

ORDINANCE No. 117483

COUNCIL BILL No. 110521

WQ

The City

AN ORDINANCE relating to Title 4 of the Seattle Municipal Code, amending Section 4.04.230 to change provisions for suspensions of non-represented, salaried employees, and renumber disciplinary definitions.

Honorable President:

Your Committee on FINANCE

to which was referred the within report that we have considered the

PASS 3-0 (TW, MC, JH)

July

John

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <u>JAN 17 1985</u>	By: <u>WEEKS</u>
Referred: <u>JAN 17 1985</u>	To: <u>FINANCE, BUDGET, MANAGEMENT &amp; PERSONNEL COMMITTEE</u>
Referred:	To:
Referred:	To:
Reported: <u>JAN 23 1985</u>	Second Reading:
Third Reading: <u>JAN 23 1985</u>	Signed: <u>JAN 23 1985</u>
Presented to Mayor: <u>TUESDAY JAN 24 1985</u>	Approved: <u>JAN 30 1985</u>
Returned to City Clerk: <u>JAN 30 1985</u>	Published: <u>F</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>OK</u>

*Law Department*

The City of Seattle--Legislative Department

Date Reported  
and Adopted

REPORT OF COMMITTEE

File President:

Committee on FINANCE BUDGET MANAGEMENT & PERSONNEL

was referred the within Council Bill No. 110521

that we have considered the same and respectfully recommend that the same:

3-0 (TW, MC, JN)

Full Council 9-0

*Tom Park*

Committee Chair

ORDINANCE 117483

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2  
3 AN ORDINANCE relating to Title 4 of the Seattle Municipal Code, amending Section  
4 4.04.230 to change provisions for suspensions of non-represented, salaried  
5 employees, and renumber disciplinary definitions.

6  
7  
8 BE ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS

9 Section 1. Section 4.04.230 of the Seattle Municipal Code (Ordinance  
10 107790, §21, as amended) is further amended as follows:

11 4.04.230 Discipline and discharge.

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

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

22 B. Which disciplinary action is taken depends upon the seriousness of the  
23 affected employee's conduct.

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

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

E. The Personnel Director may establish rules for application of discipline  
which are consistent for like behavior from department to department. A department  
may, by rule, be permitted to impose a more severe penalty than is otherwise

1 sanctioned where misconduct which may be of minimal significance to other  
2 departments has a substantial impact on the operations, costs, or safety within that  
3 department.

4 F. The following is a non-exclusive list of grounds for discipline or  
5 discharge of an employee:

- 6 1. Making a false statement of a material fact on an application for  
7 employment.
- 8 2. Falsifying a ~~((an examination))~~ score, either one's own score or  
9 that of another person, on a working knowledge or skills test for employment or  
10 promotion purposes.
- 11 3. Intentional violation of a regulation, order or direction given by  
12 one's supervisor, in the absence of extenuating circumstances.
- 13 4. Unlawfully inducing, or attempting to unlawfully induce another,  
14 to breach a law, regulation or rule of the City.
- 15 5. Intentional violation of personnel rules.
- 16 6. ~~((Incompetency or))~~ Uncorrected incompetency or inefficiency in  
17 the performance of the duties of employment.
- 18 7. Improper or unauthorized use of City property or equipment.
- 19 8. Use of, or attempt to use inappropriate pressure in securing any  
20 personnel action ; and for the Mayor, City Councilmembers, or their immediate staff,  
21 initiation of a recommendation regarding any candidate for City employment.
- 22 9. Soliciting, assessing, or collecting money, goods, or services, on  
23 City time and property, for the purpose of securing the nomination or election of any  
24 person to political office, or for the purpose of advancing or opposing a proposed ballot  
25 issue or ballot measure.
- 26 10. Making a bribe, accepting a bribe, soliciting a bribe.
- 27 11. Exercising unreasonable physical force against any person during  
28 performance of City business.
12. A pattern of infractions relating to working hours, or unexcused  
absence from work for three (3) or more days.
13. ~~((Failure to pass a medical examination required for employment,  
unless waived for good cause-))~~ Intentional breach of the ~~((City Ethics Ordinance))~~  
Code of Ethics, SMC Chapter 4.16.
14. ~~((Intentional breach of the City Ethics Ordinance, SMC Chapter  
4.16))~~ Sexual harassment of another employee.

