

Ordinance No. 123398

Council Bill No. 110963

AN ORDINANCE relating to City employment commonly referred to as the Second Quarter 2010 Employment Ordinance; designating positions as exempt from Civil Service status and authorizing the Mayor to execute a memorandum of agreement between the City of Seattle and the International Federation of Professional and Technical Engineers, Local 17; all by a 2/3 vote of the City Council.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Jean Goodson
Councilmember

Committee Action:

y - JG, M'OB, NL

9-20-10 Passed 8-0 Excused: SC

CF No. _____

Date Introduced:	<u>Sept. 13, 2010</u>	
Date 1st Referred:	<u>Sept. 13, 2010</u>	
Date Re - Referred:	To: (committee) <u>Finance and Budget</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor:	Date Approved: <u>9/28/10</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

1 **Section 3.** Any act consistent with the authority of this ordinance taken after its passage
2 and prior to its effective date is hereby ratified and confirmed.

3 **Section 4.** This ordinance shall take effect and be in force thirty 30 days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten days
5 after presentation, it shall take effect as provided by Seattle Municipal Code Section
6 1.04.020.
7

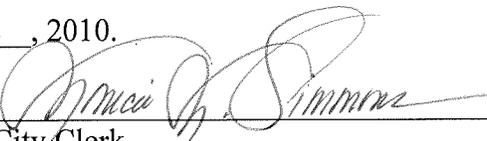
8 Passed by a 2/3 vote of all the members of the City Council the 20 day of Septmber
9 2010, and signed by me in open session in authentication of its passage this 20th day of
10 Septmber, 2010.

11 
12 _____
13 President _____ of the City Council

14 Approved by me this 28th day of Sept., 2010.

15
16 
17 _____
18 Michael McGinn, Mayor

19 Filed by me this 29th day of Sept., 2010.

20 
21 _____
22 City Clerk

23 (Seal)

24
25 Attachments:

26 Attachment 1: Memorandum of Agreement by and between the City of Seattle/Department of
27 Transportation and the International Federation of Professional and Technical Engineers,
28 Local 17



MEMORANDUM OF AGREEMENT

by and between

THE CITY OF SEATTLE

SEATTLE DEPARTMENT OF TRANSPORTATION

and the

INTERNATIONAL FEDERATION OF PROFESSIONAL AND

TECHNICAL ENGINEERS, LOCAL 17

This Memorandum of Agreement is by and between the City of Seattle (hereinafter referred to as the City) and the International Federation of Professional and Technical Engineers, Local 17 (hereinafter referred to as the Union), and consistent with the terms of the Tentative Agreement between the City of Seattle and the Coalition of Unions, dated October 3, 2007.

Effective upon the execution of this Memorandum of Agreement, except as otherwise noted herein, the parties agree to the following terms in the matter of the Bridge Operator classification series located in the Capital Projects and Roadway Structures Division of Seattle Department of Transportation (hereinafter referred to as SDOT).

It is understood and agreed by and between the City and the Union that:

1. SDOT management will conduct observations and job related performance testing with the intent to identify any safety related concerns for individuals in the Bridge Operator classification series and/or the public.
2. A long standing practice that allowed journey-level Bridge Operators working the day shift to be paid out-of-class as a Senior Bridge Operator, when senior level maintenance work is not actually performed, will end. Consistent with Article 11.1.A of the labor agreement, whenever a Bridge Operator is assigned by management to perform the normal ongoing duties of a Senior Bridge Operator for a period of four (4) consecutive hours or longer, they shall be compensated at the Senior Bridge Operator rate of pay while performing such duties.
3. SDOT will establish procedures that would require Bridge Operators to telephone in at pre-determined set times. In addition, employees in the classification series will be required to wear an emergency pager during work hours, so that if they are performing repairs or an inspection outside of the



tower and an emergency occurs, employees will be better able to call for immediate assistance.

4. Effective January 6, 2010 the City agrees to adjust the wages for the job titles Bridge Operator, Bridge Operator Senior and Bridge Operations Crew Chief by 5%.

The effective rates are listed below.

	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>
Bridge Operator	\$23.96	\$24.94	\$25.84
Bridge Operator Senior	\$25.31	\$26.25	\$27.28
Bridge Operations Crew Chief	\$29.77	\$32.16	

Signed this _____ day of _____, 2010.

