



LYNNWOOD
WASHINGTON

CITY OF LYNNWOOD

CIVIL SERVICE RULES AND REGULATIONS

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1. GENERAL PROVISIONS

- 1.01 **AUTHORITY AND APPLICATION.** These rules are promulgated under the authority granted by Chapter 41.12 RCW, Civil Service for City Policemen (Police Officers). They apply to proceedings before the Civil Service Commission of the City of Lynnwood.
- 1.02 **SCOPE AND PURPOSE.** These rules govern the continuing administration of the Civil Service System of the City of Lynnwood. Their purpose is to assure that the City's Civil Service System is administered in accordance with all applicable ordinances of the City and that all proceedings before the Commission are conducted in an orderly, fair, and timely manner.
- 1.03 **PRESUMPTION OF VALIDITY.** The Civil Service System implemented by these rules substantially accomplishes the purpose of Chapter 41.12 RCW. Variations from state models are based on local conditions and are intended to maintain the purposes of civil service systems: merit selection, tenure, and an independent civil service commission. These rules are presumed to be valid and will be upheld unless found to be in direct conflict with the purposes of Chapter 41.12 RCW.
- 1.04 **SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.
- 1.05 **EMPLOYMENT PRACTICES.** No person in the classified civil service, or seeking admission thereto, shall be appointed, promoted, reduced, or removed, or in any way favored or discriminated against in their employment or opportunity for employment because of their race, color, gender, age, religious or political opinions or affiliations, union affiliations, or national origin.
- 1.06 **CONFLICT.** In the event of a conflict between these rules and a collective bargaining agreement under Chapter 41.56 RCW, the provisions of the collective bargaining agreement will prevail.
- 1.07 **AMENDMENT/SUSPENSION OF RULES.** These rules, or any of them, may be amended for any reason or suspended when deemed necessary to better fulfill the statutory purpose of the Commission, at any regular or special meeting of the Commission, upon the affirmative vote of the majority of members of the Commission, and any such amendment or suspension of a rule(s) shall be effective upon the date of its approval.

2. ADMINISTRATION AND OPERATIONS

- 2.01 COMMISSION - MEETINGS - QUORUM. The Commission comprises three members appointed by the Mayor of the City of Lynnwood. In the necessary conduct of its work, the Commission shall meet on the first Wednesday of each month, at 5:30 p.m., in City Hall, 19100 44th Avenue W., Lynnwood, WA 98036, unless there is no pending business requiring Commission action. Notice of special meetings will 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 (2) members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public provided, however, that the Commission may, upon majority vote, 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 date of his/her term, the Commission, upon appointment of a new member, shall elect a new Chair and/or Vice Chair.
- 2.03 RULES OF ORDER. Robert's Rules of Order shall be the 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 COMMISSIONERS - CHALLENGE. A party may challenge a commissioner's sitting at a hearing. When a party becomes aware of the challenged interest, the party shall submit a challenge to the commissioner(s) by written affidavit or declaration to the Secretary at least ten (10) days before the next scheduled hearing date setting forth the prejudice or relationship that is the basis for the challenge. Failure to timely submit the written challenge without demonstration of good cause shall constitute a waiver of the objection. The Commission shall review the written affidavit or declaration and make a decision on the challenge before proceeding with the hearing. The provisions of the state Appearance of Fairness Act in Chapter 42.36 RCW shall otherwise be applicable to contested hearings before the Commission.
- 2.05 POWERS AND DUTIES. The Commission shall:
- a. Adopt rules for the regulations of personnel matters within the classified service.
 - b. Approve minutes of its own meetings and records of its procedures.
 - c. Approve the creation, amendments, or discontinuance of the classification plan as prepared by the secretary/chief examiner, appointing authority, or qualified agency.

