

**CIVIL SERVICE RULES
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RULE 1 - GENERAL PROVISIONS

1.01 AUTHORITY AND APPLICATION

These rules are promulgated pursuant to the authority granted by RCW Chapter 41.08, Civil Service for City Firefighter and RCW Chapter 41.12 for City Police. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of Chapters RCW 41.08 and 41.12, and the enabling ordinance providing for civil service.

1.02 SCOPE AND PURPOSE

These rules govern the continuing administration of the Civil Service System of the City of Washougal. The purpose of these rules is to assure that the Civil Service System in the City of Washougal is administered in accordance with the ordinances of the City of Washougal and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

1.03 PRESUMPTION OF VALIDITY

The Civil Service System implemented by these rules substantially accomplishes the purposes of RCW Chapters 41.08 and 41.12. Variation from state models are based on local conditions and are intended to maintain the purposes of civil service systems: merit selection, tenure and an independent Civil Service Commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW Chapters RCW 41.08 and 41.12.

1.04 SEVERABILITY

If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.

RULE 2 - ADMINISTRATION AND OPERATION

2.01 COMMISSION, MEETINGS, AND QUORUM

In the necessary conduct of its work, the Commission shall meet on the fourth Wednesday of each month, at 5:30 pm in the Council Chambers located at 1701 C Street unless there is not pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. The Civil Service Commission shall consist of three members. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW, as amended).

2.02 CHAIR AND VICE CHAIR

2.02.01 CHAIR. The position of Chair shall rotate every two years between the Commissioners. The Commission functions under applicable statutes and consistent with the rules herein or hereinafter adopted. Should the Chair resign or be removed from the position prior to the expiration of his/her term, the Vice-Chair shall be appointed to the position of Chair to serve the remaining term.

2.02.02 VICE CHAIR. The Vice-Chair shall be the member who will serve as the next Chair. In the absence of the Chair, the Vice-Chair shall preside over the meeting.

2.03 MEMBERSHIP

The members of the Civil Service Commission shall serve without compensation. Each must be a citizen of the United States and a resident of the City of Washougal for at least three years immediately preceding such appointment and must be a qualified elector of Clark County. The Mayor, pursuant to RCW 41.08.030 & 41.12.030, appoints three members.

2.04 TERM OF OFFICE

If any civil service commissioner resigns before the end of his or her term, a new commissioner shall be appointed to serve the remainder of such term. Members may be re-appointed. The term of office shall be for six years.

2.05 RULES OF ORDER

Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two commissioners such rules may be waived or modified. In quasi-judicial proceedings, the Commission shall be guided, but not bound by, the Civil Rules for Superior Court.

2.06 COMMISSIONERS CHALLENGE

Any challenge to a Commissioner's participation at a hearing shall be made by an interested party prior to the commencement of a hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to commencement of a hearing.

2.07 COMMISSIONERS – CHALLENGE – NECESSITY

If, as a result of disqualification(s) pursuant to Rule 2.06, there is no longer a lawfully constituted quorum available, then by reason of necessity, the disqualified Commissioner(s) shall return and proceed with the hearing.

2.08 OFFICE ADDRESS AND HOURS

The office address of the Civil Service Commission is 1701 C Street. The regular hours of the Commission shall be Monday through Thursday from 8:00 am to 5:00 pm.

2.09 PUBLIC RECORDS

Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by City ordinance. These rules shall be printed for free public distribution.

2.10 RECORD OF PROCEEDINGS

The Commission shall keep a record of its proceedings. The record of the Commission will not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition a party to a proceeding, at his/her own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission, or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary.

2.11 REPORTS – POLICE AND FIRE CHIEFS

The Police and Fire Chiefs shall immediately report to the Civil Service Examiner-Secretary in such detail and on such forms as the Civil Service Examiner-Secretary may prescribe:

- 2.11.01 Every appointment, transfer, promotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, change of title, change compensation;
- 2.11.02 Every separation from service with the reasons therefore;
- 2.11.03 Every refusal or failure to accept appointment by a person whose name has been certified.

2.12 RULES AND REGULATIONS

Rules of the Civil Service Commission shall be adopted by a majority vote of the members of the Commission at any regular or special meeting of the Commission. Persons submitting any proposed rule(s) or amendment(s) must do so in writing to the Secretary/Examiner of the Commission at least ten (10) working days in advance of the meeting at which such person desires to have such proposal considered by the Commission. Said proposal will be included in published meeting agenda. The Commission may apply such principles as it deems necessary to carry out the purposes of Washington State Law and Civil Service Rules in determining cases which are not clearly defined by the rules adopted by the Commission. Rules in effect at the time of any event being considered by the Commission shall be applied in such event. These rules and regulations, applicable state statutes, and city ordinances govern the terms and conditions of civil service employment. These rules and appointment of tenure in the civil service and the employees thereunder are subject to these rules and regulations.

2.13 SEVERABILITY

If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and as such shall not affect the remaining rules and regulations or remaining portions of the rules and regulations.

2.14 SCOPE OF CIVIL SERVICE REGULATIONS APPLICATION

These regulations shall include only fully paid employees of the City of Washougal Police and Fire departments, i.e. only those employees who are paid regularly by the city.

RULE 3 - SECRETARY/EXAMINER

3.01 SELECTION

The Secretary/Examiner shall be appointed by the Civil Service Commission. Specific qualifications shall be set by the Commission. Such appointment for the City of Washougal will be open to persons already in the service of the Human Resources Department of the City as the Commission may decide.

3.02 SECRETARY – DISCIPLINE

The Secretary may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

3.03 SECRETARY/EXAMINER - AUTHORITY

The Secretary/Examiner shall:

- 3.03.01 Be the Administrative Officer of the Civil Service Commission responsible to the Commission, and shall direct the activities of all personnel in the Civil Service Department, (hereinafter, "Department") including their appointments and removals;
- 3.03.02 Delegate duties where necessary and supervise the work of all persons employed in the Department, including the preparation, conduct, and scoring examinations, and maintenance of the classification plan;
- 3.03.03 Attend and record the proceedings of all meetings of the Commission;
- 3.03.04 Report to the Commission from time to time as directed concerning the details of the work of the department;
- 3.03.05 Prepare the budget for the Commission, approve accounts and administer generally the expenditure of funds appropriated for the operation of the commission, through both the Fire Chief and Police Chief;
- 3.03.06 Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
- 3.03.07 Determine which examinations shall be conducted, the minimum qualifications of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he or she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination; and

- 3.03.08 Perform all other functions necessary for the proper carrying-out of these rules and the provisions of law relating to the Civil Service System, and such additional duties as may be assigned to the Secretary from time to time by the Commission.

3.03 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY

- 3.03.01 The Commission on its own motion may review or modify any action or decision of the Secretary.
- 3.03.02 Any person adversely affected by any action or decision of the Secretary may request the Commission to review the action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) business days from the date of the notice of such action unless established otherwise in the Rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

3.04 CODIFICATION AND PUBLICATION OF REGULATIONS

The Secretary shall have the power and authority to codify, organize, and classify all rules and regulations of the Civil Service Commission in a logical, orderly and systematic manner, which shall be properly indexed and shall cause the same to be printed and published together with all amendments thereto, regularly as they are made, to be made available to the public generally pursuant to RCW 41.08.040 and RCW 41.12.040.

RULE 4 - RULE MAKING

4.01 AMENDMENTS OF RULES

This Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission.

4.02 EFFECTIVE DATE OF RULES

All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.

4.03 COPIES OF RULES

A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practical after adoption to the City Clerk and to each affected department of the City. A copy shall be maintained in the office of the Secretary for public inspection, and copies shall be available for free public distribution as required by state law.

4.04 EFFECT OF RULES

The terms and conditions of Civil Service employment are governed by these rules, and applicable statute and ordinance. No employee shall have the property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

RULE 5 - CLASSIFICATIONS

5.01 CLASSIFICATION PLAN

A class specification shall be prepared and maintained for each class in the Civil Service System. Such specification shall describe generally the class, distinguish it from other classes, give examples of typical duties of the class, and contain, when applicable, a statement of those qualifications for applicants in the class not otherwise provided in these rules.

5.02 ADMINISTRATION OF POSITION CLASSIFICATION

The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council; or upon request of an appointing authority or an affected employee if title classification of such position has not been reviewed within the last 12 months.

5.03 CLASSIFICATION OF POSITIONS

5.03.01 Each position in the classified service shall be classified at the direction of the Secretary and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:

- a. The same descriptive title may be used to designate each position in the class;
- b. The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and
- c. Similar tests may be used to select incumbents.

5.03.02 All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.

5.03.03 Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.

5.03.04 In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, and the responsibilities, the required and desirable qualifications for such position, and the relationship to other classes. The examples of duties in a specification shall not be construed as exclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

5.04 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT

- 5.04.01 Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as held in the former class.
- 5.04.02 Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment in accordance with these rules.
- 5.04.03 Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the appointing authority and the Commission, elect to take a voluntary reduction to the lower class or, at the employee's option and with the concurrence of the appointing authority and Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which the employee has regular standing.

