AN ORDINANCE amending Personnel Ordinance No. 107790 for Management of Temporary Employment.

80:C:64

Ordinance No. 110202

AN ORDINANCE relating to the personnel system of the City, and amending Sections 1 and 13 of the Personnel Ordinance (Ordinance 107790) by defining employment status and modifying selection procedures to provide greater efficiency in meeting the City's permanent and temporary employment needs.

9/24/80 HOLD P&PM

6/10/81 HOLD P&PM

7/22/81 HOLD P&PM

12/9/81 PASS AS AMENDED P&PM

COMPTROLLER FILE NUMBER

Council Bill No. 101627

INTRODUCED: August 25, 1980	BY: EXECUTIVE REQUEST
REFERRED: August 25, 1980	TO: PERSONNEL & PROPERTY MANAGEMENT
REFERRED:	
REFERRED:	
REPORTED: DEC 14 1981	SECOND READING: DEC 14 1981
THIRD READING: DEC 14 1981	SIGNED: DEC 14 1981
PRESENTED TO MAYOR: DEC 15 1981	APPROVED: DEC 24 1981
RETD. TO CITY CLERK: DEC 28 1981	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

SRS:rl
12/8/81

ORDINANCE 110302

AN ORDINANCE relating to the personnel system of the City, and amending Sections 1 and 13 of the Personnel Ordinance (Ordinance 107790) by defining employment status and modifying selection procedures to provide greater efficiency in meeting the City's permanent and temporary employment needs.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.04.030 of the Seattle Municipal Code (Section 3 of Ordinance 107790) is amended as follows:

Section 4.04.030 Definitions. Unless another meaning is clearly indicated from the context, as used in this ordinance, the following terms shall mean:

1. "Appointing authority" means a person authorized by ordinance or Charter to employ others on behalf of the City; usually the head of a department.

2. "Assignment" means appointment to one of a number of levels of duties, responsibilities and salaries within one class, except that such level is not a permanent or vested right and is subject to review.

3. "Certification" means a list of names selected from a register and submitted by the Personnel Department to an appointing authority, from which list the authority may appoint to fill a vacancy or replace a temporary employee.

4. "City" means the City of Seattle.

5. "City Council" means a the City Council of The City of Seattle.

6. "Class" means any group of positions sufficiently similar that the same title may equitably be applied to all.

7. "Days" means calendar days.

8. "Demotion" means the removal of an employee from a higher to a lower class for cause.

9. "Director" means the Director of the Personnel Department or his/her designated representative.

10. "Employee" means a person employed in a permanent position on a full-time or part-time basis. The term "employee" shall not include part-time workers employed less than twenty hours per week, intermittent, seasonal, temporary or workers employed in limited term positions.

((~~10.~~)) 11. "Exempt Employee" means one who serves at the discretion of the appointing authority in a position which is exempted by the City Charter or the exemptions ordinance 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 chapter.

((~~11.~~)) 12. "Graded Examination" means a test for qualifying applicants for placement on a register of those eligible for appointment to a job, in order of their relative merit.

((~~12.~~)) 13. "Grievance" A grievance exists when an employee in good faith believes an aspect of his/her employment has been adversely affected and desires remedial action.

((~~13.~~)) 14. "Inappropriate Pressure" means any suggestion (oral or written communication) to a city employee, the effect of which would either: (a) preclude job advertising and open consideration of qualified applicants, or (b) result in the selection of an employee for reasons other than relative ability, knowledge, and skill.

15. "Interim Employee" means an employee appointed to fill a permanent position for which no certification is available. Interim employees shall be exempt from provisions

of this ordinance except as specifically provided for and shall not be employed for more than 1040 hours in a year.

((~~14.~~)) 16. "Layoff" means the interruption of employment and suspension of pay of any regular, probationary, or temporary employee because of lack of work, lack of funds, or through reorganization.

((~~15.~~)) 17. "Pass-fail Examination" means a test for qualifying for placement on a register of those eligible for appointment to a job.

18. "Permanent Part-time Position" means a position which requires an average of twenty hours or more but less than forty hours of work per week during a year.

((~~16.~~)) 19. "Probationary Employee" means an employee who has been appointed from a register but who has not completed a one-year period of probationary employment.

((~~17.~~)) 20. "Provisional Employee" means an employee who, prior to January 1, 1979, was appointed for the purpose of performing work in a position for which no register existed.

((~~18.~~)) 21. "Reduction" means the movement of an employee from a higher position to a lower position, not for cause.

((~~19.~~)) 22. "Register" means a list of successful examinees for a given position or class from which names may be selected by the Personnel Director for certification and submission to an appointing authority.

((~~20.~~)) 23. "Regular Employee" means an employee who has been appointed from a register and who has completed a one year probationary period of employment. ((~~A regular employee may work full-time or part-time.~~))

((~~21.~~)) 24. "Reinstatement" means reappointment of a regular employee from a reinstatement register to a position in a class in which regular status was previously held.

((~~22.~~)) 25. "Seniority" means the length of continuous service in the employee's present class and all higher classes since original regular appointment to that class.

((~~23.~~)) 26. "Suspension" means temporary withdrawal of an employee from employment with or without pay for a specified period for cause pending determination of charges against said employee, which charges could result in discharge.

27. "Temporary Worker" means a person who is employed to fill a temporary, emergency or short-term need. Temporary workers shall include persons employed in seasonal or intermittent positions and workers employed less than an average of twenty hours per week during a year. Temporary workers shall be exempt from the provisions of this ordinance except as specifically provided for and shall not be employed more than 1040 hours in a year.

28. "Termination or discharge" means separation from employment for cause.

Section 2. Section 4.04.150 of the Seattle Municipal Code (Section 13 of Ordinance 107790) is amended as follows:

Section 4.04.150 Examination and selection.

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

B. All employees except temporary workers, ((~~and~~)) exempt and interim 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 such 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 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 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 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 will accept temporary employment.~~))

L. The Personnel Director shall make rules regarding the return to the register of those eligible 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 3. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 4. 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 14th day of December, 1981, and signed by me in open session in authentication of its passage this 14th day of December, 1981.

President of the City Council.

Approved by me this 24th day of December, 1981.

Mayor.

Filed by me this 28th day of December, 1981.

Attest:

City Comptroller and City Clerk.

(SEAL)

Published

By Theresa L. Dunbar

Deputy Clerk.

