

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
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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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ORDINANCE 107791

1
2 AN ORDINANCE providing a Civil Service system for certain members of the
3 Police and Fire Departments, creating a Public Safety Civil Service Com-
4 mission and prescribing the duties thereof, defining offenses and prescribing
5 penalties.

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

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

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

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

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

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

27 "City" means The City of Seattle.

28 "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

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

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

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

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

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

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

14 "Register" means a list of candidates for employment who have passed an
15 employment examination, whose names may be chosen and certified by the Com-
16 mission for submission to the appointing authority for consideration for employ-
17 ment.

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

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

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

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

27 "Termination" means separation from employment for cause.

28 **109358** ~~RENDEN - 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-
missioner.

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

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

25 The candidate receiving the majority of votes cast shall win the election. If
26 no candidate receives a majority of the votes cast, the two candidates receiving
27 the highest and next highest number of votes shall be candidates in a run-off
28 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.

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

14 8) To hear and determine appeals or complaints respecting the administra-
15 tion of this ordinance.

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

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

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

28 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.