

May 19, 2023

## MEMORANDUM

**To:** Seattle City Council  
**From:** Karina Bull, Analyst  
**Subject:** Council Bill 120578: Second Quarter 2023 Employment Ordinance

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On May 23, 2023, the City Council (Council) will discuss and may vote on [Council Bill 120578](#) 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 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 eight positions from the civil service system, and (3) amend the personnel code to remove abrogated positions.

#### 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	Department of Education & Early Learning	Strategic Advisor 1, Exempt	Strategic Advisor 1, General Government	Vacant
2	Seattle Public Utilities	Strategic Advisor 1, Exempt	Strategic Advisor 1, Customer Service, Public Information & Promotion	Vacant
3	Office of Planning & Community Development	Strategic Advisor 1, Exempt	Strategic Advisor 1, General Government	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). 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> Approximately 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 eight positions from the civil service system.

The SDHR Director has determined that the work performed by eight positions meets the criteria for civil service exemption and recommends exempting these positions from the civil service system. The SDHR Director’s recommendation for these 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.*

	<b>Department</b>	<b>Original Classification (Exempt)</b>	<b>New Classification (Civil Service)</b>	<b>Vacancy Status</b>
1	Seattle City Light	Energy Management Analyst	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.

	Department	Original Classification (Exempt)	New Classification (Civil Service)	Vacancy Status
2	Finance and Administrative Services	Information Technology Professional B-BU	Information Technology Professional A, Exempt	Vacant
3	City Attorney's Office	Administrative Specialist 1	Legal Assistant	6 Filled

3. Amend the personnel code to remove abrogated positions.

The SDHR Director recommends removal of two positions exempted from civil service under SMC 4.13.010 because the positions were abrogated in the City's 2021 Adopted Budget ([ORD 126237](#)). See Table 3 for information on these positions.

*Table 3. Removal of abrogated positions.*

	Department	Job Title
1	Seattle Police Department (SPD)	Administrative Staff Assistant
2	SPD	Management Systems Analyst

## Potential Impacts of CB 120578

### 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 reclassification would be absorbed by the department's existing budget authority and would not require appropriation of new funds.

### 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>3</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.

<sup>3</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.

Exempting positions from civil service creates greater risk for employees. In recognition of these risks, 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  
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