

RESOLUTION NO. 3423

A RESOLUTION of the Port Commission of the Port of Seattle relating to civil service, creating a police civil service commission, establishing eligibility, terms and appointment to such commission, providing for the removal of commissioners, defining powers and duties and creating a method for filling vacancies.

WHEREAS, Chapter 41.12 of the Revised Code of Washington authorizes the Port to establish individual systems of civil service as long as such systems substantially accomplish the purposes of state civil service laws; and

WHEREAS, the Port Commission desires to create a civil service system as authorized by Chapter 41.12 of the Revised Code of Washington which substantially accomplishes the purposes of the state civil service laws relating to police while, at the same time meeting the particular needs of the Port of Seattle; and

WHEREAS, after considering RCW 41.12.050 and the nature of the position of the Police Chief, and Deputy Police Chief and/or similar job classifications with such management authority, the Commission has determined that it is in the best interests of the Port to exclude these positions from civil service; and

WHEREAS, after considering RCW 41.12.010, 41.12.050 and 41.12.220 and the distinction between commissioned police officers and noncommissioned employees of the police department, the Commission has determined that it is in the best interests of the Port to exclude full time, part time and/or seasonal noncommissioned employees from Civil Service; and

WHEREAS, the Port of Seattle has an orderly system of personnel administration, other than civil service, to address the noncommissioned full time employees of the police department which substantially accomplishes the purpose of civil service; and

WHEREAS, the Port Commission otherwise desires to create a civil service commission to administer the civil service system, and to investigate removals, suspensions, demotions and discharges of commissioned police officers by public hearing to determine whether the appointing authority's action was or was not made in good faith and for just cause:

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle that:

Section 1. Definitions. As used herein, the words and terms set forth in this resolution shall be given the following definitions:

A. "Appointment" includes all means of selecting, appointing, or employing any person to hold the office of Civil Service Commissioner.

B. "Commission" means the Civil Service Commission herein created and "Commissioner" means any one of the three (3) Commissioners appointed to the Commission. "Alternate Commissioner" means any one of the two (2) Alternate Commissioners appointed to the Commission.

C. "Elector" means a registered voter.

D. "Executive Director" means the Executive Director of the Port of Seattle or his duly authorized delegate.

E. "Port" means the Port of Seattle.

F. "Resident" means a person whose primary dwelling place is in King County.

Section 2. Creation-Appointment. There is hereby created a Police Civil Service Commission, consisting of three (3) members and two (2) alternate members who shall be appointed by the Executive Director to exercise the powers and perform the duties established by state law as set in Chapter 41.12 RCW in connection with the selection, appointment, promotion, demotion and employment of commissioned police officers. The rank of Police Chief, Deputy to such chief and/or other similar job classifications with such management authority shall be excluded from civil service pursuant to RCW 42.12.050 in recognition of the management authority delegated to such positions. Noncommissioned full-time, part time or seasonal employees of the police department, such as record clerks, clerical supervisors, police specialists, dispatchers and administration assistants shall be excluded from civil service pursuant to RCW 41.12.010 and RCW 41.12.220 in recognition of the existing personnel administration system used to cover such employees. The Commissioners and Alternate Commissioners shall serve without compensation, provided however, that they may be reimbursed for expenses incurred in service as a Commissioner or Alternate Commissioner.

Section 3. Eligibility. No person shall be appointed a Commissioner or Alternate Commissioner unless that person is a citizen of the United States and a resident and elector of King County, with such residency for at least one (1) year immediately preceding such appointment.

Section 4. Terms. The term of office of such Commissioners shall be for three (3) years except that the first three (3) Commissioners shall be appointed for different terms, as follows:

one (1) to serve for a period of one (1) year, one (1) to serve for a period of two (2) years, and one (1) to serve for a period of three (3) years. The term of office for Alternate Commissioners shall be for two (2) years except that the first two (2) Alternate Commissioners shall be appointed for different terms, as follows: one (1) to serve for a period of one (1) year, and one (1) to serve for a period of two (2) years. Commissioners and Alternate Commissioners shall, however, serve until the selection and qualification of their successors.

Section 5. Removal. Any Commissioner or Alternate Commissioner may be removed from office for incompetency, incompatibility, dereliction of duty, malfeasance in office, or other good cause; provided, however, that no Commissioner or Alternate Commissioner shall be removed until (1) charges have been filed, in writing; (2) the Commissioner has been personally served with a written notice of charges against him or her and with a notice of hearing; and (3) after a full hearing has been convened before the Port Commission. The charging party in all such actions shall be the Executive Director. Should any Commissioner or Alternate Commissioner resign from, or be removed from office, then the Executive Director shall appoint a successor to that position for the remainder of the unexpired term.

