgated by the Personnel Director pursuant to the Administrative Code of the city (Ordinance 102228);<sup>2</sup>

7. Delegation of Powers. The Commission may delegate its powers, in whole or in part, to a hearing examiner who may be from the city Hearing Examiner's office. Decisions of a Hearing Examiner may be appealed to the Commission. The Commission may not delegate its powers to, or employ the services of, the Personnel Director or a member of the Personnel Department.  
(Ord. 107790 § 23, 1978.)

1. Editor's Note: The Fair Campaign Practices Ordinance is codified in Chapter 2.04 of this Code.
2. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

#### 4.04.260 Appeals to Civil Service Commission.

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

B. Appeal, in the form of a concise statement of the reason for appeal, must be filed with the Commission within twenty days of the action appealed from.

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

D. A complaint alleging discrimination in violation of the city's Fair Employment Practices Ordinance<sup>1</sup> shall be referred by the Commission to the rights agency of the city having jurisdiction over such complaints for its recommendation as to appropriate settlement of the case.

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

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

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

H. The Commission shall conduct hearings on a timely basis and render decisions on the issues presented at hearing within ninety days after a hearing is completed.  
(Ord. 107790 § 24, 1978.)

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

#### 4.04.270 Transition.

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

A. Upon the effective date of the ordinance codified in this chapter,<sup>1</sup> the appointment of each employee of the city is ratified and confirmed.

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

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

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

E. The accrued vacation, sick leave, compensation time, or like benefit of every employee, if such benefit exists, is preserved upon the

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effective date of the ordinance codified in this chapter;<sup>1</sup> provided, that such benefit is a sort recognized under the new system.

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

G. Upon the effective date of the ordinance codified in this chapter,<sup>1</sup> the existing job classifications in the city are ratified and confirmed, and shall remain in effect until changed.

H. The responsibilities for administration of all the records, books, and papers of the Retirement Board relating to employee benefits other than those relating to the Retirement Program, the Group Term Life Insurance program, and the disability program established for members of the Retirement System (Ordinance 78444), namely, those records, books, and papers relating to employee health care (Ordinance 83834), vacation (Ordinance 86799), sick leave (Ordinance 88522), dental care (Ordinance 100862)<sup>2</sup> and all other employee benefits, are transferred to the Personnel Department.

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

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

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

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

2. Editor's Note: The following ordinances are codified in the following chapters of this Code:

Retirement System (Ord. 78444)	Chapter 4.36
Health Care (Ord. 83834)	Chapter 4.56
Vacations (Ord. 86799)	Chapter 4.32
Sick Leave (Ord. 88522)	Chapter 4.24
Dental Care (Ord. 100862)	Chapter 4.60

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

### Chapter 4.08

## PUBLIC SAFETY CIVIL SERVICE

### Sections:

4.08.010	Title.
4.08.020	Purpose.
4.08.030	Definitions.
4.08.040	Public Safety Civil Service Commission.
4.08.050	Organization of Commission—Secretary and Chief Examiner.
4.08.060	Jurisdiction.
4.08.070	Powers and duties of Commission.
4.08.080	Affirmative action—Handicapped.
4.08.090	Qualifications of applicants.
4.08.100	Tenure of employment—Removal for cause.
4.08.110	Filling of vacancies—Probationary period.
4.08.120	Performance evaluation.
4.08.130	Training programs.
4.08.140	Rights of employees.
4.08.150	Salary or wages not paid except to those lawfully appointed.

- 4.08.160 Prohibited employee conduct.
- 4.08.170 Cooperation of city officers and employees.
- 4.08.180 Collective bargaining.
- 4.08.190 Transition.
- 4.08.200 Temporary replacements.
- 4.08.210 Penalties.

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

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

(Ord. 107791 § 21, 1978.)

#### 4.08.010 Title.

This chapter shall be entitled "The 1978 City of Seattle Public Safety Civil Service Ordinance."

(Ord. 107791 § 1, 1978.)

#### 4.08.020 Purpose.

The general purpose of this chapter is to establish a civil service system for employees in the Police and Fire Departments of the city, governing appointments, promotions, layoffs, recruitment, retention, classifications, removals and discipline, pursuant to Charter Article XVI,<sup>1</sup> all in substantial compliance with RCW Chapters 41.08, 41.12, 41.56. All appointments and promotions to Police and Fire Department positions, retention therein and removal therefrom shall be made on the basis and policies hereinafter specified as in said state law.

(Ord. 107791 § 2, 1978.)

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

#### 4.08.030 Definitions.

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

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

Police Department position included in this system.

B. "Certify" means verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.

C. "City" means The City of Seattle.

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

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

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

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

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

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

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

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

L. "Register" means a list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

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

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

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

P. "Temporary employee" means a person

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appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.

Q. "Termination" means separation from employment for cause.  
(Ord. 107791 § 3, 1978.)

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

### 4.08.040 Public Safety Civil Service Commission.

A. There is created a Public Safety Civil Service Commission composed of three members. One member shall be appointed by the Mayor, one by the City Council and one elected by and representing employees. The term of each Commissioner shall be three years; provided, that the term of the first Council Commissioner shall be two years and the term of the first Mayor's Commissioner shall be one year. Each term shall commence on a January 1st, and appointments to fill vacancies shall be for the unexpired term. Two Commissioners shall constitute a quorum. Commissioners may receive compensation for their services as may be fixed from time to time by ordinance.

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

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

D. Election shall be administered by the City Comptroller. Election shall be held during the week beginning on the first Monday in December, 1978, and every third year thereafter. The Comptroller shall give notice of such election and furnish ballots therefor. Balloting shall be permitted by mail postmarked between the hours of 12:01 A.M. Monday to twelve midnight of the succeeding Friday of the election week. Ballots may also be deposited during regular office hours at polling places prescribed by the City Comptroller.

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

F. The candidate receiving the majority of

votes cast shall win the election. If no candidate receives a majority of the votes cast, the two candidates receiving the highest and next highest number of votes shall be candidates in a runoff election held during the week beginning on the third Monday after the first day of election. Notice and balloting shall be the same as for a regular Commissioner's election.

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

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

I. Candidates for Public Safety Civil Service Commission shall comply with the terms of the Fair Campaign Practices Ordinance of the city (Ordinance 106653)<sup>1</sup> regarding filing of disclosure statements regarding campaign financing.

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

(Ord. 107791 § 4, 1978.)

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

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

### 4.08.050 Organization of commission— Secretary and chief examiner.

A. Immediately after appointment, the Commission shall organize by electing one Commissioner as Chairman and thereafter hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of duties.

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

C. Should the position of Secretary and Chief Examiner be filled by appointment of a Public Safety Civil Service employee, such

employee, if removed as Examiner other than for cause, shall be appointed to the first available position in the class from which he/she was appointed to the position of Secretary and Chief Examiner.

(Ord. 107791 § 5, 1978.)

#### 4.08.060 Jurisdiction.

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

B. Appointments and promotions to the positions:

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

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

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

(Ord. 107791 § 6, 1978.)

#### 4.08.070 Powers and duties of Commission.

The Commission shall:

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

B. Classify for purposes of examination, all positions covered by this system. No appointments, promotions or transfers shall be made to or from positions covered by this system

except as provided in this chapter.

C. Prepare and administer examinations, which shall be graded and open to all who meet appropriate job-related qualifications; provided that the Commission may, by rule, designate other methods of examination based on merit when in the Commission's judgment graded examination is not practicable. Such examinations may include tests of physical fitness and/or manual skill. The Commission may designate a suitable number of persons to be examiners to conduct such examinations. A Commissioner may act as examiner.

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

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

E. Prepare a register for each class of positions in this system from the returns or reports of the examiners of the persons whose standing upon examination for such class is not less than the minimum established by the Commission.

Persons, when graded, shall take rank upon the register as candidates in the order of their relative excellence as determined by competitive examination. Veteran's preference in examination and appointment shall be granted as required by federal and state law including RCW 41.08.040 and 41.12.040; provided, a person shall be entitled to use such preference only once to successfully attain an appointment or promotion to a position.

F. When a vacant position is to be filled, certify to the appointing authority the names of candidates in the top twenty-five percent of the eligible register, or the top five candidates, whichever number is larger, subject to affirmative action requirements. Where more than one position in a class is to be filled, certify one additional name of the person standing next highest on the register for each additional



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position. The appointing authority shall fill such positions by appointment only from the persons certified by the Commission.

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

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

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

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

J. Recommend from time to time such city legislation as the Commission may deem advisable for the betterment of this system and/or the administration thereof.  
(Ord. 107791 § 7, 1978.)

### 4.08.080 Affirmative action—Handicapped.

All personnel actions regarding employees covered by this system are subject to the affirmative action and handicapped requirements of the Personnel Ordinance,<sup>1</sup> provided, that any

duties assigned to the Personnel Director shall be performed by the Commission with regard to employees covered by this system.  
(Ord. 107791 § 8, 1978.)

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

### 4.08.090 Qualifications of applicants.

An applicant for a position in the classified Public Safety Civil Service must meet the minimum qualifications prescribed by the Commission, which standards shall be documented by the Commission to be related to the physical and mental demands required to perform the duties assigned to the position to which the applicant seeks appointment.  
(Ord. 107791 § 9, 1978.)

### 4.08.100 Tenure of employment—Removal for cause.

A. The tenure of every regular employee who is a member of this system shall be only during good behavior and acceptable job performance, and any such employee may be removed, suspended, demoted, or discharged for cause. Suspensions shall not exceed thirty days. Any regular employee may be removed, suspended, demoted, or discharged by the appointing authority only upon the filing with the Commission of a statement in writing of the reasons therefor, a duplicate of which shall be served upon the employee. Any regular employee so removed, suspended, demoted, or discharged may within ten days from the date of service of such statement, file with the Commission a written demand for a hearing, whereupon, in due course, the Commission shall conduct such hearing. The hearing shall be confined to the determination of the question of whether such removal, suspension, demotion, or discharge was made in good faith for cause. After such hearing, the Commission may affirm the action of the appointing authority, or if it shall find that the action was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted, or discharged. The Commission upon such hearing, in lieu of affirming the removal, may modify the order of removal, suspension, demotion, or discharge by directing a suspension, without pay, for up to thirty days,

and subsequent restoration to duty, or demotion in classification, grade or pay. The findings of the Commission shall be certified in writing by the appointing authority, and shall be forthwith enforced by such officer.

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

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

D. By submitting a grievance to binding arbitration under a collective bargaining agreement, the employee waives his/her right to demand a hearing under this section. A complaint alleging discrimination in violation of the city's Fair Employment Practices Ordinance<sup>1</sup> shall be referred by the Commission to the rights agency of the city having jurisdiction over such complaints for its recommendation as to appropriate settlement of the case. (Ord. 107791 § 10, 1978.)

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

#### 4.08.110 Filling of vacancies—Probationary period.

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

B. No appointment, employment or promotion in this system shall be deemed complete until after the expiration of a period of one year's probationary service. Before the expiration of the period of probation, the appointing

authority may discharge or, in the case of a promotion, demote an appointee upon filing in writing the reasons therefor with the Commission. If an appointee is not then discharged or demoted, his/her appointment shall be deemed complete.

(Ord. 107791 § 11, 1978.)

#### 4.08.120 Performance evaluation.

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

(Ord. 107791 § 12, 1978.)

#### 4.08.130 Training programs.

The appointing authorities shall from time to time adopt and administer training programs for their respective departments, subject to provisions of the affirmative action plan.<sup>1</sup> (Ord. 107791 § 13, 1978.)

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

#### 4.08.140 Rights of employees.

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

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

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

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

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

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

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

H. Employees may engage in political activities, subject to RCW 41.06.250. Political activities of employees in operations which are

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financed primarily or totally by federal grant-in-aid funds are also subject to the Hatch Act, 15 USC/1501, et seq. (Ord. 107791 § 14, 1978.)

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

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

The Comptroller shall not approve, audit or allow the payment of, nor shall the Treasurer pay any salary or wages to any person for services as an officer or employee in the Police and Fire Departments unless such person is occupying an office or place of employment according to law and is entitled to payment therefor.

(Ord. 107791 § 15, 1978.)

### 4.08.160 Prohibited employee conduct.

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

B. It is unlawful for any person to:

1. Solicit political support from city employees during the employee's working hours; or
2. Grant or promise to grant any act or thing of value to a city employee in return for the employee's giving him/her special consideration in the course of the employee's business; or
3. Withhold or threaten to withhold any right or benefit of an employee, or to bring or threaten to bring any disciplinary charge conditioned on the employee's according special consideration to that person, in the employee's course of business; or

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

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

### 4.08.170 Cooperation of city officers and employees.

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

### 4.08.180 Collective bargaining.

The adoption of this chapter shall not affect the provisions of any existing collective bargaining agreement.

(Ord. 107791 § 19, 1978.)

### 4.08.190 Transition.

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

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

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

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

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

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

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

(Ord. 107791 § 20, 1978.)

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

**4.08.200 Temporary replacements.**

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

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

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

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

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

**4.08.210 Penalties.**

Any person who violates any of the provisions of Section 4.08.160 shall, upon conviction thereof, be fined in an amount not to exceed

Five Hundred Dollars (\$500.00) and/or imprisoned in the City Jail for a period not to exceed one hundred eighty days. In addition, such violation shall constitute good cause for dismissal or other discipline at the discretion of the appointing authority.

(Ord. 107791 § 17, 1978.)

**Chapter 4.12**

**EXEMPTIONS FROM CIVIL SERVICE**

**Sections:**

- 4.12.010 Exempt positions designated.
- 4.12.020 Return to regular position upon termination of exempt appointment.

**4.12.010 Exempt positions designated.**

In addition to those positions exempted by statute or City Charter<sup>1</sup> (elected officers, officers appointed pursuant to Charter, assistant city attorneys, heads of departments, members of boards and commissions established by Charter, members of boards and commissions established by ordinance, and library employees), the following positions of city employment, requiring a particularly high degree of professional responsiveness and individual accountability, and/or requiring a confidential or fiduciary relationship with the appointing authority, and/or being judicial positions requiring insulation as a third branch of government, are exempt from compliance with the Personnel Ordinance, the Public Safety Personnel Ordinance,<sup>2</sup> and the rules of the Personnel Department and the Public Safety Personnel Commission regarding examination and selection, discipline and termination, and appeals:

Department	Position Title
All Departments	All administrator and director positions listed in Attachment A <sup>3</sup>
	All physicians, surgeons, dentists, and interns.
	All personal secretaries to heads of departments and directors of executive offices
	All legal advisors to departments
	All student interns and work-study program students



Chapter 4.16

CODE OF ETHICS

Sections:

- 4.16.010 Title.
- 4.16.020 Purpose.
- 4.16.030 Board of Ethics—Created—Quorum.
- 4.16.040 Board of Ethics—Powers and duties.
- 4.16.050 Authority of Board to administer oaths and examine witnesses and evidence.
- 4.16.060 Determination of a violation—Report of disciplinary action.
- 4.16.070 Acts in conflict with performance of official duties.
- 4.16.080 Annual statement to be filed by elected officers and salaried officers and employees.
- 4.16.090 Statement of disclosure from nonsalaried members of boards, commissions or committees.
- 4.16.100 Unlawful acts designated—Penalty.
- 4.16.110 Request for opinion from the Board.
- 4.16.120 Interpretation of chapter.

Severability: The invalidity of any section, subsection, provision, clause, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.  
(Ord. 100435 § 13, 1971.)

4.16.010 Title.

This chapter shall be known and may be cited as the "Code of Ethics" and is referred to herein as such.  
(Ord. 100435 § 1, 1971.)

4.16.020 Purpose.

It is found and declared that the proper operation of democratic government requires that public officers and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gains and that the public have confidence in the integrity of its government, and accordingly it is the purpose of this Code of Ethics to establish ethical standards of

conduct for all officials and employees of the city, whether elected or appointed, paid or unpaid; to set forth those acts that are incompatible with such standards; to require disclosure by such officials and employees of private financial or other interests in matters affecting the city; and to provide effective means for enforcement thereof. This chapter is not to be construed so as to impair the ability of city officials and employees to participate in ceremonial, representational, or informational functions in the pursuit of their official duties.  
(Ord. 100435 § 2, 1971.)

4.16.030 Board of Ethics—Created—Quorum.

There is created a Board of Ethics for the city, which shall have the same membership and tenure of office as the Fair Campaign Practices Commission. Three members of the Board shall constitute a quorum for the conduct of all business and proceedings of the Board; provided, that for the conduct of hearings as to any suspected or alleged violations of ethical standards in accordance with Section 4.16.050, four members shall constitute a quorum.  
(Ord. 103866 § 1, 1974; Ord. 100435 § 3, 1971.)

4.16.040 Board of Ethics—Powers and duties.

A. The Board of Ethics shall have the following duties and powers:

1. To select from its members a Chairman and to meet, conduct investigations, and hold hearings in accordance with such administrative rules and procedures as may be adopted by it in furtherance of its purposes;
2. To make expenditures in accordance with the annual budget adopted by the City Council and to utilize the services of the City Attorney in providing the necessary staff for carrying out the duties of the Board of Ethics;
3. To consider questions as to ethical conduct, conflicts of interest, and the application of ethical standards set forth in this Code of Ethics, and upon the written request of any city officer or employee, or without such request if in the public interest, issue its advisory opinion in writing as to any such question;
4. Upon receipt of written complaint, or upon its own motion, to conduct investigations, hold hearings and to issue, and in its discretion to make public, its written decision as

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to any suspected or alleged violation of the ethical standards set forth in this Code of Ethics;

5. To make recommendations to the City Council for amendments to this Code of Ethics and for such other legislation affecting the subject matter of this Code as the Board may deem necessary or desirable; and

6. To provide a continuing program of education, assistance, and information to city officers and employees with regard to ethical conduct.

B. All officers, employees, departments and agencies of the city shall make available to the Board of Ethics all books, papers, documents, information, and assistance requested by the Board and pertinent or material to any inquiry or investigation being conducted by the Board in the performance of its duties under this Code of Ethics.

(Ord. 100649 § 1, 1972; Ord. 100435 § 4, 1971.)

### 4.16.050 Authority of Board to administer oaths and examine witnesses and evidence.

In the performance of the duties imposed upon the Board by this Code of Ethics, the Chairman and in his absence the presiding member of such Board shall have the power and they are authorized to administer oaths and affirmations, examine witnesses, and compel attendance of persons, and production of documents, papers, books, accounts, letters, and records by subpoena. Any person summoned to appear before such Board and give evidence shall have the right to be represented by counsel. Any person against whom complaint of violation of ethical standards has been made or whose conduct is the subject of investigations by the Board may demand and shall be entitled to a public hearing.

(Ord. 100435 § 5, 1971.)

### 4.16.060 Determination of a violation—Report of disciplinary action.

If upon investigation the Board of Ethics shall determine that any city officer or employee has violated the ethical standards set forth in this Code of Ethics, the Board shall deliver a copy of its written decision to the appropriate city authority and such city officer or employee who has violated the ethical standards together with the Board's recommendation

for disciplinary action. In addition to any other penalty herein or otherwise provided by law, violation of such ethical standards by any officer or employee shall be cause for suspension, discharge, or removal from office, or such other disciplinary action as may by the appropriate city authority be deemed necessary and proper. A written report of the disciplinary action taken as to any such officer or employee shall be made by such authority to the Board of Ethics within fourteen calendar days after receipt of the Board's decision in such matter. Upon receipt of such report, or in the event no report is made as provided herein, the Board shall review such matter and make such further recommendations as to the Board shall seem suitable.

(Ord. 100435 § 6, 1971.)

### 4.16.070 Acts in conflict with performance of official duties.

No city officer or employee shall intentionally engage in any act in conflict with the performance of his official duties. Among the acts and circumstances which shall be deemed to be in conflict with the performance of the official duties of an officer or employee, are that such officer or employee:

A. Fails to disclose that he possesses, directly or indirectly, a substantial or controlling interest in any corporation, firm, association or enterprise doing business with the city in accordance with this Code of Ethics;

B. Has a financial or other private interest in any legislation or other matter coming before the City Council, and if a City Councilman, fails to disclose such interest on the records of the City Council or disqualify himself from voting on such matter by stating the nature and extent of such interest, or if an officer or employee, participates in discussion with or gives an official opinion to the City Council as to any such matter and fails to disclose such interest on the records of the City Council, or as Mayor vetoes such legislation;

C. Receives or acquires any financial interest in any sale to the city of any service or property with knowledge at the time of receiving or acquiring such interest that the city intends to purchase such property or service;

D. Accepts any retainer, gift, loan, entertainment, favor or any other thing of monetary value from any person, firm, corporation, association or enterprise who has or is seeking

financial, business or contractual dealings with the city, where a reasonable person would believe that the retainer, gift, loan, entertainment, favor or other thing of monetary value was given with intent to obtain special consideration or influence as to any action by such officer or employee in his official capacity; provided, that nothing herein shall be deemed to preclude the acceptance of any campaign contribution, the receipt of which is reported in accordance with the requirements of applicable law;

E. Has a financial interest, whether personally or through immediate family or close relatives, in a firm, corporation, association or enterprise doing business with the city and influences or attempts to influence the selection of, or conduct of business with such firm, corporation, association or enterprise by the city;

F. Engages in or accepts private employment or renders service for private industry or other governmental entities which is incompatible with the proper discharge of his official duties or impairs his independence of judgment or action in the performance of such official duties;

G. Appears in behalf of a private interest before any city agency, board or commission or represents a private interest in any action or proceeding against the interest of the city in any litigation to which the city is a party; provided that this subsection shall not apply to:

1. Persons receiving no compensation from the city,

2. Any member of the City Council appearing before governmental agencies on behalf of or as a representative of constituents in the course of his official duties or performing public or civic obligations without additional compensation therefor, or

3. Any officer or employee appearing on his own behalf or representing himself as to any matter in which he has a proprietary interest,

4. Any officer or employee appearing on behalf of or representing another as to a matter not related to any matter upon which such officer or employee is or would be acting in the course of his official duties;

H. Requests or permits the use of city-owned vehicles, equipment, materials or property for personal use or profit unless such use is available to the public generally; provided that this subsection shall not apply to the use of city-owned vehicles, equipment, materials or property provided to such officer or employee

in accordance with municipal policy for the conduct of official city business;

I. As to any matter or proceeding coming before a city agency, board or commission of which he is a member, fails to disqualify himself from acting thereon where such matter or proceeding involves any person who is, or has been a client of his, or his firm or partnership within the twelve month period immediately preceding the date of such action.

(Ord. 106471 § 1, 1977; Ord. 100648 § 1, 1972; Ord. 100435 § 7, 1971.)

#### 4.16.080 Annual statement to be filed by elected officers and salaried officers and employees.

Every elected city officer, all provisional employees in the Mayor's office and all salaried officers and employees exempt from the classified civil service except library employees, shall file with the Board of Ethics on or before January 31st of each year a written statement under oath containing information as follows:

A. The names of each person, firm, association or enterprise doing business with the city from or on behalf of which such officer or employee has received money or other thing of value in an amount in excess of Two Thousand Five Hundred Dollars (\$2,500.00) during the preceding calendar year, except for campaign contributions reported in accordance with Article XVIII Section 4 of the City Charter.<sup>1</sup>

B. The names of any corporations, firms, associations or enterprises doing business with the city in which such officer or employee has a direct financial interest in excess of One Thousand Five Hundred Dollars (\$1,500.00); provided that policies of insurance and amounts on deposit in accounts in banks, savings and loan associations or credit unions shall not be considered to be a financial interest within the meaning of this subsection;

C. The names of any corporations, firms, associations or enterprises doing business with the city, both profit and nonprofit, in which such officer or employee or spouse of such officer or employee holds a position of officer or member of board of directors, and the title of each such position held;

D. All real property, including any option to purchase, owned by such officer or employee in the city, listed by legal description or street address.

(Ord. 100649 § 2, 1972; Ord. 100435 § 8, 1971.)

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





- 4.20.170 Eight-hour day—Five-day week.
- 4.20.180 No deduction for employee taking civil service exam.
- 4.20.190 Holiday pay or time off.
- 4.20.200 Holiday pay—Employee to work day preceding or following.
- 4.20.210 Payment for work on a holiday.
- 4.20.220 Jury duty or subpoena as witness—No loss of pay.
- 4.20.230 Overtime work defined.
- 4.20.240 Overtime work—When authorized.
- 4.20.250 Overtime work—Rates of pay.
- 4.20.260 Overtime work—Police officers.
- 4.20.270 Overtime work—Firefighters.
- 4.20.280 Compensatory time off in lieu of overtime pay.
- 4.20.290 Overtime work—Payroll records.
- 4.20.300 Performance of duties of higher position—Rate of pay.
- 4.20.310 Overtime for supervisory and administrative personnel.
- 4.20.320 Meals necessitated by overtime work.
- 4.20.330 Coveralls to be furnished for certain personnel.
- 4.20.340 Conflict between subchapter and collective bargaining agreement.
- 4.20.350 Request for creation of new position.
- 4.20.360 Use of leave prior to grant of unpaid leave—Payment for unused leave upon termination.
- 4.20.370 Titles of positions.

