WP0161C-ORD
03/26/93

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4514

AN ORDINANCE relating to a Civil Service Commission for the police and fire departments, and amending Bellevue City Code Section 3.72.010, 3.72.020, 3.72.030, and adding Section 3.72.040.

WHEREAS, there have been recent court decisions regarding civil service; and

WHEREAS, the City Council desires to amend Bellevue City Code Chapter 3.72, to bring it in conformity with recent legal development and changes in the City's organization; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code 3.72.010, as last amended by Section 1 of Ordinance No. 2448, is amended to read as follows:

3.72.010 Commission Established.

To substantially accomplish the purpose of Chapters 41.08 and 41.12 RCW, there is created a civil service commission to be composed of five members appointed by the City Manager to exercise the powers and perform the duties established by state law and this ordinance in connection with the selection, appointment, promotion, demotion and employment of firefighters and police officers, below the rank of chief.

Section 2. Bellevue City Code 3.72.020, as last amended by Section 2 of Ordinance No. 2448, is amended to read as follows:

3.72.020 Coverage.

Except as hereinafter specifically provided, and except as may be otherwise provide by the Rules and Regulations of the civil service commission, the provisions of Chapters 41.08 and 41.12 RCW shall control the commission; the selection, appointment, promotion, demotion and employment of all firefighters and police officers, below the rank of chief ; and all other aspects of fire and police civil service.

Section 3. Bellevue City Code 3.72.030, as last amended by Section 3 of Ordinance No. 2448, is amended to read as follows:

3.72.030 Exceptions

Notwithstanding anything in Chapters 41.08 and 41.12 RCW to the contrary:

A. In addition to any opportunity afforded the appointing authority to exercise a choice in the filling of a vacancy by the terms of Chapters 41.08 and 41.12 RCW, whenever requisition is made upon the commission for the names of persons eligible for appointment to any vacancy, including both original appointments and promotions, the commission, instead of furnishing the name of the one person highest on any eligibility list, shall certify to the appointing authority the names of the persons within the top twenty-five percent on such eligibility list or the three persons highest on such list, whichever produces the largest number of persons for each vacancy, if there are such persons available. The appointing authority may appoint one of the certified persons to such vacant position.

B. The chief of police shall have the complete discretion, not subject to civil service appeal, in:

   1. The selection of any member of the police department to be assigned to a vacancy in the position of detective or juvenile officer, even though such position enjoys special compensation; provided, however, that such assignment shall in no case involve a decrease in salary or classification; and

   2. Transfer of any member of the police department from the position of detective or juvenile officer; provided, however, that such transfer shall in no case involve a decrease in salary or classification, except the loss of any special compensation enjoyed by such position.

C. The civil service commission shall have the power to establish the length of time police officers or firefighters, below the rank of chief, must serve on a probationary status and shall establish such length of time pursuant to its rules and regulations; provided, in no case shall the probationary time period determined by the civil service commission to apply to police department employees or fire department employees exceed one year.

D. Temporary or provisional appointments may continue for, but shall not exceed, six months. No person shall receive more than one temporary or provisional appointment or serve more than six months as either a temporary or provisional appointee in any one fiscal year. In addition, the appointing authority shall have the power in emergencies to appoint employees to fill vacant promotional positions in an acting capacity for the duration of the emergency. Such appointments shall be denominated "acting appointments" and shall not

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be included in determining the permissible number of, or period for, temporary or provisional appointments.

Section 4. A new section 3.72.040 is added to Chapter 3.72 of the Bellevue City Code to read as follows:

3.72.040 Compliance With Chapter 41.56 RCW.

The rules and regulations of the civil service commission which affect wages, hours, or working conditions for members of a collective bargaining unit are subject to the collective bargaining requirements of Chapter 41.56 RCW. The City Manager or his/her designee is the sole authority for purposes of bargaining any rule or regulation subject to collective bargaining pursuant to Chapter 41.56. RCW.

Section 5. The title of Bellevue City Code Chapter 3.72 is amended to read as follows:

"Police and Fire Civil Service."

Section 6. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 12th day of April, 1993, and signed in authentication of its passage this 12th day of April, 1993.

(SEAL)

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

David Kahn, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published April 16, 1993