

Ordinance No. 121172

Council Bill No. 114532

The City of Seattle Council Bill/Ordinance

An ordinance extending the eligible register for the Fire Lieutenant promotional examination to be established on August 15, 2004, and amending Seattle Municipal Code Section 4.04.040, Subsection C, to incorporate the terms of a court order relative to certification of candidates for Police and Fire promotional exams.

CF No. _____

Date Introduced: <u>APR 14 2003</u>	
Date 1st Referred: <u>APR 14 2003</u>	To: (committee) <u>Police, Fire, Courts & Technology Committee</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>6-9-03</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>6-10-03</u>	Date Approved: <u>6/10/03</u>
Date Returned to City Clerk: <u>6/17/03</u>	Date Published: <u>3PM</u>
Date Vetoes by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

6-9-03 Passed

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

COMPTON

[Handwritten signature]
Councilmember

Committee Action:

Compton eye

Pageler eye

Duego eye

6-9-03 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Department

Law Dept. Review

OMP Review

[Initials]
City Clerk Review

Electronic Copy Loaded

Indexed

*[Handwritten note: 6-9-03 NCC
Approved by
Full Council
Kramer]*

1 effect for a time determined by the Director: provided, that no eligible register shall remain in
2 effect for more than two (2) years.

3 3. Provide notice of the time and place and general scope of every examination to be held
4 by publication in the City official newspaper not less than ten (10) days preceding such
5 examination, and for promotional exams by posting in the Public Safety Civil Service
6 Commission office and in Police and Fire Department offices for not less than ninety (90) days,
7 and by other notice deemed reasonable or necessary by the Director.

8 4. Keep a record of all examinations held under his/her direction.

9 5. Prepare a register for each class of positions in this system from the returns or reports
10 of the examiners of the persons whose standing upon examination for such class is not less than
11 the minimum established by the Director. Persons, when graded, shall take rank upon the register
12 as candidates in the order of their relative excellence as determined by competitive examination.
13 Veteran's preference in examination and appointment shall be granted as required by federal and
14 state law including RCW 41.08.040 and 41.12.040: provided a person shall be entitled to use
15 such preference only once to successfully attain an appointment or promotion to a position.

16 6. When a vacant entry level position is to be filled, certify to the appointing authority
17 the names of candidates in the top twenty-five (25) percent of the eligible register, or the top five
18 (5) candidates, whichever number is larger, subject to any current affirmative action
19 requirements. Where more than one (1) position in a class is to be filled, certify one (1)
20 additional name of the person standing next highest on the register for each additional position.
21 When a vacant position is to be filled through promotion, certify to the appointing authority the
22 names of the top five (5) candidates from the appropriate promotional register. When more than
23 one (1) vacancy is to be filled from a promotional register, certify one (1) additional name of the
24 person standing next highest on the register for each additional position. The appointing
25 authority shall fill such positions by appointment only from the persons certified by the Director.

26 If there are no registers for a class, authorize temporary, provisional appointment to the
27 vacant position. A provisional appointment shall not continue for a period longer than four (4)
28 months, and no person shall receive more than one (1) provisional appointment or serve more
than four (4) months as provisional appointee in any twelve (12) month period.

7. Adopt suitable rules for examination, classification, eligibility, preparation of
registers, certification and appointments. Such rules may be amended, modified or rescinded



1 from time to time, and all rules and amendments thereof shall be printed for free public
2 distribution.

3 8. Comply with the applicable portions of the Rules of Practice and Procedure of the
4 Public Safety Civil Service Commission in effect on January 1, 2002, until such time as the
5 Personnel Director adopts rules to carry out the new duties assigned pursuant to SMC Section
6 4.08.020.

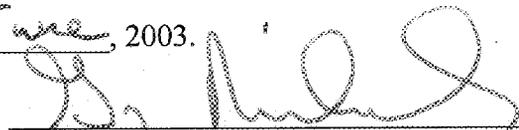
7 9. Comply with the procedures regarding the promotions of police officers and sergeants
8 set forth in the effective collective bargaining agreement between the City and the exclusive
9 bargaining agent of such employees, as approved by ordinance, to the extent such procedures are
10 inconsistent with the terms of this ordinance as codified in this chapter, the rules adopted by the
11 Director, or the rules of the Public Safety Civil Service Commission.