CSS 8.1.6

Your City, Seattle
Executive Department-Office of Management and Budget
John Saven, Director
Charles Royer, Mayor

Simpson/Jackson

AUG 06 1980

COPY OF WITHIN RECEIVED

AUG 7 1980

Douglas M. Jewett
CITY ATTORNEY

The Honorable Douglas Jewett
City Attorney
City of Seattle

Okay DMJ assumed

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: PERSONNEL

SUBJECT: Proposed Amendments of Personnel Ordinance No. 107790 for Management of Temporary Employment.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

(X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

( ) Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

John Saven
Budget Director

JS/fk/pbd

Enclosure

cc: Director of Personnel

SRS:rl
5/4/81

ORDINANCE _____

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2. "Assignment" means appointment to one of a number of levels of duties, responsibilities and salaries within one class, except that such level is not a permanent or vested right and is subject to review.

3. "Certification" means a list of names selected from a register and submitted by the Personnel Department to an appointing authority, from which list the authority may appoint to fill a vacancy or replace a temporary employee.

4. "City" means the City of Seattle.

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7. "Days" means calendar days.

8. "Demotion" means the removal of an employee from a higher to a lower class for cause.

CS 19.2

9. "Director" means the Director of the Personnel Department or his/her designated representative.

10. "Employee" means a person employed in a permanent position on a full-time or part-time basis. The term "employee" shall not include part-time workers employed less than twenty hours per week, intermittent, seasonal, temporary or workers employed in limited term positions.

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((~~14.~~)) 16. "Layoff" means the interruption of employment and suspension of pay of any regular, probationary, or temporary employee because of lack of work, lack of funds, or through reorganization.

17. "Limited Term Position" means any position funded by a public employment program or established by ordinance for periods of less than one year((~~.~~)), or any position established for a special project where the requirements of the project are such that a position is required for a duration of more than six months but less than one year. Incumbents of such positions shall be exempt from provisions of this ordinance except as specified; provided, the Personnel Director may establish procedures for the filling of such positions which shall require at least the following information to be provided by the appointing authority: the nature and scope of the program or position, source and conditions of funding, relationship of the project to regular operations and programs of the department, number of positions, duration, and employee organizations affected.

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(To be used for all Ordinances except Emergency.)

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Passed by the City Council the ..... day of ....., 19 ...,

and signed by me in open session in authentication of its passage this ..... day of

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.....

President ..... of the City Council.

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.....

Mayor.

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Attest: .....

City Comptroller and City Clerk.

(SEAL)

By .....

Deputy Clerk.

Published .....

CSS 8.1.6

Your City, Seattle
Executive Department-Office of Management and Budget
John Saven, Director
Charles Royer, Mayor

Simpson/Jewett

AUG 06 1980

CITY OF SEATTLE RECEIVED
AUG 7 1980
Douglas N. Jewett
CITY ATTORNEY

The Honorable Douglas Jewett
City Attorney
City of Seattle

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Charles Royer
Mayor

By
Fred C. Kiga
For
John Saven
Budget Director

JS/fk/pbd

Enclosure

cc: Director of Personnel

PSDJ/
SRS:rl

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Limited Term Position: Any position which is supported in full or in part by grant funds and all positions established by ordinance for periods of less than one year. Incumbents of such positions shall be exempt from provisions of this ordinance except as specified; provided, the Personnel Director may establish procedures for the filling of such positions which shall require at least the following information to be provided by the appointing authority: the nature and scope of the program or position, source and conditions of funding, relationship of the project to regular operations and programs of the department, number of positions, duration, and employee organizations affected.

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

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

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Temporary Worker: A person who is employed to fill a temporary, emergency or short-term need. Temporary workers shall include persons employed in seasonal or intermittent positions and workers employed less than an average of twenty hours per week during a year. Temporary workers shall be exempt from the provisions of this ordinance except as specifically provided for and shall not be employed more than 1040 hours in a year.

Termination or discharge: Separation from employment for cause.

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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 3. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

The question arises because Charter Art. XVI, § 3 provides, in relevant part:

> All city employees shall be members of the Civil Service except elected officers, persons holding appointive offices established by this Charter, Assistant City Attorneys, heads of departments and members of boards and commissions created by this charter or by ordinance. Additional positions may be exempted by ordinance approved by a two-thirds vote of the City Council.
>
> (Emphasis added.)

It is the act of making positions exempt that requires a 2/3 vote, not the act of adding to, or detracting from, the size of a class that has previously been exempted.

An argument has been made that the Council becomes unaware of the number of exempt positions existing in the City's personnel system unless it addresses each position individually with its 2/3 vote. However, we believe that the Council is made aware of exempt positions upon exempting positions initially and upon reviewing positions funded while reviewing the annual budget requests of each department. If notice to the Council of exemptions is of concern, that could be addressed administratively.

Each of you has also inquired whether temporary and intermittent employment could be addressed in the exemptions ordinance, considering that the Ordinance, at S.M.C. 4.12.010, refers to positions of high degrees of professional responsiveness and individual accountability, or requiring confidential or fiduciary relationships not typical of intermittent employment.

We advise that the language at S.M.C. 4.12.010 is not compelled by law. Those criteria may be varied, if other positions need to be exempted to suit the City's employment needs. Alternatively, other exemption criteria relevant to temporary service could be added in a new section to the exemptions ordinance.

It has been argued that the creation of exemptions is contrary to the purpose of Charter Art. XVI creating a civil service system. We observe, however, that the very Charter Article that creates the Civil Service also authorizes exemptions from it. We believe that the purpose of Charter Article XVI is served so long as a bona fide civil service system exists and operates, as it does now, for the vast majority of the City's work force, and so long as the City can articulate reasonable grounds for differentiating those employees it designates as exempt.

We hope this will assist you.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By Susan R. Sampson
SUSAN R. SAMPSON
Assistant City Attorney

SRS:fmh

Staff
Visibility

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

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KASTCUMA ✓
DAVIDSON
BRADFORD
INTERNS

July 20, 1981

Honorable Dolores Sibonga
Councilperson
Seattle City Council

Susan B. Pavlou
Director
Seattle Personnel Department

Re: City Council May Exempt Employees By Class

Dear Ms. Sibonga and Ms. Pavlou:

Each of you has inquired about the City's "Exemption Ordinance," Seattle Municipal Code § 4.12. The ordinance names positions that are exempt from provisions of the Civil Service system. You have inquired whether the ordinance may exempt positions by class, such as "All Managers 10," or whether each exempt position must be named separately, i.e., "One Manager 10 in the Parks Department; one Manager 10 in the Human Resources Department." etc.

We advise that the ordinance may exempt by group, so long as all positions in a group satisfy the criteria for exemption from the personnel system. To list positions individually does nothing more than convey the same information in less economical form. The Charter, for instance, already creates exemptions by class, e.g., Assistant City Attorneys, department and office heads, commission members, etc.

