

Providing a Civil Service system for certain members of the Police and Fire Departments.

## Ordinance No. 107791

AN ORDINANCE providing a Civil Service system for certain members of the Police and Fire Departments, creating a Public Safety Civil Service Commission and prescribing the duties thereof, defining offenses and prescribing penalties.

ENGROSSED ✓

## Council Bill No. 99817

INTRODUCED: October 16, 1978	BY: HILL
REFERRED: October 16, 1978	TO: Personnel and Property Management
REFERRED:	
REPORTED: NOV 6 1978	SECOND READING: NOV 6 1978
THIRD READING: NOV 6 1978	SIGNED: NOV 6 1978
PRESENTED TO MAYOR: NOV 7 1978	APPROVED: NOV 15 1978
RETD. TO CITY CLERK: NOV 15 1978	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO / SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

*See Back Cover*

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- Ord. 108077 - Adds new Sec. to 1978 City of Sea. Public Safety Civil Service Ord. - to provide for appt. of temporary replacements.
- Ord 108128 - Amends Sec 1 of Ord. 67337 to correct obsolete reference therein.
- Ord 108128 - Amends Sec 1 of Ord 67337 to correct obsolete reference therein.
- Ord. 109112 - Amends Sec 8; Also amends Sec's 8 & 9 of Ord. 107790 & Repeals Ord. 101548.
- Ord. 109358 - Amends Sec's 4 & 6 to broaden the jurisdiction of the Public Safety Civil Service System.

*1/13/80 10:00 am*

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- C.S./Pers. x
- Police
- Fire
- Retirement
- A.L.R.

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**ORDINANCE 107791**

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3 AN ORDINANCE providing a Civil Service system for certain members of the  
4 Police and Fire Departments, creating a Public Safety Civil Service Com-  
5 mission and prescribing the duties thereof, defining offenses and prescribing  
6 penalties.

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

8 Section 1. TITLE: This ordinance shall be entitled "The 1978 City of Seattle  
9 Public Safety Civil Service Ordinance".

10 Section 2. PURPOSE: The general purpose of this Ordinance is to establish a  
11 civil service system for employees in the Police and Fire Departments of The City  
12 of Seattle, governing appointments, promotions, layoffs, recruitment, retention,  
13 classifications, removals and discipline, pursuant to Charter Article XVI, all in  
14 substantial compliance with RCW Chapters 41.08, 41.12, 41.56. All appointments  
15 and promotions to Police and Fire Department positions, retention therein and  
16 removal therefrom shall be made on the basis and policies hereinafter specified as  
17 in said State Law.

18 Section 3. DEFINITIONS: The following words and phrases shall have the  
19 meanings hereinafter described unless the context in which included clearly in-  
20 dicates otherwise:

21 "Appointing authority" means a person who is authorized to employ others on  
22 behalf of the City, which means: (1) The Fire Chief with respect to any Seattle  
23 Fire Department position included in this system, or (b) The Chief of Police with  
24 respect to any Seattle Police Department position included in this system.

25 "Certify" means verify to the appointing authority that a list of names of  
26 candidates for employment has been selected from the list of persons tested and  
27 found eligible for employment.

28 "City" means The City of Seattle.

"City Council" means the City Council of the City of Seattle.

"Class" means a group of positions designated by the Commission as having  
similarity in duties and responsibilities, by reason of which the same examination  
may be used for each position in the group.

"Commission" means the Public Safety Civil Service Commission hereinafter

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created, and the term Commissioner means any one member of said Commission.

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

"Exempt position" means a position of City employment which is subject to Civil Service rules and regulation only to the extent provided in the Exemptions Ordinance, and in which one serves at the discretion of the appointing authority. An exempt position must be established by a two-thirds vote of the City Council.

"Probationary employee" means a person appointed from a register who has not yet completed one year's employment.

"Provisional employee" means an employee who was appointed to a position for which no register existed.

"Reduction" means the removal of an employee from a higher class to a lower class of employment for reasons other than cause.

"Register" means a list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

"Regular employee" means a person appointed from a register who has satisfactorily completed a one-year period of probationary employment.

"Reinstatement" means reappointment of a regular employee to a position in a class in which he/she was a regular employee.

"Suspension" means temporary withdrawal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in discharge.

"Temporary employee" means a person appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.

"Termination" means separation from employment for cause.

**109358**

**ENDED - DRG**  
Section 4. PUBLIC SAFETY CIVIL SERVICE COMMISSION: There is hereby created a Public Safety Civil Service Commission composed of three members. One member shall be appointed by the Mayor, one by the City Council and one elected by and representing employees. The term of each Commissioner shall be

1 three years; provided, that the term of the first Council Commissioner shall be two  
2 years and the term of the first Mayor's Commissioner shall be one year. Each term  
3 shall commence on a January 1st, and appointments to fill vacancies shall be for  
4 the unexpired term. Two Commissioners shall constitute a quorum. Commissioners  
5 may receive compensation for their services as may be fixed from time to time by  
6 ordinance.

