



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 [Chapter 41.12 RCW](#), 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.

1.05 COMMISSION – DUTIES

It shall be the duty of the Civil Service Commission:

- A. To make suitable Rules not inconsistent with the provisions of the Police Civil Service Act, [Chapter 41.12 RCW](#). Such Rules 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 Act, or which may be found to be in the interest of good personnel administration. The Rules and Regulations and any amendments thereof shall be reproduced for public distribution. The Commission may amend these Rules, adopt

supplemental Rules, and hold such hearings as it finds necessary to perform the duties and responsibilities vested in it.

- B. To give practical tests which shall consist of subjects which, in the judgment of the Commission, will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of knowledge, physical fitness and manual skills, endurance, and psychological fitness and suitability.
- C. To make investigations concerning, and report upon, all matters touching the enforcement and effect of the provisions of [Chapter 41.12 RCW](#) and the Rules and Regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by the [Chapter 41.12 RCW](#), and to determine that all such Rules and Regulations are being followed.
- D. To conduct hearings and investigations in accordance with [Chapter 41.12 RCW](#) and by the rules of practice and procedure adopted by the Commission.
- E. To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, discipline of non-probationary employees, and such matters as may be referred to the Commission.
- F. To provide, 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 provide that persons laid off, or who have accepted voluntary demotion in lieu of layoff, because of curtailment of expenditures, reduction in force, and for like causes, head the employment list in the order of their seniority, to the end that they shall be the first to be re-employed or reinstated in their former job class.
- 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 Employment List for the class. 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 four months, nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year unless otherwise approved by the Commission.
- H. To keep such records as may be necessary for the proper administration of these Rules.
- I. The Commission may submit periodic reports and/or recommendations regarding its activities pertaining to the application of merit principles in personnel administration within the Police Department.

1.06 VIOLATIONS

Any person who willfully violates any of the provisions of [Chapter 41.12 RCW](#) shall be guilty of a misdemeanor and, upon conviction thereof, may be punished in accordance with and under state law by a fine of not more than \$100 and by imprisonment in the County jail for not longer than thirty (30) days or by both such fine and imprisonment. The Superior Court shall have jurisdiction over all such offenses. ([RCW 41.12.210](#)).

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 assign each position to its proper class based on the similarity of duties and responsibilities or required qualifications.
- 2.03 APPLICANT** means a person who has applied for employment to a position subject to Civil Service Rules.
- 2.04 APPLICANTS FOR PROMOTION** means those individuals currently employed by the department certified by the Chief of Police (or designee) to the Secretary-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** includes all means of selecting, appointing, or employing any person to any offer, place, position, or employment subject to Civil Service, 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 after a separation from employment does not make the service continuous.
- 2.09 BUSINESS DAYS** means calendar days exclusive of Saturdays, Sundays, and legal holidays observed by the City.
- 2.10 CANDIDATE** means a person who has completed a civil service examination or is in the process of doing so.
- 2.11 CERTIFY** means the act of the Commission in supplying an Appointed Authority with the names of applicants who are eligible for appointment to the class and positions in the classified service for which certification is requested.
- 2.12 CITY** means the City of Fircrest.

- 2.13** **CLASS** means a group of positions sufficiently similar in respect to 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 all offices and positions in the service of the City under civil service.
- 2.15** **COMMISSION** means the Fircrest Civil Service Commission.
- 2.16** **COMMISSIONER** means any of the three appointed members of such Commission.
- 2.17** **CONTINUOUS SERVICE** means employment without interruption except for absences on approved leave or absences to serve in the armed forces of the United States.
- 2.18** **DEMOTION** means the reassignment of an employee from a higher to a lower class because of incapacity, nonfeasance, misfeasance, or malfeasance of office.
- 2.19** **DEPARTMENT** means a major, functional unit of the government of the City of Fircrest.
- 2.20** **DISCHARGE** means separation from service for cause.
- 2.21** **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 fields as specified in the job description.
- 2.22** **ELIGIBILITY LIST** means a list of names of persons who have passed a civil service examination for a specific class.
- 2.23** **EMPLOYEE** means any classified person regularly employed in the office of the Fircrest Police Department on a full-time basis.
- 2.24** **ENTRY-LEVEL APPLICANTS** are those interested in applying as entry-level applicants who 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.
- 2.25** **EXAMINATION** means the process of testing the fitness and qualifications of applicants for positions in a specific class.
- 2.26** **EXCEPTIONAL ENTRY-LEVEL APPLICANTS** (Academy Graduate Entry Applicants) means and refers to the candidates and/or applicants who have successfully completed the Washington State Criminal Justice Training Academy (WSCJT) and who hold a current and valid certification

through the Washington State Criminal Justice Commission (WSCJTC) as of the date of their employment.