1                   15.    ~~((Sexual harassment of another employee:))~~ Theft from the City.

2                   16.    ~~((Theft from the City:))~~ Uncorrected ~~((abusive))~~ use of alcohol  
3 or drugs during working hours.

4                   17.    ~~((Uncorrected abusive use of alcohol or drugs during working  
5 hours:))~~ Using abusive language, including but not limited to racist or sexist slurs,  
6 during the performance of City business.

7                   18.    ~~Using abusive language, including but not limited to racist or  
8 sexist slurs, during the performance of City business.~~ A finding entered by a court  
9 of competent jurisdiction that the employee has engaged in conduct which is prohibited  
10 by SMC Section 14.04.030F; or a similar act of misconduct which occurs during the  
11 course of or as a result of his/her employment, and that misconduct results in a finding  
12 of liability against the City of Seattle.

13                   ~~19.    A finding entered by a court of competent jurisdiction that  
14 the employee has engaged in conduct which is prohibited by SMC Section 14.04.030F;  
15 or a similar act of misconduct which occurs during the course of or as a result of  
16 his/her employment, and that misconduct results in a finding of liability against the  
17 City of Seattle:))~~

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

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

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

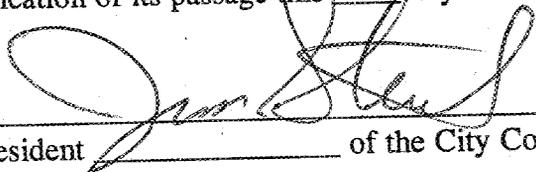
1.    He or she has the right to appeal to the Civil Service  
Commission;

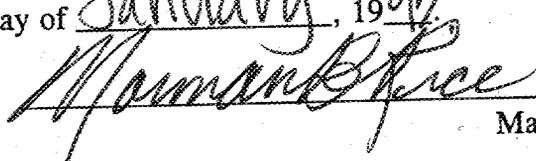
2.    To appeal, the employee must file a statement with the Civil  
Service Commission within twenty (20) days; and

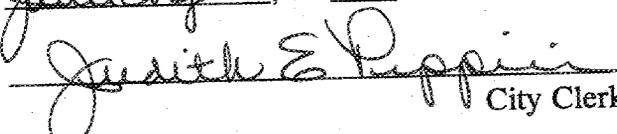
3. The twenty (20) days begin to run on the date of delivery if the notice is given to the employee personally or delivered to his or her most recent address shown on department records; and on the third day after the date of mailing if the notice is mailed.

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

Passed by the City Council this 23 day of January, 1995, and signed by me in open session in authentication of its passage this 23 day of January, 1995.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 30 day of January, 1995.  
  
\_\_\_\_\_  
Mayor

Filed by me this 30 day of January, 1995.  
  
\_\_\_\_\_  
City Clerk

(Seal)

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**CLARIFICATION OF PROPOSED ORDINANCES  
TO AMEND SMC 4.04.030 AND 4.04.230**

<b>CURRENT PROVISION</b>	<b>PROPOSED PROVISION</b>	<b>RATIONALE</b>
None	Define actual service as the number of regularly paid hours accumulated in a class or title.	To clarify term used to denote criteria for salary step advancement and related actions.
Definition of "Termination or discharge"	Delete reference to "termination", maintain "discharge".	Terms are redundant; "discharge" is the term that is actually used in SMC 4.04.230, Discipline and discharge.
None	Define hourly employee as one who is subject to the overtime provisions of the FLSA.	Distinction between hourly and salaried employee is critical for compensation and discipline purposes.
Define "intermittent position" as one filled by an intermittent.	Delete definition.	There is no such thing as an intermittent position.
None	Define promotion as appointment to a higher-paid class or title following initial appointment.	Clarification for compensation purposes.
None	Define salaried employee as one who is exempt from the provisions of FLSA.	Distinction between hourly and salaried employee is critical for compensation and discipline purposes.
Provides for an emergency suspension of 1 day without department head's approval.	Provides same for hourly employees only.	Only hourly employees may be suspended for short increments of time.
None	Provides for suspension in minimum increments of 1 week for salaried employees.	Suspension in smaller increments may jeopardize salaried status.