- d. Provide for the holding of competitive tests either by the secretary/chief examiner or by any other qualified authority or agency to determine the relative qualifications of persons for employment in the classified service.
 - e. Approve all eligibility lists for vacancies under these Civil Service rules.
 - f. Conduct all proceedings necessary for the proper enforcement of the Civil Service ordinances and rules.
 - g. Hear and determine appeals arising from the administration of the Civil Service ordinances and rules.
 - h. Investigate and report on all matters involving the enforcement and effect of the Civil Service ordinances and rules.
- 2.06 OFFICE HOURS. The office address of the Commission is the City of Lynnwood Human Resources, 19100 44th Avenue W., Lynnwood, WA 98046. The regular hours for receipt of Commission correspondence and notices are 8:30 A.M. - 5:00 P.M., Monday through Friday (excluding City holidays) unless otherwise noted.
- 2.07 PUBLIC RECORDS. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by City ordinance. These rules shall be printed for free public distribution upon request.
- 2.08 PUBLIC NOTICE. The City's Website will serve as the paper of official record. In the event of changes to meeting dates, locations or times or in the event of a special meeting, notices will be posted on the City's website.
- 2.09 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 by the Commission. 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, the Commission, or a prevailing party, at the discretion of the reviewing court, may recover costs of transcription. Upon appeal or review, the Secretary shall arrange transcription and certification of a record of proceedings.
- 2.10 REPORTS OF CHANGES – APPLICANTS, ELIGIBLES, EMPLOYEES.

- 2.10.01 Each applicant eligible and employee shall keep the Commission informed, by written notice to the Secretary, of current address and telephone number, and shall report any change of name through marriage or otherwise.
- 2.10.02 Each eligible applicant shall keep the Secretary informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefore.
- 2.11 TERM OF OFFICE. Commission members are appointed by the Mayor and confirmed by the City Council. Members serve a six-year term. Members must be current residents of Lynnwood for at least three (3) years and eligible to vote in Snohomish County.
- 3. SECRETARY – CHIEF EXAMINER
 - 3.01 SECRETARY – CHIEF EXAMINER – APPOINTMENT. The Human Resources Director of the City of Lynnwood will be appointed to serve as the Secretary - Chief Examiner for the Civil Service Commission, unless another person is designated by the Mayor.
 - 3.02 SECRETARY – AUTHORITY. In addition to acting as the Secretary of the Commission, the Secretary will:
 - 3.02.01 Serve as the general manager and executive officer of the Commission, responsible to the Commission.
 - 3.02.02 Delegate duties where necessary and supervise the work directed by the Commission, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan.
 - 3.02.03 Report to the Commission from time to time as directed concerning the details of the work of the Commission.
 - 3.02.04 Prepare and submit a draft budget for the Commission, approve accounts, and generally administer the expenditure of funds appropriated for the operation of the Commission.
 - 3.02.05 Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class.
 - 3.02.06 Subject to the review and approval of the Commission, determine which examinations shall be conducted, the minimum qualification of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the

examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he/she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination.

- 3.02.07 Prepare and maintain lists of eligible candidates for vacancies under the classified Police and certify the same.
- 3.02.08 Perform all other functions necessary for the proper implementation of these rules and the provisions of law relating to the Civil Service System, and such additional duties as may be assigned from time to time by the Commission.

3.03 REVIEW OF AND APPEAL FROM ACTIONS OR DECISION OF THE SECRETARY.

- 3.03.01 The Commission on its own motion may review or modify any action or decision of the Secretary.
- 3.03.02 Any person adversely affected by any action or decision of the Secretary may request the commission to revise or modify such action or decision. Such request shall be in writing, setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought. The request must be made within ten (10) days from the date of notice of such action unless established otherwise in these rules. The Commission may choose to conduct a hearing at its discretion.

4. 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.
- 4.02 ADMINISTRATIVE LEAVE: A non-disciplinary paid leave that may be directed by the Appointing Authority for administrative convenience when the employee's absence from the workplace is reasonably required. Non-exclusive examples include the periods of time during the investigation of employee

conduct, or during times of adjustments in personnel, duties, or facilities of a department.

- 4.03 ALLOCATION: The locating or placing in the classified service of a position in the class appropriate to it on the basis of duties and responsibilities and required qualifications of such position.
- 4.04 APPLICANT: Anyone who has filed an application to take a Civil Service examination.
- 4.05 APPOINTING AUTHORITY: The Mayor or his/her designee.
- 4.06 APPOINTMENT – REGULAR: The appointment of a certified eligible.
- 4.07 APPOINTMENT – PROVISIONAL: A limited appointment of a certified or non-certified person to a classified position which is not vacant, but is currently unfilled due to an authorized leave of absence; or a non-certified person to a classified position for which there is no current eligible register.
- 4.08 APPOINTMENT – TEMPORARY: A limited appointment other than from an eligible register for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment.
- 4.09 ASSIGNMENT: An employee may be assigned to a position, which carries additional salary and additional limited responsibilities and is within the scope of the specification for the class to which the assignment is made.
- 4.10 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.
- 4.11 CANDIDATE: Any applicant who has completed, or is in the process of completing, a Civil Service examination.
- 4.12 CERTIFICATION: 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.
- 4.13 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 appointment.
- 4.14 CITY: The City of Lynnwood.
- 4.15 CIVIL SERVICE EMPLOYEE: Any employee who has Civil Service status.
- 4.16 CIVIL SERVICE REGISTER: See Eligible Register.

