

Ordinance No. 121234

Council Bill No. 114614

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE amending Seattle Municipal Code Section 4.04.230, Progressive Discipline, to provide for the Personnel Director to promulgate rules for a system of progressive discipline and to clarify the Civil Service Commission notification and appeal requirements.

Do Pass as is

CF No. _____

7-28-03 Pass

Date Introduced:	JUN 23 2003	
Date 1st Referred:	To: (committee)	Finance, Budget, Business & Labor Committee
	JUN 23 2003	
Date Re- Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
	7-28-03 9-0	
Date Presented to Mayor:	Date Approved:	
	7-29-03 7/31/03	
Date Returned to City Clerk:	Date Published:	T.O. _____ P.T. _____
	SPD	
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

Jan Pardo

Councilmember



Committee Action:

No Pass as amended 1-0 JD

7-28-03 Passed 9-0

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

Committee:

(initial/date)

Department

Law Dept. Review

OMP
Review

City Clerk
Review

Electronic
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Indexed

*Jan Pardo
7/28/03
Full Council
1-0
JD*

ORDINANCE

121234

AN ORDINANCE amending Seattle Municipal Code Section 4.04.230, Progressive Discipline, to provide for the Personnel Director to promulgate rules for a system of progressive discipline and to clarify the Civil Service Commission notification and appeal requirements.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.04.230, **Progressive Discipline**, Ordinance 107790 as amended, is hereby further amended as follows:

A. The Personnel Director shall promulgate rules for the implementation and administration of a process of progressive discipline for the purpose of addressing acts of employee misconduct and, until such time as a performance management system is adopted, inappropriate job performance. The Personnel Director shall inform the City Council in writing of proposed changes to the Personnel Rules regarding Progressive Discipline before the changes are finalized and implemented.

B. In order of increasing severity, the disciplinary actions which ((~~his/her supervisor~~)) the appointing authority or a designated management representative 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; and

2. A written reprimand, a copy of which must be placed in the employee's file((;)).



1 C. In order of increasing severity, the disciplinary actions which a supervisor may
2 recommend and the appointing authority may approve against an employee include:

3 ((3))1. Suspension up to thirty (30) calendar days;

4 ((4))2. Demotion; and

5 ((5))3. Discharge.

6
7 ~~((B. Which disciplinary action is taken depends upon the seriousness of the affected~~
8 ~~employee's conduct; except, in the absence of mitigating circumstances, a verbal warning or a~~
9 ~~written reprimand shall not be given for a major disciplinary offense.))~~ When the appointing
10 authority determines in accordance with personnel rules to impose a((C-S)) suspension, demotion
11 or discharge in response to an act of employee misconduct or inappropriate job performance, he
12 or she shall provide such determination ((be approved by the employee's department head))in
13 writing to the employee. An hourly employee may be suspended up to one (1) day without the
14 ~~((department head's))~~ appointing authority's approval for emergency situations, in accordance
15 with rules promulgated by the Director. Suspensions of non-represented salaried employees shall
16 be in increments of no less than one (1) week; provided, that when discipline is administered for
17 major safety violations, suspensions of at least one (1) day but less than one (1) week may be
18 approved.

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20
21 D. Disciplinary actions shall be reported by the ~~((department head))~~ appointing
22 authority to the Personnel Director for ((records purposes and-))the ((Personnel))Director's use in
23 compiling guidelines for like treatment of like behavior from department to department.

24
25 E. The Personnel Director may establish rules for application of discipline
26 ~~((which))~~ that are consistent for like behavior from department to department. A department
27



1 may(~~(, by rule, be permitted to)~~) impose a more severe penalty than is otherwise sanctioned
2 where misconduct which may be of minimal significance to other departments has a substantial
3 impact on the operations, costs, or safety within that department.

4 ((~~F. — The following is a nonexclusive list of major disciplinary actions where a
5 verbal warning or written reprimand will not be appropriate in the absence of mitigating
6 circumstances:~~

7
8 1. ~~— Assault or threat toward another person;~~

9 2. ~~— Being impaired or affected by and/or testing positive for alcohol or a controlled
10 substance during working hours or using or possessing alcohol or a controlled substance at the
11 workplace;~~

12
13 3. ~~— Use of City time, equipment or facilities for private gain or other non-City
14 purpose;~~

15
16 4. ~~— Falsifying or destroying the business records of the employer at any time or place,
17 without authorization;~~

18
19 5. ~~— Knowingly making a false statement on an application for employment or
20 falsifying an employment-related examination score;~~

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

24
25 7. ~~— Carrying or otherwise possessing firearms or any type of weapon in the course of
26 employment, except as authorized by the appointing authority;~~

27
28 8. ~~— Unauthorized absence;~~



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

3 10. ~~Making a bribe, accepting a bribe, or soliciting a bribe;~~

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

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

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

12 14. ~~Other offenses of parallel gravity.~~

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

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

20 ((F)) F. An appointing authority who ((department which-)) takes a disciplinary action that
21 is subject to appeal to the Civil Service Commission shall inform the employee in writing that:

22 1. He or she has the right to appeal to the Civil Service Commission;





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

April 14, 2003

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

Dear Council President Steinbrueck:

The attached ordinance amends Seattle Municipal Code Section 4.04.230, Progressive Discipline. This will enable the Personnel Director to promulgate rules for a system of progressive discipline and to clarify the Civil Service Commission's notification and appeal requirements.