For The City of Seattle

For the International Federation
of Professional and Technical
Engineers, Local 17, AFL-CIO

Peter Hahn, Director
Seattle Department of Transportation

Adrienne Thompson
Union Representative

Lenee Jones, Labor Negotiator
Personnel Department



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Personnel Department	Joan Matheson / 386-9081	Amy Williams / 233-2651

Legislation Title:

AN ORDINANCE relating to City employment commonly referred to as the Second Quarter 2010 Employment Ordinance; designating positions as exempt from Civil Service status and authorizing the Mayor to execute a memorandum of agreement between the City of Seattle and the International Federation of Professional and Technical Engineers, Local 17; all by a 2/3 vote of the City Council.

• **Summary of the Legislation:**

This legislation seeks to 1) establish two positions as exempt from Civil Service status and 2) authorize the implementation of a memorandum of agreement (MOA) between the City and the International Federation of Professional and Technical Engineers, Local 17 (Local 17); all by a 2/3 vote of the City Council.

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

1. This ordinance seeks to establish two positions as exempt from Civil Service status, due to the nature of the work to be performed by the positions, consistent with Personnel Rule 2.2. This position change creates a minor cost increase for the affected Department, which will be funded within existing budget authority.

2. This legislation authorizes the Mayor to implement an MOA between the City and Local 17. As a supplement to the tentative agreement between the City of Seattle and the Coalition of Unions dated October 3, 2007, the City and Local 17 negotiated Supervisor Safety Observations Testing, Out-of-Class Pay Practices and Employee Check-In Procedures for SDOT's Bridge Operations Unit. SDOT's primary interest is in safety. Because Bridge Operators work alone, and because errors can create a risk of injury and property damage, the Department wanted to create a more effective behavior observation testing program and improve communication within the work unit. With this in mind, during the last round of contract negotiations the parties agreed to meet and discuss safety observation testing and job related performance testing. On June 10, 2010, the parties reached an agreement on these issues. Effective January 6, 2010 the City agrees to adjust the wages for the job titles Bridge Operator, Bridge Operator Senior and Bridge Operations Crew Chief by 5%. The budget impacts of this pay rate change will be absorbed within the Seattle Department of Transportation's existing budget.

• *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the*



remainder of this document prior to saving and printing.)

X **This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

Notes:

The estimated costs associated with this legislation are summarized in Fiscal Note Attachment 1 and will be absorbed in the affected departments' existing budget authority.

- **What is 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):*

N/A

- **Does this legislation affect any departments besides the originating department?** • *If so, please list the affected department(s), the nature of the impact (financial, operational, etc)., and indicate which staff members in the other department(s) are aware of this Bill.*

This legislation will affect the Department of Information Technology (DoIT) and the Seattle Department of Transportation (SDOT). Please see Fiscal Note Attachment 1.

- **What are the possible alternatives to the legislation that 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):*

There are no other alternatives available at this time.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?)*

No.

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

None.

Please list attachments to the fiscal note below:

Attachment: PERS 2Q10 Employment FISC Attach 1

**PERS 2Q10 Employment FISC Attach 1
 (Implementation of the 2Q10 Employment Ordinance)**

Dept	Report	New Position Title	Potential Positions Impacted	2010*
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New Title and/or Salary Reviews

SDOT	MOA	Bridge Operator	13	\$38,526
SDOT	MOA	Bridge Operator, Senior	4	\$12,561
SDOT	MOA	Bridge Operations Crew Chief	1	\$3,696
			Subtotal	\$54,783

Exempt Actions

DoIT	#10-11396	IT Professional - A, Exempt ¹	1	\$14,541
DoIT	#10-11428	IT Professional - A, Exempt ¹	1	\$25,020
			Subtotal	\$39,560
			Total²	\$94,343

Costing Assumptions:

* 2010 costs include costs during the 2010 fiscal year and prior years based on effective date in Class Determination

Report(s) and MOAs with statutory benefits projected at 15.68%.

¹Positions in discretionary pay programs are costed from midpoint to midpoint of the old and new title and/or rate.

²The 2010 costs will be absorbed in departments' current budgets.





City of Seattle
Office of the Mayor

August 24, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill related to City employment that establishes two positions as exempt from Civil Service status and authorizes the Mayor to execute a memorandum of agreement with the International Federation of Professional and Technical Engineers, Local 17.

The proposed Council Bill will establish two Information Technology Professional – A positions in the Department of Information Technology as exempt from civil service. The two positions proposed for exempt status meet the exemption criteria of a particularly high degree of professional responsiveness and individual accountability, a confidential or fiduciary relationship with the appointing authority, or judicial positions requiring insulation as a third branch of government.

