

Attachment II
March 7, 2017
CPC Striker Amending Public Safety Civil Service Commission Ordinance (Chapter 4.08)

Chapter 4.08 - PUBLIC SAFETY CIVIL SERVICE^[1]

Sections:

Footnotes:

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Statutory reference— For Charter provisions regarding civil service regulations, see Charter Art. XVI.

Editor's note— Severability— The provisions of this chapter are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 107791 § 21, 1978.)

4.08.010 - Title.

This chapter shall be entitled "The 1978 City of Seattle Public Safety Civil Service Ordinance."

(Ord. 107791 § 1, 1978.)

4.08.020 - Purpose.

The general purpose of this chapter is to establish a civil service system for employees in the Police and Fire Departments of the City, governing appointments, promotions, promotional testing, layoffs, recruitment, retention, classifications, removals and discipline, pursuant to Charter Article XVI, in substantial compliance with RCW Chapters 41.08, 41.12, 41.56. All appointments and promotions to Police and Fire Department positions, retention therein and removal therefrom shall be based on merit and according to the policies and procedures hereinafter specified or according to the procedures regarding the promotions of police officers and sergeants set forth in the collective bargaining agreement between the City and the exclusive bargaining agent of such employees, as approved by ordinance, to the extent such procedures are inconsistent with those set forth herein.

(Ord. 121747 § 3, 2005; Ord. 120658 § 4, 2001; Ord. 107791 § 2, 1978.)

4.08.030 - Definitions.

The following words and phrases shall have the meanings hereinafter described unless the context in which included clearly indicates otherwise:

- A. "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 (b) the Chief of Police with respect to any Seattle Police Department position included in this system.
- B. "Certify" means verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.
- C. "City" means The City of Seattle.
- D. "City Council" means the City Council of The City of Seattle.

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- E. "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.
- F. "Commission" means the Public Safety Civil Service Commission hereinafter created, and the term "Commissioner" means any one (1) member of said Commission.
- G. "Demotion" means removal of an employee from a higher to a lower class of employment, for cause.
- H. "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, ^[12] and in which one serves at the discretion of the appointing authority. An exempt position must be established by a two-thirds (2/3) vote of the City Council.
- I. "Probationary employee" means a person appointed from a register who has not yet completed one (1) year's employment.
- J. "Provisional employee" means an employee who was appointed to a position for which no register existed.
- K. "Reduction" means the removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- L. "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.
- M. "Regular employee" means a person appointed from a register who has satisfactorily completed a one (1) year period of probationary employment.
- N. "Reinstatement" means reappointment of a regular employee to a position in a class in which he/she was a regular employee.
- O. "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.
- P. "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.
- Q. "Termination" means separation from employment for cause.

(Ord. 107791 § 3, 1978.)

Footnotes:

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Editor's note— The Exemptions Ordinance is codified in Chapter 4.12 of this Code.

4.08.040 - Public Safety Civil Service Commission.

- A. There is created a Public Safety Civil Service Commission composed of three members. ~~One-Two~~ members shall be appointed by the Mayor; and one by the City Council ~~and one elected by and representing employees.~~ Commissioners shall be selected using merit-based criteria and shall have appropriate expertise and objectivity regarding disciplinary and promotional decisions. The Commissioners' terms shall be staggered: Initial appointments to the three Commissioner positions shall be for one year (Mayoral appointment); two years (Council appointment); and three years

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~~(Mayoral appointment). Subsequently, the term of each Commissioner shall be three full years; provided, that the term of the first Council Commissioner shall be two years and the term of the first Mayor's Commissioner shall be one year. Each term shall commence on January 1st, and appointments to fill vacancies shall be for the unexpired term. A Commissioner shall be eligible to serve three full terms, plus any time spent in filling a vacancy for an unexpired term or in a shortened, initial term.~~ Two Commissioners shall constitute a quorum.

Commissioners may receive compensation for their services as may be fixed from time to time by ordinance.