**Subchapter II Miscellaneous Provisions**

- 4.20.500 Uniform starting date for salary adjustments.
- 4.20.510 Compensation for temporary work at other than regular location.
- 4.20.520 Employees under I.B.E.W. agreement—Day off for family emergency.
- 4.20.530 Police holidays.
- 4.20.540 Police working special events or emergency situations.
- 4.20.550 Days off for police officers and firefighters.

Statutory Reference: For Charter provisions regarding salaries, see Charter Art. XVII.

Cross-reference: For provisions regarding the Salary Administration Policy Committee, see Chapter 3.78 of this Code.

**Subchapter I General Compensation Regulations.**

**4.20.010 Positions and compensation generally.**

The positions of the officers and employees of the various departments of the city government, hereinafter named, from and after the first day of January 1969, shall be defined and designated as set forth in Sections 2 through 45 of Ordinance 97330,<sup>1</sup> and the compensation to be paid said officers and employees, under authority of this chapter shall not exceed the amounts indicated; provided, that nothing herein contained shall be construed as requiring the continued employment of any officer or employee.

(Ord. 97330 § 1, 1968.)

1. Editor's Note: Sections 2 through 45 of Ord. 97330, being subject to annual amendment to revise employees' salaries, are not included in this codification. Copies are on file in the office of the City Clerk.

**4.20.020 Position titles and compensation to be fixed by ordinance.**

The titles and schedules of compensation for the positions of officers and employees of the city shall be as established by ordinance.

(Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.1, 1968.)

**4.20.030 Salary upon initial appointment.**

Every employee, upon first appointment or assignment shall receive the minimum rate of the salary range fixed for the position, except as provided in this subchapter. When the application of this section results in an inequity, or when it becomes necessary because of difficulties in recruitment, payment of other than the prescribed step may be authorized by joint approval of the Mayor or an appropriate official designated by him, and the Chairman of the Finance Committee of the City Council.

(Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.2, 1968.)

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4.20.040 Time periods for automatic salary increases.

An employee shall be granted the first automatic step increase in salary rate upon completion of six months of service when hired at the first step of the salary range, and succeeding automatic step increases shall be granted after twelve months of "actual service" from the date of eligibility for the last step increase to maximum of the range; provided, that officers and employees in the following position classes shall be paid on the basis of the applicable criteria designated for each class title:

Student Accountant and Planning Intern. The first step of the respective salary range shall be paid to third-year college or university students and the second step shall be paid to those who have completed their third year of such academic training.

Student Engineer. The first step of the salary range shall be paid to students who have actually commenced a course of studies leading to an engineering degree, the second step to students who have completed their first year of such studies, the third step to students who completed their second year, and the fourth step to students who have completed the third year of such academic training.

Auto Machinist Apprentice, Electrician Constructor Apprentice, Lineman Apprentice. Beginning apprentices shall receive the first step of the salary range assigned to the class to which appointed and shall receive a salary step increase each six months unless otherwise recommended in writing by the Joint Advisory Apprenticeship Committee and the Personnel Director and approved by the City Council.

Assistant City Attorney. Assistants City Attorney shall be paid such step in the salary range assigned to the position as may be determined by the City Attorney.

Job Trainee Program. Beginning trainees shall receive the first step of the salary range assigned to the job class to which appointed and shall receive a salary step increase each six months unless otherwise recommended by the Personnel Director.

Recreation Personnel. Employees in temporary or intermittent positions titled:

- Recreation Leader
Recreation Attendant
Life Guard, Beach and Pool
Manager, Beach and Pool
Pianist

shall receive the salary step in the range assigned to the class in which employed as

determined by the Superintendent of Parks and Recreation, subject to approval by the Budget Director.

Seasonal Tour Guides and Forest Guards. Employees filling seasonal positions of Tour Guide or Forest Guard shall receive the first step of the salary range assigned to the class for the first period of employment and shall receive a step increase each additional season employed in such capacity until the maximum salary step is reached.

For employees assigned salary steps other than the beginning step of the salary range, subsequent salary increases within the salary range shall be granted after twelve months of "actual service" from the appointment or increase, then at succeeding twelve-month intervals to the maximum of the salary range established for the class.

(Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.3, 1968.)

4.20.050 Temporary help in mechanical trades.

Whenever it becomes necessary to employ temporary help as journeymen, foremen or helpers in any of the generally recognized mechanical trades, the employment of such help under civil service rules is authorized, payment for such service to be made at current prevailing rates for similar work in private employment as determined by the Budget Director.

(Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.4, 1968.)

4.20.060 Credit for unpaid absences.

In determining "actual service" for advancement in salary step, absence due to sickness or injury for which the employee does not receive compensation may be credited at the rate of thirty calendar days per year. Unpaid absences due to other causes may be credited at the rate of fifteen calendar days per year. For the purposes of this section, time lost by reason of disability for which an employee is compensated by Industrial Insurance or Charter disability provisions shall not be considered absence. An employee who returns after layoff, or who is reduced in rank to a

position in the same or another department, may be given credit for such prior service. (Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.5, 1968.)

**4.20.070 Effective date of salary increase.**

Any increase in salary based on service shall become effective upon the first day immediately following completion of the applicable period of service.

(Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.6, 1968.)

**4.20.080 Changes in incumbent status transfers.**

A. An employee transferred to another position in the same class or having an identical salary range shall continue to be compensated at the same rate of pay until the combined service requirement is fulfilled for a step increase, and shall thereafter receive step increases as provided in Section 4.20.040 until the maximum step is reached.

B. Promotions. An employee appointed to a position in a class having a higher maximum salary shall be paid at the appropriate step in the higher range which shall result in an increase in pay equivalent to at least one salary step; provided that such increase shall not exceed the maximum step established for the higher paying position; provided further that this provision shall apply only to appointments of employees from regular full-time positions and shall not apply to appointments from positions designated as "intermittent" or "as needed," nor to temporary assignments providing pay "over regular salary while so assigned."

C. Demotions. An employee demoted because of inability to meet established performance standards from a regular full-time position to a position in a class having a lower salary range shall be paid the salary step in the lower range determined as follows:

1. If the rate of pay received in the higher class is above the maximum salary for the lower class, the employee shall receive the maximum salary of the lower range;

2. If the rate of pay received in the higher class is within the salary range for the lower class, the employee shall receive that salary rate for the lower class which, without increase, is nearest to the salary rate to which such employee was entitled in the higher class; provided that the employee shall receive not less than the minimum salary of the lower range.

An employee reduced because of organizational change or reduction in force from a regular full-time position to a position in a class having a lower salary range shall be paid the salary rate of the lower range which is nearest to the salary rate to which he was entitled in his former position without reduction provided that such salary shall in no event exceed the maximum salary of the lower range.

D. Reclassifications. When a position is reclassified by ordinance to a new or different class having a different salary range the employee occupying the position immediately prior to and at the time of reclassification shall receive the salary rate which shall be determined in the same manner as for a promotion; provided, that if the employee's salary prior to reclassification is higher than the maximum salary of the range for such new or different class, he shall continue to receive such higher salary as an "incumbent" for so long as he remains in such position or until the regular salary for the classification exceeds the "incumbent" rate of pay.

E. Change in the Number of Steps Assigned to a Salary Range. When the number of steps in a salary range is increased, the incumbent of a position affected by such change shall receive the salary step of the new salary range which has the same relationship to the maximum of such new range as the step received in the prior range had to the maximum of such prior range.

When the number of steps in a salary range is reduced, the incumbent of a position affected by such change shall receive the salary step of the new range as if such new range had been in effect at the time of appointment to the position.

(Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.7, 1968.)

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4.20.090 Payment for employee working less than full time.

An employee on a forty-hour work week schedule whose pay is established on a monthly or annual rate and who works less than full time in a position shall be paid for actual hours worked at an hourly rate of pay equal to the established salary for a twelve-month period divided by the number of regularly scheduled paid hours, determined as the total of eight-hour work days falling on Mondays through Fridays, within such twelve-month period. (Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.8, 1968.)

4.20.100 Firefighters' compensation.

Firefighters who work, or are otherwise entitled to pay, for all scheduled shifts in a work schedule that averages 45.7462 hours per week on an annual basis shall be paid for 91.4924 hours a pay period regardless of the number of hours actually worked. The bi-weekly pay of firefighters who are absent from scheduled work and are in a nonpay status for less than four shifts during the pay period shall be computed by subtracting the number of hours absent from 91.4924 and multiplying by the hourly rate of pay. When the absence extends for one or more full shifts, twelve hours will be subtracted for each full shift not worked. When unpaid absence equals four or more scheduled working shifts in one pay period, payment will be made only for time worked with each full shift counted as twelve hours. The hourly rate of pay for firefighters shall be determined as follows:

Monthly salary X 12 = Annual salary  
Annual salary/26.0714 = Biweekly salary  
Biweekly salary/2 = Weekly salary  
Weekly salary/45.7462 = Hourly rate  
(Combat)

or

Weekly salary/40 = Hourly rate (40-hour)  
(Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.9, 1968.)

4.20.110 Biweekly pay periods.

Biweekly pay periods for all officers and employees of all departments of the city including the Library are authorized on the following basis:

A. Each biweekly pay period shall end on a Tuesday and except for such advances on earned salary from "Contingent Fund A" as may be specifically authorized by ordinance, warrants shall be delivered to those concerned after three p.m. on the day before the payday, which payday shall be one week from the Friday following said Tuesday; provided, that such payday may be advanced to Thursday if Friday is a legal holiday or to Tuesday or Wednesday if Christmas falls on a Wednesday or Thursday and the Comptroller is authorized to designate the employees to be paid each week so as to distribute the warrants payable as near equally as possible on the day before each payday.

B. All payrolls shall be subject to approval by the Auditing Committee and reported by the Committee to the City Council at its regular meeting on the following Monday for ratification, and appropriation by ordinance of such funds as may be required.

(Ord. 105939 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.10, 1968.)

4.20.120 Appointment authority.

The heads of departments are authorized to make appointments under personnel rules to the positions herein specified whenever vacancies exist, subject to provisions of Section 4.20.010.

(Ord. 97330 § 47.1, 1968.)

4.20.130 Substitution of lower class position.

The heads of departments, at their discretion and with approval of the Budget Director may, when a position is provided for herein substitute therefor a position of lower class in the same line of work temporarily and may fill that position as provided by personnel rules. The heads of departments, at their discretion, may terminate this substitution of lower class position and reinstate the higher position; such position also to be filled in accordance with personnel rules.

(Ord. 97330 § 47.2, 1968.)

**4.20.140 Filling positions for limited periods in excess of those established.**

The Budget Director may, within the limits of moneys appropriated for "salaries," authorize filling positions for limited periods in excess of those established in the current budget and may authorize the use of unencumbered salary funds as a reimbursement for trainee positions budgeted in the Personnel Department. (Ord. 97330 § 47.3, 1968.)

**4.20.150 Use of allowances for vacation and sick relief.**

Allowances for vacation and sick relief may be used to replace employees indicated on the payroll as being on vacation, sick, or other type of leave and for such other employment as may be authorized by the Budget Director. (Ord. 97330 § 47.4, 1968.)

**4.20.160 Personnel Director to check payrolls.**

The Personnel Director is authorized and directed to check all payrolls of city departments as to the right of each employee to draw the rate of pay, appearing opposite his name on the payroll, and to report the result of such check to the Budget Director and to the Auditing Committee. Other payroll audit functions shall be performed by the City Comptroller. (Ord. 97330 § 48, 1968.)

**4.20.170 Eight-hour day—Five-day week.**

Eight hours shall constitute a days' work and five days a weeks' work for all except supervisory and administrative employees of the City. Provided, work schedules may be promulgated for other than an eight-hour day or a five-day week, with corresponding change in time off, and any such schedule heretofore arranged and promulgated is ratified and confirmed.

(Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.1, 1968.)

**4.20.180 No deduction for employee taking civil service exam.**

No deduction shall be made from the compensation of any city officer or employee for absence during which he or she is actually engaged in the taking of a city civil service examination.

(Ord. 105961 § 1(part), 1976: Ord. 101026

§ 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.2, 1968.)

**4.20.190 Holiday pay or time off.**

Employees, except as indicated herein and in the Salary Ordinance for the current year, and police officers and firefighters and supervisory and administrative employees, shall be entitled to legal holidays as defined by RCW 1.16.050 or days off in lieu thereof occurring Monday to Friday inclusive without salary deduction: Provided, that those holidays falling on a Saturday shall be observed on the preceding Friday, and provided further that employees hired for short terms of employment of thirty days or less shall not be qualified for paid holidays falling during their term of employment. Firefighters including Battalion and Deputy Chiefs regularly scheduled for combat duty on holidays shall be granted time off in lieu of holidays at the rate of six eight working shifts per year and in addition such employees working the 45.7462 hour average work week as of September 1st of any calendar year shall be credited with thirty merits for the ensuing calendar year.

(Ord. 108481 § 1, 1979: Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.3, 1968.)

**4.20.200 Holiday pay—Employee to work day preceding or following.**

An employee must be on pay status on the regularly scheduled work day immediately preceding or immediately following a holiday to be entitled to holiday pay and new employees and employees returning from nonpay leave starting work the day after a holiday shall not be entitled to pay for the holiday preceding their first day of work; provided, that short authorized absences of not to exceed four days' duration shall not be considered in the application of the preceding portion of this section, and provided further that no combination of circumstances whereby two holidays are affected by the foregoing provisions may result in payment for more than one of such holidays. Employees who work less than a full calendar year shall be entitled only to those holidays Monday to Friday inclusive, which fall within their work period. Employees quitting

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work or discharged for cause shall not be entitled to pay for holidays following their last day of work.

(Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.4, 1968.)

### 4.20.210 Payment for work on a holiday.

A. As of January 1, 1971, employees, except police officers and police recruits and firefighters and supervisory and administrative employees, regularly scheduled to work on any recognized paid holiday shall be paid for the holiday at their straight-time rate of pay and in addition shall be paid at the rate of one-and-one-half times their straight-time rate of pay for hours worked during the scheduled shift.

B. Employees, except police officers and police recruits and firefighters whose work assignments do not normally require holiday work but who are specifically called for emergency work on any recognized paid holiday, shall be paid at the double-time rate for the actual hours worked, in addition to the straight-time holiday pay. Extra pay pursuant to the foregoing shall be paid in cash unless the department head and the employee mutually agree to payment in the form of paid time off.

C. Firefighters, including Battalion and Deputy Chief regularly scheduled for combat duty on the following holidays shall be paid one and one-half times their straight-time rate of pay for each hour worked during said holidays:

New Year's Day: Commencing 1800 hours December 31st and ending 1800 hours January 1st;

Memorial Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Labor Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Thanksgiving Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Day After Thanksgiving Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Christmas Day: Commencing 1800 hours December 24th and ending 1800 hours December 25th.

(Ord. 108481 § 2, 1979: Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.5, 1968.)

### 4.20.220 Jury duty on subpoena as witness— No loss of pay.

An employee working on other than an intermittent basis shall suffer no monetary loss while on jury duty or while under subpoena on behalf of the state or any political subdivision thereof to appear as a witness in court in a criminal or civil action. The amount of any compensation derived from jury duty during the employee's normal work schedule, and the amount of any witness fees received for appearing in court for the state or any political subdivision thereof in a criminal or civil action during the employee's normal work schedule, except for transportation allowance, shall be deducted from the gross pay due the employee for such period; provided, that an employee excused from service as a juror or from appearing as a witness by the court on any day falling within his normal schedule shall notify his supervisor and if so directed, report for work for the balance of his normal shift.

(Ord. 99944 § 1, 1971: Ord. 99829 § 1, 1971: Ord. 97330 § 50, 1968.)

### 4.20.230 Overtime work defined.

"Overtime work" is defined to be work performed in excess of the time regularly required or scheduled for the performance of the duties of a particular position. Overtime work shall be of two types, "extraordinary" and "ordinary." Extraordinary overtime is defined as work necessitated by emergency caused by fire, flood, or danger to life or property; or work so urgently necessary that its nonperformance will cause serious loss or damage to the city. All overtime which is not covered by the foregoing definition of "extraordinary" overtime shall be "ordinary" overtime.

(Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.1, 1968.)

### 4.20.240 Overtime work—When authorized.

No employee shall be ordered to perform overtime work unless an emergency exists, as defined in Section 4.20.230, or such work

is authorized by the head of the department, or some person duly authorized by him. (Ord. 98316 § 1(part), 1969; Ord. 97552 § 1(part), 1969; Ord. 97330 § 51.2, 1968.)

**4.20.250 Overtime work—Rates of pay.**

Employees, except police officers and firefighters, and supervisory and administrative employees, when ordered to work "extraordinary" overtime shall be paid at the rate of double time for all such overtime worked and when ordered to work "ordinary" overtime shall be paid at the rate of time-and-one-half. When overtime is not an extension of a normal shift, the minimum credit shall be for two hours. (Ord. 98316 § 1(part), 1969; Ord. 97552 § 1(part), 1969; Ord. 97330 § 51.3, 1968.)

**4.20.260 Overtime work—Police officers.**

Police officers ordered to work "extraordinary" overtime shall be paid at the rate of time-and-one-half for all such overtime worked. (Ord. 98316 § 1(part), 1969; Ord. 97552 § 1(part), 1969; Ord. 97330 § 51.4, 1968.)

**4.20.270 Overtime work—Firefighters.**

Firefighters ordered to work overtime shall be paid at the rate of time-and-one-half for all such overtime worked, either in cash or in the form of compensatory time off as the employee may elect. (Ord. 98316 § 1(part), 1969; Ord. 97552 § 1(part), 1969; Ord. 97330 § 51.5, 1968.)

**4.20.280 Compensatory time off in lieu of overtime pay.**

When mutually agreed by the employee and the head of his department, compensatory time off equivalent to the amount of overtime earned may be taken off in lieu of overtime pay. (Ord. 98316 § 1(part), 1969; Ord. 97552 § 1(part), 1969; Ord. 97330 § 51.6, 1968.)

**4.20.290 Overtime work—Payroll records.**

All overtime shall be separately itemized on the payroll and a separate list of such employees, and the amount of such overtime to be paid or credited to compensatory time shall be signed by the head of the department and one copy transmitted to the Auditing Committee and one copy to the Budget Director prior to date of issuance of the payroll warrants. (Ord. 98316 § 1(part), 1969; Ord. 97552 § 1(part), 1969; Ord. 97330 § 51.7, 1968.)

**4.20.300 Performance of duties of higher position—Rate of pay.**

Effective May 14, 1975, except as otherwise provided in authorized collective bargaining agreements, employees, except supervisory and administrative employees, assigned by proper authority to perform substantially the full duties of a higher paid classification for a period of four consecutive hours or longer shall be paid at the rate established for such classification as in promotion while performing such duties. Supervisory and administrative employees assigned by proper authority to perform the duties and assume the full responsibility of a higher paid position for a period of two weeks or more as determined in accordance with policy and procedure promulgated by the Budget Director shall be paid at the rate established for such higher paid position. (Ord. 104561 § 1, 1975; Ord. 98316 § 1(part), 1969; Ord. 97330 § 51A, 1968.)

**4.20.310 Overtime for supervisory and administrative personnel.**

Effective May 14, 1975, supervisory and administrative personnel when ordered in accordance with rules and regulations promulgated by the Budget Director to work overtime in order to maintain essential city operations shall be compensated at the rate of time-and-one-half for hours worked in excess of eighty-four hours in any biweekly pay period. (Ord. 104561 § 2, 1975; Ord. 97330 § 51B, 1968.)

**4.20.320 Meals necessitated by overtime work.**

City officers and employees who are not members of a recognized collective bargaining unit and who are authorized to work for two or more consecutive hours beyond normal working hours as determined by any such officer's or employee's department head, and who purchase a meal in connection with performing such overtime work, shall be reimbursed for the actual reasonable cost of each such meal, not to exceed Five Dollars (\$5.00), in accordance with procedures established therefor by the City Comptroller. (Ord. 104725 § 1, 1975; Ord. 97330 § 51C, 1968.)

**4.20.330 Coveralls to be furnished for certain personnel.**

Coveralls will be furnished as needed to Auto Machinist Foremen, Auto Machinists,



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Equipment Servicemen, and certain employees working for the Sewerage and Garbage Utilities as determined by the various heads of the departments.

(Ord. 97330 § 52, 1968.)

### 4.20.340 Conflict between subchapter and collective bargaining agreement.

In the event of a conflict between the provisions of this subchapter and those of a properly authorized collective bargaining agreement, the provisions of the agreement shall prevail insofar as members of the bargaining unit covered by the agreement are concerned and for the duration of the period of time covered by the agreement.

(Ord. 98316 § 1(part), 1969: Ord. 97330 § 52A, 1968.)

### 4.20.350 Request for creation of new position.

When any city department head requests the creation of a new or additional position of more than sixty days' duration, or a change in allocation of an existing position, he shall address his request for such consideration to the Budget Director, accompanied by a statement of the duties and the responsibility and qualification requirements of the position. A complete copy of such request and statement shall at the same time be furnished to the City Council and the Personnel Director.

(Ord. 97330 § 53, 1968.)

### 4.20.360 Use of leave prior to grant of unpaid leave—Payment for unused leave upon termination.

A. An employee shall use all vacation, compensatory time or sick leave to which he is entitled before being granted unpaid leave of absence.

B. Upon leaving the city's service for any reason whatsoever an employee may receive in a lump sum, payment of all moneys due him including payment in lieu of "compensatory" time.

(Ord. 97330 § 54, 1968.)

### 4.20.370 Titles of positions.

The titles of positions in this subchapter refer to the Class Specifications of the city of Seattle for 1938 (Comptroller's File No. 159718), with such changes heretofore or hereafter adopted by the City Council and filed with the City Comptroller and the titles

and salaries herein<sup>1</sup> shall apply only to those positions having duties within the reasonable scope of the specifications for such positions. (Ord. 97330 § 55, 1968.)

1. Editor's Note: The sections of Ord. 97330 designating specific position titles and salaries are not included in this codification.

## Subchapter II Miscellaneous Provisions

### 4.20.500 Uniform starting date for salary adjustments.

A uniform starting date for salary adjustments for all positions and offices in city employment is desirable, and to maintain a fair and equitable relationship between the city and all its officers and employees and to prevent an untimely interruption of city business, the legislative authority of the city covenants and agrees with all officers and employees of the city, not represented by an employee organization, that effective September 1, 1975 through August 31, 1976 and in years thereafter, effective September 1st in such years through the succeeding August 31st, such officers and employees will be compensated at their present salary rates, and for succeeding years at the salary rate in effect on August 31st immediately preceding such September 1st date, plus such additional sums, if any, which may thereafter be included in a comprehensive salary ordinance.

(Ord. 104908 § 1, 1975.)

### 4.20.510 Compensation for temporary work at other than regular location.

All employees of the city who are temporarily assigned to work at a location other than their regular place of employment shall receive additional compensation which shall be the equivalent of one hour's compensation at the normal rate of pay, for each night of required absence from their regular place of employment, if the department head concerned determines that the site of such assignment is beyond reasonable commuting distance from the employee's regular place of employment; provided that such additional compensation shall not be paid to any employee in a position to which is assigned duties which regularly include travel to and performance of work at locations other than his regular place of employment without specific assignment by a superior.

(Ord. 97185 § 1, 1968.)

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**4.20.520 Employees under I.B.E.W. agreement—Day off for family emergency.**

Employees covered by those certain collective bargaining agreements entered into between the city and I.B.E.W. Local No. 77 pursuant to the authority of Ordinance 98887 and Ordinance 98977 shall, subject to approval by the department head, be allowed one day off each year without salary deduction for the purpose of meeting a family emergency caused by serious illness or accident disabling a member of such employee's immediate family and necessitating such employee's presence at home. For the purpose of this section, "immediate family" means the spouse, children, and/or parents of such employee, who regularly occupy the same residence as such employee. (Ord. 100112 § 1, 1971.)

**4.20.530 Police holidays.**

Uniformed Police personnel shall be allowed nine holidays off per year with pay, or nine days off in lieu thereof, at the discretion of the Chief of Police. (Ord. 95256 § 1, 1966.)

