CITY OF
WALLA WALLA

CIVIL SERVICE COMMISSION

RULES & REGULATIONS

ADOPTED

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Chapter 1 - THE CIVIL SERVICE COMMISSION

1.01 Organization

The Civil Service Commission will consist of three persons who are residents of the City of Walla Walla and who are appointed by the City Council. The term of office for each Commissioner shall be for six years, each one term of office expiring each two-year period.

1.02 Authority and Duties

The authority and duties of the Civil Service Commission are to:

1.02.01 Adopt rules which are consistent with WW Municipal Code, Chapter 2.33.040, State laws. Such rules and regulations shall provide for the manner in which examinations shall be held, and appointments, promotions, transfers, reinstatements shall be made, Such rules and regulations shall provide for how employees may appeal disciplinary decisions, or alleged violations of these rules, to the Commission. Such rules may also provide for any other matters connected with the general subject of personnel administration of applicable City personnel.

1.02.02 Ensure all tests are fair and will consist only of subjects that determine the competency, qualification, and fitness of persons examined to perform the duties of the position. This may include written exams, tests of physical or mental fitness, manual skills and any additional mandatory testing associated with a specific position.

1.02.03 Provide for Veteran's credit in accordance with RCW 41.04.010 in favor of all applicants for entrance examinations.

1.02.04 Appoint a Secretary/Examiner.

1.02.05 Approve minutes of Commission meetings and records of Commission procedures.

1.02.06 Provide for investigations and hearings on challenges arising from the administration of these rules and regulations.

1.02.07 To hold competitive exams or utilize the services of a continuing testing contractor to determine the qualifications of persons who seek employment within the Police Department and Fire Department except for non-uniformed Fire employees. Establish eligibility lists for the various classes of positions, and provide that persons laid-off because of curtailment of expenditures, reduction in force, or like causes, head the list in the order of their seniority. These persons shall be the first to be offered re-employment.

1.02.08 When a vacant position is to be filled, the top three names on the eligibility list will be submitted to the appointing authority. If there is no such list, the Commission may authorize the appointing authority to make a temporary appointment as outlined in 9.05.

1.03 Severability

If any provision of these rules and regulations are held invalid, the remainder of the rules and regulations will not be affected.

Chapter 2 - ADMINISTRATION AND OPERATIONS

2.01 Commission Meetings Quorum

To conduct its work, the Commission shall meet on the third Wednesday of each month, at 4:00 p.m., in a designated meeting area, or elsewhere as published, unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public; provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW, as amended).

2.02 Chair - Vice Chair

At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair and another member to serve as Vice Chair for a term of one year. Should a Chair and/or Vice Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair and/or Vice Chair.

2.03 Rules of Order

Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two Commissioners such rules may be waived or modified.

2.04 Public Records

Public records of the Commission shall be available in the office of the Commission for inspection and copying during regular office hours or by written request to the Secretary/Examiner. No fee will be charged for inspection of public records. Inspection will be during regular office hours and in the presence of a member of the City's Human Resources office, and must be accomplished without excessive interference with the essential functions of the office. If copies of records are requested, the cost will be as provided by City policy and Washington State law. The Secretary/Examiner, Chairperson, Vice Chairperson or a Commissioner will be notified within two working days from the date the request for records is made.

2.05 Record of Proceedings

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

Commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary/Examiner.

2.06 Reports - Applicants, Eligibles, Employees

2.06.01 Each applicant, eligible and employee shall keep the Commission informed by written notice to the Secretary/Examiner, of current address and telephone number, and shall report any change of name through marriage or otherwise.

2.06.02 Each eligible shall keep the Secretary/Examiner informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefore.

2.07 Reports - Appointing Authority

The Appointing Authority shall immediately report to the Secretary/Examiner:

2.07.01 Every appointment, transfer, promotion, demotion, layoff, reinstatement, any and all changes of position; and leaves of absence without pay due to disciplinary action;

2.07.02 Every refusal or failure to accept appointment by a person whose name has been certified.

2.08 Legal Services

The Commission has the authority to retain independent legal counsel to represent the Commission should the Commission deem it necessary.

Chapter 3 - SECRETARY/EXAMINER

3.01 Secretary/Examiner - Appointment

A Secretary/Examiner (hereinafter, "Secretary") shall be appointed by the Commission as a result of a competitive examination, which may be either original and open to all properly qualified residents of the City of Walla Walla, or promotional and limited to persons already in the service of the City of Walla Walla.