RULE 6 - APPLICATIONS AND APPLICANTS

6.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS

- 6.01.01 All applicants for examinations for positions in the classified Civil Service must file a written application on a form prescribed by the Secretary; no one shall be admitted to any examination without having first filed an application on the proper form, giving, fully, truthfully, and accurately all information required. The term applicant as used in this rule shall refer to an individual who has filed or wishes to file an application to take a Civil Service exam for an entry level or lateral entry position. The application form must be signed by the person applying.
- 6.01.02 In order to file an application for examination, the applicant must:
- a. Meet the requirements specified in these rules and in the official examination bulletin as of the closing day of the official filing period; and
 - b. Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.
- 6.01.03 Time for filing applications:
- a. All applications for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of the examination, provided that upon written evidence of extenuating circumstances acceptable to the Secretary, late applications may be accepted. Applications received by mail in the office of the Secretary must be postmarked on or before the closing date.
 - b. The time for filing applications may be extended by the Secretary as the needs of the service require, provided that the examination shall then be re-advertised.
 - c. The Secretary/Examiner may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application at any time for good cause shown.
 - d. The Commission may charge a fee to offset the cost of purchase and administration of exams. The fee will be published in the official exam announcement.

6.01.04 ENTRY LEVEL POLICE APPLICATIONS

An applicant must meet the following minimum qualification requirements on or before the first day of the applicant's exam, unless otherwise provided:

- a. Must be at least 21 years of age at the time of examination;
- b. High school diploma or equivalent;
- c. United States citizen or a lawful permanent resident
- d. Ability to communicate the English language both orally and in written form

Note: The City of Washougal does not require a candidate to have already attended a Police academy. As long as all the qualification requirements have been met, and if the candidate is next on the eligibility list, within six (6) months of being hired, the City will sponsor the candidate at the first available Police academy class.

6.01.05 LATERAL POLICE APPLICANTS

Positions may be filled by the use of lateral entry applicants from other law enforcement agencies. In addition to the minimum qualifications for entry level police applicants, the following additional minimum qualifications apply for lateral entry applicants into the Washougal Police Department as follows:

- a. Applicants must have a high school diploma or GED certificate. Applicant must be a US citizen or a lawful permanent resident and at least 21 years of age. Applicants shall possess a current certification of completion from an accredited state police academy as approved by the Washington State Criminal Justice Training Commission. Applicants who are not certified in Washington State must complete the Washington State Criminal Justice Training Commission Equivalency Academy. Applicants with a break in full-time law enforcement employment of twenty-four (24) months or greater shall be ineligible for lateral entry. Exceptions may be made for those who have been called upon for active duty.
- b. Reserve experience is specifically excluded from consideration for meeting the minimum qualifications. Possession of, or the ability to obtain, a valid Washington State Driver's license, unrestricted except as to vision, is required prior to appointment.
- c. Applicants who are not certified in Washington State must complete the Washington State Criminal Justice Training Commission Equivalency Academy within six (6) months from the date of hire.
- d. Screening prior to appointment will include, but is not limited to, a complete background investigation, criminal record check, fingerprinting, polygraph, a psychological evaluation, pre-employment drug screen, medical evaluation, and physical agility test.

6.01.06 ENTRY LEVEL FIREFIGHTER APPLICANTS

- a. United States citizen;
- b. Ability to communicate the English language both orally and in written form;
- c. High school diploma or the equivalent;
- d. 18 years of age;
- e. Washington State or National Registry Basic with IV Tech Endorsement within twelve month probationary period;

6.01.07 LATERAL FIRE APPLICANTS

Positions may be filled by the use of lateral from other fire departments. In addition to the minimum qualifications for entry level fire applicants, the following additional minimum qualifications apply for lateral entry applicants into the Washougal Fire Department as follows:

- a. A minimum of two years continuous service as a paid firefighter.
- b. A candidate with a break in full-time paid firefighting employment of twenty-four (24) months or greater, shall be ineligible for lateral entry. Exceptions may be made for those who have been called upon for active duty.

6.01.08 ENTRY LEVEL HIRING PROCESS

The entry level hiring is intended to evaluate education, training, experience, performance, aptitude, knowledge, skill, physical condition, personal

characteristics and other qualifications to determine relative qualifications and abilities of the candidates. The Commission will assure that the exams conform to the regulations of the Equal Employment Opportunity Commission. Applicants must successfully pass each phase of the following hiring process. Disqualification may occur at any level of this hiring process:

- a. Application
- b. Written Test
- c. Physical Agility Test (CPAT or equivalent for fire and Cooper or equivalent for police)
- d. Oral Interview
- e. Successful applicants "eligibles" shall be placed on a hire list by the Secretary/Examiner in the order they are ranked and maintained according to 8.02.
- f. Chief's Interview
- g. Pre-psychological exam for minimum of top three (3) candidates (police only)
- h. Conditional Offer
- i. Background Investigation
- j. Polygraph (police officers only)
- k. Psychological exam (police only)
- l. Medical Exam

6.01.09 LATERAL HIRING PROCESS

The Lateral hiring process shall include all of the above for entry level candidates with the exception of the written and physical agility tests.

6.01.10 PROMOTIONAL HIRING PROCESS

When vacancies occur in any grade, they shall, whenever practical, be filled by promotion from the next lower grade or grades of the department in which the vacancy exists, except as may be determined in advance by the Commission. Such exceptions would take into consideration the number of positions vacant and number of candidates eligible. To be considered for promotion a police department candidate must have five (5) years of experience as a full-time police officer. To be considered for promotion a fire department candidate must have three years of experience as a firefighter. Exception to length of service or grade requirements of this subsection may be made in advance by the Commission after consideration is given to the number of positions vacant, and number of candidates eligible to take the exam, in order to assure each examination is competitive. Promotional candidates must have passed initial probation with the Washougal Police Department or Washougal Fire Department.

In the event less than three eligible candidates are available from within the Washougal Police or Fire Department, or in the event no one attains a passing score on the promotional examination given, the Commission may then direct the Secretary/Examiner to advertise the examination to include personnel outside the City of Washougal.

6.02 SPECIAL REQUIREMENTS

The Secretary may prescribe such limits and such other specific requirements, physical or otherwise, as in the Secretary's judgment are required by the work to be performed.

6.03 CONDITIONAL ADMISSION

If there is reasonable doubt as to whether the applicant meets the minimum requirements, the Secretary may order that the applicant be admitted to the examination on the condition that the particular requirements are met to the satisfaction of the Secretary before the applicant is enrolled on an eligible register.

6.04 REJECTION OF APPLICANT OR ELIGIBLE

The Secretary may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

- 6.04.01 Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
- 6.04.02 Is physically or mentally unfit to perform the duties of the position;
- 6.04.03 Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);
- 6.04.04 Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from City service or has an unsatisfactory record of employment in the City service or with any other agency or firm;
- 6.04.05 Has made any material false statement or has attempted any deception or fraud in connection with this or examination;
- 6.04.06 Fails to appear for fingerprinting or other investigation as required;
- 6.04.07 Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- 6.04.08 After notification, did not promptly appear at the time and place designated for the examination;
- 6.04.09 Has been discharged from the armed forces under dishonorable conditions;
- 6.04.10 Fails the Physical Agility Test;
- 6.04.11 Does not possess a valid driver's license from resident state with an acceptable driving record and is not prohibited by State or Federal law from operating a motor vehicle;
- 6.04.12 Is not able to communicate the English language in oral or written form;
- 6.04.13 For other material reasons

6.05 DEBARMENT FROM EMPLOYMENT

6.05.01 No one who has been dismissed from Service for cause involving moral turpitude shall be allowed to again enter the Service, and anyone dismissed for other good cause shall be allowed to again enter the Service only by express consent of the Secretary.

6.05.02 Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service i.e. bribes

6.06 NOTICE OF NON-ACCEPTANCE

Anyone against whom action is taken under Rule 6.04 shall be notified promptly by the Civil Service Department of the reasons therefore, by either oral notice at the time of filing the application and/or written notice mailed to the applicant or eligible.

6.07 ADMISSION TO EXAMINATION PENDING APPEAL

The Secretary may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal, such admission to be without prejudice to either the City of the applicant.

6.08 APPLICATIONS NOT RETURNED

All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

6.09 NON-DISCRIMINATION

The Commission will ensure the examinations and advertisements conform to the regulations of the Equal Opportunity Commission of these examinations shall be carried out by the appointed agency.

RULE 7 - EXAMINATIONS

7.01 ORDERING EXAMINATIONS

An examination shall be ordered whenever it is deemed to be in the best interest of the City. The Secretary shall administer examinations as provided by these rules.