- 4.17 CLASS: A position or group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.
- 4.18 CLASS SERIES: Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as Police Officer, Sergeant, and Commander.
- 4.19 COMMISSION: The Civil Service Commission appointed for the City of Lynnwood. "Commissioner" means any one member of said commission.
- 4.20 CONTINUOUS SERVICE: Employment without interruption, except for absences on approved paid leave or absence to serve in the armed forces of the United States.
- 4.21 COUNTY: Snohomish County.
- 4.22 DAYS: Calendar days except where otherwise noted.
- 4.23 DEMOTION: Movement of an employee from a higher to a lower class of employment.
- 4.24 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.
- 4.25 DISCHARGE: Involuntary termination, separation, dismissal, or removal from the service for cause.
- 4.26 ELIGIBLE: Anyone qualified for a given class through examination and placed on the proper eligible register; also "certified eligible".
- 4.27 ELIGIBLE REGISTER: A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also "Register of Eligibles."
- 4.28 EMPLOYEE: Anyone holding a position in the Civil Service System of the City of Lynnwood.
- 4.28.01 EMPLOYEE – REGULAR: Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.
- 4.28.02 EMPLOYEE – TEMPORARY: Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.

- 4.28.03 EMPLOYEE – EXEMPT: Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority.
- 4.28.04 EMPLOYEE – PROBATIONARY/ORIENTATION: A person appointed from a certification that has not yet completed the specified trial period of employment.
- 4.28.05 EMPLOYEE – PROVISIONAL: Any employee appointed provisionally to a position.
- 4.29 EXAMINATION: The process of testing the fitness and qualifications of applicants for positions in a class.
- a. EXAMINATION – OPEN: An examination open to any member of the public meeting the requirements as stated in the official job announcement for the position. Qualified City employees are also eligible to apply.
 - b. EXAMINATION – INTERNAL: An examination limited to City employees meeting the requirements stated in the official job announcement for the position.
- 4.30 FINAL EXAMINATION SCORE: Total of earned exam score plus additional veteran's preference for which an applicant is eligible. Service credit for time served in a classification will prevail in the event of a tied score or when determining lay-off order.
- 4.31 JOB ANNOUNCEMENT OR JOB BULLETIN: An announcement containing basic information about the class of position, the requirements for filing, instructions for applying, and other pertinent information. The job announcement or job bulletin will be posted in the Human Resources Department and in other suitable locations.
- 4.32 LAYOFF: The interruption of service and pay of any regular or temporary employee because of lack of work or funds, except that the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.
- 4.33 PROBATIONARY OR ORIENTATION PERIOD: The period of trial service during which an employee works in a position prior to attaining regular status in such position, during which the employee is subject to rejection and discharge by the appointing authority without a showing of cause, and the employee is entitled to neither a hearing before the Commission nor the right of appeal. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed to the satisfaction of the Appointing Authority.

- 4.34 POSITION: Any group of duties and responsibilities in the service of the City of Lynnwood which one person is required to perform as regular employment and which is included in the City's budget.
- a. POSITION – REGULAR: A position included in the official 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 Chief certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
 - b. POSITION – REGULAR PART-TIME: Employment in a regular position on a basis of less than eight (8) hours per day or less than forty (40) hours a week, but on a regular schedule of at least twenty (20) hours per week.
- 4.35 PROMOTION: The appointment of an employee to a higher class or to a position of higher skill or responsibility level.
- 4.36 QUIT: Any voluntary separation of an employee from the City of Lynnwood's service without providing written resignation to the appointing authority.
- 4.37 REALLOCATION: The allocation of a position to a different class in the Classification Plan.
- 4.38 REDUCTION: The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- a. VOLUNTARY REDUCTION: When an employee is moved to a lower class from a higher class at his/her request.
- 4.39 REGISTER: A list of candidates who have passed an employment examination are certified by the Commission for submission to the appointing authority for consideration of employment.
- 4.40 REINSTATEMENT: Reappointment of a regular employee to a position in a class in which the employee was a regular employee.
- 4.41 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. A reinstatement register may also include former employees on disability retirement that are capable mentally and physically for reinstatement.
- 4.42 REMOVAL: An involuntary vacation of a position by the appointing authority.