3.02 Secretary Authority

In addition to acting as Secretary of the Commission, the Secretary shall:

3.02.01 Keep the records for the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction and perform such other duties as the Commission may prescribe;

3.02.02 Perform all other functions, as assigned, necessary for the proper performing of these rules and the provisions of law relating to the Civil Service System.

3.03 Discipline/Removal of the Secretary

The Commission may discipline or remove the Secretary in good faith for cause, in the same manner and subject to the same limitations as provided for firefighters and police officers.

3.04 Review of Secretary Decisions

3.04.01 The Commission on its own initiative may review or modify any action or decision of the Secretary.

3.04.02 Any person may request that the Commission review or reverse the decision of the Secretary that adversely affects them. Such request shall be in writing, and set forth with specificity the decision to be reviewed and the reasons why the decision should be modified or reversed, and the relief sought. The request shall be made within ten days of receiving the decision at issue. The Commission may conduct a hearing before deciding whether the decision of the Secretary is modified or reversed.

Chapter 4 – DEFINITIONS

DEFINITIONS

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

4.01 Actual Service

Time in which a given employee has been engaged under Civil Service appointment in the performance of the duties of a position or positions and shall include absences with pay. It shall not include leaves of absence without pay unless federal or state law provides otherwise.

4.02 Applicant

Anyone who has filed an application to take a Civil Service examination.

4.03 Appointing Authority

The City Manager or his/her designee who has the authority to hire, promote or discharge employees.

4.04 Appointments:

4.04.01 **Regular Appointment:** The appointment of a certified eligible candidate to a vacant classified position.

4.04.02 **Temporary Appointment:** A limited appointment resulting when there is a vacancy in the classified service and a suitable register does not exist from which a certification can be made. The following will apply:

A. Commission may approve a request by the appointing authority for the temporary appointment.

B. No person shall receive more than 1 temporary appointment in any 12-month period.

C. Generally temporary appointments will not exceed six (6) months in duration.

D. All temporary appointments shall cease at the earliest possible date and shall not exceed thirty (30) days from the date that a notice is made that a suitable eligible register is available.

E. An extension of the original request for a temporary appointment may be approved by the Commission.

F. Temporary appointments may be made by the appointing authority to fill an authorized leave of absence by reason of service in the Armed Forces of the United States for the term of the leave of absence. Temporary appointments will not be eligible for any type of seniority preference as a result of their temporary appointment.

4.05 Assignment

An employee may be assigned to a position which carries additional salary and responsibilities and is within the scope of the specification for the class from which assignment is made.

4.06 Break in Service

A separation from Civil Service status with a loss of accumulated service credit as occasioned by a "quit," "resignation," "discharge" or "retirement."

4.07 Candidate

Any applicant who has completed, or is in the process of completing, a Civil Service examination.

4.08 Certification

[Certified Eligible List] A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.

4.09 Certify

Verification to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.

4.10 City

The City of Walla Walla, WA.

4.11 Civil Service Employee

Any employee who has Civil Service status.

4.12 Civil Service Register

See Eligible Register.

4.13 Class

A position or group of positions designated by the City as having similarities in duties and responsibilities, by reason of which the same examination may be used for each position in the group.

4.14 Class Specification

A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.

4.15 Commission

The Civil Service Commission. "Commissioner" means any one member of said Commission.

4.16 Continuous Service

Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.

4.17 Demotion

Removal of an employee for cause by the appointing authority from a higher to a lower class of employment or salary step within a class.

4.18 Department

Any department of the City subject to Civil Service as established by ordinance. The legal head of any such department is the "Department Director," or Department Director's designee.

4.19 Discharge

Termination, separation, dismissal, or removal from the service for cause.

4.20 Eligible

Anyone qualified for a given class through examination and placed on the proper eligible register; also, "Certified Eligible."

4.21 Eligible Register

A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class.

4.22 Employee

Those employees covered by the Civil Service System of the City, including: all positions with the Police Department; all positions within the Fire Department except the Administrative Secretary, Emergency Medical Services Clerk, Emergency Services Technician and Injury Prevention Specialist.

4.22.01 ***Employee – Regular:*** Any employee who has been appointed from certification and who has satisfactorily served the full trial service period.

4.22.02 **Employee - Temporary**: Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for a limited period for which no register is available.