7.02 EXAMINATION ANNOUNCEMENT

Public notice of examinations shall be given by the Secretary which the Secretary may direct at least fourteen (14) days preceding such examinations. The official bulletin shall be posted and distributed to appropriate departments for posting. Each individual taking the exam shall receive any minimum passing requirements and information about the exam components. Following the exam, all candidates completing the exam process shall be notified of their results and each individual who successfully completes the exam process shall receive notice of their final rank and score. Promotional examination notices shall be posted in the Police or Fire break room no less than fourteen (14) days preceding the examination.

7.03 AMENDMENTS TO ANNOUNCEMENTS

The Secretary may amend any published announcement with appropriate public notice.

7.04 CONTINUOUS EXAMINATIONS

A continuous or periodic examining program may be ordered and administered by the Secretary for any class of positions [for other than promotional examinations]. Filing will be open, applications received, and the examinations administered according to the needs of the service.

The names of qualified eligible resulting from such examinations shall be entered on the eligible register, and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examination in the same program shall be entered on the eligible register for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

7.05 CHARACTER OF EXAMINATIONS

All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

7.06 CONDITIONAL ADMISSION TO AN EXAM

If there is a reasonable doubt as to whether the applicant meets the requirements outlined in the Rules, the Secretary may admit the applicant to the exam on the condition that the particular requirements are met to the satisfaction of the Secretary prior to certification of the eligibility list. If the requirements are not met to the

satisfaction of the Secretary, the individual's name will not be included on an eligibility list.

7.07 PREPARATION FOR TESTING

All aspects of the preparation and administration of examinations shall be under the direction of the Civil Service Commission and carried out by the Secretary/Examiner. Tests shall not be given until they have been approved by the Civil Service Commission. The Secretary/Examiner may delegate the preparation and/or administration of examinations, or any portion thereof, provided each such delegation has been approved in advance by the Commission. In such case, the preparation and administration of these examinations shall be carried out by the appointed agency.

7.08 CONTENT OF EXAMINATION

Examinations may include written tests, personal qualifications, physical or performance tests, or evaluation of training and experience, interviews, or any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.

7.09 PARTS, WEIGHTS AND PASSING GRADE

7.09.01 ENTRY LEVEL AND LATERAL FIRE

Each exam shall contain one or more parts to which a minimum passing score (which may include a pass/fail score), raw score, rank order or percentage weights shall be assigned. Each part shall be scored independently and added together to determine the final score.

- a. The top twenty (20) applicants in rank order that attain a passing score of 80% on the written examination will be invited to complete the physical agility test. An applicant who fails to attain the minimum score of 80% for that part of the exam shall be considered as having failed the entire exam and shall not be entitled to take the balance of the exam.
- b. A physical agility test will be scored pass or fail. Those who pass the physical agility test will be invited to participate in an oral board examination.
- c. The passing grade for the oral board examination is 70%. A final passing grade will consider a weighted average between the written and oral board examinations. The written test shall be weighted at 20% and the oral board at 80%. The first five (5) names in rank order will be forward to the Chief when one vacancy is being filled. Should there be multiple vacancies during one recruitment; incremental names will be added to the list.

7.09.02 ENTRY LEVEL POLICE

Physical agility test:

Each exam shall contain one or more parts to which a minimum passing score (which may include a pass/fail score), raw score, rank order or percentage weights shall be assigned. Each part shall be scored independently and added together to determine the final score.

Written and Physical Agility Test:

A physical agility test that is administered by Public Safety Testing will be scored pass/fail. The written test will be administered by Public Safety Testing. The passing score for the written test is 70%. Those who pass the physical agility and written tests will be invited to participate in an oral board.

Oral interview:

The passing grade for the oral board is 70%. A final passing grade will consider a weighted average between the written and oral board examinations. The written test shall be weighted at 20% and the oral board at 80%. The first five (5) names in rank order will be forwarded to the Chief when one vacancy is being filled. Should there be multiple vacancies during one recruitment; incremental names will be added to the list.

7.09.03 LATERAL POLICE

Oral Interview:

The passing grade for the oral board is 70%. The first five names in rank order will be forwarded to the Chief when on vacancy is being filled. Should there be multiple vacancies during one recruitment; incremental names will be added to the list.

7.09.04 PROMOTIONAL EXAMS

Each exam shall contain one or more parts to which a minimum passing score (which may include a pass/fail score), raw score, rank order or percentage weights shall be assigned. Each part shall be scored independently and added together to determine the final score.

The independent weight of the written test will account for 20% of the applicant's score, the weight of the oral review board score will account for 80% of the applicant's score. The total weighted score will be considered when applicants have received a passing score for all segments. Up to the top three passing scores will be forwarded to the Chief for promotional consideration. In the event of a tie of the top three scores, all applicants will be invited to the Chief's interview.

7.10 PROMOTIONAL EXAMINATIONS

Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the Commission. Upon showing from a department that special training and knowledge gained within a department is essential to the proper filling of the vacancy; the Commission may limit an examination to a promotion within a department only.

7.10.01 IDENTITY OF EXAMINEE

The identity of the individuals taking competitive written examinations shall be concealed from the examiners by use of an identification number, which shall

be used on all test papers. In non-written examinations every precaution shall be taken to insure that the identity of examinees, if by necessity it must be disclosed, shall not be used in any manner which may be prejudicial to the examinees.

7.10.02 NOTIFICATION OF GRADE OR RANK

Lists will be posted at the Washougal Police Department or Fire Department within two (2) days following certification by the Commission. Each examinee shall be notified by mail of the results of the examination and, if he/she received a passing score, of his/her relative position on the eligibility list. Written notice will be mailed to the address appearing on the examinee's application or at such other address as the examinee may have subsequently provided in writing to the examiner.

7.11 VETERANS CREDIT

(Entry Level Positions Only)

Eligible personnel shall be entitled to credit for prior service in the United States Armed Forces:

Military Service:

Pursuant to RCW 41.04.005 and RCW 42.04.010, certain veterans are entitled to a military service credit and whom received an honorable discharge or a discharge for physical reasons with an honorable record, shall be entitled to claim credit pursuant to the applicants **Veterans Preference Declaration** of either five (5) or ten (10) percentage points added to the applicants passing score. Veteran applicants should check the applicable claim block on the application form and include a photocopy of his/her DD214 as evidence that he/she meet the requirements of this paragraph. The percentages shown below shall be added as a percentage of the applicant's total exam score, following the oral interview.

Ten (10) percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.05.005 and does not receive military retirement. The percentage shall be added to the passing score of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations; five (5) percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the passing score of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations.

(Promotional Positions)

Five (5) percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only.

7.12 VOLUNTEER CREDIT/RESERVE CREDIT

Preference Points Volunteer Firefighter and Reserve Police Officer Credit:

Any person who is currently serving as a City of Washougal volunteer firefighter or reserve police officer shall be eligible for credit of 2 percentage points for each full year of service up to and not exceeding a maximum of 5 years (10 percentage points) to be

added to their overall passing score following the oral interview. Additionally, the volunteer must be in good standing according to the Bylaws of the Volunteer Firefighter Association and reserve police officers in good standing with the police department.

7.13 EXAMINATION PROTEST

- 7.13.01 Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Secretary within five (5) business days following the administration of such part, or within the time limit specified on the examination instruction sheet. When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest or appeal must be filed in writing within five (5) business days after the notices of result have been mailed.
- 7.13.02 Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within five (5) business days after the notices of results have been mailed.
- 7.13.03 All projects filed in accordance with this rule shall be considered by the Secretary and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

7.14 CORRECTION OF CLERICAL ERRORS

Any clerical errors may be corrected by the Secretary upon discovery at any time during the life of the eligible register, but no such correction shall affect an appointment made from a certification made prior to correction.

7.15 REEXAMINATION

- 7.15.01 No one shall be reexamined for the same class within one year of the effective date of such examination, unless authorized by the Secretary upon the determination that it would be in the best interest of the City.
- 7.15.02 If an eligible takes a succeeding examination for the same class, the result of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the register, and the eligibility that will provide the greatest advantage to the eligible shall be used.

7.16 EXAMINATIONS PAPER

Examination papers of each eligible shall be kept on file in the office of the Secretary until expiration of eligibility and in accordance with state retention guidelines.

7.17 ADDITIONAL EXAMINATION

- 7.17.01 Eligibles, certified pursuant to Rule 9, shall be subject to medical, physical, and psychological examination and to such other examinations administered by the Secretary as authorized and approved by the Commission. Such other examinations include, but are not limited to, background examination and polygraph for police, provided, however, that the polygraph examination

shall be allowed only for entry-level applicants under RCW 49.44.120. Reports of such examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Secretary shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the eligible register.

7.17.02 Before the appointing authority refers an eligible for medical (including mental health) examination, a conditional offer of employment must be made.

