

**CITY OF FIRCREST
CIVIL SERVICE COMMISSION
115 RAMSDELL STREET
FIRCREST, WASHINGTON 98466
(253) 564-8901**

SPECIAL MEETING AGENDA

**JUNE 24, 2024
4:00 PM**

**FIRCREST CITY HALL
COUNCIL CHAMBERS**

1. ROLL CALL
2. NEW BUSINESS
 - a. Recertification of the Lateral Police Officer Eligibility List
 - b. Fircrest Civil Service Rules Update Discussion
3. ADJOURNMENT

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70% Necessary for Passing Grade

ELIGIBILITY LIST
POLICE OFFICER LATERAL POSITION

<u>RANK</u>	<u>NAME</u>	<u>SCORE</u>
1.	Shaine Towe	79.1%
2.	Laine McCann	74.3%

ALEX KOERGER

JOHN BECHTHOLT

PHILLIP WILSON

To be approved at a special meeting of the Fircrest Civil Service Commission held
June 24, 2024.

FIRCREST CIVIL SERVICE COMMISSION

NEW BUSINESS: FIRCREST CIVIL SERVICE RULES UPDATE

ITEM: 5b

DATE: June 24, 2024

RECOMMENDED MOTION: None. Discussion only.

SUMMARY: Fircrest Civil Service Commission discussion for proposed amendments to the Fircrest Civil Service Rules.



FIRCREST CIVIL SERVICE RULES AND REGULATIONS

Fircrest Civil Service Rules and Regulations

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CITY OF FIRCREST
FIRCREST CIVIL SERVICE RULES AND REGULATIONS

RULE 1 – AUTHORITY AND PURPOSE

1.01 RULES PRESCRIBED

In accordance with the provisions of [Chapter 41.12 RCW](#) of the laws of the State of Washington, the Civil Service Commission of the City of Fircrest, a code city in said state, hereby adopts the following rules and regulations to carry out the purposes of [Chapter 41.12 RCW](#) and City 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 their employment or opportunity for employment because of their race, creed, color, national origin, religion, age, sex, marital status, sexual orientation, veteran or military status, or political affiliations, or because of physical or sensory disabilities as prescribed in [Chapter 49.60 RCW](#).

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.

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 CHAIRPERSON. Means person of either sex and is synonymous with chair.

2.12 CITY. Means the City of Fircrest.

2.13 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 the city.

2.14 CLASSIFIED CIVIL SERVICE. Means oil offices and positions in the service of the city under civil service.

2.15 COMMISSION. Means the Fircrest Civil Service Commission.

2.16 CONTINUOUS SERVICE. Means employment without interruption except for absences on approved leave or absences to serve in the armed forces of the United States.

2.17 CONTINUOUS TESTING. Continuous Testing means a written examination or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards or a combination of both. The results shall be certified to a Continuous Testing Initial Candidate List before being forwarded to the Civil Service Commission. Continuous Testing may, at the discretion of the Commission, be offered through the Secretary-Chief Examiner or pursuant to a Subscription Testing Service Agreement.

2.18 CONTINUOUS TESTING INITIAL CANDIDATE LIST. Continuous Testing Initial Candidate List means a list of successful eligible examinees for a given class that has been certified by the Testing Service Examiner or Secretary-Chief Examiner and forwarded to the Civil Service Commission for optional additional testing and certification to a Continuous Testing Eligibility List. The Initial Candidate List shall remain effective for one (1) year.

2.19 CONTINUOUS TESTING ELIGIBILITY LIST. The Continuous Testing Eligibility List is a list of successful Continuous Testing examinees for a given class who have been certified by the Secretary-Chief Examiner. It shall be forwarded to the Appointing Authority and used to fill vacancies in such class. A Continuous Testing Eligibility List shall remain effective for one (1) year.

2.20 DEMOTION. Means the reassignment of an employee from a higher to a lower class because of incapacity, nonfeasance, misfeasance, or malfeasance of office.

2.21 DEPARTMENT. Means a major, functional unit of the government of the City of Fircrest.

2.22 DISCHARGE. Means separation from service for cause.

2.23 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.

2.24 ELIGIBILITY LIST. Means a list of names of persons who have passed a civil service examination for a specific class.

2.25 ENTRY LEVEL APPLICANTS. Prior to completion of an application, those interested in applying as entry level must go through Public Safety Testing or through another Subscription Testing Service as designated by the Commission. Upon receipt of the Public Safety Testing score, the Secretary-Chief Examiner shall add the written score to the active Entry Level Public Safety Testing List. The list will be maintained from the highest to the lowest score received. When it is deemed necessary by the Chief of Police, the Secretary-Chief Examiner will notify the highest scoring applicants to begin the City's application process.