12 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after
13 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
14 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

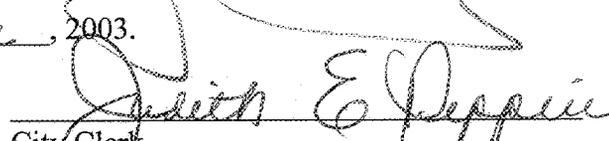
15 Passed by the City Council the 9th day of June, 2003, and signed by me in
16 open session in authentication of its passage this 9th day of June, 2003.

17 
18 President _____ of the City Council

19 Approved by me this 12 day of June, 2003.

20 
21 Gregory J. Nickels, Mayor

22 Filed by me this 17th day of June, 2003.

23 
24 City Clerk

25 (Seal)
26
27
28



Fiscal Note

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Personnel	Kathy Steinmeyer, 4-7892	Ellen Schroer, 3-9841

Legislation Title:

An ordinance extending the eligible register for the Fire Lieutenant promotional examination to be established on August 15, 2004, and amending Seattle Municipal Code Section 4.04.040, Subsection C, to incorporate the terms of a court order relative to certification of candidates for Police and Fire promotional exams.

Summary of the Legislation:

Extends the Fire Lieutenant register to be established on August 15, 2004 to August 15, 2007. The register would otherwise expire on August 15, 2006. Examination staff needs to establish an "off-year" examination cycle because of workload considerations. In addition, the ordinance amends SMC 4.04.040 C to comply with a settlement agreement relative to numbers of eligible candidates to be certified off a promotional examination register.

Appropriations (in \$1,000's): None

Fund Name and Number	Department	Budget Control Level*	2003 Appropriation	2004 Anticipated Appropriation
TOTAL				

** This is line of business for operating budgets, and program or project for capital improvements*

Notes:

Expenditures (in \$1,000's): None

Fund Name and Number	Department	Budget Control Level*	2003 Expenditures	2004 Anticipated Expenditures
TOTAL				

** This is line of business for operating budgets, and program or project for capital improvements*

Notes:



Anticipated Revenue/Reimbursement (in \$1,000's): None

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
TOTAL				

Notes:

Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions: None

Fund Name and Number	Department	Position Title*	2003 FTE	2004 FTE
TOTAL				

* List each position separately

Do positions sunset in the future? (If yes, identify sunset date): N/A

Background (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

SMC 4.04.040 C currently provides that the Personnel Director will certify the top 5 or top 25% of candidates from an eligible register to the appointing authority. The Seattle Police Officers Guild obtained an order from Superior Court limiting the certification to 5 candidates.

The financial cost of not implementing the legislation (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

The City must comply with the legal settlement or risk unknown penalties.

Possible alternatives to the legislation which could achieve the same or similar objectives (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

None



Is the legislation subject to public hearing requirements (If yes, what public hearings have been held to date):

No

Other Issues (including long-term implications of the legislation):

None

FOR CAPITAL PROJECTS ONLY

Background (Include brief description that states the purpose and context of legislation, the expected useful life, anticipated customers/users, assumed level of LEED or other sustainable design elements. Also include record of previous legislation and funding history, if applicable):

Project Name: **Project Location:** **Start Date:** **End Date:**

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Spending Plan and Future Appropriations for Capital Projects (Estimate cost of legislation over time; list timing of anticipated appropriation authority requests and expected spending plan. Please identify your cost estimate methodology including inflation assumptions and key assumptions related to the timing of appropriation requests and expected expenditures. In addition, include the projected costs of meeting the LEED Silver standard in all facilities and buildings with over 5,000 gross square feet of occupied space. Also, be sure to include percent for art and percent for design as appropriate):

Spending Plan and Budget	2003	2004	2005	2006	2007	2008	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Key Assumptions:

Funding source (Identify funding sources including revenue generated from the project and the expected level of funding from each source):

Funding Source	2003	2004	2005	2006	2007	2008	Total
TOTAL							



Bond Financing Required (If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount):

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL					

Uses and Sources for Operation and Maintenance Costs for the Project (Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost):

O&M	2003	2004	2005	2006	2007	2008	Total
Uses							
Start Up							
On-going							
Sources (itemize)							

Key Assumptions:

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Periodic Major Maintenance costs for the project (Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency):

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL			

Funding sources for replacement of project (Identify possible and/or recommended method of financing the project replacement costs):

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

April 7, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance extends the eligible register for Fire Lieutenant to be established on August 15, 2004 to August 15, 2007. This register would normally expire on August 15, 2006, but examination staff need to establish an "off-year" examination cycle for one title in order to better manage their workload. The Fire Department has been consulted and agrees to this extension.

