

Resolution No. **25624**

A RESOLUTION AND PROPOSITION to amend Article XVI of the City Charter to provide for the establishment of a personnel and civil service system by ordinance, and repealing Article V, Section 11 of the City Charter relating to the City Personnel Director.

CF-285467

INTRODUCED: SEP 6 1977	BY: EXECUTIVE REQUEST
REFERRED: SEP 6 1977	TO: COMMITTEE OF WHOLE
REPORTED:	
PASSED: SEP 9 1977	SIGNED: SEP 9 1977
FILED: SEP 9 1977	FIRST PUBLICATION:

LAW DEPARTMENT

ORD 106776 SUBMITS TO VOTERS

SEE BACK COVER

RES 25765 - ESTABLISHING A PROCESS & TIMETABLE FOR ADOPTION OF AN ORDINANCE IMPLEMENTING CHARTER AMENDMENT 5 REGARDING THE PERSONNEL/CIVIL SERVICE SYSTEM.

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RESOLUTION 25624

PROPOSITION _____

A RESOLUTION AND PROPOSITION to amend Article XVI of the City Charter to provide for the establishment of a personnel and civil service system by ordinance, and repealing Article V, Section 11 of the City Charter relating to the City Personnel Director.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

That Article XVI of the Charter of The City of Seattle relating to the Civil Service system be amended to read as follows:

ARTICLE XVI

Personnel System and Civil Service

Section 1. PERSONNEL SYSTEM: A personnel system for the city shall be established by ordinance. The system shall be administered by the personnel director, who shall be appointed by the mayor, such appointment to be effective only upon confirmation by the city council passed by a majority of all its members. The personnel director may be removed for cause by the mayor upon filing a statement of his or her reasons therefor with the city council; provided that upon the resignation of the personnel director in response to the mayor's request, the mayor shall file with the city council a statement of his or her reasons for making such request.

The ordinance shall establish uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force, including, but not limited to, job advertising, training, job classification, examinations, appointments, transfers within the system, career development, salary administration, labor negotiations, safety, employee benefits, grievance procedures, discipline, discharge, layoff and recall, regulation of political activity, and other personnel matters.

1 Section 2. NONDISCRIMINATION: The personnel system
2 shall be administered in such a manner as to assure equal
3 employment opportunity and affirmative action, as shall be
4 determined by ordinance.

5 Section 3. CIVIL SERVICE: All city employees shall be
6 members of the civil service except elected officers, persons
7 holding appointive offices established by this Charter,
8 assistant city attorneys, heads of departments and members
9 of boards and commissions created by this Charter or by
10 ordinance. Additional positions may be exempted by ordinance
11 approved by a two-thirds vote of the city council.

12 Any person appointed to an exempt position from civil
13 service shall have the right to return to the same or a like
14 position in the civil service upon the termination of the
15 appointment, unless dismissed from the exempt position for
16 cause.

17 There may be a separate civil service system estab-
18 lished by ordinance for firefighters and police officers, in
19 order to substantially accomplish the purposes of pertinent
20 state law.

21 Section 4. MERIT PRINCIPLES: The personnel ordinance
22 shall provide that the civil service shall be administered
23 in accordance with the following merit principles:

- 24 -- Recruitment, selection, transfer and advancement of
25 employees on the basis of their relative ability,
26 knowledge, and skills, without regard for political
27 beliefs or activity. The recruitment and selection
28 process shall include job advertising and open con-
29 sideration of qualified applicants for initial appointment;
- 30 -- Creation of opportunities for entry into the system at
31 all levels;
- 32 -- Creation of opportunities for entry into and advance-
ment in the system by members of underrepresented
groups;

- 1 -- Limitation of periods of probationary status to one
2 year and examination of all employees within one year
3 of employment;
4 -- Training of employees to assure high quality performance
5 and to encourage advancement;
6 -- Retention of employees on the basis of the adequacy of
7 their performance, correction of inadequate performance,
8 and separation of employees whose inadequate performance
9 is not corrected;

10 -- Assurance of fair treatment of applicants and employees
11 with proper regard for their privacy and constitutional
12 rights as citizens;

13 -- Assurance that employees are protected from coercion or
14 importuning for political purposes and are prohibited
15 from using their official authority for the purpose of
16 interfering with or affecting the result of any election
17 or nomination for office.