- ~~B. Officers and employees in the Mayor's office, on the City Council staff, and on the Public Safety Civil Service Commission staff, and employees holding exempt positions City of Seattle and prior SPD employees shall be ineligible for the office of Commissioner.~~
- ~~C. All regular and probationary employees who are members of this system are eligible to vote for an employee selected Public Safety Civil Service Commissioner.~~
- ~~D. Election shall be administered by the City Clerk. Election shall be held during the week beginning on the first Monday in November, 1987, and every third year thereafter. The City Clerk shall give notice of such election and furnish ballots therefor. Balloting shall be permitted by mail postmarked between the hours of 12:01 a.m. Monday to 12 midnight of the succeeding Friday of the election week. Provided however that when there is a holiday during that week, ballots may be postmarked no later than 12 midnight the following Monday. Ballots may also be deposited during regular office hours at polling places prescribed by the City Clerk.~~
- ~~E. Not earlier than the first Monday in October 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 Clerk, on a form furnished by the City Clerk.~~
- ~~F. 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 runoff election at a date and time to be determined by the City Clerk. The runoff election be scheduled so that completion of balloting and certification shall occur before 5 P.M. on the last business day of December of the election year. Notice and balloting shall be the same as for a regular Commissioner's election.~~
- ~~G. 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.~~
- ~~H. 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.~~
- ~~I. Candidates for Public Safety Civil Service Commission shall comply with the terms of the Fair Campaign Practices Chapter 2.04 regarding filing of disclosure statements regarding campaign financing.~~
- J. Pursuant to the City Charter Article XIX, Commissioners may be removed for cause by the City Council following a hearing and the Mayor's appointees may also be removed by the Mayor upon filing a statement of reasons therefor.

(Ord. [123744](#), § 2, 2011; Ord. 118337 § 2, 1996; Ord. 117242 § 8, 1994; Ord. 116368 § 85, 1992; Ord. 112606 § 1, 1985; Ord. 109358 § 1, 1980; Ord. 107791 § 4, 1978.)

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4.08.050 - Organization of ~~C~~ommission—Executive Director.

- A. 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.
- B. The Commission, jointly with the Civil Service Commission pursuant to Section 4.04.250, shall appoint an Executive Director, who shall keep the records for the Commission, preserve all reports made to it, and perform such other duties as the Commission may prescribe.
- C. Should the position of Executive Director be filled by appointment of a Public Safety Civil Service employee, such employee, if removed as Executive Director 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 Executive Director.

(Ord. [123744](#), § 3, 2011; Ord. 120658 § 5, 2001; Ord. 107791 § 5, 1978.)

4.08.060 - Jurisdiction.

- A. The Public Safety Civil Service system includes and is limited to, and the provisions of this chapter apply only to police special recruits, police recruits, police officers, police sergeants, police lieutenants, and police captains; and fire fighter prerecruits, fire fighters, fire lieutenants, fire captains, fire battalion chiefs, and fireboat pilots, fireboat engineers, and assistant fireboat engineers.
- B. Appointments and promotions to the positions:
 - 1. Above the rank and position of Battalion Chief in the Fire Department shall be made by assignment from the ranks and positions of Battalion Chief or Captain in the Seattle Fire Department 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.
 - 2. Above the rank and position of Police Captain in the Police Department shall be made by:
 - a. Assignment from the ranks and positions of Captain or Lieutenant in the Police Department, provided that any officer so assigned shall, in the event of removal, have the right to resume the rank and position from which he or she was so assigned; or
 - b. Appointment from outside of the Police Department of a law-enforcement officer who shall serve at the sole discretion of the Chief of Police, but who, in the event of removal, shall not have the right to any other position in the Police Department.

(Ord. 124415, § 1, 2014; Ord. 112821 § 1, 1986; Ord. 109358 § 2, 1980; Ord. 107791 § 6, 1978.)

4.08.070 - Powers and duties of Commission.

The Commission shall:

- A. Make suitable rules to carry out the purposes of this chapter and for examination, appointments, promotions, transfers, demotions, reinstatements, suspensions, layoffs, discharges, and any other matters connected with the purposes of this chapter. Such rules may be amended, modified or rescinded from time to time and all rules and amendments thereof shall be printed for free public distribution.