4.22.03 **Employee - Trial Service Period:** A person appointed from a certification who has not yet completed the specified trial service period of employment.

Note: A regular employee is the only employee with rights under Chapter 10.

4.23 Examination

The process of testing the fitness and qualifications of applicants for positions in a class.

4.23.01 **Examination – Entry:** An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.

4.23.02 **Examination – Promotional:** An examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.

4.24 Examination Announcement

An announcement containing basic information about the class of position, the requirements for filing, how to apply, and any other pertinent information. The examination announcement shall be posted in the City's Human Resources Office and in other suitable locations.

4.25 Final Examination Score

Total of earned exam score plus additional Veterans' Preference for which an applicant is eligible.

4.26 In-House Register

A list of the names of civil service employees, in the order of final examination rating, who have passed an in-house only promotional examination.

4.27 Layoff

The interruption of service and pay of any regular or temporary employee because of lack of work or funds or other reasons in the discretion of the City Manager. The term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.

4.28 Position

Any group of duties and responsibilities in the service of the City which one person is required to perform as full or part-time employment, and which is included in the City budget.

4.28.01 **Position – Regular:** A position included in the City's annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position established during a given budget year, unless the Department Director certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.

4.28.02 **Position - Regular Part-Time:** Employment in a regular position for work on a basis of fewer than eight hours a day or fewer than forty hours a week, but on a regular schedule.

4.29 Promotion

The appointment of an employee to a higher class or to a position of higher skill or responsibility level. Any change in employment other than by a temporary appointment (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the City, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute a promotion.

4.30 Quit

Any voluntary separation of an employee from the City service without notice.

4.31 Register

A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment. See 4.21, "Eligible Register".

4.32 Reinstatement

Re-appointment of a regular employee to a position in a class in which the employee was a regular employee.

4.33 Reinstatement Register

A list of names of persons who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class.

4.34 Resignation

A written request by an employee for separation from a class or from the City service. To be valid, such request must show written approval of the appointing authority.

4.35 Retirement

The voluntary termination of employment for service or disability pursuant to applicable retirement laws.

4.36 Secretary

Secretary/Examiner as defined in Chapter 3.

4.37 Suspension

Temporary removal of an employee from employment with or without pay, either for cause as a consequence of disciplinary action, or pending determination of disciplinary charges against the employee which could result in discipline or discharge.

4.38 Trial Service Period

The trial service period is the status of an employee during a trial period following a regular appointment from an eligible register. This trial service period is part of the examination process and is a working test during which an employee is required to demonstrate, by competent performance of the duties, adherence to policy, superior conduct and behavior, fitness for the position to which certified and appointed.

4.38.01 **New Employees:** The term of an employee's trial service period is established by applicable collective bargaining agreement or the Personnel Policy Manual.

4.38.02 **Promoted Employees:** The trial service period for internal promotions shall be as outlined in the applicable collective bargaining agreement or the City Personnel Manual.

In the event that a trial service employee is placed on a reinstatement list, having been laid off or reduced in rank, when reinstated the time served initially in trial service status to a maximum of three (3) months with no extension shall be counted as time toward the trial service period.

If an employee has been promoted and has not completed their trial service period and is on an eligibility list for a lower ranking position, he/she may be considered when there is an opening. However, if he/she does not wish to be considered his/her name will be removed from the list.

When a promoted applicant has completed his/her trial service period, his/her name will immediately be removed from all other lower ranking lists.

4.39 Veterans' Preference

Preference in examinations and employment, based on military service, as provided and defined by RCW 41.041. Applicants eligible for Veteran's Preference for entry level positions must request such preference at the time of examination. The applicant must submit a copy of his/her DD-214 and an affidavit confirming that he/she is not receiving retirement benefits. Falsification of affidavit may be grounds for rejection or termination as outlined in section 6.03.06.

Veteran's Preference points will be added to an eligible candidate's final score after completing all portions of the exam.

Chapter 5 - RULE MAKING

5.01 Rules and Regulations

Rules and regulations of the Civil Service Commission shall be adopted by a majority vote at any regular or special meeting of the Commission.

5.02 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. Unless, upon emergency declared by all Commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.

5.03 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.

5.04 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 the City Clerk and the appointing authority. The appointing authority shall distribute to the appropriate departments 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.