18 Section 5. CIVIL SERVICE COMMISSION: There shall be
19 an independent three-member civil service commission to hear
20 appeals involving the administration of the personnel system.

21 The commission may also submit to the mayor and the
22 city council such recommendations concerning the personnel
23 system as it deems appropriate.

24 The members of the civil service commission shall serve
25 staggered three-year terms. One member shall be selected by
26 the mayor, one by the city council, and one member shall be
27 elected by the civil service employees. All members shall be
28 removed only for cause by their selecting authority. The
29 manner of election and removal of the member representing
30 the civil service employees shall be as provided by ordinance.

31 Section 6. CIVIL SERVICE APPEALS PROCESS: The com-
32 mission shall establish rules for its own operation. The
33 commission shall have the power to administer oaths, issue
34 subpoenas, receive relevant evidence, compel the production

1 of documents, question witnesses at hearings which it conducts,
2 and issue such remedial orders as it deems appropriate. In
3 any appeal involving a disciplinary action, the employee
4 shall have the right to cross-examine witnesses, and to ask
5 for the attendance of witnesses and production of relevant
6 evidence. In all cases the appellant or the official whose
7 action is challenged shall have the right to a public hearing
8 and to be represented by a person of his or her choice.

9 The commission may delegate to one or more hearing
10 examiners any of its powers, but a decision by a hearing
11 examiner may be appealed to the commission by either party.
12 A record of the proceedings shall be made. Neither the
13 personnel director, nor his or her staff, shall serve as
14 hearing examiner or staff for the commission.

15 Hearings shall be conducted on a timely basis and
16 decisions rendered within ninety days after the hearing is
17 completed. If the commission fails to decide an appeal
18 within ninety days, unless the appellant consents to an
19 extension, the appeal shall be sustained.

20 No person shall be entitled to appeal to the civil
21 service commission if the subject of the appeal has pre-
22 viously been the subject of binding arbitration under a
23 labor contract.

24 Section 7. SUSPENSION OR DISMISSAL: No member of the
25 civil service may be suspended or dismissed from employment
26 except for justifiable cause. A written statement of the
27 reasons for suspension or dismissal shall be delivered to
28 the employee by the head of the department and filed with
29 the commission. Any employee who is suspended or dismissed
30 shall be entitled to an appeal to the commission except as
31 provided in Section 6.

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1 Section 8. OUTSIDE EMPLOYMENT BY CITY EMPLOYEES: City
2 employees may engage in lawful outside employment to the
3 extent permitted by ordinance.


4 Section 9. LABOR NEGOTIATIONS: The right of city
5 employees to bargain collectively, through representatives
6 of their own choosing, shall not be abrogated by the city,
7 but no collectively bargained contract shall become effective
8 without ratification by the city council. The city council
9 shall not ratify any contract which is inconsistent with
10 this Charter.

11 Section 10. The ordinance required by Section 1 of
12 this Article shall be enacted by November 8, 1978. The
13 provisions of Article XVI in effect prior to the adoption of
14 this amended Article XVI shall remain in effect until the
15 ordinance required by Section 1 of this Article takes effect.

16 BE IT FURTHER RESOLVED that the Charter of The City of
17 Seattle be amended as follows:

18 That Section 11 of Article V of the Charter of The City
19 of Seattle providing for the appointment and prescribing the
20 duties of the city personnel director is hereby repealed as
21 of the effective date of an ordinance establishing a personnel
22 system as required by Article XVI of the Charter as amended.

23 PASSED the City Council the 9 day of September,
24 1977 and signed by me in open session in authentication of
25 its passage this 9 day of September, 1977.