You have also inquired regarding the number of Council votes necessary to create a position of employment in a class that has been exempted from the Civil Service by the exemptions ordinance. The new position could be created to serve a new need for an employee's services, or it could be created by reclassification of an existing position to which new duties have attached.

We advise that the affirmative vote of a majority of the Council will suffice; a "supermajority" is not required for such purpose.

Again, we point out that there is no loss of benefits to incumbents of limited term positions. In accordance with current ordinances, should the term of employment extend beyond six months duration, the affected employee would be eligible for all of the various benefit programs, with the possible exception of group term life insurance. The only difference between a limited term employee and a regular full-time or permanent part-time employee is in the method of selection and separation.

Please let me know if you need any further information.

Sincerely,

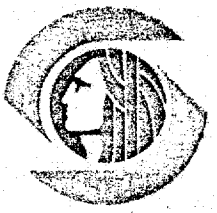
Susan B. Pavlou

Susan B. Pavlou
Personnel Director

SBP:rtm

Your
Seattle
Personnel Department

Susan B. Pavlou, Personnel Director
Charles Royer, Mayor



July 20, 1981

The Honorable Dolores Sibonga
Chairperson, Personnel and Property
Management Committee
Seattle City Council
City of Seattle

Dear Ms. Sibonga:

Last week you requested additional information regarding the impact of our proposed Personnel Ordinance definition of "Limited Term Position" upon City employees and the kinds of positions that would be affected.

First, there is no intention of retroactive application of the proposal definition; consequently there would be no immediate impact upon any current City employees. The definition of a limited term position applies to only three types of City employment: public employment programs; positions established by ordinance for less than one year; special projects with a duration of more than six months but less than one year.

Public Employment Programs

The proposed definition would classify all positions established pursuant to a public employment program as limited term positions. This flexibility is necessary because the eligibility restrictions imposed on participants in these programs are such that the vast majority of regular applicants for City employment cannot meet them. In the past, this resulted in violations of the 1040 hour limit. There will be no immediate impact on employees since only three CETA employees remain with the City. This group are all CETA administrative staff who are scheduled for layoff between July 30 and September 30, 1981. While it can be argued that the City need not be concerned about public employment programs because we are not participating in one at this time, it is important for the personnel system to have the flexibility to accommodate future programs. Historically, Congress has moved quickly to establish these programs. It is expected that participating governmental units will begin employing people very rapidly leaving no time for revision to the Personnel Ordinance.

Positions Budgeted for Less than One Year

To meet the requirement specified in the definition of a limited term position, these positions must be established by ordinance for less than one year. It is intended that recommendations for limited term positions would be submitted to the Council in the Annual budget and/or in other legislation as appropriate. It is the City Council that will determine, through the budget process, whether the positions would be established as limited term. No positions or employees will be

affected immediately; however, some positions currently budgeted as temporary or permanent part-time could be identified as limited-term postiions by the Council in the budget process.

The Parks Department provides a good example of the potential for using limited term positions; primarily in the area of park maintenance and recreation activities. In 1980, the Parks Department budgeted (30) Park Laborer and (8) Power Washer positions as permanent part-time. This group of employees actually worked on a full-time basis for a period of eight months, then they were laid off. It is necessary for Parks to budget the positions as permanent part-time because the jobs exceed the 1040 hour limit for temporary employees. Essentially, the City does not have a category of employment that covers the real need for jobs such as these that are "seasonal" but for more than 1040 hours. Furthermore, budgeting these positions as part-time presented difficulties for the Parks Department. The affected union opposed the use of permanent part-time because the positions were temporary and the employees were facing layoff at the close of the park season. The Parks Department, had no alternative but to budget and hire on a permanent part-time basis since the positions exceeded 1040 hours.

In the recreation area, the Parks Department employed approximately 200 Recreation Attendants and Recreation Leaders, and approximately 140 Lifeguards on an intermittent basis in 1980. This intermittent work force averages approximately 700-800 working hours per employee per year in most cases. However, the Parks Department finds it necessary to discontinue the intermittent employment of 4-5 of these employees each month due to expiration of the 1040 hour limit. This situation places additional burdens upon the Parks Department to find replacement employees in areas requiring a high degree of special expertise and/or qualifications.

The Parks Department is forced into this turnover situation because they cannot offer recreation employees continuity of employment for longer than one quarter. Due to changes in community interest in classes, uncertainty of enrollment and the seasonal nature of many classes, the intermittent nature of these jobs seems to work well in most cases, but turnover of 4-5 positions per month is evidence of disruption in recreation activities in some areas. Based on the information we have received from the Parks Department, we estimate that only approximately two dozen positions would need to be budgeted as limited term in order to reduce the 50-60 turnovers annually due to expiration of the 1040 hour work limit.

Special Projects

Positions required to complete special projects of limited duration may also fall into the limited term category. Whether a given special project position qualifies as limited term will be determined by the Personnel Director, based upon certain criteria which is specified in the definition. We estimate that this kind of employment includes not more than two dozen positions in the City at the present time. These kinds of positions are almost always for a duration of more than six months, but usually less than one year with 8-10 months duration being most common. The Personnel Department intends to carefully scrutinize requests for special project limited term positions. Information regarding those positions that have been approved, will be available for your review upon request.

Your
Seattle
Personnel Department

Susan B. Paviou, Personnel Director
Charles Royer, Mayor

July 14, 1981

The Honorable Dolores Sibonga
Chairperson, Personnel and Property Management Committee
Seattle City Council
City of Seattle

Dear Ms. Sibonga:

We have reviewed Mr. Waske's letter of June 30 expressing his opposition to C.B. 101627 and C.B. 102310. We feel that the agruments that Mr. Waske has presented are basically misleading to the Council and do not address the real issues. Our response to his arguments is presented below.

C.B. 101627

In his first point, Mr. Waske suggests that the exemption provisions of C.B. 101627 may violate Article XVI of the City Charter. He supports this view with referenced to City attorney opinion 5881-4-26-74.

Upon review of the proposed amendment vs. Charter Article XVI vs. the referenced City Attorney opinion, we find no indication of a potential Charter violation. Article XVI, Section 3 clearly provides for the exemption of positions by ordinance. The exemption process obviously requires councilmanic action as well as clear definition (or standards) for those positions which we seek to exempt. Logically, these standards can be included in either the proposed Exemption Ordinance (C.B. 102310) or in the proposed amendment to the Personnel Ordinance (C.B. 101627). Either way, Charter requirements are satisfied.