**4.20.540 Police working special events or emergency situations.**

Payment on a straight-time basis is authorized for overtime ordered and worked by police personnel during special events or emergency situations, as determined by the Chief of Police and approved by the Chairman of the Finance Committee. (Ord. 88419 § 1, 1959.)

**4.20.550 Days off for police officers and firefighters.**

Police officers shall be allowed two days off in eight with pay and police officers and firefighters shall be allowed an additional nine days off with pay per year at the convenience of the respective department heads. (Ord. 80528 § 1, 1951.)

**Chapter 4.24**

**SICK LEAVE**

**Sections:**

**Subchapter I General Provisions**

- 4.24.010 Computation of sick leave—Exemptions.
- 4.24.020 Officers and employees receiving disability benefits.
- 4.24.030 Change in position or department.
- 4.24.040 Approval required for sick leave pay.
- 4.24.050 Temporary employees.
- 4.24.060 Refusal of approval by department head—Review by Personnel Director.
- 4.24.070 Designation of beneficiary.
- 4.24.080 Authority to make rules—Recordkeeping.
- 4.24.090 Report on denial of paid sick leave.

**Subchapter II Retirement Accounts**

- 4.24.200 Establishment of account.
- 4.24.210 Payment in lieu of account.
- 4.24.220 Notification of unused sick leave and rates of pay.
- 4.24.230 Administration.

**Subchapter I General Provisions**

**4.24.010 Computation of sick leave—Exemptions.**

Cumulative sick leave with pay computed at the rate of .046 hours for each hour on regular pay status as shown on the payroll, but not to exceed forty hours a week, and all benefits of this subchapter shall be granted to all city officers and employees over whom the legislative authority has jurisdiction in this respect: provided, that members of the Police and Fire Departments who were members of the Washington State Law Enforcement and Fire Fighters Retirement System (the "LEOFF" System) as of or before September 30, 1977, and those employees specifically excluded by provisions of salary ordinances shall not be included; provided further, that persons who became members of the LEOFF System on or after October 1, 1977 and who are represented by the Fire Fighters' Union, the Police Officers' Guild, or an equivalent labor organization for labor negotiation purposes, shall receive whatever benefits of the city's sick leave program as are established in the labor contract between the city and such

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organization. Officers and employees shall accumulate sick leave credits from the date of entering city service and shall be entitled to sick leave with pay after thirty calendar days of employment.

(Ord. 107905 § 2, 1978; Ord. 101861 § 1, 1973; Ord. 101720 § 1, 1972; Ord. 100879 § 1, 1972; Ord. 99422 § 1, 1970; Ord. 96867 § 1, 1968; Ord. 93066 § 1, 1964; Ord. 89939 § 1, 1961; Ord. 88522 § 1, 1959.)

### 4.24.020 Officers and employees receiving disability benefits.

Officers and employees receiving disability benefits by virtue of any law or ordinance now or hereafter enacted, or under the City Charter,<sup>1</sup> shall be entitled to sick leave pay only in the amount regular compensation exceeds such benefits, and any sick leave accumulation shall be reduced in the same ratio as such sick leave pay bears to regular compensation.

(Ord. 88522 § 2, 1959.)

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

### 4.24.030 Change in position or department.

Change in position or transfer to another city department included in the sick leave plan shall not result in a loss of sick leave accumulated under this subchapter or as a Seattle Public Library employee. An officer or employee reinstated or re-employed in the same or another department included in this plan after termination of service, except after dismissal for cause, resignation or quitting, shall be credited with all unused sick leave accumulated prior to such termination.

(Ord. 93257 § 1, 1964; Ord. 88522 § 3, 1959.)

### 4.24.040 Approval required for sick leave pay.

Compensation for the first four days of absence because of illness or disability incapacitating an officer or employee for the performance of duty shall be paid upon approval of the department head, or someone authorized by him, and the Personnel Director. In order to receive compensation for such absence, employees shall make themselves available for such investigation, medical or otherwise, as the department head or the Personnel Director shall see fit to have made. Either the department head or the Personnel Director may

require a supporting report of a physician from an employee. Compensation for such absences beyond four days shall be paid only after approval by the department head, or someone authorized by him, and by the Personnel Director, of a request from the employee supported by a report of the employee's physician and/or a physician representing the city as the Personnel Director shall determine. The employee shall provide himself with such medical treatment or take such other precautions as the Personnel Director shall determine to be necessary for an early return to duty.

(Ord. 107905 § 3, 1978; Ord. 88522 § 4, 1959.)

### 4.24.050 Temporary employees.

Employees on a temporary basis and not otherwise excluded who work on a definite and predetermined schedule over an extended period may receive sick leave compensation for scheduled work periods only, on the same basis as regular city employees. Determination as to an employee's eligibility under this provision shall be made by the Personnel Director.

(Ord. 107905 § 4, 1978; Ord. 88522 § 5, 1959.)

### 4.24.060 Refusal of approval by department head—Review by Personnel Director.

At the request of the employee concerned the Personnel Director shall review the refusal of a department head to approve a request for sick leave and the decision of the Personnel Director shall be final.

(Ord. 107905 § 5, 1978; Ord. 88522 § 6, 1959.)

### 4.24.070 Designation of beneficiary.

Any city officer or employee eligible for sick leave benefits under this subchapter may designate a beneficiary to receive a cash payment in an amount equal to twenty-five percent of such officer's or employee's accumulated and unused sick leave, which designation shall be in writing and filed with the Personnel Director and in the event of the death of such officer or employee while employed by the city, such payment shall be made to the designated beneficiary at the rate of pay of such officer or employee in effect on the day prior to his death; provided, that the provisions of this section shall not apply to officers and employees of the Police and Fire Departments who are members of the Washington Law Enforcement Officers' and Fire Fighters' Retirement System.

(Ord. 107905 § 6, 1978; Ord. 105991 § 1, 1976; Ord. 105005 § 1, 1975; Ord. 88522 § 6.1, 1959.)

#### 4.24.080 Authority to make rules— Recordkeeping.

The Personnel Director is authorized to make the necessary rules and regulations to enforce and administer the provisions of this subchapter, to furnish the necessary forms and to keep the necessary records, provided that the City Comptroller shall maintain all records of accumulated sick leave of active officers and employees.

(Ord. 107905 § 7, 1978; Ord. 88522 § 7, 1959.)

#### 4.24.090 Report on denial of paid sick leave.

The heads of departments shall report as to the final disposition of all cases when an employee has been included on the payroll for paid sick leave which subsequently is denied and shall make such other reports and keep such records as the Personnel Director and the City Comptroller shall require.

(Ord. 107905 § 8, 1978; Ord. 88522 § 8, 1959.)

### Subchapter II Retirement Accounts

#### 4.24.200 Establishment of account.

Upon the retirement of any member of the City Employees' Retirement System or any Health Department employee who has retained membership in the State Retirement System under Ordinance 83017, or upon the award of a retirement allowance in accordance with Section 13(c) of Ordinance 78444<sup>1</sup> to a member whose employment with the city has been terminated by layoff, or, at the election of a member of the system, upon retirement after transfer of such member to another governmental entity under any agreement for merger or consolidation of governmental services between the city and such other governmental entity, the Board of Administration of the City Employees' Retirement System shall establish for such member an account to which it shall credit an amount equal to twenty-five percent of such employee's unused and accumulated sick leave, while employed by the city, at the rate of pay of such member in effect on the day prior to his retirement or layoff, as the case may be. Such account shall be used only to pay health care benefit premiums of such member and spouse at the time of retirement or award of such retirement allowance, to such carrier or carriers as shall be designated by such member. The Board of Administration shall pay

such health care benefit premiums from the Health Care Fund, charge the respective members' accounts in the amount thereof and cease payments on behalf of any such member when the balance in his account has been exhausted, or upon the deaths of such member and spouse, whichever shall first occur. The Board of Administration shall periodically notify the departments from which members are retired or laid off and for whom such health care premiums have been paid, of the amount of premiums so paid and the Health Care Fund shall be reimbursed for such premium payments from the proper funds.

(Ord. 104100 § 1, 1974; Ord. 102366 § 1, 1973; Ord. 101720 § 2, 1972; Ord. 100879 § 2, 1972; Ord. 93631 § 1, 1965; Ord. 93065 § 1, 1964; Ord. 90789 § 1, 1961.)

1. Editor's Note: Section 13(c) of Ord. 78444 is codified in Section 4.36.200 C of this Code.

#### 4.24.210 Payment in lieu of account.

In lieu of the establishment of the account and the crediting thereto of the amount provided in Section 4.24.200, any such member of the City Employees' Retirement System or Health Department employee who has retained membership in the State Retirement System under Ordinance 87017, upon retirement, award of retirement allowance, or upon retirement after transfer of such member to another governmental entity under any agreement for merger or consolidation of governmental services between the city and such other governmental entity, as the case may be, may by written request to the head of the city department in which such person is employed elect to receive a cash payment of an amount equal to the amount provided in Section 4.24.200; provided, that, in the event such member is transferred under any agreement for merger or consolidation of governmental services between the city and another governmental entity, such written request shall be directed to the Executive Secretary of the retirement system. Upon receipt of such written request, the head of the department in which such person was employed, or the Executive Secretary of the retirement system, as the case may be, is authorized to pay such amount to such person and for such purpose to use unexpended and unencumbered budget salary funds accumulating in the budget of such department, or such other funds as may

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be appropriated therefor.

(Ord. 104100 § 2, 1974; Ord. 102965 § 1, 1974; Ord. 102366 § 2, 1973; Ord. 101720 § 3, 1972; Ord. 100879 § 3, 1972; Ord. 99754 § 1, 1971; Ord. 98848 § 1, 1970; Ord. 90789 § 1.1, 1961.)

### 4.24.220 Notification of unused sick leave and rates of pay.

The Personnel Director of the city, or other responsible boards or commissions shall notify the Board of Administration of the City Employees' Retirement System in writing of the unused and accumulated sick leave and the applicable hourly rate of pay of retiring members of the retirement system.

(Ord. 107905 § 10, 1978; Ord. 90789 § 2, 1961.)

### 4.24.230 Administration.

The Board of Administration of the City Employees' Retirement System shall administer the provisions of this subchapter and may make necessary rules to effectuate the same.

(Ord. 90789 § 3, 1961.)

## Chapter 4.28

### FUNERAL LEAVE

#### Sections:

- 4.28.010 Granting of funeral leave.
- 4.28.020 Definitions.
- 4.28.030 Certification to City Comptroller.

#### 4.28.010 Granting of funeral leave.

All city officers and employees over whom the legislative authority has jurisdiction in this respect, except employees in temporary positions specified by provisions of salary ordinances as not entitled to vacations, holidays, sick leave or health care, and except employees covered by that certain collective bargaining agreement entered into between the city and Seattle Police Officers' Guild shall be allowed one day off without salary reduction for the purpose of attendance at the funeral of any close relative of such officer or employee; provided, that where such attendance requires total travel time of two hundred miles or more, one additional day with pay shall be allowed; provided further, that department heads may when

circumstances require, and upon application stating the reasons therefor authorize for such purpose not to exceed an additional four days chargeable to the sick leave account of any such officer or employee, but no combination of paid absence under this section shall exceed five days for any one period of absence. In like circumstances and upon like application department heads may authorize for the purpose of attending the funeral of a relative other than a close relative, not to exceed five days chargeable to the sick leave account of any such officer or employee.

(Ord. 107905 § 11, 1978; Ord. 100916 § 1, 1972; Ord. 99963 § 1, 1971; Ord. 99753 § 1, 1971.)

#### 4.28.020 Definitions.

For the purpose of this chapter "close relative" means the spouse, child, mother, father, brother, sister, grandchild, grandfather or grandmother of the officer or employee or of the spouse of such officer or employee. "Relative other than close relative" means the uncle, aunt, cousin, niece, or nephew of such officer or employee or the spouse of the brother or sister of the spouse of such officer or employee. (Ord. 107905 § 12, 1978; Ord. 100916 § 2, 1972; Ord. 99963 § 3, 1971; Ord. 99753 § 3, 1971.)

#### 4.28.030 Certification to City Comptroller.

Upon certification by the appropriate department head that sick leave was allowed to an officer or employee for the purpose of attendance at a funeral in accordance with this chapter, the City Comptroller shall correspondingly reduce such officer's or employee's sick leave balance on the payroll record. (Ord. 99753 § 4, 1971.)

## Chapter 4.32

### VACATIONS

#### Sections:

- 4.32.010 Vacation time designated.
- 4.32.020 Rules applicable to granting vacation.
- 4.32.030 Time when vacation must be taken—Exceptions.

4.32.040 Continuous employment credit for certain City Light employees.

Statutory Reference: For Charter provisions on annual vacations, see Charter Art. XVII § 2.

4.32.010 Vacation time designated.

Annual vacations with pay for the officers and employees referred to in Charter Article XVII, Section 2,<sup>1</sup> are provided for as follows:

A. Officers and employees on a five-day week basis, including police officers and excluding firefighters:

1. For service of less than one year at the rate of one working day for each full month of actual service in the preceding calendar year;

2. For service of one to four years, inclusive, at the rate of twelve working days per year;

3. For service of five or more years, at the following rates:

- From 5 to 9 years, inclusive . . . 15 working days
From 10 to 14 years, inclusive . 16 working days
From 15 to 19 years, inclusive . 18 working days
For 20 years . . . . . 20 working days
For 21 years . . . . . 21 working days
For 22 years . . . . . 22 working days
For 23 years . . . . . 23 working days
For 24 years . . . . . 24 working days
For 25 years . . . . . 25 working days
For 26 years . . . . . 26 working days
For 27 years . . . . . 27 working days
For 28 years . . . . . 28 working days
For 29 years . . . . . 29 working days
For 30 years and over . . . . . 30 working days.

B. Firefighters working other than a five-day week:

1. For service of less than one year, at the rate of five-sixths of a working shift for each full month of actual service in the preceding calendar year;

2. For service of one to six years, inclusive, at the rate of ten working shifts per year;

3. For service of more than six years, at the following rates:

- From 7 to 14 years, inclusive . . . . . 12 working shifts
From 15 to 19 years, inclusive . . . . . 14 working shifts
For 20 years . . . . . 16 working shifts
From 21 to 24 years, inclusive . . . . . 18 working shifts
For 25 years . . . . . 20 working shifts

For 26 years and over . . . . . 22 working shifts;

4. All vacation allowances for firefighters shall start on the first working shift preceding a regular day off. "Working shift" means regular work time other than assigned days off and free time between tours of duty. Vacation allowance computations shall be rounded to the nearest whole working shift.

C. Firefighters working a five-day week shall receive vacation allowances based on service in proportion to the equivalent hours of vacation allowance provided herein for other firefighters.

D. All officers and employees with one year or more of actual service shall be entitled to a terminal vacation allowance for a partial year of service for each full month of actual service in the current calendar year, at a rate proportionate to the applicable annual vacation, rounded to the nearest one-half "working day" or to the nearest whole "working shift" of vacation allowance.

E. Increased vacation allowances for five or more years of service shall accrue on January 1st of the year in which the service requirement is met.

F. "Service" includes service occurring prior to retirement from the Police Department or the Fire Department of retired police officers, firefighters or other employees of the departments who are subsequently reemployed by the city in other positions.

(Ord. 104408 § 1, 1975: Ord. 102518 § 1, 1973: Ord. 101739 § 1, 1973: Ord. 100878 § 1, 1972: Ord. 100404 § 1, 1971: Ord. 99004 § 1, 1970: Ord. 98926 § 1, 1970: Ord. 97354 § 1, 1968: Ord. 97110 § 1, 1968: Ord. 93364 § 1, 1964: Ord. 90788 § 1, 1961: Ord. 86799 § 1, 1958.)

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

4.32.020 Rules applicable to granting vacation.

Annual vacations, as provided by this chapter, shall be subject to the following rules:

A. The minimum vacation allowance to be taken by an employee shall be one-half of a day, or at the discretion of the heads of the various departments, such lesser fraction of a day as shall be approved by respective department heads.

B. The heads of the various departments shall arrange vacation time for officers and

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employees on such schedules as will least interfere with the functions of the department.

C. Upon transfer, the department receiving the employee shall grant any earned vacation due such employee, at its expense, subject to the other rules set forth in this section.

D. Temporary or intermittent employees who leave the employment of the city and later are reemployed, shall for the purposes of this chapter, commence their active service with the date of reemployment.

E. For the purposes of this chapter, "actual service" shall be determined in the same manner as for salary purposes. (Ord. 102930 § 1, 1974; Ord. 86799 § 2, 1958.)

4.32.030 Time when vacation must be taken-- Exceptions.

Annual vacations as provided by this chapter, which are earned by officers and employees must be taken within the calendar year next succeeding the calendar year in which service was rendered with the following exceptions:

A. Officers and employees who are laid off, retired, or who resign after more than six months' service, shall be given proportionate vacations earned in the current year, together with any unused earned vacations for the preceding calendar year before being separated from the payroll.

B. On the death of an employee in active service, pay will be allowed for any vacation earned in the preceding year and in the current year and not taken prior to the death of such employee.

C. An employee who quits or is dismissed for cause will be allowed pay for any vacation earned in the preceding year and not taken prior to separation from city service, but not for the current year.

D. An employee granted an extended leave of absence, which includes the next succeeding calendar year, shall be given proportionate vacation earned in the current year before begin separated from the payroll.

E. An employee returning from military leave of absence, as defined by ordinance, shall be given a vacation allowance for the previous calendar year as if he had been employed.

F. An employee may, upon approval of the department head, carry over a maximum of twenty days of unused vacation time to the

next succeeding year when the employee has been prevented from using the vacation time by reason of injury, illness, or department work schedules; provided, that in extraordinary circumstances, as determined by the head of the department, payment for such unused vacation may be made at the employee's current rate of pay with a commensurate reduction in vacation credit.

G. As of January 1, 1971, except for employees covered by those certain collective bargaining agreements entered into between the city and: Seattle Police Officers' Guild; and Seattle Fire Fighters Union, Local No. 27; pursuant to the authority of Ordinances 98510 and 98525 respectively, an employee may, following one full calendar year of employment, carry over and/or accumulate two days of vacation annually, subject to the following:

1. The number of vacation days carried over and/or accumulated shall not exceed the number of annual vacation days for which such employee is currently eligible;

2. Requests to carry over and/or accumulate vacation days must be made at the time vacations are being scheduled;

3. Requests to use five or more carried-over and/or accumulated vacation days at any one time must be submitted to such employee's immediate supervisor not less than sixty days prior to the time requested for the taking thereof.

H. As of January 1, 1971 except for employees covered by those certain collective bargaining agreements entered into between the city and: Seattle Police Officers' Guild; and Seattle Fire Fighters Union, Local No. 27; pursuant to the authority of Ordinances 98510 and 98525 respectively, an employee may, following twenty-five years of employment, carry over and/or accumulate five days of vacation annually subject to the following:

1. The number of vacation days carried over and/or accumulated shall not exceed the number of annual vacation days for which such employee is currently eligible;

2. Requests to carry over and/or accumulate vacation days must be made at the time vacations are being scheduled;

3. Requests to use five or more carried-over and/or accumulated vacation days at any one time must be submitted to such employee's immediate supervisor not less than sixty days prior to the time requested for the taking

as authorized in 1966 by Ordinance 100000, as amended, and the Office of the City Clerk.

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I. As of January 1, 1971 notwithstanding the limitation of subsection F of this section, employees covered by that certain collective bargaining agreement entered into between the city and Seattle Fire Fighters Union, Local No. 27 pursuant to the authority of Ordinance 98525 and who by reason of injury, illness, or other disability are prevented from using regularly scheduled vacation time, may carry over such unused vacation time to the next succeeding year.

(Ord. 104193 § 1, 1975: Ord. 102930 § 2, 1974: Ord. 101739 § 2, 1973: Ord. 100020 § 1, 1971: Ord. 99751 § 1, 1971: Ord. 98926 § 2, 1970: Ord. 95389 § 1, 1966: Ord. 86799 § 3, 1958.)

**4.32.040 Continuous employment credit for certain City Light employees.**

For the purpose of this chapter, former Puget Sound Power and Light Company employees who became City Light employees as a result of the merger on or shortly after March 5, 1951, shall be given credit for continuous employment with the company immediately prior to the acquisition of the Puget Sound properties.

(Ord. 86799 § 4, 1958.)

**Chapter 4.36**

**CITY EMPLOYEES' RETIREMENT SYSTEM**

**Sections:**

- 4.36.010 Purpose.
- 4.36.020 Employees' Retirement Fund created.
- 4.36.030 Definitions—Alphabetical "A" through "B."
- 4.36.040 Definitions—Alphabetical "C" through "D."
- 4.36.050 Definitions—Alphabetical "E" through "M."
- 4.36.060 Definitions—Alphabetical "N" through "Q."
- 4.36.070 Definitions—Alphabetical "R" through "Z."
- 4.36.080 Continuance of City Employees' Retirement System.
- 4.36.090 Death benefit system created.
- 4.36.100 Membership in retirement system.

- 4.36.110 Contributions—City matching funds.
- 4.36.120 Modification of allowance for service.
- 4.36.130 Board of Administration.
- 4.36.140 Powers and duties of Board.
- 4.36.150 Payment of bonus dividend.
- 4.36.160 Borrowing of money.
- 4.36.170 Contributions by city.
- 4.36.180 City obligations.
- 4.36.190 Discontinuance or reentrance of eligible employee.
- 4.36.200 Retirement of a member for service by Board.
- 4.36.210 Retirement allowances designated.
- 4.36.220 Retirement for disability.
- 4.36.230 Disability allowances designated.
- 4.36.240 Examination of disability beneficiary—Cancellation of allowance.
- 4.36.250 Temporary total disability.
- 4.36.260 Optional lesser retirement allowances.
- 4.36.270 Death of member who is not retired.
- 4.36.280 Payments in monthly installments.
- 4.36.290 Benefits not subject to garnishment or attachment.
- 4.36.300 Estimate of length of service.
- 4.36.310 Retired members who are employed on salary.
- 4.36.320 Death benefits—Payment.
- 4.36.330 Death benefits—Specifications.
- 4.36.340 Appropriation for administration of retirement system.
- 4.36.350 Members eligible prior to January 1, 1941.

Statutory Reference: For statutory provisions on retirement of personnel in first-class cities, see RCW Ch. 41.28; for Charter provisions authorizing the city to provide a retirement system for its officers and employees, see Charter Art. XXII, § 13.

Severability: If any one or more sections, subsections, subdivisions, sentences, clauses or phrases of this chapter are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter, but the same shall remain in full force and effect. (Ord. 78444 § 27, 1949.)

**4.36.010 Purpose.**

The purpose of this chapter is to continue the retirement and pension system for superannuated and disabled officers and employees of the city and of the Seattle Public Library as authorized by Article XXII, Section 13 of



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the Charter<sup>1</sup> and by state law and established by Ordinance No. 57075 (as amended) and to establish a system of death benefits for such officers and employees.  
(Ord. 78444 § 1, 1949.)

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

### 4.36.020 Employees' Retirement Fund created.

A fund is created and established to be known as the "Employees' Retirement Fund" and shall consist of all the moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities or other assets.  
(Ord. 78444 § 8, 1949.)

### 4.36.030 Definitions—Alphabetical "A" through "B."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "Accumulated additional contributions" means the sum of all additional contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

B. "Accumulated contributions" means accumulated normal contributions plus accumulated additional contributions but shall not include death benefit assessments.

C. "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

D. "Additional contributions" means the contributions provided for in subdivision (d), Section 5, of this ordinance.<sup>1</sup>

E. "Annuity" means payments derived from contributions made by a member as provided in Sections 4.36.210 and 4.36.230.

F. "Basic pension" means the annuity derived from normal contributions of members; the pension derived from matching contributions of the city and the pension for prior service, if any.

G. "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this chapter.

H. "Board" means "Board of Administration" as provided in Section 4.36.130.

(Ord. 107228 § 1(part), 1978: Ord. 104572 § 1(part), 1975: Ord. 104156 § 1(part), 1974: Ord. 103175 § 1(part), 1974: Ord. 89073 § 1(part), 1960: Ord. 88897 § 1(part), 1960: Ord. 81521 § 1(part), 1952: Ord. 79403 § 2, 1950; Ord. 78444 § 2(e), (j), (o), (q), (r), (s), (u), and (aa), 1949.)

1. Editor's Note: There is no subdivision (d) in § 5 of Ord. 78444, as amended.

### 4.36.040 Definitions—Alphabetical "C" through "D."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "City" means The City of Seattle.