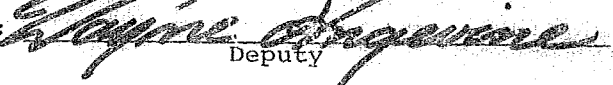
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President of the City Council

29 Filed by me this 9 day of September, 1977.

30 ATTEST: 

City Comptroller and City Clerk

31 By: 

Deputy

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CLAIMS MANAGER
V. L. PORTER

September 2, 1977

City Council
Seattle

Honorable Members:

Pursuant to your request by letter of August 31, 1977 and in accordance with oral instructions from Mr. Casey Jones, Executive Director, we have prepared and forward herewith proposed resolutions and propositions amending the City Charter as follows:

- (1) A RESOLUTION AND PROPOSITION to amend Article XVI of the City Charter to provide for the establishment of a personnel and civil service system by ordinance, and repealing Article V, Section 11 of the City Charter relating to the City Personnel Director.
- (2) A RESOLUTION AND PROPOSITION to amend Article III, Section 1 of the City Charter to provide for the creation, consolidation and reorganization of City departments, divisions and offices by ordinance; amending Article VII to provide for the establishment by ordinance of a Board of Public Works to ensure that all contracts for public works are awarded and carried out in accordance with law, and providing for the designation of the City official newspaper by said Board; and amending Article XI, Section 1 of the City Charter relating to the Department of Parks and Recreation to eliminate the four year term of the Superintendent of Parks and Recreation and the membership of such officer on the Board of Public Works and City Planning Commission.
- (3) A RESOLUTION AND PROPOSITION to amend Article VIII, Section 1 of the City Charter to eliminate the requirement that the City Comptroller issue all licenses.

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- (4) A RESOLUTION AND PROPOSITION to amend Article VI, Section 2 and repeal Article VI, Section 3 of the City Charter to eliminate the requirement for a competitive examination of candidates for the position of Chief of Police.
- (5) A RESOLUTION AND PROPOSITION to amend Article XIII of the City Charter to change the title of "Corporation Counsel" to "City Attorney."

ALTERNATIVE PROPOSITIONS

- (6) A RESOLUTION AND PROPOSITION to amend Article XVI, Section 1 of the City Charter to provide for selection of one member of the Civil Service Commission by the City Council.
- (7) A RESOLUTION AND PROPOSITION to amend Article XVI, Section 9 of the City Charter to extend the probationary period for firefighters to twelve months.
- (8) A RESOLUTION AND PROPOSITION to amend Article V, Section 11 and Article XVI, Section 9 of the City Charter to provide that the chief examiner and secretary of the Civil Service Commission shall hold no other position or office in the public service of the City.

With respect to the proposed amendment of Article VIII Section 1 (Item (3) above) to eliminate the requirement therein that the City Comptroller issue all licenses, you ask that we advise whether such proposed amendment "will in fact enable the legislative authority to determine by ordinance who shall issue licenses." We advise that such is the purpose and effect of the proposed amendment.

In connection with the proposed amendments of Articles VI and VII (Items (2) and (4) above) you ask that we draft language that would accomplish the City Council's intent that the Mayor file a statement of reasons for removal of the Chief of Police and members of the Board of Public Works "whether the removal is by firing or forced resignation." For such purpose we have included language in Section 1 of proposed Article VII and the proposed amendment of Section 2 of Article VI requiring that upon the resignation of such officers ". . . in response to the mayor's request, the

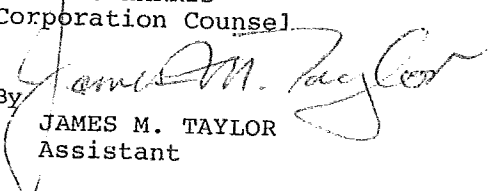
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mayor shall file with the city council a statement of his reasons for making such request."

Yours very truly,

JOHN P. HARRIS
Corporation Counsel

By


JAMES M. TAYLOR
Assistant

JMT:vf

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on
to which was referred
Res. 25624

COMMITTEE OF THE WHOLE

Date Reported
and Adopted

SEP 9 1977

Amending Article XVI of the City Charter to provide for the establishment of a personnel and civil service system by ordinance, and repealing Article V Section II of the City Charter relating to the City Personnel Director

RECOMMENDS THAT SAME BE ADOPTED.

Chairman



Chairman

Committee

Committee