The City Attorney opinion referenced by Mr. Waske was written on April 26, 1974 in response to a particular question regarding the employment of temporary office workers which were to be furnished to the City via a contract with a private firm. In this opinion, the City Attorney advised that filling City positions via the proposed contract method was not authorized under the provisions of Charter Article XVI, Section 3 which existed at that time. That Article also did not contemplate exempting positions by ordinance such as the present Article XVI does. The opinion deals explicitly with the legal tests which must be met before the City can contract for services; not with temporary employment per se. In our view, the referenced City Attorney opinion is not relevant to the issue at hand.

In his second point, Mr. Waske argues that exemption of temporary workers, interim employees and limited term employees would result in a loss of benefits to those so employed and a loss of protection from abuse of the proposed provisions. We find it interesting that Mr. Waske offers no supporting evidence for this argument. The fact is that there is no loss of benefits for the incumbents if these jobs are exempted, nor is there any additional potential for abuse.

In closing, Local 17 would like to also point out to the Council that lines 8 through 10 of the exemption ordinance are in effect an indictment of the existing Personnel Ordinance if one is to read that the only way the City of Seattle can hire an employee with "a particularly high degree of professional responsiveness and individual accountability" is through the exemption process. It is our position that it is a direct contradiction in view of the fact that by exempting positions from the Personnel Ordinance there no longer exists a legal requirement that the person hired must possess the knowledge and ability required to perform the job.

Local 17 requests that the City Council amends the Exemption Ordinance by adding to line 18 "as per attachment", and that the Council in the future require the Director of Personnel to give ample notice to interested organizations as to any changes proposed in the Exemption Ordinance.

I thank you for your time and courtesy in reviewing these issues and volunteer or time and services if we can be of any assistance to you and your Committee in amending these proposed ordinance changes.

Sincerely,

Michael T. Waske
Business Manager

MTW:ss
opeiu8
cc: The Honorable George Benson
The Honorable Michael Hildt
The Honorable Paul Kraabel
The Honorable Randy Revelle
The Honorable Norm Rice
The Honorable Jack Richards
The Honorable Sam Smith
The Honorable Jeanette Williams
Ms. Pavlou

Personnel is empowered with the authority to make reclassifications and by the mere inclusions of all of those general titles without a specific reference to a position number, the Director of Personnel could reclassify a position from classified service to one of those generic titles. While it may take Council action to approve the salary change or the budget title, there is no requirement for two-thirds vote of the City Council in those cases as specified in the City Charter for exemptions.

Most importantly, we feel it is necessary to have the specific attachment with the position numbers for tracking purpose not only for the City employees, but for the City Council. In the past the Unions and interested parties were informed of any intentions of Departments to exempt positions through advance notice of Civil Service Hearings and then also on the Council agenda. It should be pointed out that in this exemption ordinance change, and as noted in the past exemption Ordinance 109004, there have been no previous notice to the Unions or to interested employees.

Because of the similarity of numerous titles in the City of Seattle we feel that it is incumbent upon the Personnel Department to list all of the exemptions by position number thereby offering the employees, and the City Council, and other interested parties a reliable method of identifying exempt positions. The question has to be asked, "What protections are there that other positions are not being exempted from the Personnel Ordinance without specific Councilmanic action?" It is our feeling that there have been past abuses and that they should cease. For example, in November of 1980, a Director of Personnel, through the Personnel Office, advertised a position in the City of Seattle as exempt titled "Senior Management Systems Analyst" (copy attached). The question has to be asked, "By what authority did Director Pavlou advertise the position of Senior Management Systems Analyst as being exempt?" While it may have been requested by the Seattle Municipal Courts as exempt, the ordinance is clear that only the City Council may exempt positions, not Director Pavlou nor the individual departments. While it is true there was a controversy going on at that time, Ms. Pavlou would be amiss in not saying that she was aware of the City Attorney's opinions stating that Municipal Court could not unilaterally pull out of the personnel system.

The Council should be cautioned that in exempting these employees from the system, it is not only a loss of benefits for those employees but it is a loss of protection to the Council and the general public from abuse. As loose as it may be, it is a Personnel Ordinance that provides the hiring practices of the City of Seattle, the Affirmative Action and the Performance Evaluation, Upward Mobility, Examination and Selection, and Training. There would be no guarantee to the City Council or anyone else that the employees hired in these positions meet the minimum qualifications, nor that they are anything but a close friend to the hiring authority.

Our last point on C.B. 101627 relates specifically to the new definition of "limited term position" as can be found on page 3 of the proposed ordinance, lines 6 through 18. On the cover letter, Ms. Pavlou states that "Grant funded positions, particularly CETA funded positions, create special problems under the existing Personnel Ordinance." It is interesting to note Ms. Pavlou has eliminated the section that refers to grant funded in her new definition, different from her previous proposal in July, 1980. Most importantly, Local 17 objects to lines 10 and 11, of the new definition in which those [redacted] the provisions of the ordinance, including the testing and hiring requirements for those positions. The rationale for that new definition is found on page 2 of Ms. Pavlou's letter and addresses particularly the problems we have encountered with CETA workers. Unless Ms. Pavlou knows something that the Council or the rest of us are unaware of as it relates to CETA funding, Local 17 does not believe that could be a problem today as was possibly interpreted to be in July of 1980. International Federation of Professional and Technical Engineers, Local 17 would urge the Council's defeat of C.B. 101627.

C.B. 102310

The International Federation of Professional and Technical Engineers, Local 17 is asking for the following amendments to the exemption ordinance. We are asking that the ordinance be amended on line 17 to include the statement "All administrators and Director positions listed in Attachment A". This amendment would bring the exemption ordinance back into the form of the earlier exemption ordinances particularly Ordinance No. 108074. With the language as proposed by Director Pavlou, it is our contentions that the spirit and intent of Article XVI would be violated in that the Council would be delegating to the Director of Personnel the authority to exempt positions. We base that opinion on the fact that the Director of

Your Seattle Personnel Department

Susan B. Pavlou, Personnel Director
Charles Royer, Mayor

July 23, 1980

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City Council
City of Seattle

Via: Mayor Charles Royer

Attention: John Saven, Director
Office of Management and Budget

Subject: Proposed Amendment of Personnel Ordinance No. 107790 for Management of Temporary Employment

The attached amendment is proposed to address the conflict between the existing Personnel Ordinance and the City's various temporary employment needs. Specifically, there is conflict between the definition of a regular employee and a temporary employee; furthermore, the definition of a temporary employee does not include all of the types of temporary employment historically required by the City, and the Ordinance does not address special problems created by grant-funded positions, particularly with regard to CETA. The proposed Ordinance revision is designed to correct these problems.