B. "City service" means service rendered to the city for compensation and for the purpose of this chapter, a member shall be considered as being in the "city service" only while he is receiving compensation for such service or is on leave of absence on account of sickness or injury subsequent to July 1, 1929, and makes contributions covering such period as provided in Section 4.36.120A.

C. "Compensation" means the salary or wage, exclusive of overtime, indicated on payrolls and/or vouchers.

D. "Compensation earnable" by a member means the average compensation as determined by the Board of Administration upon the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay. Any other provisions of this chapter, particularly Section 4.36.110 B, insofar as in conflict herewith are hereby superseded.

E. "Continuous service" means uninterrupted employment by the city, except that discontinuance of city service of a member caused by layoff, leave of absence, suspension, or dismissal, followed by reentrance into city service within one year, shall not count as a break in the continuity of service; provided, that for the purpose of establishing membership in the retirement system continuous service shall mean six months' service in any one year.

F. "Creditable service" means such city service as is evidenced by the record of normal contributions received from the employee plus prior service if credit for same is still intact or not lost through withdrawal of accumulated normal contributions as provided in Section 4.36.190.

G. "Death benefit" means the payment upon proof of death of a member provided for in Section 4.36.320.

H. "Death benefit assessment" means the payments required of members of the death benefit system under Sections 4.36.320 and 4.36.330.

(Ord. 107228 § 1(part), 1978: Ord. 104572 § 1(part), 1975: Ord. 104156 § 1(part), 1974: Ord. 103175 § 1(part), 1974: Ord. 89073 § 1(part), 1960: Ord. 88897 § 1(part), 1960: Ord. 83744 § 1, 1955; Ord. 83534 § 1, 1954; Ord. 81521 § 1(part), 1952: Ord. 78444 § 2(d), (g), (i), (k), (l), (x), (y), and (z), 1949.)

#### 4.36.050 Definitions—Alphabetical "E" through "M."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "Employee" means all officers and employees of the city and of the Seattle Public Library eligible to membership in the retirement system pursuant to law.

B. "Final compensation" means the average annual compensation earnable by a member during his twenty-four highest consecutive months prior to termination of employment with the city.

C. "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.

D. "Member" means any person included in the retirement system as provided in Section 4.36.100.

(Ord. 107228 § 1(part), 1978: Ord. 104572 § 1(part), 1975: Ord. 104156 § 1(part), 1974: Ord. 103175 § 1(part), 1974: Ord. 99566 § 1, 1970; Ord. 94354 § 1, 1965; Ord. 89073 § 1(part), 1960: Ord. 88897 § 1(part), 1960: Ord. 81521 § 1(part), 1952: Ord. 78444 § 2 (b), (c), (m), and (w), 1949.)

#### 4.36.060 Definitions—Alphabetical "N" through "Q."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "Normal contribution" means contribution at the rate provided for in Section 4.36.110A.

B. "Pension" means payments derived from any contributions made by the city.

C. "Prior service" means city service of a member prior to July 1, 1929, except as follows: In the case of officers and employees of the Seattle Public Library prior to July 1, 1937; in the case of employees entering the classified civil service under the Charter Amendments of March 12, 1940, and March 13, 1945, prior to March 16, 1940, and March 16, 1945, respectively; and in case of employees entering such service under RCW 35.22.450, prior to September 1, 1943.

(Ord. 107228 § 1(part), 1978: Ord. 104572 § 1(part), 1975: Ord. 104156 § 1(part), 1974: Ord. 103175 § 1(part), 1974: Ord. 89073 § 1(part), 1960: Ord. 88897 § 1(part), 1960: Ord. 81521 § 1(part), 1952: Ord. 78444 § 2(h), (n), and (t), 1949.)

#### 4.36.070 Definitions—Alphabetical "R" through "Z."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "Regular interest" means interest compounded annually at such rate as shall have been adopted by the Board of Administration in accordance with the provisions of this chapter.

B. "Retirement allowance" means the pension plus the annuity.

C. "Retirement fund" means "Employees' Retirement Fund" created and established in Section 4.36.020.

D. "Retirement system" means the "City Employees' Retirement System" provided for in Section 4.36.080 and the system of death benefits established therein.

(Ord. 107228 § 1(part), 1978: Ord. 104572 § 1(part), 1975: Ord. 104156 § 1(part), 1974: Ord. 103175 § 1(part), 1974: Ord. 89073 § 1(part), 1960: Ord. 88897 § 1(part), 1960: Ord. 81521 § 1(part), 1952: Ord. 78444 § 2(a), (f), (p), and (v), 1949.)

#### 4.36.080 Continuance of City Employees' Retirement System.

The retirement system created and established effective July 1, 1929 by Ordinance No. 57075 (as amended) known as the "City Employees' Retirement System" is continued in full force and effect.

(Ord. 78444 § 3(part), 1949.)

#### 4.36.090 Death benefit system created.

There is created and established in addition

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to the retirement system a death benefit system to become effective January 1, 1950. (Ord. 78444 § 3(part), 1949.)

### 4.36.100 Membership in retirement system.

Officers and employees of the city (except those excluded by subsection G of this section) and of the Seattle Public Library shall become members of the retirement system as follows:

A. Those in city service on July 1, 1929, under the civil service shall become members as of that date, as authorized by Charter Amendment of March 8, 1927;

B. Those in the Seattle Public Library as of July 1, 1937, as authorized by the Charter Amendment of March 9, 1937;

C. Those included in the civil service by the Charter amendments of March 12, 1940, and March 13, 1945, as of March 16, 1940, and March 16, 1945, respectively; and those in the Judicial Department included in the civil service by RCW 35.22.450, as of September 1, 1943;

D. Those former members reentering the system under RCW 41.28.250, as of the date fixed by the regulations of the Board of Administration, and provided they make deposits in the retirement fund in amounts necessary to bring their record of accumulated normal contributions to proper balance as required thereby;

E. Those authorized to be included by RCW 41.28.250, subject to five years' continuous city service requirement, which service requirement is dispensed with under authority of Article XXII, Section 13 of the Seattle Charter of 1946, and who elect in writing addressed to the Board of Administration, shall become members as of the date of such election, with the privilege of paying into the retirement fund on account of city service after July 1, 1929. Credit for "prior service" and for city service after July 1, 1929, shall be in proportion to the amount deposited as set forth in Section 4.36.120. The rate of contribution for such members shall be that for the age of entry into "city service," plus six months, if such entry was subsequent to July 1, 1929, otherwise for age on July 1, 1929. No person eligible under this subsection shall become a member prior to July 1, 1945. Any such member may exercise the options provided by ordinance in the manner prescribed by the regulations of the Board of Administration;

F. All officers and employees of the city and those of the Seattle Public Library entering

city service after March 16, 1945, shall become members of the retirement system upon completion of six months of continuous service, except that membership shall be optional for all officers and employees excluded from the classified civil service by terms of the City Charter except those excluded under subsection G of this section, and officers and employees electing to enter the retirement system as provided for in subsection E, who shall become members as of date specified in the application for membership but not prior to July 1, 1945. Officers and employees reentering city service shall become members after six months of continuous service, except that with respect to any such officer or employee who is called to active duty in the armed forces of the United States of America or the state of Washington or who is given other military leave authorized by Section 1 of Ordinance 69816 as amended,<sup>1</sup> prior to completing six months of continuous service and who subsequently returns to city service, and makes payments and contributions as provided in Section 2 of Ordinance 69816 as amended,<sup>1</sup> said six months of continuous service shall include such active duty time as, when added to all continuous city service prior to the commencement of said active duty, equals six months of continuous service; provided, that if contributions were not withdrawn or redeposit starts immediately upon reentry, officers and employees reentering city service shall become members immediately upon return to city service. Any officer or employee as to whom membership is optional and who terminates his or her membership in the retirement system after May 1, 1977 while continuing as an officer or employee in the city service shall not be entitled to rejoin the retirement system so long as any position held by such person in the city service is among those excluded from the classified civil service;

G. The following employees shall not become members of the retirement system; except as contemplated by RCW 41.04.070 through 41.04.110:

1. Members of the Police Department entitled to the benefits of the Police Relief and Pension Fund under State law,

2. Members of the Fire Department entitled to the benefits of the Firemen's Relief and Pension Fund under state law,

3. Members of the Police Department and Fire Department entitled to the benefits

of the Washington Law Enforcement Officers' and Fire Fighters' Retirement Fund,

4. Employees in positions established primarily to provide training leading to qualification for positions of Police Officer or Fireman;

H. The head of each office or department of the city shall give immediate notice in writing to the Board of the change in status of any member of his office or department, resulting from transfer, promotion, leave-of-absence, resignation, reinstatement, dismissal or death. The head of each office or department shall furnish such other information concerning any member as the Board may require.

I. Each member shall be subject to all the provisions of this chapter and the rules and regulations of the Board. Should any member be, in the opinion of the Board, permanently separated from the city service or should he die he shall thereupon cease to be a member.

(Ord. 107164 § 1, 1978; Ord. 106588 § 1, 1977; Ord. 104382 § 1, 1975; Ord. 100918 § 1, 1972; Ord. 98597 § 1, 1970; Ord. 81727 § 1, 1953; Ord. 81521 § 2, 1952; Ord. 78444 § 4, 1949.)

1. Editor's Note: Ord. 69816 was repealed by Ord. 107790.

#### 4.36.110 Contributions—City matching funds.

A. Members of the retirement system shall make contributions to the retirement fund at the rate of the compensation of each such member; provided that any member whose rate of contribution prior to June 23, 1972 was less than six percent but whose rate of contribution was increased pursuant to Ordinance 108009,<sup>1</sup> shall have such rate further increased by 0.56%; provided further, that any reinstated member who has redeposited his/her withdrawn contributions plus interest as provided in Section 4.36.190B, who was a member of the retirement system at any time prior to June 21, 1972 and whose rate of contribution at such prior time was less than six percent but whose rate of contribution was increased pursuant to Ordinance 108009,<sup>1</sup> shall have such rate further increased by 0.56% of the compensation of such member; all rate increases made by this section shall be effective as of the commencement of the first pay period of each affected member following January 1, 1980.

B. Subject to the provisions of this chapter, the Board of Administration shall adopt rules and regulations governing the making of deduc-

tions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subdivision A of this section. The head of each department shall apply such rate of contribution to the compensation of each member, exclusive of overtime, and shall certify to the City Comptroller on each and every payroll the amount to be contributed and shall furnish immediately to the Board a copy of each and every payroll; and each of said amounts shall be deducted by the City Comptroller and shall be paid into the retirement fund, hereinafter provided for, and shall be credited by the Board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his/her salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his/her claim to the benefits to which he/she may be entitled under the provisions of this chapter.

C. The city shall match the normal contributions of members and the Board shall determine the amount of normal contributions to be matched each month and shall notify the proper authorities when such matching contributions are due and payable. The proper authorities shall then provide for payment of such matching contributions into the retirement fund at the earliest time possible.

The city shall also contribute, in excess of the matching contributions, the actuarially determined city contribution to provide the moneys necessary to guarantee benefits payable under Sections 4.36.210 and 4.36.230.

(Ord. 108612 § 1, 1979; Ord. 108009 § 1, 1979; Ord. 104572 § 2, 1975; Ord. 101024 § 1, 1972; Ord. 92193 § 1, 1963; Ord. 89420 § 1, 1960; Ord. 88897 § 2, 1960; Ord. 84566 § 1, 1955; Ord. 81521 § 1(part), 1952; Ord. 79403 § 2, 1950; Ord. 78444 § 5, 1949.)

1. Editor's Note: Ord. 108009 was a previous amendment to this section. Copies are on file in the office of the City Clerk.

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### 4.36.120 Modification of allowance for service.

A. Subject to the following and all other provisions of this chapter, including such rules and regulations as the Board shall adopt in pursuance thereof, the Board, subject to the approval of the City Council, shall determine and may modify allowance for service.

Time during leave on account of sickness or injury subsequent to July 1, 1929, or time served in either the Police or Fire Departments before or after July 1, 1929, or time during which a member was under temporary or provisional appointment before becoming a member, or time during which a member was on extended leave of absence while serving as an officer of a labor organization the membership of which includes city employees, may be allowed in computing creditable service, provided such members shall pay into the retirement fund an amount equal to the normal contributions covering the period for which creditable service is claimed; and provided, further, that as to employees retiring after July 1, 1973, the first six months of such members' employment shall be allowed in computing creditable service without such payment. Time during which a member is absent on leave without pay for reasons other than those specified in this section shall not be allowed in computing service.

Each member shall file with the Board such information affecting his status as a member of the retirement system as the Board may require.

B. Credit for "prior service" as defined by this chapter shall be granted members entering the retirement system as of the dates specified in Section 4.36.060 C and to those members reentering after such dates if reentry is within one year after city service prior to such dates. Such credit shall be granted those becoming members pursuant to RCW 41.28.250, in the same proportion as the amount of money deposited to cover service from July 1, 1929, to date of entry into the system, bears to the amount of money necessary to cover all service during that period, excluding, however, all service after the first of the month following attainment of age sixty-seven.

Provided, that the Board may grant credit for prior service to any eligible entering the retirement system after the dates above mentioned if he, because of sickness or other disability or while serving as an officer of a labor

organization, the membership of which includes city employees, has been on leave of absence, regularly granted, since discontinuance of city service, regardless of the length of such leave.

C. Any member who shall make his normal contributions to the retirement system while on leave of absence under Section 1 of Ordinance 69816<sup>1</sup> or while absent in the active service of the United States Public Health Service in fulfillment of military service obligations under laws of the United States, or who after his return to city service shall make the same in full or in monthly payments equal to his current normal contribution, shall for the period of such leave or absence be entitled to all rights, privileges and benefits allowable under such system, including the allowance of such time as creditable service. In addition, any member in the city service on December 27, 1972, who heretofore or who hereafter enters the active military or naval service after having been laid off from city employment and who reentered or reenters city service subsequent to such active military or naval service shall be entitled to all rights, privileges and benefits allowable under such system, including the allowance of such period of military or naval service as creditable service provided that such member pay to the retirement system his normal contributions for such period.

(Ord. 104912 § 1, 1975; Ord. 104244 § 1, 1975; Ord. 104156 § 2, 1974; Ord. 101615 § 1, 1972; Ord. 79798 § 1, 1951; Ord. 78444 § 6, 1949.)

1. Editor's Note: Ord. 69816 was repealed by Ord. 107790.

### 4.36.130 Board of Administration.

A. There is created and established a Board of Administration which shall, under the provisions of this chapter and the direction of the City Council, administer the retirement and death benefit systems and the retirement fund created by this chapter. Under and pursuant to the direction of the City Council the Board shall provide for the proper investment of the moneys in the retirement fund. The Board of Administration shall consist of seven members as follows:

1. The Chairman of the Finance Committee of the City Council;
2. The City Comptroller;
3. The City Treasurer;
4. Three persons who are members of

the retirement system and who shall be elected by the members of the retirement system including retired members; provided, that persons who have elected upon termination of their employment to leave all their contributions in the retirement fund pursuant to the provisions of Section 4.36.200C shall not be eligible to vote for or be elected to such positions; and provided, further, that at least one, but not more than two such elected members of the Board shall at the time of their election be employed other than in the transportation operations of the Municipality of Metropolitan Seattle or in a city department other than the Lighting Department or Water Department of the city;

5. One member who shall be appointed by the other six members; provided that such appointed member shall not be a city employee or a retired city employee and shall not be an employee of the Municipality of Metropolitan Seattle who has membership in the retirement system.

B. Elected members and the appointed member shall serve for a three-year term ending July 1st of the third year of such term, provided that the initial terms of the elected members expire July 1, 1971, July 1, 1972, and July 1, 1973; and the initial term of the appointed member shall expire July 1, 1973.

C. Elections for the members of the Board who are elected as provided in this section shall be administered by the Board. Ballots shall be accepted only if received by the Board's designated ballot counter on or before its close of business on the first Monday in June of each calendar year.

D. Any vacancy occurring in an elected position shall be filled by the City Council by appointment to such position of a member eligible to be elected thereto. The member so appointed shall serve until such vacancy is filled by the election for the unexpired term of a member eligible to be elected for a full term to such position at the next succeeding first Monday in June, unless the vacancy occurred less than one year before the expiration of the term of such elected member, in which case the member so appointed shall serve for the remainder of the unexpired term. Any vacancy occurring in the appointed member position, shall be filled by appointment by the City Council for the unexpired term.

E. The Chairman of the Finance Committee

of the City Council shall be ex officio chairman, the City Comptroller ex officio Secretary, and the City Treasurer ex officio Treasurer of the Board.

F. The investment of all or any part of the retirement fund shall be as permitted by RCW 35.39.040.

G. Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in this state, or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state.

H. The City Treasurer shall be the custodian of the retirement fund. All payments from said fund shall be made by the City Treasurer but only upon warrant duly executed by the City Comptroller.

I. Except as herein provided, no member and no employee of the Board shall have any interest, direct or indirect, in making of any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of the Board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the Board; nor shall any member or employee of the Board become an endorser or surety or become in any manner an obligor for moneys invested by the Board.

(Ord. 107312 § 1, 1978; Ord. 101794 § 1, 1973; Ord. 101738 § 1, 1973; Ord. 100877 § 1, 1972; Ord. 98861 § 1, 1970; Ord. 98163 § 1, 1969; Ord. 83534 § 2, 1954; Ord. 78444 § 9, 1949.)

#### 4.36.140 Powers and duties of Board.

The administration of the Retirement and Death Benefit System is vested in the Board of Administration created in Section 4.36.130. The Board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

A. The Board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this chapter. At the end of the three-year period beginning with the year 1974, and at the end of every three-year period thereafter, the Board shall cause to be made an actuarial investigation

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into the mortality, service and compensation experience of the members and beneficiaries as defined by this chapter; and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation and subject to the approval of the City Council, shall:

1. Make any necessary changes in the rate of interest;

2. Adopt for the retirement system such mortality, service, and other tables as shall be necessary;

3. Revise or change the rate of contribution by the city on the basis of such mortality, service and other tables as may be necessary.

B. The Board shall promptly transmit to the City Council a report covering the actuarial investigation and actuarial valuation provided for in subsection A of this section.

C. In addition to other records and accounts, the Board shall keep such detailed records and accounts as shall be necessary to show the financial condition of the retirement fund at all times.

D. The Board shall annually transmit to the City Council a report showing the financial condition of the fund established by this chapter.

E. Nothing in this section shall be construed to limit the right of the Board, subject to approval of the City Council, to make changes in rates of interest whenever the Board deems it necessary or advisable, or to secure actuarial reports more often than every three years.

F. Whenever the Board deems it necessary or advisable, it may recommend that the City Council change the rates of contributions of members on the basis of mortality, service, and other tables adopted by the Board pursuant to subsection A of this section.

(Ord. 105887 § 1, 1976; Ord. 104572 § 3, 1975; Ord. 102931 § 1, 1974; Ord. 101024 § 2, 1972; Ord. 99566 § 2, 1970; Ord. 78444 § 7, 1949.)

### 4.36.150 Payment of bonus dividend.

The Board may, with the advice of actuaries appointed by the Board and subject to the approval of the City Council by resolution, declare and pay an annual bonus dividend to all retired members and beneficiaries receiving monthly payments, except beneficiaries receiving installment payments of accumulated contributions

under Section 4.36.270A. Such bonus dividend, when so declared, shall be paid only from such earnings from investments, including profit from sales of securities and reserves accumulated from such sources, as are not required for the payment of interest upon employee and city contributions.  
(Ord. 96293 § 2, 1967; Ord. 78444 § 7.1, 1949.)

### 4.36.160 Borrowing of money.

The Board for and on behalf of the retirement system, is authorized to borrow money from time to time, in amounts not to exceed One Million Dollars (\$1,000,000.00) outstanding at any one time, and at interest rates not to exceed six percent per year and to execute the necessary notes and pledge as collateral securities held by the retirement system, all in connection with the investment of moneys in the retirement fund authorized by Section 4.36.130. Such notes or other evidence of indebtedness shall not constitute an indebtedness of the city, and shall be payable solely from the retirement fund.

(Ord. 87916 § 1, 1959; Ord. 78444 § 9-1, 1949.)

### 4.36.170 Contributions by city.

There shall be paid into the retirement fund by contributions of the city, the amounts necessary to pay all pensions as shall be actuarially determined from time to time and all other benefits allowable to members and their beneficiaries under the provisions of this chapter including death benefits, except such as are provided by the accumulated contributions and death benefit assessments of members.  
(Ord. 104572 § 4, 1975; Ord. 78444 § 10, 1949.)

### 4.36.180 City obligations.

A. The payments of the city due the retirement fund as provided for in this chapter are made obligations of the city except as provided in subsection B of this section. The Board shall annually, on or before the 10th day of July each year, prepare and submit to the City Council an estimate of the amounts necessary to meet such obligations, and the City Council shall provide for the raising of such amounts as are necessary to make such payments.

B. The city may at any time change, modify or repeal this chapter or any part thereof in respect to its future obligations to any member

not at that time receiving or being eligible to a pension hereunder. It is specifically provided, however, and the city covenants and guarantees, that the city's obligation to those members receiving or eligible to a retirement allowance prior to such change, modification or repeal shall continue in full force and effect as provided in this chapter; and that the city's obligation to those members not receiving or being eligible to a pension at the time of such change, modification or repeal, will be a retirement allowance at pension age equal to the actuarial equivalent of the accumulated value of the member's contribution standing to his credit at date of pension, and the value of the city's obligation as actuarially determined under Section 4.36.170 to the date of such change, modification or repeal.

(Ord. 104572 § 5, 1975; Ord. 78444 § 11, 1949.)

#### 4.36.190 Discontinuance or reentrance of eligible employee.

A. Should the city service of a member not eligible for retirement under the provisions of this chapter, be discontinued, except by death, prior to completion of five years' membership in the retirement system, he shall be paid six months after the date of discontinuance such part of his accumulated contributions as he shall demand; provided, however, that such member may apply to the Board and by unanimous vote the Board may grant a request for immediate withdrawal of contributions. If in the opinion of the Board such member is permanently separated from city service by reason of such discontinuance, he shall be paid forthwith all his accumulated contributions, with interest. Should the city service of an employee not eligible for retirement under subsections A and B of Section 4.36.200 who has been a member of the retirement system for at least five years be discontinued, except by death, he may apply for immediate withdrawal of his accumulated contributions as hereinabove provided, or elect in writing within six months after such termination to leave his accumulated contributions in the retirement fund, and thereafter, upon reaching the required age and making application therefor, he shall receive a retirement allowance as provided in Section 4.36.200C; provided, that if discontinuance of city service is caused by intemperance, wilful misconduct or violation of law

on the part of the member, of which the Board shall be the judge, the Board, in its discretion, may pay to the member, in one lump sum, his accumulated contributions, in lieu of all other rights, privileges or benefits under this chapter; and such payment shall constitute full satisfaction of all obligations of the city to such member, and upon receipt of such payment he shall cease to be a member of the system.

Any member eligible for retirement under subsections A and B of Section 4.36.200 whose city service has been discontinued, except by death, and any member whose city service has been discontinued and who has elected to leave his accumulated contributions in the retirement fund, may, in the manner hereinabove provided, apply to the Board for withdrawal of contributions, but in such case the Board may, in its discretion, approve such request or disapprove the same and, if such member then be eligible, authorize his retirement. Upon withdrawal of contributions the full amount deposited by the city in the retirement fund for such member's benefit, plus interest, shall be available to meet the obligations of the city under this chapter.

B. Subject to rules and regulations established by the Board, any member or former member who reenters city service may redeposit in the retirement fund an amount equal to that which he previously withdrew therefrom at the last termination of his membership plus compound interest which would have accumulated on the amount, as determined by the Board, between the last termination of his membership and reinstatement in the system, such redeposit to be paid into the retirement fund. If a member upon reentering the retirement system after a termination of his membership does not make such a redeposit as hereinabove provided, he shall lose credit for prior service and the rate of his contributions for future years shall be at the rate provided for in subsection A of Section 4.36.110. In the event such redeposit is made by a member, his rate of contribution shall be as determined under Section 4.36.110A, and the city shall reinstate the prior service credit for such member.

Any former employee who prior to March 1, 1977, discontinued city service to accept other public employment and who because of such subsequent public employment was permitted to leave his contributions in the retirement fund and retain membership in the retirement system shall be eligible after retirement from such



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subsequent public employment to receive a retirement allowance as provided in Section 4.36.200D.

(Ord. 106272 § 1, 1977; Ord. 104572 § 6, 1975; Ord. 104156 § 3, 1974; Ord. 98122 § 1, 1969; Ord. 78444 § 12, 1949.)