7 Officers and employees in the Mayor's office, on the City Council staff, and  
8 on the Public Safety Personnel Commission staff, and employees holding exempt  
9 positions shall be ineligible for the office of Commissioner.

10 All regular and probationary employees who are members of this system are  
11 eligible to vote for an employee-selected Public Safety Civil Service Com-  
12 missioner.

13 Election shall be administered by the City Comptroller. Election shall be  
14 held during the week beginning on the first Monday in December, 1978, and every  
15 third year thereafter. The Comptroller shall give notice of such election and  
16 furnish ballots therefor. Balloting shall be permitted by mail postmarked between  
17 the hours of 12:01 A.M. Monday to 12:00 Midnight of the succeeding Friday of the  
18 election week. Ballots may also be deposited during regular office hours at polling  
19 places prescribed by the City Comptroller.

20 Not earlier than the first Monday in November of each year in which a Com-  
21 missioner will be elected, nor later than the succeeding Friday, any person who is  
22 to become a candidate for Commissioner shall file a declaration of candidacy for  
23 office with the City Comptroller, on a form furnished by the Comptroller;  
24 provided, that the filing period for the first election hereunder shall be the first  
25 Monday through the succeeding Friday after the approval of this ordinance by the  
26 Mayor, or the first Monday through Friday in November, 1978, whichever is later.

27 The candidate receiving the majority of votes cast shall win the election. If  
28 no candidate receives a majority of the votes cast, the two candidates receiving  
the highest and next highest number of votes shall be candidates in a run-off  
election held during the week beginning on the third Monday after the first day of  
election. Notice and balloting shall be the same as for a regular Commissioner's  
election.

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

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

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

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

Section 5. ORGANIZATION OF COMMISSION; SECRETARY AND CHIEF EXAMINER: Immediately after appointment, the Commission shall organize by electing one Commissioner as chairman and thereafter hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of duties.

The Commission shall appoint a secretary and chief examiner, who shall keep the records for the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the Commission may prescribe.

Should the position of secretary and chief examiner be filled by appointment of a Public Safety Civil Service employee, such employee, if removed as examiner other than for cause, shall be appointed to the first available position in the class from which he/she was appointed to the position of secretary and chief examiner.

**AMENDED - ORD**  
**109358** Section 6. JURISDICTION: The Public Safety Civil Service system includes and is limited to, and the provisions of this ordinance apply only to, police recruits, officers, sergeants, lieutenants, and captains; and fire recruits, fighters, lieutenants, captains, battalion chiefs, and fireboat pilots, engineers and assistant engineers.

1 Appointments and promotions to the positions:

2 (a) Above the rank and position of Battalion Chief in the Fire Department;  
3 and

4 (b) Above the rank and position of Police Captain in the Police Department  
5 shall be made by assignment from the ranks and positions of Battalion Chief or  
6 Captain in the Seattle Fire Department for Fire Department ranks and positions,  
7 and Captain or Lieutenant in the Seattle Police Department for Police Department  
8 ranks and positions, at the sole discretion of the appointing authority. In the event  
9 of removal from the assigned position, the officer shall resume the rank and posi-  
10 tion from which he or she was so assigned.

11 Section 7. POWERS AND DUTIES OF COMMISSION: The Commission shall:

12 1) Make suitable rules to carry out the purposes of this ordinance, and for  
13 examination, appointments, promotions, transfers, demotions, reinstatements,  
14 suspensions, layoffs, discharges, and any other matters connected with the purposes  
15 of this ordinance. Such rules may be amended, modified or rescinded from time to  
16 time and all rules and amendments thereof shall be printed for free public  
17 distribution. The Commission shall initially be governed by the rules in the "Civil  
18 Service Laws and Rules" adopted February 17, 1965, as amended and in existence as  
19 of July 1, 1978. The Commission may thereafter supplement, amend, supersede or  
20 repeal such rules.

21 2) Classify for purposes of examination, all positions covered by this  
22 system. No appointments, promotions or transfers shall be made to or from posi-  
23 tions covered by this system except as provided in this ordinance.

24 3) Prepare and administer examinations, which shall be graded and open to  
25 all who meet appropriate job-related qualifications; provided that the Commission  
26 may, by rule, designate other methods of examination based on merit when in the  
27 Commission's judgment graded examination is not practicable. Such examinations  
28 may include tests of physical fitness and/or manual skill. The Commission may  
designate a suitable number of persons to be examiners to conduct such  
examinations. A Commissioner may act as examiner.

Examinations for all classes shall be timely prepared and administered by the

1 Commission so as to provide at all times current registers for all classifications.  
2 Eligible registers shall remain in effect for a time determined by the Commission;  
3 provided, that no eligible register shall remain in effect for more than two (2)  
4 years.

5 4) Provide notice of the time and place and general scope of every ex-  
6 amination to be held by publication in the City official newspaper not less than ten  
7 days preceding such examination, and for promotional exams by posting in the  
8 Commission office and in Police and Fire Department offices for not less than  
9 ninety (90) days, and by other notice deemed reasonable or necessary by the  
Commission.