5.05 Effect of Rules

The terms and conditions of Civil Service employment are governed by these rules, and applicable State laws and City Municipal Code. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

Chapter 6 - APPLICATIONS AND APPLICANTS FOR CIVIL SERVICE PERSONNEL

6.01 General Requirements for Filing Applications

6.01.01 All applicants for examinations for positions in the classified Civil Service must file a written City application and other supplemental documentation as required to the Secretary/Examiner or designee. No one shall be admitted to any examination without having first filed a completed application package on the proper form, which fully, truthfully, and accurately provides all information required.

Applicants whose names are provided by a Continuous Testing agency shall be required to file a City application and any supplemental documents to be eligible for final testing and placement on an eligibility roster.

6.01.02 In order to file an application for examination for uniformed positions, the applicant must:

A. Be a U.S. citizen, and must be able to read and write the English language. (RCW 41.08.070 and 41.12.070).

B. Be 21 years of age by the advertised closing date, unless the Civil Service Commission sets an age limit below 21 years of age.

6.01.03 In order to file an application for examination for all covered positions, the applicant must:

A. Meet all the requirements specified in these rules, the Walla Walla Municipal Code 2.33.060 (to the extent it applies to the position), and in the official examination bulletin as of the closing day of the official filing period.

B. Produce evidence of education, training, experience, or any lawful requirement for a class, as required by the Commission.

6.01.04 Time for filing applications:

A. All applications for examination shall be received by the Secretary/Examiner during office hours and within the time limit fixed in the official announcement of the examination or in the letter sent by the Secretary/Examiner to applicants whose names were received by the Continuous Testing agency.

B. The time for filing applications may be extended by the Commission as the needs of the service require, e.g. there is an inadequate number of applications (for example, for non-uniformed positions the minimum number of candidates to proceed is 5); and provided that the examination shall then be re-advertised with the extended closing date.

6.02 Applications for Promotional Examinations

An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed and who meets the requirements of Rule 6.01.

6.03 Rejection of Applicant or Eligible

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

6.03.01 Does not submit a completed application, or does not include the additional documentation specified in the examination announcement, or does not submit the application package by the established deadline;

6.03.02 Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;

6.03.03 Is physically or mentally unfit to perform the duties of the position sought, and cannot be reasonably accommodated;

6.03.04 Has been convicted of any felony or a misdemeanor involving moral turpitude (Chapter 9.96A RCW), depending on the nature of the crime and the length of time that has passed since the conviction and any time served;

6.03.05 Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from City service or has an unsatisfactory record of employment in the City service or with any other agency or firm;

6.03.06 Has made any material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination;

6.03.07 Fails to appear for fingerprinting or other investigation as required by the position;

6.03.08 Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;

6.03.09 After notification, did not promptly appear at the time and place designated for the examination;

6.03.10 Has been discharged from the armed forces under dishonorable conditions;

6.03.11 For other lawful reasons which may arise after the application process as determined by the Commission.

6.04 Notice of Non-Acceptance

Anyone against whom action is taken under Rule 6.03 shall be notified promptly by the Civil Service Commission of the reasons therefore by either oral notice at the time of filing the application and/or written notice mailed to the applicant or eligible.

6.05 Applications Not Returned

All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant. Applications are excluded from public disclosure per RCW 42.17, and copies will not be provided.

6.06 Application Fee

The Commission may establish an application fee for open examinations in order to recover some of the administrative costs of administering the exams.

Chapter 7 - EXAMINATIONS FOR CIVIL SERVICE PERSONNEL

7.01 Ordering Examinations

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

7.01.01 **Entry Level Exams:** Examinations to establish entry level eligibility lists for firefighters and police officers shall be administered annually. Upon request by the appointing authority, the Commission may approve extension of an existing list for a period of up to one year.

For non-uniformed positions, examinations will be scheduled at the direction of the Commission.

7.01.02 **Continuous Testing**: With approval of the Commission, the Secretary/Examiner may establish an eligibility list for use by applicants tested through and certified for eligibility through a continuous testing process.

Continuous testing shall mean a written examination or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards whose results shall be valid for a period of one calendar year from the date of certification. Continuous testing may at the discretion of the Commission, be offered through a subscription testing agreement with an outside agency. The certification of applicants provided through continuous testing will be as follows:

A. The Commission will determine the parameters for requesting applicants from the subscription testing agency. The Commission will also approve any additional testing to be administered as well as passing scores and weighting of the testing components.