**4.36.200 Retirement of a member for service by Board.**

Retirement of a member for service shall be made by the Board as follows:

A. Any member in the city service may retire by filing with the Board a written application, stating when he desires to be retired, such application to be made at least thirty days prior to date of retirement; provided, however, that the member, at the time specified for his retirement, shall have completed five years of city service as defined in this chapter, and shall have attained the age of sixty-two years, or shall have completed ten years of city service, and shall have attained the age of fifty-seven years, or shall have completed twenty years of city service and shall have attained the age of fifty-two years, or shall have completed thirty years of city service as defined in this chapter. Permanent discontinuance of city service after the member has become eligible for a retirement allowance under the provisions of this chapter shall entitle such member to his retirement allowance: Provided that if discontinuance of city service is caused by intemperance, wilful misconduct or violation of law on the part of the member, of which the Board shall be the judge, the Board of Administration, in its discretion, may pay to the member, in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member, and upon receipt of such payment he shall cease to be a member of the system.

B. Any member of the retirement system who, upon termination of his employment with the city after at least five years' membership in the retirement system, elects to leave all his contributions in the retirement fund pursuant to Section 4.36.190A shall be eligible to receive a retirement allowance upon reaching the age of sixty-two years; provided, that if such member completed ten years of service prior to termination of his employment, he shall be eligible to receive a retirement allowance upon reaching the age of fifty-seven years, and if such

member completed twenty years of service prior to termination of his employment, he shall be eligible to receive a retirement allowance upon reaching the age of fifty-two years. Such person shall file with the Board a written application, stating the date when he wishes the payment of his retirement allowance to commence, at least thirty days prior to said date. He shall thereupon be awarded a retirement allowance as provided for members in Section 4.36.210, and shall be eligible to elect in lieu thereof any of the options provided in Section 4.36.260; provided, that any person leaving the city service prior to qualifying for retirement under subsection A shall not be eligible for the alternative retirement allowance computations provided in subsections D and E of Section 4.36.210, nor shall he be eligible to receive any disability retirement allowance under Sections 4.36.230, 4.36.240 and 4.36.250, nor shall his estate or his beneficiaries receive the death benefit provided in Section 4.36.320; provided further, that persons leaving the city service prior to qualifying for retirement under subsection A of Section 4.36.200 shall, if and when eligible to receive a retirement allowance as provided in this subsection, be eligible for the alternative allowance computation provided in subsection F of Section 4.36.210, based upon his age at the time of commencement of payment of such member's retirement allowance, and in the event any such former employee dies before commencement of his retirement allowance pursuant to this subsection, the provisions of Section 4.36.270B shall be applicable to such person's spouse, if named as beneficiary, and if there is no surviving spouse, the provisions of Section 4.36.270C shall be applicable to such person's child or children under the age of eighteen years, if named as beneficiary.

C. Any former employee who prior to March 1, 1977, discontinued his city service to accept other public employment and who, because of such subsequent public employment, was permitted to leave his contributions in the retirement fund, shall be eligible to receive a retirement allowance upon reaching the age of sixty-five years; provided, that if such former employee completed five years of city service, he shall be eligible to receive a retirement allowance upon reaching the age of sixty-two years, and if such former employee completed ten years of city service, he shall be eligible to receive a retirement allowance upon reaching the age of

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fifty-seven years; and if such former employee completed twenty years of city service, he shall be eligible to receive a retirement allowance upon reaching the age of fifty-two years; but no such former employee shall be entitled to receive retirement benefits under this subsection until retiring from his subsequent public employment or employments. Such person shall file with the Board a written application, stating the date when he wishes the payment of his retirement allowance to commence, at least thirty days prior to said date. He shall thereupon be awarded a retirement allowance as provided for members in Section 4.36.210, and shall be eligible to elect in lieu thereof any of the options provided in Section 4.36.260; provided, that any former employee to whom this subsection is applicable shall not be eligible for the alternative services allowance computation provided in subsections D and E of Section 4.36.210, nor shall he be eligible to receive any disability retirement allowance under Sections 4.36.230, 4.36.240 and 4.36.250, nor shall his estate or his beneficiaries receive the death benefit provided in Section 4.36.320; provided further, that such former employees shall, if and when eligible to receive a retirement allowance as provided in this subsection, be eligible for the alternative allowance computation provided in subsection F of Section 4.36.210, based on his or her age at the time of commencement of payment of such member's retirement allowance, and, in the event any such person dies before commencement of his retirement allowance pursuant to this subsection, the provisions of Section 4.36.270B shall be applicable to such person's spouse, if named as beneficiary, and if there is no surviving spouse, the provisions of Section 4.36.270C shall be applicable to such person's child or children under the age of eighteen years, if named as beneficiary.

(Ord. 107164 § 2, 1978; Ord. 106272 § 2, 1977; Ord. 104382 § 2, 1975; Ord. 104156 § 4, 1974; Ord. 99566 § 3, 1970; Ord. 98122 § 2, 1969; Ord. 84510 § 1, 1955; Ord. 78444 § 13, 1949.)

Cases: Seattle ordinance establishing a retirement system for superannuated officers and employees of the city and setting the age limit at sixty-seven years is valid. *Browning v. Seattle*, 50 W.2d 813, 314 P.2d 648 (1957).

#### 4.36.210 Retirement allowances designated.

A. A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of subsection B of this section, which shall consist of:

1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

2. A pension purchased by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member.

3. For any member having credit for prior service, an additional pension purchased by the contributions of the city equal to one and one-third percent of the final compensation multiplied by the number of years of prior service credited to the member, if total prior service credit at such rate shall amount to sixteen and two-thirds percent or more of final compensation; if such total prior service credit shall not equal sixteen and two-thirds percent of final compensation such additional pension shall be increased by one-third of one percent of final compensation, multiplied by the number of years of prior service credited to the member for the period between July 1, 1919, and July 1, 1929, but such prior service credit for the member shall not exceed a total of sixteen and two-thirds percent of final compensation; provided, further, that if a member shall retire before attaining the age of sixty-two years the total additional pension computed as above shall be reduced by the following percentages:

At age 61. . . . .	6.48	At age 55 . . . . .	36.18
At age 60. . . . .	12.48	At age 54 . . . . .	39.92
At age 59. . . . .	18.02	At age 53 . . . . .	43.38
At age 58. . . . .	23.12	At age 52 . . . . .	46.52
At age 57. . . . .	27.85	At age 51 . . . . .	49.52
At age 56. . . . .	32.12	At age 50 . . . . .	52.30

Appropriate reductions shall be made in case of retirement, under age fifty consistent with the above schedule.

B. If at the time of retirement the basic pension, as defined herein, is in excess of sixty percent of final compensation then the retirement allowance of the member shall be limited to sixty percent of final compensation, allowing full credit for prior service as provided in this chapter and applying accumulated normal contributions of the member and of the city in equal amounts to make up the sixty percent of final compensation. Any residue of the accumulated normal contributions of the

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member over the amount so applied shall be considered as accumulated additional contributions and may be subject to such rules as the Board may have adopted governing the same. Any residue of the accumulated contributions of the city over the amount so applied shall remain in the retirement fund to be applied to the city's obligations to the fund.

All retirement allowances shall be limited to sixty percent of final compensation except that increases in retirement allowances after retirement may be received without limitation; and further, that where an allowance is One Hundred Ten Dollars (\$110.00) per month or less, the sixty percent of final compensation limit shall not apply.

C. The monthly benefits of all members retired for service or disability prior to January 1, 1974, and the monthly benefits payable to any person as the result of the death of any member who was retired for service or disability prior to January 1, 1974, shall be increased as of January 1, 1975, by the percentage indicated in the following table opposite the year of retirement of the member upon whose service such benefits are based:

Year of retirement	Percentage increase of monthly benefit payable immediately prior to January 1, 1975
1973	1%
1972	2
1971	3
1970	5
1969	7
1968	9
1967	11
1966	13
1965	15
1964	17
1963	19
1962	21
1961	23
1960	25
1959	27
1958	29
1957	31
1956	33
1955	35
1954	37
1953	39
1952	41
1951	43

1950	45
1949	47
1948	49
1947	51
1946	53
1945	55
1944	57
1943	59
1942	61
1941	63
1940	65
1939	67
1938	69
1937	71
1936	73
1935	75
1934	77
1933	79
1932	81
1931	83
1930	85
1929	87;

Provided, that the increases herein shall not be applicable to persons receiving benefits as the result of the death of a member who elected "Option B" as provided in Section 4.36.260. The increases provided herein shall be paid from available retirement system funds or from contributions of the city. Nothing in this subsection shall affect the amount of any bonus dividend declared pursuant to Section 4.36.150, nor shall any such bonus dividend be considered as a part of monthly benefits for the purpose of computing the percentage increases authorized in this subsection.

D. For members retiring for service subsequent to January 1, 1951, there is established the following scale of minimum retirement allowances, subject to subsection G of this section and subject to the member being sixty years of age or over and having at least ten years of creditable service. The amounts shown in the scale shall be subject to pro rata adjustments for service and/or age but for half-year fractions only.

Attained Age	LENGTH OF SERVICE IN YEARS				
	10	11	12	13	14
65	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00
64	56.00	58.00	60.00	60.00	60.00
63	47.00	50.00	54.00	58.00	60.00
62	43.00	45.00	47.00	49.00	53.00
61	38.00	40.00	43.00	47.00	49.00
60	37.00	39.00	41.00	44.00	47.00

Attained Age  
65  
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CITY EMPLOYEES' RETIREMENT SYSTEM

LENGTH OF SERVICE IN YEARS

Attained Age	15	16	17	18	19	20
65	\$60.00	\$60.00	\$63.00	\$66.00	\$69.00	\$73.00
64	60.00	60.00	61.00	64.00	67.00	71.00
63	60.00	60.00	60.00	62.00	65.00	69.00
62	56.00	58.00	59.00	61.00	63.00	67.00
61	53.00	56.00	58.00	59.00	62.00	65.00
60	50.00	52.00	55.00	57.00	60.00	63.00

month, in which case the retirement allowances may not exceed One Hundred Ten Dollars (\$110.00) per month. The pension payable over and above the basic pension shall be purchased by contributions of the city.

The pension payable over and above the basic pension shall be purchased by contributions of the city.

E. For members retiring for service subsequent to January 1, 1953, there is established the following "dollar" scale which may be used in fixing the amount of a service retirement allowance but when used the allowance indicated shall not be in excess of One Hundred Ten Dollars (\$110.00) per month which shall be subject to subsection G and shall not be subject to the limitation of sixty percent of final compensation except when such final compensation is more than Two Hundred Dollars (\$200.00) per month. The pension payable over and above the basic pension shall be purchased by contributions of the city.

For each Year of Creditable Service

- \$3.65 for each year at age 65 or over
- 3.55 for each year at age 64
- 3.45 for each year at age 63
- 3.35 for each year at age 62
- 3.25 for each year at age 61
- 3.15 for each year at age 60

F. For members retiring for service after December 31, 1974, there is established the following "percentage" scale which may be used in fixing the amount of a service retirement allowance, to be computed by multiplying the number of years of creditable service by the indicated percentage of final compensation; provided that such scale may also be used in determining benefits of surviving spouses of employees receiving disability retirement benefits under Section 4.36.230E but shall not add more than One Hundred Thirty Dollars (\$130.00) per month to the basic pension upon which such surviving spouses' benefits are based; provided, further, that such scale may also be used in determining benefits payable under Section 4.36.270B to the surviving spouse of any member who was at least forty-eight years of age at the time of such member's death. Use of this scale is subject to subsection G and to the limitation of sixty percent of final compensation except where final compensation is less than Two Hundred Dollars (\$200.00) per

Seattle Municipal Code  
As Amended in 1980  
For current SMC, contact  
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Years of Service	Retirement Age (or, for Surviving Spouse's Benefits, Deceased Member's Age at Death)									
	48	49	50	51	52	53	54	55	56	
30 or more	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
29	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00
28	1.60	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00
27	1.50	1.60	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00
26	1.40	1.50	1.60	1.70	1.80	1.90	2.00	2.00	2.00	2.00
25	1.30	1.40	1.50	1.60	1.70	1.80	1.90	2.00	2.00	2.00
24	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.90	2.00	2.00
23	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.90	2.00
22	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.90
21	.90	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80
20	.82	.90	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70
10-19	.82	.89	.96	1.03	1.10	1.20	1.30	1.40	1.50	1.60
	57	58	59	60	61	62	63	64	65	
30 or more	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
29	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
28	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
27	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
26	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
25	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
24	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
23	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
22	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
21	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
20	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00
10-19	1.52	1.58	1.64	1.70	1.76	1.82	1.88	1.94	2.00	2.00
5 - 9	-	-	-	-	-	1.82	1.88	1.94	2.00	2.00

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The application of the scales herein established and in subsections D and E shall be at the option of the members.

G. Any member who has heretofore elected or who may hereafter elect to receive one of the options provided for in Section 4.36.260 and whose retirement allowance will be increased by the foregoing provisions, shall receive only the proper actuarial equivalent of such increase.

H. The alternative retirement allowance computations set forth in subsections D and E shall be available only to members who remain in city service until they attain age sixty and shall not be available to members who retire or are otherwise separated from city service prior to age sixty. Except as provided in Sections 4.36.200 C and D, no person leaving the service of the city prior to attaining the age of forty-eight shall be eligible for the alternative retirement allowance computation provided in Section 4.36.210F; provided, that the surviving spouse of an employee retired for disability shall be entitled to the benefits under Section 4.36.230E based upon the alternative retirement allowance computation provided in accordance with subsection F if such employee attained the age of forty-eight prior to death.

(Ord. 108009 § 2, 1979; Ord. 106272 § 3, 1977; Ord. 104572 § 7, 1975; Ord. 104244 § 2, 1975; Ord. 104156 §§ 5, 6, 1974; Ord. 100792 § 3, 1972; Ord. 99566 §§ 4, 5, 6, 1970; Ord. 98543 § 1, 1970; Ord. 98122 § 3, 1969; Ord. 97303 §§ 1, 2, 1968; Ord. 96293 § 1, 1967; Ord. 95183 § 1, 1966; Ord. 94354 § 2, 1965; Ord. 90730 § 1, 1961; Ord. 86133 § 1, 1957; Ord. 84566 § 3, 1955; Ord. 83534 § 3, 1954; Ord. 81521 § 1(part), 1952; Ord. 79403 § 3, 1950; Ord. 78444 § 14, 1949.)

#### 4.36.220 Retirement for disability.

A. Any member who has not attained the age of sixty-five may be retired for permanent and total disability, either ordinary or accidental, occurring while in city service and not connected with any illness or disability existing prior to entering city service, upon examination as hereinafter set forth, if such employee meets either of the following requirements:

1. The disability of such member arose out of and in the course of his employment as an employee of the city; or
2. Such member had, at the time of occurrence of such disability, at least ten years

of city service, over a period of not to exceed fifteen years immediately preceding retirement, provided that city service lost while on previous disability retirement shall not be considered in determining if the applicant has city service in the limits specified.

B. Any member while in the city service, or within three months after the discontinuance of city service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of city service, shall be examined by a physician or surgeon, appointed by the Board of Administration, upon the application of the head of the office or department in which the member is employed, or upon application of the member, or a person acting in his behalf, stating that the member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination shows, to the satisfaction of the Board, that the member is permanently and totally incapacitated either physically or mentally for the performance of duty and ought to be retired, the Board shall retire the member for disability forthwith.

C. The Board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and of Section 4.36.240, and shall pay for such medical services and advice such compensation as the Board shall deem reasonable.

D. The provisions of this section shall not be applicable to employees pensioned for permanent and total disability, as defined in and pursuant to state law.

(Ord. 101274 § 1, 1972; Ord. 89419 § 1, 1960; Ord. 78444 § 15, 1949.)

#### 4.36.230 Disability allowances designated.

A. Upon retirement for disability, as provided in Section 4.36.220, provided the disability is not due to intemperance, wilful misconduct or violation of law, of which the Board shall be the judge, a member shall receive a retirement allowance calculated as follows:

One and one-half percent of final compensation multiplied by years of creditable service, if such retirement allowance exceeds one-third of his final compensation; otherwise one and one-half percent of final compensation multiplied by years of service which would be creditable to him were his services to continue until

## PERSONNEL

attainment of age sixty-two but such alternative disability retirement allowance shall not exceed one-third of such final compensation; provided, that no disability retirement allowance shall exceed sixty percent of final compensation. Notwithstanding any provision of this section to the contrary, the minimum retirement allowance shall be One Hundred Forty Dollars (\$140.00) per month.

The retirement allowance as above calculated shall consist of:

1. An annuity which shall be the actuarial equivalent of the member's accumulated normal contributions;

2. A pension which shall be the actuarial equivalent of the city's matching contributions;

3. A pension for prior service, if any, calculated at the rate of one and one-half percent of final compensation for each year of prior service, which shall be provided by contributions of the city;

4. An additional pension, provided by contributions of the city, should the calculation of the allowance show that subsections 1, 2 and 3 above are not enough to produce the retirement allowance indicated;

5. When use of proper annuity and pension rates results in a retirement allowance amounting to more than would be realized by adherence to the formula indicated in the second paragraph of this section the Board shall allow the higher amount.

B. The disability allowances of all members retired for disability prior to January 1, 1971, shall on January 1, 1971, be increased by Twenty Dollars (\$20.00) per month over the monthly benefit payable immediately prior to January 1, 1971, but no such pension of members retired for disability shall be less than One Hundred Forty Dollars (\$140.00) per month as of such date. Nothing in this subsection shall affect the amount of any bonus dividend declared pursuant to Section 4.36.150. Such increases shall be paid from available retirement system funds or from contributions of the city; provided, that such increases shall not be applicable to persons retired for disability on and after September 1, 1970 and on and before December 31, 1970 who pursuant to Ordinance 99271<sup>1</sup> select benefits applicable to persons who retire on and after January 1, 1971.

C. If disability is due to intemperance, wilful misconduct, or violation of law, on the

part of the member, the Board in its discretion, may pay to the member, in one lump sum his accumulated contributions in lieu of a retirement allowance; and such payment shall constitute full satisfaction of all obligations of the city to such member; and upon receipt of such payment he shall cease to be a member of the system.

D. Upon the death of a member, while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons as he shall have nominated by written designation duly executed and filed with the Board; provided, that such refund of contributions may be made in monthly payments if requested by the beneficiary and approved by the Board.

E. Any surviving spouse of a member receiving a disability retirement allowance may, if named as beneficiary, elect to receive and thereupon shall be paid in lieu of benefits under Section 4.36.230D a monthly benefit the equivalent of a survivor's "Option E" retirement allowance computed on the basis of the member's age at date of death, years of creditable service, and normal and matching contributions reduced by all sums theretofore paid the deceased member as annuity on normal contributions and pension on matching contributions. The spouse may elect to receive a cash payment of not to exceed one-half of the deceased member's remaining normal contributions, and such cash payment shall effect a reduction of the survivor's monthly benefit by the amount of annuity such payment would have purchased. (Ord. 107228 § 2, 1978; Ord. 100792 § 4, 1972; Ord. 99566 §§ 8, 9, 1970; Ord. 95183 §§ 2, 3, 1966; Ord. 88897 § 3, 1960; Ord. 83534 § 4, 1954; Ord. 81521 § 1(part), 1952; Ord. 79403 § 4, 1950; Ord. 78444 § 16, 1949.)

1. Editor's Note: Ord. 99271 is a previous amendment to this chapter.

### 4.36.240 Examination of disability beneficiary—Cancellation of allowance.

A. The Board may require any disability beneficiary, under age sixty-two years, to undergo medical examination by a physician or surgeon, appointed by the Board at a place to be designated by the Board. Upon the basis of such

examination the Board shall determine whether such disability beneficiary is still totally and permanently incapacitated, either physically or mentally, for city service. If the Board shall determine that the beneficiary is no longer so incapacitated, he shall be returned to city service at the earliest opportunity in accordance with civil service rules and regulations and upon such return his retirement allowance shall be cancelled.

B. Should a disability beneficiary reenter city service his retirement allowance shall be cancelled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His individual account shall be credited with his accumulated normal contributions less the annuity payments made to him, except as provided in Section 4.36.240C. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

C. Should any disability beneficiary under age sixty-two refuse to submit to medical examination, his pension may be suspended and should refusal continue for one year, his retirement allowance may be cancelled. Should any such disability beneficiary engage in a gainful occupation he shall immediately report his gross monthly income to the Board and upon receipt of such information the Board shall reduce the retirement allowance to an amount, which when added to the compensation earned by him in such occupation, shall not exceed the amount of the salary or wages presently attached to the regular position held by the disability beneficiary at the time of his retirement.

Should any such disability beneficiary fail to report his gainful occupation the Board shall, whenever information regarding such gainful occupation is received, cause his retirement allowance to be suspended either partially or in full, for the period of time necessary to make up for disability retirement allowance payments drawn by him during the time suspension should have been in effect and should such a beneficiary die before suspended disability retirement allowance payments have equalled payments illegally drawn, the Board shall recover such payments from any benefits which would otherwise be payable to his estate or to a designated beneficiary. Suspension of a disability retirement allowance under such circumstances may be

made even after such a disability beneficiary has attained age sixty-two. Should such disability beneficiary reenter city service the Board may reduce the accumulated contributions which would otherwise be credited to his account, as contemplated in Section 4.36.240B, to compensate for payments drawn during time suspension should have been in effect.

When any disability beneficiary reaches age sixty-two his retirement allowance shall be established at the amount which would normally be payable to him and shall not be modified for any cause except as provided in this chapter.

D. Should the retirement allowance of any disability beneficiary be cancelled for any cause other than reentrance into city service, he shall be paid his accumulated contributions, less annuity payments made to him.

If, in the judgment of the Board, a disability beneficiary has failed to properly report his earnings from gainful occupation, the Board may cancel his disability retirement allowance.

E. Should any disability beneficiary who was eligible to receive a service retirement allowance at the time he was retired for disability, desire to convert his disability retirement allowance into the service retirement allowance he was eligible to at time of retirement on disability, the Board may grant his petition so to do.

(Ord. 104572 § 8, 1975; Ord. 78444 § 17, 1949.)

#### 4.36.250 Temporary total disability.

A. Any member who has not attained the age of sixty-five and who has at least ten years of city service over a period of not to exceed fifteen years may, upon his application therefor, be retired by the Board for temporary total disability occurring while in city service and not connected with any illness or disability existing prior to entering such service. Such temporary total disability shall include only a physical or mental incapacity which the Board finds and determines temporarily and totally incapacitates such member for city service.

B. Temporary total disability retirement allowances shall be computed and paid until such disability has ceased, in the same manner and amounts as for permanent and total disability, and shall commence immediately after termination of all payments to the member on account of sick leave, vacation, accumulated time, industrial insurance benefits, and disability



payments under Charter Article XVI, Section 24,<sup>1</sup> or any other such benefits.

C. Upon determining that any such temporary total disability has ceased, the Board shall terminate the temporary total disability retirement, and the retirement allowance therefor shall be cancelled; or if a member is otherwise eligible, the Board shall convert such temporary total disability retirement to a permanent total disability retirement or a service retirement.

D. In determining eligibility for temporary total disability retirement and termination thereof, the Board may secure such medical assistance as it deems necessary.

E. Upon termination of any temporary total disability retirement, a member who returns to active city service shall be reinstated as a non-retired member of the retirement system and his accumulated contributions less annuity payments shall be credited to his account and he shall contribute at the rate applicable to him at the time he was retired. Any member who does not return to city service after termination of temporary total disability retirement shall be entitled to his accumulated contributions less any annuity payments made to him.

F. Periods during which a member is retired for temporary total disability shall not be recognized as creditable service on any subsequent retirement.

(Ord. 89752, 1960; Ord. 78444 § 17-1, 1949.)

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

**4.36.260 Optional lesser retirement allowances.**

A member may elect to receive, in lieu of the retirement allowance provided for in Section 4.36.210, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth in this section. Election of any option must be made by written application filed with the Board of Administration at least thirty days in advance of retirement as provided in Section 4.36.200, and shall not be effective unless approved by the Board prior to retirement of the member.

OPTION A. The lesser retirement allowance shall be payable to the member throughout his life; provided, that if he dies before he receives in annuity payments pursuant to Section 4.36.210A1 a total amount equal to the amount of his accumulated contributions as of the date

of his retirement, the balance of such accumulated contributions shall be paid in one lump sum to his estate or to such person as he shall nominate by written designation duly executed and filed with the Board.