10 5) Prepare a register for each class of positions in this system from the  
11 returns or reports of the examiners of the persons whose standing upon examination  
12 for such class is not less than the minimum established by the Commission.

13 Persons, when graded, shall take rank upon the register as candidates in the  
14 order of their relative excellence as determined by competitive examination.  
15 Veteran's preference in examination and appointment shall be granted as required  
16 by Federal and State law including RCW 41.08.040 and RCW 41.12.040; provided, a  
17 person shall be entitled to use such preference only once to successfully attain an  
appointment or promotion to a position.

18 6) When a vacant position is to be filled, certify to the appointing au-  
19 thority the names of candidates in the top 25% of the eligible register, or the top  
20 five candidates, whichever number is larger, subject to affirmative action  
21 requirements. Where more than one position in a class is to be filled, certify one  
22 additional name of the person standing next highest on the register for each  
23 additional position. The appointing authority shall fill such positions by appoint-  
24 ment only from the persons certified by the Commission.

25 If there are no registers for a class, authorize temporary, provisional appoint-  
26 ment to the vacant position. A provisional appointment shall not continue for a  
27 period longer than four months, and no person shall receive more than one pro-  
28 visional appointment or serve more than four months as provisional appointee in  
any twelve month period.

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

8) To hear and determine appeals or complaints respecting the administration of this ordinance.

9) Maintain a roster of employees of this system, and other records as may be necessary for proper administration of this ordinance, and provide all necessary records to the Personnel Director for inclusion in the City's personnel management information records system.

10) Recommend from time to time such City legislation as the Commission may deem advisable for the betterment of this system and/or the administration thereof.

**Section 8. AFFIRMATIVE ACTION; HANDICAPPED:** All personnel actions regarding employees covered by this system are subject to the affirmative action and handicapped requirements of the Personnel Ordinance; provided, that any duties assigned to the Personnel Director shall be performed by the Commission with regard to employees covered by this system.

**Section 9. QUALIFICATIONS OF APPLICANTS:** An applicant for a position in the classified Public Safety Civil Service must meet the minimum qualifications prescribed by the Commission, which standards shall be documented by the Commission to be related to the physical and mental demands required to perform

1 the duties assigned to the position to which the applicant seeks appointment.

2 Section 10. TENURE OF EMPLOYMENT: REMOVAL FOR CAUSE: The  
3 tenure of every regular employee who is a member of this system shall be only  
4 during good behavior and acceptable job performance, and any such employee may  
5 be removed, suspended, demoted, or discharged for cause. Suspensions shall not  
6 exceed thirty (30) days. Any regular employee may be removed, suspended,  
7 demoted, or discharged by the appointing authority only upon the filing with the  
8 Commission of a statement in writing of the reasons therefor, a duplicate of which  
9 shall be served upon the employee. Any regular employee so removed, suspended,  
10 demoted, or discharged may within ten days from the date of service of such state-  
11 ment, file with the Commission a written demand for a hearing, whereupon, in due  
12 course, the Commission shall conduct such hearing. The hearing shall be confined  
13 to the determination of the question of whether such removal, suspension,  
14 demotion, or discharge was made in good faith for cause. After such hearing, the  
15 Commission may affirm the action of the appointing authority, or if it shall find  
16 that the action was not made in good faith for cause, shall order the immediate  
17 reinstatement or re-employment of such person in the office, place, position or  
18 employment from which such person was removed, suspended, demoted, or  
19 discharged. The Commission upon such hearing, in lieu of affirming the removal,  
20 may modify the order of removal, suspension, demotion, or discharge by directing a  
21 suspension, without pay, for up to thirty (30) days, and subsequent restoration to  
22 duty, or demotion in classification, grade or pay. The findings of the Commission  
23 shall be certified in writing by the appointing authority, and shall be forthwith  
24 enforced by such officer.

25 All hearings pursuant to this section shall be open to the public at the request  
26 of the employee. Hearings shall be held after due notice of the time and place of  
27 hearing to the affected employee. The employee has the right to representation of  
28 his/her choosing and at his/her own expense.

The Commission shall cause to be made a record of all such hearings. Upon request, the Commission shall furnish such record to the employee.

By submitting a grievance to binding arbitration under a collective bargaining

1 agreement, the employee waives his/her right to demand a hearing under this  
2 section. A complaint alleging discrimination in violation of the City's Fair Em-  
3 ployment Practices Ordinance shall be referred by the Commission to the rights  
4 agency of the City having jurisdiction over such complaints for its recommendation  
5 as to appropriate settlement of the case.

6 Section 11. FILLING OF VACANCIES: PROBATIONARY PERIOD: Whenever  
7 a position covered by this system becomes vacant, the appointing authority, if it  
8 desires to fill the vacancy, shall make requisition upon the Commission for the  
9 names and addresses of persons eligible for and willing and able to accept said  
10 appointment. The appointing authority shall fill such vacancies by appointment  
11 from the register of persons certified by the Commission therefor. To facilitate  
12 the selection of appointees from the persons so certified, the appointing authority  
13 may require such persons to come before him/her and shall be entitled to inspect  
14 such persons' application and examination papers, and may fill such positions by  
15 appointment from the persons so certified without regard to their order of  
16 certification.

