

City of Seattle Legislative Information Service

Council Bill Number: 116506

AN ORDINANCE relating to the Personnel Regulations and Civil Service system of the City; establishing a limit to periods of probationary status for Civil Service employees; providing for a trial service period for Civil Service employees not covered by collective bargaining agreements; amending Seattle Municipal Code Section 4.04.030; and adding new Section 4.04.290, new Section 4.04.300, and new Section 4.04.310.

Date introduced/referred: April 20, 2009

Date passed: April 27, 2009

Status: Passed

Vote: 8-0 (Excused: Clark)

Committee: Culture, Civil Rights, Health and Personnel

Sponsor: LICATA

Index Terms: CITY-EMPLOYEES, EMPLOYMENT, CIVIL-SERVICE, MANAGEMENT-TOOLS-AND-TECHNIQUES, PERSONNEL-ADMINISTRATION

Text

AN ORDINANCE relating to the Personnel Regulations and Civil Service system of the City; establishing a limit to periods of probationary status for Civil Service employees; providing for a trial service period for Civil Service employees not covered by collective bargaining agreements; amending Seattle Municipal Code Section 4.04.030; and adding new Section 4.04.290, new Section 4.04.300, and new Section 4.04.310.

WHEREAS, Article XVI, Section 4 of the Seattle City Charter provides that the Civil Service system shall be administered in accordance with the merit principle that periods of probationary status for Civil Service employees be limited to one year; and

WHEREAS, Seattle Municipal Code, Chapter 4.04 Personnel Regulations, Section 4.04.030(26), defines regular employee as "...an employee who has been appointed to a position within the classified service and who has completed a one (1) year probationary period of employment";
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.04.030 of the Seattle Municipal Code is amended as follows:

4.04.030 Definitions.

Unless another meaning is clearly indicated from the context, as used in this title:

23. "Probationary Period" means a twelve (12) month period of employment following an employee's initial regular appointment to a position within the Civil Service during which an employee is subject to dismissal without just cause.

24. "Promotion" means any appointment to a higher level classification or position which occurs subsequent to an employee's initial appointment.

25. "Reduction" means the movement of an employee from a higher-paid position to a lower-paid position, not for cause.

~~25~~26. "Register" for Public Safety Civil Service

employees 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.

~~26~~27. "Regular employee" means an employee who has been

appointed to a position within the classified service and who has completed a one (1) year probationary period of employment.

28. "Reversion Recall List" means a list of regular employees who did not complete a trial service period. When such regular employees have been reverted to a position where no vacancy exists, they shall be removed from the payroll and placed on a Reversion Recall List for the class/department from which they were removed.

29. "Revert" means to return a regular employee who has not successfully completed a trial service period to a vacant position in the same class and former department (if applicable) from which they were appointed.

~~27~~30. "Reinstatement" means reappointment of a regular

employee from a reinstatement list to a position in a class in which regular status was previously held.

~~28~~31. "Sabbatical leave" means an unpaid leave of absence

for which an employee may apply upon completion of seven (7) continuous years of full-time service, after which leave the employee is entitled to return to the position from which the leave was granted or to a position in the same employing unit that is substantially similar in level of duties, responsibilities and compensation.

~~29~~32. "Salaried employee" is one who is exempt from the provisions of the Fair Labor Standards Act (FLSA).

~~30~~33. "Seniority" means a regular employee's length of continuous service in his or her present class and all higher classes since original regular appointment to that class.

~~31~~34. "Suspension" means the temporary discontinuation of an employee from employment for a specified period for cause or pending determination of charges against said employee, which charges could result in discharge or demotion.

~~32~~35. "Temporary worker" includes both temporary and less than half time employees and means a person who is employed in:

36. "Transfer" shall mean the movement of an employee from one position to another position in the same class, or with the same maximum pay rate.

37. "Trial Service Period/Regular Subsequent Appointment" means a twelve (12) month trial period of employment of a regular employee beginning with the effective date of a subsequent, regular appointment from one classification to a different classification through promotion or transfer to a classification in which the employee has not successfully completed a probationary or trial service period or rehire from a Reinstatement Recall List to a department other than that from which the employee was laid off.

Section 2. A new Section 4.04.290 is added to the Seattle Municipal Code as follows:

4.04.290 Probationary Periods.

Employees who are initially appointed to a position within the Civil Service shall serve one probationary period of twelve (12) months beginning on the date of the initial appointment, except as provided in Section 4.04.310.

A. Occasional absences due to illness, vacations, jury duty, and military leaves shall not result in an extension of the probationary period; however, in the case of numerous or long term absences, the Personnel Director may extend an employee's probationary period to include the equivalent of twelve (12) full months of actual service, consistent with applicable law. A regular employee shall not serve more than one probationary period; provided, that an employee who has completed a probationary period may serve a trial service period under Section 4.04.300.