OPTION B. The lesser retirement allowance shall be payable to a member throughout his life, provided that if he die before he receives in annuity payments pursuant to Section 4.36.210A1 a total amount equal to the amount of his accumulated contributions as of the date of his retirement, the annuity payments resulting from his accumulated contributions shall be continued and paid to his estate or to such person as he shall nominate by written designation duly executed and filed with the Board, until the total amount of annuity payment shall equal the amount of his accumulated contributions as it was at the date of his retirement.

OPTION C. The member shall elect a "guaranteed period" of any number of years. If he dies before the lesser retirement allowance has been paid to him for the number of years elected by him as the "guaranteed period," the lesser retirement allowance shall be continued to the end of the "guaranteed period," and during such continuation shall be paid to his estate or to such person as he shall nominate by written designation duly executed and filed with the Board.

OPTION D. The lesser retirement allowance shall be payable to the member throughout life, and after the death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of the member.

OPTION E. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the wife or husband of the member.

(Ord. 107228 § 3, 1978; Ord. 78444 § 18, 1949.)

**4.36.270 Death of member who is not retired.**

A. Upon the death of any member who has not been retired pursuant to the provisions of this chapter, such member's accumulated contributions less any payments therefrom already made to such member shall be paid to such member's surviving spouse, or if the deceased member does not have a surviving spouse, or if the surviving spouse prior to the death of such member consented in writing to the naming

as hereafter provided of a different beneficiary or beneficiaries and waived in writing all rights to benefits under Section 4.36.270B, then to such member's estate, or to such person or persons as such member shall have nominated by written designation duly executed and filed with the Board. Such payment may be made in one lump sum or may be paid in installments over a period of not to exceed five years, as may be designated by the member or his beneficiary, with such rate of interest as may be determined by the Board.

B. Any surviving spouse, of a member not retired but having at the date of death at least ten years of creditable service as defined in this chapter, who is entitled to receive such deceased member's accumulated contributions as provided in Section 4.36.270A, may elect to receive and thereupon shall be paid in lieu of benefits under Section 4.36.270A, a benefit the equivalent of a survivor's "Option E" retirement allowance. The spouse may, however, elect to receive in lieu of either the above retirement allowance or the benefits under Section 4.36.270A, a lesser retirement allowance to cease at such spouse's death and in addition a cash payment not to exceed one-half of the deceased member's accumulated normal contributions. However, such withdrawal shall not serve to reduce such lesser retirement allowance except by the amount of annuity which such withdrawal would have purchased.

C. If there be no surviving spouse at the time of death of a member not retired, but having at least ten years of creditable service as defined in this chapter, and such member has surviving one or more children under the age of eighteen years, and if such child or children are named as beneficiary or if the contributions of the deceased member are payable to such member's estate under the provisions of Section 4.36.270A, then the legal guardian of such child or children may elect for such child or children a monthly benefit as hereinafter provided, which monthly benefit shall be paid in lieu of the benefits payable under Section 4.36.270A. Such monthly benefits shall be equal to the monthly benefit which would have been paid to the last spouse of such deceased member if such last spouse had been living and married to the deceased member at the time of his death and was otherwise eligible for and elected to receive the benefits provided in Section 4.36.270B equivalent to a survivor's "Option B" retirement allowance

without a cash payment of a portion of the deceased member's accumulated normal contributions. The guardian may, however, elect to receive in lieu of either the above benefits or the benefits under Section 4.36.270A, a lesser retirement allowance which will continue until such child or children reach the age of eighteen years and in addition a cash payment not to exceed one-half of the deceased member's accumulated normal contributions. However, such withdrawal shall not serve to reduce such lesser allowance except by the amount of annuity which such withdrawal would have purchased. All benefits payable under this subsection shall be paid to the legal guardian of such child or children under the age of eighteen years until all of such children have reached the age of eighteen years, and shall be for the benefit of such minor children.

(Ord. 107228 § 4, 1978; Ord. 106798 § 1, 1977; Ord. 106587 § 1, 1977; Ord. 88897 § 4, 1960; Ord. 79403 § 5, 1950; Ord. 78444 § 19, 1949.)

#### 4.36.280 Payments in monthly installments.

A pension, annuity, or a retirement allowance granted under the provisions of this chapter, unless otherwise specified herein, shall be payable in monthly installments, and each installment shall be for the current calendar month. (Ord. 78444 § 20, 1949.)

#### 4.36.290 Benefits not subject to garnishment or attachment.

The right of a person to a death benefit, pension, an annuity or a retirement allowance, to the return of contributions, the death benefit, pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this chapter specifically provided. (Ord. 78444 § 21, 1949.)

#### 4.36.300 Estimate of length of service.

If it shall be impracticable for the Board to determine from the records the length of service, the compensation, or the age of any member, the Board may estimate for the purpose of this chapter, such length of service, compensation or age.

(Ord. 78444 § 22, 1949.)

## PERSONNEL

### 4.36.310 Retired members who are employed on salary.

Effective January 1, 1953 annuity payments shall be paid to retired members who are in city service, but all pension payments shall be suspended while such retired members are employed on salary by the city, except as to the amount such pension payments may exceed the salary for the same period; provided, that such pension part of retirement allowances shall not be suspended as to any member who is temporarily employed in city service for periods not to exceed 1040 hours in any one year.

(Ord. 107164 § 3, 1978; Ord. 81521 § 1(part), 1952; Ord. 79403 § 6, 1950; Ord. 78444 § 23, 1949.)

### 4.36.320 Death benefits—Payment.

A. Upon proof of the death on or subsequent to January 1, 1960, of a member of the retirement system who has paid all death benefit assessments as hereinafter provided and who has not been retired, the sum of Two Thousand Dollars (\$2,000.00) as a death benefit shall be paid to such member's surviving spouse or if such deceased member does not have a surviving spouse, or if the surviving spouse prior to the death of such member consented in writing to the naming as hereinafter provided of a different beneficiary or beneficiaries, then to such member's estate or to such person or persons as such member shall have nominated by written designation duly executed and filed with the Board.

B. Any member of the retirement system who shall retire subsequent to December 31, 1949, may elect to continue in the death benefit system and pay the death benefit assessments: provided, that such payment shall not be required of a member retiring for disability until age sixty, whereupon such member shall be required to pay all death benefit assessments thereafter accruing if he desires to continue in the death benefit system. Upon proof of the death of such a member of the retirement system subsequent to December 31, 1959, who has elected to continue in the death benefit system and has paid all death benefit assessments hereinabove required, there shall be paid to such member's surviving spouse, or if the deceased member does not have a surviving spouse, or if the surviving spouse prior to the death of such member consented in writing to the naming as hereinafter provided of a different beneficiary or beneficiaries, then to

such member's estate, or to such person or persons whom such member shall have nominated by written designation duly executed and filed with the Board, the sum of One Thousand Dollars (\$1,000.00), and an additional One Thousand Dollars(\$1,000.00) where death of such member occurs within twelve months from the date such member retires.

(Ord. 106798 § 2, 1977; Ord. 88901 § 1, 1960; Ord. 85562 § 1, 1956; Ord. 78444 § 24, 1949.)

### 4.36.330 Death benefits—Specifications.

A. All moneys paid into or out of the retirement fund on account of the death benefit system shall be accounted for by double entry separately in the records of the retirement system in such a manner as to reveal currently the amount of money held for payment of death benefits.

B. The first death benefit assessment, which shall be for the year 1950, is fixed at Five Dollars (\$5.00) per member and shall become due and payable January 1, 1950, and collectible by payroll deduction or otherwise on January 25, 1950. Subsequent death benefit assessments shall become due and payable January 1st of each year and collectible by payroll deduction or otherwise as directed by the Board. In order to insure coverage of members laid off or on leave of absence, the Board is authorized to transfer amounts necessary to pay assessments due from such members from their normal contributions as temporary loans to be repaid by such members on return to city service.

Death benefit assessments shall be in such amount as shall be determined by the Board but shall not exceed the sum of Six Dollars (\$6.00) in any calendar year.

C. An employee becoming a member of the system during the year shall pay the death benefit assessment fixed for that year if such membership is effective prior to October 1st, which assessment shall be collectible by payroll deduction when the first normal contribution is made. Employees becoming members in October, November and December shall pay only one-half of that annual assessment.

D. The city shall match all death benefit assessments collected from members and such matching payments shall become due and payable immediately following determination of the amount necessary, and should the death benefit system require payments by the city of more than the amount necessary to match

# CITY UNEMPLOYMENT INSURANCE PROGRAM

an assessment of not to exceed Six Dollars (\$6.00), as determined by the Board on advice of its actuary, the same may be made from undivided interest earnings of the city and the employee in the retirement fund not otherwise obligated. All payments by the city shall be due and payable annually on January 1st, beginning January 1, 1950. Assessments collected from retired members shall be matched by funds from departments from which such members retired.

E. Upon establishment of the death benefit system as of January 1, 1950, the Board shall recognize as beneficiaries thereunder all persons previously nominated to receive refund of accumulated contributions under Section 4.36.270A unless a different designation is filed with regard to payment of death benefits.

F. Membership in the death benefit system shall terminate when any member resigns, quits or is discharged and no refund of any portion of death benefit assessments shall be made by reason thereof. Should the Board determine that a member of the retirement system not in city service was maintaining membership for the sole purpose of possibly receiving retirement benefits in the future, the Board shall deny participation in the death benefit system to such member.

G. The Board of Administration shall make all rules and regulations necessary to supplement the death benefit provisions of this chapter. (Ord. 88901 § 2, 1960; Ord. 85562 § 2, 1956; Ord. 78444 § 25, 1949.)

## 4.36.340 Appropriation for administration of retirement system.

The City Council shall appropriate annually from the retirement fund the amount it deems necessary for the purpose of paying the expenses of administering the retirement system. The Board of Administration shall annually submit to the City Council its estimate of the amount necessary to pay such expenses. (Ord. 78444 § 26, 1949.)

## 4.36.350 Members eligible prior to January 1, 1941.

A. In view of the covenants set forth in Section 4.36.180B, any member eligible to a retirement allowance prior to the effective date of the change or modification effective January 1, 1941, shall elect whether to come under the provisions of Sections 4.36.110A, 4.36.210A3 and

4.36.160B as amended January 1, 1941, or to remain under the provisions of such sections prior to such change or modification.

B. Such election shall be made by written declaration upon a form specified by the Board and filed with the Board within ninety days of the effective date of such change or modification.

(Ord. 78444 § 27(a), 1949.)

## Chapter 4.40

### CITY UNEMPLOYMENT INSURANCE PROGRAM

#### Sections:

- 4.40.010 Unemployment insurance program—Generally.
- 4.40.020 Unemployment insurance fund established.
- 4.40.030 Excluded employees.
- 4.40.040 Repayment of benefits to which one is not entitled.
- 4.40.050 Violation—Penalty.

Statutory Reference: For statutory provisions making the State Employment Security Act applicable to political subdivisions, see RCW Ch. 50.44.

#### 4.40.010 Unemployment insurance program—Generally.

A. A program of unemployment insurance is established for eligible employees of the city, including all such eligible employees of the Seattle Public Library upon adoption by the Board of Trustees of the Seattle Public Library of a resolution providing therefor. Employees whose service and pay are interrupted by layoff for lack of work or funds after November 1, 1974, including temporary employees who have completed a stipulated period of employment, and who were employed full time by the city continuously for a period of one year immediately preceding such layoff, and who are not excluded by Section 4.40.030, and who provide evidence that they are available for and actively seeking employment, shall be entitled to receive unemployment compensation benefits for a maximum benefit period of twenty-six weeks in an amount not less than Seventeen Dollars (\$17.00) per week nor more than fifty percent

of the statewide average weekly wage as determined annually by the Washington State Department of Employment Security, under the conditions established in and as more fully described in C.F. 280329.<sup>1</sup> An employee who has been on leave of absence during the year immediately prior to layoff shall be deemed in continuous employment immediately preceding such layoff for purposes of eligibility for unemployment compensation benefits as provided herein, but such leave time when taken without pay shall not be included in the computation of the one-year requirement.

B. The Director of Personnel is authorized and directed to administer the unemployment insurance program, and in such connection may promulgate administrative regulations from time to time in the manner provided in the Administrative Code (Ordinance 102228)<sup>2</sup> to carry out the intent and purpose of this chapter. The Director is further authorized to contract for necessary consulting services, for reinsurance, and for such other services as may be necessary from time to time to administer the unemployment insurance program.

C. Beginning January 1, 1978, the Director of Personnel shall administer an unemployment insurance claims management system. The Director shall have the authority to employ such persons, in accordance with civil service laws and rules, make such expenditures, require such reports, make such investigations and to take such other action as he deems necessary or suitable in limiting the city's unemployment compensation liability and in operating a claims management system. The Director shall also coordinate and manage all recordkeeping and reporting functions required under the State Employment Tax Act and the Director is designated as the liaison for unemployment insurance purposes between the city, state and/or federal officials and agencies. All department heads are directed to cooperate with and aid the Director of Personnel in the operation of a successful claims management system.

D. Beginning January 1, 1978, the program of unemployment insurance shall be continued for all eligible employees of the city by virtue of the mandates and pursuant to the provisions of the State Employment Security Act (RCW Chapter 50). This subsection has been enacted to comply with the provisions of RCW Chapter 50, which mandate unemployment insurance coverage for political subdivisions. This sub-

section shall remain in effect only for so long as such mandatory coverage provisions of RCW Chapter 50 remain effective.

E. In the event the mandatory coverage ceases to be effective, then the section or subsections of this amendatory chapter, to the extent that they apply to unemployment insurance coverage of city employees under the State Employment Security Act (RCW Chapter 50), shall be deemed nullified and the language of the sections being amended shall be reinstated.

F. Represented employees, where the city has agreed so under current effective bargaining agreements, shall be assured of a weekly benefit amount under the state's program which is equivalent to the weekly benefit amount provided under subsection A of this section.

G. No employee of the city shall be entitled to collect city unemployment compensation benefits while drawing unemployment compensation benefits from another source. The intent of this subsection is to prevent an employee from collecting more than the maximum weekly benefit amount, regardless of the source, assured under subsections B and D of this section for the same base year wages.

(Ord. 107063 § 1, 1977; Ord. 104749 § 1, 1975; Ord. 104083 § 1, 1974.)

1. Editor's Note: C.F. 280329 (Comptroller's File) is not included in this Code. Copies are available for public inspection in the office of the City Clerk.

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

**4.40.020 Unemployment insurance fund established.**

A. As of November 1, 1974, there is established in the City Treasury a special fund entitled, "Unemployment Insurance Fund." The unemployment insurance program established by this chapter shall be funded by annual and other appropriations, provided that the Lighting and Water Departments, the Engineering Department as to employees assigned to the Sewerage and Solid Waste Utilities, and all departments with respect to those eligible employees of such departments whose salaries were funded by state or federal grants, shall pay into the unemployment insurance fund amounts paid or expected to be paid during the calendar year for benefits to eligible persons laid off from each such department, together with a proportionate

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share of the cost of administering the program, upon appropriate billings from the Director of Personnel. Claims for benefits under the unemployment insurance program and all costs of administering the program shall be paid from the fund upon vouchers approved by the Director of Personnel or his or her designee and the necessary appropriations are made, and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants and make the necessary transfers.

B. Beginning January 1, 1978, the unemployment insurance fund shall be continued, provided that all Departments, including the Utility Departments referenced in subsection A shall pay into the fund amounts paid or expected to be paid per quarter for benefits to eligible persons together with a proportionate share of the cost of administering the program, upon appropriate billings from the Director of Personnel. The Director of Personnel is authorized to include salaries paid for program management as a cost of administration. (Ord. 107063 § 2, 1977; Ord. 104083 § 2, 1974.)

**4.40.030 Excluded employees.**

The following city employees are excluded from the city unemployment insurance program and shall not be entitled to benefits under the program, provided that beginning January 1, 1978 this section shall only apply according to the provisions of subsections D and E of Section 4.40.010:

A. Employees represented by the Police Officers Guild;

B. Employees represented by the International Association of Fire Fighters, Local No. 27;

C. Employees of the city who are employed under personal service contracts;

D. Employees whose salaries are funded by state or federal grants, except:

1. Where employees are included in the program by collective bargaining agreements with the city, or

2. Where the agency making the grant agrees to fund the costs incurred by participation in the program, or

3. Where the conditions of the grant provide that employees funded by the grant must be afforded benefits to the same extent as other employees.

(Ord. 107063 § 3, 1977; Ord. 105990 § 1, 1976; Ord. 104083 § 3, 1974.)

**4.40.040 Repayment of benefits to which one is not entitled.**

Anyone receiving a payment from the city pursuant to this chapter to which he or she is not entitled shall promptly repay the same to the City Treasurer.

(Ord. 107063 § 4, 1977; Ord. 104083 § 4, 1974.)

**4.40.050 Violation—Penalty.**

A. Anyone who knowingly makes any false statement or representation with intent to secure benefits to which he or she is not entitled under this chapter, and anyone who retains any payments made pursuant to this chapter knowing that he or she is not entitled to retain the same, shall be guilty of a violation of this chapter, and upon conviction thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided herein, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal.

(Ord. 107063 § 5, 1977; Ord. 104083 § 5, 1974.)

Chapter 4.44

DISABILITY COMPENSATION

Sections:

- 4.44.010 Deductions from employee's earnings.
- 4.44.020 City compensation additional to State Industrial Insurance and Medical Aid.
- 4.44.030 Compensation for holidays and earned vacation.
- 4.44.040 Employment of disabled person in other suitable duties.
- 4.44.050 Authority to make rules and regulations.
- 4.44.060 Industrial insurance fund established.
- 4.44.070 City's self insurance program.

Statutory Reference: For statutory provisions on industrial insurance, see RCW Title 51.

4.44.010 Deductions from employee's earnings.

The City Comptroller is authorized and directed to deduct and pay from the earnings of any city employee, in accordance with RCW 41.04.030 and pursuant to written authorization therefor signed by such employee and filed with the City Comptroller in accordance with RCW 41.04.020, such amounts for disability insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided, that no deduction or payment shall be made unless:

A. Such insurance group or company shall provide authorization forms without expense to the city, which authorizations shall save the city harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the city does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program; and

B. As to insurance groups or companies providing such insurance on an individual basis or on a group basis for groups of less than twenty-five individuals, such insurance group or company, for reimbursement to the city of its costs in connection with such deductions and payment, shall pay to the city upon quarterly billings by the City Comptroller Ten Cents (\$0.10) for each payroll deduction for each employee who has authorized as provided herein deduction and payment of disability insurance premiums to such insurance group or company. (Ord. 103015 § 1, 1974.)

4.44.020 City compensation additional to State Industrial Insurance and Medical Aid.

Any city officer or employee otherwise entitled to sick leave or vacation benefits and for whom State Industrial Insurance and Medical Aid is provided, who shall be disabled in the discharge of his duties, and whose disablement results in absence from his regular duties, shall receive compensation from the city in the amount his normal pay exceeds any state disability compensation for the first five regularly scheduled work days of such absence; additional absence shall be compensated for in the amount that eighty percent of normal pay exceeds any state disability compensation for

not to exceed two hundred and fifty-five additional regularly scheduled work days; provided, the disability sustained must qualify the employee for benefits under State Industrial Insurance and Medical Aid Acts. Such compensation shall be authorized, by the Personnel Director, or his designee, with the advice of such employee's department head, on request from the employee supported by satisfactory evidence of medical treatment of the illness or injury giving rise to such employee's claim for compensation under this chapter. Such employee shall continue to receive compensation at the rate provided for herein until such employee returns to full time active duty or such employee exhausts his benefits hereunder, whichever occurs first. Such employee's department head may recommend to the Personnel Director denial of the employee's claim for benefits under the State Industrial Insurance and Medical Aid Acts and under this chapter, and the Personnel Director shall evaluate such recommendation and, if the Director concurs in such recommendation, request denial by the State Department of Labor and Industries of the employee's claim under said state acts. If the Personnel Director requests such denial, the employee shall be continued on the payroll of his department receiving continuous pay at a rate to be determined by the Personnel Director pursuant to applicable state law and city ordinances, until the State Department of Labor and Industries has reviewed and denied such claim.

(Ord. 104878 § 1, 1975; Ord. 91144 § 1, 1962; Ord. 90881 § 1, 1962.)

4.44.030 Compensation for holidays and earned vacation.

Compensation for holidays and earned vacation falling within a period of absence due to such disability shall be at the normal rate of pay including any state disability benefit, but such days shall not be considered as regularly scheduled work days as applied to the time limitations set forth in Section 4.44.020, and disabled employees affected by the provisions of this chapter shall continue to accrue vacation and sick leave as though actively employed.

(Ord. 104878 § 2, 1975; Ord. 90881 § 2, 1962.)

## Chapter 4.48

## GROUP TERM LIFE INSURANCE PROGRAM

**4.44.040 Employment of disabled person in other suitable duties.**

Any employee eligible for the benefits provided by this chapter whose disability prevents him from performing his regular duties but, in the judgment of his physician could perform duties of a less strenuous nature, shall be employed at his normal rate of pay in such other suitable duties as the department head shall direct, with the approval of such employee's physician, until the Personnel Director requests closure of such employee's claim pursuant to this chapter or state law.

(Ord. 104878 § 3, 1975; Ord. 90881 § 3, 1962.)

**4.44.050 Authority to make rules and regulations.**

The Personnel Director is authorized to make such rules and regulations as are necessary for the administration of the provisions of Sections 4.44.020, 4.44.030, and 4.44.040.

(Ord. 104878 § 4, 1975; Ord. 90881 § 4, 1962.)

**4.44.060 Industrial Insurance fund established.**

There is established in the City Treasury an "Industrial Insurance Fund" into which shall be paid all amounts charged to departments for workmen's compensation for departmental employees and from which shall be paid all costs and expenses arising from self insurance by the city of workmen's compensation; and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants.

(Ord. 101715 § 1, 1972.)

**4.44.070 City's self insurance program.**

The Personnel Director shall administer the city's self insurance program for workmen's compensation; establish rules and procedures for the administration of benefits; in consultation with the City Comptroller adjust rates of contributions from the respective city departments to reflect their cost experience; contract for consulting services; and, through the Purchasing Agent, contract for reinsurance and other services and similar items as may be required to administer such program.

(Ord. 104878 § 5, 1975; Ord. 101715 § 3, 1972.)

**Sections:**

- 4.48.010 Adoption.
- 4.48.020 Administration—Duties of Board.
- 4.48.030 Authorization to execute contract
- 4.48.040 Group term life insurance fund established.
- 4.48.050 Program availability to officers and employees.
- 4.48.060 Program availability to certain retired officers and employees.

Statutory Reference: For statutory provisions or group life insurance for public employees, see RCW 48.24.060.

**4.48.010 Adoption.**

The city adopts the following group term life insurance program to be offered on a voluntary basis to certain officers and employees of the city as provided in this chapter. (Ord. 95466 § 1, 1967.)

**4.48.020 Administration—Duties of Board.**

A. The administration of such program is vested in the Board of Administration of the City Employees' Retirement System.

B. The Board, in addition to other duties imposed by ordinance, shall prepare, adopt and revise in an advisory capacity plans for the betterment of the group term life insurance program; review disputed claims thereunder; designate a broker on a nonvested basis by and with the consent of the City Council; and conduct any administrative duties required of the city in connection with such program or incidental thereto.

(Ord. 95466 § 2, 1967.)

**4.48.030 Authorization to execute contract.**

To effectuate such program, and subject to an initial enrollment of city employees showing a participation of not less than seventy-five percent, the President of the City Council and the City Comptroller are authorized and directed to execute for and on behalf of the city a contract with Safeco Life Insurance Company providing for group term life insurance for said



employees commencing January 1, 1967. The contract may be modified pursuant to the terms thereof by resolution of the City Council. (Ord. 95466 § 3, 1967.)

**4.48.040 Group term life insurance fund established.**

There is created and established in the City Treasury a special "Group Term Life Insurance Fund" into which shall be paid all city contributions to the group term life insurance program contemplated by this chapter and all moneys accruing to the city under such program, and from which special fund shall be paid all liabilities incurred by the city by reason of such group term life insurance program, and such other expenditures as may be authorized by ordinance. (Ord. 95466 § 4, 1967.)

**4.48.050 Program availability to officers and employees.**

Subject to the terms of the contract provided for in Section 4.48.030 the benefits of such group term life insurance program shall be available to all officers and employees of the city who are members of their respective retirement systems; including all such city officers appointed or elected to a term of office to the extent permitted by law, all such officers and employees of the Seattle Public Library, provided that the benefits of the program shall also be available six months after commencement of employment to employees without membership in a retirement system who are in positions established primarily to provide training leading to qualification for positions of Police Officer or Fireman. (Ord. 100917 § 1, 1972; Ord. 95466 § 5, 1967.)