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- B. Classify for purposes of examination, all positions covered by this system. No appointments or promotions shall be made to or from positions covered by this system except as provided in this chapter or as set forth in the effective collective bargaining agreement between the City and the exclusive bargaining agent of such employees, as approved by ordinance, to the extent such procedures are inconsistent with those set forth herein.
- C. With the support of the Seattle Human Resources Director pursuant to Section 4.04.040, prepare and administer examinations, which shall be 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 Commission's judgment graded examination is not practicable. Such examinations 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.
- D. With the support of the Seattle Human Resources Director, 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 years.
- E. With the support of the Seattle Human Resources Director, provide notice of the time, place and general scope of every examination not less than ten days preceding such examination, and for promotional exams by posting in the Commission office and in Police and Fire Department offices for not less than 90 days, and by other notice deemed reasonable or necessary by the Commission.
- F. With the support of the Seattle Human Resources Director, 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.
 - 1. Veteran's Preference. Veteran's preference in examination and appointment shall be granted as required by federal and state law including RCW 41.08.040 and 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.
 - 2. Language Preference. An applicant for an SPD position deemed fluent in a language other than English may be entitled to have 10 percent credit added to his or her examination score for initial hiring or promotion. To receive such credit on his or her examination score, the applicant's fluency will be verified by the hiring authority based on a measure to be established by the Department.
 - 3. Community Service/Work Experience Preference. An applicant for an SPD position who has completed service in the Peace Corps, AmeriCorps or other verified equivalent work experience or community service of two years or more may be entitled to have 10 percent credit added to his or her examination score. An applicant seeking credit for service in the Peace Corps must present a Peace Corps Description of Service (DOS) certifying completion of their service in the Peace Corps. To receive such credit on his or her examination score, an applicant's equivalent work experience or community service will be assessed by the hiring authority based on standards to be established by the Department. For example, equivalent work experience or community service might include professional or volunteer experience providing domestic violence counseling, mental health care, or social services. The equivalent work experience or community

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service must be confirmed through regular Department background verification processes.

4.4. No applicant for an SPD position may receive more than a single 10 percent credit, which may be either for Veteran's Preference, Language Preference, or Community Service Preference.

- G. When an entry level position is to be filled, certify to the appointing authority the names of candidates in the top 25 percent of the eligible register or the top six candidates, whichever number is larger. When a vacant position other than entry level is to be filled, certify to the appointing authority to names of the top five candidates. In either circumstance, where more than one position in a class is to be filled, certify one additional name of the person 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.
- H. If there are no registers for a class, authorize temporary, provisional appointment to the vacant position. A provisional appointment shall not continue for a period longer than four months, and no person shall receive more than one (1) provisional appointment or serve more than four months as provisional appointee in any 12 month period.
- I. Make investigations concerning the enforcement and effect of this chapter and the rules prescribed hereunder; and inspect all offices, places, positions and employments affected by this chapter and ascertain whether this chapter 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.
- J. To hear and determine appeals or complaints respecting the administration of this Chapter, including, but not limited to, all appeals affecting discipline of SPD employees as defined in SMC 4.080.060(A). In hearing police discipline cases, the Commission may delegate its authority to conduct hearing appeals to a Hearing Officer that it retains, subject to Commission review. The Commission must ensure that any individual appointed as a Hearing Officer for an appeal has appropriate expertise and objectivity regarding police disciplinary decisions.
- K. With the support of the Seattle Human Resources Director, maintain a roster of employees of this system, and other records as may be necessary for proper administration of this chapter, and provide all necessary records to the Seattle Human Resources Director for inclusion in the City's personnel management information records system.
- L. Recommend from time to time such City legislation as the Commission may deem advisable for the betterment of this system and/or its administration.
- M. Comply with the procedures regarding the promotions of police officers and sergeants set forth in the effective collective bargaining agreement between the City and the exclusive bargaining agent of such employees, as approved by ordinance, to the extent such procedures are inconsistent with those set forth herein.
- N. Jointly with the Civil Service Commission, supervise the Executive Director.

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(Ord. 124567, § 24, 2014; Ord. 124157, § 1, 2013; Ord. [123744](#), § 4, 2011; Ord. 121747, § 4, 2005; Ord. 120658, § 6, 2001; Ord. 119276, § 1, 1998; Ord. 118709, § 1, 1997; Ord. 107791, § 7, 1978.)

4.08.080 - Affirmative action.

Personnel actions regarding employees covered by the system set forth in this chapter shall be subject to and consistent with the City's affirmative action plan as adopted by Ordinance 109112 and as subsequently amended. ⁽¹³⁾

(Ord. 109112 § 7, 1980; Ord. 107791 § 8, 1978.)

Footnotes:

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Editor's note— The Personnel Ordinance is codified in Chapter 4.04 of this Code.

4.08.090 - 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.

(Ord. 121747 § 5, 2005; Ord. 120658 § 7, 2001; Ord. 107791 § 9, 1978.)

4.08.105 - Tenure of employment for police officers—Removal in good faith for cause.

A. The tenure of every police officer who is an employee under this system shall be only during good behavior and acceptable job performance, and any such employee may be removed, suspended, demoted, or discharged in good faith for cause. Suspensions shall not exceed thirty (30) days.

1. Any employee removed, suspended, demoted, or discharged may within ten days from the date of electronic service of the final disciplinary decision by the Chief of Police, file with the Commission a written notice of appeal. The notice of appeal may be filed electronically, and the employee shall submit copies of this notice to the City Attorney and the Chief of Police.