17 No appointment, employment or promotion in this system shall be deemed  
18 complete until after the expiration of a period of one year's probationary service.  
19 Before the expiration of the period of probation, the appointing authority may  
20 discharge or, in the case of a promotion, demote an appointee upon filing in writing  
21 the reasons therefor with the Commission. If an appointee is not then discharged  
22 or demoted, his/her appointment shall be deemed complete.

23 Section 12. PERFORMANCE EVALUATION: The performance of employees  
24 covered by this system shall be evaluated in accordance with rules adopted by the  
25 respective appointing authorities.

26 Section 13. TRAINING PROGRAMS: The appointing authorities shall from  
27 time to time adopt and administer training programs for their respective depart-  
28 ments, subject to provisions of the Affirmative Action Plan.

Section 14. RIGHTS OF EMPLOYEES:

A. Employees have the right to compete openly for positions on the basis of  
knowledge, skills, and abilities.

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- B. Employees have the right to a timely resolution of their grievances, and appeals.
- C. Employees shall not be demoted, suspended, or discharged except only for cause, and they may appeal such adverse actions as specified in this ordinance.
- D. Employees have the right to fair and equal treatment as provided in Ordinance 102562, as amended. (Seattle Fair Employment Practices Ordinance)
- E. Employees may bargain collectively through representatives of their own choosing, pursuant to RCW 41.56.
- F. Employees may examine their own personnel files and are entitled to a copy of anything contained therein, at the City's expense.
- G. Employees may have outside employment as long as it does not interfere with their ability to carry out their duties for the City, subject to the provisions of the Ethics Ordinance (Ordinance 100435, as amended).
- H. Employees may engage in political activities, subject to RCW 41.06.250. Political activities of employees in operations which are financed primarily or totally by federal grant-in-aid funds are also subject to the Hatch Act, 15 USC/1501, et.seq.

**Section 15. SALARY OR WAGES NOT PAID EXCEPT TO THOSE LAWFULLY APPOINTED:** The Comptroller shall not approve, audit or allow the payment of, nor shall the Treasurer pay any salary or wages to any person for services as an officer or employee in the Police and Fire Departments unless such person is occupying an office or place of employment according to law and is entitled to payment therefor.

**Section 16. PROHIBITED EMPLOYEE CONDUCT:** It is unlawful for anyone to willfully or corruptly, by himself or in collusion with one or more persons, to deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in doing so, or willfully or corruptly make any false representation concerning the same or concerning the person examined, or willfully or corruptly furnish to any person any special or

1 secret information for the purpose of either improving or injuring the prospect or  
2 chances of any person so examined, or to be examined, to be appointed, employed  
3 or promoted.

4 It is unlawful for any person to

5 (a) solicit political support from City employees during the employee's  
6 working hours; or

7 (b) grant or promise to grant any act or thing of value to a City employee  
8 in return for the employee's giving him/her special consideration in the course of  
9 the employee's business; or

10 (c) withhold or threaten to withhold any right or benefit of an employee, or  
11 to bring or threaten to bring any disciplinary charge conditioned on the employee's  
12 according special consideration to that person, in the employee's course of business;  
13 or

14 (d) to use City property or materials to engage in solicitations other than  
15 for City purposes, or for political campaign purposes; or

16 (e) if a City employee, solicit for other than City purpose or engage in  
17 political campaigning, on City time.

18 **Section 17. PENALTIES:** Any person who violates any of the provisions of  
19 Section 16 of this ordinance shall, upon conviction thereof, be fined in an amount  
20 not to exceed Five Hundred Dollars (\$500.00) and/or imprisoned in the City jail for  
21 a period not to exceed 180 days. In addition, such violation shall constitute good  
22 cause for dismissal or other discipline at the discretion of the appointing authority.

23 **Section 18. COOPERATION OF CITY OFFICERS AND EMPLOYEES:** All  
24 officers and employees of the City shall afford to the Commission reasonable  
25 access to and reasonable facilities for the inspection and copying of all books,  
26 papers, documents and accounts in any way pertaining to any office, place, position  
27 or employment under the jurisdiction of the Commission and shall also produce said  
28 books, papers, documents and accounts and attend and testify whenever requested  
by the Commission to do so.

**Section 19. COLLECTIVE BARGAINING:** The adoption of this ordinance shall  
not affect the provisions of any existing collective bargaining agreement.