B. The Secretary/Examiner will contact the agency and request qualified candidates based on the Commission's parameters.

C. When received, the Secretary/Examiner will contact the candidates and request that they complete and submit a City application and any supplemental documents required.

D. Those candidates who submit the City application and supplemental documents will be scheduled for subsequent testing.

E. Following testing, the Secretary/Examiner will score exams, apply Veteran's Preference and weighting as appropriate.

F. The Commission will review the resulting eligibility list and approve as appropriate.

G. The candidates will be notified of their final score and placement on the eligibility list.

H. The names of candidates certified for the eligibility list shall remain on the list for one year from the date of certification or until the candidate has been hired by another organization. Names may be removed upon notification by the candidate, upon the written notification of another employer or the entity providing the continuous testing.

7.01.03 **Promotional Exams:** The Commission will authorize a promotional examination under the following conditions:

A. When a vacancy exists or is anticipated to exist, and there is no eligible list; or

B. When it is requested by the appointing authority and no eligible list exists; or

C. When less than three (3) names are on the eligible list and the Commission decides by majority vote to retest and establish a new eligibility list.

D. As required by collective bargaining agreement.

The appointing authority must make a written request for a promotional examination at least ninety (90) working days prior to the anticipated validation date for the eligible list.

7.02 Examination Announcement

Public notice of open examinations shall be given by the Secretary in the local newspaper and in any other publications which the Commission may direct. An official job announcement shall be distributed to all appropriate departments for posting. Promotional examination notices shall be ~~posted in~~ of department offices. If the in-house announcement does not produce an adequate number applicants (minimum of five qualified applicants), the Commission may open the recruitment to the outside.

7.03 Amendments to Examination Announcement

The Secretary may amend any published announcement with public notice, no less than 14 working days before the initial closing date.

7.04 Character of Examinations

All examinations shall be competitive, impartial, and practical in their content. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered.

7.05 Content of Examinations

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

Evaluators for assessment exams shall be approved by the Commission. For uniformed positions, technical portions of all assessment components shall be evaluated by officers of the City of Walla Walla and of other police and fire departments that have a rank equal to or higher than the position for which the test is being conducted.

7.06 Multi-Part Examination

Where an examination consists of two or more parts, the Commission may:

7.06.01 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 remaining parts of the exam;

7.06.02 Assign weights to each part of the examination;

7.06.03 Limit the number to be further considered or tested to a group of the highest scoring applicants, depending on the number of applicants who meet the minimum requirements for a position;

7.06.04 Employ all or any of the above options for multi-part examinations in any examination.

7.07 Examination Protest

7.07.01 Any protest or challenge against the scope, content, or practicality of any part of an examination shall be filed in writing with the Secretary within 10 working days upon completion of the test. The Secretary will bring any challenges to the attention of the Commission. The decision of the Commission is final.

7.07.02 All protests filed in accordance with this rule shall be considered, and any appropriate corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

7.08 Correction of Clerical Errors

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

7.09 Effective Date of Examination Results

Absent any appeals, the results of Civil Service examinations shall become effective ten (10) working days from the last day of testing. All efforts will be made to schedule testing so that the Civil Service Commission meeting coincides with the end of the ten-day appeal period. Upon certification, a copy of

the eligibility list will be sent to the appointing authority. All candidates completing one or more test segments shall receive their individual test segment scores.

7.10 Examination Papers

Examination papers of each eligible shall be kept on file in the office of the Commission until the expiration of eligibility. Examination papers are excluded from public disclosure per RCW 42.17.310, and copies will not be provided.

7.11 Additional Examination

For uniformed positions, eligibles certified pursuant to Chapter 9 shall be subject to medical, physical, or psychological examination and to such other examinations administered as authorized and approved by the City. Such other examinations include, but are not limited to, background examination and polygraph, provided, however, polygraph examination shall be allowed only for entry level police applicants under RCW 49.44.120. Reports of such examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Commission shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the eligible register.

Chapter 8 - REGISTERS AND ELIGIBILITY FOR CIVIL SERVICE PERSONNEL

8.01 Establishment of Eligible Registers

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

8.01.01 On a promotional register: relative rank shall be determined by the examination rating or grade.

8.01.02 On an open graded register: relative rank shall be determined by the examination grade, plus percentage allowed by law for Veterans' Preference.

