

ORDINANCE 123744

AN ORDINANCE relating to civil service; combining the staff of the Civil Service Commission and Public Safety Civil Service Commission, making technical corrections, and amending sections 4.04.250, 4.08.040, 4.08.050, and 4.08.070 of the Seattle Municipal Code.

WHEREAS, the workloads of the Civil Service Commission and the Public Safety Civil Service Commission fluctuate; and

WHEREAS, the workloads of the two commissions' staff are similar; and

WHEREAS, it would be more efficient and cost effective to combine the two commissions' staff; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2012, Section 4.04.250, last amended by Ordinance 121047, is amended as follows:

4.04.250 Civil Service Commission

A. 1. There shall be a three (~~(3)~~) member Civil Service Commission. One (~~(1)~~) Commissioner shall be appointed by the Mayor, one (~~(1)~~) Commissioner shall be appointed by the City Council, and one (~~(1)~~) Commissioner shall be elected by City employees as prescribed hereafter. The term of each Commissioner shall be three (~~(3)~~) years; provided, that the term of the first employee's Commissioner shall be three (~~(3)~~) years, the term of the first Mayor's Commissioner shall be two (~~(2)~~) years, and the term of the first Council's Commissioner shall be one (~~(1)~~) year. Each term shall begin on January 1st.

2. Appointments and elections to fill vacancies on the Commission shall be for the unexpired term. Two (~~(2)~~) Commissioners constitute a quorum.

B. Eligibility of Commissioners. In order that the independence of the Commissioners be assured, no person shall serve as Commissioner who is also a member of the Mayor's office, the

1 City Council staff, the Civil Service Commission staff, an elected official, a head of a City
2 department, or an exempt City employee.

3 C. Election for Employee's Commissioner. All City employees who are regular or
4 probationary employees of the City, except members of the Public Safety Personnel System, are
5 eligible to vote for the employee-selected Commissioner. Elected, exempt, and temporary
6 employees may not vote in that election.

7 D. Commissioner's Election, Administration. Election of the employees' designate to the
8 Commission shall be administered by the City Clerk. Election shall be held during the week
9 beginning on the first Monday in November, 1987, and every third year thereafter. The City
10 Clerk shall give notice of ~~((such))~~ the election and furnish ballots ~~((therefor))~~. Balloting shall be
11 permitted by mail postmarked between the hours of ~~((one minute past midnight (12:01 a.m.)))~~
12 12:01 a.m. Monday to ~~((twelve midnight (12:00 midnight)))~~ 12 midnight of the succeeding
13 Friday of the election week. Provided however that when there is a holiday during that week,
14 ballots may be postmarked no later than 12 midnight the following Monday. Ballots may also be
15 deposited during regular office hours at polling places prescribed by the City Clerk.

16 E. Commissioner Candidacy. Not earlier than the first Monday in October of each year in
17 which a Commissioner will be elected, nor later than the succeeding Friday, any person who is to
18 become a candidate for Commissioner shall file a declaration of candidacy for office with the
19 City Clerk, on a form furnished by the City Clerk.

20 F. Voting. The candidate receiving the majority of votes cast shall win the election. If no
21 candidate receives a majority of the votes cast, the two ~~((2))~~ candidates receiving the highest
22 and next highest number of votes cast shall be candidates in a runoff election held at a date and
23 time to be determined by the City Clerk. The runoff election be scheduled so that completion of
24 balloting and certification shall occur before ~~((five (5:00)))~~ 5 p.m. on the last business day of
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1 December of the election year. Notice and voting shall be the same as for regular
2 Commissioner's election.

3 G. Commissioner Vacancies. Vacancies occurring in the office of the employee's
4 designate to the Commission shall be filled at a special election to be called for such purpose by
5 resolution of the City Council.

6 H. No City employee who is elected Commissioner shall suffer a monetary loss or other
7 penalty on account of his/her absence from his/her regular position while performing the duties
8 of Commissioner.

9 I. Campaign Reporting. Candidates for Commissioner shall comply with Chapter 2.04
10 ~~((the terms of The City of Seattle (Ordinance 106653)))~~ including, but not limited to, filing of
11 disclosure statements regarding campaign financing.

12 J. Recall of Employee Member. The employee designate to the Commission may be
13 recalled by a vote of a majority of the number of votes cast in a recall election.

14 Recall proceedings are instituted by filing with the City Clerk a demand for recall, stating
15 the reasons for good cause ~~((therefor))~~. Within ~~((sixty (60)))~~ 60 days of filing, the statement must
16 be supported by a petition filed therewith, bearing the signatures of eligible employees equal in
17 number to ~~((twenty-five (25)))~~ 25 percent of the number that voted in the last Commissioner's
18 election; provided, no more than ~~((fifty (50)))~~ 50 percent may be signatures of the employees of
19 a single department. Upon verification of sufficient signatures, the City Clerk shall announce a
20 recall election as soon as is practicable.