2.26 EXAMINATION. Means the process of testing the fitness and qualifications of applicants for positions in a specific class.

2.27 EXAMINATION – VETERANS’ PREFERENCE. Veterans’ preference will be added to the total passing score of any veteran entitled to benefits in examinations pursuant to [RCW 41.04.005](#), [RCW 41.04.007](#), and [RCW 41.04.010](#).

2.28 EXCEPTIONAL ENTRY-LEVEL APPLICANTS. Academy Graduate Entry (Exceptional Entry-Level) means and refers to the employment of an applicant who has successfully completed the Washington State Criminal Justice Training Academy (WSCJT) and who holds a current and valid certification through the Washington State Criminal Justice Commission (WSCJTC) as of the date of their employment.

2.29 EXCEPTIONAL ENTRY-LEVEL APPLICANT ELIGIBILITY LIST. Academy Graduate Entry (Exceptional Entry-Level) Eligibility List means and refers to a list consisting of applicants who are either (a) graduates of the WSCJT Academy or (b) trainees attending the WSCJT Academy who have successfully completed the Academy mid-term examination and are scheduled for graduation from the Academy within sixty (60) days of applying to be placed on the Academy Graduate Entry (Exceptional Entry-Level) Eligibility List.

2.30 LATERAL POLICE OFFICER. Lateral entry for a Police Officer means the employment of a commissioned law enforcement officer who has been employed on a full-time basis for a period exceeding twelve (12) consecutive months and has not had a lapse of employment as a full-time commissioned law enforcement officer in good standing for a period exceeding the previous twenty-four (24) months, calculated from the day of appointment.

2.31 LAYOFF. Means separation from a permanent position due to lack of funds, lack of work, or abolishment of the position.

2.32 OFFICIAL BULLETIN BOARD. Is the bulletin board at City Hall upon which all official notices of the Commission shall be posted.

2.33 OPEN EXAMINATION. Means an examination open to the public and not limited to applicants from among regular employees in the department.

2.34 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.

2.35 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.

2.36 PROBATIONER. Means an employee who has probationary status.

2.37 PROBATIONARY PERIOD. All new uniformed employees of the Police Department will serve an 18-month probationary period. The Chief of Police shall counsel the employee during this period

and inform the employee of their strengths, weaknesses, and methods of improvement. An employee who fails to satisfactorily complete probation shall be given 15 calendar days written notice by the appointing authority. Employees discharged during the probationary period do not have the right to appeal.

2.38 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.

2.39 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.

2.40 REINSTATEMENT. Means reappointment after a break in service due to the layoff to a position in a class in which status was formerly held.

2.41 REINSTATEMENT REGISTER. Means a list of names of persons laid off from permanent positions arranged in order of their right to reinstatement.

2.42 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.

2.43 SEPARATION. Means leaving a position and includes resignation, discharge and layoff.

2.44 SUBSCRIPTION TESTING SERVICE. Subscription Testing Service means a person or organization offering a service that tests and maintains Initial Candidate Lists for Classified Service prior to forwarding to the Commission for optional additional testing and certification to an Eligibility List.

2.45 TEMPORARY. Means employment on a basis other than permanent or probationary.

2.46 TRANSFER. Refers to the change of an employee from one position to a similar position in the same class within the department, without examination.

2.47 TRIAL SERVICE PERIOD. A one-year trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion.

RULE 3 – ADMINISTRATION

3.01 ELECTION OF CHAIRPERSON

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

3.02 DUTIES OF THE CHAIRPERSON

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

3.03 CHAIRPERSON PRO TEM

The Chairperson shall designate one of the Commissioners to act as Chairperson Pro Tem during the absence of the Chairperson. If no such designation has been made, the two Commissioners present shall agree who shall act as Chairperson 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.
 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 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.
- i. 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.

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 city. 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.

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 Chairperson 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 City 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 Chairperson 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 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-Chief Examiner or the Secretary Pro Tem, shall be open to public inspection.

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 their 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 merits 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 true 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 the mailing of the notice of discharge reduction.
 2. In an appeal from any ruling of the Secretary-Chief Examiner concerning any aspect of an examination, ten (10) business days after notice of such ruling or, if no notice of ruling is given, ten (10) 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
- a. cross-examine all witnesses appearing against the petitioner
- d. impeach any witness before the Commission or hearing board
- e. present such affidavits, exhibits and other evidence as the Commission deems pertinent to the inquiry
- f. 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 relying 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.

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 City Manager for all classes in city police 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 City Manager, Mayor, City 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, they 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 5.

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.

RULE 7 – APPLICATIONS AND APPLICANTS

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), and proof of citizenship.
- e. Lateral Police Officer - 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.

