

#47-ORD. 107790

Personnel Ordinance

Ordinance No. 107790

AN ORDINANCE relating to the personnel system of the City, pursuant to amendments to City Charter Article XVI; establishing the Personnel Department and the Civil Service Commission of the City, and prescribing the duties of each.

ENGROSSED

COMPTROLLER
FILE NUMBER _____

Council Bill No. 99820

INTRODUCED: October 16, 1978	BY: Hill
REFERRED: October 16, 1978	TO: Personnel and Property Management
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REPORTED: NOV 6 1978	SECOND READING: NOV 6 1978
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VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

FOR
B-DA
C-DA

ORDINANCE 107790 - AMENDMENTS & RE TO

- Ord. 107380 -Provides for transition of certain employees of the Retirement System, Civil Service Dept. & Personnel Office to comparable positions in the Personnel Dept.
- Ord. 107905 -Re to Benefits; amends Sick leave Ordinance (88522), Health Care Program (83834), Retirement Sick Leave (90789), & Funeral Leave (99755) to conform to extnd benefits to certain employees, & to provide for administration by the Personnel Director.
- Ord. 107936 -Temporarily re-establishes Civil Service Dept. & the Personnel Office in the executive Dept. due to preliminary injunction against Ord. 107790.
- Ord. 107977 -AMENDS Sec 16 to extend time allowed for employee evaluations to 2-years after the effective date of Ordinance 107790.
- Ord. 108122 -Auth Public Safety Personnel Commission to enter into agreement with Supt. of Bldgs. for rental of office space.
- Ord. 103128 -Re to General Solicitation of funds or contributions for any purpose from City Employees in accordance with the Personnel Ordinance; Amending Ordinance 67337, etc.
- C.F. 287747 -Appt. of DAN DONHAM as Acting Director of Personnel for sixty days pursuant to the personnel ordinance & Ord. 107904.
- Ord. 108408 -Establishes certain positions to replace functions previously performed by TEMPORARY EMPLOYEES re to Section 13K of the personnel ordinance.
- C.F. 289011 -CIVIL SERVICE COMMISSION -Rules of practice & procedure of the City's ... issued pursuant to Article XVI, Sec 6 of the City Charter, the 1978 Personnel Ordinance & the Admin. Procedures Ordinance.
- Ord. 108924 -TEMPORARILY SUPERSEDES Sec 13K of the Personnel Ordinance to make a single six-week extension of the permissible period of TEMPORARY EMPLOYMENT.
- Ord. 109112 -AMENDS Sec's 8 & 9 re affirmative action; also amends Sec 8 of Ord. 107791 & Repeals Ord. 101548.
- Ord. 109391 -Re to the Personnel Dept; increases expenditure allowances in the Dept.'s 1980 Budget; establishes, retitles & reclassifies certain positions to assist in further implementation of the new personnel system, etc.
- C.F. 290008 -PERSONNEL RULES -Promulgated pursuant to Seattle Personnel Ordinance No. 107790 & Seattle Administrative Code Ord. 102228.
- C.F. 287745 -PUBLIC SAFETY CIVIL SERVICE SYSTEM ORDINANCE & RULES.
- Ord. 110202 -SUBPONAED WITNESS -Auth release time with pay for City employees subpoenaed as witnesses by the Civil Service Commission; amending title 4 of Seattle Municipal Code by adding new Section 4.____.010.
- Ord. 110253 -AMENDS SMC 4.04.130 (PERSONNEL ORDINANCE) re LAYOFFS -to clarify that classification is for purposes of salary equity & is not prerequisite to examination & selection; to clarify layoff for employees in positions which have different budget & class titles of budget titles & no class titles.
- Ord. 110302 -Amends Sec's 1 & 13 by defining employment status & modifying selection procedures to provide greater efficiency in meeting the City's permanent & temporary employment needs.
- Ord. 110852 -Amends ... to add definitions;& to auth exceptions in the normal order of LAYOFF, describe employee options for layoff & limitations thereon, auth a special hiring program for laid-off employees, etc.
- Ord. 111582 -Amends ... to correct a typographical error re to the definition of Suspension.

ORDINANCE 107790 - AMENDMENTS & RE TO

Ord. 111892 -Amends ... (SMC 4.04.250 Subsection A) re to the Civil Service Commission,
removing the two term limitation for Civil Service Commissioners.

Ord. 112088 -Re to Sick Leave; provides for the use of sick leave for the care of dependent
children; adds new sec to SMC Chapter 4.24.

1978 PERSONNEL ORDINANCE

ORDINANCE NO. 107790

1 1978 CITY OF SEATTLE PERSONNEL ORDINANCE

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ORDINANCE 107790

1
2 AN ORDINANCE relating to the personnel system of the City, pursuant to amend-
3 ments to City Charter Article XVI; establishing the Personnel Department and
4 the Civil Service Commission of the City, and prescribing the duties of each.

5 **Section 1. Title.** This ordinance shall be entitled "The 1978 City of Seattle
6 Personnel Ordinance." It may be cited as the "Personnel Ordinance."

7 **Section 2. Purpose.** The purpose of this ordinance is to establish for the City
8 of Seattle a system of personnel administration based upon merit principles as
9 enumerated in the City Charter, Article XVI, Section 4 (as amended) and upon fair
10 and uniform procedures for recruitment, selection, development, and maintenance of
11 an effective and responsible work force.

12 **Section 3. Definitions.** Unless another meaning is clearly indicated from the
13 context, as used in this ordinance, the following terms shall mean:

14 **Appointing authority:** Person authorized by ordinance or Charter to employ
15 others on behalf of the City; usually the head of a department.

16 **Assignment:** Appointment to one of a number of levels of duties, responsibilities
17 and salaries within one class, except that such level is not a permanent or
18 vested right and is subject to review.

19 **Certification:** A list of names selected from a register and submitted by the
20 Personnel Department to an appointing authority, from which list the au-
21 thority may appoint to fill a vacancy or replace a temporary employee.

22 **City:** The City of Seattle.

23 **City Council:** The City Council of the City of Seattle.

24 **Class:** Any group of positions sufficiently similar that the same title may equit-
25 ably be applied to all.

26 **Days:** Calendar days.

27 **Demotion:** The removal of an employee from a higher to a lower class for cause.
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Director: The Director of the Personnel Department or his/her designated representative.

