

RESOLUTION NO. 3466, as Amended

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 police commissioners, defining powers and duties, creating a method for filling vacancies, and **REPEALING** Resolution No. 3423.

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, the Port Commission has determined that it is in the best interests of the Port to exclude this position from civil service;

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 Port Commission has determined that it is in the best interests of the Port to exclude part time and/or part time seasonal noncommissioned employees from Civil Service; and

WHEREAS, the Port Commission otherwise desires to create a police civil service commission to administer the civil service system, and to investigate removals, suspensions, demotions and discharges of full time Port of Seattle Police Department employees (except as excluded herein) 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 Police Civil Service Commissioner.

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

C. "Elector" means a registered voter.

D. "Chief Executive Officer" means the Chief Executive Officer 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 out in Chapter 41.12 RCW in connection with the selection, appointment, promotion, demotion and employment of full time Port of Seattle Police Department employees (except as excluded herein). The rank of Police Chief shall be excluded from civil service pursuant to RCW 42.12.050 in recognition of the management authority delegated to the position. Noncommissioned part time or part time seasonal employees of the police department shall be excluded from civil service pursuant to RCW 41.12.010 and RCW 41.12.220. The Police Commissioners and Alternate Police Commissioners shall serve without compensation, provided, however, that they may be reimbursed for expenses incurred in service as a Police Commissioners or Alternate Police Commissioners.

Section 3. Eligibility. No person shall be appointed a Police Commissioner or Alternate Police 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 Police Commissioners shall be for three (3) years except that the first three (3) Police 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 Police Commissioners shall be for two (2) years except that the first two (2) Alternate Police 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. Police Commissioners

and Alternate Police Commissioners shall, however, serve until the selection and qualification of their successors.

Section 5. Removal. Any Police Commissioner or Alternate Police Commissioner may be removed from office for incompetence, incompatibility, dereliction of duty, malfeasance in office, or other good cause; provided, however, that no Police Commissioner or Alternate Police Commissioner shall be removed until (1) charges have been filed, in writing; (2) the Police 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 Chief Executive Officer. Should any Police Commissioner or Alternate Police Commissioner resign from, or be removed from office, then the Chief Executive Officer shall appoint a successor to that position for the remainder of the unexpired term.

Section 6. Proceedings; Quorum.

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

B. Alternate Police Commissioners shall have the right to participate in the debate and deliberations of the Police Civil Service Commission on the regular business of the Police Civil Service Commission. Alternate Police Commissioners shall not be a part of the Police

Commission quorum and shall not move action or vote on matters coming before the Police Commission except as provided in subsection C. below.

C. In the event a Police Commissioner is disqualified from participation or otherwise unable to participate in a hearing involving discipline or discharge, an Alternative Police Commissioner shall be appointed by the Police Commission Chair to serve in the place of the absent Police Commissioner. The Alternate Police Commissioner shall be entitled to participate fully in such proceedings, and is authorized to vote on the action before the Police Civil Service 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 Police Commissioners and Alternate Police 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 Police Civil Service Commission from among qualified Port employees selected and recommended by the Executive Director.

Section 9. Rules and Regulations.

A. The Police Civil Service 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 Police Civil Service 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 Police Civil Service 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.

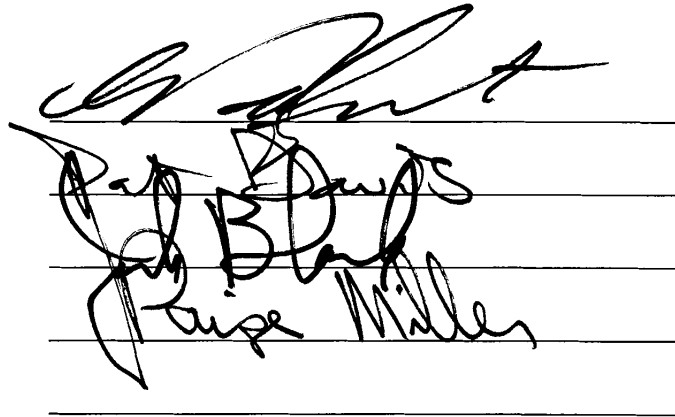
C. The classifications for the police civil service system shall be as follows: Officer, Sergeant, Lieutenant, Captain, Deputy Chief, or as may otherwise be agreed under any collective bargaining agreement. Noncommissioned personnel classifications for the police civil service system shall be as follows: Communication Specialist, Non-Commissioned Supervisor, Police Specialist, Administrative Manager and Police Staff Administrator.

D. Where a civil service employee has, and exercises, rights to grievance proceedings under any collective bargaining agreement, the Police Civil Service 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 Police Civil Service 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 Police Civil Service 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 resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the resolution, 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 9th day of October, 2001, and duly authenticated in open session by the signatures of the Port Commissioners voting in favor thereof and the seal of the Port Commission.

The image shows three handwritten signatures in black ink on a document with horizontal lines. The signatures are written in a cursive style. The top signature is the most prominent and appears to be 'Pat Davis'. The middle signature is partially obscured by the top one and appears to be 'Pat Davis'. The bottom signature is 'Rupe Miller'. The signatures are written over several horizontal lines.

Port Commission