The current Ordinance defines a "regular employee" rather than an "employee" merging together the definition of an employee and regular standing. A regular employee is an "employee who has been appointed from a register and who has completed a one-year probationary period of employment. A regular employee may work full-time or part-time." Based on this definition an employee can be considered to be any individual working a few hours per year up to full time. This definition directly contradicts the definition of a temporary employee which is essentially an individual working less than 1040 hours in a year which is the equivalent of working 50% time.

The Personnel Ordinance currently defines a temporary employee as "An employee appointed to fill a temporary, emergency or short-term need, or to fill a position for which no register is available." Section 13K places a limitation of 1040 hours of work in a year on temporary employment although this restriction does not appear in the definition.

The current definition of temporary employees is inadequate because it does not clearly identify the many types of temporary work the City must use to provide services to Seattle citizens. Specifically the definition of temporary employee does not include seasonal, intermittent, on-call and less than half-time workers; however, all of these workers are considered temporary because the nature of their work is less than 1040 hours per year.

Grant-funded positions, particularly CETA-funded positions, create special problems under the existing Personnel Ordinance. These positions all exist for a limited period of time which is specified in the grant. Under federal law the maximum employment period for a CETA worker is 18 months; however, many of these positions are for twelve months and shorter appointments often occur due to turnover because the positions are only filled for the remaining months on the CETA contract. Further complicating this situation is the fact that CETA enrollees must meet strict eligibility requirements, yet to comply with the current Personnel Ordinance these positions must be filled from registers. Typically the registers do not include people who are CETA eligible, requiring the establishment of a new register. This requires weeks or months, due to the fact that employment opportunity notices are open to all applicants, not just CETA eligible applicants. The net result is that CETA positions intended to provide employment to the unemployed remain vacant for extended periods and the Personnel Department staff wastes a substantial amount of time establishing a register which does not efficiently serve its purpose.

There are several reasons the proposed modifications should be made. First, it will eliminate the contradiction which exists within the Personnel Ordinance between regular employees who may work part-time and the 1040 hour restriction which applies to temporary employees. Second, the proposed definition of employee states clearly which people working for the City are employees for the purposes of the Personnel Ordinance and which people are not. Third, it distinguishes employee standing or status as a regular or probationary employee from the definition of an employee. These are two different concepts. Fourth, the definition of employee is consistent with current benefit eligibility and administration practices which require work in excess of 1040 hours in a year to participate in the benefit plans.

I urge your support of this proposed legislation. This proposal was discussed in greater detail in a report dated April 4, 1980 to Councilmember Sibonga, a copy of which was sent to all members of the Council. Additionally, I or a member of my staff will be available to discuss this proposal with you if that is desirable.

Sincerely,

Susan B. Pavlou

Susan B. Pavlou
Personnel Director

SBP:rtg

INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS

LOCAL NO. 17 AFL CIO

MAIN OFFICE
975 JOHN ST. • SUITE 110
SEATTLE, WA. 98109
206-624-0445

June 30, 1981

The Honorable Delores Sibonga
Chairperson, Personnel and Property Management
Committee
Seattle City Council
Seattle, Washington 98104

Dear Chairperson Sibonga:

As per your request, I am herein documenting our concerns as voiced in your Committee meeting on June 10, 1980. The International Federation of Professional and Technical Engineers, Local 17 is opposed to C.B. 101627 and C.B. 102310 as presently proposed. We do not believe the two proposed changes to the Personnel Ordinance are in the interest of City employees nor the City in general.

C.B. 101627

It is our position that the present proposal to amend the Personnel Ordinance in the area of definitions goes far beyond the "conflict of definitions between regular employees and temporary employees" referred to in Ms. Pavlou's cover letter of July 23, 1980. We believe that the proposal could be in violation of Article XVI of the Seattle City Charter. We feel that upon the Council's review of previous City Attorney's opinions, particularly number 5881-4-26-74, you will be of a similar mind. However, if the City Council should decide to exempt all but regular employees from the Personnel System, we contend that it would require a two-thirds vote of the entire City Council as required under Article XVI, Section 3.

Local 17 feels that the proposal goes far beyond the spirit of the Charter Amendment No. 5 by exempting all but regular employees as found in lines 27 and 28 of page 2; lines 10 and 11 of page 3; line 28 on page 4; and line 1 on page 5. To paraphrase, Local 17 feels that the Personnel Director is asking that all interim, all limited term employees, and all temporary employees be exempted from the Personnel system. The Personnel system for the City of Seattle is established by Ordinance as found in Section 1 of Article XVI, of the Seattle City Charter. By exempting that group of employees from the Personnel Ordinance, the City Council would be exempting those employees from the Personnel System of the City of Seattle.

employees and says only that temporary employees are appointed to fill positions on a temporary, emergency, or short-term need in which a register is not available. The definition limits temporary employees to 1040 hours per year.

Section K, page 7 is amended to remove the definition, time limits and guidelines for temporary employees because these would be covered in the new definition.

BF:md

Your
Seattle
Personnel Department

Susan B. Pavlou, Personnel Director
Charles Royer, Mayor

July 14, 1981

The Honorable Dolores Sibonga
Chairperson, Personnel and Property Management Committee
Seattle City Council
City of Seattle

Dear Ms. Sibonga:

We have reviewed Mr. Waske's letter of June 30 expressing his opposition to C.B. 101627 and C.B. 102310. We feel that the agruments that Mr. Waske has presented are basically misleading to the Council and do not address the real issues. Our response to his arguments is presented below.

C.B. 101627

In his first point, Mr. Waske suggests that the exemption provisions of C.B. 101627 may violate Article XVI of the City Charter. He supports this view with referenced to City attorney opinion 5881-4-26-74.

Upon review of the proposed amendment vs. Charter Article XVI vs. the referenced City Attorney opinion, we find no indication of a potential Charter violation. Article XVI, Section 3 clearly provides for the exemption of positions by ordinance. The exemption process obviously requires councilmanic action as well as clear definition (or standards) for those positions which we seek to exempt. Logically, these standards can be included in either the proposed Exemption Ordinance (C.B. 102310) or in the proposed amendment to the Personnel Ordinance (C.B. 101627). Either way, Charter requirements are satisfied.

The City Attorney opinion referenced by Mr. Waske was written on April 26, 1974 in response to a particular question regarding the employment of temporary office workers which were to be furnished to the City via a contract with a private firm. In this opinion, the City Attorney advised that filling City positions via the proposed contract method was not authorized under the provisions of Charter Article XVI, Section 3 which existed at that time. That Article also did not contemplate exempting positions by ordinance such as the present Article XVI does. The opinion deals explicitly with the legal tests which must be met before the City can contract for services; not with temporary employment per se. In our view, the referenced City Attorney opinion is not relevant to the issue at hand.

