

December 2, 2022

MEMORANDUM

To: Seattle City Council
From: Karina Bull, Analyst
Subject: Council Bill 120468: Fourth Quarter 2022 Employment Ordinance

On December 6, 2022, the City Council (Council) will discuss and may vote on [Council Bill \(CB\) 120468](#), the Fourth Quarter Employment Ordinance. This memo provides an overview of the legislation and describes potential impacts.

Overview

The Council authorizes certain City of Seattle (City) personnel actions through quarterly employment ordinances. In the Fourth Quarter 2022 Employment Ordinance, Council would authorize the Seattle Department of Human Resources (SDHR) Director to: (1) return one position to the civil service system, (2) exempt two positions from the civil service system, and (3) establish two job titles with corresponding rates of pay.

1. Return one position to the civil service system

The SDHR Director has determined that the work performed by one position no longer meets the criteria for civil service exemption and recommends returning this position to the civil service system. See Table 1 for information on this position.

Table 1. Position that would return to civil service

	Department	Original Classification (Exempt)	New Classification (Civil Service)	Vacancy Status
1	Office for Civil Rights	Manager 2, Exempt	Manager 3, General Government	Filled

Civil service provides a range of job protections for City employees, including merit-based hiring and promotions, opportunity for employees to correct performance issues, and “for cause” termination (i.e., termination based only on unsatisfactory job performance). In contrast, employees exempt from civil service may be appointed without a competitive hiring process and are subject to “at-will employment” (i.e., employment that may be terminated at any time for any reason not prohibited by law).

The [City Charter Article XVI, Section 3](#)¹ requires civil service membership for all City employees except for those in positions specifically exempted from civil service in the Charter and [Seattle Municipal Code \(SMC\) 4.13](#).² In total, about 90 percent of City employees are in the civil service.

The SDHR Director has authority under [Personnel Rule 2.2](#) to determine whether a position is exempt from civil service under SMC 4.13. The Director may exempt the following types of positions:

- Positions requiring a particularly high degree of professional responsiveness and individual accountability;
- Positions requiring a confidential or fiduciary relationship with the appointing authority; or
- Judicial positions requiring insulation as a third branch of government.

After making this determination, the SDHR Director may submit legislation to Council that recommends returning a position to civil service or exempting the position from civil service. Council also has authority to introduce legislation on civil service classification.

2. Exempt two positions from the civil service system

The SDHR Director has determined that the work performed by two positions meet the criteria for civil service exemption and recommends exempting these positions from the civil service system. The SDHR Director’s recommendation for exemptions will only take effect upon approval by two-thirds vote of the Council. See Table 2 for information on these positions.

Table 2. Positions that would be exempted from civil service

	Department	Original Classification (Exempt)	New Classification (Civil Service)	Vacancy Status
1	Law Department	Administrative Staff Assistant	Executive Assistant	Filled
2	Seattle Fire Department	Manager 2, General Government	Executive 2	Filled

¹ Under the Charter, positions exempted from civil service include elected officers, certain appointive offices, assistant city attorneys, heads of departments, members of boards and commissions, and additional positions exempted by legislation approved by two-thirds vote of the Council.

² Under SMC 4.13, positions exempted from civil service include identified job titles in all employing units and specific positions. Examples of exempted job titles include temporary employees, interns, administrative secretaries, executives, office/maintenance aides, and exempt strategic advisors, managers, and information technology professionals. Examples of specific positions include electric utility executives at Seattle City Light, administrative staff and executive assistants identified by position number, and all directors of offices in the Executive Department.

3. Establish two job titles with corresponding rates of pay

The SDHR Director recommends establishing two job titles with corresponding rates of pay for positions in Seattle City Light (SCL). These positions would operate the Conservation Fish Hatchery Program in Usk, Pend Oreille County, in northeast Washington, scheduled to open in 2023. The job titles would be effective as of January 1, 2023, and SCL intends to fill the positions in the first quarter of 2023. See Table 3 for information on these job titles.

Table 3. New Job titles and corresponding rates of pay

	Department	Job Title	2022 Salary Rates
1	SCL	Conservation Fish Hatchery Operator	\$30.72 - \$31.86 - \$33.14 - \$34.47 - \$35.74
2	SCL	Conservation Fish Hatchery Supervisor	\$41.66 - \$43.34 - \$44.95 - \$ 46.68 - \$48.48

Potential Impacts of CB 120468

Financial Impacts

There would be no direct costs associated with these personnel actions. Any discretionary costs that might be associated with an incumbent’s change in civil service status or establishing an employee’s pay would be absorbed by the department’s existing budget authority and would not require appropriation of new funds. Notably, the 2023 Adopted Budget includes funds for the fish hatchery positions in SCL’s boundary license mitigation program for Native Salmonid Conservation.

Racial Equity Impacts

This legislation would return one filled position to civil service status and exempt two filled positions from civil service.

Increasing the number of positions with civil service status would support the City’s commitment to eliminating racial disparities and achieving workforce equity.³ The City’s [2021 Workforce Equity Update](#) reports that Black, Indigenous, and People of Color (BIPOC) employees, and especially BIPOC women, are underrepresented at the top levels (e.g., supervisors and high wage earners) of City employment when compared to the general population. Increasing the number of positions with civil service protections, especially those with opportunities for higher pay and/or additional benefits, could achieve more equity for BIPOC employees by requiring a competitive hiring process and removing the barriers that

³ In the City’s 2021 Workforce Equity Update Report, “workforce equity” is defined as (1) when the workforce is inclusive of people of color and other marginalized or under-represented groups at a rate representative of the greater Seattle area at all levels of government and (2) where institutional and structural barriers impacting employee attraction, selection, participation, and retention have been eliminated, enabling opportunity for employment success and career growth.

create risk and uncertainty for employees seeking career growth. In this legislation, the position recommended for return to civil service would also be reclassified at a higher level (i.e., from Manager 2 to Manager 3), thereby increasing opportunities for both job security and compensation.⁴

Exempting positions from civil service creates greater risk for employees and has workforce equity implications. However, the Charter provides a right for any person appointed to an exempt position from civil service to return to the same or a like position in civil service upon termination of the appointment, unless the person is dismissed for cause. Changing the civil service status for some positions can also increase earning potential. In this legislation, the positions recommended for civil service exemption would be reclassified in positions that are automatically exempt under SMC 4.13 with an increased range of compensation.⁵

Recognizing the workforce equity implications of civil service exemptions, SDHR is updating and refining the civil service exemption process to ensure more consistency and equity in the Director's recommended personnel actions. SDHR is undertaking this effort alongside a full compensation and classification program review, last performed over 30 years ago. Additionally, SDHR has already partnered with the City Budget Office and Finance Managers to modify internal practices, such as prioritizing civil service status for new positions and decreasing the number of exemption requests submitted to Council.

Please contact me if you have questions about this proposed legislation.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Yolanda Ho, Lead Analyst

⁴ [City's 2022 Salary Schedule and Compensation Plan](#) (Manager 2 \$47.85-\$71.80 to Manager 3 \$52.36-\$78.53).

⁵ *Id.* (Administrative Staff Assistant \$35.05-\$36.47-\$37.84-\$39.28-\$40.86 to Executive Assistant \$47.57-\$49.49-\$51.39-\$53.45-\$55.44; Manager 2 \$47.85-\$71.80 to Executive 2 \$56.58-\$93.34).