

ORDINANCE NO: 1876

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 2.12 CIVIL SERVICE COMMISSION BY THE ADDITION OF A NEW SECTION 2.12.035 IN ORDER TO TEMPORARILY INCORPORATE NON-UNIFORMED, NON-COMMISSIONED MEMBERS OF THE POLICE AND FIRE DEPARTMENTS IN CIVIL SERVICE, LIMITING THE RIGHT CREATED AND PROHIBITING VESTING AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, pursuant to the authorization of RCW Chapters 41.08 and 41.12 the City of Redmond has adopted its own civil service system as Chapter 2.12 of the Redmond Municipal Code, and

WHEREAS, in a decision of Division III of the Washington State Court of Appeals in Teamsters v. Moses Lake, 70 Wn. App. 404, 407 (1993) the Court held that non-commissioned personnel of fire and police departments were required to be included under the provisions of a city's civil service system in order to "substantially accomplish" the purposes of RCW 41.08 and 41.12, and

WHEREAS, the Washington State Supreme Court has declined review of the Moses Lake case and a similar case is proceeding through the Superior Court of Pierce County which may result in a different decision upon ultimate resolution of this matter by the Washington State Supreme Court, and

WHEREAS, the City Council deems it appropriate to include non-commissioned members of the Police and Fire Departments in civil service, until, but only until, this issue is ultimately resolved by the Washington State Supreme Court or the State Legislature, reserving unto itself the sole right to remove such individuals from civil service if their inclusion is not required in order for the City's civil service system to substantially accomplish the purposes and requirements of state law regarding the establishment of a local civil service system, and

WHEREAS, the City Council finds that the selection of qualified clerical personnel is a fungible process that would be more expeditiously and effectively performed in conjunction with the skills and testing experience of the City's Human Resources Department, and that the Human Resources Department should be authorized to design and administer testing for clerical openings as a part of the testing process for similar positions within the City, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.12 of the Redmond Municipal Code is hereby amended by the addition of a new Section 2.12.035 providing for inclusion of non-commissioned personnel without vesting pending resolution of a reinterpretation of state statute by the Washington State Supreme Court, and to read as follows:

Section 2.12.035. Non-commissioned Personnel -  
Temporary Inclusion: No Vesting Rights. In recognition of a decision by the Washington State Court of Appeals for Division III, the City of Redmond determines it to be in the public interest to provide for temporary inclusion of non-commissioned personnel of the Police and Fire Departments in the civil service system.

1. Until such time as the Washington State Supreme Court or State Legislature determine that a city's civil service system is not required to include non-commissioned personnel, all regular, full-time, non-commissioned personnel of the Police and Fire Departments who are not covered by Section 2.12.030 as commissioned or uniformed officers of such department or excluded from coverage by such section, and the incumbents holding such positions as of the effective date of this ordinance, are hereby included in the civil service system established by this chapter.
2. The City reserves the right to remove non-commissioned personnel listed above whether incumbents in the position or persons hired after the effective date of this ordinance. Such persons hereby are notified that their positions are subject to removal and no vested right shall be created by their temporary inclusion in the system or their removal from the system. Such persons are included in the civil service system and shall be hired, disciplined or removed from the system only in accordance with the provisions of this chapter until the City Council in its sole discretion deems it appropriate to remove such positions from civil service coverage.
3. The Civil Service Commission is authorized to delegate the design and administration of the testing process for clerical positions to the City of Redmond Human Resources Department under the supervision of the Commission's Secretary/Chief Examiner.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an administrative action, is not subject to referendum and shall take effect five days after its publication, or publication of summary thereof, in the City's official newspaper.

CITY OF REDMOND

  
MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY: 

FILED WITH THE CITY CLERK:	February 15, 1996
PASSED BY THE CITY COUNCIL:	February 20, 1996
SIGNED BY THE MAYOR:	February 20, 1996
PUBLISHED:	February 28, 1996
EFFECTIVE DATE:	March 4, 1996
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