In addition, this ordinance amends SMC 4.04.040, Subsection C, to provide that the top five candidates from a Fire or Police promotional register shall be certified to the appointing authority. This change is consistent with a settlement between the Seattle Police Officers Guild and the City.

Thank you for your consideration of this legislation. Should you have questions please contact Kathy Steinmeyer at 684-7921.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, stylized, scribbled-out area.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

160510
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

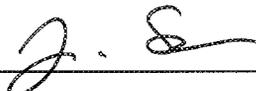
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

CTOT:121172 ORD IN FULL

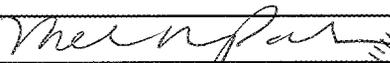
was published on

7/2/2003



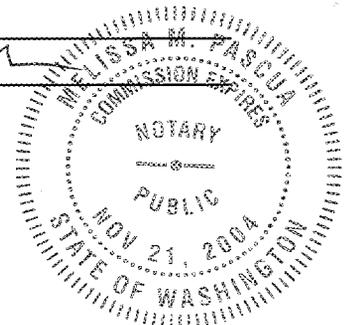
Subscribed and sworn to before me on

7/2/2003



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 121172

AN ORDINANCE extending the eligible register for the Fire Lieutenant promotional examination to be established on August 15, 2004, and amending Seattle Municipal Code Section 4.04.040, Subsection C, to incorporate the terms of a court order relative to certification of candidates for Police and Fire promotional exams.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Notwithstanding the provisions of SMC 4.04.040 Subsection C2, the eligible register for the Fire Lieutenant promotional examination that is scheduled to be posted on August 15, 2004 shall remain in effect until August 15, 2007.

Section 2. Seattle Municipal Code Section 4.04.040 (Administration), Subsection C, Ordinance 107790 as amended, is hereby further amended as follows:

C. With respect to employees of the Public Safety Civil Service system enumerated in SMC 4.08.080, the duties of the Director include:

1. Classify, for purposes of examination, all positions covered by said system. No appointments, promotions or transfers shall be made to or from positions covered by said system except as provided in SMC Chapters 4.04.040 C and 4.08.

2. Prepare and administer examinations, which shall be graded and open to all who meet appropriate job-related qualifications; provided that the Director may, by rule, designate other methods of examination based on merit when in the Director's judgment graded examination is not practicable. Such examinations may include tests of physical fitness and/or manual skill. The Director shall supervise and keep a record of all examinations. The Director shall charge a nonrefundable application fee of Twenty-five Dollars (\$25) for entry-level firefighter and police officer applicants. The Director shall waive this fee for indigent applicants upon submission by the applicant of a declaration of indigency.

Examinations for all classes shall be timely prepared and administered by the Director so as to provide at all times current registers for all classifications. Eligible registers shall remain in effect for a time determined by the Director; provided, that no eligible register shall remain in effect for more than two (2) years.

3. Provide notice of the time and place and general scope of every examination to be held by publication in the City official newspaper not less than ten (10) days preceding such examination, and for promotional exams by posting in the Public Safety Civil Service Commission office and in Police and Fire Department offices for not less than ninety (90) days, and by other notice deemed reasonable or necessary by the Director.

4. Keep a record of all examinations held under his/her direction.

5. Prepare a register for each class of positions in this system from the returns or reports of the examiners of the persons whose standing upon examination for such class is not less than the minimum established by the Director. Persons, when graded, shall take rank upon the register as candidates in the order of their relative excellence as determined by competitive examination. Veteran's preference in examination and appointment shall be granted as required by federal and state law including RCW 41.08.040 and RCW 41.08.040 and shall be entitled