

Ordinance No. 118830

Council Bill No. 111982

111982

The City of Seattle Council Bill/Ordinance

Council Bill No. 111982, AN ORDINANCE amending Seattle Municipal Code Section 4.04.230, Progressive discipline, to expand the circumstances under which an employee may be disciplined for prohibited acts.

Pass as Amended
11-24-97 Full
Con

CF No. _____

Date Introduced: <u>NOV 17 1997</u>	
Date 1st Referred: <u>NOV 17 1997</u>	To: (committee) <u>Personnel Organization & Performance Committee</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>11-24-97</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor: <u>11-24-97</u>	Date Approved: <u>12/2/97</u>
Date Returned to City Clerk: <u>12/2/97</u>	Date Published: <u>4 pp.</u>
Date Vetted by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready

Law Dept. Review

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The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CHONG
Councilmember

Committee Action:

Pass as Amended 1-0
11-24-97 Full Council Action: Passed 8-0
(excused: Drago)

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



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ORDINANCE 118830

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3 AN ORDINANCE amending Seattle Municipal Code Section 4.04.230, Progressive discipline, to
4 expand the circumstances under which an employee may be disciplined for prohibited acts.

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6 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

7 Section 1. Seattle Municipal Code Section 4.04.230 (Ordinance 107790, as amended) is further
8 amended as follows:

9 **S.M.C. 4.04.090 Progressive discipline**

10 A. In order of increasing severity, the disciplinary actions which his/her supervisor may take against an
11 employee for inappropriate behavior or performance include:

- 12 1. A verbal warning, which shall be accompanied by a notation in the employee's personnel file;
- 13 2. A written reprimand, a copy of which must be placed in the employee's file;
- 14 3. Suspension up to thirty (30) days;
- 15 4. Demotion;
- 16 5. Discharge.

17 B. Which disciplinary action is taken depends upon the seriousness of the affected employee's conduct;
18 except, in the absence of mitigating circumstances, a verbal warning or a written reprimand shall not be
19 given for a major disciplinary offense.

20 C. Suspension, demotion or discharge shall be approved by the employee's department head in writing.
21 An hourly employee may be suspended up to one (1) day without the department head's approval for
22 emergency situations, in accordance with rules promulgated by the Director. Suspensions of
23
24

1 nonrepresented salaried employees shall be in increments of no less than one (1) week; provided, that when
2 discipline is administered for major safety violations, suspensions of at least one (1) day but less than one
3 (1) week may be approved.

4 D. Disciplinary actions shall be reported by the department head to the Personnel Director for records
5 purposes, and the Personnel Director's use in compiling guidelines for like treatment of like behavior from
6 department to department.

7 E. The Personnel Director may establish rules for application of discipline which are consistent for like
8 behavior from department to department. A department may, by rule, be permitted to impose a more severe
9 penalty than is otherwise sanctioned where misconduct which may be of minimal significance to other
10 departments has a substantial impact on the operations, costs, or safety within that department.

11 F. The following is a nonexclusive list of major disciplinary actions where a verbal warning or written
12 reprimand will not be appropriate in the absence of mitigating circumstances:

13 1. Assault or threat toward another person;

14 2. Being impaired or affected by and/or testing positive for alcohol or a controlled substance during
15 working hours or using or possessing alcohol or a controlled substance at the workplace;

16 3. Use of City time, equipment or facilities for private gain or other non-City purpose;

17 4. Falsifying or destroying the business records of the employer at any time or place, without
18 authorization;

19 5. Knowingly making a false statement on an application for employment or falsifying an employment
20 related examination score;

21 6. Intentional damage to or theft of the property of the City, another employee, or others;

1 7. Carrying or otherwise possessing firearms or any type of weapon in the course of employment, except
2 as authorized by the appointing authority;

3 8. Unauthorized absence;

4 9. Endangering the safety of, or causing injury to, the person or property of another through negligence
5 or intentional failure to follow policies or procedures;

6 10. Making a bribe, accepting a bribe, or soliciting a bribe;

7 11. A knowing or intentional violation of the City Code of Ethics;

8 12. Conviction of any felony or misdemeanor crime that is or may be work related, or may impair the
9 employee's ability to perform his/her job duties, whether committed at or away from the worksite or during
10 or outside working hours;

11 13. Acts of racial/sexual harassment and/or acts of discrimination that are prohibited by federal, state, or
12 local laws, or a failure to fulfill a responsibility to report incidents of harassment and/or discrimination to
13 an appropriate City manager or Human Resources employee; or

14 14. Other offenses of parallel gravity.

