

WP0229C-ORD  
07/27/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4573

AN ORDINANCE amending the Bellevue City Code by changing the designated departments and personnel to correspond to the City's 1993 reorganization; and amending Section 2 (part) of Ordinance No. 3098 and Bellevue City Code Sections 3.79.040(E); 3.79.060(B) and 3.79.070(A).

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

Section 1. Section 2 of Ordinance No. 3098 and Section 3.79.040(E) of the Bellevue City Code are amended to read as follows:

E. Sexual Harassment

Sexual harassment of any employee by any other employee is prohibited. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Any employee who believes he/she is being sexually harassed is strongly encouraged to seek immediate assistance from his/her department director and/or the Finance, Information and Personnel Services Department. The grievance procedures established in this chapter may also be used on either a formal or informal basis. Any report of sexual harassment will be investigated immediately and confidentially, and appropriate action taken in order to protect all parties involved from further harassment, retaliation or false accusations.

Section 2. Section 2 of Ordinance No. 3098 and Section 3.79.060(B) are amended to read as follows:

WP0229C-ORD  
07/27/93

B. Steps of the Grievance Procedure

All grievances shall be handled according to the following procedure except allegations of unlawful discrimination or harassment, which may be filed directly with the department director, Finance, Information and Personnel Services Director, or City Manager. Grievances must be initiated within ninety (90) days of the employee's alleged grievable act.

Step 1 - Manager/Supervisor: An employee should first attempt to discuss his/her grievance with his/her immediate supervisor and to resolve the issue on an informal basis as soon as the problem is recognized. The supervisor should investigate the issue and provide a response to the employee within five (5) working days of the date of the initial presentation of the grievance.

For good cause shown the employee may request and obtain permission from his/her division manager or department director to dispense with this step and proceed immediately to Step 2.

Step 2 - Division Manager/Department Director: If after five (5) working days the employee fails to receive a response from the supervisor or receives a response which is unsatisfactory to the employee, the employee may file a formal grievance with his/her division manager or department director. In departments having division managers performing intermediate supervisory functions, employees should present grievances to the appropriate division manager before proceeding to the department director. If no such intermediate supervisor exists, employees may proceed directly to the department director. Grievances which have not been resolved at the division manager level will be forwarded to the department director. Each department may further define these steps in written departmental operating procedures on a basis suitable to departmental organization.

At this step the grievance must be put in writing and must state the following: 1) the nature of the problem; 2) the evidence the employee has to support his/her position; 3) the names, dates and places of

WP0229C-ORD

07/27/93

each occurrence grieved, if relevant; and 4) a statement of what remedy the employee considers to be a satisfactory solution to the problem. The department director will render a decision in writing including reasons within fifteen (15) working days.

Step 3 - Appeal to Hearing Officer: An employee who is not satisfied with the decision reached by the department director may appeal to a hearing officer appointed by the City Manager. Depending upon the nature of the grievance, the City Manager may appoint a non-municipal party as a hearing officer to conduct a hearing on the grievance. This appeal must be made in writing within ten (10) working days of receipt of the department director's decision. If the department director fails to provide the employee with a written decision within the fifteen (15) day limit in step 2, the employee may file the appeal with the hearing officer within ten (10) working days of when the decision was due. The hearing officer will hold an informal hearing as soon thereafter as possible pursuant to procedures developed or approved by the City Manager and made available to the employee. The hearing officer will consider (1) the written grievance presented at Step 2; (2) the written decisions of the division managers and/or the department director; and (3) testimony of the grievant and all interested parties. The hearing officer will make a recommendation to the City Manager to affirm, reverse or modify the department director's ruling. Copies of this recommendation will be sent to the employee, to the manager/supervisor and the department director. The City Manager will make the final decision to affirm, reverse or modify the recommendation of the hearing officer in writing to the employee, with a copy to the manager/supervisor and the department director. The decision of the City Manager shall be final and binding.

Section 3. Section 2 of Ordinance No. 3098 and Section 3.79.070(A) of the Bellevue City Code are amended to read as follows:

A. Layoff

The City may lay off employees where there are changes in duties in the organization or reorganization of

WP0229C-ORD  
07/27/93

positions, a position or service is abolished, or there is lack of work or shortage of funds. Every reasonable effort will be made to integrate affected employees into other positions. The procedures are as follows:

1. Whenever a layoff is anticipated, employees whose jobs may be affected will be notified of the situation and options available as soon as possible to allow time to make necessary arrangements.
2. Temporary employees performing similar work in the same department or division will be laid off before regular employees are affected.
3. Options such as part-time work schedules, job sharing and voluntary time and/or pay reductions may also be explored, if, in the opinion of the department director, such options are feasible.
4. Regular employees will be retained on the basis of seniority when job performance and qualifications are equal. Related job performance will be determined by the department head on the basis of past job performance evaluations. Qualifications will be determined by the knowledge, abilities and skills required for affected position as stated in the class specification, and the employee's ability to perform the remaining work without further training.
5. For a period of one year, regular employees affected by layoff will be offered the first opportunity to fill comparable vacant positions. These employees will be placed on the City's job announcement mailing list for one year from the effective date of the layoff to assist them in applying for other job vacancies in the City for which they are qualified.
6. The Finance, Information and Personnel Services Department will provide limited out placement services to regular employees that have been laid off such as job counseling, assistance in the development of resumes, and assistance in location

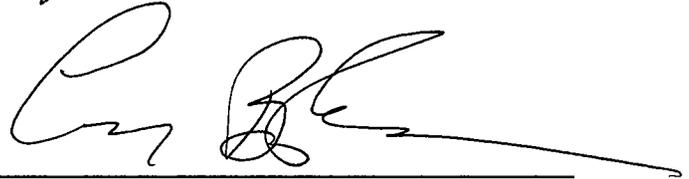
WP0229C-ORD  
07/27/93

of contacts and resources which may lead to other suitable employment.

Section 4. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

PASSED by the City Council this 2nd day of August, 1993, and signed in authentication of its passage this 2nd day of August, 1993.

(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



David E. Kahn, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published August 6, 1993