



# City of Seattle

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## CIVIL SERVICE COMMISSIONS

### Public Safety Civil Service Commission

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**City of Seattle**  
**Public Safety Civil Service Commission (PSCSC)**  
**Advisory Opinion 22-01**  
**Issued: June 27, 2022**

## SUMMARY

### 1. Purpose

The PSCSC issues this advisory opinion regarding when the Executive Director of the Public Safety Civil Service Commission is authorized to issue a certification to an appointing authority (Fire Chief or Chief of Police) for promotional consideration.

### 2. Determination

The PSCSC concludes that, pursuant to PSCSC Rule 11, the Executive Director is authorized to issue a certification if: (a) the Fire Chief or Chief of Police makes a Request for Certification to fill a vacancy or new position, **and** (b) the Request includes information supporting the existence of a vacancy at the rank for which the certification is requested, which is an existing or newly created position which is not occupied, and for which funds are budgeted to the employing department.

## DISCUSSION

### 1. Public Safety Civil Service employees have the right to openly compete for positions and to be eligible for promotions based on merit.

The Seattle Municipal Code establishes a Public Safety Civil Service system to govern appointments, promotions, promotional testing, layoffs, recruitment, retention, classifications, removals, and discipline. SMC Chapter 4.08. This power is pursuant to the Charter of the City of Seattle and the Revised Code of Washington (RCW).<sup>1</sup> The system includes specific positions within the Police Department and Fire Department.<sup>2</sup> For positions within the Public

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<sup>1</sup> Seattle Municipal Code (SMC) 4.08.020.

<sup>2</sup> SMC 4.08.060.A says the system includes “police special recruits, police recruits, police officers, police sergeants, police lieutenants, and police captains; and fire fighter pre-recruits, fire fighters, fire

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Safety Civil Service system, all appointments and promotions “shall be based on merit” and in accordance with the policies and procedures set by the SMC, PSCSC Rules, or applicable collective bargaining agreements.<sup>3</sup> Within the Public Safety Civil Service system, employees have enumerated rights including “the right to compete openly for positions on the basis of knowledge, skills, and abilities.”<sup>4</sup>

## 2. The Role of the City of Seattle’s Public Safety Civil Service Commission

The City of Seattle created the Public Safety Civil Service Commission (PSCSC), which is composed of three members.<sup>5</sup> The Commission’s powers and duties are established by the SMC, and include the authority and duty to:

- A. Ensure that appointments and promotions are made in a manner consistent with SMC Chapter 4.08;<sup>6</sup> and
- B. Certify the names of employees eligible for appointment or promotion, so that the appointing authority can select an employee (from the certification) to fill a vacant position.<sup>7</sup>

Under PSCSC’s Rule 11 (Certification and Appointment), the Executive Director of the Public Safety Civil Service Commission has certification authority.<sup>8</sup>

Pursuant to Rule 11, if an appointing authority wishes to fill a vacancy, then the appointing authority submits a Request for Certification to the Executive Director of the PSCSC. The Request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, and any other details necessary for full description of the position to be filled. If the vacancy is a new position, the Request must also state the authority for appointment. If this information is submitted, the Executive Director certifies the names of those eligible to fill the vacancy.

The certification process and requirements include relevant terms as defined in PSCSC Rule 3 as follows:<sup>9</sup>

- An “*appointing authority*” is a person who is authorized to employ others on behalf of the City. With respect to Seattle Fire Department *positions* included in the Public Safety Civil Service system, the appointing authority is the Fire Chief. With respect to Seattle Police Department *positions* in the system, the appointing authority is the Chief of Police.
- A “*position*” is any group of duties and responsibilities in the service of the City, which one person is required to perform as his or her full or part-time employment.
- “*Position, Regular*” means a position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also, any such position established during a given budget year, unless the appointing authority certifies to the Public Safety Civil Service Commission that such position will not be continued in the succeeding year’s budget.

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lieutenants, fire captains, fire battalion chiefs, and fireboat pilots, fireboat engineers, and assistant fireboat engineers.”

<sup>3</sup> SMC 4.08.020 and SMC 4.08.070.

<sup>4</sup> SMC 4.08.140.A.

<sup>5</sup> SMC 4.08.040.

<sup>6</sup> SMC 4.08.070.B.

<sup>7</sup> SMC 4.08.070.G and SMC 4.08.110.

<sup>8</sup> SMC 4.08.070.A, SMC 4.08.110, and PSCSC Rule 11.

<sup>9</sup> SMC 4.08.030 and PSCSC Rule 3.

- “A “*register*” is a list of candidates for employment or promotion who have passed an examination, whose names may be *certified* by the Commission for and submitted to the appointing authority for employment or promotional consideration.”
- for submission to the appointing authority for consideration for employment.<sup>10</sup>
- To “*certify*” means to verify, to an appointing authority, that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.
- A “*certification*” is a list of names from an eligible register transmitted by the Public Safety Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.

Neither the SMC nor the PSCSC Rules define “vacancy”; however, based on the plain language of SMC and Rules and the context provided by the definitions above, “vacancy” means an existing or newly creation position which is not occupied, and for which funds are budgeted to the employing department.

## **CONCLUSION**

The Public Safety Civil Service system protects the rights of employees within the system, including the right to openly compete for positions, with the assurance that promotions are based on merit. The PSCSC abides by the SMC and PSCSC Rules, which require that the Executive Director’s certification of names of candidates eligible for promotion must be preceded by a Request for Certification from the Fire Chief or Chief of Police. The request must include the information required by Rule 11, including identification of vacant positions to be filled by persons on the certification, with “vacancy” as defined above.<sup>11</sup>

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<sup>10</sup> This definition describes a hiring register.

<sup>11</sup> The PSCSC will engage in the rulemaking process to amend the PSCSC Rules to include a definition of “vacancy.”