

*FIRCREST*

*CIVIL SERVICE*

*RULES AND REGULATIONS*

# **FIRCREST CIVIL SERVICE RULES AND REGULATIONS**

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## TOWN OF FIRCREST

### FIRCREST CIVIL SERVICE RULES AND REGULATIONS

#### RULE 1 - AUTHORITY AND PURPOSE

##### 1.01 RULES PRESCRIBED

In accordance with the provisions of RCW 41.12 of the laws of the State of Washington, the Civil Service Commission of the Town of Fircrest, a fourth class municipalities (towns) in said state, hereby adopts the following rules and regulations for the carrying out of the purposes of RCW 41.12 and Town ordinances. These rules shall have the force and effect of law.

##### 1.02 PURPOSE

These Rules are prescribed for the purpose of carrying out the provisions of the law, assuring the continuance of the civil service system, promoting efficiency in the dispatch of public business, selecting and promoting employees on the basis of merit, and assuring fair and impartial treatment for all classified civil service employees.

##### 1.03 EMPLOYMENT PRACTICES

No person in the classified civil service or seeking admission thereto shall be appointed, reduced, or removed, or in any way favored or discriminated against in his employment or opportunity for employment because of his race, creed, color, religion, sex, marital status, or political affiliations, or because of physical or sensory disabilities as prescribed in RCW 49.60.

##### 1.04 SEVERABILITY

If any rule, section, paragraph, sentence, clause or phrase of these Rules is declared unconstitutional, illegal or void for any reason, such decision shall not affect the validity of the remaining portion of these Rules. The Commission hereby declares that it would have prescribed and adopted these Rules and each rule, section, paragraph, sentence, clause and phrase hereof irrespective of the fact that any one or more rules, sections, paragraphs, sentences, clauses or phrases be declared unconstitutional, illegal, or void.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 2 - DEFINITIONS

Unless otherwise required by the context, words used in these Rules shall be understood to have the following special meanings:

- 2.01 ACTUAL SERVICE means time under civil service appointment engaged in the performance of the duties of a position or positions including absences with pay and successfully completed probationary time.
- 2.02 ALLOCATE means to locate or place a position in the appropriate class on the basis of similarity of duties and responsibilities or required qualifications.
- 2.03 APPLICANT means a person who has filed an application to take a civil service examination.
- 2.04 APPLICANTS FOR PROMOTION from within the department shall be those individuals certified by the Chief (or designee) to the Chief- Examiner as having the required minimum qualifications necessary to take a promotional examination.
- 2.05 APPOINTING AUTHORITY means the person, board or commission having authority to make appointments to and separations from a position.
- 2.06 APPOINTMENT - PROVISIONAL means the appointment of a person to a position in the absence of an appropriate eligibility list for the class.
- 2.07 APPOINTMENT - REGULAR means the tendering of an offer and acceptance of same by a person on an eligibility list, either on a permanent or temporary basis.
- 2.08 BREAK IN SERVICE means any interruption in continuous service, except for absences on approved leave or absences to serve in the armed forces of the United States. Re-employment does not make the service continuous.
- 2.09 BUSINESS DAYS means calendar days exclusive of Saturdays, Sundays, and legal holidays.
- 2.10 CANDIDATE means a person who has completed a civil service examination or is in the process of doing so.
- 2.11 CHAIRMAN means person of either sex and is synonymous with chairperson.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

## RULE 2

- 2.12 CLASS means a group of positions sufficiently similar in respect of duties and responsibilities so that the same title may be applied to each position, the same qualifications may be required, and approximately the same salary range may be applied with city.
- 2.13 CLASSIFIED CIVIL SERVICE means all offices and positions in the service of the town under civil service.
- 2.14 COMMISSION means the Fircrest Civil Service Commission.
- 2.15 CONTINUOUS SERVICE means employment without interruption except for absences on approved leave or absences to serve in the armed forces of the United States.
- 2.16 DEMOTION means the reassignment of an employee from a higher to a lower class because of incapacity, nonfeasance, misfeasance or malfeasances of office.
- 2.17 DEPARTMENT means a major, functional unit of the government of the Town of Fircrest.
- 2.18 DISCHARGE means separation from service for cause.
- 2.19 EDUCATIONAL CREDIT means preference in examinations, based on the furnishing of proof that the individual requesting such credit possesses a degree from a college or university in the field of Law Enforcement.
- 2.20 ELIGIBILITY LIST means a list of names of persons who have passed a civil service examination for a specific class.
- 2.21 EXAMINATION means the process of testing the fitness and qualifications of applicants for positions in a specific class.
- 2.22 LATERAL ENTRY LEVEL - Graduation from a state academy or an equivalent combination of training and experience.
- 2.23 LAYOFF means separation from a permanent position due to lack of funds, lack of work, or abolishment of the position.
- 2.24 OFFICIAL BULLETIN BOARD is the bulletin board in the Town Hall upon which all official notices of the Commission shall be posted.
- 2.25 OPEN EXAMINATION means an examination open to the public and not limited to applicants from among regular employees in the the department.



FIRCREST CIVIL SERVICE RULES AND REGULATIONS

RULE 2

- 2.26 PERMANENT means continuing for an indefinite period. In reference to employment status, it means the employee has successfully completed a probationary period for a specific class.
- 2.27 POSITION means any group of duties and responsibilities in the classified civil service of the department requiring the full or part-time employment of one person.
- 2.28 PROBATION OR PROBATIONARY means the status of an employee during a trial period following an appointment. This trial period is a working test during which an employee is required to demonstrate by performance of the duties fitness for the position to which the person has been certified and appointed.
- 2.29 PROBATIONER means an employee who has probationary status.
- 2.30 QUALIFIED FEDERAL, STATE OR MUNICIPAL LAW ENFORCEMENT AGENCY shall include the Federal Bureau of Investigation, the United States Treasury Department, State Highway Patrol, a law enforcement agency of class A county or larger, a law enforcement agency of a municipality having a population of at least twenty thousand.
- 2.31 REDUCTION means the reassignment of an employee from a higher to a lower class in lieu of layoff or for other reasons not associated with demotion. Such reduction may be at the employee's request with the concurrence of the appointing authority and the Commission.
- 2.32 REINSTATEMENT means reappointment after a break in service due to layoff to a position in a class in which status was formerly held.
- 2.33 REINSTATEMENT REGISTER means a list of names of persons laid off from permanent positions arranged in order of their right to reinstatement.
- 2.34 SENIORITY means the total amount of continuous service in a position or positions of a specific class. For purposes of layoff in a lower class, seniority in such class shall include any service in a higher class.
- 2.35 SEPARATION means leaving a position and includes resignation, discharge and layoff.

**FIRCREST CIVIL SERVICE RULES AND REGULATIONS**

**RULE 2**

- 2.36 TEMPORARY means employment on a basis other than permanent or probationary.
- 2.37 TOWN means the Town of Fircrest
- 2.38 TRANSFER refers to the change of an employee from one position to a similar position in the same class within the department, without examination.
- 2.39 VETERAN'S CREDIT means preference in examinations based on military service, as provided and defined by Laws of the State of Washington.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 3 -ADMINISTRATION

#### 3.01 ELECTION OF CHAIRMAN

At the first regular meeting in May of each year, the Commission shall elect one of its members as chairman to serve for a term of one year or until his/her successor is duly elected and qualified.

#### 3.02 DUTIES OF THE CHAIRMAN

The chairman shall preside at all meetings of the Commission and act as spokesperson for the Commission.

#### 3.03 CHAIRMAN PRO TEM

The chairman shall designate one of the Commissioners to act as chairman pro tem during the absence of the chairman. If no such designation has been made, the two Commissioners present shall agree who shall act as chairman pro tem.

#### 3.04 SECRETARY-CHIEF EXAMINER

The secretary-chief examiner appointed by the Commission from a civil service eligibility list shall carry out the following responsibilities in addition to acting as secretary of the Commission:

- a. Be responsible to the Commission.
- b. Keep the minutes and other records of the Commission and certify to the same when required.
- c. Administer and enforce the provisions of these Rules.
- d. Make recommendations to the Commission relative to matters of policy and for necessary amendments to these Rules.
- e. Report to the Commission from time to time as directed concerning the details of the work to be performed.
- f. Prepare the budget for the Commission, approve accounts, and generally administer the expenditure of funds appropriate for the operation of the Commission.
- g. Prepare for testing in an orderly fashion, including the following duties:
  1. Determine the examinations to be conducted.
  2. Order appropriate tests from independent firms.
  3. Prepare and post bulletins announcing examinations.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

RULE 3

4. Make arrangements for the examinations, making recommendations for the appointment of such experts, special examiners and other persons as may be deemed necessary to be selected by the Civil Service Commission.
  5. Review all questions relating to the eligibility of applicants, except the minimum requirements for those who have served in the Fircrest Police/Fire Department as certified by the Chief (or designee).
  6. Grade, or have graded, all written examination papers and establish a list of successful candidates.
  7. Prepare a complete report of each examination for submittal to the Commission together with a report on all appeals from the secretary-chief examiner's rulings or appeals from any part of the examination.
- h. Certify in the name of the Commission payrolls or accounts in accordance with the state laws.
1. Perform all other functions necessary for the proper implementation of these Rules and the provisions of the state law and city laws and ordinances relating to civil service and such additional duties as may be assigned from time to time by the Commission.

### 3.05 SECRETARY PRO TEM

In the absence of the secretary-chief examiner, the Commission shall appoint a secretary pro tem to act as secretary to the Commission until the return of the secretary-chief examiner.

### 3.06 AMENDMENTS OF RULES

The Commission may amend these Rules or adopt new Rules by majority vote of the Commission at any regular or special meeting of the Commission. In all fairness to employees of the Departments under purview of these rules, amendments or changes to these rules will be discussed in an open regular or special meeting at least one meeting prior to adoption, whenever practicable.

### 3.07 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.

## **FIRCREST CIVIL SERVICE RULES AND REGULATIONS**

## **RULE 3**

### **3.08    COPIES OF RULES**

A copy of these Rules and a copy of all subsequent Rules or Amendments shall be sent as soon as practicable after adoption to each affected department of the town. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available for free public distribution, as required by state law.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 4 - MEETINGS OF THE COMMISSION

#### 4.01 REGULAR MEETINGS

Regular meetings shall be held monthly at 12:00 p.m. on the first Monday of each month unless same shall be a holiday and then meetings shall be held the next business day, or on a date designated by the Commission.

#### 4.02 ADJOURNED REGULAR MEETINGS

The Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

#### 4.03 SPECIAL MEETINGS

A special meeting may be ordered at any time by the chairman or by any two Commissioners by delivering personally or by mail written notice to each member of the Commission and all departments affected. Notification of said meeting, with agenda items, shall be posted on the official bulletin board not less than twenty-four hours prior to the meeting.

#### 4.04 PLACE OF MEETINGS

All meetings shall be held in a conference room located in the Fircrest Town Hall unless the notice of a special meeting or the order of adjournment of a regular or adjourned meeting specifies some other place, or unless the Commission determines at a prior meeting to meet at some other place.

#### 4.05 EMERGENCY MEETINGS

If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the chairman of the Commission.

#### 4.06 PUBLIC MEETINGS

All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission except as otherwise provided in Rule 4.07.

4.07 EXECUTIVE SESSIONS

The Commission may hold executive sessions to consider the employment or dismissal of a police officer/firefighter or employee or to hear complaints or charges brought against such officer, or employee by another person or employee, unless such officer or employee requests a public hearing. The Commission also may exclude witnesses and others as provided in Rule 5.09.

4.08 RULES OF ORDER

Except as otherwise provided herein, Robert's Rules of Order - Newly Revised, shall guide the Commission in its proceedings.

4.09 QUORUM

Two members of the Commission shall constitute a quorum, and the concurrence of two members shall be required for any action.

4.10 COMMUNICATIONS

Communications and requests to the Commission insofar as practicable shall be in writing. The substance of each request and the action of the Commission thereon shall be noted in the minutes.

4.11 MINUTES

The secretary-chief examiner or the secretary pro tem shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners except when the action is unanimous. When requested, a Commissioner's dissent or approval with reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof, certified by the secretary or the secretary pro tem, shall be open to public inspection.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 5 - HEARINGS

#### 5.01 RIGHT TO A HEARING

a. Any person entitled to a hearing before the Commission under state law or these Rules or adversely affected by an action or decision of the secretary-chief examiner or of the Commission, made without notice to and opportunity for such person to be heard, may petition for a hearing before the Commission.

b. Any employee who is alleged to be probationary by the disciplining department may only appeal to the Commission the questions of his probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.

#### 5.02 PETITION FOR HEARING

Such petition shall be in writing, signed by the petitioner, giving the mailing address, the ruling from which the petitioner appeals, and in plain language and in detail the facts and the reasons upon which the petition is based. A hearing on the bits may be denied if the petition fails to state specific facts and reasons or if, in the opinion of the Commission, the facts or reasons stated, if truly would not entitle the petitioner to any relief, but such denial shall be without prejudice to the filing of an amended petition if the time for requesting a hearing has not expired.

#### 5.03 TIME WITHIN WHICH PETITIONS MUST BE FILED

a. Unless otherwise proved in these Rules, a petition for hearing before the Commission must be filed within the following time limits:

1. In a discharge or reduction matter, ten business days after mailing of notice of discharge reduction.

2. In an appeal from any ruling of the secretary-chief examiner concerning any aspect of an examination, ten business days after notice of such ruling or, if no notice of ruling is given, ten business days after receipt by the Commission of the report of examination under Rule 8.

b. The secretary-chief examiner or the Commission may extend the time for filing a petition where good cause for the delay is shown, and it is shown that other parties are not likely to suffer substantial hardship from such delay.



5.04 HEARING BOARD OR OFFICER

On receiving a petition which complies with the foregoing Rule, the Commission shall determine whether the matter will be heard before the entire Commission or one or more named members of the Commission.

5.05 NOTICE

The Commission or the hearing board shall set the matter for hearing and shall give the petitioner at least five business days' notice in writing of the date and place of such hearing. In discharge or reduction hearings, similar notice shall be given to the appointing authority.

5.06 RIGHTS OF PETITIONER

When a hearing is granted, the petitioner shall attend, unless excused by the Commission at the petitioner's request, or by the secretary-chief examiner, and shall be entitled to:

- a. be represented by counsel at such hearings;
- b. testify under oath;
- c. subpoena witnesses to testify;
- d. cross-examine all witnesses appearing against the petitioner;
- e. impeach any witness before the Commission or hearing board;
- f. present such affidavits, exhibits and other evidence as the Commission deems pertinent to the inquiry;
- g. argue the case.

