

March 3, 2023

## MEMORANDUM

**To:** Seattle City Council  
**From:** Karina Bull, Analyst  
**Subject:** Council Bill 120517: First Quarter 2023 Employment Ordinance

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On March 7, 2023, the City Council (Council) will discuss and may vote on [Council Bill \(CB\) 120517](#), the First 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 First Quarter 2023 Employment Ordinance, Council would authorize the Seattle Department of Human Resources (SDHR) Director to: (1) return three positions to the civil service system, (2) exempt one position from the civil service system, and (3) establish a new job title with corresponding rates of pay.

#### 1. Return three positions to the civil service system.

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

*Table 1. Positions that would return to civil service.*

	Department	Original Classification (Exempt)	New Classification (Civil Service)	Vacancy Status
1	Finance and Administrative Services (FAS)	Strategic Advisor 2, Exempt	Strategic Advisor 2, General Government	Vacant (two positions)
2	SDHR	Manager 2, Exempt	Manager 2, 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](#)<sup>1</sup> 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](#).<sup>2</sup> 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 one position from the civil service system.

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

*Table 2. Position that would be exempted from civil service.*

	Department	Original Classification (Exempt)	New Classification (Civil Service)	Vacancy Status
1	Seattle City Light (SCL)	n/a (contract-in position) <sup>3</sup>	Information Technology Professional A, Exempt	Vacant

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup>With approval from the City Budget Office, SDHR can issue up to 25 "contract-in" positions through the Workforce Analytics & Reporting Unit (WARU). These positions are available for project-based work when the department can demonstrate cost savings by hiring an employee rather than a contractor. Each request for one or more contract-in positions has an accompanying sunset date -- typically three years from the start of use but up to five years upon extension. The anticipated sunset date for this position is November 5, 2025.

3. Establish new job title with corresponding rates of pay.

The SDHR Director recommends establishing a new job title with corresponding rates of pay for a position in FAS. The job title of “Veterinary Assistant” would support a newly defined body of work to support the department’s operational needs and create an entry-level classification for the Veterinary Technician series to provide career growth opportunity. The job title would become effective as of January 1, 2023. See Table 3 for information on this job title.

*Table 3. New job title and corresponding rates of pay.*

	Department	Job Title	2022 Salary Rates
1	FAS	Veterinary Assistant	\$24.92 – \$26.05 – \$26.99 – \$28.00 – \$29.03

## Potential Impacts of CB 120517

### 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. The 2023 Adopted Budget includes funds in FAS for Veterinary Technician positions that could be underfilled using the new job title.

### Racial Equity Impacts

Increasing the number of positions with civil service status would support the City’s commitment to eliminating racial disparities and achieving workforce equity.<sup>4</sup> 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 create risk and uncertainty for employees seeking career growth.

Establishing a new job title for an entry-level classification could also support workforce equity by recruiting a broader range of applicants and supporting career growth within the department.

Exempting positions from civil service creates greater risk for employees and could undermine workforce equity. 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.

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<sup>4</sup> 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.

Recognizing the workforce equity implications of civil service exemptions, SDHR has partnered with the City Budget Office and Finance Managers to prioritize civil service status for new positions and decrease the number of exemption requests submitted to Council. Additionally, SDHR is developing plans (including cost estimates) to refine the civil service exemption process to ensure more consistency and equity in the Director's recommended personnel actions. Pending funding, SDHR intends to undertake this effort alongside a full compensation and classification program review, last performed over 30 years ago.

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

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