21 K. Removal of Appointed Commissioners. The Mayor or the City Council may remove
22 its appointed Commissioner by making a public statement setting forth the reasons therefor, and
23 may appoint a replacement for the remainder of such Commissioner's unexpired term.

24 L. Duties. The duties of the Commission are as follows:
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1 1. To, jointly with the Public Safety Civil Service Commission, ~~((appoint, remove, and))~~
2 supervise the Executive Director ~~((Commission staff))~~;

3 2. To make rules for the conduct of Commission business pursuant to Chapter 3.02 ~~((the~~
4 ~~Administrative Code of the City (Ordinance 102228))~~);

5 3. To hear appeals involving the administration of the personnel system. The Commission
6 may administer oaths, issue subpoenas, receive evidence, compel the production of documents
7 for such purposes, and may question witnesses at its hearings;

8 4. To conduct investigations and issue findings regarding any complaints that the Mayor,
9 a City Councilmember, or a member of their immediate staff has initiated a recommendation
10 regarding a candidate for City employment, or that any person has used inappropriate pressure to
11 effect the hiring of any candidate for City employment. The Commission may administer oaths,
12 issue subpoenas, receive evidence, compel the production of documents for such purposes, and
13 may question witnesses at its hearing;

14 5. To issue such remedial orders as it deems appropriate; provided, that no remedial order
15 may supervene the exclusive authority of the City Council as it relates to the financial
16 transactions of the City. The Commission shall have the power to reinstate employees. It may
17 introduce legislation for lost wages and benefits, and may make recommendations to the Mayor
18 and City Council;

19 6. To review and comment upon rules promulgated by the Personnel Director pursuant to
20 Chapter 3.02 ~~((the Administrative Code of the City (Ordinance 102228))~~);

21 7. Delegation of Powers. The Commission may delegate its powers, in whole or in part,
22 to a hearing examiner who may be from the City Hearing Examiner's office. Decisions of a
23 Hearing Examiner may be appealed to the Commission. The Commission may not delegate its
24 powers to, or employ the services of, the Personnel Director or a member of the Personnel
25 Division.

1 M. There shall be an Executive Director, who shall serve as both Executive Director of
2 the Civil Service Commission and as Executive Director of the Public Safety Civil Service
3 Commission. The Executive Director may appoint, remove, and supervise staff of the
4 commissions for Civil Service and Public Safety Civil Service.

5 1. The Executive Director shall be appointed to an initial term of three ((3)) years, and
6 ((who)) may be reappointed thereafter for subsequent three ((3))-year terms. The Commission,
7 jointly with the Public Safety Civil Service Commission, shall appoint the Executive Director,
8 subject to confirmation by the City Council. The Executive Director may serve pending
9 confirmation by the Council. The position of Executive Director shall be exempt from the
10 classified civil service.

11 2. The Executive Director may be removed with or without cause by a joint action of the
12 Civil Service and Public Safety Civil Service Commissions.

13 ((1-)) 3. In case of a vacancy, the Commission, jointly with the Public Safety Civil
14 Service Commission, may appoint an interim Executive Director for a period not to exceed ((one
15 hundred twenty (120))) 120 days from the date of appointment. The Commission shall present an
16 Executive Director candidate for confirmation to the City Council before the end of the interim
17 appointment.

18 **Section 2.** Effective January 1, 2012, Section 4.08.040, last amended by Ordinance
19 118337, is amended as follows:

20 **4.08.040 Public Safety Civil Service Commission.**

21 A. There is created a Public Safety Civil Service Commission composed of three ((3))
22 members. One ((1)) member shall be appointed by the Mayor, one ((1)) by the City Council
23 and one ((1)) elected by and representing employees. The term of each Commissioner shall be
24 three ((3)) years; provided, that the term of the first Council Commissioner shall be two ((2))
25 years and the term of the first Mayor's Commissioner shall be one ((1)) year. Each term shall
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1 commence on January 1st, and appointments to fill vacancies shall be for the unexpired term.

2 Two ~~((2))~~ Commissioners shall constitute a quorum.

3 Commissioners may receive compensation for their services as may be fixed from time to
4 time by ordinance.

5 B. Officers and employees in the Mayor's office, on the City Council staff, and on the
6 Public Safety Civil Service Commission staff, and employees holding exempt positions shall be
7 ineligible for the office of Commissioner.

8 C. All regular and probationary employees who are members of this system are eligible
9 to vote for an employee-selected Public Safety Civil Service Commissioner.