The appointing authority, the secretary-chief examiner, and any other person whom the Commission or hearing board finds to be interested in the matter shall be entitled to the same privileges.

5.07 FAILURE OF PETITIONER TO APPEAR

In all hearings on the petition of an employee, the failure of the petitioning employee to appear in person or by counsel at the time and place set for hearing without good cause therefore being given to the Commission in advance shall be deemed a withdrawal of the petition and consent to the action or ruling from which the appeal was taken.

5.08 EVIDENCE

Hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

5.09 EXCLUSION OF WITNESSES

The Commission or the hearing board may, at its discretion, exclude witnesses not under examination except the secretary-chief examiner, the petitioner or person to be discharged or reduced, the appointing authority, and counsel. When hearing testimony of scandalous or indecent conduct, all persons not having a direct interest in the hearing shall be excluded.

5.10 TESTIMONY OF PETITIONER

In all hearings, the petitioning employee may be allowed to testify and may be cross-examined as to any matter relevant to the hearing.

5.11 BURDEN OF PROOF

In discharge or reduction hearings, the burden of proof shall be on the appointing authority. In all other types of hearings, unless in conflict with state or federal law, the burden of proof shall be on the petitioner.

5.12 FINDINGS AND DECISION

Formal findings of fact are not required. If such hearing is not before the full Commission, written findings shall be submitted to the Commission for its approval. If the Commission declines to accept such findings, it must hold a hearing de novo, after which it may adopt the findings made by the hearing board or make its own findings.

The Commission shall announce its decision as soon as possible after the hearing and enter the same in its minutes.

Unless the decision provides otherwise, it shall be effective immediately. Notice of the decision shall be mailed promptly to the petitioner and to any interested party. Except for the correction of clerical errors, such decision shall be final and conclusive.

5.13 REPORTS OF HEARINGS

Hearings will be recorded by a stenographic reporter or phonographic recording machine.

5.14 TRANSCRIPTS OF HEARINGS

A transcript of the hearing will, upon request, be furnished to the petitioner or appointing authority at the requesting party's expense.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 6 - CLASSIFICATION

#### 6.01 CLASSIFICATION PLAN

Recommendations for new class specifications and revisions of existing class specifications shall be considered by the Commission at a regular Commission meeting and, if approved, shall be as set forth in Rule 21.

Class specifications shall be prepared and maintained by the Chief for all classes in town police/fire service. Such specifications, or true copies thereof, shall be open to public inspection and available for free public distribution. Each such specification shall describe the class generally, distinguish it from other classes, and give examples of typical duties assigned to positions in the class. It shall also contain a statement of those minimum requirements not otherwise provided in these Rules for applicants for positions in the class. Any changes in classification shall be sent to the Town Manager, Mayor, Town Council, and to the incumbent of that position, if any.

#### 6.02 REVIEW AND APPEALS

- a. If the appointing authority or any employee is affected by any classification action, he or she may request the Commission and secretary-chief examiner to review such action. Such request shall be made in writing within thirty days of notification of such action.
- b. After notification of the results of such review, the employee or appointing authority so affected may appeal therefrom to the Commission. Such appeal shall be made not later than five business days after date of notification of results of review and shall be made in accordance with Rule S.

#### 6.03 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT

- a. Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the position, except for a reasonable adjustment period approved by the Commission unless the incumbent gains eligibility for the new class and received an appointment thereto in accordance with these Rules.
- b. Whenever a position is reclassified from one class to a lower class, the incumbent may elect to retain the position in the lower class. If the incumbent declines to retain the position in the lower class, a layoff list shall be created and the position filled by reduction in lieu of layoff in accordance with the provisions of the Rule for layoff. Any person reduced involuntarily to fill a position reclassified downward shall be placed on a re-employment list.

If the position cannot be filled by reduction in lieu of layoff, it shall be filled by certification from an appropriate eligibility list for the lower class.

- c. 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.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 7 - APPLICATIONS AND APPLICANTS

#### RULE 7.01 QUALIFICATIONS OF APPLICANTS

In order to apply for examination, at the time of filing applications

- a. An applicant must be a citizen of the United States and be able to read and write the English language.
- b. Unless otherwise provided in these Rules, no person will be admitted to an entrance examination who is less than 21 years of age.
- c. An applicant must file a completed application form prescribed by the Commission giving fully, truthfully, and accurately all information required. A certification as to the truth and completeness of the information contained in the application and applicant's signature shall be required on each application.
- d. An applicant must provide proof to the Commission of education (high school diploma/GED certificate, college diploma or transcript), service discharge document (if claiming veteran's credit), proof of citizenship.
- e. Police Officer Lateral Entry Level - position shall be filled from a qualified list of applicants with a minimum of twenty-four (24) months of full-time paid service as a sworn police officer in a civilian governmental jurisdiction prior to the application and successful completion of Washington State Basic Training Academy or the ability to successfully complete the Washington State Basic Training Academy or the Equivalency Test within one (1) year after employment.
- f. Firefighter/EMT Entry Level - position shall be filled from a qualified list of existing volunteer firefighters who have held that position for a minimum of six (6) months on the Fircrest Fire Department. If there is not an adequate number of qualified candidates within the Fircrest Volunteer Fire Department to create a valid eligibility list of three or more candidates, eligibility will be opened up to the general public with credit points given in the examination process to existing volunteer firefighters.
- g. Firefighter/EMT Lateral Entry Level - position shall be filled from a qualified list of applicants with a minimum of thirty-six (36) months full-time paid service as a Firefighter/EMT in a civilian governmental jurisdiction prior to the application and successful completion of Washington State Basic Training Academy or a recognized State Fire Academy.

- h. Fire Lieutenant/EMS Officer - position shall be filled from a qualified list of existing Fircrest career Firefighter/EMTs who must have served a minimum of thirty-six (36) months as a Firefighter/EMT. If there is not an adequate number of qualified candidates within the Fircrest Fire Department to create a valid eligibility list of three or more candidates, a certified list may be created of a lesser number. If the position is not filled from the certified list, then eligibility will be opened to the general public with credit points given in the examination process to existing career Firefighter/EMTs.

7.02 FILING TIME FOR APPLICATION

- a. Applications must be received at the office of the Commission not later than 5:00 P.M. on the last day for filing as posted on the official bulletin board of the Commission.
- b. Applications will be subject to amendment not later than 5:00 P.M. of the last day for filing. Burden of proof of meeting requirements shall lie with the applicant.
- c. In case of any dispute as to the time of filing, the Commission's official time recorded on the application shall be conclusive.
- d. The time for filing applications may be extended or reopened by the Secretary-Chief Examiner as ordered by the Commission and as the needs of the service require, provided notice is immediately posted on the official bulletin board.

7.03 NON ACCEPTANCE OF APPLICANT

The secretary-chief examiner, subject to the right of any person aggrieved to appeal to the Commission, as provided in Rule 5, may refuse to accept an application or to examine an applicant or may withhold the name of any person from the eligibility list who:

- a. lacks any of the minimum qualifications set forth in the examination announcement;
- b. does not meet the medical or physical requirements of the position for which appointment is sought.
- c. has made false statement(s) in his/her application with regard to any material fact or had practiced or attempted to practice any deception or fraud in his/her application or examination, to in securing his/ her eligibility, or appointment or promotion;
- d. was previously in the Classified City Service in the same or any other type of employment and was removed for cause or did not resign in good standing;
- e. has used or attempted to use any political pressure to further his/her eligibility or appointment or promotion;
- f. is addicted to the excessive use of drugs or intoxicating beverages which has or will affect work performance;
- g. had been convicted of a felony or misdemeanor within the last seven years, or admitted to criminal activity determined to have a direct relationship to the position for which application is made except that conviction of a felony shall automatically disqualify an applicant for any law enforcement officer position. The seven year limitation shall not apply to positions in the Police Department. Such rejection shall take into consideration the seriousness of the offense, its recency, and the age of the applicant at the time of the occurrence;
- h. has been dismissed from previous employment for delinquency or misconduct;
- i. refuses to furnish all information required to complete the application;



## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

## RULE 7

j. is knowingly a member of any organization which is included in the official list of subversive organizations, of who is knowingly a member of any organization which, to his knowledge, now advocates the overthrow of the government of the United States to of this state by force or violence or other unlawful means, or who now advocates the support of a foreign government against the United States in the event of hostilities.

k. individual(s) failing any Oral Board will immediately be dropped from the current eligibility list.

### 7.04 NOTICE OF NON ACCEPTANCE

The person against whom action is taken under Rule 7.03 shall be notified promptly of the reasons therefore. Oral notice at the time of filling the application shall be sufficient except where written notice is requested. Written notice mailed, postage prepaid, to the address shown on the application shall be effective on mailing.

### 7.05 APPEALS

Any person aggrieved by any ruling of the secretary-chief examiner concerning an examination or the eligibility or disqualification of applicants, or the withholding of name from certification, may appeal to the commission in writing within five business days after notice of such ruling as provided in Rule S.

### 7.06 ADMISSION TO EXAMINATION PENDING APPEAL

The secretary-chief examiner shall admit to the examination any person whose application was not accepted, pending final disposition of the appeal; such admission to be without prejudice.

### 7.07 AMENDMENT OF APPLICATIONS

The secretary-chief examiner shall permit any applicant, whether or not the application had been accepted, to amend the application or to file an amended application prior to closing date and time for acceptance of applications.

### 7.08 APPLICATIONS NOT RETURNED

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

### 7.09 APPLICATION FEE

A fee may be charged for taking the examination. An indigent form will be provided upon request.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 8 - COMPETITIVE EXAMINATIONS

#### 8.01 ORDERING EXAMINATIONS

The secretary-chief examiner shall order an examination wherever necessary. Such order shall specify the class for which the examination is ordered. The order shall be reported to the Commission and be subject to its review.

#### 8.02 PERIODIC EXAMINING PROGRAMS

Notwithstanding anything to the contrary in these rules, a periodic examining program may be ordered and administered by the secretary-chief examiner with the approval of the Commission for both entrance and promotional examinations to establish eligibility lists.

#### 8.03 NOTICE OF EXAMINATION

A written notice of each examination shall be posted and advertised by the secretary-chief examiner.

#### 8.04 TIME AND PLACE OF EXAMINATIONS

Whenever applicants are required to appear for an examination, the time and place shall be designated in the official bulletin or the applicants shall be notified in person by mail or by telephone. The secretary-chief examiner, when he finds the good of the service requires it, may, at his discretion, have an examination given in more than one session and/or at more than one place, either within or outside the Town of Fircrest.

#### 8.05 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

The administration of an examination or any part thereof may be postponed or canceled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board and mailed or telephoned to the applicants. In an emergency, where time does not permit such notice, an examination may be postponed or canceled or the place of examination changed by posting a notice on the official bulletin board as soon as possible and in a conspicuous location at the place and time originally set for the examination.

#### 8.06 LATE APPLICANTS

Whenever applicants are required to assemble for a test and the examination has started, no applicant will be admitted after the designated time.

#### 8.07 PARTS AND WEIGHTS

Each examination shall embrace one or more parts to which a raw score, rank order or percentage weight shall be assigned. One or more of the following options shall be utilized in scoring an examination.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

- a. All applicants will take the same standardized test and each applicant will be ranked according to the results of that standardized test with a passing grade being required for further consideration.
- b. A rank order list shall be the final result of the examination. The rank ordering shall be determined by the number of points earned in the examination.
- c. Oral examinations may be required of all applicants. The purpose of these oral examinations will be to assess the character of the applicant.
- d. The qualifications and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods.
  1. Written Tests
  2. Oral tests of knowledge or ability
  3. Interviews covering general qualifications, education, training and/or experience
  4. Physical tests of strength, stamina, agility, or dexterity
  5. Psychological tests conducted under fully competent guidance
  6. Evaluation of education, training, experience, or qualifications as shown by the application, or by other information submitted, or by the record.
- e. Each portion or subtest of examination must be passed prior to proceeding to the next portion or subtest.

### 8.08 PASSING GRADES

- a. A final minimum passing score required shall be determined by the secretary-chief examiner prior to any examination.
- b. Where an examination consists of two or more parts, the secretary chief-examiner may set a minimum score to be required in any part of such examination, and any applicant who fails to attain such minimum score shall be considered as having failed in the entire exam and shall not be entitled to take the balance of the exam. The minimum score required and the part of the exam to which it is applicable shall be stated in the official bulletin or announced at the time of the examination.

8.09 VETERAN'S OR EDUCATIONAL CREDIT

- a. In all competitive examinations for entrance into the town service in addition to all other credits, except educational credits, a percentage credit of the final earned average score in such examinations shall be given to all persons passing the examination who have, or who shall have, served in the armed forces of the United States as defined in RCW 41.04.005 and 41.04.010; proof of such service to be filed with the secretary-chief examiner prior to promulgation of the eligibility list.
- b. The percentage, if any, for veteran's credit shall be added to the final score, except that such credit shall not be added unless the final score is at least equal to the passing grade determined for the examination.

8.10 PROMULGATION AND NOTIFICATION OF TEST RESULTS

After all the parts of an examination have been completed and scored, the secretary-chief examiner shall promulgate an eligibility list.

8.11 INSPECTION OF RATING STANDARDS AND SCORING KEY

The applicants shall be allowed a period of five business days following the posting of an eligibility list in which each may indicate a desire or request the opportunity in writing to inspect the scored answer sheets which are legally available and any rating standards and scoring keys by which the applicant has been rated during any part of the examination which are legally available. Appropriate arrangements will be made by the secretary-chief examiner to comply with said request.

8.12 PROTESTS AGAINST RATINGS TO THE SECRETARY-CHIEF EXAMINER

If the applicant believes an error has been made in the application of the written test scoring key, or in the rating given on any part of the examination, or that any other error has been made, the applicant may make a protest in writing stating specifically where it is believed errors have been made. Each protest shall give specific authoritative references or opinions of recognized experts where such exist. No protest may be made after the seventh day following the inspection provided for in Rule 8.11. Upon receipt of a written protest or request for re-scoring or re-rating, a review of the protest shall be made by the secretary-chief examiner, who shall review all such protests or requests and recommend to the Commission any necessary corrections in grades and ratings.

8.13 REPORT OF EXAMINATION

After the expiration of the five-day period, as provided in Rule 8.11, the seven-day period provided in Rule 8.12, and the review, as provided in Rule 8.12, the secretary- chief examiner shall submit a report on each examination to the Commission. The report shall include applicants' names, grades, and all protests in connection with the examination and the disposition of such protests.