Section 6. Proceedings; Quorum.

A. Two (2) Commissioners shall constitute a quorum and the votes of two (2) Commissioners shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission; provided, however, that in any hearing involving discipline or discharge, a minimum of three (3) Commissioners shall be required, with the vote of at least two (2) Commissioners necessary for decision.

B. Alternate Commissioner shall have the right to participate in the debate and deliberations of the Commission on the regular business of the Commission. Alternate Commissioners shall not be a part of the Commission quorum and shall not move action or vote on matters coming before the Commission except as provided in subsection C. below.

C. In the event a Commissioner is disqualified from participation or otherwise unable to participate in a hearing involving discipline or discharge, an Alternative Commissioner shall be appointed by the Commission Chair to serve in the place of the absent Commissioner. The Alternate Commissioner shall be entitled to participate fully in such proceedings, and is authorized to vote on the action before the Commission.

Section 7. General Powers and Duties. The Police Civil Service Commission shall have the powers and duties as set forth in Chapter 41.12 RCW except as provided herein. The Commissioners and Alternate Commissioners shall devote due time and attention to the performance of their specified duties.

Section 8. Secretary - Chief Examiner. The Secretary-Chief Examiner authorized by RCW 41.12.040 shall be appointed by the Commission from among qualified Port employees selected and recommended by the Executive Director.

Section 9. Rules and Regulations.

A. The Commission shall have power to make and adopt such rules and regulations as are necessary to effectuate the purposes of this resolution and Chapter 41.12 RCW; provided, however, that the Commission shall have the flexibility to adopt rules different from the express provisions of Chapter 41.12 RCW which effectuate such purposes.

B. The Rules of the Commission shall, unless otherwise provided in a collective bargaining agreement applicable to Civil Service employees, provide: (i) for examinations that shall be open and competitive to candidates within and without Port employment; (ii) for a probationary period of at least twelve (12) months and up to twenty four (24) months to provide adequate period of testing and review of probationers; (iii) for a certification, for entry level positions, of five (5) eligible persons or 15% of the eligible persons, whichever is greater, notwithstanding RCW 41.12.100, and (iv) for a certification, for promotion, of five (5) eligible persons, notwithstanding RCW 41.12.100.

C. The classifications for the Civil Service system shall be as follows: Officer, Sergeant, Lieutenant, Captain or as may otherwise be agreed under any collective bargaining agreement.

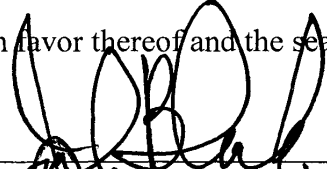
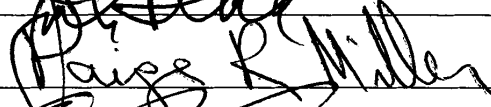
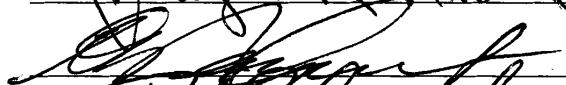
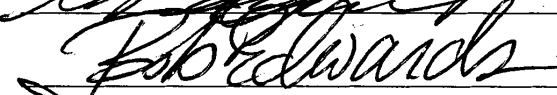
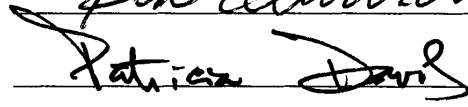
D. Where a Civil Service employee has, and exercises, rights to grievance proceedings under any collective bargaining agreement, the Commission shall not hear or consider the same grievance or an appeal involving the same facts subject to the grievance. In the event that an appeal and grievance are pending simultaneously, the Rules of the Commission shall provide for an election of procedures.

Section 10. Collective Bargaining Agreement Prevails. In the event that this Resolution or any Rule of the Commission promulgated hereunder conflicts with the terms of any collective bargaining agreement applicable to Civil Service employees, the terms of the collective bargaining agreement shall control.

Section 11. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not

affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof, held this 13th day of June, 2000, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

	_____	JACK BLOCK
	_____	PAIGE MILLER
	_____	CLARE NORDQUIST
	_____	BOB EDWARDS
	_____	PATRICIA DAVIS

Port Commission