

ORDINANCE NO. 1964

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SUBSECTIONS 2.12.060(3) AND (5) OF THE REDMOND MUNICIPAL CODE RELATING TO DISCIPLINARY ACTIONS INVOLVING CIVIL SERVICE EMPLOYEES IN THE POLICE AND FIRE DEPARTMENTS IN ORDER TO SPECIFICALLY RECOGNIZE THE CITY'S OBLIGATIONS FOR ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT, AND AMENDING SECTION 2.12.080 TO ALTER THE PROCEDURE FOR FILLING ENTRY LEVEL AND LATERAL ENTRY POSITIONS IN THE POLICE DEPARTMENT.

WHEREAS, as the result of a collaborative process with personnel from the police, fire and human resources departments, the Civil Service Commission has conducted a thorough review of its rules and regulations and is preparing to adopt an updated set of rules, and

WHEREAS, as the result of this update and collaborative process, certain revisions to the City's Civil Service Ordinance, Chapter 2.12 of the Redmond Municipal Code, have been recommended, and

WHEREAS, the recommended revisions are proposed to alter the method by which vacancies are filled in the police and fire departments and to recognize the City's obligation for reasonable accommodations under the Americans with Disabilities Act when engaged in certain disciplinary actions, and

WHEREAS, the Police Department has determined that a rule of twenty-five percent in connection with the filling of vacancies in entry level and lateral entry

positions will substantially accomplish the purposes of the civil service system in eliminating small statistical differences between test scores which differentiate between equally qualified candidates, and the Civil Service Commission has concurred with the Department's recommendation to change the procedures for filling such vacancies, NOW, THEREFORE,

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

Section 1. Reasonable Accommodation. Subsections 2.12.060(3) and (5) of the Redmond Municipal Code, which set forth grounds for disciplinary action against persons covered by the civil service system, are hereby amended to recognize the potential obligations of the City for reasonable accommodation under the Americans with Disabilities Act, and to read as follows:

(3) Mental or physical unfitness for the position which the employee holds, subject to the City's obligations, if any, for reasonable accommodation as required by the Americans with Disabilities Act;

* * *

(5) Drunkenness or use of intoxicating liquors, narcotics or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service, subject to the City's obligations, if any, for reasonable accommodation as required by the Americans with Disabilities Act.

Section 2. Filling of Vacancies. Section 2.12.080 of the Redmond Municipal Code is hereby amended to read as follows:

2.12.080 Filling of Vacancies - Probationary Period.

A. Entry Level and Lateral Entry.

1. Police.

a. Whenever an entry level position in the police department shall be or become vacant, the appointing authority, if desires to fill the vacancy, shall make a request to the Commission for the names and addresses of the persons eligible for appointment as provided on the current eligibility list. The Commission or its Chief Examiner shall certify the names of those persons within the top twenty-five percent (25%) on the current entry level eligibility list or the three persons highest on such list, whichever produces the largest number of eligibles.

b. If there is no entry level or lateral entry eligibility list for the position, the Commission shall either establish such a list as provided in this chapter or shall otherwise determine what list shall be deemed appropriate for such class.

c. If more than one vacant position is to be filled, the appointing authority may request a new certification for each appointment to be made. The Commission or Chief Examiner shall, for each successive request, certify the top twenty-five percent (25%) of the names remaining on the list, or the three highest eligibles, whichever produces the largest number of eligibles.

d. The appointing authority shall, after review of the persons so certified, appoint one person to each such vacant position. If any person certified by the Commission is removed from the list or otherwise requests to not be considered for appointment, the Commission shall forthwith certify the next highest persons on the list to replace those removed. The Commission, in their rules, shall establish a procedure for removal of names from the eligibility list either prior to or subsequent to certification to the appointed authority.