- 4.43 RESIGNATION: A written notification by an employee of departure from City service.
- 4.44 RETENTION CREDIT: The employee's service credit in a given class or position and any higher position in a series or any other credit used by the Commission to determine order of lay-off.
- 4.45 RETIREMENT: The termination of employment for service or disability pursuant to applicable retirement laws.
- 4.46 SECRETARY: Secretary Chief-Examiner as defined in Chapter 3.
- 4.47 STANDING - REGULAR: The full Civil Service status of a regular employee.
- 4.48 STATE: State of Washington
- 4.49 SUSPENSION: Temporary removal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee, which could result in demotion or discharge.
- 4.50 VETERAN'S PREFERENCE: Preference in examinations and employment, based on military service, as provided and defined by applicable laws.

5. RULE-MAKING

- 5.01 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.
- 5.02 EFFECTIVE DATE OF RULES. All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.
- 5.03 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's Administrative Services Department and to each affected department of the City. A copy shall be maintained in the Human Resources Department for public inspection and copies shall be available for free public distribution as required by state law.
- 5.04 EFFECT OF RULES. The terms and conditions of Civil Service employment are governed by these rules and any applicable state statutes and local ordinances. No employee shall have a property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

6. CLASSIFICATION

- 6.01 CLASSIFICATION PLAN. The Appointing Authority shall classify all positions in the classified service, assigning to each class or position the appropriate title and the experience, knowledge, capacity, skill, education and other qualifications, including the minimum prerequisites to be required for appointment. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities and authority and character of work are included within the same class and that the same schedule of compensation may be made to apply with equity under like working conditions to all positions within the class. The classification plan so developed shall be transmitted to the Civil Service Commission for adoption. Additional classes may be established and existing classes may be divided, combined or abolished in the same manner as originally adopted.
- 6.02 ADMINISTRATION OF POSITION CLASSIFICATION. The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City; or upon request of an appointing authority. If the Appointing Authority intends to establish a new position or positions, the Appointing Authority shall notify the Secretary and Chief Examiner and, except as otherwise provided by law or by these Rules, no person shall be appointed or employed for any such position until it has been properly classified as herein provided and an appropriate eligible list established therefore.
- 6.03 CLASSIFICATION OF POSITIONS.
- 6.03.01 Each position in the classified service shall be classified at the direction of the Secretary and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties.
- 6.03.02 In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationship to other classes. The examples of duties in a specification shall not be construed as exclusive or restrictive, and an example of a typical task or a combination of two (2) or more examples shall not be taken, without relation to all part of the specification, as determining that a position should be included within a class.
- 6.04 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT.
- 6.04.01 Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as held in the former class.

- 6.04.02 Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the same position, except temporarily. Eligibility for the new class will be by examination and receipt of an appointment in accordance with these rules.
- 6.04.03 Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the appointing authority and the Commission, elect to take a voluntary reduction to the lower class. At the employee's option and with the concurrence of the appointing authority and the Commission, he/she may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which the employee has regular standing.

7. APPLICATIONS AND APPLICANTS

7.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS.

- 7.01.01 All applicants for examinations for positions in the classified Civil Service must file a written application on a form prescribed by the Secretary; no one shall be admitted to any examination without having first filed an application on the proper form, giving fully, truthfully, and accurately all information required.
- 7.01.02 To file an application for examination, the applicant must:
 - a. Meet the requirements specified in these rules and in the official job announcement as of the closing date of the official filing period;
 - b. Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.
- 7.01.03 All applications for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of the examination.
- 7.01.04 The time for filing applications may be extended by the Secretary as the needs of the service require.
- 7.01.05 Applicants, who have participated in an entry level examination and have been placed on an eligibility list, whether or not they are processed further, cannot retake the examination for six months from the date of certification of the eligibility list. Applicants who do not place on the eligibility list may retest at any time. Whenever an examination for a position is likely to attract large numbers of qualified applicants the Secretary may place restrictions on when applicants, who

have tested in an entry-level examination, may retake the examination. If restrictions are placed, the Secretary will notify candidates via the job announcement.

7.02 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS.

7.02.01 An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed who, in addition to meeting the requirements of 7.01, has the requisite service credit designated in the official job announcement.