7.18 NUMBER OF APPLICANTS – LIMITATIONS

The Secretary may restrict the number of qualified applicants to be examined whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups. Alternatively, the Secretary may order a brief screening process for those that have met the physical and written requirements (in the case of entry level hires) and limit a maximum number of candidates that will be invited to participate in the formal oral board process.

RULE 8 - REGISTERS AND ELIGIBILITY

8.01 ESTABLISHMENT OF ELIGIBILITY LISTS

After each examination, an eligible register for the class shall be prepared on which the names of successful candidates shall be ranking as follows:

Eligibles on an unexpired list that have been interviewed by either the Police Chief or Fire Chief three times with non-selection shall be removed from the list.

- 8.01.01 On a promotional register: Relative rank shall be determined by examination rating or grade.
- 8.01.02 On an open graded register: Relative rank shall be determined by the examination grade, plus percentage allowed by law for veterans' preference.
- 8.01.03 The preference in rank of eligible's having equal final general averages shall be determined as follows, in the order stated:
 - a. The one who qualifies for veterans' preference in accordance with Washington law. Eligibles on a promotional (and not open) register do not qualify.
 - b. When the examination is composed of two or more parts with separate grades, the one who has:
 - 1. The highest grade on the most heavily weighted part of the examination; if a tie still exists, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains.
 - 2. The highest grade on the written test if all parts are weighted equally.
 - c. When the examination has only one part or the candidates have the same standing under (a) and (b) above:
 - 1. As between examinees who are City employees, the one having the greater service credit with the City, regardless of class;
 - 2. If one is a regular or probationary City employee and the others are not, the regular City employee has preference.

8.02 DURATION

Eligibility lists shall be valid for a minimum of one (1) year and a maximum of two (2) years following the date of formal establishment by the Commission.

8.03 RETURN TO REGISTER FOLLOWING LAYOFF

On layoff, an employee's name shall be placed on the proper eligible register for the class [ranked by seniority/service credit] for one year from the date of such layoff.

8.04 RETURN TO REGISTER RESIGNATION OR RETIREMENT

- 8.04.01 A former employee who resigned or retired may request return of his or her name to the proper open graded eligible register for the class. Such request must be made within one (1) year from the date of resignation or retirement.
- 8.04.02 Any request for return to register following resignation or retirement must be supported by written recommendation of the former employing department;

- 8.04.03 A former employee whose eligibility is reinstated under this rule shall be certified in accordance to Civil Service rules. However, the name of such an eligible need be considered only by the department which recommends the return to the name to register.
- 8.04.04 The name of a former employee who resigned or retired may not be returned to a promotional register, unless recommended by the head of the former employing department and approved by the Civil Service Commission within one year from the date of resignation or retirement.

8.05 APPOINTMENT WITHOUT EXAMINATION

Except as provided in **8.04**, **8.05**, and **8.07**, any return to Civil Service shall be by examination only.

8.06 ESTABLISHMENT OF REINSTATEMENT REGISTERS

- 8.06.01 The names of regular employees who have been laid off, as defined in **Rule 22** or reduced,, as defined in **Rule 22**, when requested in writing by the appointing authority, shall be placed upon a reinstatement register for the same class and for the same department from which laid off or reduced, for a period of one year from the date of layoff or reduction; the reinstatement list shall supersede any other eligibility lists.
- 8.06.02 Upon the request of an appointing authority, the Secretary may approve the certification of anyone on such a reinstatement register as eligible for appointment on an open competitive basis in the department requesting certification
- 8.06.03 Anyone on a reinstatement register who becomes a regular employee in another department shall lose reinstatement rights in the former department.
- 8.06.04 Anyone accepting a permanent appointment in the class from which laid off and in a department other than that from which laid off is not to be certified to the former department unless eligibility for the department is restored. The Commission may schedule examinations prior to the expirations of the eligibility lists, or extend the expiration date of the eligibility list if it is deemed to be in the best interests of the service. It is the intent of the Commission to establish and maintain appropriate eligibility lists to certify names for appointments as the needs of the service arise.

8.07 AVAILABILITY OF ELIGIBLES

- 8.07.01 It shall be the responsibility of an eligible to notify the Secretary in writing immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for reemployment.
- 8.07.02 The name of an eligible who submits a written statement restricting the eligibility for employment shall be withheld from certifications if the restrictions do not meet the conditions specified for appointment. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.

8.08 CANCELLATION OF ELIGIBILITY

- 8.08.01 Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of bad character or other unfitness; fraudulent conduct; false statements by the eligible or by others with the eligible's collusion; material physical or mental disability; or, other disqualifying factor in connection with any application examination for, or securing of an appointment. A previous unsatisfactory work record with the City or dismissal from the service, or dismissal from any position, public or private for any cause which would be cause for dismissal from City service shall be deemed cause for cancellation of eligibility;
- 8.08.02 Separation from the department will terminate any promotional eligibility;
- 8.08.03 Upon report of an appointing authority that an eligible has failed to respond or has refused to accept employment, the Secretary may strike the eligible's name from the register;
- 8.08.04 Failure to respond to the secretary/examiner of a register within fourteen (14) business days from such canvass shall be deemed cause to strike the name of any eligible from the register;
- 8.08.05 Refusal to accept reemployment in a permanent position shall constitute separation from the service except as provided in 8.07
- 8.09.06 Such action contemplated by this rule may also be taken for other material reasons.

8.10 RESTORATION OF NAMES TO ELIGIBLE REGISTERS

The name of an eligible which has been removed from a register may be restored upon written request to the Secretary for such restoration. The request must specify the reasons for the requested restoration. The Secretary may approve the request if it is deemed that the evidence submitted justifies such approval.

RULE 9 - CERTIFICATION AND APPOINTMENT

9.01 GENERAL PROVISIONS

Vacancies in the classified Civil Service shall be filled by reinstatement, promotional appointments, assignment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate register, the Secretary may authorize a temporary or provisional appointment.

9.02 REQUEST FOR CERTIFICATION

Whenever an appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Secretary. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of vacancy, or if a new position, authority for the appointment and other details for full description of the position to be filled.

9.03 CERTIFICATION

9.03.01 ELIGIBLE REGISTER. Certification to fill a vacancy shall be made by the Civil Service Departments from registers in the following order and as provided in this rule:

- a. Reinstatement
- b. Promotional
- c. Original

9.03.02 ORDER OF REINSTATEMENT – ELIGIBLE

- a. If a vacancy is to be filled from the reinstatement register, the following shall be the order of the certification:
 1. Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be first reinstated.
 2. Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.
- b. Upon request from the appointing authority, the Secretary may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.
- c. Nothing in this rule shall prevent that reinstatement of any regular or probationary employee for the purpose of transfer to another department, either for the same class or for voluntary reduction in class, as provided in these rules.

9.03.03 MULTIPLE VACANCIES. If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.

9.03.03.1 ADDITIONAL NAMES. If an appointing authority makes an acceptable showing that any of the eligible certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.

9.03.03.2 SPECIAL SKILLS. Where a certification of eligible with special experience, training, or skills is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position, and the Secretary determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles that possess the special qualifications.

9.03.03.3 PRIOR SERVICE. If a temporary vacancy is to be filled from an open or promotional register, those eligible with three months of service who are shown on the register as having been laid off within the last twelve (12) months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligibles for certification according to the rule.

9.03.03.4 APPLICATION/EXAMINATION. The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority

9.04 DEFERMENT OF CERTIFICATION

The Secretary may grant deferment of certification of an eligible, upon receipt from the eligible, of a written request with satisfactory reason therefore. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his or her desire to be returned to the register, and such return has been approved by the Secretary.

9.05 REGULAR APPOINTMENT

A regular appointment to fill a vacancy must be made from the names contained on the official certification. The official appointment report shall show the name of the person appointed, effective date, the salary, the nature or duration of the appointment, and any other information required.

9.06 TEMPORARY APPOINTMENT

Where there is no suitable eligible register from which certification can be made, the Secretary may allow the appointing authority to make a temporary appointment. The individual serving in a temporary appointment may not work more than 1040 hours in a calendar year.

RULE 10 - PROBATIONARY PERIOD

10.01 PROBATIONARY PERIOD

10.01.01 After each full-time or part-time permanent appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete. The purpose of the probationary period is to provide a trial period during which the department may observe the performance of the probationary employee before civil service status is acquired.

10.01.02 If a probationer transfers in the same class from one department to another, the receiving department may with the approval of the Secretary, require that a complete probationary period be served in that department.

10.02 LENGTH OF PROBATIONARY PERIOD – ENTRY LEVEL

No position in the civil service shall be deemed to be permanent until the expiration of the probationary period. The entry level probationary period for the police department shall be for a period of eighteen (18) months, which includes academy time beginning from the date the eligible entry-level applicant was first appointed. Probationary period for entry level firefighter shall be twelve (12) months. Training school time shall not be deducted in computing the probationary period. Minor absences due to vacations, annual military leave, illnesses, shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary will approve a department request for an extension of the probationary period.