1           Section 20. TRANSITION: In order that the business of the City may continue  
2 without major hiatus during implementation of this new civil service ordinance, the  
3 following transitional provisions are hereby authorized and made:

- 4           A. Upon the effective date of this ordinance, the appointment of each employee  
5 covered by this system is hereby ratified and confirmed.
- 6           B. Upon the effective date of this ordinance, all regular employees covered by  
7 this system shall remain regular employees, without loss of accrued service  
8 time, or accrued vacation, sick leave, compensatory time or like benefit, if  
9 any, which is also recognized under this ordinance.
- 10           C. Upon the effective date of this ordinance, probationary employees covered by  
11 this system shall remain probationary employees without loss of accrued  
12 vacation, sick leave, compensatory time, service time accrued toward regular  
13 employment, or like benefit, if any, which is also recognized under this  
14 ordinance.
- 15           D. Provisional appointments to positions covered by this system shall on May 1,  
16 1979, be deemed vacant and the incumbent thereof shall not be reappointed  
17 to such position except as provided in this ordinance.
- 18           E. Upon the effective date of this ordinance, the Commission shall assume  
19 jurisdiction over appeals previously made by employees who are members of  
20 this system to the previous Civil Service Commission. The Commission shall  
21 hear such cases under its choice of previous Civil Service Laws and Rules or  
22 the Commission's newer rules, if any, whichever set of rules is deemed fairer  
23 to the employee.
- 24           F. Upon the effective date of this ordinance, the existing job classifications in  
25 this system are hereby ratified and confirmed, and shall remain in effect until  
26 changed.

27           Section 21. SEVERABILITY: The provisions of this ordinance are declared to  
28 be separate and severable and the invalidity of any clause, sentence, paragraph,  
subdivision, section or portion of this ordinance, or the invalidity of the application  
thereof to any person or circumstances shall not affect the validity of the  
remainder of this ordinance or the validity of its application to other persons or  
circumstances.

Section 22. EFFECTIVE DATE: This ordinance shall become effective on January 1, 1979.

Section 23. 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 6 day of November, 1978, and signed by me in open session in authentication of its passage this 6 day of November, 1978.

John Muller  
President of the City Council.

Approved by me this 15 day of November, 1978.

Charles Payer  
Mayor.

Filed by me this 15 day of November, 1978.

Attest: Ed King  
City Comptroller and City Clerk.

Rayne Ferguson  
Deputy Clerk.

(SEAL)

Published

**ORDINANCE 107701**

AN ORDINANCE providing a Civil Service system for certain members of the Police and Fire Departments, creating a Public Safety Civil Service Commission and prescribing the duties thereof, defining offenses and prescribing penalties.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. TITLE: This ordinance shall be entitled "The 1978 City of Seattle Public Safety Civil Service Ordinance."

Section 2. PURPOSE: The general purpose of this Ordinance is to establish a civil service system for employees in the Police and Fire Departments of the City of Seattle concerning appointments, promotions, layoffs, recruitment, retention, classification, removal and discipline, pursuant to Charter Article XVII, all in substantial compliance with RCW Chapters 41.08, 41.12, 41.56. All appointments and promotions to Police and Fire Department positions shall be made on the basis and policies heretofore specified as in said State Law.

Section 3. DEFINITIONS: The following words and phrases shall have the meanings hereinafter described in this text in which included clearly indicates otherwise:

"Appointing authority" means a person who is authorized to employ others on behalf of the City, which means: (1) The Fire Chief with respect to any Seattle Fire Department position included in this system, or (2) The Chief of Police with respect to any Seattle Police Department position included in this system.

"Certify" means verify to the appointing authority that the list of names of candidates for employment has been selected from the list of eligibles and found eligible for employment.

"City" means The City of Seattle.

"City Council" means the City Council of the City of Seattle.

"Class" means any group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.

"Commission" means the Public Safety Civil Service Commission hereinafter created, and the term Commissioner means any one member of said Commission.

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

"Exempt position" means a position of City employment which is subject to Civil Service rules and regulations to the extent provided in the Exemptions Ordinance, and in which one serves at the discretion of the appointing authority. An exempt position must be established by a two-thirds vote of the City Council.

"Probationary employee" means a person appointed from a register who has not yet completed one year's employment.

"Provisional employee" means an employee who was appointed to a position for which no register existed.

"Reduction" means the removal of an employee from a higher class to a lower class of employment for reasons other than cause.

"Register" means a list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

"Regular employee" means a person appointed from a register who has satisfactorily completed a one-year period of probationary employment.

"Reinstatement" means reappointment of a regular employee to a position in a class in which he/she was a regular employee.

"Suspension" means temporary withdrawal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in discharge.

"Temporary employee" means a person appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.

"Termination" means separation from employment for cause.

Section 4. PUBLIC SAFETY CIVIL SERVICE COMMISSION. There is hereby created a Public Safety Civil Service Commission composed of three members. One member shall be appointed by the Mayor, one by the City Council and one elected by and representing employees. The term

of each Commissioner shall be three years, provided that the term of the Council Commissioner shall be two years and the term of the Mayor's Commissioner shall be one year. Each term shall commence on a January 1st, and appointments to fill vacancies shall be for the unexpired term. Two Commissioners shall constitute a quorum. Commissioners shall receive compensation for their services as may be fixed from time to time by ordinance.

Officers and employees in the Mayor's office, on the City Council staff, and on the Public Safety Personnel Commission staff, and employees holding exempt positions shall be ineligible for the office of Commissioner.