8.14 APPEAL TO COMMISSION

Any person aggrieved may appeal to the Commission from the ruling of the secretary- chief examiner pursuant to Rule 5 within seven business days after notice of such ruling. No correction made by the secretary-chief examiner under Rule 8.13 or by the Commission shall affect any appointment made from a certification made prior to the correction.

8.15 CORRECTION OF CLERICAL ERRORS

Any clerical error may be corrected by the secretary-chief examiner upon discovery at any time during the life of the eligibility list, but no such correction shall affect an appointment made from a certification made prior to the corrections.

8.16 PERMANENT RECORD OF EXAMINATION

The Commission shall preserve the following as a permanent record of each examination:

- a. the report of examination (as provided in Rule 8.13) containing the names and scores of all applicants on each part of the examination and in the total examination;
- b. a summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various parts, the time and place each part was given, the minimum scores required, if any, and the names of the examiners.

8.17 OTHER RECORDS OF EXAMINATION

All original records prepared or received in connection with any examination shall be retained for a period of at least 90 days after the date of promulgation of the eligibility list. Such records may then be destroyed if no longer required for administrative purposes.

8.18 EXAMINATIONS TO BE IMPARTIAL

All examinations shall be fair and impartial. So far as practicable, written examinations shall be so conducted that the identity of applicants will not be known to the examiners or other persons scoring the answers. So far as practicable, different parts of an examination shall be scored separately without the examiners or other persons scoring a part of the examination knowing the applicants' scores in the other parts of the examination. No person shall reveal, before the completion of an examination, any information about such examination except in the official bulletin or by announcement to all applicants or candidates equally.

8.19 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 promotional within a department only.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 9 - MEDICAL STANDARDS FOR EMPLOYMENT

#### 9.01 MEETING THE MEDICAL STANDARDS

The secretary-chief examiner shall require each candidate to meet the general medical standards of the town, as hereinafter specified in these Rules.

- a. Candidates must meet medical standards, as set forth by and described in the LEOFF minimum medical and health standard, and successful completion of psychological and polygraph testing, if applicable.
- b. All other employees under the jurisdiction of the Civil Service Commission shall be required to take a complete medical examination by an examining physician acceptable to the Commission. The examination shall include those tests necessary to determine that the applicant is physically and mentally capable of discharging the duties of the position.

#### 9.02 FAILURE TO MEET MEDICAL STANDARDS

Candidates who fail to meet the applicable medical standards shall not be employed.

A candidate who has failed to meet the applicable medical standards may present new or additional medical evidence related to the case in order to be reconsidered for appointment within the duration of the eligibility list.

The secretary-chief examiner may, for good cause, require any employee to be re-examined at any time during the probationary period, or at the time of re-employment.

#### 9.03 REVIEW OF MEDICAL FINDINGS

A candidate who has failed to meet the medical standards may, within ten business days after notification of disqualification, request a review upon presentation of written medical evidence to the Commission. The decision of the Commission shall be final.

#### 9.04 SPECIAL MEDICAL RE-EVALUATION

With the approval of the Commission, the secretary-chief examiner or the appointing authority may require a medical or psychological re-evaluation of the employee at any time. Such re-evaluation shall be concerned only with the medical conditions related to the satisfactory performance of the required duties or with protecting the health, safety and welfare of the employee or the public.

**9.05 PARTIALLY OR FULLY INCAPACITATED EMPLOYEES**

Whenever, upon re-evaluation, an employee who has previously qualified is found to be unable to perform the duties of the position satisfactorily due to a medical incapacity of a continuing nature:

- a. The employee may submit a request to the appointing authority or department head for voluntary reduction or reassignment to another position for which the employee has the qualifications. Any voluntary reduction or reassignment under this Rule must be with the approval of the Civil Service Commission. Any such reassignment shall not constitute a promotion.
- b. The appointing authority may reassign the employee to another position for which the employee is qualified, or may reduce the employee to a lower level position for which the employee is qualified, subject to the employee's right to appeal, as provided in these rules.
- c. If there is not a suitable position in which the employee can perform satisfactorily, the appointing authority may discharge the employee, subject to the employee's rights of appeal, as provided in these Rules; said discharge to be without prejudice as to re-employment should the condition improve, or the employee may be retired on disability as provided by the applicable retirement program.

Any layoffs resulting from the restoration, reduction, or reassignment of an employee under this Rule will be in accordance with the provisions of the Rule for layoff.



## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 10 - ELIGIBILITY LISTS

#### 10.01 ELIGIBILITY LISTS CREATED

The secretary-chief examiner shall promulgate eligibility lists resulting from examinations, as provided for in Rule 8.

#### 10.02 ORDER OF NAMES ON ELIGIBILITY LISTS

The names of applicants who pass an examination shall be entered upon the eligibility list for the class in order of their grades, including veteran's credits or other applicable credits, and without preference as to priority of the time of examination.

#### 10.03 TIE SCORES

Whenever two or more applicants in an examination have the same final grade, priority shall be determined by highest grade on the oral part of the examination. If the scores still remain the same, the Commission shall determine additional appropriate components to the examination process.

#### 10.04 DISCLOSURE OF NAMES OR PERSONS ON ELIGIBILITY LISTS

The eligibility list, including the names of all those who passed the examination, shall be open to public inspection.

#### 10.05 DURATION OF ELIGIBILITY LISTS

An eligibility list shall be in effect for one year from date of promulgation. Before the expiration of an eligibility list, the Commission may extend the period of eligibility for one year at a time for all eligibles who are available for employment.

An eligibility list which has been extended shall be terminated automatically upon promulgation of an eligibility list from a new examination for the class.

#### 10.06 CANVASS OF ELIGIBILITY LISTS

Whenever he/she believes the needs of the service require, the secretary-chief examiner shall ascertain the availability for employment under certain specified employment conditions of persons whose names appear on an eligibility list.

#### 10.07 REJECTION OF CANDIDATE -DROPPED FROM LIST

The name of any person may be removed from the eligibility list for any of the reasons in Rule 7.03, or the following:

- a. is addicted to the use of intoxicating liquors or narcotics or habit forming drugs;

- b. Is addicted to gambling;
- c. refuses to execute any oath, as prescribed by law;
- d. fails to be present for fingerprinting, as required by the Commission;
- e. has assisted in preparing, conducting or scoring any examination for which the candidate applies or who has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- f. fails to be present for or fails to pass the medical examination prescribed by the Commission (see Rule 9);
- g. a written request from the eligible that his/her name be removed;
- h. failure to respond to notice to appear for employment interview within the time limited in such notice unless said eligible is on the promotional list and shall have specifically waived his/her right to a promotional appointment;
- i. declination of permanent appointment, provided however, that the number one eligible on any promotional list shall have the right to waive a promotional appointment and the waiver of such appointment shall not affect his/her status or standing on said list except as to the appointment, or appointments, specifically waived. In the event of waiver by the number one eligible, then the number two eligible on a promotional list shall be deemed, for the purposes of that appointment, the number one eligible on said list;
- j. for attempted deception or fraud in connection with any application or test;
- k. willfully or corruptly making any false statement, certification, mark, grading, or report in regard to any test for appointment held or made under the provisions of these Rules and the Charter;
- l. in any case where the Secretary-Chief Examiner finds that an eligible is or has in any manner become disqualified for the position for which he/she is listed, in accordance with of these Rules;
- m. failure to notify the Secretary-Chief Examiner of changes in address;

- n. appointment to a permanent position through certification from an eligible list for this class or another class at the same or higher salary;
- o. in the case of promotional lists, upon separation, other than layoff from Town service;
- p. if not appointed from an eligible list after certification three times to the same or different appointing authorities;
- q. failure to pass the polygraph examination for positions in the Police Department;
- r. Individual(s) failing any Oral Board will be immediately dropped from the current eligibility list.
- s. failure to pass the pre-employment interview or background investigation, the purpose of which is to determine if the applicant had the background and ability to function as and effective member of the department.

#### 10.08 EFFECTS OF APPEALS

No appeal shall affect the eligibility list or an appointment made from a certification during the pendency of the appeal. When the appeal is terminated, the secretary-chief examiner shall add the name of the appellant to the eligibility list at the appropriate place if it has been determined the appellant is entitled to be on the eligibility list.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 11 - CERTIFICATION AND APPOINTMENT

#### 11.01 CERTIFICATION FROM ELIGIBILITY LIST

Upon request for certification of names to fill a vacancy, the secretary-chief examiner shall certify to the appointing authority the names of three persons standing highest on the appropriate eligibility list and willing to accept the position for which certification is made. Or, in the absence of an appropriate eligibility list, the appointing authority may authorize provisional appointment for a period not to exceed four months. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

When a vacancy exists for Chief, the Town Manager shall act as the appointing authority. The Town Manager shall request certification of the three names Standing highest on the eligibility list for Chief of Police who are willing to accept the position. The secretary-chief examiner shall duly certify the names as requested.

#### 11.02 CERTIFICATION PROTECTED CLASS FROM ELIGIBILITY LIST

The appointing authority may request certification from the eligibility list of a member of a protected class (minority or female) when employment statistics indicate underutilization, or when needed to meet affirmative action goals.

#### 11.03 PRIORITY LISTS

When a reinstatement list exists for the class in which a vacancy exists, it shall be exhausted before any certification can be made for an eligibility list.

#### 11.04 WITHHOLDING NAMES FROM CERTIFICATION OR REMOVING NAMES FROM ELIGIBILITY LISTS

The name of a candidate may be withheld from certification or removed from an eligibility list when the candidate:

- a. expresses unwillingness or inability to accept appointment or refuses offer of an appointment without adequate explanation;
- b. fails to respond within ten business days after the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment;
- c. fails to be present for duty at the time agreed upon after having accepted an appointment;

- d. cannot be reached in time for appointment when immediate temporary employment is required, but this shall apply only such immediate temporary employment;
- e. fails to present a license, registration, certificate, or any credential required; the name of any such candidate may be restored to certification when particular requirement has been met;
- f. fails to maintain a record of a current address with the Commission as evidenced by the return of a properly addresses, unclaimed letter, or other evidence;
- g. is not qualified to perform the duties of the class based upon a finding by the commission;
- h. willfully violates any of the provisions of these Rules or any applicable law;
- i. Individual(s) failing any Oral Board will immediately be dropped from the current eligibility list.
- j. is not qualified for any reason enumerated in Rules 7.03 and 10.07.

#### 11.05 RESTORATION TO CERTIFICATION

When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be restored to its original position by the secretary-chief examiner to by the Commission on successful appeal by the appellant taken within ten business days after notice of decision, but only under the following circumstances:

- a. where the withholding or removal was because the person accepted a permanent appointment with the town and where the person is still in town service; or where the person has been separated therefrom without fault or delinquency on the employee's part and the good of the town and justice to the employee requires that the employee be restored to the eligibility list to be eligible for certification;
- b. where the withholding or removal was because of the unwillingness or inability of the employee to accept appointment, or failure to respond to inquiry as to availability to appear for interview, or to present a good and valid reason for such unwillingness, inability or failure, and where the employee now certifies to the secretary-chief examiner a willingness to accept appointment;
- c. where the withholding or removal was for a reason stated in Rules 7.03 to 10.07 and such reason 'no longer exists.

11.06 EFFECT OF REMOVAL, WITHHOLDING, OR RESTORATION

The removal or withholding of a name shall automatically advance all of the names below it on the eligibility list.

Should any person whose name is removed or withheld file an appeal of this removal or withholding within the stipulated time allowed for filing of such appeals, no permanent appointment shall be made from those names under the name removed the disposition of the appeal, unless said appeal cannot be concluded within sixty days.

The acceptance or refusal by a candidate of temporary appointment shall not affect his certification from the eligibility list for permanent employment.

11.07 APPOINTMENT OF CANDIDATES

In filling vacancies by appointment from an eligibility list, the appointing authority, if it desires to fill the vacancy, shall appoint a person or persons from among the three persons highest on the eligibility list for the class to which the vacant position has been allocated who are willing to accept the position and are certified in accordance with these Rules, except as noted in 11.02 Certificate of Protected Class.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 12 - PROBATION

#### 12.01 PROBATIONARY PERIOD

After each permanent appointment from an eligibility list, an employee shall serve a complete period of probation before appointment or promotion is complete.

No new probationary period results from a reduction of an employee who previously completed a probationary period.

#### 12.02 LENGTH OF PROBATIONARY PERIOD

The period of probation shall be equivalent to 12 months of full-time service following permanent appointment from an eligible register for Entry Level. The period of probation shall be equivalent to 6 months of full-time service following permanent appointment from an eligible register for Lateral Entry. 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.

#### 12.03 INTERRUPTION OF PROBATIONARY PERIOD

Whenever the probationary period of an employee in a position in one class is interrupted due to his appointment to a position in another class and the employee subsequently returns to a position in the first class during the secondary probationary period, his probationary period for the first appointment shall continue until completed.

#### 12.04 PROBATIONARY DISCHARGE OR DEMOTION

- a. The appointing authority, by assigning in writing to the Commission the reasons therefor, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission except as provided in Rule 5.01b.
- b. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, in accordance with Rule 16.14d 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.
- c. A probationer demoted a class in which he or she had not held regular standing shall start a new period of probation.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 13 - TEMPORARY AND PROVISIONAL APPOINTMENTS

#### 13.01 TEMPORARY APPOINTMENTS

A person may be employed in a temporary position only for the duration of the temporary work. If the position is made permanent, it must be filled by appointment on a permanent basis in accordance with Rule II. A person given a temporary appointment may not be transferred or changed to any other position except on a temporary basis and shall never attain permanent status from such appointment. Such temporary employment may continue only so long as the facts exist justifying a temporary appointment.

#### 13.02 PROVISIONAL APPOINTMENTS

A provisional appointment without examination may be made when there is no appropriate eligibility list or persons on the list are not available or cannot be contacted and when the appointing authority certifies and supports with adequate facts that an emergency exists. Such provisional appointment must be approved by the Commission and the provisional appointee must meet the requirements and file application, for examination for the class. Such appointment may continue only until such time as the position can be filled from an eligibility list. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

An emergency exists when:

- a. life, health or property is in jeopardy; or
- b. the immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties;  
or
- c. (the work program of the department will be impaired if the position is left vacant and the work cannot be deferred or reassigned;
- d. a vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.



## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 14 - ASSIGNMENTS, TRANSFERS AND REASSIGNMENTS

#### 14.01 ASSIGNMENTS

The assignment of a candidate to a position, or of an employee from one position to another position within the class and department for which he has been certified by the secretary-chief examiner pursuant to these Rules, is a matter of departmental administration, except as provided in Rule 16.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 15 - LEAVES OF ABSENCE

#### 15.01 LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay from regular duties for the purpose of recovering from a prolonged illness, an injury, pregnancy, child bearing education or training, or assisting another public agency, may be granted by the authority pursuant to policies adopted by the Town of Fircrest.

#### 15.02 MILITARY LEAVES OF ABSENCE

Military leaves of absence shall be granted by the appointing authority in accordance with provisions of the laws of the State of Washington.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 16 -DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND RESIGNATIONS

#### 16.01 CAUSES FOR DISCHARGE, DEMOTION, SUSPENSION, AND OTHER DISCIPLINARY ACTIONS

An employee may be discharged or suspended without pay from the Department or demoted or deprived of vacation or other privileges for any of the following reasons;

- a. Incompetency, inefficiency or inattention to or dereliction of duty.
- b. Dishonesty, intemperance, insubordination, discourteous treatment of the public or a fellow employee, or 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 conduct himself properly; or any willful violation of the provisions of these Rules and Regulations.
- c. Physical or emotional unfitness for the position which the employee holds.
- d. Use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such an extent that the use thereof interferes with the efficiency or physical fitness of the employee, or which precludes the employee from performing properly the functions and duties of his/her position under Civil Service.
- e. Conviction of a felony or a misdemeanor involving moral turpitude.
- f. Directly or indirectly receiving or soliciting political contributions or campaigning for any party or municipal political purpose while on duty or in uniform.
- g. Use of department equipment for personal business or pleasure.
- h. Who was previously in the Classified City Service in the same or any other type of employment and was removed for cause or did not resign in good standing.

- i. Who has been convicted of a felony or misdemeanor within the last seven years or admitted to criminal activity determined to have a direct relationship to the position for which application is made except that conviction of a felony shall automatically disqualify an applicant for any law enforcement officer position. The seven year limitation shall not apply to positions in the Police Department. Such rejection shall take into consideration the seriousness of the offense, its recency, and the age of the applicant at the time of the occurrence.
- j. Who has been dismissed from previous employment for delinquency or misconduct.

16.02 CONDITIONS OF DISCHARGE, DEMOTIONS, SUSPENSION AND OTHER DISCIPLINARY ACTIONS

A permanent employee may be discharged from town service or demoted, or suspended without pay, or deprived of vacation or other privileges only after notification in writing of the reasons for such action. Such notice shall state the specific grounds and the particular facts upon which the disciplinary action is based, and the employee shall be allowed ten business days from the date of service of such notice in which to reply thereto in writing and request a hearing before the Commission. Such notice of disciplinary action shall state the time allowed for answer and for requesting a hearing before the Commission. A copy of such notice and a copy of the reply, if any, must be filed in duplicate with the Commission. The appointing authority shall submit to the Commission evidence showing the employee has been served with the notice of disciplinary action, either personally or by certified or registered mail addressed to his last known address and the date of such service.

16.03 HEARING ON REASONS FOR DISCIPLINARY ACTION

If the permanent employee to be discharged, demoted, suspended or otherwise disciplined pursuant to Rule 16.02 so request, the Commission shall proceed in accordance with Rule 5. A public hearing pursuant to Rule 5 shall be held by the Commission or by the Hearing Board whenever a timely request for a hearing has been filed.

16.04 CRIMINAL ACTS

Where the facts alleged in the notice of disciplinary action constitute a crime and the employee has requested a hearing under Rule 16.03 within the time allowed in Rule 5, the employee may at any time up to one day before the date of the hearing request a continuance of the civil service hearing for a reasonable period to determine whether a criminal charge will be filed or until after termination of the criminal case.

#### 16.05 DECISION

After receiving evidence presented in hearing on disciplinary actions:

- a. the Commission may affirm the disciplinary action;
- b. if the Commission finds the disciplinary action was made for political, religious or racial reasons, or not in good faith for cause, or the reasons are otherwise not sufficient to justify such action, the Commission shall order immediate reinstatement of the employee without any loss of pay;
- c. the Commission, in lieu of affirming the disciplinary action, may modify the disciplinary action by directing a suspension without pay for a given period, and a subsequent restoration to duty or a demotion in classification or pay.

The findings of the Commission shall be certified in writing to the appointing authority and Chief and shall be forthwith enforced by said officials.

#### 16.06 PROBATIONARY PERIOD FOLLOWING FIRST APPOINTMENT

An employee who has not yet completed his first probationary period may be discharged in accordance with Rule 16.08 by the Chief with the concurrence of the appointing authority by written notice served on the employee and a copy filed with the Commission specifying the grounds and the particular facts on which the discharge is based.

#### 16.07 PROBATIONARY PERIOD FOLLOWING SECOND APPOINTMENT

Nothing in Rule 16.06 or elsewhere in these Rules shall be construed to permit the discharge from the Department without a hearing of an employee during the probationary period in a second appointment where before such appointment the employee completed the probationary period in another class. "Second" refers to any appointment of a permanent employee which starts a new period of probation under Rule 12.

Such employee shall be considered a permanent employee for such purposes and under such circumstances may be discharged from city service only pursuant to preceding applicable sections of this Rule with the right to a hearing, if requested.

During the probationary period in the second appointment, such an employee may be demoted, pursuant to Rule 16.06, without a hearing to a position in the class in which the employee was last employed before such second appointment. In the event of such demotion and if no vacancy exists in the class and department in which the employee served the first appointment, a vacancy may be created by layoff or reduction in accordance with Rule 17.

16.08 CONSENT OF COMMISSION

In the case of a probationary employee, the consent of the Commission must be secured for a discharge or demotion under Rule 16.06 or 16.07. The Commission shall consent if it believes the grounds and facts alleged, if true, justify the discharge or demotion of a probationer and that no fraud or discrimination because of political or religious opinions, racial extraction, or union affiliation exists.

If the Commission has consented prior to the filing of an answer by the employee and such answer alleges fraud or discrimination as above stated and requests a hearing, the Commission shall immediately set aside its consent. The hearing shall be limited to the question of fraud or discrimination. After such hearing, the Commission may consent to the discharge or demotion or may order the employee reinstated and, unless said order otherwise provides, it shall be effective as of the date of the discharge or demotion.

No consent need be secured for the discharge or demotion of a temporary employee.

16.09 TIME FOR DISCHARGE OF PROBATIONER

To be effective, the written notice of discharge or demotion of a probationary employee must be served and become effective before midnight of the last day of the probationary period. The consent of the Commission must also be requested by the appointing authority within such time, but the fact that the action of the Commission is delayed by reason of a request for hearing or otherwise until after the expiration of the probationary period shall not invalidate the discharge or demotion.

16.10 RESIGNATIONS

Resignations shall be in writing and shall be directed to the appointing authority. A resignation shall be effective on the date designated therein and, if no date is designated, it shall be effective immediately. A resignation, once it has become effective to have been accepted by the appointing authority, may be withdrawn only with the consent of the appointing authority and the Commission.

A resignation claimed to have been obtained by duress or fraud may be treated by the Commission as a notice of discharge, provided the employee notified the Commission that such resignation was not voluntary and demands a hearing within ten business days after filing with the secretary-chief examiner of a report showing such resignation.

16.11 CHARGES FILED BY A CITIZEN

When written charges are filed by a citizen or taxpayer of the town against any person in the classified civil service pursuant to applicable state law, the Commission shall refer such charges to the appointing authority for investigation and such action as he deems necessary. The person against whom charges are filed may file an answer to such charges. No hearing on such charges shall be held unless the appointing authority discharges or demotes such employee for the reasons stated in the charges and the employee requests a hearing in accordance with the Rules applicable thereto, or unless the Commission finds the charges, if true, reflect the integrity of the Civil Service system or show serious violations of the Civil Service provisions of the law or Rules and that a public hearing is desirable to restore confidence in the Civil Service system or to secure compliance with the Civil Service provisions.

16.12 PREDISCIPLINARY HEARING - REQUIRED

A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate.

16.13 PREDISCIPLINARY HEARING - STANDARDS/NOTICE OF DISCIPLINE

- a. An employee shall be provided, in writing, with a 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:
- b. The employee may have legal counsel or union representation present at a predisciplinary hearing.
- c. The department's explanation of the department's evidence at the predisciplinary hearing shall be sufficient to apprise the employer of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.
- d. 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 surrounding the charges.
- e. The Commission shall not consider, or appeal, any basis for disciplinary action not previously presented to the employee.

16.14 DEMOTION

- a. Demotion of an employee to a lower class for good cause may be made by the department head.
- b. An employee so demoted shall lose all rights to the higher class.
- c. If the employee had not had previous standing in the lower class, such demotion shall not displace any other regular employees to any probationer. The Secretary shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class and shall require the completion of a probationary period.
- d. Demotion is distinguished from reduction. Demotion is a disciplinary matter, requiring the employer to show good cause for the action taken. "Reduction" is defined as "removal from a higher class to a lower class of employment for reasons other than causes."



## FIRCREST POLICE CIVIL SERVICE RULES

### RULE 17 -LAYOFFS AND REINSTATEMENT REGISTER

#### 17.01 LAYOFFS

The Chief may lay off or reduce an employee when necessary due to lack of funds, lack of work, or abolishment of the position.

#### 17.02 EMPLOYMENT STATUS AND ORDER OF LAYOFF

Whenever it becomes absolutely necessary through lack of finances or for any other reasonable and just cause to reduce the number of employees of this unit, such reductions shall be carried out in the following order:

1. Temporary Appointees

- a.civilian personnel
- b.commissioned officers

2. Probationers (first appointment)

- a.civilian personnel
- b.commissioned officers

3. Permanent Employees in the order of length of service; the one with the least service being laid off first.

#### 17.03 LAY OFF OUT OF ORDER

The Chief may lay off out of the regular order, upon showing of necessity therefore, in the interest of efficient operation of the department, after giving any employee or employees affected an opportunity to be heard.

#### 17.04 REDUCTION IN LIEU OF LAYOFF

At the time of any layoff, certified employees shall be given an opportunity to accept reduction to the next lower class in the department; provided, that any employee so reduced shall be entitled to credit for any previous regular service in the lower class and to any other service credit.

#### 17.05 TRANSFER IN LIEU OF LAYOFF

Transfers in lieu of layoff may be made to a different position with the department upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a certified employee or probationer is not displaced.

#### 17.06 REINSTATEMENT LIST

The names of persons laid off or reduced in accordance with these Rules shall be entered upon a reinstatement list in inverse order of layoff. Lists from different times

for the same class of position shall be combined into a single list. Such list shall be used by the Chief when vacancy arises in the same or lower class of position before certification is made from an eligibility list. When a vacancy occurs, the Chief shall appoint the person highest on the reinstatement list who is available who was laid off from a position in the department.

17.07 NAME DROPPED

Names of persons laid off or reduced in lieu of layoff shall be carried on a reinstatement list for two years, except that the names of persons appointed to permanent positions of the same level as that from which laid off shall, upon such appointment, be dropped from the list. Persons reduced or reinstated in a lower class or reinstated on a temporary basis shall be continued on the list for the higher class for two years.

17.08 RESTORATION TO REINSTATEMENT LIST

The name of any person who has been appointed to a permanent position from a reinstatement list and subsequently is separated for the service without delinquency or fault on his part shall be restored to the reinstatement list. This restoration shall have the effect of extending the time the employee's name is carried on the reinstatement list.

## **RULE 18 - CERTIFYING SALARY ACCOUNTS**

### **18.01 CERTIFICATION OF ACCOUNTS**

The Commission shall certify the salary account for each employee in the Police/Fire Departments of the town when it is satisfied that the employee has been appointed and is performing service in accordance with the provisions of Chapter 41 of the state law and of these Rules.

### **18.02 BASIS FOR CERTIFICATION**

In making the certification required in Rule 18.01, the Commission may rely on the reports submitted by the respective appointing authority and may rely on the absence of a more recent report as showing that there has been no change in conditions since the submission of the last report on file with the Commission.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 19 - REPORTS REQUIRED

#### 19.01 REPORTS FROM THE APPOINTING AUTHORITY

The appointing authority shall report immediately to the secretary-chief examiner in detail every appointment, suspension, separation, reinstatement, layoff, transfer, demotion, reduction, reassignment, refusal or failure to accept an appointment on the part of a candidate certified for appointment, and changes of duties or of compensation.

#### 19.02 OTHER REPORTS

The secretary-chief examiner may require such other information as necessary for the proper administration of the Civil Service system.

#### 19.03 PERFORMANCE EVALUATION

The Chief shall evaluate the comparative efficient and performance of each employee during the employee's one year probation period following an appoint or a promotion in relation to standards for efficient performance of the work. The Chief shall maintain a file of such evaluations and make the same available for inspection by the secretary-chief examiner or other members of the Commission when requested to do so and available for examination by the employee when reasonably requesting the same.

## FIRCREST CIVIL SERVICE RULES AND REGULATIONS

### RULE 20 - RETIREMENT AND DISABILITY

#### 20.01 RETIREMENT

Employees of the [ Town ] who are members of pension fund systems as provided by law shall be retired on account of age/service or disability in accordance with the pertinent provisions of law.

#### 20.02 REINSTATEMENT AFTER DISABILITY RETIREMENT

- a. The secretary shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his health to the extent employable.
  - (1) Upon being satisfied that the employee 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.
  - (2) The name of an 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;
  - (3) 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.
- b. Any reinstatement in a class other than that in which last employed shall not result in a promotion.
- c. The provisions of this rule shall not apply in the event an employee is discharged from the service and concurrently given a disability retirement.

## FIRCREST CIVIL SERVICE RULE AND REGULATIONS

### RULE 21 - MISCELLANEOUS

#### 21.01 REPEALS AND SAVINGS

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

#### 21.02 COMPUTATION OF TIME

- a. 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 Town legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a Town legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- b. Any period of time except for the stated period of time set forth in Rules 19.03 and 19.11 and 19.27 in Counties may be extended by the Secretary and Chief Examiner for no more than fourteen (14) 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 running of the applicable time period.
- c. 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 or is mailed to a party to a proceeding.