10.03 LENGTH OF PROBATIONARY PERIOD – LATERAL

No position in the civil service shall be deemed to be permanent until the expiration of the probationary period. The lateral probationary period shall be for a period of twelve (12) months. Minor absences due to vacations, annual military leave, illnesses, shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary will approve a department request for an extension of the probationary period.

10.04 LENGTH OF PROBATIONARY PERIOD – PROMOTIONAL

No promotional position shall be deemed to be permanent until the expiration of the probationary period. Any promotional appointment probationary period shall be for a period of twelve (12) consecutive months from the date the eligible was first appointed. Minor absences due to vacations, annual military leave, illnesses etc., shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary will approve a departmental request for an extension of the probationary period.

10.05 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE

A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

10.06 REMOVAL OF PROBATIONER

10.06.01 GROUND. The appointing authority, by assigning in writing to the Commission the reasons therefore, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission.

10.06.02 PROCEDURE. The Department Head must file a prescribed form stating the reasons for the removal with the Secretary prior to the end of the probationary period. Notice must be mailed to personally served on the employee and proof of notice filed with the Secretary. If an appointee is determined unsatisfactory during the probationary period and the employee is terminated or reduced in rank, he/she shall no longer be on the eligibility list for that position.

10.06.03 RIGHTS RETAINED. A promotional probationer, unless discharged for cause, retains all civil service rights to the position from which appointed. Such rights shall be retained whether promotion is to an entrance or promotional position.

10.07 DEMOTION

A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he/she was appointed, in accordance with Rule 16.03 on demotion, or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the appointing authority, subject to approval by the Commission. A probationer demoted to a class in which he/she has not held regular standing shall start a new period of probation.

10.08 PROTESTS

Any probationer may file a written protest with the Secretary protesting a termination of probationary status or demotion. All protests must be filed with ten (10) business days of notice of the action taken. The Secretary will give due consideration to and take appropriate action on all timely-filed protests. Probationers may appeal a decision of the Secretary to the Commission under Rule 16.

RULE 11 - SERVICE CREDIT

11.01 Service credit in a class for a regular employee shall be computed to cover all service subsequent to regular appointment in that class and shall be applicable in the department in which employed.

11.02 DETERMINATION

11.02.01 The determination of regular employee's earned service credit shall be made on the basis of the available payroll, personnel and other records. If payroll records are not available for any particular period, it shall be refutably presumed that each regular employee employed during credit in the particular class and department in which employed, for the entire length of such period.

11.02.02 Following the requisite probationary period and upon appointment or reappointment, the seniority and service credit of the employee shall begin anew and be computed without benefit or credit of any prior service except as the Commission may otherwise authorize for the good of the service.

11.03 REQUESTS FOR CONFIRMATION

11.03.01 REQUESTS. Any employee, or an association or union on behalf of such employee, or the head of an employee's department may request a determination of the employee's earned service credit as a designated date in any specified class and department in which he has served. If the request is made at a reasonable time and interval, and subject to such directives as may be then in effect, the Secretary shall as soon as practicable but within ten (10) business days ascertain the requested computation, and shall so notify the requesting employee, association, and union or department head in writing.

11.03.02 PROTESTS. If any employee, association, union or department head has cause to object to the computation of the employee's service credit, written protest may be filed with the Secretary setting forth with particularity the reason and basis for the objection. Such protests must be filed within ten (10) business days. The Secretary shall give due consideration to all timely-filed protests and take such action as deemed appropriate.

11.04 SERVICE COVERED

11.04.01 GENERALLY. Once a regular employee acquires regular Civil Service status and regular standing in any given class in a particular department, the employee shall receive full service credit for the entire length of time served in such class and department, whether such service is continuous or interrupted.

11.04.02 PROBATIONARY PERIOD. After completion of an original or probationary period, a regular employee shall receive credit for actual service during such period. If a probationer fails to complete satisfactorily the required probationary period and is returned to the former regular class, actual service during such period shall be credited to the former class.

- 11.04.03 TEMPORARY OR PROVISION APPOINTMENT. If an employee's appointment to a position is an acting or temporary appointment, the time during which the employee performs the duties of the position in an acting or temporary capacity shall not be credited for an equivalent position.
- 11.04.04 ON ASSIGNMENT. A regular employee shall be credited to the regular class for the entire length of time served under an assignment.
- 11.04.05 LEAVES WITHOUT PAY. No service credit shall be allowed for any time that an employee is on any leave of absence without pay.
- 11.04.06 SUSPENSION. No service credit shall be allowed while an employee is on a suspension without pay, unless the suspension is modified, reversed or nullified on appeal.

11.05 CHANGE IN CLASS OR DEPARTMENT

- 11.05.01 GENERALLY. No service credit earned by a regular employee in any one class and department shall be carried over upon appointment, promotion, reinstatement, transfer, demotion or voluntary reduction to or from another class or department, but such service credit shall be permanently retained in and be credited to the class and department in which it was earned, unless expressly provided by these Rules.
- 11.05.02 ABOLITION OF CLASS. In the event that a regular employee's former class is abolished or changed, all service credit earned in such class prior to its abolition or change and not lost or forfeited shall be credited to another class in the same department which is substantially similar to, and is neither higher nor lower than the abolished or changed class.
- 11.05.03 COMBINATION – COMPUTATION. Whenever the service credit of a regular employee earned in two or more classes, or in the same class in different departments, is to be combined under these Rules as hereinafter prescribed, the service credit earned and not lost or forfeited in each such class and department shall be computed separately and shall be added together, and the total sum shall represent the employee's service credit for the particular purpose in question.

11.06 PROMOTION – COMPUTATION OF CREDIT

Upon completion of the probationary period for a promotional position, an employee shall receive credit for all service in the promotional class and particular department, which shall be credited to that class and department. All prior service credit earned in the lower class and department shall be retained by the employee, but such service credit shall be credited only to that latter class and department.

11.07 TRANSFER – COMPUTATION OF CREDIT

A regular employee shall be entitled to retain all service credit earned in any class and department prior to an authorized transfer therefrom, which shall be credited to such

former class and department. Service credit earned in the new class or department to which transferred shall be credited to such new class or department, from the effective date of the transfer. If the transfer becomes regular, the required trial period, if any, shall be credited to the new class or department. Otherwise such trial period as served shall be credited to the former class or department.

11.08 DEMOTION- COMPUTATION OF CREDIT

Upon involuntary demotion of an employee in accordance with these Rules, all service credit earned in the class and department from which demoted, up to the effective date of the demotion shall be retained by the employee, unless otherwise provided in the demotion order and approved by the Commission. From that time, the employee shall be entitled to such service credit formerly earned in such class and department and not lost or forfeited. Any required trial period, if satisfactorily served, shall be credited to that lower class and department. If not satisfactorily served and demoted again, such trial period as actually served shall be credited to the next lower or other class in which the employee acquires regular standing or, in the event of a layoff, to the class and department from which the employee is laid off.

11.09 VOLUNTARY REDUCTION – COMPUTATION OF CREDIT

Upon the voluntary reduction of a regular employee to a lower class in the same or different department as provide by these Rule, such employee shall retain all earned retention credit in the higher class and department from which reduced, prior to such reduction, if not lost or forfeited.

11.09.01 SIMILAR CLASSES. If a regular employee's position is reallocated to a different class which is substantially equivalent to the former class and the same department and not lost or forfeited shall be credited to the new class. In addition thereto, the employee shall receive all service credit subsequently earned in the new class and the same department.

11.09.02 DISSIMILAR CLASSES. If the position is reallocated to a class which is not substantially similar, the service credit earned in the former class shall be credited only to such former class and department.

11.10 LAYOFF-COMPUTATION OF CREDIT

No service credit shall accrue or be allowed during the period in which an employee is laid off, but all service credit earned and not lost or forfeited up to the effective date of the layoff shall be retained by the employee.

11.11 SERVICE CREDIT UPON SEPARATION OF SERVICE

Upon separation from the service, no credit shall be given or allowed for any prior service or employment up to the time of such separation and except as otherwise specifically provided by these Rules, service credit shall be forfeited and not be reinstated upon reemployment by the City.

RULE 12 - TRANSFER-REDUCTION

12.01 GENERAL

The transfer of an employee shall not constitute a promotion in the service, except as provided in Rule 12.03.04 below.

12.02 INTRA-DEPARTMENTAL TRANSFERS

An appointing authority may transfer an employee from one position to another position in the same class in the same department without prior approval of the Secretary but must report any such transfer to the Civil Service Department within five (5) business days of its effective date.