In his second point, Mr. Waske argues that exemption of temporary workers, interim employees and limited term employees would result in a loss of benefits to those so employed and a loss of protection from abuse of the proposed provisions. We find it interesting that Mr. Waske offers no supporting evidence for this argument. The fact is that there is no loss of benefits for the incumbents if these jobs are exempted, nor is there any additional potential for abuse.

Workers contemplated in the proposed definition of "Temporary Worker" are not now, nor have they ever been, eligible for any of the insurance, sick leave, vacation or retirement benefits enjoyed by other City employees because these types of temporary workers are specifically excluded by the terms of the benefit contracts or controlling ordinances. For instance:

(a) the Salary Ordinance excludes intermittent and seasonal workers from paid time off or other fringe benefits;

(b) the Retirement Ordinance requires six months of service in any one year before an employee is eligible for membership in the retirement system. However, according to the present Personnel Ordinance, temporary, intermittent and seasonal workers are limited to 1040 hours of service in a year;

(c) insurance contracts for health, dental, accident and death benefits explicitly excluded workers employed in seasonal and intermittent positions and positions of less than six months duration.

Therefore, it is clear that the revision proposed in C.B. 101627 do not in any way cause a "loss" of benefits to the affected employees because such benefits are nonexistent in any case. Those employees who are represented by Mr. Waske and I.F.P.T.E. Local # 17 will retain the 10 percent preminum pay to which they are now entitled upon completion of 520 hours of temporary work. Interim employees will continue to accure sick leave benefits as presently provided for by the Sick Leave Ordinance and incumbents of limited term positions will continue to receive all benefits to which they are entitled once service requirements are met.

With respect to protection from abuse of the system, we find no basis upon which to assume that potential for abuses will be increased. Prior to passage of the Personnel Ordinance in 1978, the civil service system was not able to consistently respond to department's needs for temporary workers, nor was the system able to respond effectively to a great many requests to fill permanent positions. This fact is evidenced by the proliferation of "provisional appointments" that occurred during that time. The system included no controls whatsoever to deal with these kinds of appointments. This situation has been effectively controlled by the 1040 hour work limits imposed by the Personnel Ordinance. Our proposed amendment does not remove these limitations. Therefore, all of the constraints considered and included by the City Council in the original Personnel Ordinance have been preserved in the proposed amendment.

Mr. Waske's last point with regard to the definition of "Limited Term Position" we find interesting also, especially in view of the fact that he has negotiated a similar provision in one of his latest I.F.P.T.E. contracts with the City. In Article II, Section 9, of this bargaining unit agreement, "Project Employment" is defined as employment to carry out a specific project or goal of up to two years in duration, but with an end in sight. It is agreed that affected employees are exempt from layoff provisions of the contract and the definition establishes clear distinction between "regular" employment and "project" employment. These provisions in the bargaining unit agreement strongly indicate that Mr. Waske recognizes that the City's need for "limited term" kinds of employment goes beyond application only to the CETA program. Therefore, his argument which implies that the proposed definition of "Limited Term Position" is no longer needed, because of the demise of the CETA program, is without merit.

In fairness we point out that Mr. Waske's argument may be due in part to two points:

(a) he may not be aware that an error was corrected at the last minute in the Council Bill which replaced reference to public employment programs in the definition of "Limited Term Position". This reference was inadvertently deleted when the bill was originally submitted to your office.

(b) he is referencing our original letter to you which was written in July, 1980 when CETA positions were the most prominent, but definitely not the sole motivation behind the limited term concept.

The fact is the City has a clear need to address limited term kinds of employment. During our research for preparation of the ordinance amendment, we found literally dozens of examples of the need for this kind of provision. Most notably, are the applications in the Park Department recreation programs, Lighting Department enviromental/energy conservation programs, Water Department water quality and reservoir cleaning programs, etc. Of ten major City departments polled on this very issue, nine were strongly supportive and the provision had no applicability in one department.

In addition to the above, we feel strongly that from a management viewpoint it is prudent for the City to be prepared, via the limited term concept, to deal with public employment programs which may occur in the future. Since mid-1971 the City has been involved in a public employment program of one kind or another and it is likely that we will be involved again in the future. Since the beginning, it has been our experience that the City personnel system has been unable to effectively meet the federal hiring requirements for these programs. More often than not eligible registers did not produce sufficient candidates who met the program eligibility requirements. This necessitated new examinations which slowed the hiring process and placed federal funding in jeopardy because hiring quotas could not be met within the timelimits set by the program. The net result was overloaded, still ineffective eligible registers, mass provisional appointments and increased administrative costs. Further difficulties arose when the time came to separate employees whose eligibility had expired. The personnel system had not been designed to handle layoff of public employment program employees without severe impact on the operations of the affected department. These problems can be avoided through adoption of the "Limited Term Position".

The bottom line in the issues discussed above is the management of temporary employment in the City service. There appears to be no argument that the need for such kinds of employment clearly exists. The current Personnel Ordinance recognizes this fact and so does Mr. Waske. History shows that the City has had difficulty in this area for years before the current Personnel Ordinance was adopted and there is strong evidence that the City has a difficulty in this area now. We believe that the proposed amendment will resolve these difficulties by providing for management of temporary employment by the Personnel Department, and at the same time will allow us to concentrate more heavily on the City's more permanent employment needs. We strongly urge the Council's adoption of C.B. 101627.

C.B. 102310

In his letter of June 30, Mr. Waske opposes Council adoption of C.B. 102310. The basis of his opposition is his concern that our proposed legislation, specifically the use of class or generic titles, would permit the Personnel Director to reclassify positions to exempt status without the two-thirds vote of Council which is a requirement of City Charter, Article XVI. We believe Mr. Waske's concern is unfounded, particularly in view of historical practices with regard to exempt position in the City.

Before 1980, Administrator and Director positions were individually exempted by position number. Under that procedure, the Council had always exempted Administratior and Director positions, applying the criteria still specified in Section 1 of the ordinance. New positions created in the Budget which fell into those series were routinely intended by the Council for exempt status. However, passage of the Budget did not exempt those positions. Nor did passage of the Budget or other position change legislation, such as the quarterly reclassification ordinances, allow for retention of exempt status for mere title changes or reclassifications when the intent was clearly that such positions continue their exemptions.

The administrative problems for departments and employees are numerous when positions are exempted individually by number. Positions formerly exempt which undergo reclassification or routine title change are no longer exempt under such a format; they become subject to lay-off after 1040 hours. Positions created or changed in the Budget cannot be advertised or filled until the Exemptions Ordinance amendment is introduced and passed. The Council, recognizing the cumbersome and time consuming nature of amending legislation, preferred the language of the 1980 and proposed 1981 ordianances.