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. The 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 a false statement(s) in their application with regard to any material fact or had practiced or attempted to practice any deception or fraud in their application or examination, to in securing their 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 their 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. 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
- h. has been dismissed from previous employment for delinquency or misconduct
- i. refuses to furnish all information required to complete the application
- j. is knowingly a member of any organization which is included in the official list of subversive organizations, or who is knowingly a member of any organization which, to their 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.

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 5.

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 has been accepted, to amend the application or to file an amended application prior to the 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.

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 TYPES OF EXAMINATIONS

- a. **CONTINUOUS TESTING ELIGIBILITY LIST.** The Secretary-Chief Examiner, following the approval of the Commission, shall establish an initial eligibility list for use by applicants testing through and certified for eligibility through the continuous testing process. Continuous testing lists may be established for both entry-level and lateral hires.
- b. **CERTIFICATION.** Applicants certified pursuant to a continuous testing process shall be placed on a continuous testing entry-level or lateral hire eligibility list. As each applicant is placed in accordance with their scores, the placement of all others on the list shall be adjusted.

8.05 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 or she finds the good of the service requires it, may, at their discretion, have an examination given in more than one session and/or at more than one place, either within or outside the City of Fircrest.

8.06 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.

8.07 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.

8.08 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.

- 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 the examination must be passed prior to proceeding to the next portion or subtest.

8.09 PASSING GRADES

- a. The name of the examinee shall not be entered on an eligible list without the examinee having attained a passing grade in the examination as established by the Secretary-Chief Examiner.
- b. Entry-level applicants who complete the initial written test administered by Public Safety Testing, shall be graded with 100% as the maximum and with 70% representing the passing grade for such test. The physical fitness test is graded on a pass-fail basis. Both tests must be passed to be eligible.
- c. A final minimum passing score required shall be determined by the Secretary-Chief Examiner prior to any examination.

- d. 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.

8.10 VETERAN'S OR EDUCATIONAL CREDIT

- a. In all competitive examinations for entrance into the city 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.

8.11 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.

8.12 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.

8.13 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.

8.14 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.

8.15 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.

8.16 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.

8.17 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.

8.18 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.

8.19 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.

8.20 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.

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 city, 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.

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 they believe the needs of the service required, 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 THE LIST

The name of any person may be removed from the eligibility list for any of the reasons in Rule 7.03, or for 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 candidate that their 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 their 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 their 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 City 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 an 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.

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 a 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 City Manager shall act as the appointing authority. The City 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 an appointment or refuses the 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 an 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 the appointment when immediate temporary employment is required, but this shall apply only to 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. is not qualified for any reason enumerated in Rules 7.03 and 10.07.

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

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 or 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 city and where the person is still in city service; or where the person has been separated therefrom without fault or delinquency on the employee's part and the good of the city 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 the 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 their 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.

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 the 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

- a. **LENGTH OF PROBATIONARY PERIOD – ENTRY-LEVEL.** The entry-level probationary period shall be from the date of hire, plus one (1) year after the successful completion of the police academy. Training school time shall not be deducted in computing the probationary period. 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-Chief Examiner will approve a departmental request for an extension of the probationary period.
- b. **LENGTH OF PROBATIONARY PERIOD – LATERAL & EXCEPTIONAL ENTRY-LEVEL POLICE OFFICER.** The lateral and exceptional entry-level probationary period shall be for a period of twelve (12) months. 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-Chief Examiner will approve a departmental request for an extension of the probationary period.
- c. **LENGTH OF PROBATIONARY PERIOD – PROMOTIONAL.** Any promotional appointment probationary period shall be for a period of twelve (12) consecutive months from the date the eligible was first appointed. Minor absences due to vacations, annual military leave, illnesses, etc. shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary-Chief Examiner 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 their appointment to a position in another class and the employee subsequently returns to a position in the first class during the secondary probationary period, their 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.

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 11. 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 an 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 assigned; or
- d. a vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.

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 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.

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, childbearing, education or training, or assisting another public agency, may be granted by the authority pursuant to policies adopted by the City 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.

**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 their 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.

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

A permanent employee may be discharged from city 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 their 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 the termination of the criminal case.

16.05 DECISION

After receiving evidence presented in the 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 their 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 had 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 city 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 PRE-DISCIPLINARY HEARING - REQUIRED

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

16.13 PRE-DISCIPLINARY 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 pre-disciplinary hearing.
- c. The department's explanation of the department's evidence at the pre-disciplinary 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 the presentation of witnesses and documents not available at the pre-disciplinary hearing.
- d. Should the appointing authority determine to discipline following the pre-disciplinary 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-Chief Examiner 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.

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 is 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 and 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 their 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 Departments of the city 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.