2. Fire.

a. Whenever an entry level position in the fire department shall be or become vacant, the appointing authority, if desires to fill the vacancy, shall make a request to the Commission for the names and addresses of the persons eligible for appointment as provided on the current eligibility list. The Commission or its Chief Examiner shall certify the names of all persons achieving the top three scores on the examination, regardless of tie.

b. If there is no entry level or lateral entry eligibility list for the position, the Commission shall either establish such a list as provided in this chapter or shall otherwise determine what list shall be deemed appropriate for such class.

c. If more than one vacant position is to be filled, the appointing authority may request a new certification for each appointment to be made. The Commission or Chief Examiner shall, for each successive request, certify the names of all persons achieving the top three scores on the examination, regardless of tie.

d. The appointing authority shall, after review of the persons so certified, appoint one person to each such vacant position. If any person certified by the Commission is removed from the list or otherwise requests to not be considered for appointment, the Commission shall forthwith certify the next highest persons on the list to replace those removed. The Commission, in their rules, shall establish a procedure for removal of names from the eligibility list either prior to or subsequent to certification to the appointed authority.

B. Promotional Appointments.

1. Police.

a. Upon being advised by the appointing authority of a vacancy in a promotional position within the police department, the Commission or Chief Examiner shall promptly certify the three highest ranking persons on the current promotional eligibility list for such vacant position,

provided, that where two or more eligibles have the same score on the eligibility list, they shall both be certified in giving equal consideration.

b. If there is no current list of eligibles, the Commission or Chief Examiner shall call for examinations in accordance with this chapter and the adopted rules of the Commission, or shall otherwise determine what list shall be deemed appropriate for such position. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The authority for making the final decision as to the method of filling the position will be vested in the appointing authority as controlled by this chapter and the Commission's rules.

2. Fire.

a. Upon being advised by the appointing authority of a vacancy in a promotional position in the fire department, the Commission or Chief Examiner shall promptly certify the three highest ranking persons on the promotional eligibility list for such vacant position. Where two or more persons have the same score on the eligibility list, the tie shall be broken using department seniority.

b. If there is no list of eligibles, the Commission or Chief Examiner shall call from examinations in accordance with this chapter and the Commission's rules. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing authority may appoint one of the top three persons to fill each vacant position.

C. Temporary, Provisional, and Emergency Appointments.

1. Emergency Appointments. To meet the immediate requirements of an emergency condition which threatens life or property, the appointing authority may appoint any person or persons whom the appointing authority may be legally empowered to appoint without restriction of civil service law and rules. Such employment shall be limited to the duration of the emergency period, which usually should not exceed sixty (60) days.

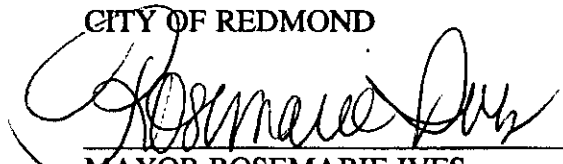
2. Provisional Appointments. Provisional appointments may be made in accord with Section 2.12.020(10) of the Redmond Municipal Code. Whenever requisition is to be made, or whenever a position is held by a provisional appointee and an eligible list for the class of such position exists, the Commission shall forthwith certify the names of the persons eligible for appointment to the appointing authority, according to the provisions of Subsections (A) and (B) above, and the appointing authority shall appoint one person so certified, provided they are found to in fact be qualified, to the vacant position.

D. Probationary Period. To enable the appointing authority to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the fire or police departments shall be deemed complete until after the expiration of a period of one year of probationary service, in the case of commissioned personnel, Police Support Officers and Communications Dispatchers, and six months of probationary service in the case of all other non-commissioned personnel, as shall be provided in the rules of the Civil Service Commission during which the appointing power may terminate the employment of the person certified to him/her, if during the performance test thus afforded, upon observance or consideration of the performance of duty, the appointing authority deems him/her unfit or unsatisfactory for service in the department, whereupon the appointing authority shall designate one of the persons certified as provided in Subsections (A) and (B) above for appointment. Such person or persons shall likewise enter upon the duties of the position until some person is found who is deemed fit for appointment, employment, or promotion for the probationary period provided therefore, whereupon the appointment, employment or promotion shall be deemed to be complete. The Commission shall provide the procedure in its rules for extending probations for up to an additional six months if requested by the appointing authority.

Section 3. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

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:	January 14, 1998
PASSED BY THE CITY COUNCIL:	January 20, 1998
SIGNED BY THE MAYOR:	January 20, 1998
PUBLISHED:	January 24, 1998
EFFECTIVE DATE:	January 29, 1998
ORDINANCE NO. <u>1964</u>	