Concern is expressed by Mr. Waske that perhaps the Personnel Department would add questionable exemptions by classifying position into the Director series. He uses as an example a Management Systems Analyst position in Municipal Court which was advertised in March 1980 as an exempt position. In fact, this position was filled via a certification from an eligible register in June 1980. The advertising bulletin was issued in the beginning of the contraversy regarding the Count's self-proclaimed exemption from the City personnel system. Mr. Waske points out that the Law Department issued an opinion that the Court could not unilaterally declare exemption. This fact is correct, but the opinion is dated April 15, 1980; a month or more after the bulletin was issued. The Court was cooperative with us in removing the so-called exempt status from this position.

As a further point, in the proposed 1981 ordinance, we have a position in the Treasurer's Office which was proposed as a Director. The Personnel Department refused the title because the position did not meet the criteria. We believe we have not abused the Council's trust in this matter and have in fact worked closely with the Council when we question the propriety of an exemption request.

The Council determined in passing the 1980 Exemptions Ordinance that, since it was their intent that all Administrator and Director positions be exempt, it was appropriate that the classes rather than the positions be specified in the Exemptions Ordinance. Particularly in light of the fact that the Council reviews and approves any additions, deletions or title changes in the Budget and reclass ordinances the Council preferred this format.

The Personnel Department has requested a review by the Law Department in order to assure that such class exemptions are acceptable under the Charter. If questions arise as to the exempt or Civil Service status of an individual position, our Classification/Compensation Division can readily identify from the records the ordinance titles by incumbent name or position number. This is a matter of public record and would be immediately provided upon request.

As you know, the ordinance we have proposed is identical to the 1980 Exemptions Ordinance passed by Council and currently in force. We respectfully recommend that the 1980 format be adopted in the 1981 ordinance as well.

Thank you for the opportunity to respond to Mr. Waske's comments. Please let me know if you need any further information regarding either of the Council Bills.

Sincerely

Susan B. Pavlou

Susan B. Pavlou
Personnel Director

cc: The Honorable George Benson
The Honorable Michael Hildt
The Honorable Paul Kraabel
The Honorable Randy Revelle
The Honorable Norm Rice
The Honorable Jack Richards
The Honorable Sam Smith
The Honorable Jeanette Williams

SBP:rth

Health Department whose house is this anyway?

Ehr ustions have?

(To be used for all Ordinances except Emergency.)

Section 4. 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.....day of....., 19 ...,

and signed by me in open session in authentication of its passage this.....day of

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President.....of the City Council.

Approved by me this.....day of....., 19 ....

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Mayor.

Filed by me this.....day of....., 19 ....

Attest:.....

City Comptroller and City Clerk.

(SEAL)

Published.....

By.....

Deputy Clerk.

CSS 8.1.6

shall not be employed for more than 1040 hours in a year.

((~~14.~~)) 16. "Layoff" means the interruption of employment and suspension of pay of any regular, probationary, or temporary employee because of lack of work, lack of funds, or through reorganization.

17. "Limited Term Position" means any position Funded by a public employment program or established by ordinance for periods of less than one year((~~.~~)), or any position established for a special project where the requirements of the project are such that a position is required for a duration of more than six months but less than one year. Incumbents of such positions shall be exempt from provisions of this ordinance except as specified; provided, the Personnel Director may establish procedures for the filling of such positions which shall require at least the following information to be provided by the appointing authority: the nature and scope of the program or position, source and conditions of funding, relationship of the project to regular operations and programs of the department, number of positions, duration, and employee organizations affected.

((~~15.~~)) 18. "Pass-fail Examination" means a test for qualifying for placement on a register of those eligible for appointment to a job.

19. "Permanent Part-time Position" means a permanent part-time position is a position which requires an average of twenty hours or more but less than forty hours of work per week during a year.

((~~16.~~)) 20. "Probationary Employee" means an employee who has been appointed from a register but who has not completed a one-year period of probationary employment.

CSS 20.14

The City of Seattle--Legislative Department

Date Reported and Adopted

DEC 14 1981

MR. PRESIDENT:

Your Committee on

to which was referred

C.B. 101627
Amending Personnel Ordinance No. 107790 for Management of temporary Employment.

Relating to the personnel system of the City, and amending Sections 1 and 13 of the Personnel Ordinance (Ordinance 107790) by defining employment status and modifying selection procedures to provide greater efficiency in meeting the City's permanent and temporary employment needs.

9/24/80 - HOLD P&PM
6/10/81 - HOLD P&PM
7/22/81 - HOLD P&PM
12/9/81 - PASS AS AMENDED 2 DS 2 RE 1 ABSTAIN

Chairman

Chairman

Committee

Committee

SRS:rl
5/4/81

ORDINANCE _____

AN ORDINANCE relating to the personnel system of the City, and amending Sections 1 and 13 of the Personnel Ordinance (Ordinance 107790) by defining employment status and modifying selection procedures to provide greater efficiency in meeting the City's permanent and temporary employment needs.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.04.030 of the Seattle Municipal Code (Section 3 of Ordinance 107790) is amended as follows:

Section 4.04.030 Definitions. Unless another meaning is clearly indicated from the context, as used in this ordinance, the following terms shall mean:

1. "Appointing authority" means a person authorized by ordinance or Charter to employ others on behalf of the City; usually the head of a department.

2. "Assignment" means appointment to one of a number of levels of duties, responsibilities and salaries within one class, except that such level is not a permanent or vested right and is subject to review.

3. "Certification" means a list of names selected from a register and submitted by the Personnel Department to an appointing authority, from which list the authority may appoint to fill a vacancy or replace a temporary employee.

4. "City" means the City of Seattle.

5. "City Council" means a the City Council of The City of Seattle.

6. "Class" means any group of positions sufficiently similar that the same title may equitably be applied to all.

7. "Days" means calendar days.

8. "Demotion" means the removal of an employee from a higher to a lower class for cause.

CS 19.2

9. "Director" means the Director of the Personnel Department or his/her designated representative.

10. "Employee" means a person employed in a permanent position on a full-time or part-time basis. The term "employee" shall not include part-time workers employed less than twenty hours per week, intermittent, seasonal, temporary or workers employed in limited term positions.

((~~10.~~)) 11. "Exempt Employee" means one who serves at the discretion of the appointing authority in a position which is exempted by the City Charter or the exemptions ordinance 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 chapter.

((~~11.~~)) 12. "Graded Examination" means a test for qualifying applicants for placement on a register of those eligible for appointment to a job, in order of their relative merit.