Exempt Employee: An exempt employee is one who serves at the discretion of the appointing authority in a position which is exempted by the City Charter or the exemptions ordinance from compliance with this ordinance regarding examination and selection, discipline and termination of employees, and appeals of personnel actions to the Commission created by this ordinance.

Graded Examination: A test for qualifying applicants for placement on a register of those eligible for appointment to a job, in order of their relative merit.

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.

Inappropriate Pressure: Any suggestion (oral or written communication) to a City employee, the effect of which would either (1) preclude job advertising and open consideration of qualified applicants, or (2) result in the selection of an employee for reasons other than relative ability, knowledge, and skill.

Layoff: 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.

Pass-fail Examination: A test for qualifying for placement on a register of those eligible for appointment to a job.

Probationary Employee: Employee who has been appointed from a register but who has not completed a one-year period of probationary employment.

Provisional Employee: An employee who, prior to January 1, 1979, was appointed for the purpose of performing work in a position for which no register existed.

Reduction: The movement of an employee from a higher position to a lower position, not for cause.

1 Register: A list of successful examinees for a given position or class from which
2 names may be selected by the Personnel Director for certification and
3 submission to an appointing authority.

4 Regular Employee: Employee who has been appointed from a register and who
5 has completed a one-year probationary period of employment. A regular
6 employee may work full-time or part-time.

7 Reinstatement: Reappointment of a regular employee from a reinstatement
8 register to a position in a class in which regular status was previously held.

9 Seniority: The length of continuous service in the employee's present class and
10 all higher classes since original regular appointment to that class.

11 Suspension: Temporary withdrawal of an employee from employment with or
12 without pay for a specified period for cause or pending determination of
13 charges against said employee, which charges could result in discharge.

14 Temporary Employee: An employee appointed to fill a temporary, emergency, or
15 short-term need, or to fill a position for which no register is available.

16 Termination or discharge: Separation from employment for cause.

17
18 **Section 4. Administration.** There shall be a Personnel Department, the head of
19 which is the Director of Personnel. The Director shall be appointed by the Mayor,
20 subject to confirmation by a majority vote of the City Council, and shall serve for a
21 four-year term. The Director may be removed from office by the Mayor for cause by
22 filing with the City Council a statement of the reasons therefor.

23 The duties of the Director include:

- 24
25 A. Promote the improvement of City personnel administration, and personnel
26 standards within the City.
27 B. Lead City departments, offices, boards, and commissions, and their per-
28 sonnel offices, in the development of effective personnel programs. To help

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the Director perform this duty, the personnel offices of City departments shall keep the Director informed of their actions.

- C. Act as the City's central agency for establishing standards for personnel practices which are uniform as is practicable from department to department.
- D. At the Mayor's direction, develop, implement, and administer a centralized affirmative action program in conjunction with City rights agencies.
- E. Develop and administer a system of classification of positions of employment in the City, and a wage and salary plan therefor.
- F. Develop and administer centralized employee relations functions, relating to standard grievance procedures, collective bargaining, employee morale and motivation, and employee discipline and termination.
- G. Develop and implement employee safety programs in addition to those which may be provided within departments, and develop safety programs in coordination with departments.
- H. Develop, monitor, and/or approve departmental training plans.
- I. Develop and administer a centralized system and regular procedures for recruitment and selection of City employees.
- J. Conduct personnel research and staff resource planning for the City.
- K. Develop and administer a regular system of performance evaluation of City employees.
- L. Develop and administer benefit programs, other than retirement benefits administered by the Employee's Retirement Board, for City employees.
- M. Assist various City departments in layoff and reinstatement actions.
- N. Appoint, remove, and supervise the officers and employees of the Personnel Department.

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- O. Develop and maintain a personnel management information records system for all City employees regardless of category of employment or department to which appointed.
- P. Design experimental programs in human resources management, for the Mayor's consideration.
- Q. Contract for special personnel services he/she deems necessary, upon approval of the City Council.
- R. Review all City payrolls to ensure that each employee is receiving the proper pay.

Section 5. Rule making authority. Pursuant to the administrative code of the City (Ordinance 102228), 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 ordinance.

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 5 City employees, none of whom may be an employee of the Personnel Department.

Section 6. Emergency rules. 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.

Emergency rules shall remain in effect only until a permanent rule, passed pursuant to Ordinance 102228, becomes effective, or for 60 days, whichever is shorter.

Section 7. Rights of Employees.

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

- 1 B. Employees have the right to a timely resolution of their grievances, and
2 appeals.
- 3 C. Employees shall not be demoted, suspended, or discharged except only for
4 cause, and they may appeal such adverse actions as specified in this
5 ordinance.
- 6 D. Employees have the right to fair and equal treatment as provided in Ordin-
7 ance 102562, as amended. (Seattle Fair Employment Practices Ordinance)
- 8 E. Employees may bargain collectively through representatives of their own
9 choosing, pursuant to RCW 41.56.
- 10 F. Employees may examine their own personnel files and are entitled to a copy
11 of anything contained therein, at the City's expense.
- 12 G. Employees may have outside employment as long as it does not interfere
13 with their ability to carry out their duties for the City, subject to the pro-
14 visions of the Ethics Ordinance (Ordinance 100435, as amended).
- 15 H. Employees may engage in political activities, subject to RCW 41.06.250.
16 Political activities of employees in operations which are financed primarily
17 or totally by federal grant-in-aid funds are also subject to the Hatch Act, 15
18 USC/1501, et.seq.

19
20 **Section 8. Affirmative Action.**

21 **A. Affirmative Action Required.**

- 22
23 1. Past discrimination in the City of Seattle employment processes has
24 resulted in present underrepresentation of minorities and women in City
25 of Seattle employment. Notwithstanding other provisions of this
26 ordinance, this past discrimination and its continuing effects require the
27 City to take affirmative action to ensure Equal Employment Opportun-
28 ity for minorities and women in all aspects of employment.

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2. 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 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.

3. 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.

4. 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.

5. 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.