- 2.27 EXCEPTIONAL ENTRY-LEVEL APPLICANT ELIGIBILITY LIST** (Academy Graduate Entry 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.
- 2.28 LATERAL POLICE OFFICER** means the employment of a CJTC-approved commissioned law enforcement officer who has been employed on a full-time basis for a period exceeding twenty-four (24) 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.
- 2.29 LAYOFF** means separation from a permanent position due to lack of funds, lack of work, or abolishment of the position.
- 2.30 OFFICIAL BULLETIN BOARD** is the bulletin board at City Hall upon which all official notices of the Commission shall be posted.
- 2.31 OPEN EXAMINATION** means an examination open to the public and not limited to applicants from among regular employees in the department.
- 2.32 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.
- 2.33 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.
- 2.34 PROBATIONER** means an employee who has probationary status.
- 2.35 PROBATIONARY PERIOD** is the 18-month probationary period that all new uniformed employees will serve. 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 fifteen (15) calendar days written notice of their separation by the Appointing Authority. Employees discharged during the probationary period do not have the right to appeal.
- 2.36 QUALIFIED FEDERAL, STATE, OR MUNICIPAL LAW ENFORCEMENT AGENCY** shall include the Federal Bureau of Investigation, the United States Treasury Department, State Police Agency, a law enforcement agency of class A county or larger, or a law enforcement agency of a municipality having a population of at least twenty thousand.

- 2.37 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.
- 2.38 REINSTATEMENT** means reappointment after a break in service due to the layoff to a position in a class in which status was formerly held.
- 2.39 REINSTATEMENT REGISTER** means a list of names of persons laid off from permanent positions arranged in order of their right to reinstatement.
- 2.40 SENIORITY** means the total amount of continuous service in a position or positions of a specific class relative to other employees in similar positions within that class, with the person with the longest tenure considered the most senior and vice versa for the person with the least length of tenure. For purposes of layoff in a lower class, seniority in such class shall include any service in a higher class.
- 2.41 SEPARATION** means leaving a position and includes resignation, discharge, and layoff.
- 2.42 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.
- 2.43 TEMPORARY** means employment on a basis other than permanent or probationary.
- 2.44 TRANSFER** refers to the change of an employee from one position to a similar position in the same class within the department without a requirement for examination.
- 2.45 VACANCY** shall mean a position existing or newly created, which is not occupied, and for which funds are available.

RULE 3 – ADMINISTRATION

3.01 ELECTION OF CHAIR

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

3.02 DUTIES OF THE CHAIR

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

3.03 CHAIR PRO TEM

The Chair shall designate one of the Commissioners to act as Chair Pro Tem during the absence of the Chair. If no such designation has been made, the two Commissioners present shall agree on who shall act as Chair 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 of Police (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-CHIEF EXAMINER PRO TEM

In the instance of temporary 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.

3.09 CITY ASSISTANCE

All employees of the Police Department and the City Clerk's office shall aid in all proper ways in carrying out these Rules and related Rules as may be adopted and amended periodically and shall afford the Commission all reasonable facilities and assistance in inspecting all public records related to the Commission or any Commissioner, or by the Secretary-Chief Examiner acting on behalf of the Commission.

- A. If the Commission finds that a personnel action was discriminatory or that a removal, suspension, or demotion was not taken for cause other than for a provisional or initial

evaluation employee, the Commission may order appropriate relief, including but not limited to:

1. Cease and desist;
 2. Corrective action such as referral for employment, training, immediate reinstatement or reemployment, restoration of lost wages, restoration of lost service time, and expungement and sealing of records.
- B. Nothing herein shall prohibit the City and an employee or applicant from negotiating and reaching a mutual settlement prior to Commission action.
- C. Appeals must be filed in accordance with these Rules and Washington law and shall not be considered filed until received in writing by the Secretary-Chief Examiner in the capacity of Secretary of the Commission.

RULE 4 – MEETINGS OF THE COMMISSION

4.01 REGULAR MEETINGS

Regular meetings shall be held monthly at 4:00 p.m. on the first Monday of each month unless the same is a holiday. 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 previously 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 Chair, or it can be called based on a request from another Commissioner, on the independent determination of the Chair, or upon recommendation of the Secretary-Chief Examiner by notice in writing to each member of the Commission and all departments affected.

Notification of said meeting shall be posted consistent with the requirements of the Open Public Meetings Act, [Chapter 42.30 RCW](#) (hereafter “OPMA”), 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 and properly provides notice of the same consistent with the OPMA.

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 Chair of the Commission. Notice of the change in meeting location shall be given in a manner consistent with the requirements of the OPMA whenever possible and practicable.