2. The Commission shall ensure that a hearing is conducted as soon as practicable, but in no event later than three months after submission of the notice of appeal. The hearing shall be confined to the determination of whether the employee's removal, suspension, demotion, or discharge was made in good faith for cause.

3. Within 30 days of a hearing conducted by the Hearing Officer, the Hearing Officer shall issue a recommended decision. If neither party files written objections to the recommended decision within 20 days of the date of the decision, the recommended decision shall be the final decision of the Commission. If either party objects to the decision, the Commission shall set a schedule for briefs and oral argument. The oral argument shall occur in a public meeting of the Commission and shall be held within 60 days of the date of the recommended decision. The Commission will review the recommended decision and, within 30 days of the oral argument, issue a final determination whether the disciplinary decision was in good faith for cause, giving deference to

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- the factual findings of the Hearing Officer. Both the recommended decision and the final decision should affirm the disciplinary decision unless the Commission specifically finds that the disciplinary decision was not in good faith for cause, in which case the Commission may reverse or modify the discipline to the minimum extent necessary to achieve this standard.
4. The final decision of the Commission shall be certified in writing to the Chief of Police and shall be forthwith enforced by the Chief.
5. Any failure by the City to adhere to a deadline in this Chapter will not, in itself, invalidate the Chief's disciplinary decision. The PSCSC may, however, consider missed deadlines in determining whether the disciplinary decision is in good faith for cause.
- B. All hearings pursuant to this section shall be open to the public. Hearings shall be held after due notice of the time and place of hearing to the affected employee. The employee has the right to union and legal representation of his/her choosing and at his/her own expense. Hearings and related deadlines shall not be delayed due to the unavailability of the City's or the employee's union representative or legal counsel.
- A.C. The Commission shall cause to be made a record of all such hearings. Upon request, the Commission shall furnish such record to the employee.

4.08.100 - Tenure of employment for firefighters—Removal for cause.

- A. The tenure of every regular employee who is a member of this system and employed by the Seattle Fire Department (SFD) 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 SFD 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, a duplicate of which shall be served upon the employee. Any regular SFD 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 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.
- B. 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 hearing to the affected employee. The employee has the right to representation of his/her choosing and at his/her own expense.
- C. The Commission shall cause to be made a record of all such hearings. Upon request, the Commission shall furnish such record to the employee.
- D. 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 ^[14] shall be referred by

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the Commission to the rights agency of the City having jurisdiction over such complaints for its recommendation as to appropriate settlement of the case.

(Ord. 107791 § 10, 1978.)

Footnotes:

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Editor's note— The Fair Employment Practices Ordinance is codified in Chapter 14.04 of this Code.

4.08.110 - Filling of vacancies—Probationary period.

- A. Whenever a position covered by this system becomes vacant, the appointing authority, if it desires to fill the vacancy, shall make requisition upon the Commission for the names and addresses of persons eligible for and willing to accept the appointment. The appointing authority shall fill such vacancies by appointment from the register of persons certified by the Commission thereafter. To facilitate the selection of appointees from the persons so certified, the appointing authority may require such persons to come before him/her and shall be entitled to inspect such persons' application and examination papers, and may fill such positions by appointment from the persons so certified without regard to their order of certification.
- B. No appointment, employment or promotion in this system shall be deemed complete until after the expiration of a period of one year's probationary service. Before the expiration of the period of probation, the appointing authority may discharge or, in the case of a promotion, demote an appointee upon filing in writing the reasons therefore with the Seattle Human Resources Director and the Commission. If an appointee is not then discharged or demoted, his/her appointment shall be deemed complete.

(Ord. 124567, § 25, 2014; Ord. 121747 § 6, 2005; Ord. 120658 § 8, 2001; Ord. 107791 § 11, 1978.)

4.08.120 - Performance evaluation.

The performance of employees covered by this system shall be evaluated in accordance with rules adopted by the respective appointing authorities.

(Ord. 107791 § 12, 1978.)

4.08.130 - Training programs.

The appointing authorities shall from time to time adopt and administer training programs for their respective departments, subject to provisions of the affirmative action plan. [\[15\]](#)

(Ord. 107791 § 13, 1978.)

Footnotes:

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Cross reference— The affirmative action program is codified in Chapter 4.80 of this Code.