B. Affirmative Action Plan. The Mayor shall be responsible for developing and implementing the Affirmative Action Plan of the City of Seattle; 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 workforce. Comprehensive data related to affirmative action shall be included in the personnel management records system. The Mayor shall:

1. Annually prepare, revise, and update the City's Affirmative Action Plan or revision thereto.

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

- 1 3. Adopt guidelines for designating which positions are to be filled af-
- 2 firmatively to meet goals and timetables for the employment of minor-
- 3 ities and women.
- 4 4. Identify areas where special training programs are needed to meet the
- 5 goals and timetables of the Affirmative Action Plan.
- 6 5. Prescribe guidelines for use during any layoff which will meet the
- 7 affirmative action needs of the City.
- 8

9 C. Affirmative action monitoring and implementation.

- 10 1. The Personnel Director and other City officers, departments, and
- 11 agencies shall provide all necessary information to enable the Human
- 12 Rights Department (HRD) to monitor the progress of minorities and the
- 13 Office of Women's Rights (OWR) to monitor the progress of women
- 14 under the Affirmative Action Plan. HRD and OWR shall verify whether
- 15 departments are in conformance with the plan. Any instance of non-
- 16 compliance with the plan shall be reported to the appointing authority
- 17 and the Personnel Director, who shall cooperate with HRD and OWR in
- 18 eliminating noncompliance and in remedying its effects and ensuring
- 19 future compliance. Failure of a department or agency to cooperate or
- 20 to comply with a request shall be reported to the Mayor.
- 21 2. If a department is not in compliance with the Affirmative Action Plan,
- 22 the Mayor may require by executive order that the Director provide a
- 23 selective certification of women or minorities to fill certain positions in
- 24 that department.
- 25 3. To ensure that affirmative action is fully implemented in all City
- 26 departments and offices, adequate resources shall be provided to carry
- 27 out the activities mandated by this ordinance.

28 Section 9. Handicapped.

- A. It is the policy of the City to employ handicapped persons and to make

1 substantial efforts to continue the employment for those persons who be-
2 come handicapped while performing City duties. The Affirmative Action
3 Plan will encourage recruitment, hiring, and retention of the handicapped.

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

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

13 **Section 10. Collective bargaining.**

14 A. It is the policy of the City of Seattle to meet and confer and/or negotiate
15 with the bargaining representatives of the public employees of the City of
16 Seattle for the purpose of collective bargaining as contemplated by RCW
17 41.56 as amended.

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

24 C. The Labor Relations Policy Committee is further authorized upon the re-
25 quest of the Board of Library Trustees of the Seattle Public Library to meet,
26 confer, and negotiate with bargaining representatives of the public employ-
27 ees of the Seattle Public Library for the purpose of collective bargaining as
28 contemplated by RCW Chapter 41.56, and to timely recommend to the Board

1 of Library Trustees proposed wages, hours, and other conditions of
2 employment for the purposes of Library budgets and such collective
3 bargaining agreement or agreements as may be required and authorized by
4 the Board.

- 5 D. Agreements confirmed by City Council. All labor agreements negotiated
6 pursuant to Chapter 41.56 RCW shall be subject to confirmation by a
7 majority of the City Council.

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

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

27 **Section 11. Classification.**

- 28 A. The Personnel Director shall classify positions of employment in City
government so as to group together positions sufficiently similar that the

1 same title may equitably be applied to all, and may establish such
2 classifications according to a wage and salary structure.

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

7 **Section 12. Employee compensation and benefits.** The Director is the admin-
8 istrator of employee compensation, incentives, and benefits, such as sick leave,
9 health care, dental benefits, and vacation time, except for the retirement program,
10 and shall administer each program according to the terms of the ordinance, resolution
11 or contract which establishes it. The Director shall promulgate rules for the
12 administration of benefits.

13 **Section 13. Examination and selection.**

- 14 A. The Personnel Director shall establish examination procedures by rule.
15
16 B. All employees except temporary and exempt employees shall be examined
17 prior to appointment.
18
19 C. The Personnel Director shall conduct examinations to identify applicants
20 who are qualified for employment. The examinations shall be a job-related
21 measurement of relative ability, knowledge, and skills. The examination
22 shall be open to the public and be publicly announced.
23
24 D. The Personnel Director shall determine the appropriate form for each exam-
25 ination, which may include, but need not be limited to, written, graded, and
26 pass-fail examinations, resume analysis, oral examination, and work sampl-
27 ing.
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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.

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- 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 15 names or the top 25% 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

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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.

Section 14. 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.

Section 15. 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.

Section 16. Performance evaluation.
AMENDED - ORD. 107977

A. The Personnel Director shall develop and ensure compliance with a Citywide 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,

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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 one year of the effective date of this ordinance, 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 this ordinance.
- 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.

Section 17. 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

1 City Council by July 1, 1979.

2 **Section 17. Training.**

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4 A. The goals of City training programs are primarily to provide for affirmative
5 action, to meet the needs of the City to train employees for the jobs which
6 they hold, and to implement performance evaluation; and further to develop
7 employees' job performance potential.

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

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

13 a) City-wide training programs provided in the Personnel Department
14 budget; and

15 b) Departmental training programs budgeted for and managed within a
16 department, but approved by the Director of Personnel as to
17 consistency with City-wide training goals; and

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

20 3. The Personnel Director may also make other training programs avail-
21 able to employees and departments at the trainee's expense.

22
23 B. Apprenticeship.

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

27 2. a) There shall be a Joint Advisory Apprenticeship Committee to
28 advise the Director concerning the need for apprenticeship pro-

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grams 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 ordinance, except that the terms of their apprenticeship agreements shall govern the terms of their employment, in case of conflict.

3. Resolution 16820 entitled

A RESOLUTION relating to a program of apprenticeship positions and creating an advisory committee in connection therewith is hereby superseded.

Section 19. 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

1
2 B. to assist Departments in identifying employees who are interested in upward
3 mobility and in encouraging their progress.

4 **Section 20. Layoff.**

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

- 8 1. Temporary employees
9 2. Probationary employees
10 3. Regular employees. Among regular employees, order of layoff shall be
11 in order of seniority until a performance evaluation system as contem-
12 plated by the Personnel Ordinance is in effect. Thereafter, layoff shall
13 be by order of performance; provided that among employees whose
14 performance is substantially the same layoff shall be in the order of
15 seniority. No such layoff shall result in a disparate impact upon the
16 affirmative action goals of a job category in a department.

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

23 B. The names of all persons laid off from City employment shall be placed on a
24 reinstatement register for the class which they have been terminated. The
25 entire reinstatement register shall be sent to any appointing authority for
26 position vacancies of that job title. An appointing authority may refuse to
27 hire from the reinstatement register only upon stating a reason therefor to
28 the Personnel Director.