Transfer may be made upon consent of the department head and with the Secretary's approval as follows:

- 12.03.01 Transfer in the same class from one department to another; such a transfer may be made concurrent with the appointment of an employee to another class;
- 12.03.02 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department, upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.
- 12.03.02 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.
- 12.03.03 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class when such transfer would constitute a promotion or advancement in the service; provided, a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced and when transfer in lieu of layoff under Rule 12.03.03 is not practicable. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.
- 12.03.04 The Secretary may approve a transfer under this Rule 12.03 with the consent on the appointing authority of the receiving department only upon a showing of circumstances justifying such action.

12.04 LIMIT OF RULE

These rules have no authority or effect on positions or departments not subject to the Civil Service. Transfer to or from positions or departments not subject to the Civil Service are unaffected by these rules.

12.05 REDUCTION

12.05.01 AUTHORIZED. As defined in Rule 22, a reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A reduction may be made only upon an employee's written request, and consistent with these Rules.

12.05.02 APPLICABLE CLASSES. A reduction may be approved for:

- a. The next lower or any lower class in the Class Series containing the class from which reduced;
- b. Any lower class in which the employee has previously acquired regular standing, provided there has been no intervening forfeiture; or
- c. Any lower class which is substantially similar to any lower class (in the employee's current class series) in the position classification plan; or
- d. Employees seeking return to employment or reemployment from a disability, to a vacant position in another permissible class or department for which the employee qualifies.

- 12.05.02.01
- a. A request for reduction must be submitted in writing to the Secretary. The request must include statement of justifiable or satisfactory reason, including a showing that the employee meets the qualifications of the lower class.
 - b. The reduction must be approved by the Mayor and City Administrator, and reported to the Commission.
 - c. The reduction shall take effect on the date ordered by the Secretary.

12.05.03 EFFECT OF REDUCTION

- a. Upon the effective date, or following satisfactory completion of any trial period, the reduction shall be complete and the employee shall have regular standing in the lower class and department to which reduced.
- b. An employee reduced shall be able to return to the former position only by examination and regular appointment. In the event of a recovery from disability, an employee reduced in class may be eligible for appointment from a reinstatement register.

12.05.04 REDUCTION AVAILABLE

- a. By Employee. A voluntary reduction may be sought by an employee for any vacant position in a class under Section 12.05.02.
- b. By Department
 1. Employees with Standing. Reduction involuntarily of an employee from a higher civil service class to a lower civil service class is governed by Rule 13, Layoff. Return of an employee from an exempt position to a civil service position is governed by Rule 15, Leaves of Absence.
 2. Employees without Standing. When an employee is reduced from an exempt position, the employee may petition in writing the Commission within ten (10) business days of the end of employment in the exempt position for placement on a

reinstatement register for a class for which the employee is deemed eligible. In considering the placement of the employee, the Commission may consider the employee's experience, the record of City employment, or such other factors as deemed in the best interest of the system. The Commission's decision shall be deemed permissive and discretionary, and an employee shall have no claim or cause for denial of placement on a reinstatement register.

- 12.05.05 The Commission may, in its judgment and discretion, provide in the order of granting or approving any reduction that the employee shall serve a designated trial period, not to exceed one (1) month's service from the effective date of the reduction, in the position to which reduced for the sole purpose of satisfying the Commission that employee is capable of satisfactorily performing the functions and duties of such position or class.

RULE 13 - LAYOFF/REORGANIZATION

13.01 Whenever the appointing authority contemplates a reduction in staff because of shortages of funds, lack of work or reorganization, notice thereof shall be sent by the appointing authority to the secretary-examiner. When it is determined which classified positions are to be eliminated, employees in those positions will be laid off according to Rule 13.02 below. The Civil Service Commission shall investigate any complaint by a regular employee, filed in writing with the secretary-examiner, alleging that a lay-off was made in bad faith. If the Commission finds that the lay-off was not made in accordance with these rules and regulations, it may order the reinstatement of the regular employee or employees to their previously held rank. Notice of lay-off shall be given to the employee(s) concerned and the secretary-examiner at least four weeks before the effective date thereof. Regular employees laid-off shall have their names placed on the eligibility list in accordance with these rules and regulations.

If a particular classification is eliminated, officers shall have rights with respect to seniority to any previous position held.

13.02 In a given class in a department, the following shall be the order of layoff:

13.01.01 Provisional appointees;

13.01.02 Temporary or intermittent employees not earning service credit;

13.01.03 Probationers (except as their layoff may be affected by military service during probation);

13.01.04 Regular employees in the order of their length of service, the one with the least service being laid off first.

13.03 LAYOFF OUT OF ORDER

The Secretary may grant permission for layoff out of the regular order, upon showing by the department head of a necessity therefore in the interest of efficient operation of the department, after giving any affected employee or employees an opportunity to be heard.

13.04 REDUCTION IN LIEU OF LAYOFF

At the time of any layoff, a regular employee or a promotional probationer, shall be given an opportunity to accept reduction to the next lower class in a series of classes in his department, or he may be transferred as provided by Rule 12.03.03.

13.05 TRANSFER IN LIEU OF LAYOFF

An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with Service Credit Rule 11.

RULE 14 - LEAVES OF ABSENCE

14.01 REQUESTS FOR LEAVES OF ABSENSE

14.01.01 Leave of absences may be granted for employees in accordance with City policy or collective bargaining agreement.

14.02 CANCELLATION/REVOCAION

Any or all leaves of absence without pay within a department may be cancelled whenever any necessity arises in the good faith judgment of the department head. A department head may revoke an individual employee's leave without pay if it is found that the employee is using the leave for purposes other than that for which it was granted. Employees may be ordered to return to work immediately or as soon as possible on written notice from the department head of the cancellation or revocation of leave. A copy of such notice shall be filed with the Secretary.

14.03 RETURN FROM LEAVE

At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit as determined by these rules.

14.04 MILITARY LEAVE

See City personnel policies and state and federal law relating thereto.

14.05 FILLING VACANCY

All temporary employment caused by leave of absence shall be made pursuant to Rule 9.

14.06 PROTESTS

All protests to any action pertaining to leaves of absence shall be filed with the Secretary within ten (10) business days of notice of such action. The Secretary shall give due consideration to and take appropriate action on all timely filed protests.

RULE 15 - RESIGNATION

15.01 HOW TO SUBMITT

Resignation of any employee from the service shall be made in writing and filed with the Secretary after approval by the appointing authority. An employee may resign from a civil service position by presenting his/her resignation in writing to the appointing authority. To resign in good standing, an employee shall give at least two calendar weeks' notice, unless, because of extenuating circumstances, the appointing authority agrees to permit a shorter period of notice. The appointing authority may make or cause to be made such investigation as it deems warranted, for the purpose of verifying reasons for each resignation. An employee's resignation and the circumstances pertinent to it shall be recorded in his/her personnel file.

15.02 INVOLUNTARY RESIGNATION

Any resignation may be voided and set aside and the employee reinstated or restored to active duty by order of the Commission upon its determination that the resignation was made involuntarily or under duress or coercion, after giving the department head reasonable notice and an opportunity to be heard on the matter. Such action by the Commission may only be taken upon the written petition of the resigned employee filed with department head or the Human Resources Department within ten (10) business days from the effective date of the resignation. If no such petition is filed within the ten (10) business day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.

15.03 IMPLIED RESIGNATION

The department head may presumptively consider any employee to have impliedly resigned upon finding that such employee has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for five (5) or more consecutive working days or has quit or "orally resigned" and has been absent from duty for three (3) or more consecutive working days without leave or authorization. An employee will not be determined to have resigned under this rule until five (5) days after proof of service of a written notice by delivery or by registered or certified mail to the employee's last known address as filed with the Human Resources Department. No resignation order shall take effect if, prior thereto, the employee reports for active duty, applies for restoration or reinstatement, or otherwise gives notice to the department head or the Human Resources Department which, in the judgment of the Commission, rebuts the presumption of resignation.

RULE 16 -DISCIPLINE AND DISCHARGE

16.01 SUSPENSION

- 16.01.01 A department head may suspend a subordinate, with or without pay, for a period not to exceed thirty (30) days for cause.
- 16.01.02 Any deprivation by a department head of any vacation or other paid leave, compensatory time-off or other privilege involving pay or compensation either directly or indirectly, to which an employee is otherwise entitled under law and these Rules, shall be deemed to be a suspension without pay and shall be subject to the above provisions.

16.02 DEMOTION – DISCHARGE

- 16.02.01 No full-time employee of the fire/police departments who shall have been permanently appointed or inducted into civil service under provisions of Ch. 41.08/41.12 RCW or of these rules and regulations, shall be suspended, terminated, or reduced in rank except for cause. An employee so demoted shall lose all rights to the higher class. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer.
- 16.02.02 The Secretary shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class. The demoted employee may be required to actually serve a trial period in the class to which demoted, for such time and upon such terms and conditions as the head of the department may provide in the demotion order, for the sole purpose of determining the capability to satisfactorily perform the functions and duties of such class.
- 16.02.03 Upon satisfactory completion of the prescribed trial period or upon the effective date of the demotion if no such period is required, the demoted employee shall have the status, rank and standing of the lower class to which demoted, and such class and department shall be deemed to be the employee's regular class and department for the purposes of these Rules until an authorized change is made.