7.02.02 When designated in the official job announcement, the Secretary may permit regular employees to file for and take a promotional examination for delayed eligibility, if within thirty (30) days of the closing date they meet the minimum service requirements in the classes from which promotion is allowed.

7.03 SPECIAL REQUIREMENTS.

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

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

7.04 **REJECTION OF APPLICANT OR ELIGIBLE.** The Secretary may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible is determined by the Secretary to be unfit for Civil Service employment for any material reason, including, but not limited to the following:

- a. Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
- b. Is physically or mentally unfit to perform the duties of the position sought;
- c. Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);
- d. 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;

- e. Has made any relevant false statement or had attempted any deception or fraud in connection with any Civil Service examination or hiring process;
- f. Fails to satisfactorily complete any portion of the background investigation as required;
- g. Has assisted in preparing the examination for which application is sought or has had in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- h. Did not promptly appear at the time and place designated for the examination after notification;
- i. Has been discharged from the armed forces under dishonorable conditions.

7.05 PROHIBITION FROM EMPLOYMENT.

7.05.01 No one who has been dismissed from the Service for any cause involving moral turpitude shall be allowed to again enter the Service.

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

7.06 NOTICE OF NON-ACCEPTANCE. Anyone against whom action is taken under Rule 7.05 shall be notified promptly by the Human Resources Department of the reasons therefore by written notice mailed to the applicant or eligible.

7.07 ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal, such admission to be without prejudice to either the City of Lynnwood or the applicant.

7.08 ADMENDMENT OF APPLICATION. The Secretary may permit any applicant, before or after acceptance of the application from, to amend the application or to file an amended application.

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

7.10 APPLICATION FEE. The Commission will set and revise the application fee as appropriate.

7.11 CHANGES. The Commission reserves the right to make corrections to errors or to change the application process as appropriate. In such cases, applicants will be bound by the final decision of the Commission. The Secretary may amend any published announcement with appropriate public notice.

8. EXAMINATIONS

8.01 ORDERING EXAMINATIONS. The Commission may order an examination whenever it is deemed in the best interest of the City. The Secretary will administer examinations as provided by these rules.

8.02 EXAMINATION ANNOUNCEMENT. Public notice of examinations shall be given by the Secretary on the City's website and in any other publications, which the Secretary may direct. The official job announcement shall be posted and distributed to appropriate departments for posting. In addition to the public notice, promotional examination notices shall be distributed to departments.

8.03 AMENDMENTS TO ANNOUNCEMENTS. The Secretary may amend any published announcement with public notice.

8.04 CONTINUOUS EXAMINATIONS. A continuous or periodic examining program may be ordered and administered by the Secretary for any class of positions for other than promotional examinations. Filing will be open, applications, received, and the examinations administered according to the needs of the Service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register, and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

8.04.01 NOTICE. Public notice of continuous examinations shall state that the period for filing applications and taking examinations shall remain open as specified. Qualified applicants may take the examination at such times and places as specified in announced schedules, which shall be posted in all places and departments where public notice of the examination is or should be posted and, to the extent practicable, shall be included in the job announcement.

8.04.02 DURATION AND CLOSING. Any open filing and examination period may be closed by order of the Examiner upon giving notice of the order by posting a copy in the Human Resources Department at least seven (7) days prior to the date of closing.

- 8.05 DELEGATION OF EXAMINATION CONDUCT. The Secretary/Chief Examiner shall arrange for the use of public buildings and equipment for conducting examinations and shall designate the person or agency who shall conduct and score the exam.
- 8.06 PARTS AND WEIGHTS. Each examination shall contain 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.
- 8.06.01 A calculated score shall be the sole indicator of final score of a written examination, unless otherwise determined by the Commission prior to exam administration.
- 8.06.02 A rank order list shall be the final result of an assessment center or other type of examination approved by the Secretary. The number of points earned in an assessment center shall determine the rank ordering.
- 8.07 PASSING GRADES.
- 8.07.01 A final minimum passing score required of 70 percent shall be required of all applicants for all phases of all examinations, including any assessment center examinations, unless otherwise specified by the Commission or as noted in 8.07.03.
- 8.07.02 Where an examination consists of two or more parts, the Commission 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 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 job announcement or announced at the time of the examination.
- 8.07.03 In some instances, the Commission may elect to use a competitive process, which does not result in a failing score (e.g. supplemental questionnaire). In such cases, the Commission may elect to include all qualified persons on the eligibility list in rank order, according to the examination scores.
- 8.08 PROMOTIONAL EXAMINATIONS. Promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent tests. All candidates for promotions must be regular employees in the classified service of the City and must possess the minimum prerequisites as set forth in the specifications of the class to which promotion is sought, except in the following circumstances:
- a. Less than three City employees make application for the position.