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C. Where regular employment is terminated by reason of layoff, when possible, thirty (30) days notice shall be given the affected employee(s), and at least fifteen (15) days notice shall be given unless that would result in serious financial detriment to the City.

Section 21. Discipline and Termination. In order of increasing severity, the disciplinary actions which his/her supervisor may take against an employee for inappropriate behavior or performance include:

- A. a verbal warning, which should be accompanied by a notation in the employee's personnel file;
- B. a written reprimand, a copy of which must be placed in the employee's file;
- C. suspension up to thirty (30) days;
- D. demotion;
- E. termination.

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

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.

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.

The Personnel Director may establish rules for application of discipline which is 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

1 substantial impact on the operations, costs, or safety within that department.

2 The following is a nonexclusive list of grounds for discipline or termination of an
3 employee:

- 4 A. Making a false statement of a material fact on an application for employ-
5 ment.
- 6 B. Falsifying an examination score, either one's own score or that of another
7 person.
- 8 C. Intentional violation of a regulation, order, or direction given by one's super-
9 visor, in the absence of exonerating circumstances.
- 10 D. Unlawfully inducing, or attempting to unlawfully induce another, to breach a
11 law, regulation, or rule of the City.
- 12 E. Intentional violation of personnel rules.
- 13 F. Incompetency or uncorrected inefficiency in the performance of the duties
14 of employment.
- 15 G. Improper or unauthorized use of City property or equipment.
- 16 H. Use of, or attempt to use inappropriate pressure in securing any personnel
17 action; and for the Mayor, City Councilmembers, or their immediate staff,
18 initiation of a recommendation regarding any candidate for City employ-
19 ment.
- 20 I. Soliciting, assessing, or collecting money, goods, or services, on City time
21 and property, for the purpose of securing the nomination or election of any
22 person to political office, or for the purpose of advancing or opposing a
23 proposed ballot issue or a ballot measure.
- 24 J. Making a bribe, accepting a bribe, soliciting a bribe.
- 25 K. Exercising unreasonable physical force against any person during perform-
26 ance of City business.
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- 1 L. A pattern of infractions relating to working hours, or unexcused absence
2 from work for three or more days.
- 3 M. Failure to pass a medical examination required for employment, unless
4 waived for good cause by the City.
- 5 N. Intentional breach of the City Ethics Ordinance (Ordinance 100435).
6
- 7 O. Sexual harassment of another employee.
- 8 P. Theft from the City.
- 9 Q. Uncorrected abusive use of alcohol or drugs during working hours.
10
- 11 R. Using abusive language, including but not limited to racist or sexist slurs,
12 during the performance of City business.

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

18 Conviction of a crime shall not disqualify a person from City employment, ex-
19 cept where the conviction is for conduct reasonably related to the work the applicant
20 would be performing for the City, and the conviction is less than five years old.

21 **Section 22. Intradepartmental Grievance Procedure.** The Director shall estab-
22 lish rules for the presentation of employee grievances in succession, to an employee's
23 immediate supervisor, to the division manager, and to the head of the department for
24 a written decision if necessary. Grievances pursued beyond the employee's immediate
25 supervisor must be submitted in writing in a timely manner.

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

1 By submitting a grievance to binding arbitration provided by a collective bar-
2 gaining agreement, the employee waives his/her right to initiate a grievance
3 procedure under this section.

4 **Section 23. Civil Service Commission.**

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

13 Appointments and elections to fill vacancies on the Commission shall be for
14 the unexpired term. Two commissioners constitute a quorum.

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

20 C. Election for Employee's Commissioner. All City employees who are regular
21 or probationary employees of the City, except members of the public safety
22 personnel system, are eligible to vote for the employee-selected commis-
23 sioner. Elected, exempt, and temporary employees may not vote in that
24 election.

25 D. Commissioner's Election, Administration. Election of the employees' desig-
26 nate to the Commission shall be administered by the City Comptroller.
27 Election shall be held during the week beginning on the first Monday in
28 December, 1978, and every third year thereafter. The City Comptroller

1 shall give notice of such election and furnish ballots therefor. Balloting
2 shall be permitted by mail postmarked between the hours of 12:01 a.m.
3 Monday to 12 midnight of the succeeding Friday of the election week.
4 Ballots may also be deposited during regular office hours at polling places
5 prescribed by the City Comptroller.

6 E. Commissioner Candidacy. Not earlier than the first Monday in November of
7 each year in which a commissioner will be elected, nor later than the
8 succeeding Friday, any person who is to become a candidate for commis-
9 sioner shall file a declaration of candidacy for office with the City Comp-
10 troller, on a form furnished by the Comptroller; provided, that the filing
11 period for the first election hereunder shall be the first Monday through the
12 succeeding Friday after the approval of this Ordinance by the Mayor, or the
13 first Monday in November, 1978, whichever is later.

14 F. Voting. The candidate receiving the majority of votes cast shall win the
15 election. If no candidate receives a majority of the votes cast, the two
16 candidates receiving the highest and next highest number of votes cast shall
17 be candidates in a run-off election held during the week beginning on the
18 third Monday after the first day of election. Notice and voting shall be the
19 same as for regular commissioner's election.

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

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

26 I. Campaign Reporting. Candidates for commissioner shall comply with the
27 terms of the Fair Campaign Practices Ordinance of the City of Seattle
28 (Ordinance 106653) including, but not limited to, filing of disclosure state-
ments regarding campaign financing.

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

4 Recall proceedings are instituted by filing with the City Comptroller a
5 demand for recall, stating good cause therefor. Within 60 days of filing, the
6 statement must be supported by a petition filed therewith, bearing the
7 signatures of eligible employees equal in number to 25% of the number that
8 voted in the last Commissioner's election; provided, no more than 50% may
9 be signatures of the employees of a single department. Upon verification of
10 sufficient signatures, the Comptroller shall announce a recall election as
11 soon as is practicable.

