

ORDINANCE No. 120298

COUNCIL BILL No. 113575

AN ORDINANCE amending Seattle Municipal Code Section 4.20.065, Administrative Reassignment, to delegate full responsibility for administrative reassignment to the appointing authority, expand the scope of the investigatory process, and revise the reporting requirements.

The City of

Honorable President:

Your Committee on _____

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

COMPTROLLER FILE No. _____

Introduced: FEB 28 2001	By: DRAGO
Referred: FEB 28 2001	To: Planning, Budget & Economic Development Committee
Referred:	To:
Referred:	To:
Reported: 3-26-01	Second Reading:
Third Reading: 3-26-01	Signed: 3-26-01
Presented to Mayor: 3-27-01	Approved: 3/30/01
Returned to City Clerk: 4/2/01	Published: Full app.
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

3/21/01 Passed As
3-26-01 Passed 9

Law Department

San Diego San Diego

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

was referred the within Council Bill No.

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

③

01 Passed As Amended

2-0 JD RC

01 Passed 9-0

Law Department

Committee Chair

committee only
⑤
*Approved
for printing
full text (and)*

ORDINANCE 120298

AN ORDINANCE amending Seattle Municipal Code Section 4.20.065, Administrative reassignment, to delegate full responsibility for administrative reassignment to the appointing authority, expand the scope of the investigatory process, and revise the reporting requirements.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code **Section 4.20.065, Administrative reassignment**, Ordinance 117424 as amended by Ordinance 118717, is further amended as follows:

A. "Administrative reassignment" means paid leave status which an appointing authority may authorize for any City officer or employee in his or her department or office, when such employee is the cause of or subject of, or otherwise significantly affected by an active official investigatory process related to alleged violations of personnel rules, City ordinances, or state or federal laws and/or regulations, or an investigation intended to determine the employee's fitness for duty. Administrative reassignment shall not be considered discipline.

B. The appointing authority of each City department or his/her designated management representative for this purpose shall have the sole authority to make an administrative reassignment of an employee when, and only when, such employee's absence from his or her regular work unit is deemed to be in the best business interest of the department, and there is no other work unit to which the employee can be assigned. Administrative reassignment may only be made after the appointing authority determines that it is the only reasonable course of action within the department for such employee. The appointing authority shall complete the investigation as expeditiously as possible to limit the length of the administration reassignment.

C. ~~((1. Administrative reassignment shall not exceed eighty (80) work hours in duration except as provided in subsection C2, below.~~

~~2. If the appointing authority determines that extenuating circumstances require a period of administrative reassignment which exceeds eighty (80) work hours in duration, he or she shall record the circumstances of the investigation necessitating the extraordinary~~



Norma McKinney/kathy steinmeyer
SMC 420065
7/27/00
V #2

1 duration and shall immediately notify the Personnel Director, who may grant or deny the
2 extension. The Personnel Director shall state in writing the reasons for his/her concurrence
3 with or denial of the extension. No such extension shall be granted without prior
4 authorization of the Personnel Director.

5 D. Administration.

6 ———1.)) In each instance where administrative reassignment has been authorized, the
7 appointing authority shall record the circumstances and/or business justification
8 necessitating the reassignment. Such documentation shall be ((immediately forwarded))
9 reasonably available to the Personnel Director for purposes of assessing and evaluating use
10 patterns. The Personnel Director shall provide a summary report of the ((aforementioned
11 documentation)) use of administrative reassignment to the City Council on ((an annual)) a
12 regular basis.

13 ((2. Administrative reassignment shall be recorded as regular hours worked on
14 payroll records.))

15
16 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its
17 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
18 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

19
20 Passed by the City Council the 26th day of March, 2000, and signed by
21 me in open session in authentication of its passage this 26th day of March,
22 2000.

23 Margaret Pageler
24 Margaret Pageler, President of the City Council

25
26 Approved by me this 30th day of MARCH, 2000.

27 Paul Schell
28 Paul Schell, Mayor

29
30
31 Filed by me this 2nd day of April, 2000.

32 Janith E. Peppin
33 City Clerk

34 (SEAL)





City of Seattle

Paul Schell, Mayor

Personnel Department

Norma J. McKinney, Director

MEMORANDUM

DATE: February 14, 2001

TO: The Honorable Margaret Pageler, President
Seattle City Council

FROM: Norma McKinney, Personnel Director

SUBJECT: Proposed Amendment to SMC 4.20.065, *Administrative Reassignment*

The attached council bill proposes to amend SMC 4.20.065 to:

- Delegate full responsibility for administrative reassignment to the appointing authority. Currently, the appointing authority can authorize administrative reassignment up to 80 hours and the Personnel Director must approve, in advance, any extensions beyond that. This has proven to be operationally problematic. Investigations routinely take longer than 80 hours. In 1999 and through July 2000, 46% of the employees placed on administrative reassignment were out longer than 80 hours. But the Personnel Director received extension requests for fewer than 40% of those employees. Only the appointing authority is really in a position to decide whether extending an employee's absence from the workplace beyond 80 hours is a reasonable and justifiable action, and he or she should be held accountable for that decision.
- Expand the scope of the investigatory process. We are seeing an increasing need to get employees who are a risk to their own or others' safety out of the workplace immediately, and into a fit-for-duty evaluation. The perceived safety threat may not necessarily rise to the level of a violation of rule or law as required by the current ordinance. Nonetheless, management finds the employee's removal from the workplace to be in the best interests of the City and, frequently, the public. Because management is removing the employee, however, it is questionable whether we have the legal authority to dock his or her sick leave, vacation, or other paid leave balances, or to place the employee on unpaid status. Until the fit-for-duty evaluation is complete and we know whether the employee