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

20 H. Conviction of a crime shall not disqualify a person from City employment, except where the
21 conviction is for conduct reasonably related to the work the applicant would be performing for the City,
22 and the conviction is less than five (5) years old.

- 1 I. A department which takes a disciplinary action that is subject to appeal to the Civil Service
2 Commission shall inform the employee in writing that:
- 3 1. He or she has the right to appeal to the Civil Service Commission;
 - 4 2. To appeal, the employee must file a statement with the Civil Service Commission within twenty (20)
5 days; and
 - 6 3. The twenty (20) days begin to run on the date of delivery if the notice is given to the employee
7 personally or delivered to his or her most recent address shown on departmental records; and on the third
8 day after the date of mailing if the notice is mailed. This ordinance shall take effect and be in force thirty
9 (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within
10 ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

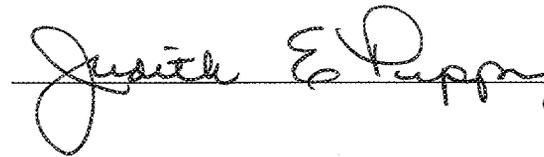
11 Passed by the City Council the 11th day of November, 1997, and signed by me in open
12 session in authentication of its passage this 11th day of November, 1997.

13 
14 _____
President ~~Pro Tem~~ of the City Council

15 Approved by me this 2nd day of December, 1997.

16 
17 _____
Mayor

18
19 Filed by me this 2nd day of December, 1997.

20 
21 _____
City Clerk

22 (Seal)

23

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Memorandum

TO: Margaret Carter
FROM: Matthew Fox
DATE: November 12, 1997
RE: Titles of legislation for referrals calendar

We will have the following legislation prepared ASAP

AN ORDINANCE amending Seattle Municipal Code Section 4.84.020, Annual Award Program, S.M.C. Section 4.92.010, Suggestion Award Program, and S.M.C. 4.94.020, Safety and Performance Awards to exclude certain employees from participation in awards programs.

CB111982

AN ORDINANCE amending Seattle Municipal Code Section 4.04.230, Progressive discipline, to expand the circumstances under which an employee may be disciplined for prohibited acts.

A RESOLUTION amending and superseding Resolution No. 29014, to re-affirm the City's policy on workplace harassment, encourage prompt reporting and investigation of workplace harassment, and adopt revised uniform procedures for investigating and resolving harassment complaints in the City's workplace.

ORDINANCE _____

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4 expand the circumstances under which an employee may be disciplined for prohibited acts.

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6 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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8 amended as follows:

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11 employee for inappropriate behavior or performance include:

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- 14 3. Suspension up to thirty (30) days;
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- 16 5. Discharge. B. Which disciplinary action is taken depends

17 upon the seriousness of the affected employee's conduct; except, in the absence of mitigating
18 circumstances, a verbal warning or a written reprimand shall not be given for a major disciplinary offense.

19 C. Suspension, demotion or discharge shall be approved by the employee's department head in writing.
20 An hourly employee may be suspended up to one (1) day without the department head's approval for
21 emergency situations, in accordance with rules promulgated by the Director. Suspensions of
22 nonrepresented salaried employees shall be in increments of no less than one (1) week; provided, that when
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1 discipline is administered for major safety violations, suspensions of at least one (1) day but less than one
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6 E. The Personnel Director may establish rules for application of discipline which are consistent for like
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8 penalty than is otherwise sanctioned where misconduct which may be of minimal significance to other
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- 13 2. Being impaired or affected by and/or testing positive for alcohol or a controlled substance during
14 working hours or using or possessing alcohol or a controlled substance at the workplace;
- 15 3. Use of City time, equipment or facilities for private gain or other non-City purpose;
- 16 4. Falsifying or destroying the business records of the employer at any time or place, without
17 authorization;
- 18 5. Knowingly making a false statement on an application for employment or falsifying an employment
19 related examination score;
- 20 6. Intentional damage to or theft of the property of the City, another employee, or others;
- 21 7. Carrying or otherwise possessing firearms or any type of weapon in the course of employment, except
22 as authorized by the appointing authority;