## FIRCREST POLICE CIVIL SERVICE RULES

### RULE 22 - SECRETARY-CHIEF EXAMINER CIVIL SERVICE COMMISSION

#### NATURE OF WORK

This is secretarial/technical work in support of the administration and application of Police Civil Service Rules and Regulations as directed by the Civil Service Commission.

#### EXAMPLES OF WORK

Supervises the recording secretary at all Commission meetings, both regular and special; plus the transcription and preparation of typed minutes of all Commission meetings and distributes to City departments and officials.

Prepares and/or arranges for use of written examinations, physical agility tests and oral interviews; prepares interview questions; administers and conducts examinations; grades or has graded test answers; collects all pertinent applicant data and promulgates appropriate eligibility lists.

Makes recommendations to Commission for revisions or amendments to Civil Service rules and regulations; interprets rules and regulations as required.

Supervises and/or writes job announcements and newspaper advertisements; accepts applications; schedules examinations.

Supervises the performance of routine office procedures including filing, typing, answering inquiries pertaining to Police employment in person, by written correspondence and by telephone; requisitions supplies.

Supervises the operation and transcription from cassette tape recording machine.

Obtains technical and/or legal assistance from within the City, the community or from other cities or agencies as necessary.

Develops and writes position classifications for Police positions within the Civil Service jurisdiction.

Supervises maintenance of confidential personnel files and office files.

Performs related work as required.

#### REPORTING RELATIONSHIPS

This employee works independently within established policy and legal guidelines. Major policy decisions, appeals and hearings are referred to the Civil Service Commission for appropriate action or resolve. Work is subject to review by the Commission through discussions and analysis of recommendations and reports.

REQUIRED KNOWLEDGE AND ABILITIES

Knowledge of:

Office administration, procedures and practices including supervising typing, filing, data recording and record maintenance.

Recruitment and selection procedures.

Media available for publicizing the personnel program.

Municipal government and public personnel operation.

Business and public policy.

Ability to:

Supervise the secretary.

Communicate effectively, both orally and in writing.

Apply Civil Service rules and regulations with firmness, tact and impartiality.

Organize and work independently and make decisions within the established guidelines.

Compose letters and reports.

Establish and maintain effective relationships with City officials, department heads, employees and the general public.

Develop and install technical administrative and selection procedures.



## FIRCREST FIRE DEPARTMENT

SUBJECT: PAID FIREFIGHTERS POSITION

### I. REQUIREMENTS

- A. High school diploma or G.E.D. equivalency.
- B. Valid Washington State Emergency Medical Technician certificate.
- C. Valid Washington State driver's license.
- D. Current Emergency Vehicle Accident Prevention certification.
- E. Shall be able to follow verbal and written instructions in English and comply with all Washington State safety regulations for firefighters.
- F. Shall be of good moral character and of temperate and industrious habits.
- G. Shall successfully pass a physical examination provided by the Town of Fircrest and their physician prior to employment.
- H. Shall attend and successfully pass the recruit course at the Washington State Fire Service Training Center in North Bend, WA., within one year of availability of class.

### II. WORK SCHEDULE

- A. Shall be based on a 40 hour work week, 8 hour day or on a 53 hour, 7-day period or shift schedule as assigned by the Fire Chief.

### III. BENEFITS

- A. Benefits to the position as established by the Town of Fircrest personnel policies.

## FIRCREST FIRE DEPARTMENT

SUBJECT; Job Description - FIREFIGHTER

1. JOB POSITION NEED:

- A. This position is established to provide Emergency Medical Services, Fire protection and Fire prevention to the residents of the town of Fircrest. The position provides for a firefighter with certain duties and responsibilities to meet the needs of the town.

DUTIES AND RESPONSIBILITIES:

- B. This position can be assigned to either Day shifts or 24 hour shifts as required by the Fire Chief. The firefighter is responsible for providing firefighting and EMS manpower for the shift he is assigned to.

This position is responsible to respond to any and all emergencies while on duty and certain off duty shifts as designated by the Fire Chief.

The firefighter must maintain at least an EMT-D certification. The firefighter will assist in training, pre-fire planning, EMS, Station maintenance, Fire Prevention, and other such duties as designated by the Fire Chief.

The firefighter shall be responsible for routine and special drills and training on all phases of firefighting, fire control, fire suppression, salvage and clean-up, plans and methods of the Fircrest Fire Department, Fire Service Training Manuals and other applicable Fire Department literature.

Other duties of the Firefighter shall include but not be limited to:

- A. Being an emergency response vehicle driver and pump operator.
- B. Being a nozzle or hydrant person and performing rescue operation and working in hazardous locations.

In the absence of Fircrest Fire Department Officers, the Firefighter shall be in charge of the Fircrest Fire Department.

## II. SPECIAL DUTIES:

- A. The firefighters of this department will be responsible for carrying out the duties as follows:
  - 1. Daily routine cleaning, such as, but not limited to sweeping, mopping floors, cleaning and dusting station, washing windows and etc..
  - 2. Daily, weekly and monthly checks of all apparatus and equipment.
  - 3. Routine maintenance and up keep of the building and grounds.
  - 4. Repairs to building, grounds, apparatus and equipment as required.
  - 5. Makes Pre-fire planning surveys and drawings.
  - 6. Does routine maintenance and flow test of hydrants and hose testing.
  - 7. May be assigned to give public information classes or programs.
  - 8. Establishes daytime training programs for Town employees.
  - 9. Will be responsible for fire prevention and inspections of commercial and residential structures as required.
  - 10. Any other duties that may be assigned.

### III. CONTROL OVER WORK

The Firefighter shall receive assignments from the Fire Chief, Assistant Fire Chief and may from time to time receive assignments from the Duty Officer and the Firefighter may be required to coordinate assignments with the Duty Officer. You must work much of the time with little supervision. The Policies of the Department, Rules and Regulations and nationally recognized good practices shall be followed.

Chapter 2.56Police Civil Service CommissionSections:

- 2.56.010 Created.
- 2.56.020 Purpose.
- 2.56.030 Definitions.
- 2.56.040 Appointment of members.
- 2.56.050 Meetings--Chairman's election--Chief examiner's appointment and duties.
- 2.56.060 Duties designated.
- 2.56.070 Classified civil service--Applicability of provisions to police employees.
- 2.56.080 Classified civil service--Appointments--Competitive examinations.
- 2.56.090 Classified civil service--Effect on persons previously employed.
- 2.56.100 Classified civil service--Tenure of employees.
- 2.56.110 Classified civil service--Removal, suspension, or demotion procedure.
- 2.56.120 Classified civil service--Authority to create offices and positions.
- 2.56.130 Classified civil service--Vacancy filling--Eligibility list.
- 2.56.140 Classified civil service--Payment of salaries or compensation.
- 2.56.150 Classified civil service--Leave of absence.
- 2.56.160 Classified civil service--Obstructing right of examination or registration prohibited.
- 2.56.170 Civil suits for enforcement of provisions.
- 2.56.180 Classified civil service--Political activity of employees.

2.56.010 Created. In accordance with the provisions of RCW Chapter 41.12, there is created a civil service commission to exercise the powers and to perform the duties established by such state law in connection with the selection, appointment and employment of police in the town. (Ord. 586 §1, 1968).

2.56.020 Purpose. The general purpose of this chapter is to establish for the police department of the town a system of personnel administration based on merit principles

and governing the appointment, promotion, transfer, layoff, removal, discipline and welfare of its employees, and other incidents of employment. (Ord. 714 §1, 1978).

2.56.030 Definitions. The following terms, whenever used in this chapter shall be construed as follows:

(a) "Commission" means the civil service commission created by Sections 2.56.010 of the Fircrest Municipal Code and "commissioner" means any one of the three members of such commission.

(b) "Appointing power of authority" means the official, officer or person, board or committee, who is empowered to make appointments for employment in the civil service for the police department.

(c) "Appointment" includes all means of selecting, appointing, or employing any person to any office, place, position, or employment in civil service for the police department.

(d) "Town" means the town of Fircrest, Washington.

(e) "Employee" means all uniformed personnel regularly employed by the town in the police department on a full-time basis. (Ord. 714 §2, 1978).

2.56.040 Appointment of members. The commission members shall be appointed in the following manner:

(a) All members shall be appointed by the mayor with the approval of the town council.

(b) The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the town for at least three years immediately preceding such appointment, and an elector of Pierce County. The term of office of the commissioners shall be for six years or until a successor is selected and qualified. Any member of the commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance of office, or other good cause; provided, that no member of the commission shall be removed until charges have been preferred, in writing, due notice, and a full hearing held before the town council. Any vacancy in the commission shall be filled in the same manner as provided for selecting the commissions previously filling the vacancy. Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided by the commission. No member of the civil service commission shall hold any salaried public office or engage in employment for the town, other than his commission duties. At the time of any appointment not more than two commissioners shall be adherents of the same political party. (Ord. 714 §3, 1978).

2.56.050 Meetings--Chairman's election--Chief examiner's appointment and duties. Immediately after appointment, the commission shall organize by electing one of its members chairman and shall hold regular meetings at least once a month and such additional meetings as may be required for the proper discharge of its duties. All meetings of the commission shall be open to the public.

It shall appoint a chief examiner, who shall serve as secretary of the commission, and such assistants as may be necessary. The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction and perform such other duties as the commission may prescribe.

The chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the town or promotional and limited to persons already in the service of the town. The chief examiner shall 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.

A pay and classification plan with job descriptions providing equal pay for equal work shall be devised by the chief examiner with the cooperation and approval of the civil service commission which shall be submitted in ordinance form to the town council for passage. (Ord. 714 §4, 1978).

2.56.060 Duties designated. It shall be the duty of the civil service commission:

(a) To make suitable rules and regulations not inconsistent with the provisions hereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time. Prior to adoption of new rules or changes in existing rules, all interested parties shall be given an opportunity to express opinions concerning the proposed rules at the regular public meetings of the commission;

(b) To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests shall include tests of physical fitness and manual skill, and written and oral examinations;

(c) To make investigations and report upon all matters concerning the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; to inspect all offices, positions, and employments affected by this chapter and ascertain whether this chapter and all such rules and regulations 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 as required in this subsection, but the commission must make like investigation on petition of any citizen, duly verified, stating that irregularities or abuses exist, and setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation, the commission, or the chairman or chief examiner, when authorized by a majority vote of the commission, may issue subpoenas to compel the attendance of witnesses at such place as may be designated in this town and the production of books and papers pertinent to any inquiry or investigation authorized by this chapter, or may take depositions of witnesses. Subpoenas shall also be issued at the request of the parties to the proceedings other than the commission and the chairman. The commission or any member thereof, or the chief examiner, when authorized by the commission, may administer oaths and take testimony. The commission or the chief examiner may examine such public records as they require in relation to any matter which they have authority to investigate;

(d) To conduct hearings and investigations in accordance with this chapter and by the rules of practice and procedure adopted by the commission, and in the conduct thereof, neither the commission nor designated commissioner shall be bound by technical rules of evidence. No informality in any proceeding or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, or confirmed by the commission; provided, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(e) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the commission;



(f) To provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(g) To certify to the appointing authority, when a vacant position is to be filled, on written request, the names of the three persons highest on the eligibility list for the class. Any one of the three persons so certified may be appointed. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment shall not continue for a period longer than three months, nor shall any person receive more than one provisional appointment or serve more than three months as provisional appointee in any one fiscal year;

(h) To keep such records as may be necessary for the proper administration of this chapter. (Ord. 714 §5, 1978).

2.56.070 Classified civil service--Applicability of provisions to police employees. The classified civil service for the police department and provisions of this chapter shall be applicable to and shall include all full-time regularly employed uniformed employees of the police department of the town. (Ord. 714 §6, 1978).

2.56.080 Classified civil service--Appointments--Competitive examinations. All appointments to and promotions to positions in the classified civil service for the police department of the town shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person in such classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter. (Ord. 714 §7, 1978).

2.56.090 Classified civil service--Effect on persons previously employed. For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this chapter, all persons holding a position which is deemed classified under Section 2.56.070 for a continuous period of six months prior to the effective date of the ordinance codified in this chapter and still currently employed, are eligible for permanent appointment under civil service to the offices or employment which they then held without examination or other act on their part, and not on probation; and every such person is automatically accepted and inducted permanently into civil service, into the office or employment which he then held as completely and effectually

to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. The seniority of any such person shall automatically date back to the commencement of his most recent employment as a full-time regular employee. (Ord. 714 §8, 1978).

2.56.100 Classified civil service--Tenure of employees. The tenure of every person holding an office, place, position, or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, for any of the following reasons:

- (a) Incompetency, inefficiency, or inattention to, or dereliction of duty;
- (b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or of the rules and regulations to be adopted under this chapter;
- (c) Mental or physical unfitness for the position which the employee holds;
- (d) Dishonest, disgraceful or prejudicial conduct;
- (e) 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;
- (f) Conviction of a felony, or a misdemeanor involving moral turpitude;
- (g) Any other act or failure to act which in the judgment of the commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. (Ord. 714 §9, 1978).

2.56.110 Classified civil service--Removal, suspension or demotion procedure. No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or demoted may, within ten days from the time of his removal, suspension, or demotion, file with the commission a written demand for an investigation, whereupon the commission shall

conduct such investigation. The investigation shall be confined to the determination of the question of whether the removal, suspension, or demotion was made in good faith for cause. After such investigation the commission may affirm the removal, or if it finds that removal, suspension or demotion was not made in good faith for cause, the commission shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission, upon such investigation, in lieu of affirming a removal, may modify the order by directing a suspension without pay for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing, to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing, the accused shall be afforded an opportunity to appear in person and by counsel, and present his defense. The subpoena provisions of subsection (c) of Section 2.56.060 shall apply to all such hearings. If the order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds. (Ord. 714 §10, 1978).

2.56.120 Classified civil service--Authority to create offices and positions. All offices, places, positions, and employments coming within the purview of this chapter shall be created by the person or group of persons, who, acting singly or in conjunction, as a mayor or town council, or otherwise, is vested by the ordinance of the town with power and authority to select, appoint, or employ any person coming

within the purview of this chapter, and nothing contained in this chapter shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed under this chapter. (Ord. 714 §11, 1978).