- b. Less than three City employees meet minimum requirements for the position.
- c. The vacancy is for Police Commander and Deputy Police Chief.

Whenever any of the exceptions apply, the position vacancy may be open to all qualified persons, both inside and outside the department.

- 8.09 VETERAN'S CREDIT. Veterans who have passed an entrance-level examination shall be entitled to credit pursuant to Chapter 41.04 RCW.
- 8.10 CORRECTION OF CLERICAL ERRORS. The Secretary upon discovery may correct any clerical error 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.
- 8.11 ADDITIONAL EXAMINATION. Certified eligibles shall be subject to medical, physical, or psychological examination and to such other examinations administered by the Secretary and/or the Department. Such other examinations include, but are not limited to, background investigation and polygraph, however, polygraph examination shall be allowed only for as permitted under RCW 49.44.120. Results of such examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Secretary shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the list.
- 8.12 MULTI-PART EXAMINATION. Where an examination consists of two or more parts, the Examiner may:
 - a. Set a minimum score to be required to 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;
 - b. Assign weights to each part of the examination, with the examinee's earned examination score equaling the weighted average of the scores on each part;
 - c. 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; or
 - d. Employ all of or any of the above options for multi-part examinations in any examination.

8.13 NUMBER OF APPLICANTS - LIMITATIONS. The Secretary may restrict the number of qualified applicants to be examined at any one time whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups as defined under federal and state equal employment laws.

8.13.01 MULTI-PART EXAMINATIONS. The Secretary may limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of tests; provided, however, the number of examinees shall be established before administration of preliminary tests.

8.14 LATERAL HIRING. In the event the hiring authority wishes to hire an experienced employee to fill a vacancy, the Commission may establish a lateral hiring process, which does not require a standard examination process. All lateral hiring processes must be authorized by the Commission before commencement.

EXCEPTIONAL ENTRY HIRING. In the event the hiring authority wishes to hire an employee who has successfully graduated the Washington State Criminal Justice Training Commission's Basic Law Enforcement Officers Academy (BLEA) or the Corrections Officers Academy (COA) to fill a vacancy, the Commission may establish an exceptional entry hiring process, which does not require a standard examination process. All exceptional entry hiring processes must be authorized by the Commission before commencement.

9. REGISTERS AND ELIGIBILITY

9.01 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:

- a. On a promotional register, the examination rating or grade shall determine relative rank, plus percentage allowed by law for veteran's preference as allowed by law;
- b. On an open graded register, relative rank shall be determined by the examination grade, plus percentage allowed by law for veteran's preference as appropriate;
- c. Priority of time of examination shall not be given any preference in rank on the register;
- d. The preference in rank of eligibles having equal final general averages shall be determined as follows, in the order stated:

- i. The one who qualifies for veteran's preference in accordance with Washington State law.
- ii. When the examination is composed of two or more parts with separate grades, the one who has:
 - aa. The highest grade on the most heavily weighted part of the examination; if a tie still exists, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains.
 - bb. The highest grade on the written test if all parts are weighted equally.
- iii. When the examination has only one part or the candidates have the same standing under (i) and (ii.) above:
 - aa. As between examinees who are City employees, the one having the greater service credit with the City, regardless of class or department;
 - bb. If one is a regular or orientation/probationary employee and the others are not, the regular City employee has preference.
- iv. By lot.

9.02 RETURN TO REGISTER FOLLOWING LAYOFF. On layoff, an employee's name shall be placed upon the proper eligible register for the class, according to the grade, for one year from the date of such layoff.

9.03 APPOINTMENT WITHOUT EXAMINATION. Except as provided in 9.02, and 9.04, any return to the Civil Service shall be by examination only.

9.04 ESTABLISHMENT OF REINSTATEMENT REGISTERS.

9.04.01 The names of regular employees who have been laid off or, when requested in writing by the appointing authority, probationary 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 of one year from the date of layoff.

9.04.02 Upon the request of an appointing authority, the Secretary may approve the certification of anyone on such a reinstatement register as eligible for appointment on an open competitive basis in the department requesting certification.