((~~12.~~)) 13. "Grievance" A grievance exists when an employee in good faith believes an aspect of his/her employment has been adversely affected and desires remedial action.

((~~13.~~)) 14. "Inappropriate Pressure" means any suggestion (oral or written communication) to a city employee, the effect of which would either: (a) preclude job advertising and open consideration of qualified applicants, or (b) result in the selection of an employee for reasons other than relative ability, knowledge, and skill.

15. "Interim Employee" means an employee appointed to fill a permanent position for which no certification is available. Interim employees shall be exempt from provisions of this ordinance except as specifically provided for and

shall not be employed for more than 1040 hours in a year.

((~~14.~~)) 16. "Layoff" means the interruption of employment and suspension of pay of any regular, probationary, or temporary employee because of lack of work, lack of funds, or through reorganization.

17. "Limited Term Position" means any position funded by a public employment program or established by ordinance for periods of less than one year((~~.~~)), or any position established for a special project where the requirements of the project are such that a position is required for a duration of more than six months but less than one year. Incumbents of such positions shall be exempt from provisions of this ordinance except as specified; provided, the Personnel Director may establish procedures for the filling of such positions which shall require at least the following information to be provided by the appointing authority: the nature and scope of the program or position, source and conditions of funding, relationship of the project to regular operations and programs of the department, number of positions, duration, and employee organizations affected.

((~~15.~~)) 18. "Pass-fail Examination" means a test for qualifying for placement on a register of those eligible for appointment to a job.

19. "Permanent Part-time Position" means a permanent part-time position is a position which requires an average of twenty hours or more but less than forty hours of work per week during a year.

((~~16.~~)) 20. "Probationary Employee" means an employee who has been appointed from a register but who has not completed a one-year period of probationary employment.

((~~17.~~)) 21. "Provisional Employee" means an employee who, prior to January 1, 1979, was appointed for the purpose of performing work in a position for which no register existed.

((~~18.~~)) 22. "Reduction" means the movement of an employee from a higher position to a lower position, not for cause.

((~~19.~~)) 23. "Register" means a list of successful examinees for a given position or class from which names may be selected by the Personnel Director for certification and submission to an appointing authority.

((~~20.~~)) 24. "Regular Employee" means an employee who has been appointed from a register and who has completed a one year probationary period of employment. ((~~A regular employee may work full-time or part-time.~~))

((~~21.~~)) 25. "Reinstatement" means reappointment of a regular employee from a reinstatement register to a position in a class in which regular status was previously held.

((~~22.~~)) 26. "Seniority" means the length of continuous service in the employee's present class and all higher classes since original regular appointment to that class.

((~~23.~~)) 27. "Suspension" means temporary withdrawal of an employee from employment with or without pay for a specified period for cause pending determination of charges against said employee, which charges could result in discharge.

28. "Temporary Worker" means a person who is employed to fill a temporary, emergency or short-term need. Temporary workers shall include persons employed in seasonal or intermittent positions and workers employed less than an average of twenty hours per week during a year. Temporary workers

shall be exempt from the provisions of this ordinance except as specifically provided for and shall not be employed more than 1040 hours in a year.

29. "Termination or discharge" means separation from employment for cause.

Section 2. Section 4.04.150 of the Seattle Municipal Code (Section 13 of Ordinance 107790) is amended as follows:

Section 4.04.150 Examination and selection.

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

B. All employees except temporary workers ((~~and~~)) exempt, interim and limited term 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 such 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 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 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 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 will accept temporary employment.~~))

L. The Personnel Director shall make rules regarding the return to the register of those eligible 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

(To be used for all Ordinances except Emergency.)

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 3. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 4. 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 ..... day of ....., 19 ...,

and signed by me in open session in authentication of its passage this ..... day of ....., 19 ....

.....

President ..... of the City Council.

Approved by me this ..... day of ....., 19 ....

.....

Mayor.

Filed by me this ..... day of ....., 19 ....

Attest: .....

City Comptroller and City Clerk.

(SEAL)

Published .....

By .....

Deputy Clerk.

CSS 8.1.6

Your City, Seattle
Executive Department-Office of Management and Budget
John Saven, Director
Charles Royer, Mayor

Simpson/Parkhe

AUG 06 1980

COPY OF WITHIN RECEIVED

AUG 7 1980

Douglas M. Jewett
CITY ATTORNEY

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: PERSONNEL

SUBJECT: Proposed Amendments of Personnel Ordinance No. 107790 for Management of Temporary Employment.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

(X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

( ) Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

John Saven
Budget Director

JS/fk/pbd

Enclosure

cc: Director of Personnel

PSDJ/
SRS:rl

ORDINANCE _____

AN ORDINANCE relating to the personnel system of the City, and amending Sections 1 and 13 of the Personnel Ordinance (Ordinance 107790) by defining employment status and modifying selection procedures to provide greater efficiency in meeting the City's permanent and temporary employment needs.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3 of Ordinance 107790 is amended as follows:

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

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

CS 19.2

his/her designated representative.

Employee: A person employed in a permanent position on a full-time or part-time basis. The term "employee" shall not include part-time workers employed less than twenty hours per week, intermittent, seasonal, temporary or workers employed in limited term positions.

Exempt Employees: 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.

Interim Employee: An employee appointed to fill a permanent position for which no certification is available. Interim employees shall be exempt from provisions of this ordinance except as specifically provided for and shall not be employed for more than 1040 hours in a year.

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.

Limited Term Position: Any position which is supported in full or in part by grant funds and all positions established by ordinance for periods of less than one year. Incumbents of such positions shall be exempt from provisions of this ordinance except as specified; provided, the Personnel Director may establish procedures for the filling of such positions which shall require at least the following information to be provided by the appointing authority: the nature and scope of the program or position, source and conditions of funding, relationship of the project to regular operations and programs of the department, number of positions, duration, and employee organizations affected.

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

Permanent Part-time Position: A permanent part-time position is a position which requires an average of twenty hours or more but less than forty hours of work per week during a year.

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

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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 pending determination of charges against said employee, which charges could result in discharge.

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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.

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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~~)) <u>hire an interim employee</u>.

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

K. The Director may promulgate rules distinguishing various types of temporary employment developed according to the City's needs. ((~~No person's temporary employment shall exceed 1040 hours per year, and no department shall employ temporary employees to perform more than 1040 hours of substantially the same duty in any one year. If a register 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 will accept temporary employment.~~))

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President.....of the City Council.

Approved by me this.....day of....., 19 ....

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Mayor.

Filed by me this.....day of....., 19 ....

Attest:.....

City Comptroller and City Clerk.

(SEAL)

Published.....

By.....

Deputy Clerk.

CSS 8.1.6

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