2.56.130 Classified civil service--Vacancy filling--Eligibility list. Whenever a position in the classified civil service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of persons eligible for the appointment thereto. The commission shall certify the names of the three persons highest on the eligibility list for the class to which the vacant position has been allocated, who are willing to accept employment. If there is no appropriate eligibility list for the class, the commission shall certify the names of the three persons standing highest on said list held appropriate for such class. If more than one vacancy is to be filled, two additional names shall be certified for each such additional vacancy. The appointing power shall forthwith appoint a person or persons from the names certified to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligibility list for the class of such person exists, the commission shall forthwith certify the names of the three persons standing highest on said list eligible for appointment to the appointing power and said appointing power shall forthwith appoint from the names certified a person so certified to said position.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified civil service shall be deemed complete until after the expiration of a period of three to six months probationary service, as may be provided in the rules of the commission during which the appointing power may terminate the employment of the person certified to him, and if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the department, the appointing power shall designate another person from the eligibility list, and such other person shall likewise enter upon said duties until some person is found who is deemed fit for employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete. (Ord. 714 §12, 1978).

2.56.140 Classified civil service--Payment of salaries or compensation. No official of the town shall approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage or other compensation for services to any person subject to the jurisdiction and scope of this chapter unless a payroll estimate or account for such salary, wage or other compensation containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, shall be furnished on said payroll, bears the certificate of the civil service commission or its secretary or other duly authorized agent, that the persons named in such payroll, estimate, or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the payroll estimate or account is, so far as known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed and may further refuse to certify the pay of any public officer or employee who wilfully or through culpable negligence violates or fails to comply with this chapter or with the rules of the commission. (Ord. 714 §13, 1978).

2.56.150 Classified civil service--Leave of absence. Leave of absence without pay may be granted by the appointing power to any person under civil service; provided, that such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligibility list of the classified civil service. (Ord. 714 §14, 1978).

2.56.160 Classified civil service--Obstructing right of examination or registration prohibited. No commissioner or any other person shall, by himself or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, guide, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified, or persuade any other person, or permit or aid in any manner any other person to persuade him, in connection with any examination or registration of application or request to be examined or registered. (Ord. 714 §15, 1978).

F 2.56.170 Civil suits for enforcement of provisions. It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and the rules of the commission. The commission shall be represented in such suits by the town attorney, but such commission may, in any case, be represented by special counsel appointed by it. (Ord. 714 §16, 1978).

2.56.180 Classified civil service--Political activity of employees. No person holding any office, place, position, or employment subject to civil service is under the obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No public officer, whether elected or public, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. (Ord. 714 §17, 1978).

and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1935 c 31 § 10; RRS § 9558-10.]

**41.08.200 Appropriation for expenses.** For the purpose of carrying out the provisions of this chapter, such city, town or municipality is hereby authorized to appropriate from the general fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter: *Provided, however,* That if the city council or other proper legislative body shall make an appropriation for the support of said commission equal to or more than the said continuing appropriation in any year, this section shall not be operative for said year but otherwise shall be in full force and effect. [1935 c 31 § 22; RRS § 9558-22.]

**41.08.210 Penalty—Jurisdiction.** Any person who shall wilfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter. [1935 c 31 § 23; RRS § 9558-23.]

**41.08.220 Definitions.** As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid fire department.

The term "full paid fire department" means that the officers and firemen employed in such are paid regularly by the city and devote their whole time to fire fighting. [1935 c 31 § 24; RRS § 9558-24.]

**41.08.900 Severability—1935 c 31.** If any section, subsection, subdivision, sentence, clause or phrase of this chapter, shall for any reason be held to be unconstitutional such decision shall not affect the validity of the

remaining portions of this chapter. [1935 c 31 § 25; RRS § 9558-25.]

**41.08.910 Repeal.** All acts and parts of acts in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions of this chapter. [1935 c 31 § 26; RRS § 9558-26.]

## Chapter 41.12

### CIVIL SERVICE FOR CITY POLICE

#### Sections

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**41.12.010 Application of chapter.** The provisions of this chapter shall have no application to cities and towns which at the present time have provided for civil service in the police department or which shall subsequently provide for civil service in the police department by local charter or other regulations which said local charter or regulations substantially accomplish the purpose of this chapter, nor to cities having a police force of not more than two persons including the chief of police. [1937 c 13 § 1; RRS § 9558a-1.]

**41.12.020 Excluded cities—Repeal of local law—Effect.** If any of the cities or towns referred to in RCW 41.12.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for policemen as referred to in RCW 41.12.010, in that event this chapter shall apply to all of such cities and towns which have at any time



abolished civil service for members of the police department. [1937 c 13 § 2; RRS § 9558a-2.]

**41.12.030 Civil service commission—Appointment—Terms—Removal—Quorum.** There is hereby created in every city, town or municipality except those referred to in RCW 41.12.010, having fully paid policemen a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: *Provided, however,* That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party. [1937 c 13 § 3; RRS § 9558a-3.]

**41.12.040 Organization of commission—Secretary—Powers and duties of commission.** Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the police department or of the police department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner 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 police department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only;

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations 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 as aforesaid, 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 without 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 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 this chapter, and punishable as such;

(5) **Hearings and Investigations: How conducted.** All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: *Provided, however,* That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that men laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of this chapter. [1937 c 13 § 5; RRS § 9558a-5.]

*Preferred rights in employment, examinations, appointments, etc., limited to actual members of armed forces: RCW 73.04.090.*

*Veterans' preference in examinations: RCW 41.04.010.*

[Title 41 RCW—p 42]

**41.12.050 Persons included—Competitive examinations—Transfers, discharges, and reinstatements.** The classified civil service and provisions of this chapter shall include all full paid employees of the police department of each city, town or municipality coming within its purview, including the chief of that department. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter. [1937 c 13 § 4; RRS § 9558a-4.]

**41.12.060 Existing police blanketed under civil service.** For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this chapter, all persons holding a position in the police department of any such city, including the chief thereof, when this chapter takes effect, who shall have served in such position for a period of at least six months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. [1937 c 13 § 6; RRS § 9558a-6.]

**41.12.070 Qualifications of applicants.** An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. [1972 ex.s. c 37 § 3; 1963 c 95 § 2; 1937 c 13 § 7; RRS § 9558a-7.]

**Purpose—**1972 ex.s. c 37: See note following RCW 41.08.070.

**41.12.075 Residency as condition of employment—Discrimination because of lack of residency—Prohibited.** No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.12.010 to reside within the limits of such municipal corporation as a condition of employment or to discriminate in any manner against any such person because of his residence outside of the limits of such city, town, or municipality. [1972 ex.s. c 37 § 5.]

**Purpose—**1972 ex.s. c 37: See note following RCW 41.08.070.

**41.12.080 Tenure of employment—Grounds for discharge, reduction, or deprivation of privileges.** The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulation to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. [1937 c 13 § 8; RRS § 9558a-8.]

**41.12.090 Procedure for removal, suspension, demotion or discharge—Investigation—Hearing—Appeal.** No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith [f]or cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in

good faith for cause, shall order the immediate reinstatement of [or] reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, [in] lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: *Provided, however,* That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds. [1937 c 13 § 9; RRS § 9558a-9.]

**41.12.100 Filling of vacancies—Probationary period.** Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete. [1937 c 13 § 11; RRS § 9558a-11.]

**41.12.110 Power to create offices, make appointments and fix salaries not infringed.** All offices, places, positions and employments coming within the purview of this chapter, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, chief, common council, commission or otherwise, it is vested by law with power and authority to select, appoint, or employ any person coming within the purview of this chapter, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed hereunder. [1937 c 13 § 12; RRS § 9558a-12.]

**41.12.120 Approval of payrolls.** No treasurer, auditor, comptroller or other officer, or employee of any city, town or municipality in which this chapter is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on said payroll, bears the certificate of the civil service commission or of

its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the said payroll, estimate or account is, so far as known to the said commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with this chapter or with the rules of the commission. [1937 c 13 § 13; RRS § 9558a-13.]

**41.12.130 Leaves of absence—Notice—Filling vacancy.** Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. [1937 c 13 § 14; RRS § 9558a-14.]

**41.12.140 Enforcement by civil action—Legal counsel.** It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, but said commission may in any case be represented by special counsel appointed by it. [1937 c 13 § 15; RRS § 9558a-15.]

**41.12.150 Deceptive practices, false marks, etc., prohibited.** No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered. [1937 c 13 § 16; RRS § 9558a-16.]

**41.12.160 Political contributions and services.** No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer,

whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. [1937 c 13 § 17; RRS § 9558a-17.]

*Political activities of public employees: RCW 41.06.250.*

**41.12.170 Local legislation required—Penalty.**

The various cities affected by the provisions of this chapter, shall immediately upon the taking effect thereof, enact appropriate legislation for carrying this chapter into effect, and the failure upon the part of the duly constituted authorities of any such city so to do shall be considered a violation of this chapter and be punishable as such. [1937 c 13 § 18; RRS § 9558a-18.]

**41.12.180 Office and supplies to be furnished—**

**Penalty for not providing.** The duly constituted authorities of each and every city coming within the purview of this chapter, shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in each such city coming within the purview of this chapter; and the failure upon the part of the duly constituted authorities to do so, shall be considered a violation of this chapter and shall be punishable as such. [1937 c 13 § 19; RRS § 9558a-19.]

**41.12.183 Time limit for creation of commission—**

**Penalty.** In ninety days after the taking effect of this chapter, it shall be the duty of the duly constituted authorities in each such city, subject to the provisions of this chapter, to appoint and create a civil service commission as provided for in RCW 41.12.010, and the failure upon the part of said duly constituted authorities, or any of them, so to do, shall be deemed a violation of this chapter, and shall be punishable as such. [1937 c 13 § 20; RRS § 9558a-20.]

**41.12.185 Duty of commission to organize and function—Penalty for violation.**

It shall be the duty of each commission appointed subject to the provisions of this chapter, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of said commission, or any individual member thereof to do so, shall be deemed a violation of this chapter, and shall be punishable as such. [1937 c 13 § 21; RRS § 9558a-21.]

**41.12.190 Cooperation of city officers and employees enjoined.** It shall be the duty of all officers and employees of any such city to aid in all proper ways of carrying

out the provisions of this chapter, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford the commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1937 c 13 § 10; RRS § 9558a-10.]

**41.12.200 Appropriation for expenses.** For the purpose of carrying out the provisions of this chapter, such city, town or municipality is hereby authorized to appropriate from the general fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter: *Provided, however,* That if the city council or other proper legislative body shall make an appropriation for the support of said commission equal to or more than the said continuing appropriation in any year, this section shall not be operative for said year but otherwise shall be in full force and effect. [1937 c 13 § 22; RRS § 9558a-22.]

**41.12.210 Penalty—Jurisdiction.** Any person who shall wilfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter. [1937 c 13 § 23; RRS § 9558a-23.]

**41.12.220 Definitions.** As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, invested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid police department.

The term "full paid police department" means that the officers and policemen employed in such are paid



regularly by the city and devote their whole time to police duty: *Provided*, "full paid police department" whenever used in this chapter shall also mean "full paid policemen". [1937 c 13 § 24; RRS § 9558a-24.]

**41.12.900 Severability**—1937 c 13. If any section, subsection, subdivision, sentence, clause or phrase of this chapter, shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. [1937 c 13 § 25; RRS § 9558a-25.]

**41.12.910 Repeal.** All acts and parts of acts in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions of this chapter. [1937 c 13 § 26; RRS § 9558a-26.]

### Chapter 41.14

#### CIVIL SERVICE FOR SHERIFF'S OFFICE

##### Sections

41.14.010	Declaration of purpose—Application of chapter.
41.14.020	Terms defined.
41.14.030	Civil service commission—Appointment, terms, qualifications, compensation, etc.
41.14.040	Combined system authorized in counties of fourth class or less.
41.14.050	Commission—Organization, meetings—Chief examiner, qualifications, duties.
41.14.060	Powers and duties of commission.
41.14.070	Classified and unclassified service designated—Procedures.
41.14.080	Classified service—Appointment, promotion, transfer, suspension, discharge.
41.14.090	Status of existing employees in classified service.
41.14.100	Qualifications of applicants for position.
41.14.110	Tenure—Grounds for deprivation.
41.14.120	Removal, suspension, demotion, or discharge—Procedure—Appeal.
41.14.130	Filling vacancies in classified service—Eligibility list—Probation.
41.14.140	Power to fill positions—Consent of county commissioners—Salaries and compensation.
41.14.150	Procedure for payment of compensation—Refusal to pay.
41.14.160	Leaves of absence.
41.14.170	Actions to enforce chapter—Duties of prosecuting attorneys.
41.14.180	Prohibited acts relating to registration, examination, certification—Discrimination prohibited.
41.14.190	Political activities regulated.
41.14.200	Cooperation and aid by other county officers and employees.
41.14.210	Funds for commission in class AA and class A counties—County budget—Surplus.
41.14.220	Penalty—Jurisdiction.
41.14.250	City contracts to obtain sheriff's office law enforcement services—Transfer of police department employees.
41.14.260	City contracts to obtain sheriff's office law enforcement services—Transfer of police department employees into county civil service for sheriff's office—Seniority for employment.
41.14.270	City contracts to obtain sheriff's office law enforcement services—Lay offs—Notice—Time limitation for transfers.
41.14.280	City contracts to obtain sheriff's office law enforcement services—Rules and regulations.
41.14.290	Appointment of classified employee to exempt position—Return to regular position.
41.14.900	Severability—1959 c 1.

**41.14.010 Declaration of purpose**—Application of chapter. The general purpose of this chapter is to establish a merit system of employment for county deputy sheriffs and other employees of the office of county sheriff, thereby raising the standards and efficiency of such offices and law enforcement in general. The provisions of this chapter have no application to any class AA county which provides for civil service in the police department or sheriff's office by local charter or ordinance where such local charter or ordinance substantially accomplishes the purpose of this chapter: *Provided*, That if any such county at any time repeals the charter provisions or ordinances providing for civil service for the police department or sheriff's office, this chapter must thereafter apply to such county. [1985 c 429 § 3; 1959 c 1 § 1 (Initiative Measure No. 23, approved November 4, 1958).]

##### 41.14.020 Terms defined. Definition of terms:

(1) "Commission" means the civil service commission, or combined county civil service commission, herein created, and "commissioner" means any one of the three members of any such commission;

(2) "Appointing power" means the county sheriff who is invested by law with power and authority to select, appoint, or employ any deputy, deputies or other necessary employees subject to civil service;

(3) "Appointment" includes all means of selecting, appointing, or employing any person to any office, place, position, or employment subject to civil service;

(4) "County" means any county of the state, or any counties combined pursuant to RCW 41.14.040 for the purpose of carrying out the provisions of this chapter;

(5) "Deputy sheriff or other members of the office of county sheriff" means all persons regularly employed in the office of county sheriff either on a part time or full time basis. [1959 c 1 § 2 (Initiative Measure No. 23, approved November 4, 1958).]