10 D. Election shall be administered by the City Clerk. Election shall be held during the
11 week beginning on the first Monday in November, 1987, and every third year thereafter. The
12 City Clerk shall give notice of such election and furnish ballots therefor. Balloting shall be
13 permitted by mail postmarked between the hours of ~~((one minute past midnight (12:01 a.m.)))~~
14 12:01 a.m. Monday to ~~((twelve midnight (12:00 midnight)))~~ 12 midnight of the succeeding
15 Friday of the election week. Provided however that when there is a holiday during that week,
16 ballots may be postmarked no later than 12 midnight the following Monday. Ballots may also be
17 deposited during regular office hours at polling places prescribed by the City Clerk.

18 E. Not earlier than the first Monday in October of each year in which a Commissioner
19 will be elected, nor later than the succeeding Friday, any person who is to become a candidate
20 for Commissioner shall file a declaration of candidacy for office with the City Clerk, on a form
21 furnished by the City Clerk.

22 F. The candidate receiving the majority of votes cast shall win the election. If no
23 candidate receives a majority of the votes cast, the two ~~((2))~~ candidates receiving the highest
24 and next highest number of votes shall be candidates in a runoff election at a date and time to be
25 determined by the City Clerk. The runoff election be scheduled so that completion of balloting
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1 and certification shall occur before (~~five p.m. (5:00 p.m.)~~) 5 P.M. on the last business day of
2 December of the election year. Notice and balloting shall be the same as for a regular
3 Commissioner's election.

4 G. Vacancies occurring in the office of the employee's Commissioner shall be filled at a
5 special election to be called for such purpose by resolution of the City Council.

6 H. No City employee who is elected to the Public Safety Civil Service Commission shall
7 suffer a monetary loss or other penalty on account of his/her absence from his/her regular
8 position during regular hours while performing the duties of Commissioner.

9 I. Candidates for Public Safety Civil Service Commission shall comply with the terms of
10 the Fair Campaign Practices Chapter 2.04 (~~Ordinance of the City (Ordinance 106653)~~)
11 regarding filing of disclosure statements regarding campaign financing.

12 J. Pursuant to the City Charter Article XIX, Commissioners may be removed for cause by
13 the City Council following a hearing and the Mayor's appointee may also be removed by the
14 Mayor upon filing a statement of reasons therefor.

15 **Section 3.** Effective January 1, 2012, Section 4.08.050, last amended by Ordinance
16 120658, is amended as follows:

17 **4.08.050 Organization of commission – Executive Director.**

18 A. Immediately after appointment, the Commission shall organize by electing one (~~(1)~~)
19 Commissioner as Chairman and thereafter hold regular meetings at least once a month, and such
20 additional meetings as may be required for the proper discharge of duties.

21 B. The Commission, jointly with the Civil Service Commission pursuant to Section
22 4.04.250, shall appoint an Executive Director, who shall keep the records for the Commission,
23 preserve all reports made to it, and perform such other duties as the Commission may prescribe.

24 C. Should the position of Executive Director be filled by appointment of a Public Safety
25 Civil Service employee, such employee, if removed as Executive Director other than for cause,
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1 shall be appointed to the first available position in the class from which he/she was appointed to
2 the position of Executive Director.

3 **Section 4.** Effective January 1, 2012, Section 4.08.070, last amended by Ordinance
4 121747, is amended as follows:

5 **4.08.070 Powers and duties of Commission.**

6 The Commission shall:

7 A. Make suitable rules to carry out the purposes of this chapter and for examination,
8 appointments, promotions, transfers, demotions, reinstatements, suspensions, layoffs, discharges,
9 and any other matters connected with the purposes of this chapter. Such rules may be amended,
10 modified or rescinded from time to time and all rules and amendments thereof shall be printed
11 for free public distribution.

12 B. Classify for purposes of examination, all positions covered by this system. No
13 appointments or promotions shall be made to or from positions covered by this system except as
14 provided in this chapter or as set forth in the effective collective bargaining agreement between
15 the City and the exclusive bargaining agent of such employees, as approved by ordinance, to the
16 extent such procedures are inconsistent with those set forth herein.

17 C. With the support of the Personnel Director pursuant to ~~((SMC))~~ Section 4.04.040,
18 prepare and administer examinations, which shall be graded and open to all who meet
19 appropriate job-related qualifications; provided that the Commission may, by rule, designate
20 other methods of examination based on merit when in the Commission's judgment graded
21 examination is not practicable. Such examinations may include tests of physical fitness and/or
22 manual skill. The Commission may designate a suitable number of persons to be examiners to
23 conduct such examinations. A Commissioner may act as examiner. The Commission shall charge
24 a nonrefundable application fee of ~~((Twenty-five Dollars (\$25)))~~ \$25 for entry-level firefighter
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1 and police officer applicants. The Commission shall waive this fee for indigent applicants upon
2 submission by the applicant of a declaration of indigency.