4.06 PUBLIC MEETINGS

All meetings of the Commission shall be open and public pursuant to the OPMA, 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

The Commission consists of three members. 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, as applicable, 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 note of a Commissioner's dissent or approval, along with the reasons for such dissent or approval, shall be recorded. The minutes shall be written and presented for review, 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, and materials and records associated with the Commission's activities are subject to the Washington State Public Records Act (PRA), [Chapter 42.56 RCW](#).

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 may petition for a hearing before the Commission.
- B. Any probationary employee who has been separated from civil service employment by the disciplining department may only appeal to the Commission the probationary status of the separated probationary employee and whether the procedures for discharge of probationers, as provided in these Rules, were properly followed.

5.02 PETITION FOR HEARING

Any petition for a hearing shall be in writing, signed by the petitioner, and include the petitioner's contact information and mailing address, the ruling from which the petitioner appeals, and shall describe 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; however, such denial shall be without prejudice to the filing of an amended petition for appeal if the time for requesting a hearing has not expired.

5.03 TIME WITHIN WHICH PETITIONS MUST BE FILED

- A. Unless otherwise provided 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 (10) 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 the delivery of certified mail receipt 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 (5) business days' notice in writing of the date, time, 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 under oath;
- 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; and
- 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 a current or former employee, the failure of the petitioner 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 evidence on which reasonable 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, demotion, suspension, 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 provided in writing 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 digital recording equipment.

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.

5.15 APPEAL

If the order of discharge, 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 they reside. Such appeal shall be taken by serving the Commission, within thirty (30) 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 (10) 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.

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 adopted by the Commission shall be sent to the City Manager, Mayor, City Council, and 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 (30) 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 (5) 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 is qualified for the new class and receives 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 for the original class.

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 who is less than 21 years of age will be admitted to an entrance examination.
- 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 claimed 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 - positions 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 for showing that employment requirements have been met 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; or
- 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 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.
- 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 (5) business days after notice of such ruling.

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.** 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.
- B. **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 from the date of certification by the Civil Service Commission
- C. **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. A Continuous Testing Eligibility List shall remain effective for one (1) year from the date of certification by the Civil Service Commission. Continuous testing lists may be established for both entry-level and lateral applicants.
- D. **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 they find 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 applicants will receive notification in writing or by telephone. 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 order shall be determined by the number of points earned in the examination.
- C. Oral examinations may be required of all applicants. The purpose of oral examinations are to assess the character of applicants.
- 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; or
 - 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 required examination(s) 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

Applicants shall be allowed a period of five (5) 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 8.12](#). 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 8.12](#), the seven-day period provided in [Rule 8.13](#), and the review as provided in [Rule 8.13](#), 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 ten (10) business days after delivery of certified mail 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 8.14](#)) 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 ninety (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 by an authorized health standard prescribed by current medical selection standards and guidelines for employment, and successful completion of psychological and polygraph testing, if applicable. The health standard requirements will be kept by the Secretary-Chief Examiner.
- B. All other employees under the jurisdiction of the Civil Service Commission shall be required to take a complete medical examination by a qualified examining physician acceptable to the Commission. A qualified physician, for the purposes of this process, is defined as a Medical Doctor (MD), Advanced Registered Nurse Practitioner (ARNP), or Physician Assistant (PA) appropriately licensed to practice medicine for the level of care the qualified physician is authorized to provide in the State of Washington and approved by the Appointing Authority. 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 (10) 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 the 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 examination(s), 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, when it is determined that the eligible candidate:

- A. Refuses to execute any oath, as prescribed by law;
- B. Fails to be present for fingerprinting, as required by the Commission;

- C. 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;
- D. Fails to be present for or fails to pass the medical examination prescribed by the Commission (see [Rule 9](#));
- E. Provides a written request their name be removed;
- F. Fails 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;
- G. Declines a 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;
- H. Attempted deception or fraud in connection with any application or test;
- I. 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;
- J. Is or has in any manner become disqualified for the position for which they are listed, in accordance with of these Rules;
- K. Fails to notify the Secretary-Chief Examiner of changes in address;
- L. Has received an appointment to a permanent position through certification from an eligible list for this class or another class at the same or higher salary;
- M. Upon separation, other than a layoff from City service, when on a promotional list, upon separation, other than layoff from City service;
- N. Is not appointed from an eligible list after certification three times to the same or different appointing authorities;
- O. Fails to pass the polygraph examination for positions in the Police Department;
- P. Fails any Oral Board ; or
- Q. Fails to pass the 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 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. If more than one vacancy is to be filled, two additional names shall be certified for each such additional vacancy. 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 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.

11.03 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 (10) 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 a 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 addressed, 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; or
- I. Is not qualified for any reason enumerated in [Rules 7](#) and [10](#).

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

11.04 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 (10) 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 and ability to accept appointment;
- C. Where the withholding or removal was for a reason stated in [Rules 7 to 10](#) and such reason no longer exists.