8.01.03 Prior to the examination, the Commission will identify one of the test components that will serve as the tie breaker.

8.02 Return to Register Following Layoff

Upon layoff, an employee's name shall be placed upon the proper eligible register for the class, according to the grade, for a period of time in compliance with applicable collective bargaining agreement or the City Personnel Policy Manual.

8.03 Re-Employment

At the request of the appointing authority and upon approval by the Commission, any person who has resigned in good standing and who had successfully completed his/her trial service period may, within eighteen (18) months from the effective date of separation, be re-employed. He/she must meet all the qualifications of applicants (see Chapter 7). Any employee of the same department who has been laid off and whose name appears on a reinstatement list for the department will have hiring priority. Persons re-entering the classified service through re-employment must complete a trial service period at a length determined by the applicable collective bargaining agreement in order to regain regular status.

8.04 Establishment of Reinstatement Registers

8.04.01 The names of regular employees who have been laid off or, when requested in writing by the appointing authority, trial service employees who have been laid off, shall be placed upon a reinstatement register for the same class and for the department from which laid off, for a period as determined by applicable collective bargaining agreement or the City Personnel Policy.

8.04.02 Anyone on a reinstatement register who becomes a regular employee in another department shall lose reinstatement rights in the former department.

8.05 Availability of Eligibles

8.05.01 It shall be the responsibility of an eligible to notify the Civil Service Commission, in writing, immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment. Failure to do so may result in disqualification.

8.05.02 The name of an eligible who submits a written statement restricting the conditions under which he/she is available for employment shall be withheld from certifications which do not meet the conditions specified. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.

8.06 Cancellation of Eligibility

8.06.01 Upon request of an appointing authority that an eligible has failed to respond to call or has refused to accept employment, the Secretary may strike the eligible's name from the register;

8.06.02 Failure to respond to the canvass of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible from the register;

8.06.03 Refusal to accept re-employment in a regular position will result in loss of eligibility.

8.07 Restoration of Names to Eligible Registers

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

Chapter 9 - CERTIFICATION AND APPOINTMENT FOR CIVIL SERVICE PERSONNEL

9.01 General Provisions

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

9.02 Request for Certification

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

9.03 Certification

9.03.01 **Eligible Register**: Certification to fill a vacancy shall be made by the Civil Service from registers in the following order and as provided in this rule:

A. Reinstatement

B. Promotional

C. Entry level

9.03.02 **Order of reinstatement—Eligible:** If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:

A. Regular employees in inverse order of layoff by class;

B. Trial service employees, without regard to length of service. The names of all trial service employees upon the reinstatement register shall be certified together.

9.03.03 If a vacancy is to be filled from a promotional register, the Secretary shall certify to the appointing authority the names of the three available eligibles that stand highest on the appropriate register. If less than three names are on the list, the Commission may certify two names or decide by majority vote to retest and establish a new eligibility list.

9.03.04 **Multiple Vacancies:** If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.

9.03.05 **Additional Names:** If an appointing authority provides acceptable evidence that any of the eligibles certified are not available or that they do not respond to appropriate notification, sufficient additional names shall be furnished to complete the certification.

9.03.06 **Special Skills:** Where a certification of eligibles with special experience, training or skills is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position, and the Commission determines that the reasons given fully justify the reason for the request, a certification may be made of only the highest ranking eligibles who possess the special qualifications.

9.03.07 **Application/Examination:** The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.

9.04 Deferment of Certification

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

9.05 Temporary Appointment

Where there is no suitable eligible register from which certification can be made, the Commission may allow the appointing authority to make a temporary appointment. A temporary appointment may be made for a period of up to six months, but may be extended by approval of the Commission for a longer period. No person shall receive more than one temporary appointment in any 12-month period. All temporary employment in a class shall cease at the earliest practical date, in most cases within 30 days of the date upon which a property eligible register exists for such class.

9.06 Provisional Appointment

In emergency situations, upon good cause shown, the Commission may allow the appointing authority to make a provisional appointment of a person who is not currently on an eligibility list, even though a suitable eligible register exits. Such provisional appointment may be made for a period of up to three months. No person shall receive more than one provisional appointment in a twelve month period. All provisional employment in a class shall cease at the earliest practical date.

9.07 Trial Service Period

The Police Chief, Fire Chief, or designee, should keep the individual informed of his/her status during any trial service period.