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

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

- 17 1. To appoint, remove, and supervise Commission staff.
- 18 2. To make rules for the conduct of Commission business pursuant to the
19 Administrative Code of the City (Ordinance 102228).
- 20 3. To hear appeals involving the administration of the personnel system.
21 The Commission may administer oaths, issue subpoenas, receive evi-
22 dence, compel the production of documents for such purposes, and may
23 question witnesses at its hearings.
- 24 4. To conduct investigations and issue findings regarding any complaints
25 that the Mayor, a City Councilmember, or a member of their immediate
26 staff has initiated a recommendation regarding a candidate for City
27 employment, or that any person has used inappropriate pressure to
28 effect the hiring of any candidate for City employment. The

1 Commission may administer oaths, issue subpoenas, receive evidence,
2 compel the production of documents for such purposes, and may
3 question witnesses at its hearings.

- 4
- 5 5. To issue such remedial orders as it deems appropriate; provided, that no
6 remedial order may supervene the exclusive authority of the City
7 Council as it relates to the financial transactions of the City. The
8 Commission shall have the power to reinstate employees. It may intro-
9 duce legislation for lost wages and benefits, and may make recommen-
10 dations to the Mayor and City Council.
- 11 6. To review and comment upon rules promulgated by the Personnel Direc-
12 tor pursuant to the Administrative Code of the City (Ordinance 102228).
- 13 7. Delegation of powers. The Commission may delegate its powers, in
14 whole or in part, to a hearing examiner who may be from the City
15 Hearing Examiner's office. Decisions of a hearing examiner may be
16 appealed to the Commission. The Commission may not delegate its
17 powers to, or employ the services of, the Personnel Director or a mem-
18 ber of the Personnel Department.

19 **Section 24. Appeals to Civil Service Commission.**

- 20 A. A regular employee who is aggrieved thereby may appeal to the Civil Ser-
21 vice Commission his/her demotion, suspension, termination of employment,
22 or violation of the Personnel Ordinance or rules passed pursuant thereto;
23 provided that the employee first exhausts his/her intradepartmental griev-
24 ance remedies.
- 25 B. Appeal, in the form of a concise statement of the reason for appeal, must be
26 filed with the Commission within 20 days of the action appealed from.
- 27 C. By submitting the same complaint to binding arbitration provided by a
28 collective bargaining agreement, the employee waives his/her right to an
appeal under this section.

- 1 D. A complaint alleging discrimination in violation of the City's Fair Employment
2 Practices Ordinance shall be referred by the Commission to the rights
3 agency of the City having jurisdiction over such complaints for its recom-
4 mendation as to appropriate settlement of the case.
- 5 E. An employee may be represented at a hearing before the Commission by a
6 person of his/her own choosing at his/her own expense.
- 7 F. The Commission shall keep a record of its own proceedings, but the record
8 need not include a written verbatim transcript.
- 9 G. The Commission shall accord appellants in disciplinary actions the right to
10 cross-examine witnesses and to produce relevant evidence at hearings.
- 11 H. The Commission shall conduct hearings on a timely basis and render deci-
12 sions on the issues presented at hearing within ninety days after a hearing is
13 completed.

14
15 **Section 25. Transition.** This ordinance effects major changes in the City's
16 personnel system. In order that the business of the City may continue without major
17 hiatus during implementation of this new personnel system, the following transitional
18 provisions are hereby authorized and made:

- 19 A. Upon the effective date of this ordinance, the appointment of each em-
20 ployee of the City is hereby ratified and confirmed.
- 21 B. Upon the effective date of this ordinance, all regular employees of the City
22 shall remain regular employees of the City, without loss of accrued
23 vacation, sick leave, compensation time, or like benefit, if any, which is also
24 recognized under the new personnel system.
- 25 C. Upon the effective date of this ordinance, probationary employees shall
26 remain probationary employees without loss of accrued vacation, sick leave,
27 compensation time, service time accrued toward regular employment, or
28 like benefit, if any, which is also recognized under the new personnel
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- D. Upon the effective date of this ordinance, provisional employees shall become probationary employees of the City without loss of accrued vacation, sick leave, or compensation time or like benefit, if any, which is also recognized under the new system.
- E. The accrued vacation, sick leave, compensation time, or like benefit of every employee, if such benefit exists, is preserved upon the effective date of this ordinance; provided, that such benefit is a sort recognized under the new system.
- F. Upon the effective date of this ordinance, 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 this ordinance, the existing job classifications in the City are hereby 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) and all other employee benefits, are hereby transferred to the Personnel Department.
- I. The Civil Service Commission heretofore appointed pursuant to Charter Article XVI, prior to its 1977 amendments, is hereby terminated. All of the offices, equipment, and properties of such Civil Service Commission, and all

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of its records, books, and papers are hereby transferred to the Public Safety Commission established pursuant to the provisions of this ordinance; provided, that records, books, and papers relating to employees and positions of employment not a part of the Public Safety Civil Service Commission are hereby transferred to the Personnel Department established pursuant to Charter Article XVI and the Personnel Ordinance of the City; 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 hereby transferred to the Civil Service Commission established pursuant to Charter Article XVI as amended in 1977, and pursuant to the terms of this ordinance.

J. Insofar as they are not in conflict with the terms of this ordinance, the Civil Service Rules of The City of Seattle adopted February 17, 1965, as amended as of December 31, 1978, are hereby 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 ordinance, until such rules are amended or repealed by the Personnel Director.

K. The adoption of the Personnel Ordinance and rules adopted pursuant thereto shall not affect the provisions of any existing collective bargaining agreement between an employee organization and the City of Seattle.

Section 26. Savings clause. This ordinance is cumulative to, and shall not be deemed to supersede the following:

- The Fair Employment Practices Ordinance (Ordinance 102562)
- The Vacation Ordinance (Ordinance 86799)
- The Retirement Ordinance (Ordinance 78444)
- The Health Care Ordinance (Ordinance 83834)
- The Dental Program Ordinance (Ordinance 100862)
- The Sick Leave Ordinance (Ordinance 88522)
- The Salary Administration Ordinance (Ordinance 97330)

1 **Section 27. Repealer.**

2 Ordinance 97474 entitled

3
4 AN ORDINANCE relating to the Executive Department; creating the Seattle
5 Personnel Office; establishing the position of City Personnel Director and
6 authorizing expenditures in connection therewith;

7 and Ordinance 69816 entitled

8 AN ORDINANCE relating to, and granting, leaves of absence to officers and
9 employees of the City while in active military or naval service, and providing for
10 contributions by members to the Retirement System while on such leaves of
11 absence;

12 and Ordinance 73052, entitled

13 AN ORDINANCE relating to military leaves of absence and amending Sec-
14 tion 1 of Ordinance No. 69816 (as amended) to extend same to City officers and
15 employees engaged in certain types of overseas service with the American
16 National Red Cross;

17 and Ordinance 73913, entitled

18
19 AN ORDINANCE relating to military leave and amending Section 2 of
20 Ordinance No. 69816 providing for contributions by members of the City Em-
21 ployees Retirement System on such leave and their status to other pension or
22 compensation;

23 and Ordinance 99002 entitled

24 AN ORDINANCE relating to collective bargaining; establishing a City
25 Negotiating Committee and Labor Relations Policy Committee for the conduct
26 of negotiations on behalf of the City, prescribing the duties and functions there-
27 of, and repealing Ordinance 96232;

28 and Ordinance 99141 entitled

(To be used for all Ordinances except Emergency.)

