



Legislation Text

File #: CB 117419, Version: 1

ORDINANCE _____

AN ORDINANCE relating to City employment; amending the Seattle Municipal Code (SMC) Section 4.04.030 to expand the definition of seniority for the purpose of determining layoff order.

WHEREAS, pursuant to SMC 4.04.130(A), the Personnel Director is authorized to classify positions as appropriate; such change of a position's classification due to the gradual change of duties over a period of six months or longer that substantively changes its nature, scope or complexity is known as a "reclassification" and such change of a position's classification due to a deliberate management decision to assign to it a new body of work that substantively changes its nature, scope or complexity is known as a "reallocation," and;

WHEREAS, pursuant to SMC 4.04.030(36) and SMC 4.04.030(25), respectively, a "transfer" is the movement of an employee from one position to another position in the same class, or with the same maximum pay rate, and a "reduction" is the movement of an employee from a higher-paid position to a lower-paid position, not for cause; and

WHEREAS, the City seeks to establish a more equitable system for calculating seniority for the purpose of determining layoff order amongst civil service employees; and

WHEREAS, the City believes such equity is best achieved by providing that employees shall have time completed in their previous classifications counted towards seniority in their current classifications if they moved to their current classification by way of reclassification, reallocation, transfer, and/or reduction. NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.04.030 of the Seattle Municipal Code is amended as follows:

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25. "Reallocation" means the change in a position's classification because management has made a deliberate decision to assign to it a new body of work that substantively changes the position's nature, scope or complexity.

26. "Reclassification" means the change in a position's classification due to the gradual change of duties over a period of six months or longer that substantively changes the position's nature, scope or complexity.

~~((25))~~27. “Reduction” means the movement of an employee from a higher-paid position to a lower-paid position, not for cause.

~~((26))~~28. “Register” for Public Safety Civil Service employees means a list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

~~((27))~~29. “Regular employee” means an employee who has been appointed to a position within the classified service and who has completed a one (1) year probationary period of employment.

~~((28))~~30. “Reversion Recall List” means a list of regular employees who did not complete a trial service period. When such regular employees have been reverted to a position where no vacancy exists, they shall be removed from the payroll and placed on a Reversion Recall List for the class/department from which they were removed.

~~((29))~~31. “Revert” means to return a regular employee who has not successfully completed a trial service period to a vacant position in the same class and former department (if applicable) from which they were appointed.

~~((30))~~32. “Reinstatement” means reappointment of a regular employee from a reinstatement list to a position in a class in which regular status was previously held.

~~((31))~~33. “Sabbatical leave” means an unpaid leave of absence for which an employee may apply upon completion of seven (7) continuous years of full-time service, after which leave the employee is entitled to return to the position from which the leave was granted or to a position in the same employing unit that is substantially similar in level of duties, responsibilities and compensation.

~~((32))~~34. “Salaried employee” is one who is exempt from the provisions of the Fair Labor Standards Act (FLSA).

~~((33))~~35. “Seniority” means a regular employee’s length of continuous service in his or her present class and all higher classes since original regular appointment to that class; provided that if an employee’s regular appointment to his or her present class is the result of any position reclassification(s), reallocation(s), transfer(s) and/or reduction(s), then time spent in the previous class(es) shall also be included in the calculation of seniority for the purpose of determining layoff order.

~~((34))~~36. “Suspension” means the temporary discontinuation of an employee from employment for a specified period for cause or pending determination of charges against said employee, which charges could result in discharge or demotion.

~~((35))~~37. “Temporary worker” includes both temporary and less than half time employees and means a person who is employed in:

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~~((36))~~38. “Transfer” shall mean the movement of an employee from one position to another position in the same class, or with the same maximum pay rate.

~~((37))~~39. “Trial Service Employee” means an employee serving a Trial Service Period/Regular Subsequent Appointment as defined in 4.04.030~~(40)~~ ~~((38))~~.

~~((38))~~40. “Trial Service Period/Regular Subsequent Appointment” means a twelve (12) month trial period of employment of a regular employee beginning with the effective date of a subsequent, regular appointment from one classification to a different classification through promotion or transfer to a classification in which the employee has not successfully completed a probationary or trial service period or rehire from a Reinstatement Recall List to a department other than that from which the employee was laid off.

Section 2. Changes to the calculation of seniority as authorized by this ordinance shall become effective

the date authorized in Section 4 of this ordinance, and shall include time from reclassifications, reallocations, transfers, and/or reductions that occurred prior to the effective date of this ordinance and that occur on or after the effective date of this ordinance.

Section 3. This ordinance shall apply to all non-represented employees holding positions in the classified service.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this ____ day of _____, 2012.

President _____ of the City Council

Approved by me this ____ day of _____, 2012.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

Monica Martinez Simmons, City Clerk

(Seal)