**4.48.060 Program availability to certain retired officers and employees.**

Such program is made available to certain retired city officers and employees on an optional basis subject to the terms of the contract. (Ord. 95466 § 6, 1967.)

**Chapter 4.52**

**GROUP ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE PLAN**

**Sections:**

- 4.52.010 Authority to execute contract.
- 4.52.020 Administration.
- 4.52.030 Modification of contract.

**4.52.010 Authority to execute contract.**

The Board of Administration of the City Employees' Retirement System, on behalf of the city, is authorized to negotiate and enter into a contract with the Insurance Company of North America whereby there will be made available to city officers and employees, on a voluntary basis and at the officer's or employee's sole cost and expense a group accidental death and dismemberment insurance plan, the premiums therefor payable by payroll deduction, as recommended by the Board in C. F. 264262.<sup>1</sup> In addition, the contract shall make similar provision for officers and employees of the Seattle Public Library, and officers and employees under the jurisdiction of the Seattle Transit Commission. (Ord. 98295 § 1, 1969.)

1. Editor's Note: C. F. 264262 (Comptroller's File) is not included in this Code. Copies are available for public inspection in the office of the City Clerk.

**4.52.020 Administration.**

The administration of the contract authorized in Section 4.52.010 shall be by the Director of the Personnel Department, or his/her designee, who shall review disputed claims, designate a broker on a nonvested basis by and with the consent of the City Council, and conduct any administrative duties required of the city in connection with such program or incidental thereto. (Ord. 107836 § 2, 1978; Ord. 98295 § 2, 1969.)

**4.52.030 Modification of contract.**

The contract authorized in Section 4.52.010 may be modified with the consent of the carrier in writing concurred in by resolution of the City Council. (Ord. 98295 § 3, 1969.)

## Chapter 4.56

## HEALTH CARE PROGRAM

## Sections:

- 4.56.010 Adoption.
- 4.56.020 Administration.
- 4.56.030 Authority to execute contract.
- 4.56.040 Health care fund established.
- 4.56.050 Program available to officers and employees—Exceptions.
- 4.56.060 Certain benefits available to retired personnel.
- 4.56.070 Effective date.
- 4.56.080 Option of Group Health Cooperative coverage.

## 4.56.010 Adoption.

The city adopts the following health care program for certain officers and employees of the city as provided in this chapter, the cost thereof to be paid by the city. (Ord. 83834 § 1, 1955.)

## 4.56.020 Administration.

A. The administration of such program is vested in the Director of the Personnel Department, or his/her designee.

B. The Director, or his/her designee, in addition to other duties imposed by ordinance, shall prepare, adopt and revise in an advisory capacity plans for the betterment of the health care program, review disputed claims for compensation under the contracts therefor, designate a broker on a nonvested basis by and with the consent of the City Council, and conduct any administrative duties required of the city by such contract or incidental thereto.

(Ord. 107836 § 1, 1978; Ord. 83834 § 2, 1955.)

## 4.56.030 Authority to execute contract.

To effectuate such program, the President of the City Council and the City Comptroller are authorized and directed for and on behalf of the city to make and execute with the carrier designated therein contracts substantially in the form of Exhibits "A" and "B" attached to Ordinance 83834.<sup>1</sup> The contracts may be modified pursuant to the terms thereof by resolution of the City Council.

(Ord. 83834 § 3, 1955.)

1. Editor's Note: Exhibits "A" and "B" are not included in this codification. Copies are on file in the office of the City Clerk.

## 4.56.040 Health care fund established.

There is created and established in the City Treasury a special "Health Care Fund" into which shall be paid all city contributions to the health care program contemplated by this chapter and all moneys accruing to the city under such program, and from which special fund shall be paid all liabilities incurred by the city by reason of such health care program, and such other expenditures as may be authorized by ordinance.

(Ord. 83834 § 4, 1955.)

## 4.56.050 Program available to officers and employees—Exceptions.

Subject to the terms of such contracts and modifications thereof authorized and entered into on behalf of the city in connection with the city's health care program under this chapter, the benefits of such health care program shall apply to all officers and employees while on the payroll, and to their dependents, at city expense, except officers and employees of the Police and Fire Departments who were members of the Washington State Law Enforcement Officers' and Fire Fighters' Retirement System (the "LEFF" System) on or before September 30, 1977; provided, that persons who became members of the LEFF System on or after October 1, 1977, and who are represented by the Fire Fighters' Union, the Police Officers' Guild, or an equivalent labor organization for labor negotiation purposes shall contribute to the payment of the costs of such program in the amount established by labor contract between the city and such organization. The benefits of such program, including dependent benefits, shall accrue to officers and employees of the Seattle Public Library while on the payroll upon adoption by the Board of Trustees of the Seattle Public Library of a resolution providing therefor, and to city officers having a term of office to the extent permitted by law.

(Ord. 107905 § 1, 1978; Ord. 103672 § 1, 1974; Ord. 102498 § 1, 1973; Ord. 83834 § 5, 1955.)

## PERSONNEL

### 4.56.060 Certain benefits available to retired personnel.

Certain benefits of such program are available to certain retired city personnel and their dependents, including retired employees of the public transportation system of the city and their dependents, and to certain officers and employees and their dependents on an optional basis subject to the terms of the contract.

(Ord. 102498 § 2, 1973; Ord. 99837 § 1, 1971; Ord. 93213 § 1, 1964; Ord. 83834 § 6, 1955.)

### 4.56.070 Effective date.

The program shall commence as of January 1, 1955.

(Ord. 83834 § 7, 1955.)

### 4.56.080 Option of Group Health Cooperative Coverage.

Beginning January 1, 1965 and thereafter, any city officer or employee under the city health care program (Sections 4.56.010 through 4.56.070) shall have the option of Group Health Cooperative of Puget Sound coverage in accordance with the terms of the agreement for medical coverage between said Cooperative and the city.

(Ord. 93267 § 1, 1964.)

## Chapter 4.60

### DENTAL CARE PROGRAM

#### Sections:

- 4.60.010 Adoption.
- 4.60.020 Administration.
- 4.60.030 Authority to execute contract.
- 4.60.040 Payments into health care fund.
- 4.60.050 Eligible officers and employees.
- 4.60.060 Effective date.

#### 4.60.010 Adoption.

The city adopts the following dental care program for certain officers and employees of the city provided in this chapter, the cost thereof to be paid by the city.

(Ord. 100862 § 1, 1972.)

#### 4.60.020 Administration.

A. The administration of such program is vested in the Director of the Personnel Department, or his/her designee.

B. The Director, or his/her designee, in addition to other duties imposed by ordinance, shall prepare, adopt and revise in an advisory capacity plans for the betterment of the dental care program, review disputed claims thereunder, from time to time designate a broker on a nonvested basis by and with the consent of the City Council, and conduct any administrative duties required of the city in connection with such program or incidental thereto.

(Ord. 107836 § 3, 1978; Ord. 100862 § 2, 1972.)

#### 4.60.030 Authority to execute contract.

To effectuate such program, the Personnel Director is authorized and directed for and on behalf of the city to make and execute a contract with Washington Dental Service providing for dental insurance benefits for eligible officers and employees of the city upon the terms and conditions contemplated in C. F. 272299.<sup>1</sup> The contract may be modified pursuant to the terms thereof upon the concurrence by resolution or ordinance of the City Council.

(Ord. 108314 § 1, 1979; Ord. 100862 § 3, 1972.)

1. Editor's Note: C. F. 272299 is not included in this codification. Copies are available for examination in the office of the City Clerk.

#### 4.60.040 Payments into health care fund.

All city contributions to the dental care program contemplated by this chapter and all moneys accruing to the city under such program shall be paid into the special "Health Care Fund" heretofore created and established in the City Treasury,<sup>1</sup> and from such special fund shall be paid all liabilities incurred by reason of such dental care program, and such other expenditures as may be authorized by ordinance.

(Ord. 100862 § 4, 1972.)

1. Editor's Note: The Health Care Fund is established in Section 4.56.040 of this Code.

#### 4.60.050 Eligible officers and employees.

Subject to the terms of the contract provided for in Section 4.60.030 the benefits of such dental care program shall apply to all officers and employees of the city who are members of their respective retirement systems and their eligible dependents, including all such city officers appointed or elected to a term of

office to the extent permitted by law, and all such officers and employees of the Seattle Public Library upon adoption by the Board of Trustees of the Seattle Public Library of a resolution providing therefor; provided that the benefits of the program shall be made available to those city officers ineligible by reason of serving a term of office as of April 1, 1972 who elect to make premium payments until the commencement of their next succeeding terms whereupon the benefits of the program shall be applicable to said officers on the same basis as all other officers and employees of the city.

(Ord. 103672 § 1, 1974; Ord. 100990 § 1, 1972; Ord. 100862 § 5, 1972.)

**4.60.060 Effective date.**

The program shall commence as of April 1, 1972.

(Ord. 100862 § 6, 1972.)

**Chapter 4.64**

**DEFENSE OF CITY OFFICERS AND EMPLOYEES**

**Sections:**

- 4.64.010 Investigation and defense.
- 4.64.020 Determination of acts within scope of duty.
- 4.64.030 Vehicle accidents.

**4.64.010 Investigation and defense.**

It shall be a condition of employment of city officers and employees that in the event there is made against such officers or employees any claims and/or litigation arising from any conduct, acts or omissions of such officers or employees in the scope and course of their city employment, the City Attorney shall, at the request of or on behalf of the officer or employee, investigate and defend such claims and/or litigation and, if a claim be deemed by the City Attorney a proper one or if judgment be rendered against such officer or employee, the claim or judgment shall be paid by the city in accordance with procedures established in this chapter for the settlement of claims and payment of judgments; provided that, the officers or employees shall, in the

event of any incident or course of conduct giving rise to a claim for damage and/or litigation, as soon as practicable give the Law Department written notice thereof, identifying the officers or employees involved and containing information with respect to time, place and circumstances thereof and the names and addresses of persons allegedly injured or otherwise damaged thereby and of available witnesses and shall forward to the Law Department every demand, notice, summons or other process relating to any such incident or course of conduct, and received by him or his representative and shall cooperate with the City Attorney and the Law Department and, upon request, assist in making settlements in the conduct of suits and in enforcing any claim or any right of contribution or indemnity against any person or organization who may be liable to the city because of any damage or alleged loss arising from the incident or course of conduct and the officers or employees shall attend interviews, depositions, hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses, and the officers and employees shall not, except at their own cost, voluntarily make any payment, assume any obligation or incur any expense other than for first-aid to others at the time of any incident or course of conduct giving rise to any such alleged loss or damage; provided further, that in the event any such officer or employee fails or refuses to cooperate as specified in the above proviso or elects to provide his own legal representation with respect to any such claims and/or litigation, then the provisions of this chapter will be inapplicable and of no force and effect with respect to any such claim and/or litigation. (Ord. 105637 § 1, 1976; Ord. 104526 § 1, 1975.)

**4.64.020 Determination of acts within scope of duty.**

The determination whether the officer or employee was acting within the scope and course of his employment by the city shall be made by his department head, and in the case of such a claim or litigation against a department head such determination shall be made by the City Attorney. (Ord. 104526 § 2, 1975.)

PERSONNEL

4.64.030 Vehicle accidents.

The City Attorney is authorized to prosecute and secure collection of all claims for damage to city property arising from accidents involving the city's vehicle fleet. (Ord. 104526 § 3, 1975.)

Chapter 4.68

USE OF VEHICLES BY CITY OFFICERS AND EMPLOYEES

Sections:

- 4.68.010 Use of vehicles for municipal business.
  - 4.68.020 Persons who may use city vehicles—Adoption of rules.
  - 4.68.030 Defense for agent of city in event of accident.
  - 4.68.040 Annual reports of expenses.
  - 4.68.050 Reimbursement for special driver's license.
  - 4.68.060 Reimbursement for persons under Nurses Association agreement.
  - 4.68.070 Reimbursement for persons under engineers' agreement—Employees not represented by union.
  - 4.68.080 Reimbursement for persons not covered by Sections 4.68.060 or 4.68.070.
  - 4.68.090 No reimbursement for travel between residence and work.
  - 4.68.100 General policies.
  - 4.68.110 Authorization for use of private vehicle.
  - 4.68.120 Procedure for checking out vehicles.
  - 4.68.130 Administration of Sections 4.68.100 through 4.68.120.
  - 4.68.140 Payroll deductions for automobile insurance.
- 4.68.010 Use of vehicles for municipal business.
- A. City owned or leased motor vehicles shall be used exclusively for the conduct of municipal business as follows:
1. Where the normal operations of a city department extend beyond established work headquarters and work hours, and based on the substantiated needs of such department for adequate supervision or job performance,

such vehicles may be assigned on the following basis:

Assignment of motor vehicles for a period of one year, corresponding to the annual budget period, or assignment for other specified periods of time, to city officials and employees who because of the nature of their work should have vehicles assigned to them, shall be by the Director of the General Services Department, pursuant to resolution of the City Council.

The Director of the General Services Department shall submit on or before December 15th of each year a list of the officials and employees to whom a vehicle should be assigned for the next succeeding annual budget period in accordance with the following criteria:

a. The relative cost of having an employee provide his own transportation (whether in automobile reimbursement or lost productive manhours) is greater than the cost associated with overnight vehicle use; or

b. Employees who, on a continuous basis, have primary supervisory responsibility (first called out) in case of an emergency and whose immediate response is required to save life or property, including employees and officials who have responsibilities of implementing the city's disaster plan; or

c. Employees who, on a continuous basis, are on call in case of an emergency and who require special tools and equipment carried in their assigned vehicles in order to perform their emergency duties.

Such assigned vehicles shall be used in the conduct of municipal business only, and when authorized in such assignment may be garaged during nonworking hours at the residence of the individual to whom assigned.

2. All other such vehicles shall be available on a pool basis for the conduct of municipal business to officers and employees who have a valid Washington State driver's license, under such rules and regulations as the Director of General Services may prescribe.

3. Nothing in this section shall imply, nor shall any permission be granted to use any city owned or leased motor vehicle for personal purposes, and the transportation of passengers in any such vehicle is prohibited except in the furtherance of municipal business.

B. The Director of General Services shall review quarterly the assignment and use of all city owned or leased motor vehicles to city department heads, officers and employees,

and shall submit a written report on the subject to the Mayor and the City Council.

C. To assist the Director of General Services in such review, each city department head shall submit to the Director of General Services, not later than fifteen calendar days after the end of each quarterly period, a report on such forms and providing information regarding the use of motor vehicles assigned to persons in his department as may be prescribed by the Director of General Services.

(Ord. 104843 § 1, 1975; Ord. 100458 § 1, 1971.)

**4.68.020 Persons who may use city vehicles—  
Adoption of rules.**

No city owned or leased motor vehicles shall be rented or loaned, except to city departments, to duly registered and authorized volunteer workers in the furtherance of approved city programs, to persons providing service to the city under contract and in accordance with the terms of their contract, or to other governmental agencies or associations of cities, towns or governmental agencies, or in conformance with mutual aid agreements. The Director of General Services is authorized and directed to prepare and adopt rules and regulations to secure adequate consideration for the use of city owned or leased motor vehicles rented or loaned pursuant thereto, and to secure the return of such motor vehicles in proper condition.

(Ord. 104667 § 1, 1975; Ord. 102666 § 1, 1973; Ord. 101372 § 1, 1972; Ord. 100458 § 2, 1971.)

**4.68.030 Defense for agent of city in event of accident.**

A. Whenever a city owned or leased motor vehicle shall be rented or loaned to or used by a person or persons providing service to the city under a contract of employment or pursuant to an agreement for the performance of volunteer services, the department head executing such contract or agreement shall have authority to provide therein in accordance with rules and regulations adopted by the Director of General Services that in the event of an accident arising out of an authorized use of the vehicle, the employee or volunteer will be considered an agent of the city and afforded a defense for any action or claim arising from the accident and the city shall pay any proper claims or judgments

against the employee or volunteer in connection therewith.

B. Procedures for investigating and processing or defending the claims or actions shall be those set forth by ordinance authorizing the representation and defense of city officers and employees in connection with any claims for damage and/or litigation arising from conduct, acts or omissions of such officers and employees in the scope and course of employment.

(Ord. 104531 § 1, 1975; Ord. 102666 § 2, 1973.)

**4.68.040 Annual reports of expenses.**

A. The various departments of the city government using and operating motor-driven vehicles, are required and directed to make yearly reports to the City Council giving full and complete information and data relating to the cost and expense connected with the operation and maintenance of all motor vehicles owned and used by said departments.

B. A copy of the reports required in this section shall also be posted yearly in a conspicuous place in the shops or offices of each department for the information of the officers and employees thereof and the general public.

(Ord. 39520 § 1, 1919.)

**4.68.050 Reimbursement for special driver's license.**

As of July 1, 1968 any city employee required as a part of his duties to operate a vehicle requiring special skills and for which a special driver's license endorsement is required under Chapter 20, Laws of Washington 1967, Extraordinary Session, shall be reimbursed in the amount of the fee paid for obtaining such special driver's license endorsement; such reimbursement to be payable on voucher approved by the head of the department concerned.

(Ord. 96956 § 1, 1968.)

**4.68.060 Reimbursement for persons under Nurses Association agreement.**

As to those employees covered by that certain collective bargaining agreement entered into between the city and Washington State Nurses Association pursuant to the authority of Ordinance 104074, any city employee required to use his private automobile for city business shall for any day in which his personal automobile is so used be reimbursed at the rate

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of Two Dollars and Fifty Cents (\$2.50) per day, or Fourteen Cents (\$0.14) per mile, whichever is the greater.

(Ord. 105781 § 1, 1976; Ord. 104447 § 1, 1975; Ord. 101483 § 1, 1972; Ord. 95751 § 1, 1967.)

**4.68.070 Reimbursement for persons under engineers' agreement—Employees not represented by union.**

As to those employees covered by that certain collective bargaining agreement entered into between the city and Professional and Technical Engineers, Local #17 pursuant to the authority of Ordinance 104041 and as to those employees not represented for collective bargaining by any labor union, any city officer or employee required to use his private automobile on city business and who is required to have his automobile available for use on city business on a full-time basis as determined by the head of the department, shall be reimbursed in the amount of Fifty Dollars (\$50.00) per month; provided that if the actual distance traveled by the employee on city business exceeds three hundred fifty miles in any calendar month, he shall be reimbursed for each additional mile at the rate of Fourteen Cents (\$0.14) per mile. Any such nonrepresented officer or employee required to use his private automobile on an occasional or intermittent basis shall be reimbursed at the end of each month at the rate of Fourteen Cents (\$0.14) for each mile of the total monthly mileage of such use or at the rate of Two Dollars and Fifty Cents (\$2.50) per day for the total days of such authorized use during each month, whichever is the greater. Any such employee covered by that certain collective bargaining agreement entered into between the City and Professional and Technical Engineers, Local #17 required to use his private automobile on an occasional or intermittent basis shall for any day in which his personal automobile is so used be reimbursed at the rate of Two Dollars and Fifty Cents (\$2.50) per day, or Fourteen Cents (\$0.14) per mile, whichever is the greater.

(Ord. 105781 § 2, 1976; Ord. 104447 § 2, 1975; Ord. 101483 § 2, 1972; Ord. 95751 § 2, 1967.)

**4.68.080 Reimbursement for persons not covered by Sections 4.68.060 or 4.68.070.**

Except as provided in authorized collective bargaining agreements, any authorized use of private automobiles on city business not qualifying for reimbursement under the conditions set forth in Sections 4.68.060 or 4.68.070 shall be reimbursed only at the rate of Fourteen Cents (\$0.14) per mile.

(Ord. 105781 § 3, 1976; Ord. 95751 § 3, 1967.)

**4.68.090 No reimbursement for travel between residence and work.**

Except as otherwise specifically provided in collective bargaining agreements between the city and particular bargaining units providing for reimbursement for travel for certain employees when called back to work in the event of an emergency, reimbursement for private automobile use under the terms of Sections 4.68.060 through 4.68.080 shall not be made for travel by an employee between his usual place of residence and his usual place of work.

(Ord. 101483 § 3, 1972; Ord. 95751 § 3-A, 1967.)

**4.68.100 General policies.**

It is the policy of the city that:

A. All vehicles shall be purchased in accordance with applicable Charter and ordinance provisions, shall be as economical as is reasonable consistent with their intended use, and shall be maintained in a condition meeting current federal standards relating to air pollution.

B. An adequate number of larger cars to be used for transporting department heads, officers and employees on official business to destinations which are a substantial distance outside of the city shall be available.

C. Except for special equipment needed for particular types of city work or determined by the Director of General Services to be necessary for best resale value or decreasing maintenance costs, city owned motor vehicles shall not be equipped with optional or extra equipment.

D. No promise of having the exclusive use of a city owned or leased vehicle shall be made to any person seeking or being recruited for city employment, and any such promise made prior to the passage of the ordinance codified in this section<sup>1</sup> is hereby rescinded.

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E. Vehicles assigned to the use of a city department and not in regular daily use shall be returned to the Motor Transportation Division for pool use or reassignment to other city departments requiring the use of such vehicle. (Ord. 100458 § 3, 1971.)

1. Editor's Note: Ord. 100458 was passed by the City Council on November 22, 1971.

**4.68.110 Authorization for use of private vehicle.**

Where the use of a city employee's private automobile is determined by a city department head to be more economical than the use of a city owned or leased vehicle and upon written justification therefor submitted by the department head requiring such use to the Director of General Services, such department head may authorize the use of such private automobile by such employee solely on city business and such employee shall be reimbursed for such use in accordance with the applicable rate schedule, payable monthly on vouchers approved by the head of the department concerned; provided, that unless such use includes transportation to a destination or destinations a substantial distance outside the city, the use of a private automobile by employees other than those covered by that certain collective bargaining agreement entered into between the City and Professional and Technical Engineers Association, Local #17 pursuant to the authority of Ordinance 100881, shall not be determined to be more economical if the amount of reimbursement will exceed the monthly rental rate applicable to a standard motor pool vehicle.

(Ord. 101484 § 1, 1972; Ord. 100458 § 4, 1971.)

**4.68.120 Procedure for checking out vehicles.**

The Director of the General Services Department shall develop and implement a procedure for checking out city owned or leased vehicles and billing city departments for the use thereof, which procedure shall limit availability of such vehicles to such officers and employees as shall have been properly authorized to use the same.

(Ord. 100458 § 5, 1971.)

**4.68.130 Administration of Sections 4.68.100 through 4.68.120.**

The administration of Sections 4.68.100 through 4.68.120 shall be vested primarily

in the Mayor, provided that it shall be the duty of the Director of General Services and other department heads to assist the Mayor in such administration and to furnish to the Mayor and the City Council any information concerning the violation of any of the provisions thereof. (Ord. 100458 § 6, 1971.)

**4.68.140 Payroll deductions for automobile insurance.**

A. The City Comptroller is authorized and directed to deduct and pay from the earnings of any city employee in accordance with written authorization therefor signed by such employee and filed with the City Comptroller, such amounts for automobile insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided that no such deduction or payment shall be made unless:

1. There shall be filed with the City Comptroller not less than four hundred individual written authorizations as to any one insurance group or company;

2. Such insurance group or company shall be licensed by the state and shall have been sponsored by a recognized city employee organization, provided that such sponsorship shall not include or grant any right to the use of city facilities to solicit membership in any insurance program;

3. Such insurance group or company shall provide authorization forms without expense to the city which authorizations shall save the city harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the city does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program;

4. Such insurance group or company shall guarantee the insurability and noncancelability of all city employees having a valid Washington State driver's license;

5. Such insurance group or company shall pay to the city upon quarterly billings by the City Comptroller Ten Cents (\$0.10) for each payroll deduction for each employee who has authorized as provided in this section automobile insurance deductions to such insurance group or company, to reimburse the city its costs in connection with the deductions and payments authorized in this section.



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B. In the event the number of written authorizations as to any one insurance group or company shall be reduced to less than four hundred for a period of three months, the deduction and payment authorized in this section shall be discontinued as to such insurance group or company. (Ord. 102743 § 1, 1973; Ord. 100219 § 1, 1971.)