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

Election shall be administered by the City Comptroller. Election shall be held during the week beginning on the first Monday in December, 1978, and every third year thereafter. The Comptroller shall give notice of such election and of the time and place therefor. Balloting shall be permitted by mail postmarked between the hours of 12:01 A.M. Monday to 12:00 Midnight of the succeeding Friday of the election week. Ballots may also be deposited during regular office hours at polling places prescribed by the City Comptroller.

Not earlier than the first Monday in November of each year in which a Commissioner will be elected, nor later than the succeeding Friday, any person who is to become a candidate for Commissioner shall file a declaration of candidacy for office with the City Comptroller, on a form furnished by the Comptroller; provided that the filing period for the first election hereunder shall be the first Monday through Friday in November, 1978, whichever is later.

The candidate receiving the majority of votes cast shall win the election. If no candidate receives a majority of the votes cast, the two candidates receiving the highest and next highest number of votes shall be candidates in a run-off election held during the week beginning on the third Monday of the first week of election. Notice and balloting shall be the same as for a regular Commissioner election.

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

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

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

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

Section 5. ORGANIZATION OF COMMISSION, SECRETARY AND CHIEF EXAMINER: Immediately after appointment, the Commission shall organize by electing one Commissioner as chairman and thereafter hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of duties.

The Commission shall appoint a secretary and chief examiner, who shall keep the records for the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the Commission may prescribe.

Should the position of secretary and chief examiner be filled by appointment of a Public Safety Civil Service employee, such employee, if removed as examiner other than for cause, shall be appointed to the first available position in the class from which he/she was appointed to the position of secretary and chief examiner.

Section 6. JURISDICTION: The Public Safety Civil Service System includes and is limited to, and the provisions of this ordinance apply only to, police recruits, officers, sergeants, lieutenants, and captains; and fire

recruits, firefighters, lieutenants, captains, battalion chiefs, and fireboat pilots, engineers and assistant engineers.

Appointments and promotions to the positions:

(a) Above the rank and position of Battalion Chief in the Fire Department; and

(b) Above the rank and position of Police Captain in the Police Department shall be made by assignment from the rank and position of Battalion Chief or Captain in the Seattle Fire Department for Fire Department ranks and positions, and Captain or Lieutenant in the Seattle Police Department for Police Department ranks and positions, at the sole discretion of the appointing authority. In the event of removal from the assigned position, the officer shall resume the rank and position from which he or she was so assigned.

Section 7. POWERS AND DUTIES OF COMMISSION: The Commission shall:

1) Make suitable rules to carry out the purposes of this ordinance, and for examinations, appointments, promotions, transfers, demotions, reinstatement, suspensions, layoffs, discharges, and any other matters connected with the purposes of this ordinance. Such rules may be amended, modified or rescinded from time to time and all rules and amendments thereto shall be printed for free public distribution. The Commission shall initially be governed by the rules in the "Civil Service Laws and Rules" adopted February 17, 1965, as amended and in existence as of January 1, 1978. The Commission may thereafter supplement, amend, supersede or repeal such rules.

2) Classify for purposes of examination all positions covered by this system. No appointments, promotions or transfers shall be made from positions covered by this system except as provided in this ordinance.

3) Prepare and administer examinations for all classes graded and open to all who meet appropriate job-related qualifications; provided that the Commission may by rule designate other methods of examination based on merit when in the interest of the public. Job-related examination is not practicable. Such examinations may be of physical fitness and/or manual skill. The Commission may designate a suitable number of persons to be examiners to conduct such examinations. A Commissioner may act as examiner.

Examinations for all classes shall be timely prepared and administered by the Commission so as to provide at all times current registers for all classifications. Eligible registers shall remain in effect for a time determined by the Commission; provided that no eligible register shall remain in effect for more than two (2) years.

4) Provide reasonable notice of the time and place and general scope of every examination to be held by publication in the City official newspaper not less than ten days preceding such examination, and for promotional exams by posting in the Commission's office and in Police and Fire Department offices for not less than ninety (90) days and by other notice deemed reasonable or necessary by the Commission.

5) Prepare a register for each class of positions in this system from the returns or reports of the examiners of the persons whose standing upon examination for such class is not less than the minimum established by the Commission.

Persons when graded, shall take rank upon the register as candidates in the order of their relative excellence as determined by competitive examination. Veteran's preference in examination and appointment shall be granted as required by Federal and State law including RCW 41.08.040 and RCW 41.12.040; provided, a person shall be entitled to use such preference only once to successfully attain an appointment or promotion to a position.

6) When a vacant position is to be filled, certify to the appointing authority the names of candidates in the top 25% of the list of eligibles. The top five candidates, whichever number is larger, subject to affirmative action requirements. Where more than one position in a class is to be filled, certify one additional name of the persons standing next highest on the register for each additional position. The appointing authority shall fill such positions by appointment only from the persons certified by the Commission.

If there are no registers for a class, authorize temporary, provisional appointment to the vacant position. Provisional appointment shall not continue for a period longer than four months, and no person shall receive more than one provisional appointment or serve more than four months as provisional appointee in any twelve month period.