B. The probationary period is a continuation of the selection process, and shall provide the department with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any probationary employee without cause.

C. An employee may be dismissed during their probationary period after having been given written notice five (5) working days prior to the effective date of dismissal. However, if the department believes the best interest of the City requires the immediate dismissal of the probationary employee, written notice of only one (1) full working day prior to the effective date of the dismissal shall be required. The reasons for the dismissal shall be filed with the Director of Personnel.

D. An employee dismissed during their probationary period shall not have the right to appeal the dismissal. When proper advance notice of the dismissal is not given, the employee may enter an appeal (for payment of up to five (5) days' salary), which the employee would have otherwise received had proper notice been given. If such a claim is sustained, the employee shall be entitled to the appropriate payment of salary but shall not be entitled to reinstatement.

Section 3. A new Section 4.04.300 is added to the Seattle Municipal Code as follows:

4.04.300 Trial Service Periods.

Trial Service Period - An employee who has satisfactorily completed their probationary period and who is subsequently appointed to a position in another classification shall serve a twelve (12) month trial service period.

A. The trial service period shall provide the department with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee without cause.

B. An employee who has been appointed from one classification to another classification within the same or different department and who fails to satisfactorily complete the trial service period shall be reverted to a vacant position within the former department (if applicable) and classification from which they were appointed.

C. Where no such vacancy exists, such employee shall be given fifteen (15) calendar days' written notice prior to being placed on a Reversion Recall List for their former department and former classification and being removed from the payroll.

D. An employee's trial service period may be extended up to three (3) additional months by written mutual agreement between the department and the employee, subject to approval by the Personnel Director prior to expiration of the trial service period.

E. Employees who have been reverted during the trial service period shall not have the right to appeal the reversion to the Civil Service Commission.

F. The names of regular employees who have been reverted for purposes of re-employment in their former department shall be placed upon a Reversion Recall List for the same classification from which they were promoted or transferred for a period of one (1) year from the date of reversion.

G. If a vacancy is to be filled in a department and a valid Reversion Recall List for the classification for that vacancy contains the name(s) of eligible employees who have been removed from the payroll from that classification and from that department, such employees shall be reinstated in order of their length of service in that classification. The employee who has the most service in that classification shall be the first reinstated.

H. An employee whose name is on a valid Reversion Recall List for a specific job classification who accepts employment with the City in that same job classification shall have their name removed from the Reversion Recall List. Refusal to accept placement from a Reversion Recall List to a position the same, or essentially the same, as that which the employee previously held shall cause an employee's name to be removed from the Reversion Recall List, which shall terminate rights to reemployment under this Reversion Recall List provision.

I. A reverted employee shall be paid at the step of the range that they normally would have received had they not been promoted or transferred.

4.04.310 Subsequent Appointments.

Subsequent Appointments During Probationary Period or Trial Service Period -

A. If a probationary employee is subsequently appointed in the same classification from one department to another, the receiving department may, with approval of the Personnel Director, require that a complete twelve (12) month probationary period be served in that department. If a regular employee or an employee who is serving a trial service period is subsequently appointed in the same classification from one department to another, the receiving department may, with the approval of the Personnel Director, require that a twelve (12) month trial service period be served in that department.

B. If a probationary employee is subsequently appointed to a different classification in the same or different department, the employee shall serve a complete twelve (12) month probationary period in the new classification, not to exceed a total of 24 months of probationary employment. If a regular employee is subsequently appointed to a different classification in the same or different department, the employee shall serve a complete twelve (12) month trial service period in the new classification.

C. Within the same department, if a regular employee is appointed to a higher classification while serving in a trial service period, the trial service period for the lower classification and the new trial service period for the higher classification shall overlap, provided that the higher and lower classifications are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given regular status in the lower classification. Such employee shall also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher classification.

D. Within the same department, if a probationary employee is regularly appointed to a higher classification while serving in a probationary period, the probationary period and the new trial service period for the higher classification shall overlap provided the higher and the lower classifications are in the same or a closely related field. The employee shall complete the term of the original probationary period and be given regular standing in the lower class. Such employee shall also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher classification.

Section 4. The Personnel Director is authorized to adopt rules consistent with this ordinance.

Section 5. To the extent that provisions of this ordinance pertain to terms and conditions of employment that are subject to

collective bargaining, such provisions do not supersede the collective bargaining agreements or the right of the collective bargaining agents to bargain over the terms and conditions of employment.

Section 6. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its 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 the ____ day of _____, 2009, and signed by me in open session in authentication of its passage this ____ day of _____, 2009.

President _____ of the City Council

Approved by me this ____ day of _____, 2009.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2009.

City Clerk

April 14, 2009

Version #1

[Fiscal Note](#)