Personnel Department, Dexter Horton Building, 710 Second Avenue, 12th Floor, Seattle, WA 98104-1793

General Tel: (206) 684-7664, TDD: (206) 684-7888, Fax: (206) 684-4157, <http://www.ci.seattle.wa.us>

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can safely be returned to work, administrative reassignment appears to be our best option for keeping the individual out of the workplace. In fact, 28% of the total hours that employees spent on administrative reassignment in 1999 and through July 2000 were attributed to fit-for-duty investigations. Revising the current ordinance language would help ensure that employees in similar situations are treated equitably across the City.

- Revise the reporting requirements. The current ordinance provides that the appointing authority will "immediately forward" a report of the circumstances and justification for an administrative reassignment to the Personnel Director, who will provide an annual report to the City Council. Frankly, departments simply are not forwarding this information to the Personnel Director and we have mixed feelings about that. Much of the data recorded during an investigation is extremely volatile and confidential in nature and the fewer copies made, the better. On the other hand, it is absolutely impossible to make a valid assessment of the use of administrative reassignment without those departmental reports, because the time away from work is recorded as regular pay hours. We propose to implement a confidential pay code that would allow us to regularly track the amount of administrative reassignment paid by employee. The Personnel Director could ask for additional information when regular tracking reports indicate that a specific department appears to put employees on administrative reassignment more frequently or keep them there longer than the norm.

We propose these changes in conjunction with the Human Resources Management Forum, a group of Human Resources Directors and Managers from City departments that advises and collaborates with the Personnel Director on policy and program development.

Your favorable consideration of this council bill is appreciated. Please direct any questions to me at 684-7870 or to Kathy Steinmeyer, Policy Development Unit, 684-7921.

C: The Honorable Jan Drago, Chair
Finance, Budget and Economic Development Committee
Fred Treadwell, Labor Relations



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- B. The appointing authority of each City department or his/her designated management representative for this purpose shall have the sole authority to make an administrative reassignment of an employee when, and only when, such employee's absence from his or her regular work unit is deemed to be in the best business interest of the department, and there is no other work unit to which the employee can be assigned. Administrative reassignment may only be made after the appointing authority determines that it is the only reasonable course of action within the department for such employee.
- C. ~~((1. Administrative reassignment shall not exceed eighty (80) work hours in duration except as provided in subsection C2, below.~~
- ~~2. If the appointing authority determines that extenuating circumstances require a period of administrative reassignment which exceeds eighty (80) work hours in duration, he or she shall record the circumstances of the investigation necessitating the extraordinary~~

STATE OF WASHINGTON – KING COUNTY

--SS.

129888
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

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

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

CT:120298 FULL ORDINANCE

was published on

04/11/01

Valer Waldes

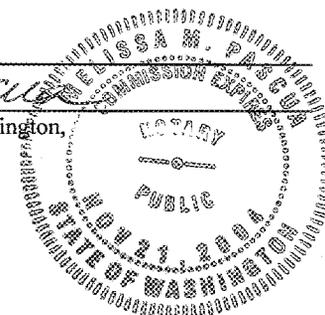
Subscribed and sworn to before me on

04/11/01

Michael Pascoe

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

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Section 1. Seattle Municipal Code SECTION 4.20.065, ADMINISTRATIVE REASSIGNMENT, Ordinance 117424 as amended by Ordinance 118717, is further amended as follows:

A. "Administrative reassignment" means paid leave status which an appointing action will be taken by the court if the petition will be granted and appear and answer the said petition which time you are directed to judge of the above entitled court at 1st Alder, Seattle, WA, before a Court, Juvenile Department, 1211 1st Avenue, at King County Superior Court, at the hour of 10:00 a.m. - 4:30 p.m.]

Said Petition will be heard on the 15th day of June, 2001 at the hour of 10:00 a.m. - 4:30 p.m.]
FOR FURTHER INFORMATION, CALL 206-720-3293, 8:00 a.m. - 4:30 p.m.]

whose parents are Unknown
CODY PIDGION, a minor, born May 6, 1998.
CW 13,34,080 regarding above entitled Court, pursuant to petition for Dependency was filed in the 4th day of October, 2001 a petition. You are hereby notified that on and to All Whom It May Concern: anyone claiming parental/paternal rights or interest in the child(ren) TO: Unknown Father, and/or

NO. 00-7-05094-0 SEA
DOB: 05-06-98
CODY PIDGION
DEPENDENCY OF
IN RE THE MATTER
JUVENILE DEPARTMENT
THE COUNTY OF KING,
WASHINGTON