3 D. With the support of the Personnel Director, examinations for all classes shall be timely
4 prepared and administered by the Commission so as to provide at all times current registers for
5 all classifications. Eligible registers shall remain in effect for a time determined by the
6 Commission; provided, that no eligible register shall remain in effect for more than two ~~((2))~~
7 years.

8 E. With the support of the Personnel Director, provide notice of the time, place and
9 general scope of every examination not less than ten ~~((10))~~ days preceding such examination,
10 and for promotional exams by posting in the Commission office and in Police and Fire
11 Department offices for not less than ~~((ninety (90)))~~ 90 days, and by other notice deemed
12 reasonable or necessary by the Commission.

13 F. With the support of the Personnel Director, prepare a register for each class of
14 positions in this system from the returns or reports of the examiners of the persons whose
15 standing upon examination for such class is not less than the minimum established by the
16 Commission. Persons, when graded, shall take rank upon the register as candidates in the order
17 of their relative excellence as determined by competitive examination.

18 Veteran's preference in examination and appointment shall be granted as required by
19 federal and state law including RCW 41.08.040 and 41.12.040; provided, a person shall be
20 entitled to use such preference only once to successfully attain an appointment or promotion to a
21 position.

22 G. When an entry level position is to be filled, certify to the appointing authority the
23 names of candidates in the top ~~((twenty five (25)))~~ 25 percent of the eligible register or the top
24 six ~~((6))~~ candidates, whichever number is larger. When a vacant position other than entry level
25 is to be filled, certify to the appointing authority to names of the top five ~~((5))~~ candidates. In
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1 either circumstance, where more than one ((4)) position in a class is to be filled, certify one
2 ((4)) additional name of the person standing next highest on the register for each additional
3 position. The appointing authority shall fill such positions by appointment only from the persons
4 certified by the Commission.

5 H. If there are no registers for a class, authorize temporary, provisional appointment to
6 the vacant position. A provisional appointment shall not continue for a period longer than four
7 ((4)) months, and no person shall receive more than one (1) provisional appointment or serve
8 more than four ((4)) months as provisional appointee in any ((twelve-)) 12 month period.

9 I. Make investigations concerning the enforcement and effect of this chapter and the rules
10 prescribed hereunder; and inspect all offices, places, positions and employments affected by this
11 chapter and ascertain whether this chapter and all such rules are being obeyed. Such
12 investigations may be made by the Commission, or by any Commissioner or agent designated by
13 the Commission for that purpose. Like investigation may be made on written petition of a person
14 duly verified stating that irregularities or abuses exist, setting forth in concise language the
15 necessity and grounds for such investigation. In the course of such investigation, the
16 Commission shall have the power to administer oaths, subpoena and require the attendance of
17 witnesses and the production of books and papers relevant to such investigation. Alternatively,
18 investigation or hearing may be conducted by a delegated agent of the Commission, whose
19 investigation may be aided by subpoenas issued by the Commission.

20 J. To hear and determine appeals or complaints respecting the administration of this
21 chapter.

22 K. With the support of the Personnel Director, maintain a roster of employees of this
23 system, and other records as may be necessary for proper administration of this chapter, and
24 provide all necessary records to the Personnel Director for inclusion in the City's personnel
25 management information records system.



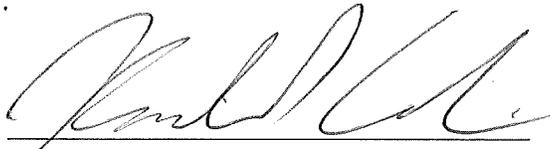
1 L. Recommend from time to time such City legislation as the Commission may deem
2 advisable for the betterment of this system and/or ~~((the))~~ its administration ~~((thereof))~~.

3 M. Comply with the procedures regarding the promotions of police officers and sergeants
4 set forth in the effective collective bargaining agreement between the City and the exclusive
5 bargaining agent of such employees, as approved by ordinance, to the extent such procedures are
6 inconsistent with those set forth herein.

7 N. Jointly with the Civil Service Commission, supervise the Executive Director.

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

11 Passed by the City Council the 21 day of November, 2011, and
12 signed by me in open session in authentication of its passage this
13 21 day of November, 2011.

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16 President _____ of the City Council

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18 Approved by me this 30th day of November, 2011.

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21 Michael McGinn, Mayor

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23 Filed by me this 30th day of November, 2011.

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