16.03 DISCIPLINE – CAUSE – ILLUSTRATED

The following are declared to illustrate causes of discipline; discipline may be made for any other cause:

- 16.03.01 Incompetency, inefficiency, inattention to, or dereliction of duty;
- 16.03.02 Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any other act of omission or Commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself;
- 16.03.03 Mental or physical unfitness for the position which the employee holds;
- 16.03.04 Dishonest, disgraceful, or prejudicial conduct;

- 16.03.05 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;
- 16.03.06 Conviction of a felony, or a misdemeanor involving moral turpitude;
- 16.03.07 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;
- 16.03.08 Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;
- 16.03.09 Willful or intentional violation of any of the provisions of these rules.
- 16.03.10 Any other cause, act or failure to act which, under law or these Rules, or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

RULE 17 - PREDISCIPLINARY HEARING

17.01 PREDISCIPLINARY HEARING – REQUIRED

A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate. This hearing is an opportunity for an employee to present to the appointing authority the employee's response prior to the decision on discipline.

17.02 PREDISCIPLINARY HEARING – STANDARDS/NOTICES OF DISCIPLINE

- 17.02.01 An employee shall be provided, in writing, with notice of the charge and an explanation of the department's evidence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's proposed action should not be taken.
- 17.02.02 The employee may have legal counsel or union representative present at a predisciplinary hearing.
- 17.02.03 The department's explanation of the department's evidence at the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent, post-disciplinary hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.
- 17.02.04 Should the appointing authority determine to discipline following the predisciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.
- 17.02.05 The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to any employee.

RULE 18 - HEARINGS

18.01 HEARINGS - APPEALS

- 18.01.01 Any regular employee who is demoted, suspended or terminated may appeal such action to the Commission.
- 18.01.02 Any employee who is alleged to be probationary by the disciplining department may only appeal to the commission issues regarding probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.
- 18.01.03 Any employee, or department, who is adversely affected by an alleged violation of Civil Service or City ordinance may appeal such violation to the Commission.

18.02 APPEALS - TIME-FORM

A notice of appeal shall be filed at the Commission offices within ten (10) days of action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal.

18.03 EXHAUSTION OF ADMINISTRATIVE REMEDIES

- 18.03.01 The Secretary may when not inconsistent with the terms of a collective bargaining agreement direct the employee to exhaust available administrative procedures regarding a disciplinary matter before scheduling the matter for hearing before the Commission.
- 18.03.02 If the employee exhausts the available administrative procedures and continues to believe that cause has not been shown, the employee may within then (10) days after the final step of the procedure request the Secretary to return the appeal to the Commission for hearing.

18.04 AUTHORITY OF SECRETARY - CHIEF EXAMNER AND STAFF

- 18.04.01 The Secretary-Chief Examiner to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Secretary-Chief Examiner may also conduct pre-hearing settlement conferences (in order to encourage resolution of contested matters), issue subpoenas for depositions and for hearings.
- 18.04.02 The Commission may authorize Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The staff shall report the result of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.

- 18.04.03 As an aid to investigations authorized by the Commission, the Secretary-Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by electronic device or otherwise of any person who may have relevant knowledge. Depositions to taken shall be kept as part of the records of the Commission.
- 18.04.04 The Commission may direct a hearing officer of its selection to carry out the proceedings, including the activities of the Secretary, under rule 18.

18.05 APPEALS - INITIAL REVIEW

The Secretary-Chief Examiner shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the Secretary-Chief Examiner shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case on an action this is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.

18.06 APPEALS - NOTICE OF HEARING

Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten business (10) days, a scheduling/pre-hearing conference before the Commission shall beset, with each party to be afforded not fewer than ten (10) business days' notice of such hearing. Subsequent hearing on the same appeal shall have at least one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section.

18.07 APPEALS - AUTHORITY OF DEPARTMENT

The exercise of jurisdiction by the Commission over a matter does not preclude the part from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

18.08 SERVICE OF PROCESS - PAPERS

- 18.08.01 The Commission staff shall cause to be served all orders, notices and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or paper.
- 18.08.02 All notices, documents or papers served by the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or regular mail with written acknowledgement of the person who mailed the papers or by certificate of any attorney or Secretary-Chief Examiner.
- 18.08.03 Service upon parties shall be regarded as complete when personal service has been accomplished or by mail, upon properly stamped and addressed deposit in the mail system.

- 18.08.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the Commission office. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in such brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.
- 18.08.05 An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

18.09 DISCOVERY

- 18.09.01 Parties to a proceeding are required to provide to each other reasonable access to and discovery of all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Secretary.
- 18.09.02 Upon the failure of any party to comply with an order of the Secretary compelling discovery, the Secretary shall schedule the matter before the Commission for review and determination of appropriate sanctions.

18.10 SUBPOENAS

- 18.10.01 Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents, or things under that person's control.
- 18.10.02 Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having the subpoena properly served. Requests for subpoenas shall be submitted to the Commission offices at least three (3) days prior to the hearing.
- 18.10.03 Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.
- 18.10.04 The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office, and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.
- 18.10.05 Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:
- a. Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

- b. Condition denial of a motion to quash or modify upon just and reasonable conditions.

18.11 BURDEN OF PROOF

At any hearing on appeal from a demotion, suspension or termination, the disciplinary authority shall have the burden of showing by a preponderance of the evidence that its action was for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

18.12 EVIDENCE

- 18.12.01 Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the State of Washington.
- 18.12.02 A witness in any hearing may be examined orally, under oath or affirmation and shall be subject to cross-examination by opposing parties and the Commission.
- 18.12.03 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the ground of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- 18.12.04 At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Secretary-Chief Examiner.
- 18.12.05 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.
- 18.12.06 An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.

18.13 DELIBERATION

The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No persons other than the Secretary-Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in an open hearing.

18.14 DECISION

In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. Absent the consent of an appellant to an extension of time, failure to issue a decision within the time prescribed shall result in an appeal being sustained.

18.15 REMEDIES

The Commission may issue such remedial orders as deemed appropriate.

18.16 RECONSIDERATION

A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission with ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

18.17 WAIVER

Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinance of the City would be better served, the Commission may waive the requirements of any of these rules.

RULE 19 - RETIREMENT AND DISABILITY

19.01 RETIREMENT

Employees of the City who are members of pension fund systems as provided by law shall be retired on account of service or disability in accordance with provisions of law.

19.02 REINSTATEMENT AFTER DISABILITY RETIREMENT

19.02.01 PROCEDURE

The Secretary shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his/her health to the extent employable. Upon being satisfied that the is physically and mentally competent to perform the duties of the regular class, the Secretary shall:

- a. Order return of the employee to former employment status as if a leave of absence had been granted; or
- b. Place the name on the reinstatement register for an available class and department.

19.02.02 EFFECT

The name of the employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement register for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Secretary. If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff. Any reinstatement in a class other than that in which last employed shall not result in a promotion.

19.02.03 DISCHARGE FOR CAUSE – EXCEPTION

The provisions of this rule shall not apply in the event an employee is discharged for cause from the service, whether or not the employee received a disability retirement.

RULE 20 - MISCELLANEOUS

20.01 REPEALS AND SAVINGS

All matters shall be subject to these rules, and to the extent, all previous Civil Service rules are hereby repealed.

20.02 COMPUTATION OF TIME

20.02.01 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a City legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a City legal holiday. When the period of time prescribed or allowed is ten (10) business days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

20.02.02 Any period of time except for the stated period of time set forth in Rule 18 may be extended by the Secretary-Chief Examiner for no more than fourteen (14) business days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the end of the applicable time period.

20.02.03 The date of notice for purpose of these rules shall be the date on which notice of an action is posted in the Commission's office (s) as provided in these Rules; (b) is mailed or (c) delivered personally to a party to the proceeding.

20.03 CIVIL SERVICE AND COLLECTIVE BARGAINING

The Public Employee's Collective Bargaining Act, Chapter 41.56 RCW ("Act") provides for collective bargaining agreements between the City and the labor organizations representing employees. The Act, and collective bargaining agreements prevail over these rules in the event of a conflict.

RULE 21 - PERSONNEL FILE, RECORDS AND REPORTS

The Human Resources office shall maintain a personnel file for each employee in the classified service showing the name, title or position held the division within the Police and Fire Departments to which assigned, the salary, changes in employment status, leaves, and all other information that may be considered pertinent. Access to these records shall be restricted to the appointing authority, the employee, and members of the Civil Service Commission.

21.01 EXAMINATION RECORDS

The Secretary/Examiner shall maintain examination records on each employee in the classified service. Such records shall include the date and title of the examination, ratings earned, and the grade obtained.