**41.14.030 Civil service commission**—Appointment, terms, qualifications, compensation, etc. There is created in each county and in each combination of counties, combined pursuant to RCW 41.14.040 to carry out the provisions of this chapter, a civil service commission which shall be composed of three persons. The commission members shall be appointed by the board of county commissioners, or boards of county commissioners of each combination of counties, within sixty days after December 4, 1958. No person shall be appointed to the commission who is not a citizen of the United States, a resident of the county, or one of the counties combined, for at least two years immediately preceding his appointment, and an elector of the county wherein he resides. The term of office of the commissioners shall be six years, except that the first three members of the commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of the commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance in office, or

## FIRCREST POLICE CIVIL SERVICE RULES

### CLASS SPECIFICATIONS FOR THE UNIFORMED POLICE SERVICE

As prescribed basically in Rule 6 - Classifications, the positions of all fully-paid, uniformed employees of the Fircrest Police Department shall be allocated to the classes established herein on the basis of duties performed, level of responsibility, authority assigned, and qualifications required. Medical and physical requirements for all classes in the uniformed police service shall be as prescribed in Rule 21.01 herein following.

#### POLICE CHIEF

Class Specification No. 21.02 describes the duties, responsibilities and qualifications for the class of Police Chief herein following.

#### POLICE LIEUTENANT

Class Specification No. 21.03 describes the duties, responsibilities and qualifications for the class of Police Lieutenant herein following.

#### POLICE SERGEANT

Class Specification No. 21.04 describes the duties, responsibilities and qualifications for the class of Police Sergeant herein following.

#### POLICE PATROLMAN

Class Specification No. 21.05 describes the duties, responsibilities and qualifications for the class of Police Patrolman herein following.

Persons coming under Police Service prior to the adoption of these Rules and not listed as a Class in these Rules shall remain covered by Civil Service until resignation, retirement, or dismissal.

# FIRCREST POLICE CIVIL SERVICE RULES

## PHYSICAL STANDARDS FOR UNIFORMED POLICE SERVICE

### I. REQUIREMENT

- A. Medical examination administered by a licensed physician/surgeon as set forth under provisions of RCW 18.71.
  - I. Causes for rejection will be consistent with recommendations outlined in these standards.
- B. A medical history will be supplied by each applicant to the examining physician. The medical history will include information on past and present diseases, injuries and operations.
- C. Applicant must possess normal vision. They must demonstrate normal visual functions and visual acuity not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and not less than 20/30 in the lesser eye. Normal color vision must be possessed.
- D. Applicant must possess normal hearing. Hearing acuity level is to be determined by audiometric hearing test.
- E. Applicant must be at least twenty-one years of age.

### II. PROCEDURE

- A. Completion of the Report of Medical History by the applicant.
- B. The physical examination will be conducted by a licensed physician/surgeon after a review of the Report of Medical History completed by the applicant.
- C. The physician shall record his findings on the Report of Medical History and shall note thereon, for evaluation by the hiring authority, any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature and whether applicant is or is not qualified.
- D. Physical examination reports shall be placed in permanent files by the Civil Service Commission and must be available for examination at any reasonable time by representatives of the Retirement System Board.
- E. Retention by the Commission of the results of the physical examination on all applicants employed under these standards shall be as long as deemed necessary by the Commission.

## FIRCREST POLICE CIVIL SERVICE RULES

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#### POLICE CHIEF

Class Specification No. 21.02 describes the duties, responsibilities and qualifications for the class of Police Chief herein following.

#### POLICE LIEUTENANT

Class Specification No. 21.03 describes the duties, responsibilities and qualifications for the class of Police Lieutenant herein following.

#### POLICE SERGEANT

Class Specification No. 21.04 describes the duties, responsibilities and qualifications for the class of Police Sergeant herein following.

#### POLICE PATROLMAN

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- E. Retention by the Commission of the results of the physical examination on all applicants employed under these standards shall be as long as deemed necessary by the Commission.

## POSITION DESCRIPTION

Class Title: Police Chief  
Department: Police  
Division:

Class Code: 1550  
Effective Date:  
Grade Number:

### GENERAL PURPOSE:

Performs a variety of administrative, supervisory and professional work in planning, coordinating and directing the activities of the Police Department.

### SUPERVISION RECEIVED:

Works under the broad policy guidance and direction of the City Manager.

### SUPERVISION EXERCISED:

Exercises supervision over all departmental personnel directly or through subordinate supervisors.

### EXAMPLE OF DUTIES:

#### A. Essential Functions:

1. Plans, coordinates, supervises and evaluates Police Department operations.
2. Establishes policies and procedures for the Department in order to implement directives from the City Manager.
3. Plans and implements a law enforcement program for the City in order to better carry out the policies and goals; reviews Department performance and effectiveness; formulates programs or policies to alleviate deficiencies.
4. Supervises and coordinates the preparation and presentation of an annual budget for the Department; directs the implementation of the Department's budget; plans for and reviews specifications for new or replaced equipment.
5. Trains and develops Department personnel.
6. Handles grievances, maintains Departmental discipline and the conduct and general behavior of assigned personnel.
7. Prepares and submits monthly reports to the City Manager regarding the Department's activities, and prepares a variety of other reports as appropriate.
8. Directs investigation of major crime scenes.
9. Ensures that laws and ordinances are enforced and that the public peace and safety are maintained.
10. Performs the duties of subordinate personnel as needed, including uniformed patrol work.

Position Description  
Police Chief  
Page 2

B. Peripheral Functions:

1. Meets with elected or appointed officials, other law enforcement officials, community and business representatives and the public on all aspects of the Department's activities.
2. Attends conferences and meetings to keep abreast of current trends in the field; represents the City Police Department in a variety of local, county, state and other meetings.

MINIMUM QUALIFICATIONS:

1. Education and Experience: (A) Graduation from a college or university with a bachelor's degree in police science, law enforcement, criminal justice, public administration or a closely related field, and (B) Five (5) years of experience in police work, three years of which must have been equivalent to police sergeant or higher, and (C) Completion of the Washington Law Enforcement Commission Basic Training Academy or equivalent or an exemption from WSCJTC; or (D) An equivalent combination of education and experience.

2. Necessary Knowledge, Skills and Abilities: (A) Thorough knowledge of modern law enforcement principles, procedures, techniques, and equipment; (B) Considerable knowledge of applicable laws, ordinances, and department rules and regulations; (C) Ability to train and supervise subordinate personnel; (D) Ability to perform work requiring good physical condition; (E) Ability to communicate effectively orally and in writing; (F) Ability to establish and maintain effective working relationships with subordinates, peers and supervisors; (G) Ability to exercise sound judgment in evaluating situations and in making decisions; (H) Ability to give verbal and written instructions; (I) Ability to pass the LEOFF II medical examination; and (J) Ability to meet the special requirements listed below.

SEPCIAL REQUIREMENTS:

(A) Must possess, or be able to obtain by time of hire, a valid Washington State Driver's License without record of suspension or revocation in any state; and (B) Ability to meet Department's physical standards.

WORKING CONDITIONS:

Work is performed primarily in office and some outdoor settings, in all weather conditions, including temperature extremes during mostly day shifts and some night shifts. Work is often performed in stressful situations and some emergency situations.

Position Description  
Police Chief  
Page 3

PHYSICAL ACTIVITIES:

Individual is required to have good hand-eye coordination for operation of computers and various equipment. Individual may be required to perform strenuous or peak physical effort and to move heavy objects; run, climb; wear rubber or plastic gloves; and use handguns.

SELECTION GUIDELINES:

Formal application; review of education and experience; appropriate assessment testing, physical agility test, drug screening, oral interview, background check; final selection and pre-employment medical, psychological, and polygraph examinations.

NOTE: Appointees will be subject to completion of a standard probationary period.


The examples of duties are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee, and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved:

  
\_\_\_\_\_  
City Manager

6/2/92  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Civil Service Commission

6/2/92  
\_\_\_\_\_  
Date

## POSITION DESCRIPTION

Class Title: Police Lieutenant  
Department: Police  
Division:

Class Code: 7150  
Effective Date:  
Grade No.:

### GENERAL PURPOSE:

Assists in the administration of the Police Department and supervises and performs police patrol, investigation, traffic regulation, and related law enforcement activities.

### SUPERVISION RECEIVED:

Works under the general supervision of the Police Chief.

### SUPERVISION EXERCISED:

Exercises general supervision over Police Sergeant and subordinate officers.

### EXAMPLES OF DUTIES:

#### A. Essential Functions:

1. Acts as Chief of Police during absence of the Police Chief.
2. Coordinates and supervises the training, assignment, and development of the Police Sergeant and patrol officers and personally participates in investigating criminal law violations occurring within Fircrest City limits, obtaining evidence and compiling information regarding these crimes, interrogating suspects and witnesses, preparing cases for filing of charges, testifying in court, and related activities.
3. Reviews, evaluates and develops programs, policies and procedures for various departmental operations.
4. Supervises the scheduling and coordinating of shift changes, and schedules and conducts meetings.
5. Reviews a variety of Police Department related reports prepared by subordinate officers or others.
6. Evaluates officers' arrests based on circumstances and evidence to determine whether subject will be detained or placed in jail.
7. Monitors and observes patrol or investigative activities to ensure that conduct and performance conform to department standards; patrols and responds to emergency calls.
8. Assists in the preparation and administration of the department budget.
9. Maintains departmental equipment, supplies and facilities.

EXAMPLES OF DUTIES Essential Functions (Continued)

10. Coordinates activities with supervisors of other City Departments, exchanges information with officers in other law enforcement agencies, and maintains contact with general public and court officials in performance of police activities.
11. Decides case priorities, determines when to take over an investigation, and determines how to deploy personnel during emergency responses.
12. Conducts semiannual performance evaluations and planning sessions for assigned personnel; counsels assigned personnel on job performance and disciplinary matters.

B. Peripheral Functions:

1. Develops new approaches to investigate problems.
2. Prepares a variety of reports and records.
3. Performs related duties as required.

MINIMUM QUALIFICATIONS:

1. Education and Experience: (A) High school diploma or equivalent supplemented by a two-year community college degree or vocational school training in police sciences, law enforcement, criminal justice administration, public administration, or a closely related field; AND (B) Completion of the Washington Law Enforcement Commission Basic Training Academy or equivalent; AND (C) Minimum of seven (7) years work experience as a fully commissioned police officer, three of which shall have been in a supervisory position; OR (D) An equivalent combination of education and experience.

2. Necessary Knowledge, Skills and Abilities: (A) Considerable knowledge of modern law enforcement principles, procedures, techniques, and equipment; (B) Considerable knowledge of applicable laws, ordinances, and department rules and regulations; (C) Ability to train and supervise subordinate personnel; (D) Ability to perform work requiring good physical condition; (E) Ability to communicate effectively orally and in writing; (F) Ability to exercise sound judgment in evaluating situations and in making decisions and to act effectively in emergency and stressful situations; (G) Ability to establish and maintain effective working relationships with subordinates, peers and supervisors; (H) Ability to follow and give verbal and written instructions; (I) Ability to learn and remember the locations of streets in Fircrest; (J) Ability to pass LEOFF II medical examination, and (K) Ability to meet the special requirements listed below.

SPECIAL REQUIREMENTS:

(A) Must possess, or be able to obtain by time of hire, a valid Washington State Driver's Licence without record of suspension or revocation in any state; and (B) Ability to meet Department's physical standards.

WORKING CONDITIONS:

Work is performed in office, vehicles, and outdoor settings, in all weather conditions, including temperature extremes, during day and night shifts. Work is often performed in emergency and stressful situations.

PHYSICAL ACTIVITIES:

Individual is required to have good hand-eye coordination to operate vehicles and equipment. Individual may be required to perform strenuous or peak physical effort and to move heavy objects; run, climb; wear rubber or plastic gloves; and use handguns.

SELECTION GUIDELINES:

Formal application, review of education and experience, appropriate Civil Service Commission testing; physical agility test, drug screening, oral interview; final selection and pre-employment medical, psychological, and polygraph examinations.

NOTE: Appointees will be subject to completion of a standard probationary period.

The examples of duties are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee, and is subject to change by the employer as the needs of the employer and the requirements of the job change.

Approval:

  
\_\_\_\_\_  
City Manager

6/2/92  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Civil Service Commission

6/2/92  
\_\_\_\_\_  
Date

## POSITION DESCRIPTION

Class Title: Police Sergeant      Class Code: 7125  
Department: Police              Effective Date:  
Division:                          Grade No.:

### GENERAL PURPOSE:

Supervises and performs police patrol, investigation, traffic regulation, and related law enforcement activities.

### SUPERVISION RECEIVED:

Works under the general supervision of the Police Lieutenant.

### SUPERVISION EXERCISED:

Exercises general supervision over police officers. Coordinates the work of other law enforcement personnel, as assigned.

### EXAMPLES OF DUTIES:

#### A. Essential Functions:

1. Supervises police officers in their assigned duties.
2. Develops programs and procedures for assigned police supervisory and operations activities such as supervising a police shift or police investigative activities. Submits plans to a Police Lieutenant or Police Chief.
3. Supervises police officers and personally participates in investigating criminal law violations occurring within Fircrest City limits, obtaining evidences and compiling information regarding these crimes, preparing cases for filing of charges, testifying in court, and related activities.
4. Supervises police officers and personally participates in patrol activities; monitors and observes patrol or investigative activities to ensure that conduct and performance conforms to Department standards.
5. Assists in scheduling and coordinating shift changes.
6. Reviews reports prepared by police officers and makes recommendations; evaluates officers' arrests based on circumstance and evidence to determine whether subjects will be detained or placed in jail.
7. Maintains departmental equipment, supplies and facilities.
8. Coordinates activities with supervisors of other City Departments, exchanges information with officers in other law enforcement agencies, and maintains contact with general public and court officials in performance of police activities.
9. Decides case priorities and determines when to take over an investigation, and determines how to deploy personnel during emergency responses.



10. Conducts semiannual performance evaluations and planning sessions for assigned personnel; counsels assigned personnel on job performance and disciplinary matters.

11. Carries out duties in conformance with Federal, State, County and City laws and ordinances.

B. Peripheral Functions:

1. Prepares a variety of reports and records.
2. Undertakes community oriented police work.
3. Performs related duties as assigned.