11.05 EFFECT OF REMOVAL, WITHHOLDING, OR RESTORATION

The removal or withholding of a name shall automatically advance the appropriate number 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 (60) days.

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

11.06 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.

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, as outlined in [Rule 12](#).

No new probationary period results from a reduction of an employee who previously completed a probationary period within the class to which they are being appointed.

12.02 LENGTH OF PROBATIONARY PERIOD

- A. LENGTH OF PROBATIONARY PERIOD – ENTRY-LEVEL. The entry-level probationary period shall begin on the start date. The probationary period timeline will continue from the date of hire, through time at the police academy plus one (1) year after the successful completion of the police academy. Police Academy time shall not be deducted in computing 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.
- C. LENGTH OF PROBATIONARY PERIOD – PROMOTIONAL. Any promotional appointment probationary period shall be for a period of twelve (12) consecutive months from the employee's start date in the new position.
- D. Minor absences due to vacations, required military leave, illnesses, etc. for which the employee has authorized leave 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 may discharge or demote any probationer by providing in writing the reasons for discharge or demotion to the employee and the Commission. 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 they were appointed, in accordance with [Rule 16.14D](#) on demotion; or may be allowed eligibility for another position in the same class, for which they are deemed qualified

by the Appointing Authority, subject to approval by the Commission. A probationer who is discharged rather than demoted during the probationary period shall have no rights to continued employment with the City.

RULE 13 – TEMPORARY AND PROVISIONAL APPOINTMENTS

13.01 TEMPORARY APPOINTMENTS

An employee 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](#). An employee 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 a vacant position or a time limited need to place more than one person in one position, and 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;
- B. the immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties;
- 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 they have 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 may be granted by the Appointing Authority to any person under civil service, and notice of such approved leave shall be given to the Commission. All temporary employment caused by leaves of absence shall be made from the eligibility list of the classified civil service.

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

A permanent 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 during work hours/while on duty or to such an extent that the use thereof interferes with the necessary job functions 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; or
- 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 effective date of the discipline. The employee shall be allowed ten (10) business days from the date of service of such notice in which to reply thereto in writing and request a hearing before the Commission consistent with the requirements of [Rule 5](#). Such notice of disciplinary action shall state the time allowed for the employee to 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

A permanent employee to be discharged, demoted, suspended, or otherwise disciplined pursuant to [Rule 16.02](#) may request a hearing relating to the action in accordance with the requirements in [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 by the disciplined employee.

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 Commission or Hearing Board hearing request a continuance of the 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 taken for political reasons,, reasons relating to discrimination based on protected class (religion, gender, disability, sexual preference, etc.), not in good faith for cause, or reasons otherwise not sufficient to justify such action, the Commission may order immediate reinstatement of the employee without any loss of pay; or
- 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 temporary or permanent demotion in classification or pay.

The findings of the Commission shall be certified in writing to the Appointing Authority and Chief of Police 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 of Police 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 for cause pursuant to sections [16.01](#) of these Rules 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 against the probationary employee occurred because of political or religious beliefs, racial extraction, other protected class reasons, or union affiliation.

If the Commission has consented prior to the filing of an answer by the employee and such answer alleges fraud or discrimination as stated above 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 so long as the discharge or demotion is consistent with these Rules.

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 probationer's 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.

In situations where an employee notifies the Appointing Authority verbally of their resignation but declines to submit the resignation in writing, the Appointing Authority may call in a witness to hear

the resignation and then confirm the same in writing back to the resigning employee, noting the date and time of the oral notification.

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 (10) 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 they deem 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, compromises 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

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

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. The employee may choose to respond, or not. If the employee chooses to respond, sections b. through c. of this subsection 16.13 shall apply. Sections d. and e. apply whether or not the employee chooses to respond.
- B. The employee may arrange to 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 to which they are demoted, 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 Appointing Authority may lay off or reduce an employee when necessary due to lack of funds, lack of work, good faith reorganization, or abolishment of the position. Layoffs are determined by the position being eliminated.

17.02 EMPLOYMENT STATUS AND ORDER OF LAYOFF

When it becomes necessary to reduce the number of employees of a work 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; with the employee having the shortest length of service laid off first.

17.03 LAY OFF OUT OF ORDER

The Appointing Authority 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 of Police when a vacancy arises in the same or lower class of position before any other certification is made from an eligibility list. When a vacancy occurs, the Chief of Police 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 from 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 41.12 RCW](#) and 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 of Police 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 of Police 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 an extent that they are now 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:
 - 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-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. The employee may, however, apply promotionally for positions for which they are qualified.
- 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) 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 5.03A 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.

Fircrest Civil Service Commission

Rules and Regulations

Record of Amendments

Adopted May 1, 1984
Amended July 8, 1985
Amended November 4, 1985
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