Chapter 4.72

TRAVEL EXPENSES

Sections:

Subchapter I City Officers and Employees

- 4.72.010 Reimbursement for reasonable and necessary expenses.
- 4.72.020 Claims for reimbursement—Invoices and receipts.
- 4.72.030 Convention and education purposes.
- 4.72.040 Approval of claims.
- 4.72.050 Advance cash allowances—When allowed.
- 4.72.060 Advance cash allowances—Accounting or repayment time.
- 4.72.070 Disallowed expenses.

Subchapter II Recruiting of Job Applicants

- 4.72.100 Intent of subchapter.
- 4.72.110 Reimbursement provisions.
- 4.72.120 Claims.
- 4.72.130 Billing of appropriate department, office or agency.

Subchapter III Lighting Department Officers and Employees

- 4.72.180 Reimbursement—Generally.
- 4.72.190 Reimbursement—In addition to other actual expenses.

Subchapter I City Officers and Employees

4.72.010 Reimbursement for reasonable and necessary expenses.

City officers and employees shall be reimbursed for all reasonable and necessary expenses incurred in the conduct of city business as follows:

A. Expenses involving travel outside the City for periods of less than twenty-four hours and not requiring overnight lodging: Reimbursement shall be made for actual expenses incurred for convention, seminar or other registration fees; transportation to destination and return or mileage in accordance with Ordinance 95751 as amended,<sup>1</sup> provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier; meals; and incidentals.

B. Expenses involving travel within the state for periods requiring overnight lodging: Reimbursement shall be made for actual expenses incurred for convention, seminar or other registration fees; transportation to destination and return or mileage in accordance with Ordinance 95751 as amended,<sup>1</sup> provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier; automobile rental; other local ground transportation; and reimbursement for reasonable lodging, meals and incidentals, up to Sixty-five Dollars (\$65.00) per diem; Provided, that as of January 10, 1977 the employee occupying the position of Intergovernmental Affairs Coordinator shall be paid, in lieu of reimbursement for meals and lodging, the sum of Forty-four Dollars (\$44.00) for each day of authorized attendance at sessions of the Washington State Legislature, and provided further, that no such sums shall be used for promotional hosting.

C. Expenses involving travel outside the state for periods requiring overnight lodging: Reimbursement shall be made for actual expenses incurred for convention, seminar or other registration fees; transportation to destination and return or mileage in accordance with Ordinance 95751 as amended,<sup>1</sup> provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier; automobile rental; other local ground transportation; and reimbursement for reasonable lodging, meals and incidentals, up to Sixty-five Dollars (\$65.00) per diem.

D. Expenses within the city not involving travel: Reimbursement shall be made for actual expenses incurred for convention, seminar or other registration fees including those fees which include the furnishing of a meal or meals for the minimum fee charged; and for actual expenses incurred for meals purchased in the course of conducting city business outside the normal working hours of such officer or employee.

E. Upon written request and explanation justifying additional expenses, the City Comptroller may waive the limitations set forth in this section.

(Ord. 107447 § 1, 1978; Ord. 106525 § 1, 1977; Ord. 106437 § 1, 1977; Ord. 104601 § 1, 1975; Ord. 101295 § 1, 1972.)

1. Editor's Note: Ord. 95751 is codified in Sections 4.68.060 through 4.68.090 of this Code.

#### 4.72.020 Claims for reimbursement—Invoices and receipts.

Claims for reimbursement of expenses other than mileage and incidentals shall be accompanied by invoices and/or receipts showing payment of such claimed expenses; provided that the cost of air or railroad travel, and convention, seminar or other registration fees, may be billed directly to the appropriate city department. Invoices and/or receipts showing payment of overnight lodging expenses shall have clearly identified thereon the single occupancy rate for the accommodations utilized. Invoices and/or receipts shall not be required for food expenses incurred in travel outside the city but such expenses shall be fully itemized. Invoices and/or receipts shall be required for food expenses incurred within the city. No reimbursement shall be made for expenses for alcoholic beverages or tips. Upon written request and explanation stating sufficient reasons for failure to submit required invoices and/or receipts, the City Comptroller may waive such requirement.

(Ord. 106525 § 2, 1977; Ord. 104601 § 2, 1975; Ord. 101295 § 2, 1972.)

#### 4.72.030 Convention and education purposes.

A. Reimbursement for actual expenses incurred for convention and/or education purposes shall be allowed only when authorized by the appropriate department head, in writing, prior to the date of incurring the expense; provided, that such advance authorization shall not be

required for elected officials or for officers and employees of the Library Department.

B. For purposes of this section and Section 3.114.040 the term "department head" includes directors of duly established departments and directors of agencies within the Executive Department.

(Ord. 107447 § 2, 1978; Ord. 106525 § 3, 1977; Ord. 104601 § 3, 1975; Ord. 101295 § 3, 1972.)

#### 4.72.040 Approval of claims.

No claim for reimbursement for expenses or any per diem allowance shall be paid unless approved by the appropriate department head; provided, that claims by the Secretary and Chief Examiner of the Civil Service Department shall be approved by the Chairman of the Civil Service Commission, claims by the Chief Librarian shall be approved by the Chairman of the Library Board of Trustees, claims by the Executive Secretary of the City Employees' Retirement System shall be approved by the Chairman of the Board of the retirement system and claims by elected city officers shall be authorized and approved by each such officer.

(Ord. 107447 § 3, 1978; Ord. 106525 § 4, 1977; Ord. 105124 § 1, 1975; Ord. 101295 § 4, 1972.)

#### 4.72.050 Advance cash allowances—When allowed.

All officers and employees of the city may receive advance cash allowances covering anticipated, reimbursable expenses to be incurred in the course of conducting city business involving travel outside the city. Such advance allowances shall be made upon the prior request of such officers and employees approved by the City Comptroller where the nature and duration of travel justifies such advance or failure to make such advance would result in economic inconvenience to such officer or employee. Requests for advances shall be made on such form as shall be prescribed by the City Comptroller who shall issue warrants therefor not more than five days prior to commencement of the authorized travel; provided, that advances to officers and employees of the Lighting and Water Departments may be made by the respective heads of such departments from the appropriate revolving funds.

(Ord. 106525 § 5, 1977; Ord. 104601 § 4, 1975; Ord. 101295 § 5, 1972.)

**4.72.060 Advance cash allowances—Accounting or repayment time.**

Cash allowances advanced pursuant to Section 4.72.050 shall be accounted for and/or repaid within ten days following the completion of travel, and failure so to do shall render the officer or employee receiving such advance personally liable for the full unpaid amount plus interest at ten percent per year until repaid. No advance shall be made to any officer or employee who is delinquent in accounting for or repaying a prior advance. Under no circumstances shall any advance be considered as a personal loan to any officer or employee and any unauthorized expenditure of any such advance shall be deemed a misappropriation of public funds.

(Ord. 106525 § 6, 1977; Ord. 104601 § 5, 1975; Ord. 101295 § 6, 1972.)

**4.72.070 Disallowed expenses.**

No reimbursement shall be authorized or allowed for:

- A. Fines, penalties, and/or forfeitures;
- B. Tobacco, alcoholic beverages, entertainment, gratuities, personal telephone calls or telegrams, or other like personal items;
- C. Meals or lodging in lieu of other meals and/or lodging the expense of which is included in a convention or other registration fee;
- D. First-class travel accommodations unless coach or economy accommodations were not available; provided that upon written request and explanation stating sufficient reasons therefor, the City Comptroller may waive this limitation;

E. Meals in lieu of other meals or food service provided during periods of travel by a carrier and included in the fare charged.

(Ord. 104601 § 6, 1975; Ord. 101295 § 7, 1972.)

**Subchapter II Recruiting of Job Applicants**

**4.72.100 Intent of subchapter.**

It is the intent of the City Council that the provisions of this subchapter be used on an exceptional basis and only when all reasonable efforts in recruiting Seattle and Washington State residents for employment by the city have failed to produce qualified applicants.

(Ord. 106995 § 1, 1977.)

**4.72.110 Reimbursement provisions.**

When the City Personnel Director determines that qualified applicants for key positions in the service of the city do not reside in the state and when the City Personnel Director deems it necessary for the successful recruitment of persons for key positions in the service of the city or to meet the affirmative action requirements of the city, the Director may, upon the approval of the Budget Director and the filing of a claim therefor, authorize reimbursement of reasonable and necessary expenses incurred by applicants from out of the state for positions in the city service while traveling to and from Seattle for the purpose of being interviewed for employment by the city. Reimbursable expenses shall include lodging, meals, incidentals and transportation from such applicants' place of residence to Seattle and return to such place of residence or mileage in accordance with the mileage reimbursement rate established in Ordinance 95751 as now or hereafter amended,<sup>1</sup> provided that reimbursement for mileage shall not exceed the round-trip air fare of a common carrier; and provided further that no reimbursement shall be authorized or allowed for:

- A. Fines, penalties, and/or forfeitures;
- B. Tobacco, alcoholic beverages, entertainment, gratuities, personal telephone calls or telegrams, or other like personal items;
- C. First-class travel accommodations unless coach or economy accommodations were not available; provided that upon written request and explanation stating sufficient reasons therefor, the City Comptroller may waive this limitation;

D. Meals in lieu of other meals or food service provided during periods of travel by a carrier and included in the fare charged.

(Ord. 106995 § 2, 1977.)

1. Editor's Note: Ord. 95751 is codified in Sections 4.68.060 through 4.68.090 of this Code.

**4.72.120 Claims.**

Claims for reimbursement of expenses other than for mileage and incidentals shall be accompanied by invoices and/or receipts showing payment of such claimed expenses. Invoices and/or receipts showing payment of overnight lodging expenses shall have clearly identified thereon the single occupancy rate for the accommodations utilized. Upon written request and explanation stating sufficient reasons for

failure to submit required invoices and/or receipts, the City Comptroller may waive such requirement.  
(Ord. 106995 § 4, 1977.)

#### 4.72.130 Billing of appropriate department, office or agency.

Upon reimbursing expenses authorized in Section 4.72.100, the City Personnel Director shall bill and collect the amount of such reimbursement from the department, office or agency authorized to fill the position for which the applicants were interviewed, and for such purpose each such department, office or agency is authorized to use unexpended and unencumbered budgeted funds available therefor.  
(Ord. 106995 § 5, 1977.)

### Subchapter III Lighting Department Officers and Employees

#### 4.72.180 Reimbursement—Generally.

As authorized by Chapter 116, Laws of Washington 1965, such officers and employees of the Lighting Department as may be designated in writing from time to time by the Superintendent of Lighting may, in lieu of other methods of reimbursement authorized by law, be reimbursed for meals, lodging and other related expenses incident to the performance of duty on the following per diem basis:

A. Where such expenditures are incurred within or without the city, but do not require overnight lodging: Fifteen Dollars (\$15.00) per day or any portion thereof;

B. Where such expenditures are incurred and require overnight lodging: Thirty-five Dollars (\$35.00) per day or any portion thereof.  
(Ord. 95244 § 1, 1966.)

#### 4.72.190 Reimbursement—In addition to other actual expenses.

The per diem rates for reimbursement authorized in Section 4.72.180 shall be in addition to reimbursement for actual expenditures for transportation, registration fees and similar purposes.  
(Ord. 95244 § 2, 1966.)

## Chapter 4.76

### MOVING EXPENSES FOR CERTAIN EMPLOYEES

#### Sections:

- 4.76.010 Reimbursement of moving expenses for certain employees.
- 4.76.020 Moving expenses defined.
- 4.76.030 Authority to reimburse.

#### 4.76.010 Reimbursement of moving expenses for certain employees.

A. As a condition of employment, and if necessary to obtain the services of a particular individual, the following persons shall have moving expenses, incurred by them in relocating to the city, reimbursed by the city in an amount not to exceed Six Thousand Dollars (\$6,000.00) upon presentation of verifying documents and upon the additional conditions set forth below:

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

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

3. The following positions, when reimbursement is authorized by the Mayor:

a. Positions identified in the Salary Ordinance (Ordinance 97330, as amended)<sup>1</sup> by salary range 45.5, and above, or a salary equivalent to or higher than 45.5 when no range is provided, or

b. Positions identified as "administrators" in Attachment A to the Exemption Ordinance (Ordinance 108074, as amended);<sup>2</sup> and such other administrator positions determined to be comparable to those identified in the Exemption Ordinance. Such a determination shall be made by the Director of Personnel and the Director of the Office of Management and Budget and the head of the department in which the administrator is employed.

B. Payment for such reimbursement, when authorized, shall be made from unexpended and unencumbered balances accumulating in the budgets of the departments or offices which

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such persons head or in which such persons serve, and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants.

(Ord. 108443 § 1(part), 1979.)

1. Editor's Note: Portions of Ord. 97330 are codified in Chapter 4.20 of this Code.
2. Editor's Note: The Exemptions from Civil Service Ordinance is codified in Chapter 4.12 of this Code.

### 4.76.020 Moving expenses defined.

For purposes of implementing this chapter, the phrase "moving expenses" includes expenses incurred for transportation of family and possessions, lodging and food, from departure until such time as possessions arrive in the city, unless such expenses have been otherwise reimbursed.

(Ord. 108443 § 1(part), 1979.)

### 4.76.030 Authority to reimburse.

The Mayor is authorized to reimburse the moving expenses of any person described in Section 4.76.010, if an agreement had been made with such person prior to the appointment to pay such expenses, and such agreement was made after passage of Resolution 25944.

(Ord. 108443 § 2, 1979.)

## Chapter 4.80

### AFFIRMATIVE ACTION PROGRAM

#### Sections:

- 4.80.010 Program established.
- 4.80.020 Quarterly reports.
- 4.80.030 Review of reports by City Council.

#### 4.80.010 Program established.

It is the policy of the city that, until the effects of inequality of opportunity are eliminated, all city departments shall establish and maintain an effective affirmative action program of employment opportunity as set forth in the Mayor's Executive Order dated August 25, 1972 "Establishing an Affirmative Action Program for City Employment," including goals and

timetables for the achievement of equality of work force representation.

(Ord. 101548 § 1, 1972.)

Cases: The use of goals in implementing an affirmative action program in public employment is constitutionally permissible. *Lindsay v. Seattle*, 86 Wn2d 698, 548 P.2d 320 (1976).

The city's special certification procedure under rule 7.03(j), Seattle Civil Service Laws and Rules, does not violate Article 16, Section 9, of the City Charter. *Lindsay v. Seattle*, 86 Wn2d 698, 548 P.2d 320 (1976).

### 4.80.020 Quarterly reports.

The heads of the several city departments with the advice and consultation of the Department of Human Rights and the Office of Womens Rights, shall prepare and submit quarterly for review by the City Council a report as to the affirmative action program required to be established and maintained by each such department including a description of progress in meeting goals and timetables of such program during the previous quarter, which reports shall be made available to the public.

(Ord. 101548 § 2, 1972.)

### 4.80.030 Review of reports by City Council.

Such reports together with public testimony thereon and any recommendations concerning the same made by the Department of Human Rights and by the Office of Womens Rights shall be reviewed by the City Council in connection with its consideration of the proposed budget submitted by the Mayor each year and no departmental budget shall be approved as to any department the head of which has failed to submit the reports required in Section 4.80.020.

(Ord. 101548 § 3, 1972.)

## Chapter 4.84

### ANNUAL AWARD PROGRAM

#### Sections:

- 4.84.010 Purpose.
- 4.84.020 Eligibility.
- 4.84.030 Award categories.
- 4.84.040 Nominations.

**4.84.050 Employee Award Selection Committee.**

**4.84.060 Duties of Employee Award Selection Committee.**

**4.84.010 Purpose.**

The City Council finds and declares that there are exceptional employees in city government who contribute added enthusiasm, unusual insight, superior courage, or other extra dimension to their work, and it is therefore desirable to foster excellence in public service and heighten employee morale through an annual award program to acknowledge superior contributions of employees to the city and the community.

(Ord. 103767 § 1, 1974.)

**4.84.020 Eligibility.**

All permanent employees of the city with the exception of elected officials and department heads, are eligible for receipt of an award.

(Ord. 103767 § 2, 1974.)

**4.84.030 Award categories.**

Awards shall be made annually in the following categories:

- A. Employee of the Year Award;
- B. Distinguished Service Awards:
  1. Clerical,
  2. Technical and Professional,
  3. Labor and Mechanical,
  4. Administrative,
  5. General;
- C. Community Service Award.

(Ord. 103767 § 3, 1974.)

**4.84.040 Nominations.**

The Personnel Department and Civil Service Department shall be jointly responsible for establishing nominations criteria and guidelines, and for soliciting departmental participation in the award program. The Departments shall also jointly act as a clearinghouse in the preparation and dissemination of any printed material related to this program.

(Ord. 103767 § 4, 1974.)

**4.84.050 Employee award selection committee.**

There is created the Employee Award Selection Committee to consist of eleven members designated by the Mayor and approved by the City Council. One Committee position shall be filled by a person who shall be representative of

the functions and concerns of the Civil Service Department and Personnel Department and the remaining ten positions shall be filled by persons who are representative of the various functions and concerns of city government, including but not limited to the following:

- Public Safety and Health;
- Utilities;
- Physical Services: Engineering, Building, Parks;
- Support Services;
- Executive;
- Legislative;
- Staff Services.

Each member so appointed shall serve a term of one year.

(Ord. 103767 § 5, 1974.)

**4.84.060 Duties of Employee Award Selection Committee.**

A. The Employee Award Selection Committee shall be responsible for screening nominations, selecting the top three candidates for each award, and performing other duties related to award presentation consistent with the guidelines and criteria established pursuant to Section 4.84.040.

B. The Employee Award Selection Committee shall designate three Seattle citizens to serve each year as an independent and impartial selection panel to determine final award recipients from the top three nominees in each category. Panel members shall be selected on the basis of their maturity, judgment, and objectivity. No member of the panel shall be, or have been, employed by the city.

(Ord. 103767 § 6, 1974.)

**Chapter 4.88**

**SERVICE AWARD PROGRAM**

**Sections:**

- 4.88.010 Program adopted.
- 4.88.020 Administration.

**4.88.010 Program adopted.**

The city adopts the following program of awards in recognition of service by officers and employees of the city, including those in the Library Department subject to the approval

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of the Library Board, in accordance with the following rules and regulations:

A. **Service Recognized.** To be eligible for an award an officer or employee must have completed a minimum of five years' service or a multiple thereof, up to and including fifty years. Service recognition beyond fifty years is to be recognized by special action of the City Council but not inconsistent with the general plan provided for in this chapter. Length of service is to be determined by the Civil Service Commission.

B. **Awards.** An award shall consist of an emblem of a design and mounted in a form approved by the Personnel and Efficiency Committee of the City Council after reviewing recommendations with a representative group of city employees designated by the Committee Chairman.

In addition to such service emblem those with twenty-five, thirty, thirty-five, forty, forty-five and fifty years' service shall be awarded an appropriately worded certificate showing the full period of service, signed by the President of the City Council and certified by the Civil Service Commission.

C. **Presentation.** Service shall be computed as of March 31st of each year and presentation made during the month of May of the same year or as close thereto as practical, as follows:

1. Awards to employees with twenty-five or more years' service shall be made at a regular meeting of the City Council to be determined by the President of that body; and

2. Awards to employees with five to twenty years' service shall be made at the place of employment by a member of the City Council designated by the President of the City Council to represent that body or by the head of the department concerned or his deputy.

D. **Certificates upon Retirement.** Those officers and employees who retire because of age or service shall be awarded an appropriately worded certificate showing the full number of years of service, signed by the President of the City Council and certified by the Civil Service Commission.

(Ord. 95390 § 1, 1966; Ord. 86662 § 1, 1957; Ord. 81698 § 1, 1953.)

### 4.88.020 Administration.

The administration of this program is vested in the Civil Service Commission which shall

make rules to carry out the purpose of this chapter.

(Ord. 81698 § 2, 1953.)

## Chapter 4.92

### SUGGESTION AWARD PROGRAM

#### Sections:

- 4.92.010 Criteria for submission of suggestions.
- 4.92.020 Administration—Suggestion Award Board.
- 4.92.030 Procedure for making and considering suggestions.
- 4.92.040 Departmental representatives.

#### 4.92.010 Criteria for submission of suggestions.

The city continues a program of awards adopted by Ordinance 79944, as amended by Ordinance 81452, to stimulate and reward suggestions of city officers and employees, of benefit to the city. Participation therein shall be limited to those officers and employees who submit such suggestions in accordance with the following regulations:

A. To be eligible for a money award a suggestion must make possible an extension of public service commensurate with the expense involved or an elimination or reduction of city expenditures without substantially impairing such service, or provide a desirable safety factor.

B. Employees shall not be eligible for an award for suggestions pertaining to subjects assigned for research or development or to problems assigned for solution or which such employee would normally be expected to offer in line of duty.

C. The suggestion must propose a change which was not under active consideration by the city agency affected at the time the suggestion was made.

D. If duplicate suggestions are submitted, only the first received shall be eligible for an award.

E. A suggestion which has been put into effect by the city agency concerned must be submitted for award consideration within sixty days of its adoption: Provided that this requirement may be waived by the City Council

upon recommendation of the Suggestion Award Board.

F. Each suggester shall execute the following agreement:

"In consideration of my participation in the Suggestion Award Program I hereby agree that the use by The City of Seattle of my suggestion concerning. . . shall not be the basis of a claim of any nature against the City of Seattle by me, my heirs, executors or assigns."

G. Appropriate commendation of an employee whose adopted suggestion does not merit a cash award may be recommended by the Board.

H. Insofar as may be equitable and practicable the total amount of a money award shall be approximately ten percent of the estimated value to the city of the suggestion during the first year following its adoption. If the foregoing formula in the judgment of the Suggestion Award Board does not suitably measure the merits of a suggestion, the Board shall determine the amount it deems equitable and recommend same to the City Council.

(Ord. 86927 § 1, 1958.)

**4.92.020 Administration—Suggestion Award Board.**

A. The administration of the suggestion award program is vested in a Suggestion Award Board of seven members, as follows:

One member appointed jointly by the City Treasurer, City Comptroller and Chairman of the Finance Committee and he shall be an employee of the Department of Finance; two members appointed by the Board of Public Works, one of whom shall be an employee of a Utility Department and one an employee of a General Fund Department; one member appointed by the Executive Board of the Civil Service League; one member appointed from the Fire Department by the Municipal Firemen's Pension Board; one member appointed from the Police Department by the Police Pension Board; and the Secretary and Chief Examiner of the Civil Service Commission shall be the Secretary of the Board. All members of the Board shall be civil service employees of the city.

B. The terms of the members of the Board shall be four years and until their successors are appointed.

C. The Board shall elect annually a Chairman and Vice Chairman from among its members. The Secretary shall keep minutes of Board

meetings and such other records as may be required. The Board shall meet in regular session once a month. Additional meetings may be called by the Chairman as the needs of the city service require. Meetings shall be public and interested persons shall be given reasonable opportunity to be heard and a majority of the members of the Board shall constitute a quorum and a majority vote of the members present at any meeting is required to carry an action of the Board.

(Ord. 86927 § 2, 1958.)

**4.92.030 Procedure for making and considering suggestions.**

The following procedure for making and consideration of suggestions is established:

A. Suggestions must be submitted on prescribed forms to the Board.

B. Suggestions must be signed but names will remain undisclosed until consideration of the suggestion has been completed.

C. The Board shall receive, record and acknowledge receipt of suggestions; shall advise the suggester of any undue delay in the consideration thereof and shall notify the suggester of action taken as soon as final consideration has been had.

D. Suggestions shall be referred for consideration to the city agency or departments affected, which shall within thirty days thereafter report its findings and recommendations to the Board. The departmental report shall indicate whether or not a suggestion has been adopted and the actual or estimated reduction of expenditures or the value thereof to the city.

E. The Board shall evaluate each suggestion, taking into consideration department action and the objective of the suggestion award program; and it shall formulate and transmit to the City Council an official recommendation covering the merits of the suggestion, whether the same justifies an award and the type and amount thereof.

F. The City Council, upon approval of a recommendation of the Board, may authorize a money award or an appropriate commendation.

G. A suggester may file written request for reconsideration of a suggestion which had been rejected but subsequently adopted. Other rejected suggestions may be resubmitted to the Board in the regular manner.

H. All communications to the Board shall be addressed in care of the Secretary.  
(Ord. 86927 § 3, 1958.)



PERSONNEL

**4.92.040 Departmental representatives.**

The head of each department and agency of the city government shall encourage employees to submit suggestions to the Board and each may designate two employees whose names and titles shall be reported to the Board. One shall act as a departmental or agency representative and the other shall act as an alternate.

(Ord. 86927 § 4, 1958.)

Seattle Municipal Code  
as adopted in 1980  
For current SMC, contact  
the Office of the City Clerk