AN ORDINANCE relating to collective bargaining, and amending Section 4 of Ordinance 99002 to authorize the City Negotiating Committee to conduct negotiations on behalf of the Board of Library Trustees

are hereby repealed.

Section 28. Severability. The provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 29. Effective Date and Review. This ordinance shall become effective on January 1, 1979. The City Council shall review the implementation of this ordinance at a time no sooner than 18 and no later than 24 months after the effective date.

Section 30. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 6 day of November, 1978 and signed by me in open session in authentication of its passage this 6 day of November, 1978

John Miller
President of the City Council.

Approved by me this 15 day of November, 1978

Charles Cooper
Mayor.

Filed by me this 15 day of November, 1978

Ed Kinn
Attest: City Comptroller and City Clerk.

(SEAL)

Published

Rayne Angeline
Deputy Clerk.

ORDINANCE 107700

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AN ORDINANCE relating to the personnel system of the City, pursuant to amendments to City Charter Article XVII, establishing the Personnel Department and the Civil Service Commission of the City, and prescribing the duties of each.

SECTION 1. TITLE. This ordinance shall be entitled "The 1978 City of Seattle Personnel Ordinance." It may be cited as the "Personnel Ordinance."

SECTION 2. PURPOSE. The purpose of this ordinance is to establish for the City of Seattle a system of personnel administration based upon merit principles as enumerated in the City Charter, Article XVI, Section 4 (as amended) and upon fair and uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force.

SECTION 3. DEFINITIONS. Unless another meaning is clearly indicated from the context, as used in this ordinance, the following terms shall mean:

Appointing authority: Person authorized by ordinance or Charter to employ others on behalf of the City, usually the head of a department.

Assignment: Appointment to one or more of a number of duties, responsibilities and salaries within one class, except that such level is not a permanent or vested right and is subject to review.

Certification: 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.

City: The City of Seattle.

City Council: The City Council of the City of Seattle.

Class: Any group of positions sufficiently similar that the same title may equitably be applied to all.

Days: Calendar days.

Demotion: The removal of an employee from a higher to a lower class for cause.

Director: The Director of the Personnel Department or his/her designated representative.

Exempt Employee: An exempt employee is one who serves at the discretion of the appointing authority in a position which is exempted by the City Charter or the exemptions ordinance from compliance with this ordinance regarding examination and selection, discipline and termination of employees, and appeals of personnel actions to the Commission created by this ordinance.

Graded Examination: A test for qualifying applicants for placement on a register of those eligible for appointment to a job, in order of their relative merit.

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.

Inappropriate Pressure: Any suggestion (oral or written communication) to a City employee the effect of which would either (1) preclude job advancement and open consideration of qualified applicants, or (2) result in the selection of an employee for reasons other than relative ability, knowledge, and skill.

Layoff: 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.

Pass-fail Examination: A test for qualifying for placement on a register of those eligible for appointment to a job.

Probationary Employee: Employee who has been appointed from a register but who has not completed a one-year period of probationary employment.

Provisional Employee: An employee who, prior to January 1, 1979, was appointed for the purpose of performing work in a position for which no register exists.

Reduction: The movement of an employee from a higher position to a lower position, not for cause.

Register: 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.

Regular Employee: 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.

Reinstatement: Reappointment of a regular employee from a reinstatement register to a position in a class in which regular status was previously held.

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

Suspension: Temporary withdrawal of an employee from employment with or without pay for a specified period for cause or pending determination of charges against an employee, which charges could result in discharge.

Temporary Employee: An employee appointed to fill a temporary, emergency, or short-term need, or to fill a position for which no register is available.

Termination or discharge: Separation from employment for cause.

SECTION 4. ADMINISTRATION. 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.

The duties of the Director include:

A. Promote the improvement of City personnel administration, and personnel standards within the City.

B. 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.

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

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

E. Develop and administer a system of classification of positions and a wage and salary plan therefor.

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

G. Develop and implement employee safety programs in addition to those which may be provided within departments and develop safety programs in

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

I. Develop and administer a centralized system and regular procedures for recruitment and selection of City employees.

J. Conduct personnel research and staff resource planning for the City.

K. Develop and administer a regular system of performance evaluation of City employees.

L. Develop and administer benefit programs, other than retirement benefits, administered by the Employee's Retirement Board, for City employees.

M. Assist various City departments in layoff and reinstatement actions.

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

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

P. Design experimental programs in human resources management for the Mayor's consideration.

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

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

SECTION 5. RULE MAKING AUTHORITY. Pursuant to the administrative code of the City (Ordinance 102228), 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 ordinance.

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.

SECTION 6. EMERGENCY RULES. When the Director finds that there is the immediate need for a rule of 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.

Emergency rules shall remain in effect only until a permanent ordinance pursuant to Ordinance 102223, becomes effective or for 31 days, whichever is shorter.

SECTION 7. 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 ordinance.

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

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

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 or state funds are also subject to the Hatch Act, 16 USC/1501, ET. SEQ.

SECTION 8. AFFIRMATIVE ACTION.

A. Affirmative Action Required.

1. Past discrimination in the City of Seattle employment processes has resulted in present underrepresentation of minorities and women in City of Seattle employment. Notwithstanding other provisions of this ordinance, this past discrimination and its continuing effects require the City to take affirmative action to ensure Equal Employment Opportunity for minorities and women.

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.

in all aspects of employment.

2. 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 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 be developed.

3. 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 under-represented.

4. 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.

5. 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.

