

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1953

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 2.52.040 OF THE FIFE MUNICIPAL CODE AND REMOVING POLICE DEPARTMENT POSITIONS FROM THE CODE AND ALLOWING CIVIL SERVICE OPT OUT PROVISIONS IN A COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the City's decision to cease operating a jail means that certain police department positions will be eliminated; and

WHEREAS, Fife Municipal Code (FMC) Section 2.52.040 contains a listing of most of the job positions in the Fife Police Department; and

WHEREAS, it is inefficient to change the FMC every time a position is added, subtracted, or goes through a name change; and

WHEREAS, FMC 2.52.040 specifies which positions in the police department are classified civil service and which are unclassified; and

WHEREAS, on occasion, it may be in the best interests of the Police Guild and the City to agree to remove certain positions from classified civil service; and

WHEREAS, the Washington Supreme Court has ruled that when there is conflict, provisions in a Collective Bargaining Agreement has supremacy over Civil Service requirements; now therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 2.52.040 of the Fife Municipal Code is hereby amended to read as follows:

2.52.040 Classified and unclassified service designated - Procedures

A. The classified civil service includes all full-time full-paid employees of the city of Fife police department, except the police chief, those positions excluded from Civil Service in a

current Collective Bargaining Agreement, and an additional number of positions, designated the unclassified service, determined as follows:

Department Personnel	Unclassified Position Appointments
6 through 10	2
11 through 20	3
21 through 50	4
51 through 100	5
101 through 250	6
251 through 500	8
501 and over	10

B. The unclassified position appointments authorized by subsection (A) of this section may only include selections from the following positions up to the limit of the number of positions authorized: assistant chief, deputy chief, and administrative assistant or police confidential secretary. The initial selection of specific positions to be in the unclassified service and exempt from civil service shall be made by the police chief, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are in the unclassified service may be made only with the concurrence of the police chief, the city manager, and the civil service commission, and then only after the civil service commission has heard the issue in an open meeting. If a position initially selected by the police chief to be in the unclassified service is in the classified civil service at the time of the selection, and if the position is occupied, the employee occupying the position has the right to remain in the classified civil service as long as the employee holds the position.

C. Any police department positions excluded from Civil Service in a current Collective Bargaining Agreement are excluded.

Section 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 3. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 28th day of November, 2016.

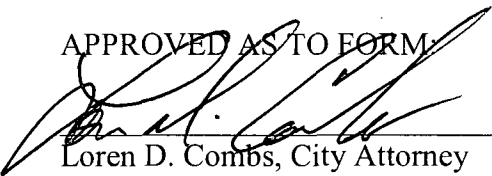
Passed by the City Council on the 27th day of November, 2016.


Subir Mukerjee, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: November 25, 2016
Effective Date: November 30, 2016, 2016