23



1 8. Unauthorized absence;

2 9. Endangering the safety of, or causing injury to, the person or property of another through negligence
3 or intentional failure to follow policies or procedures;

4 10. Making a bribe, accepting a bribe, or soliciting a bribe;

5 11. A knowing or intentional violation of the City Code of Ethics;

6 12. Conviction of any felony or misdemeanor crime that is or may be work related, or may impair the
7 employee's ability to perform his/her job duties, whether committed at or away from the worksite or during
8 or outside working hours;

9 13. Acts of Racial/sexual harassment and/or acts of discrimination that are prohibited by federal, state,
10 or local laws, or failure to report incidents of harassment, and/or discrimination to an appropriate City
11 official; or

12 14. Other offenses of parallel gravity.

13 G. Where an employee is accused of any action

14 which, if proven, would be grounds for removal of that employee from his/her position of employment, the
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18 H. Conviction of a crime shall not disqualify a person from City employment, except where the
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20 and the conviction is less than five (5) years old.

21 I. A department which takes a disciplinary action that is subject to appeal to the Civil Service
22 Commission shall inform the employee in writing that:

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- 1 1. He or she has the right to appeal to the Civil Service Commission;
- 2 2. To appeal, the employee must file a statement with the Civil Service Commission within twenty (20)
- 3 days; and
- 4 3. The twenty (20) days begin to run on the date of delivery if the notice is given to the employee
- 5 personally or delivered to his or her most recent address shown on departmental records; and on the third
- 6 day after the date of mailing if the notice is mailed. This ordinance shall take effect and be in force thirty
- 7 (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within
- 8 ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

9 Passed by the City Council the ____ day of _____, 1997, and signed by me in open

10 session in authentication of its passage this ____ day of _____, 1997.

11 _____

12 President _____ of the City Council

13 Approved by me this ____ day of _____, 1997.

14 _____

15 _____

16 Mayor

17 Filed by me this ____ day of _____, 1997.

18 _____

19 City Clerk

20 (Seal)

SPONSORSHIP

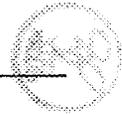
THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Charles Gray

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE



STATE OF WASHINGTON - KING COUNTY

87793

—SS.

City of Seattle, City Clerk

No. ORDINANCE IN

City of Seattle

ORDINANCE NO. 118830

AN ORDINANCE amending Seattle Municipal Code Section 4.04.230, Progressive discipline, to expand the circumstances under which an employee may be disciplined for prohibited acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.04.230 (Ordinance 107790, as amended) is further amended as follows:

S.M.C. 4.04.090 PROGRESSIVE DISCIPLINE

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

1. A verbal warning, which shall be accompanied by a notation in the employee's personnel file;
2. A written reprimand, a copy of which must be placed in the employee's file;
3. Suspension up to thirty (30) days;
4. Demotion;
5. Discharge.

B. Which disciplinary action is taken depends upon the seriousness of the affected employee's conduct; except in the absence of mitigating circumstances, a verbal warning or a written reprimand shall not be given for a major disciplinary offense.

C. Suspension, demotion or discharge shall be approved by the employee's department head in writing. An hourly employee may be suspended up to one (1) day without the department head's approval for emergency situations, in accordance with rules promulgated by the Director. Suspensions of nonrepresented salaried employees shall be in increments of no less than one (1) week; provided, that when discipline is administered for major safety violations, suspensions of at least one (1) day but less than one (1) week may be approved.

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2. Being impaired or affected by and/or testing positive for alcohol or a controlled substance during working hours or using or possessing alcohol or a controlled substance at the workplace;
3. Use of City time, equipment or facilities for private gain or other non-City purpose;
4. Falsifying or destroying the business records of the employer at any time or place, without authorization;
5. Knowingly making a false statement on an application for employment or falsifying an employment related examination score;

Affidavit of Publication

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

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

CT:ORD 118830

was published on

12/16/97

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

Subscribed and sworn to before me on

04703 98

Notary Public for the State of Washington,
residing in Seattle