21.02 ACCESS TO DEPARTMENT RECORDS

The Civil Service Commission, secretary-examiner and appointing authority shall have access to all records on each employee. The examination of which will aid them in the discharge of their duties. Does not include files or records that are protected by privacy laws.

21.03 RECORDS OPEN TO THE PUBLIC

The minutes of all Civil Service Commission meetings shall be open to the public during office hours and may be inspected upon application to the Secretary/Examiner. Access to other Commission records shall be governed by any applicable chapters of the Revised Code of Washington and/or federal laws or regulations.

21.04 REPORTS

For the purpose of certification to the city authorities for the payment of salaries, and in order that the commission may keep a proper record of changes in the classified service, each appointing authority shall immediately report in writing to the commission through the secretary-examiner:

- 21.04.01 Every probationary or temporary appointment made by him/her.
- 21.04.02 Every refusal or neglect to accept an appointment by a person who has been duly certified.
- 21.04.03 Every suspension or other disciplinary action made by him/her of any officer or employee with the reasons therefore.
- 21.04.04 Every separation from service and whether the separation was caused by death, dismissal, retirement or resignation and whether such resignation was in writing and filed with the commission.
- 21.04.05 Every office that is created or abolished in any department and the reason therefore.
- 21.04.06 Every leave of absence that is granted to a member of any department.

22 - PROCEDURAL INVESTIGATIONS

22.01 INVESTIGATIVE RESPONSIBILITY

The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of these rules and regulations and/or RCW 41.12 prescribed hereunder; inspect all institutions, departments, offices, places, positions, and employment's affected by these rules and regulations or RCW 41.12, and ascertain whether the rules and regulations or RCW 41.12 hereunder are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission, but the commission must make like investigation on petition of a citizen duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within or outside the State to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of these rules and regulations and RCW 41.12, and punishable as such.

22.02 CITIZEN COMPLAINTS

The commission may make like investigations into the operation of the civil service system on petition of a citizen, duly verified, and stating that irregularities or abuses exist and setting forth in concise language, in writing, the necessity for such investigation.

RULE 23 - DEFINITIONS

The following words and phrases shall have the meanings hereinafter described unless the context in which they are included clearly indicates otherwise:

- 23.01 ACTUAL SERVICE. Time in which a given employee has been engaged under Civil Service appointment in the performance of the duties of a position or positions and shall include absences with pay.
- 23.02 ALLOCATION. The locating or placing in the classified service of a position in the class appropriate to it on the basis of duties and responsibilities and required qualifications of such position.
- 23.03 APPLICANT. Anyone who has filed an application to take a Civil Service Examination.
- 23.04 APPOINTING AUTHORITY. The person or persons authorized to hire, promote or discharge employees
(1) The Fire Chief with respect to any Fire Department position included in this system, or (2) the Chief of Police with respect to any Police Department position included in this system.
- 23.05 APPOINTMENT
 - 23.05.01 APPOINTMENT – REGULAR. The appointment of a certified eligible.
 - 23.05.02 APPOINTMENT – PROVISIONAL. A limited appointment of (a) certified person to a classified position which is not vacant, but is currently unfilled due to an authorized leave of absence; or (b) a non-certified person to a classified position for which there is no current eligible register.
 - 23.05.03 APPOINTMENT TEMPORARY. A limited appointment other than from an eligible register for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment.
- 23.06 ASSIGNMENT. An employee may be assigned to a position which carries additional salary and additional limited responsibilities and is within the scope of the specification for the class from which assignment is made.
- 23.07 BREAK IN SERVICE. A separation from Civil Service status with a loss of accumulated service credit as occasioned by a “quit,” “resignation,” “discharge” or retirement.”
- 23.08 CANDIDATE. Any applicant who has completed, or is in the process of completing, a Civil Service Examination.

- 23.09 CAUSE. Cause shall mean good, sufficient or just cause as determined by the Commission; exercised by the appointing authority in good faith and without discrimination on the basis of religion, politics or other protected classification; and, in consideration of the total context of a disciplinary action, including procedural fairness and consideration of an employee's work record.
- 23.10 CERTIFY. A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which appointing authority may fill a vacancy.
- 23.11 CITY. The City of Washougal.
- 23.12 CIVIL SERVICE EMPLOYEE. Any employee who has Civil Service status.
- 23.13 CIVIL SERVICE REGISTER. See eligible register.
- 23.14 CLASS. A position or group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.
- 23.15 CLASS SERIES. Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as Police Officer, Police Corporal, Police Sergeant.
- 23.16 CLASS SPECIFICATION. A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.
- 23.17 COMMISSION. The Civil Service Commission. "Commissioner" means any one member of the Commission.
- 23.18 CONTINUOUS SERVICE. Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.
- 23.19 DEMOTION. Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.
- 23.19 DEPARTMENT. Any department of the City subject to civil service as established by ordinance. The legal head of any such department is the "Department Head" or Department Head's designee.
- 23.20 DISCHARGE. Termination, separation, dismissal, or removal from the service for cause.
- 23.21 ELIGIBLE. Anyone qualified for a given class through examination and placed on the proper eligible register; also, "certified Eligible."
- 23.22 ELIGIBLE REGISTER. A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, "Register of Eligibles."

- 23.23 EMPLOYEE. Anyone holding a position in the Civil Service System of the City.
- 23.23.01 EMPLOYEE – REGULAR. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.
 - 23.23.02 EMPLOYEE – TEMPORARY. Any employee appointed to fill an emergency, temporary or short-term need or to fill a position for which no register is available.
 - 23.23.03 EMPLOYEE – EXEMPT. Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority.
 - 23.23.04 EMPLOYEE – PROBATIONARY. A person appointed from a certification who has not yet completed the specified trial period of employment.
 - 23.23.05 EMPLOYEE – PROVISIONAL. Any employee appointed provisionally to a position.
- 23.24 EXAMINATION. The process of testing the fitness and qualifications of applicants for positions in a class.
- 23.24.01 EXAMINATION – OPEN. An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.
 - 23.24.02 EXAMINATION – PROMOTIONAL. An examination limited to employees meeting the requirements state in the official bulletin announcing the examination.
- 23.25 EXAMINATION BULLETIN. An examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and other pertinent information. The examination announcement shall be posted at the Police and Fire Departments, and in other suitable locations.
- 23.26 FINAL EXAMINATION SCORE. Total of earned exam score plus additional veteran's preference or service credit points for which an applicant is eligible.
- 23.27 IN-HOUSE REGISTER. A list of names of civil service employees, in the order of final examinations rating, who has passed an examination for an entrance position or class.
- 23.28 LAYOFF. The interruption of service and pay of any regular or temporary employee because of lack of work or funds, except that the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.
- 23.29 OFFICIAL NEWSPAPER. The newspaper designated as official by the City, or as otherwise designated by the Commission.
- 23.30 POSITION. Any group of duties and responsibilities in the service of the City which one person is required to perform as full or part-time employment, and which is included in the City budget.

- 23.30.01 POSITION – REGULAR. A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period less than the budget year; also any such position established during a given budget year, unless the Department Head certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
- 23.30.02 POSITION REGULAR PART-TIME. Employment in a regular position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.
- 23.31 PROBATION OR PROBATIONARY. The status of an employee during a trial period following regular appointment from an eligible register. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of duties, fitness for the position to which certified and appointed.
- 23.32 PROMOTION. The appointment of an employee to a higher class or to a position of higher skill or responsibility level. Any change in employment other than by a temporary or provisional appointment (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute promotion.
- 23.33 QUIT. Any voluntary separation of an employee from the City service without acceptance of a resignation by the appointing authority.
- 23.34 REALLOCATION. The allocation of a position to a different class in the Classification Plan.
- 23.35 REDUCTION. The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 23.36 REGISTER. A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment. See Eligible Register.
- 23.37 REINSTATEMENT. Reappointment of a regular employee to a position in a class in which the employee was a regular employee.
- 23.38 REINSTATEMENT REGISTER. A list of names who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement.
- 23.39 RESIGNATION. A written request by an employee for separation from a class or from the City service. To be valid, such request must show written approval of the appointing authority.
- 23.40 RETENTION CREDIT. The employee's service credit in a given class or position and any higher position in a series or any other credit used by the Commission to determine order of lay-off.

- 23.41 RETIREMENT. The termination of employment for service or disability pursuant to applicable retirement laws.
- 23.42 SECRETARY. Secretary-Chief Examiner as defined in these rules.
- 23.43 STANDING – REGULAR. The full Civil Service status of a regular employee.
- 23.44 SUSPENSION. Temporary removal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in demotion or discharge.
- 23.45 UNCLASSIFIED SERVICE. The positions in the City that are not subject to civil service and are identified as exempt positions, assignment levels, or other position authorized by law.
- 23.46 VETERANS' PREFERENCE. Preference in examinations and employment, based on military service, as provided and defined by applicable laws.