In addition, this legislation authorizes the implementation of an MOA between the City and Local 17 for the Bridge Operator classification series located in the Capital Projects and Roadway Structures Division of Seattle Department of Transportation.

Thank you for your consideration of this legislation. Should you have any questions, please contact Joan Matheson at 386-9081.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

261513
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

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.

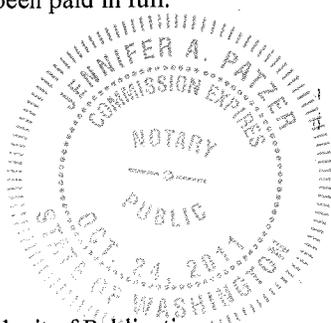
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123394,123398-123407

was published on

10/11/10

The amount of the fee charged for the foregoing publication is the sum of \$ 170.63, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/11/10

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on September 20, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123394

AN ORDINANCE relating to the Mountains to Sound Greenway Trail; authorizing the Director of Transportation to sign an agreement with the Washington State Department of Transportation for State construction of a portion of the Mountains to Sound Greenway Trail on City property and State property; and authorizing the Director of Transportation to sign a lease with the Washington State Department of Transportation for City maintenance and operation of a portion of the Mountains to Sound Greenway Trail on State property.

ORDINANCE NO. 123398

AN ORDINANCE relating to City employment commonly referred to as the Second Quarter 2010 Employment Ordinance; designating positions as exempt from Civil Service status and authorizing the Mayor to execute a memorandum of agreement between the City of Seattle and the International Federation of Professional and Technical Engineers, Local 17; all by a 2/3 vote of the City Council.

ORDINANCE NO. 123399

AN ORDINANCE relating to the Seattle Center Department; authorizing execution of an amendment to the Mercer Arena Ground Lease between the City of Seattle and Seattle Opera.

ORDINANCE NO. 123400

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services to execute an amendment to a lease agreement with the U.S. General Services Administration for warehouse space at Federal Center South, 4735 East Marginal Way South in Seattle; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123401

AN ORDINANCE relating to 800 MHz emergency radio communication; authorizing the Director of the Department of Information Technology to execute on behalf of the City an Interlocal Agreement between the City of Seattle, City of Tacoma, Eastside Public Safety Communication Agency, King County, Snohomish County Emergency Radio System, and Valley Communications Center for the purpose of interoperable 800 MHz emergency communications within the Puget Sound region; and ratifying and confirming prior acts.

ORDINANCE NO. 123402

AN ORDINANCE relating to the City Light Department; authorizing a 10-year agreement with Pend Oreille County for (1) the loss of revenues and additional financial burdens associated with the City of Seattle's operation of the Boundary Hydroelectric Project on the Pend Oreille River pursuant to RCW 5.21.420, 425, 426, and 427; and (2) the County's agreement to settle all issues relating to City Light's relicensing of the Boundary Hydroelectric Project and the related Sullivan Creek Power Project license surrender.

ORDINANCE NO. 123403

AN ORDINANCE relating to jail services; authorizing the Mayor to execute an Interlocal Agreement with Snohomish County for the Provision of Jail Services; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123404

AN ORDINANCE authorizing, in 2010, acceptance of funding from non-City sources; authorizing the heads of the Office for Education, the Office of Housing, the Seattle Fire Department, the Office for Civil Rights, the Human Services Department, the Department of Planning and Development, the Seattle Police Department, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements.

ORDINANCE NO. 123405

AN ORDINANCE amending Ordinance 123177, which adopted the 2010 Budget, including the 2010-2015 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects and revising project allocations for certain projects in the 2010-2015 CIP; creating a position; making transfers between various City funds; making cash transfers between funds; and ratifying and confirming certain prior acts, all by a three-fourths vote of the City Council.

ORDINANCE NO. 123406

AN ORDINANCE relating to the City's municipal golf courses; authorizing the Superintendent of the Seattle Department of Parks and Recreation to enter into a management contract with Premier Golf Centers LLC for the operation of the City's municipal golf courses located at Jefferson Park, Jackson Park, West Seattle, and Interbay; authorizing the Superintendent to set golf fees consistent with that agreement and authorizing the Department to collect such fees.

ORDINANCE NO. 123407

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 11, 2010.

10/11(261513)