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4.08.140 - 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 chapter.
- D. Employees have the right to fair and equal treatment as provided in Ordinance [102562](#), as amended (Seattle Fair Employment Practices Ordinance). ¹¹⁶¹
- E. Employees may bargain collectively through representatives of their own choosing, pursuant to RCW Chapter 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). ¹¹⁷¹
- 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.
- I. Employees have the right to report an "improper governmental action" to an "auditing official," another government official or a member of the public, to cooperate in an investigation, and to testify in a proceeding thereon, and to be protected from "retaliatory action" for doing so. (Each term in quotation marks is defined in Section 4.20.850.)

(Ord. 115464 § 3, 1990; Ord. 107791 § 14, 1978.)

Footnotes:

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Editor's note— The Fair Employment Practices Ordinance is codified in Chapter 14.04 of this Code.

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Editor's note— The Ethics Ordinance is codified in Chapter 4.16 of this Code.

4.08.150 - Salary or wages not paid except to those lawfully appointed.

The Director of Finance and Administrative Services shall not approve, or 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.

(Ord. 123361, § 73, 2010; Ord. 120794 § 49, 2002; Ord. 116368 § 86, 1992; Ord. 107791 § 15, 1978.)

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4.08.160 - Prohibited employee conduct.

- A. It is unlawful for anyone to wilfully or corruptly, by himself or in collusion with one (1) 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 wilfully or corruptly make any false representation concerning the same or concerning the person examined, or wilfully 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 so examined, or to be examined, to be appointed, employed or promoted.
- B. It is unlawful for any person to:
1. Solicit political support from City employees during the employee's working hours; or
 2. Grant or promise to grant any act or thing of value to a City employee in return for the employee's giving him/her special consideration in the course of the employee's business; or
 3. Withhold or threaten to withhold any right or benefit of an employee, or to bring or threaten to bring any disciplinary charge conditioned on the employee's according special consideration to that person, in the employee's course of business; or
 4. To use City property or materials to engage in solicitations other than for City purposes, or for political campaign purposes; or
 5. If a City employee, solicit for other than City purpose or engage in political campaigning, on City time.

(Ord. 107791 § 16, 1978.)

4.08.170 - 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 any office, place, position or employment under the jurisdiction of the Commission and shall also produce the books, papers, documents and accounts and attend and testify whenever requested by the Commission to do so.

(Ord. 107791 § 18, 1978.)

4.08.180 - Collective bargaining.

The adoption of this chapter shall not affect the provisions of any existing collective bargaining agreement.

(Ord. 107791 § 19, 1978.)

4.08.190 - 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 authorized and made:

- A. Upon the effective date of the ordinance codified in this chapter, ¹ the appointment of each employee covered by this system is ratified and confirmed.

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- B. Upon the effective date of the ordinance codified in this chapter, ¹ 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 chapter.
- C. Upon the effective date of the ordinance codified in this chapter, ¹ 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 chapter.
- D. Provisional appointments to positions covered by this system shall on May 1, 1979, be deemed vacant and the incumbent thereof shall not be reappointed to such position except as provided in this chapter.
- E. Upon the effective date of the ordinance codified in this chapter, ¹ 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 or the Commission's newer rules, if any, whichever set of rules is deemed fairer to the employee.
- F. Upon the effective date of the ordinance codified in this chapter, ^[18] the existing job classifications in this system are ratified and confirmed, and shall remain in effect until changed.

(Ord. 107791 § 20, 1978.)

Footnotes:

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Editor's note— Ord. 107791 became effective on January 10, 1979.

4.08.200 - Temporary replacements.

The Public Safety Civil Service Commission may appoint a temporary replacement to participate in its proceedings on a particular matter with full speaking and voting rights of a member when:

- A. The Commission is hearing an appeal under Section 4.08.100 or otherwise acting in an adjudicatory capacity; and
- B. The member is disqualified from acting by reason of interest or other cause or is excused in order to preserve fairness or an appearance of fairness to the Commission's proceedings.

Commission's proceedings with a temporary replacement shall be valid to all intents and purposes. The appointment of a temporary replacement shall not reduce the rights or privileges of the regular member, who is excused from acting on the particular matter, with respect to any other matters or proceedings of the Commission.

(Ord. 108077 § 1, 1979; Ord. 107791 § 23, 1978.)

4.08.210 - Penalties.

Any person who violates any of the provisions of Section 4.08.160 shall, upon conviction thereof, be fined in an amount not to exceed Five Hundred Dollars (\$500) and/or imprisoned in the City Jail for a

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period not to exceed one hundred eighty (180) days. In addition, such violation shall constitute good cause for dismissal or other discipline at the discretion of the appointing authority.

(Ord. 107791 § 17, 1978.)