9.07.01 **New Appointments:** The trial service period for new appointments shall be established by the applicable collective bargaining agreement or by the City Personnel Policy. A trial service employee who has been laid off or reduced in rank will be placed on a reinstatement list. When reinstated, the time served initially in trial service status, to a maximum of three (3) months shall be counted as time toward the trial service period.

9.07.02 **For non-uniformed employees**, and at the request of the Police Chief, the appointing authority may extend the trial service period of a new non-represented appointee for a period of up to six (6) months. This request shall be made in writing at least thirty (30) working days prior to the end of the initial trial service period and shall state cause. A copy of this request shall be sent to the Civil Service Commission. If approved, the individual involved must be notified of the extension of the trial service period at least fifteen (15) working days prior to the end of the initial trial service period. The notification will state the cause for the extension as well as the expectations for improvement and possible consequences.

9.07.03 **Promotion:** The trial service period for internal promotions as outlined in the applicable collective bargaining agreement or the City Personnel Manual. In the event that a trial service employee is placed on a reinstatement list, having been laid off or reduced in rank, when reinstated the time served initially in trial service status to a maximum of three (3) months with no extension shall be counted as time toward the trial service period.

Chapter 10 – HEARINGS

10.01 Hearings on Disciplinary Matters

A function of the Commission is to conduct hearings to ensure that regular employees are suspended, demoted, or terminated only in good faith for cause. Less severe discipline than suspension, demotion, or termination is not appealable to the Commission. The Commission is also responsible to conduct a hearing at an employee's request when the employee files a grievance objecting to discipline involving a suspension, demotion, or termination.

10.02 Election of Remedies

A covered employee may elect one remedy, either a hearing by the Civil Service Commission, or through the grievance process as outlined in the collective bargaining agreement or the City's Personnel Policy. The employee's or his/her union's election to proceed through the grievance process set forth in the collective bargaining agreement or City Personnel Policy will be deemed a waiver of the right to appeal the disciplinary decision to the Civil Service Commission.

10.03 Hearings - Appeals

10.02.01 Any regular employee who is demoted, suspended or terminated may appeal such action to the Commission.

10.02.02 Any employee who is alleged to be a trial service employee by the disciplining department may appeal to the Commission only the questions of whether he/she was still in the trial service period and whether the procedures for the suspension, demotion, or discharge, as found in these rules, were properly followed.

10.02.03 Any employee who is adversely affected by an alleged violation of Civil Service rules and regulations.

10.02.04 Any employee who is adversely affected by an alleged violation of City ordinances/policy may appeal such violation to the Commission.

10.04 Appeals – Time - Form

A notice of appeal shall be filed with the Commission by submission to the Secretary/Examiner within ten (10) working days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal. Forms provided by the Commission may be used for such notice but are not required.

10.05 Investigation Hearing

Within 30 working days from receipt of the notice of appeal, the Commission will cause an investigation to be held. Such investigation shall be conducted by and before the entire Commission. The Commission may extend the time for holding an investigation upon the request of the appellant or the City, or on its own initiative, for good cause shown.

10.06 Nature and Notice of Hearing

All investigations made by the Commission pursuant to the provisions of these rules and regulations shall be had by public hearing, after reasonable notice to the employee of the time and place of such hearing which also specifies appeal rights and time lines.

10.07 Scope of Investigation

The Commission's investigation will be confined to the determination of the question of whether such termination, suspension or demotion was or was not in good faith for cause, and shall be conducted according to the provisions of these rules and regulations.

10.08 Appropriate Reason of Discipline

The following are considered examples of appropriate reasons for discipline, including suspension, demotion, and termination:

10.08.01 Incompetency, inefficiency, inattention to, or dereliction of duty;

10.08.02 Dishonesty, intemperance, immoral conducts, insubordination, discourteous treatment of the public or a fellow employee;

10.08.03 Mental or physical unfitness for the position which the employee holds, which is not subject to reasonable accommodation;

10.08.04 Commission of unlawful discrimination, harassment, or retaliation;

10.08.05 Violation of the City's policies regarding alcohol or controlled substances;

10.08.06 The Commission of acts that constitute a crime;

10.08.07 Fraudulent or deceitful conduct by an applicant, examinee, eligible, or employee, including false statements on an application or during the interview process;

10.08.08 Theft or embezzlement or misuse of public funds or resources;

10.08.09 Suspension, loss, or failure to possess the necessary credentials or qualifications to hold the position assigned;

10.08.10 Violations of City's policies or department policies;

10.08.11 Any other grounds that the Commission believes, under the circumstances of the particular case, warrants disciplinary action.