MINIMUM QUALIFICATIONS:

1. Education and Experience: (A) High school diploma or equivalent supplemented by a two-year community college degree or vocational school training in police sciences, law enforcement, criminal justice administration, public administration, or a closely related field; AND (B) Completion of the Washington Law Enforcement Commission Basic Training Academy or equivalent; AND (C) Minimum of three years work experience as a fully commissioned police officer; OR (D) An equivalent combination of education and experience.

2. Necessary Knowledge, Skills and Abilities: (A) Considerable knowledge of modern law enforcement principles, procedures, techniques, and equipment; (B) Considerable knowledge of applicable laws, ordinances, and department rules and regulations; (C) Ability to train and supervise subordinate personnel; (D) Ability to perform work requiring good physical condition; (E) Ability to communicate effectively orally and in writing; (F) Ability to establish and maintain effective working relationships with subordinates, peers and supervisors; (G) Ability to exercise sound judgment in evaluating situations and in making decisions; (H) Ability to follow verbal and written instructions; (I) Working knowledge of location of City's streets (J) Ability to pass LEOFF II medical examination, (K) Ability to meet the special requirements listed below.

SPECIAL REQUIREMENTS:

(A) Must possess, or be able to obtain by time of hire, a valid Washington State Driver's License without record of suspension or revocation in any state; and (B) Ability to meet Department's physical standards.

WORKING CONDITIONS:

Work is performed in office, vehicles, and outdoor settings, in all weather conditions, including temperature extremes, during day and night shifts. Work is often performed in emergency and stressful situations.

PHYSICAL ACTIVITIES:

Individual is required to have good hand-eye coordination to operate vehicles and equipment. Individual may be required to perform strenuous or peak physical effort and to move heavy objects; run, climb; wear rubber or plastic gloves; and use handguns.

SELECTION GUIDELINES:

Formal application, review of education and experience, appropriate Civil Service Commission testing; physical agility test, drug screening, oral interview; final selection and pre-employment medical, psychological, and polygraph examinations.

NOTE: Appointees will be subject to completion of a standard probationary period.

The examples of duties are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee, and is subject to change by the employer as the needs of the employer and the requirements of the job change.

Approval:

Wm. H. Hanning  
City Manager

6/2/92  
Date

John Hanning  
Civil Service Commission

6/2/92  
Date

## POSITION DESCRIPTION

Class Title: Police Officer      Class Code: 7100  
Department: Police      Effective Date:  
Division:      Grade No.:

### GENERAL PURPOSE:

Performs police patrol, investigation, traffic regulation, and related law enforcement activities.

### SUPERVISION RECEIVED:

Works under the general supervision of a Police Sergeant.

### SUPERVISION EXERCISED:

None.

### EXAMPLES OF DUTIES:

#### A. Essential Functions:

1. Works on rotating shifts performing security patrols, traffic control, investigation and first aid at accidents; detection, investigation and arrest of persons involved in crimes or misconduct.
2. Works an assigned shift using own judgment in deciding course of action being expected to handle difficult and emergency situations without assistance.
3. Carries out duties in conformance with Federal, State, County and City laws and ordinances.
4. Patrols City streets, parks, commercial and residential areas to preserve the peace and enforce the law, control vehicular traffic, prevent or detect and investigate misconduct involving misdemeanors, felonies and other law violations, and to otherwise serve and protect.
5. Responds to emergency calls and investigates accidents, robberies, civil disturbances, domestic disputes, fights, drunkenness, missing children, prowlers, abuse of drugs, etc.; takes appropriate law enforcement action.
6. Interrogates suspects, witnesses and drivers; preserves evidence; arrests violators; investigates and renders assistance at scene of vehicular accidents; summons ambulances and other law enforcement vehicles; takes measures and draws diagrams of scene.
7. Conducts follow-up investigations of crimes committed; develops leads and tips; searches scene of crimes for clues; analyzes and evaluates evidence and arrests offenders; prepares cases for giving testimony and testifies in court proceedings.
8. Maintains departmental equipment, supplies and facilities.

9. Coordinates activities with other officers of other City departments as needed; exchanges information with officers in other law enforcement agencies; obtains advice from Supervisors, Court Administrator, and Municipal Prosecutor's Office regarding cases, policies and procedures, as needed and assigned.

B. Peripheral Functions:

1. Prepares a variety of reports and records as assigned.
2. Undertakes community oriented police work as assigned.
3. Performs related duties as assigned.

MINIMUM QUALIFICATIONS:

Entry Level:

General: (A) Must be twenty-one (21) years or older at the time of employment; (B) Must possess, or be able to obtain by time of hire, a valid Washington State driver's license without record of suspension or revocation in any state; (C) No felony convictions and disqualifying criminal histories within the past seven years; (D) U.S. citizen; (E) Must be able to read and write the English language; (F) Must be of good moral character and of temperate and industrious habits.

Education and Experience: (A) High school diploma or equivalent supplemented by a two year community college degree or vocational school training in police science, law enforcement, criminal justice administration, public administration, or a related field; OR (B) An equivalent combination of education and experience.

Necessary Knowledge, Skills and Abilities: (A) Some knowledge of modern law enforcement principles, procedures, techniques, and equipment; (B) Ability to learn the applicable laws, ordinances and department rules and regulations; (C) Ability to perform work requiring good physical condition; (D) Ability to communicate effectively orally and in writing; (E) Ability to establish and maintain effective working relationships with subordinates, peers and supervisors; (F) Ability to exercise sound judgment in evaluating situations and in making decisions; (G) Ability to follow verbal and written instructions; (H) Ability to learn the location of streets in the City; and (I) Ability to pass the LEOFF II medical examination.

Lateral Entry:

General: (A) Must be over twenty-one (21) years of age at time of employment; (B) Must possess or be able to obtain by time of hire, a valid Washington State driver's license without record of suspension or revocation in any state; (C) U.S. citizen; (D) No felony convictions or disqualifying criminal histories within past seven years; (E) Must be of good moral character and of temperate and industrious habits; and (F) Must be able to read and write the English language.

Education and Experience: (A) Must be a high school graduate or equivalent education; (B) Successful completion of the Washington State Police Basic Training Academy or the ability to successfully complete the Washington State Basic Training Equivalency Test within one year after employment; (C) Within the past thirty-six (36) months, a minimum of twenty-four (24) months of full-time paid service as a sworn police officer in a civilian governmental jurisdiction; OR (D) An equivalent combination of education and experience.

Necessary Knowledge, Skills and Abilities: (A) Considerable knowledge of modern law enforcement principles, procedures, techniques, and equipment; (B) Knowledge of applicable laws, ordinances, and department rules and regulations; (C) Ability to perform requiring good physical condition; (D) Ability to communicate effectively orally and in writing; (E) Ability to establish and maintain effective working relationships with subordinates, peers and supervisors; (F) Ability to exercise sound judgment in evaluating situations and in making decisions; (G) Ability to follow verbal and written instructions; (H) Ability to learn the location of streets in the City; and (I) Ability to pass LEOFF II medical examination.

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Approval:

  
\_\_\_\_\_  
City Manager

6/2/92  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Civil Service Commission

6/2/92  
\_\_\_\_\_  
Date



STATE OF WASHINGTON


**WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION**

*Mail Stop PW-11 • Olympia, Washington 98504 • (206) 459-6342 • (SC AN) 585-6342*

**MEMORANDUM**

Date: October 23, 1987

To: All Mayors and City Managers

From:  James C. Scott, Executive Director

Subject: Required training for persons seeking appointment as police chief or marshal

Section 4 of Chapter 339, Laws of 1987, prescribes certain requirements which must be met by any person seeking appointment to the office of chief of police or marshal. That section is set forth in full as follows:

**Section 4.**

- (1) A person seeking appointment to the office of chief of police or marshal, of a city or town, including a code city, with a population in excess of one thousand, is ineligible unless that person:
  - (a) Is a citizen of the United States of America;
  - (b) Has obtained a high school diploma or general equivalency diploma;
  - (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;
  - (d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;
  - (e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service if the person was in the military service;
  - (f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and
  - (g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.
- (2) A person seeking appointment to the office of chief of police or marshal, of a city or town, including a code city, with a population of one thousand or less, is ineligible unless that person conforms with the requirements of subsection (1)(a) through (e) of this section. A person so appointed as chief of police or marshal must successfully complete the state's basic training requirement or equivalency within nine months after such appointment, unless an extension has been granted by the criminal justice training commission. (over)

- (3) A person seeking appointment to the office of chief of police or marshal shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

Section 4(1)(g) imposes a pre-application training requirement which necessarily involves the Training Commission and its basic training requirement or "equivalency". Subsection (2) provides exemption by allowing a newly appointed chief or marshal of a city or town with a population of 1,000 or less to successfully complete this training requirement or equivalency within nine months after appointment.

The Training Commission has established an "equivalency" process which allows newly employed officers with previous certification to challenge the basic academy program through a process of written examinations and practical exercises. Consequently, the use of the term "equivalency" in Chapter 339 has caused some misunderstanding and confusion. Hopefully, this memorandum will facilitate understanding and set forth a process which accords legislative intent.

For the purpose of Chapter 339, the term "equivalency" does not refer to the aforementioned process of the Training Commission, but rather should be read as "or the equivalent thereof". This means that any person who has complied with this state's basic training requirement or has completed training "the equivalent thereof" has met the training requirement for applicant eligibility under Chapter 339.

In addition to this state's basic law enforcement certificate, we will accept basic certification for regular and commissioned law enforcement employment which has been issued by any state and which is based upon successful completion of a basic law enforcement training program approved by such state. In other words, any applicant, with the exception of an applicant for the office of police chief or marshal of a city or town with a population of 1,000 or less, must have successfully completed a basic law enforcement academy in any state, and have appropriate certification or documentation issued by that state. For those individuals, I suggest that you obtain a copy of the appropriate certificate or document during your normal application process with no action or involvement by the Training Commission required.

The more difficult situation will involve an intended applicant who comes to you with law enforcement training accomplishments not including a state-approved basic training academy or program, e.g., a military police officer, a federal enforcement officer, a county reserve officer, etc. That situation will require a determination as to whether the individual's training accomplishments are, in fact, "the equivalent of" this state's basic training requirement. In order to simplify and standardize this process for you, I suggest that you direct such individual to make contact with Garry Wegner or Pamela Schuricht, of this office. Appropriate information could then be obtained directly from the individual and thereafter evaluated by Commission staff. This process accords the motion approved by the Training Commission at its meeting on September 10, 1987, and its intent to work cooperatively in carrying out the spirit and intent of Chapter 339.

Please know that the content of this memo addresses only the training requirement imposed upon applicants for the position of police chief or marshal. Compliance with the basic training requirement imposed by RCW 43.101.200 since 1978, will be effected after appointment and in accordance with the established process and regulations of the Training Commission.

If you have any questions or concerns regarding this matter, please feel free to contact me or Garry Wegner.

JCS:pw



FIRCREST POLICE CIVIL SERVICE RULES

AMENDMENT CHANGES

"Rule 11.01 Certification from Eligibility List: Upon request for certification of names to fill a vacancy, the secretary-chief examiner shall certify to the appointing authority the names of the three persons standing highest on the appropriate eligibility list..."

"Rule 11.07 Appointment of Candidates: In filling vacancies by appointment from an eligibility list, the appointing authority, if it desires to fill the vacancy, shall appoint a person or persons from among the three persons highest on the eligibility list for the class to which the vacant position has been allocated who are willing to accept the position and are certified in accordance with these Rules, except as noted in 11.02 Certificate of Protected Class."

The above (2) amendment changes were adopted by the Civil Service Commission on June 3, 1985.

"Rule 7.03 k. Individual(s) failing any Oral Board will be immediately dropped from the current eligibility list."

"Rule 10.07 r. Individual(s) failing any Oral Board will be immediately dropped from the current eligibility list."

"Rule 10.07 s. failure to pass the law enforcement officer pre-employment interview or background investigation, the purpose of which is to determine if the applicant has the background and ability to function as an effective law enforcement officer."

"Rule 11.04 i. Individual(s) failing any Oral Board will be immediately dropped from the current eligibility list."

"Rule 11.04 j. is not qualified for any reason enumerated in Rules 7.03 and 10.07."

The above (3) amendment changes were adopted by the Civil Service Commission on July 8, 1985.

TOWN OF FIRCREST  
POLICE CIVIL SERVICE COMMISSION

AMENDMENT CHANGES

"7.09 APPLICATION FEE

A fee may be charged for taking the examination. An indigent form will be provided upon request."

"8.07 PARTS AND WEIGHTS

c. Oral examinations may be required of all applicants. The purpose of these oral examinations will be to assess the character of the applicant."

Amendment changes adopted at the November 4th, 1985, regular meeting by the Fircrest Police Civil Service Commission.

  
\_\_\_\_\_  
DEL PETTEYS  
Chairwoman

TOWN OF FIRCREST  
POLICE CIVIL SERVICE COMMISSION

ADDITION TO THE FIRCREST RULES AND REGULATIONS

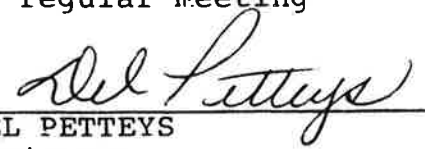
16.12 PREDISCIPLINARY HEARING - REQUIRED

A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate.

16.13 PREDISCIPLINARY HEARING - STANDARDS/NOTICE OF DISCIPLINE

- a. An employee shall be provided, in writing, with a 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.
- b. The employee may have legal counsel or union representation present at a predisciplinary hearing.
- c. 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 hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.
- d. 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.
- e. The Commission shall not consider, or appeal, any basis for disciplinary action not previously presented to the employee.

Adopted at the Fircrest Police Civil Service regular meeting  
November 4th, 1985.

  
\_\_\_\_\_  
DEL PETTEYS  
Chairwoman

AMENDMENTS TO  
FIRCREST POLICE CIVIL SERVICE RULES

ADOPTED BY FIRCREST CIVIL SERVICE  
AUGUST 3, 1987, REGULAR MEETING

PROPOSED AMENDMENTS:

Rule 5, Sec 5.01 Add "b"

Rule 8, Sec 8.19 Add

Rule 12, Sec 12.02 Replace with new section

Rule 12, Sec 12.04 Add

Rule 16, Sec 16.14 Add

Rule 19, Sec 19.03 Add (formally was Rule 20)

Rule 20, Move, replace with "Retirement and Disability"

Rule 21, Delete, replace with "Miscellaneous"