City of Seattle Personnel Department

Norman B. Rice, Mayor

John Okamoto, Personnel Director  
~~John Okamoto, Personnel Director~~  
~~Sarah Welch, Acting Director~~

COPY RECEIVED



RECEIVED OMP

95 JAN -9 PM 4: 53

SEATTLE CITY ATTORNEY

JAN 09 1995

January 9, 1995

TO: Seattle City Council

VIA: Mayor Norman B. Rice

ATTENTION: Tom Tierney  
Director Designee Office of Management and Planning

FROM: Sarah Welch *Judith Pollock*  
Acting Personnel Director

SUBJECT: Proposed Ordinance amending the Seattle Municipal Code to provide for disciplinary suspensions in one week increments for salaried employees.

The attached ordinance amends the Seattle Municipal Code 4.04.230 to provide for disciplinary suspensions in one week increments for salaried employees. This change is requested to ensure that the treatment of employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) i.e., salaried, be uniform and consistent in order to maintain that status.

We appreciate your consideration of this legislation. If you have any questions please contact Kathy Steinmeyer, 684-7921 or Marcia Chatalas, 684-7920 in the Policy Development Unit.

Thank you.

cc: Personnel Department Administrators

**SPONSORSHIP**

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

*Tom Mark*

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_

\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

PRESIDENT'S SIGNATURE

# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



January 10, 1995

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING  
DEPARTMENT: Personnel

SUBJECT: AN ORDINANCE relating to Title 4 of the Seattle Municipal Code, amending Section 4.04.230 to change provisions for suspensions of non-represented, salaried employees, and renumber disciplinary definitions.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Jeanette Martin at 684-8071.

Sincerely,

Norman B. Rice  
Mayor

by

Tom Tierney, Director

legis:martin11

Enclosure

cc: Director, Personnel

STATE OF WASHINGTON - KING COUNTY

51819  
City of Seattle, City Clerk

—ss.

No. ORD IN FULL

Affidavit of Publication

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

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

ORD:117483

was published on

02/03/95

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

Subscribed and sworn to before me on

02/03/95

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

ORDINANCE 117483

AN ORDINANCE relating to Title 4 of the Seattle Municipal Code, amending Section 4.04.230 to change provisions for suspensions of non-represented ~~employees~~ employees, and renumber disciplinary definitions.

BE ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS

Section 1. Section 4.04.230 of the Seattle Municipal Code (Ordinance 107790, §3), as amended) is further amended as follows:

## 4.04.230 Discipline and discharge.

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

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

B. Which disciplinary action is taken depends upon the seriousness of the affected employee's conduct.

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

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

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sanctioned where misconduct which may be of minimal significance to other departments has a substantial impact on the operations, costs, or safety within that department.

F. The following is a non-exclusive list of grounds for discipline or discharge of an employee:

1. Making a false statement of a material fact on an application for employment.
2. Falsifying a ((an-examination)) score, either one's own score or that of another person, on a working knowledge or skills test for employment or promotion purposes.
3. Intentional violation of a regulation, order or direction given by one's supervisor, in the absence of extenuating circumstances.
4. Unlawfully inducing, or attempting to unlawfully induce another, to breach a law, regulation or rule of the City.
5. Intentional violation of personnel rules.
6. ((Incompetency or)) Uncorrected incompetency or inefficiency in the performance of the duties of employment.
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8. Use of, or attempt to use inappropriate pressure in securing any personnel action, and for the Mayor, City Councilmembers, or their immediate staff, initiation of a recommendation regarding any candidate for City employment.
9. Soliciting, assessing, or collecting money, goods, or services, on City time and property, for the purpose of securing the nomination or election of any