

June 14, 2022

MEMORANDUM

To: Seattle City Council
From: Karina Bull, Analyst
Subject: Council Bill 120347: Second Quarter 2022 Employment Ordinance

On June 22, 2022, the City Council (Council) will discuss and may vote on [Council Bill \(CB\) 120347](#), the Second 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 Second Quarter 2022 Employment Ordinance, Council would authorize the Seattle Department of Human Resources (SDHR) Director to: (1) return seven positions to the civil service system; (2) exempt one position from the civil service system; and (3) amend Seattle Municipal Code (SMC) 4.13.010 to reflect classification or civil service changes to three positions.

1. Return seven positions to the civil service system

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

Table 1. Positions that would return to civil service

	Department	Original Classification (Exempt)	New Classification (Civil Service)	Vacancy Status
1	Office for Civil Rights (OCR)	Strategic Advisor (SA) 1, Exempt - L17	SA 1, General Government – L17	Filled
2	OCR	Manager 2, Exempt	Manager 2, General Government-BU	Filled
3	Office of Economic and Revenue Forecasts	SA 1, Exempt	Strategic Advisor, Finance, Budget & Accounting	Vacant
4	Office of Immigrant and Refugee Affairs	SA 1, Exempt	Planning & Development Specialist 2	Vacant
5	Office of Sustainability and Environment	SA 1, Exempt	SA 1, General Government	Filled
6	Office of Arts and Culture	SA 1, Exempt	Arts Program Specialist	Vacant
7	Community Safety and Communications	SA 1, Exempt	Personnel Specialist, Senior	Vacant

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](#)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. 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.

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.

2. Exempt one position from the civil service system

The SDHR Director has determined that the work performed by one position no longer meets the criteria for civil service and recommends exempting the position from the civil service system. See Table 2 for information on this position.

Table 2. Position that would be exempted from civil service

	Department	Original Classification (Civil Service)	New Classification (Exempt)	Vacancy Status
1	Human Services Department (HSD)	Personnel Specialist, Supervising	Executive 2	Vacant

3. Amend SMC 4.13.010 to reflect classification or civil service changes to three positions

The SDHR Director has determined that the work performed by three positions meets the criteria for a classification or civil service change that must be reflected in SMC 4.13.010. See Table 3 for information on these positions.

Table 3. Positions with classification or civil service changes

	Department	Original Classification	New Classification or Civil Service Designation	Vacancy Status
1	Legislative Department	Paralegal, Exempt	SA-Legislative, Exempt	Filled
2	Seattle Police Department	Victim Advocate-BU, Exempt	Victim Advocate-BU, transferred to HSD and returned to civil service system	Filled
3	Seattle Center	Executive Assistant, Senior Exempt	SA 1, Exempt	Filled

Potential Impacts of CB 120292

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 return seven positions to civil service status. Increasing the number of positions with civil service status could support the City's commitment to eliminating racial disparities and achieving workforce equity.³

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

The City's [2021 Workforce Equity Update](#) reports 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 requiring a competitive hiring process and removing the barriers that create risk and uncertainty for employees seeking career growth.

Notably, three of the positions in this legislation that would return to civil service are Strategic Advisor positions. According to SDHR, Strategic Advisor 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 more job stability and financial security could attract a greater diversity of candidates and/or increase job retention of BIPOC employees in such positions.

Exempting positions from civil service creates greater risk for employees. 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. Additionally, changing the civil service status for some positions can increase earning potential. The position recommended for civil service exemption in this legislation would be re-classified as an Executive 2, a position that is automatically exempt under SMC 4.13 with an increased range of compensation.

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. While a full program review will take time, SDHR has already modified internal practices, working with the City Budget Office and Finance Managers on designating 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
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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.