RULE 19 – REPORTS

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 efficiency and performance of each employee during the employee's **probationary** period following an appointment or promotion in relation to standards for the 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.

RULE 20 – RETIREMENT AND DISABILITY

20.01 RETIREMENT

Employees of the City 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-Chief Examiner shall review any report from a retirement system showing that a former employee who is on disability retirement has regained their 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-Chief Examiner shall:
 - i. Order return of the employee to former employment status as if a leave of absence had been granted; or
 - ii. 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-Chief Examiner.
 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.

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 City legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a City legal holiday. When the period of time prescribed or allowed is ten (10) OPTION: five (5) 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-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.

RULE 22 – SECRETARY-CHIEF EXAMINER
CIVIL SERVICE COMMISSION

Classification: **Civil Service Chief Examiner**

Title: **Civil Service Chief Examiner**

Department: **Administration**

Location: **City Hall**

Job Description Updated: **7/06/2021**

GENERAL PURPOSE

The Civil Service Chief Examiner shall serve as secretary of the commission and acts as staff support for the Commission. 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 or in accordance with RCW 41.12.

SUPERVISION RECEIVED

Works under the general supervision of the Civil Service Commission.

SUPERVISION EXERCISED

None.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Keeps the minutes and other records of the Commission and certifies to the same when required.
- Administers and enforces the provisions of the Civil Service Commission Rules and Regulations.
- Makes recommendations to the Commission relative to matters of policy and for necessary amendments to the Rules.
- Prepares and distributes agendas, materials, minutes, records of meetings.
- Maintain the applicable sections of the official City Webpage.
- Prepares the budget for the Commission, approves accounts, and generally administers the expenditure of funds appropriate for the operation of the Commission.
- Prepares for testing in an orderly fashion, per the Civil Service Rules and Regulations.
- Certifies in the name of the Commission payrolls or accounts per State laws.
- Performs all other functions necessary for the proper implementation of the Rules and the provisions of 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.
- Prepares amendments and updates for the Civil Service Commission Rules and Regulations as requested by the Civil Service Commission.

- Coordinates with the Police Chief and prepares job announcements. Assists in the recruitment process including scoring and ranking candidates for the eligibility lists.
- Prepares for oral boards and supports the participants, Police Chief, and board as needed.
- Develops and prepares written reports, bulletins, and letters for Commissioners.
- Ensure compliance with all applicable State and local requirements.
- Ability to present ideas and recommendations clearly and concisely both orally and in writing.
- Exhibit good problem-solving skills and good judgment.

DESIRED MINIMUM QUALIFICATIONS

- Graduation from a two-year college or any equivalent combination of education and experience which demonstrates the knowledge and experience to perform the work.
- 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.
- Must be of good moral character and temperate and industrious habits; and
- Must be able to read and write the English language.

Necessary Knowledge, Skills, and Abilities:

- Knowledge in Robert's Rules of Order.
- Working knowledge of office practices and procedures; considerable knowledge of modern records management techniques.
- Skill in operation of appropriate office machines.
- Ability to maintain tact in tense situations.
- Ability to process information and act quickly and accurately in times of urgency.
- Ability to establish and maintain effective working relationships with employees, other departments, officials, and the public; ability to communicate effectively orally and in writing.
- Advanced knowledge of RCW 42.30, and strict adherence to the OPMA State and Local requirements.
- Analyze situations accurately and adopt an effective course of action.
- Maintain records and prepare reports.
- Work independently with minimum supervision.
- Work irregular hours on occasion, including evenings and weekends.
- Ability to work with the public effectively.
- Knowledge of RCW 41.12, Civil Service for City Police.

Marginal Functions

- Perform other duties as assigned by the Civil Service Commission.
- Open, sort, and distribute incoming mail.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing software; calculator; copy and fax machines; telephone.

PHYSICAL DEMANDS

- The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- While performing the duties of this job, the employee is frequently required to walk, sit, and talk or hear. The employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls and to reach with hands and arms. The employee is occasionally required to climb or balance, stoop, kneel, crouch, or crawl.
- The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

WORK ENVIRONMENT

- The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- While performing the duties of this position, the employee is frequently required to operate a keyboard to enter data into a computer terminal for extended periods, seeing to conduct work, and hearing and speaking to exchange information. This position may be required to do repetitive arm/hand movement (i.e., keyboarding.) Bending, stooping, reaching, and lifting (up to 25 lbs.) may be required to perform duties. The employee must have the physical ability to perform all essential job functions.
- The environment includes a normal range of noise and other distractions associated with working around standard office equipment. The noise level in the work environment can vary. The employee must possess both the ability to carry out instructions given by the Civil Service Commission and think quickly and take decisive action on his/her own.