

December 1, 2021

MEMORANDUM

To: Seattle City Council
From: Karina Bull, Analyst
Subject: Council Bill 120237: Fourth Quarter Employment Ordinance

On December 6, 2021, the Seattle City Council (Council) will discuss and may vote on [Council Bill \(CB\) 120237](#), the Fourth Quarter Employment Ordinance. This memo summarizes the background and content of the legislation. Central Staff has not identified issues for Council’s consideration.

Background

The Council authorizes certain City of Seattle (City) personnel actions through quarterly employment ordinances. The Seattle Department of Human Resources (SDHR) transmitted the Fourth Quarter Employment Ordinance for Council’s authorization to return two positions to civil service and exempt twelve positions from civil service.

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). 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](#) requires civil service membership for all City employees except for those in exempted positions identified by the Charter and [Seattle Municipal Code \(SMC\) 4.13](#). In total, about 90 percent of City employees are in the civil service.

Under the Charter, the following positions are exempted from civil service:

- Elected officers;
- Specified 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.

Under SMC 4.13, “additional positions” exempted from civil service include general categories of positions, such as temporary employees, interns, administrative secretaries, executives,

office/maintenance aides and exempt strategic advisors, managers, and information technology professionals. Specific exempt positions include electric utility executives at Seattle City Light, executive assistants with identified position numbers, and all positions in certain departments except for clerical positions classified in the Administrative Support class series.

The SDHR Director has authority under [Personnel Rule 2.2](#) to determine whether positions merit designation to civil service or exemption. SMC 4.13.010 establishes criteria for this determination by limiting civil service exemption to the following 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. The SDHR Director’s recommendation for exemptions will only take effect upon approval by two-thirds vote of the Council. Council also has authority to introduce legislation on civil service classification.

CB 120237

This legislation would establish Council approval for the following personnel actions:

A. Return two positions to the civil service system

The SDHR Director has determined that the work performed by two positions no longer meets the criteria for civil service exemption and recommends returning these positions to civil service. See Table 1 for a list of these positions.

Table 1. Two positions that would return to civil service

	Original Classification (Exempt)	New Classification (Civil Service)	Department	Vacancy Status
1	Strategic Advisor 2, Exempt	Strategic Advisor 2, Finance, Budget, and Accounting	Office of Emergency Management	Filled
2	Strategic Advisor 1, Exempt	Strategic Advisor 1, General Government	SDHR	Filled

B. Exempt 12 positions from the civil service system

The SDHR Director has determined that the work performed by twelve positions meets the criteria for civil service exemption and recommends exempting these positions from civil service. See Table 2 for a list of these positions.

Table 2. Twelve positions that would be exempted from civil service

	Original Classification (Civil Service)	New Classification (Exempt)	Department	Vacancy Status
1	Manager 3, Engineering & Plans Review-Bargaining Unit	Executive 2	Seattle City Light (SCL)	Filled
2	Information Technology Professional B-Bargaining Unit	Information Technology Professional A, Exempt	SCL	Vacant
3	Manager 3, Engineering & Plans Review	Executive 2	Seattle Public Utilities (SPU)	Filled
4	Manager 2, General Government	Executive 1	SPU	Filled
5	Manager 3, Engineering & Plans Review	Executive 2	Seattle Department of Transportation (SDOT)	Filled
6	Civil Engineer, Senior	Executive 2	SDOT	Filled
7	Manager 3, Purchasing, Contracting, and Risk Management	Executive 2	Finance and Administrative Services	Vacant
8	Information Technology Professional B-Bargaining Unit	Information Technology Professional A, Exempt	Seattle Information Technology	Filled
9	Accounting Tech 3	Accountant	Law Department	Filled
10	Management Systems Analyst, Supervisor	Manager 1, Exempt	SDHR	Filled
11	Strategic Advisor 2, General Government	Strategic Advisor 2, Exempt	Office of Economic Development	Filled
12	Manager 3, General Government	Manager 3, Exempt	FAS	Filled

Financial Impacts

There would be no direct costs associated with these personnel actions. Any costs that might be associated with an incumbent’s change in civil service status would be absorbed by the department’s existing budget authority and would not require appropriation of new funds.

Racial Equity Impacts

This legislation would authorize SDHR to take specific actions related to civil service status. As SDHR has not submitted demographic information for these actions, the following analysis is based on broad observations.

Returning positions to civil service could support the City's commitment to workforce equity. The [City's 2021 Workforce Equity Technical Report](#) finds that Black, Indigenous, 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, especially higher-paying positions, with civil service protections could achieve more equity for BIPOC employees by removing the barriers that create risk and uncertainty for employees seeking career growth. Further, the two positions in this legislation that would return to civil service are Strategic Advisor positions. According to SDHR, such positions are often the first type of jobs for employees moving out of step-placement positions and seeking career mobility. Strategic Advisor positions that offer job stability and financial security could attract a greater diversity of candidates and/or increase job retention for BIPOC employees in such positions.

Exempting positions from civil service creates greater risk for employees. Notably, 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. Additionally, changing the civil service status for some positions can increase earning potential. Ten of the twelve positions (positions 1-10) recommended for civil service exemption would be assigned a new job classification, automatically exempt under SMC 4.13, with an increased range of compensation. The remaining two positions would be assigned a new job classification with the same earning potential. For both types of actions, SDHR is developing a process that would bring greater clarity to their review of criteria for civil service exemptions to ensure greater consistency and equity in the Director's recommended personnel actions. SHDR estimates completion of this process in the second quarter of 2022.

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

cc: Esther Handy, Director
Dan Eder, Deputy Director