Thank you for your consideration of this legislation. Should you have questions please contact Kathy Steinmeyer at 4-7921.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, light-colored scribble or stamp.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



1 ((4))2. Demotion; and

2 ((5))3. Discharge.

3 ((B. Which disciplinary action is taken depends upon the seriousness of the affected
4 employee's conduct; except, in the absence of mitigating circumstances, a verbal warning or a
5 written reprimand shall not be given for a major disciplinary offense.))When the appointing
6 authority determines in accordance with personnel rules to impose a((C.S)) suspension, demotion
7 or discharge in response to an act of employee misconduct or inappropriate job performance, he
8 or she shall provide such determination ((be approved by the employee's department head))in
9 writing to the employee. An hourly employee may be suspended up to one (1) day without the
10 ((department head's))appointing authority's approval for emergency situations, in accordance
11 with rules promulgated by the Director. Suspensions of non-represented salaried employees shall
12 be in increments of no less than one (1) week; provided, that when discipline is administered for
13 major safety violations, suspensions of at least one (1) day but less than one (1) week may be
14 approved.

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18 D. Disciplinary actions shall be reported by the ((department head))appointing
19 authority to the Personnel Director for ((records purposes and))the ((Personnel))Director's use in
20 compiling guidelines for like treatment of like behavior from department to department.

21
22 E. The Personnel Director may establish rules for application of discipline
23 ((which))that are consistent for like behavior from department to department. A department
24 may((, by rule, be permitted to)) impose a more severe penalty than is otherwise sanctioned
25 where misconduct which may be of minimal significance to other departments has a substantial
26 impact on the operations, costs, or safety within that department.



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

4 ~~1. Assault or threat toward another person;~~

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

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

10 ~~4. Falsifying or destroying the business records of the employer at any time or place,~~
11 ~~without authorization;~~

12 ~~5. Knowingly making a false statement on an application for employment or~~
13 ~~falsifying an employment-related examination score;~~

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

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

18 ~~8. Unauthorized absence;~~

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

21 ~~10. Making a bribe, accepting a bribe, or soliciting a bribe;~~

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



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

4 13. ~~Acts of racial/sexual harassment and/or acts of discrimination that are prohibited~~
5 ~~by federal, state, or local laws, or a failure to fulfill a responsibility to report incidents of~~
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8 ~~or~~

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13 ~~without pay and who is finally exonerated, shall be reinstated and awarded back pay and benefits.~~

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15 ~~where the conviction is for conduct reasonably related to the work the applicant would be~~
16 ~~performing for the City, and the conviction is less than five (5) years old.)~~

17 ((I))E. ~~An appointing authority who ((department which))~~ takes a disciplinary action that
18 is subject to appeal to the Civil Service Commission shall inform the employee in writing that:

19 1. He or she has the right to appeal to the Civil Service Commission;
20 2. To appeal, the employee must file a statement with the Civil Service Commission
21 within twenty (20) calendar days; and

22 3. The twenty (20) calendar days begin to run on the date of delivery if the notice of
23 the right to appeal is given to the employee personally or delivered to his or her most recent
24

1 address shown on departmental records; and on the third calendar day after the date of mailing if
2 the notice is mailed.

3 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
6

7 Passed by the City Council the ____ day of _____, 2003, and signed by me in open
8 session in authentication of its passage this ____ day of _____, 2003.

9
10 _____
11 President _____ of the City Council

12 Approved by me this ____ day of _____, 2003.

13 _____
14 Gregory J. Nickels, Mayor

15 Filed by me this ____ day of _____, 2003.

16 _____
17 City Clerk

18 (Seal)
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STATE OF WASHINGTON – KING COUNTY

--SS.

161776
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

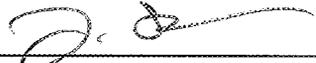
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published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

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

CT:121234 ORD IN FULL

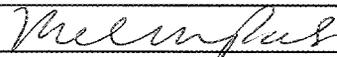
was published on

8/6/2003



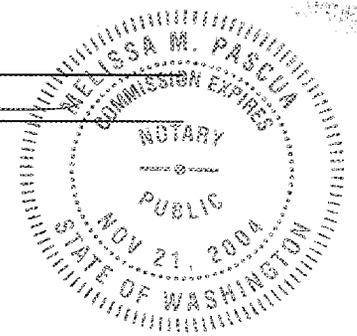
Subscribed and sworn to before me on

8/6/2003



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

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