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

may be aided by subpoenas issued by the Commission.

8) To hear and determine appeals or complaints respecting the administration of this ordinance.

9) Maintain a roster of employees of this system, other records as may be necessary for proper administration of this ordinance, and provide all necessary records to the Personnel Director for inclusion in the City's personnel management information records system.

10) Recommend from time to time such City legislation as the Commission may deem advisable for the betterment of this system and/or the administration thereof.

Section 8. AFFIRMATIVE ACTION: HANDCAPPED: All personnel actions regarding employment covered by this system are subject to the affirmative action and handicapped requirements of the Personnel Ordinance; provided that any duties assigned to the Personnel Director shall be performed by the Commission with regard to employees covered by this system.

Section 9. QUALIFICATIONS OF APPLICANTS: An applicant for a position in the classified Public Safety Civil Service must meet the minimum qualifications prescribed by the Commission, which standards shall be documented by the Commission to be related to the physical and mental demands required to perform the duties assigned to the position to which the applicant seeks appointment.

Section 10. TENURE OF EMPLOYMENT, REMOVAL FOR CAUSE: The tenure of every regular employee who is a member of this system shall be only during good behavior and acceptable job performance, and any such employee may be removed, suspended, demoted, or discharged for cause. Suspensions shall not exceed thirty (30) days. Any regular employee may be removed, suspended, demoted, or discharged by the appointing authority only upon the filing with the Commission of a statement in writing of the reasons therefor, duplicate of which shall be served upon the employee. Any regular employee so removed, suspended, demoted, or discharged may, within ten days from the date of service of such statement, file with the Commission a written demand for a hearing, whereupon, in due course, the Commission shall conduct such hearing. The hearing shall be confined to the determination of the question of whether such removal, suspension, demotion, or discharge was made in good faith for cause. After such hearing, the Commission may affirm the action of the appointing authority, or if it shall find that the action was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted, or discharged. The Commission upon such hearing in lieu of affirming the removal, may modify the order of removal, suspension, demotion, or discharge by directing a suspension, without pay, for up to thirty (30) days, and the subsequent restoration to duty, or demotion in classification, grade or pay. The findings of the Commission shall be certified in writing by the appointing authority, and shall be forthwith enforced by such officer.

All hearings pursuant to this section shall be open to the public at the request of the employee. Hearings shall be held after due notice of the time and place of the hearing to the affected employee. The employee has the right to representation of his/her choosing and at his/her own expense.

The Commission shall cause to be made a record of all such hearings. Upon request, the Commission shall furnish such record to the employee.

By submitting a grievance to binding arbitration under a collective bargaining agreement, the employee waives his/her right to demand a hearing under this section. A complaint alleging discrimination in violation of the City's Fair Employment Practices Ordinance shall be referred by the Commission to the right agency over such jurisdiction. Its recommendations for appropriate settlement of the case.

**Section 11. FILLING OF VACANCIES: PROBATIONARY PERIOD:** Whenever a position covered by this system becomes vacant, the appointing authority, if it shall make requisition upon the Commission for the names and addresses of persons eligible for said appointment. The appointing authority shall fill such vacancies by appointment from the register of persons certified by the Commission; therefore, to facilitate the selection of the person so certified, the appointing authority may require such persons to come before him/her and shall be entitled to inspect such persons' applications and examination papers, and may fill such positions as certified without regard to their order of certification.

No appointment, employment or promotion in this system shall be deemed complete until after the expiration of a period of one year in probationary service. Before the expiration of the period of probation, the appointing authority may discharge or demote an appointee upon filing in writing the reasons therefor with the Commission. If an appointee is not then discharged or demoted, his/her appointment shall be deemed complete.

**Section 12. PERFORMANCE EVALUATION:** The performance of employees covered by this system shall be evaluated in accordance with rules adopted by the respective appointing authorities.

**Section 13. TRAINING PROGRAMS:** The appointing authorities shall from time to time adopt and administer training programs for the respective departments, subject to provisions of the Affirmative Action Plan.

**Section 14. RIGHTS OF EMPLOYEES**

A. Employees have the right to compete openly for positions on the basis of knowledge, skills, and abilities.

B. Employees have the right to a timely resolution of their grievances and appeals.

C. Employees shall not be demoted, suspended, or discharged except only for cause, and they may appeal such adverse actions as specified in this ordinance.

D. Employees have the right to fair and equal treatment as provided in Ordinance 102562, as amended (Seattle Fair Employment Practices Ordinance).

E. Employees may bargain collectively through representatives of their own choosing, pursuant to RCW 41.56, et seq.

F. Employees may examine their own personnel files and are entitled to a copy of anything contained therein, at the City's expense.

G. Employees may have outside employment as long as it does not interfere with their ability to carry out their duties for the City, subject to the provisions of the Ethics Ordinance (Ordinance 100435, as amended).

H. Employees may engage in political activities, subject to RCW 41.02.250. Political activities of employees in operations which are financed primarily or totally by federal grant-in-aid funds are also subject to the Hatch Act, 15 USC/1501, et. seq.