10.09 Definition of Just Cause

In determining whether just cause exists in a particular circumstance, the Commission may consider the following factors:

10.09.01 Is the rule, policy, or practice that the employee violated a reasonable one that is relevant to the employee's work performance and the City's mission?

10.09.02 Did the employee have notice, either through rules, policies, common practice, or directed communications, that engaging in such conduct would result in disciplinary action?

10.09.03 Did the employer investigate or look into the matter before imposing discipline?

10.09.04 Was the employer's investigation into the matter fair and objective?

10.09.05 Did the employer's investigation reveal adequate proof of the employee's misconduct or inappropriate activity?

10.09.06 Were other employees who committed similar acts in similar circumstances treated similarly?

10.09.07 Is the disciplinary sanction fair and appropriate under the circumstances, including consideration of the employee's prior conduct, disciplinary, and performance record?

10.10 Discovery

10.10.01 Parties to a proceeding are required to provide each other reasonable access to and discovery of all relevant information concerning the matter before the Commission. All questions concerning relevancy or access shall be resolved by order of the Secretary.

10.10.02 Upon the failure of any party to comply with an order of the Secretary compelling discovery, the Secretary shall schedule the matter before the Commission for review and determination of appropriate sanctions.

10.11 Subpoenas

10.11.01 Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specific time and place, and give testimony or produce designated books, documents, or things under that person's control.

10.11.02 Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of documents in such proceedings. The party requesting the subpoena is responsible for having the subpoena properly served. Requests for subpoenas shall be submitted to the Commission at least three days prior to the hearing.

10.12 Burden of Proof

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

10.13 Evidence at the Hearing

10.13.01 Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the State of Washington. The Commission may consult with its legal counsel regarding the admissibility of evidence.

10.13.02 A witness in any hearing shall be examined orally, under oath or affirmation, and shall be subject to examination by the opposing party and the Commission.

10.13.03 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinuedin its discretion, either with or without objection. A party objecting to the introduction of evidence shall state the grounds of such objection at the time such evidence is offered or included. No such objection shall be deemed waived by further participation in the hearing.

10.13.04 At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commissioner, and to the Secretary.

10.14 Deliberation

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

10.15 Decision

The Commission will normally issue a written decision setting forth its findings of fact, conclusions of law, and remedies within ten (10) days after the conclusion of the investigation. The Commission may extend the deadline for issuing a decision.

10.16 Reconsideration of Decision

A party may move for reconsideration by the Commission by filing such a motion within ten (10) days of the decision of the Commission. The Commission will then indicate whether written materials from the opposing party are requested prior to the Commission's ruling on the motion. Motions will ordinarily be decided without taking additional testimony or evidence, absent a showing that such additional testimony or evidence is necessary.

10.17 Appealing Commission's Decision

10.17.01 The employee may appeal the decision of the Commission to the court of original and unlimited jurisdiction of the county of residency. Such appeal shall be served on the Commission within 30 working days after the entry of their decision, or a period of time agreed upon by mutual consent of both parties, and shall be processed according to the provisions of these rules and regulations.

10.17.02 The court hearing on such appeals shall be confined to the determination of whether the judgment made by the Commission was or was not made in good faith and no appeal to such court shall be taken except upon such grounds.

10.18 Representation before Commission

Employees may be represented by legal counsel or union representation during the investigation and hearing. Regardless of the Commission's decision, the employee and/or his/her union are responsible for any legal fees or expenses incurred as a result of retaining counsel.

10.19 Court Reporter

The Commission or any party appearing before the Commission may retain a court reporter to transcribe the proceedings. The appearance fee of the court reporter will be paid by whoever retains him/her. The cost of any transcripts or copies of transcripts will be paid by whoever orders an original transcript or a copy of the transcript.

Chapter 11 - MISCELLANEOUS

11.01 Repeals and Savings

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

11.02 Civil Service and Collective Bargaining

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

11.03 Commission – Enforcement powers – Civil Suits and Legal Counsel

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission may be represented in such suits by the chief legal officer of the city or by other counsel selected by the commission with the approval of city council, the cost of which shall be borne by the city.