B. Affirmative Action Plan. The Mayor shall be responsible for developing and implementing the Affirmative Action Plan of the City of Seattle; 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 workforce. Comprehensive data related to affirmative action shall be included in the personnel management records system. The Mayor shall:

1. Annually prepare, revise, and update the City's Affirmative Action Plan or revision thereto.

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

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

4. Identify areas where special training programs are needed to meet the goals and timetables of the Affirmative Action Plan.

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

C. Affirmative action monitoring and implementation.

1. 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 non-compliance 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.

2. 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.

3. 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 ordinance.

SECTION 9. HANDICAPPED.

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 dis-

performance of the job; and provided that the applicant be notified if the job may be accommodations to the employee's limitations.

SECTION 10. COLLECTIVE BARGAINING.

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

B. There is hereby established an Executive Labor Committee appointed by the Mayor. The City Council shall establish a City Council Labor Committee. There is hereby 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 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 of Seattle 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 of Seattle 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 of Seattle 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.

SECTION 11. CLASSIFICATION.

A. The Personnel Director shall classify positions of employment in City government into groups together in 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' transfer 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.

SECTION 12. 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.

SECTION 13. 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 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 certificate, the Personnel Director shall give the appointing authority a list of those persons who have been found eligible for appointment, consisting of the top 10 names or the top 5% 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 to 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 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 Council members, and their immediate staff shall not initiate any recommendations regarding candidates for City employment. However, the Mayor, City Council members, and their immediate staff may respond to requests for recommendations regarding their direct knowledge of a candidate's ability, knowledge, and skill. No person shall use inappropriate pressure to effect the hiring of any candidate for City employment.

SECTION 14. 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.

SECTION 15. 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.

SECTION 16. PERFORMANCE EVALUATION.

A. The Personnel Director shall develop and ensure compliance with a Citywide 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 one year of the effective date of this ordinance, 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 this ordinance.

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.

SECTION 17. EMPLOYEE INCENTIVES. The Personnel Director shall develop proposals for employee incentive programs, including proposals for merit pay evaluation and shall report such proposals to the Mayor and City Council by July 1, 1979.

SECTION 18. TRAINING.

A. The goals of City training programs are primarily to provide for affirmative action, to meet the needs of the City to employ 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 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 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, administrative and rules changes. The Committee may, at the request of the Director, assist in recruiting, examining, selecting, training, evaluating, and disciplining apprentices, subject to the rules and in the City's Affirmative Action Plan. The 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 a staggered three-year term. 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 ordinance, except that the terms of their apprenticeship agreements shall govern the terms of their employment, in case of conflict.

3. Resolution 16820 entitled

A RESOLUTION relating to a program of apprenticeship positions and creating an advisory committee in connection therewith

is hereby superseded.

SECTION 19. 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.

SECTION 20. 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 the Personnel Ordinance 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 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 in the class which they have been accumulated. 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 (30) days notice shall be given the affected employee(s), and at least fifteen (15) days notice shall be given unless that would result in serious financial detriment to the City.

SECTION 21. DISCIPLINE AND TERMINATION. In order of increasing severity, the disciplinary actions which his/her supervisor may take against an employee for inappropriate behavior or performance include:

- A. a verbal warning, which should be accompanied by a notation in the employee's personnel file;
- B. a written reprimand, a copy of which must be placed in the employee's file;
- C. suspension up to thirty (30) days;
- D. demotion;
- E. termination.

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

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.

Disciplinary action shall be reported by the department head to the Personnel Director for records purposes, and the Personnel Director may use in compiling guidelines or like treatment of like behavior from department to department.

The Personnel Director may establish rules for application of discipline which is 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.

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

A. Making a false statement of a material fact on an application for employment.

B. Falsifying an examination score, or other test score or that of another person.

C. Intentional violation of a regulatory order or direction given by one's supervisor, in the absence of extenuating circumstances.

D. Unlawfully inducing, or attempting to unlawfully induce another, to breach a law, regulation, or rule of the City.

E. Intentional violation of personnel rules.

F. Incompetency or uncorrected inefficiency in the performance of the duties of employment.

G. Improper or unauthorized use of City property or equipment.

H. 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.

I. Collecting, 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.

J. Making a bribe, accepting a bribe, soliciting a bribe.

K. Exercising unreasonable physical force against any person during performance of City business.

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

M. Failure to pass a medical examination required for employment, unless waived for good cause by the City.

N. Intentional breach of the City Ethics Ordinance (Ordinance 100435).

O. Sexual harassment of another employee.

P. Theft from the City.

Q. Uncorrected abusive use of alcohol or drugs during working hours.

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

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.

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.

SECTION 22. INTRADEPARTMENTAL GRIEVANCE PROCEDURE. 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.

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.

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.

SECTION 23. 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 such 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 term. Two commissioners constitute a quorum.

B. Eligibility of Commissioners. In order that the confidence 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 part-time 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 employee's 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 12 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; provided, that the filing period for the first election hereunder shall be the first Monday through the succeeding Friday after the approval of this Ordinance by the Mayor, or the first Monday in November, 1978, whichever is later.

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 run-off 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) 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 60 days of filing, the statement must be supported by a petition filed therewith, bearing the signatures of eligible employees equal in number to 25% of the number that voted in the last Commissioner's election.

provided, no more than 50% 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).

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 the staff immediately staff has initiated a recommendation regarding any 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 hearings.

5. To issue such remedial orders as it deems appropriate; provided, that no remedial order may supersede 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).

7. Delegation of powers. The Commission may delegate its powers, in whole or in part, to a hearing officer who may be from the City Hearing Examiner's office. Decisions of a hearing examiner may be appealed to the Commission. The Commission may also employ the services of the Personnel Director or a member of the Personnel Department.

SECTION 24. 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 the Personnel Ordinance or rules passed pursuant thereto; provided, that he/she first exhausts his/her intradepartmental grievance remedies.

B. Appeal, in the form of a concise statement of the reasons for appeal, must be filed with the Commission within 20 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 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.

that such benefit is a system recognized under the new system.

F. Upon the effective date of this ordinance, 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 novel rules of the Personnel Director, whichever set of rules is deemed fairer to the employee.

G. Upon the effective date of this ordinance, the existing job classifications in the City are hereby 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 8844), namely, those records, books, and papers relating to employee health care (Ordinance 83834), vacation (Ordinance 86799), sick leave (Ordinance 88522), dental care (Ordinance 100826), and all other employee benefits, are hereby transferred to the Personnel Department.