**Section 15. SALARY OR WAGES NOT PAID EXCEPT TO THOSE LAWFULLY APPOINTED:** The Comptroller shall not approve, audit or allow the payment of, nor shall the Treasurer

pay any salary or wages to any person for services as an officer or employee in the Police and Fire Department unless such person is occupying an office or place of employment according to law and is entitled to payment therefor.

**Section 16. PROHIBITED EMPLOYEE CONDUCT:** It is unlawful for anyone to willfully or corruptly by himself or in collusion with one or more persons, to deceive or obstruct any person in respect to his or her right of examination or certification or falsely mark, grade, falsify or report upon the examination or proper standing of any person examining, certifying, or aid in doing so, or willfully or corruptly make any false representation concerning the same and/or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospect or chances of any person being named, or to be examined, appointed, employed or promoted.

It is unlawful for any person to:

(a) solicit political support from City employees during the employee's working hours;

(b) grant or promise to grant any act or thing of value to a City employee in return for special consideration in the course of the employee's business; or

(c) withhold or threaten to withhold any right or benefit of an employee, or to bring or threaten to bring any disciplinary charge continued in the employee's course of business; or

(d) to use City property or materials to engage in solicitations, other than for City purposes, for political campaign purposes; or

(e) if a City employee, solicit for other than City purposes, engage in political campaigning on City time.

**Section 17. PENALTIES:** Any person who violates any of the provisions of Section 16 of this ordinance shall, upon conviction thereof, be fined in an amount not to exceed Five Hundred Dollars (\$500.00) and/or imprisoned in the City Jail for a period not to exceed 180 days. In addition, such violation shall constitute good cause for dismissal or other discipline at the discretion of the appointing authority.

**Section 18. COOPERATION OF CITY OFFICERS AND EMPLOYEES:** All officers and employees of the City shall afford to the Commission reasonable access to and reasonable facilities for the inspection and copying of all books, papers, documents and accounts in any way pertaining to employment under the jurisdiction of the Commission and shall also produce said books, papers, documents and accounts and attend and testify whenever requested by the Commission to do so.

**Section 19. COLLECTIVE BARGAINING:** The adoption of this ordinance shall not affect the provisions of any existing collective bargaining agreement.

**Section 20. TRANSITION:** In order that the business of the City may continue without major hiatus during implementation of this new civil service ordinance, the following transitional provisions are hereby authorized and made:

A. Upon the effective date of this ordinance, the appointment of each employee covered by this system is hereby ratified and confirmed.

B. Upon the effective date of this ordinance, all regular employees covered by this system shall remain regular employees, without loss of accrued service time, or accrued vacation, sick leave, compensatory time or like benefit, if any, which is also recognized under this ordinance.

C. Upon the effective date of this ordinance, probationary employees covered by this system shall remain probationary employees without loss of accrued vacation, sick leave, compensatory time, service time accrued toward regular employment, or like benefit, if any, which is also recognized under this ordinance.

D. Provisional appointments to positions covered by this system shall on May 1, 1979, be deemed vacant and the incumbent thereof shall be reappointed to such position except as provided in this ordinance.

E. Upon the effective date of this ordinance, the Commission shall assume jurisdiction over appeals previously made by employees who are members of this system to the previous Civil Service Commission. The Commission shall hear such cases under its choice of previous Civil Service Laws and Rules, if any, whichever set of rules is deemed fairer to the employee.

F. Upon the effective date of this ordinance, the existing job classifications in this system are hereby ratified and confirmed, and shall remain in effect until changed.

**Section 21. SEVERABILITY:** The provisions of this ordinance are declared to be severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstances shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

**Section 22. EFFECTIVE DATE:** This ordinance shall become effective on January 1, 1979.

**Section 23. 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 6th day of November, 1978, and authenticated by its passage this 6th day of November, 1978.

JOHN MILLER,  
President of the City Council.

Approved by me this 16th day of November, 1978.

CHARLES ROYER,  
Mayor.

Filed by me this 16th day of November, 1978.

Attest: E. L. KIDD,  
City Comptroller and City Clerk.

By WAYNE ANGEVINE,  
(Seal) Deputy Clerk.

Publication ordered by E. L. KIDD, Comptroller and City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, November 16, 1978. (C-647)

CS 20.14

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on  
to which was referred

*Personnel & Prop. Mgmt.*

C.B. 99817

Date Reported  
and Adopted

NOV. 6 1978

Providing a Civil Service system for certain members of the Police and Fire Departments, creating a Public Safety Civil Service Commission and prescribing the duties thereof, defining offenses and prescribing penalties.

*Recommend Pass as amended*

Chairman

*Dolores Sibanga*

Chairman

Committee

Committee

C-647

## Affidavit of Publication

STATE OF WASHINGTON  
KING COUNTY—SS.

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

Ordinance No. 107791

was published on November 16, 1978

*B. Bhatt*  
Subscribed and sworn to before me on

November 16, 1978

*Barbara C. ...*  
Notary Public for the State of Washington,  
residing in Seattle.