I. The Civil Service Commission heretofore appointed pursuant to Chapter Article XVI, Ordinance 8844, is hereby terminated. All of the offices, equipment, and properties of such Civil Service Commission, and all of its records, books, and papers are hereby transferred to the Public Safety Commission established pursuant to the provisions of this ordinance; provided, that records, books, and papers relating to employees and positions of employment not a part of the Public Safety Civil Service Commission are hereby transferred to the Personnel Department established pursuant to Charter Article XVI and the Personnel Ordinance of the City; 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 hereby transferred to the Civil Service Commission established pursuant to Charter Article XVI and the Personnel Ordinance of the City; and pursuant to the terms of this ordinance.

J. Insofar as they are not in conflict with the terms of this ordinance, the Civil Service Rules of the City of Seattle adopted February 17, 1965, as amended as of December 31, 1978, are hereby 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 ordinance.

K. The adoption of the Personnel Ordinance and the rules adopted pursuant thereto shall not affect the provisions of any existing collective bargaining agreement between an employee organization and the City of Seattle.

SECTION 25. SAVINGS CLAUSE.

This ordinance is cumulative to, and shall not be deemed to supersede the following:

The Fair Employment Practices Ordinance (Ordinance 102562)

The Vacation Ordinance (Ordinance 86799)

The Retirement Ordinance (Ordinance 78444)

The Health Care Ordinance (Ordinance 83834)

The Dental Program Ordinance (Ordinance 100862)

The Sick Leave Ordinance (Ordinance 88522)

The Salary Administration Ordinance (Ordinance 97330)

SECTION 27. REPEALER.

Ordinance 97474 entitled

AN ORDINANCE relating to the Executive Department, creating the Seattle Personnel Office, establishing the position of City Personnel Director and authorizing expenditures in connection therewith;

and Ordinance 69816 entitled

AN ORDINANCE relating to, and granting leaves of absence to officers and employees of the City while in active military or navy service, and providing for contributions by members to the

and Ordinance 73052, entitled
AN ORDINANCE relating to
military leaves of absence
and amending Section 1 of
Ordinance No. 49816 (as
amended) to extend same to
City officers and employees
engaged in certain types of
overseas service with the
National Red Cross;

and Ordinance 73913, entitled
AN ORDINANCE relating to
military leave and amending
Section 2 of Ordinance No.
69816 providing for contribu-
tions by members of the City
Employees Retirement Sys-
tem on such leave and their
status to other pension or
compensation;

and Ordinance 90602 entitled
AN ORDINANCE relating to
collective bargaining, estab-
lishing a City Negotiating
Committee and Labor Rela-
tions Policy Committee for
the conduct of negotiations
on behalf of the City, pro-
scribing the duties and func-
tions thereof, and repealing
Ordinance 96227;

and Ordinance 99111 entitled
AN ORDINANCE relating to
collective bargaining, and
amending Section 4 of Ordinance
93002 to authorize the
City Negotiating Committee
to conduct negotiations on
behalf of the Board of Li-
brary Trustees
are hereby repealed.

SECTION 28. SEVERABILITY.
The provisions of this ordinance
are declared to be separate and
severable and the invalidity of
any clause, sentence, paragraph,
subdivision, section, or portion
of this ordinance, or the invalid-
ity of the application thereof to
any person or circumstance shall
not affect the validity of the
remainder of this ordinance or
the validity of its application to
other persons or circumstances.

SECTION 29. EFFECTIVE
DATE AND REVIEW. This ordi-
nance shall become effective on
January 1, 1979. The City Council
shall review the implementation
of this ordinance at a time no
sooner than 18 and no later than
24 months after the effective
date.

Section 30. This ordinance shall
take effect and be in force thirty
days from and after its passage
and approval or approved by the
Mayor; otherwise it shall take
effect at the time it shall become
a law under the provisions of the
city charter.

Passed by the City Council the
6th day of November, 1978, and
signed by me in open session in

ORDINANCE 107700
(Continued from Page Two)

authentication of its passage this
6th day of November, 1978.

JOHN MILLER,
President of the City Council.
Approved by me this 15th day
of November, 1978.

CHARLES ROYER,
Mayor.
Filed by me this 15th day of
November, 1978.

Attest: B. L. KIDD,
City Comptroller and
City Clerk.

By WAYNE ANGEVINE,
(Seal) Deputy Clerk.
Publication ordered by B. L.
KIDD, Comptroller and City
Clerk.

Date of official publication in
the Daily Journal of Commerce,
Seattle, November 16, 1978.
(C-849)

SECTION 25. TRANSITION. This
ordinance effects major changes
in the City's personnel system.
In order that the business of
the City may continue without
major hiatus during implementa-
tion of this new personnel sys-
tem, the following transitional
provisions are hereby authorized
and made:

A. Upon the effective date of
this ordinance, the appoint-
ment of each employee of the
City is hereby ratified and
confirmed.

B. Upon the effective date of
this ordinance, all regular em-
ployees of the City shall re-
main regular employees of the
City, without loss of accrued
vacation, sick leave, compensa-
tion time, or like benefit, if
any, which is also recognized
under the new personnel sys-
tem.

C. Upon the effective date of
this ordinance, probationary
employees shall remain proba-
tionary employees without loss
of accrued vacation, sick leave,
compensation time, or service
time accrued toward regular
employment, or like benefit,
if any, which is also recognized
under the new personnel sys-
tem.

D. Upon the effective date
of this ordinance, provisional
employees shall become proba-
tionary employees of the City
without loss of accrued vaca-
tion, sick leave, or compensa-
tion 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 pre-
served upon the effective date
of this ordinance; provided,

C-649

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 107790

was published on November 18, 1978

B. A. Abbott
Subscribed and sworn to before me on
November 18, 1978

Barbara A. Jones
Notary Public for the State of Washington,
residing in Seattle.

CSS 20.14

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on
to which was referred

Personnel & Inv. Manual

C.B. 99820

Date Reported
and Adopted

NOV 8 1978

Relating to the personnel system of the City, pursuant to amendments to City Charter Article XVI; establishing the Personnel Department and the Civil Service Commission of the City, and prescribing the duties of each.

RECOMMEND PASS AS AMENDED

Chairman

Dolores Sibanga

Chairman

Committee

Committee