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

9.05 AVAILABILITY OF ELIGIBLES.

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

9.05.02 The name of an eligible who submits a written statement restricting the conditions under which they are 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.

9.06 CANCELLATION OF ELIGIBILITY.

9.06.01 Anyone's name may be removed from an eligible register for the reasons provided in 7.05 and for failure to pass a required examination or upon receipt of proof of inability to perform the essential functions of the position, bad character, fraudulent conduct, false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment, or other unfitness. A previous unsatisfactory work record with the City or dismissal from the service, or dismissal from any position, public or private, for any cause, which would be a cause for dismissal from City service, shall be deemed cause for cancellation of eligibility.

9.06.02 Separation from the service will terminate any promotional eligibility.

9.06.03 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.

9.06.04 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.

9.06.05 Refusal to accept reemployment in a regular position shall constitute separation from the service except as provided above.

9.07 ADMINISTRATIVE RESTORATION OF NAMES TO ELIGIBLE LIST.

9.07.01 An eligible that has been removed from a register by the decision of the Secretary may apply for restoration to the register by written request to the Secretary within seven (7) calendar days of the decision. The

request must specify the reasons for the requested restoration. The Secretary may approve the request if it is deemed by the Secretary that the evidence submitted justifies such approval. In the event the written request is timely filed with the Secretary the ten (10) days (See 17.02) in which to appeal the action of the Secretary to remove an eligible shall not start to run until the Secretary makes a decision on the request for restoration.

9.08 REVOCATION OF LIST. An employment or promotional list may be revoked and another examination ordered only when upon recommendation of the Secretary and approval of the Commission. Such action is deemed advisable on account of fraud, errors, or of obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate results obtained there from. No list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons in the minutes of the Commission.

9.09 DURATION OF LIST.

9.09.01 Unless extended by the Commission for up to an additional twelve (12) months or as otherwise provided in 9.09.02, eligibility lists shall be valid for twelve (12) months following the date of certification by the Commission. The Commission may elect to terminate a list earlier due to any of the following:

- a. The vote of the Commission to create a new list;
- b. Exhaustion of a Police Department Promotional list due to less than five eligible candidates remaining on the list; and

9.09.02 Persons placed on an eligibility list created under a continuous testing program shall remain on the list for six (6) months following the date of certification by the Commission. However, persons placed on an eligibility list created under a continuous testing program shall be removed for reasons stated within the Civil Service Rules.

Persons placed on an eligibility list for police and custody created under a continuous testing program shall remain on the list for three (3) months following the date of Certification by the Commission.

9.09.03 In the event the hiring authority has extended a conditional offer of employment to an eligible candidate the department will be allowed to continue the hiring process to conclusion notwithstanding an intervening expiration of the candidate's eligibility.

9.10 EXPIRED LISTS. When a list has expired, but no action has been taken to initiate a replacement list, the Commission may, upon petition of the appointing authority, activate the expired list. Such activation can only be made for the period of time allowed, had the list been extended prior to expiration.

10. CERTIFICATION AND APPOINTMENT

10.01 GENERAL PROVISIONS Civil Service vacancies shall be filled by reinstatement, promotional appointment, assignment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate register, the Secretary may authorize a temporary or provisional appointment.

10.02 REQUEST FOR CERTIFICATION. Whenever an appointing authority wishes to fill a vacancy, a request for certification of eligibles shall be submitted to the Secretary. The request shall show the number of positions or vacancies to be filled, the class title, and the cause of the vacancy.

10.03 CERTIFICATION.

10.03.01 Eligible Register. Certification to fill a vacancy shall be made by the Secretary from the appropriate register upon request of the appointing authority.

10.03.02 Order of reinstatement - Eligible.

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

- 10.03.03 If a vacancy in the Police Department is to be filled from a promotional register, the Secretary shall certify to the appointing authority the names of the top five candidates.
- 10.03.04 If a vacancy is to be filled from an entry-level police officer or custody officer register in the Police Department, the Secretary shall certify the name of the top twenty available candidates. Any other entry-level position within the police department shall be limited to the top 10 candidates.
- 10.03.05 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.
- 10.03.06 Additional Names. If the appointing authority makes an acceptable showing that any of the eligibles certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.
- 10.03.07 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 request, a certification may be made of only the highest ranking eligibles who possess the special qualifications.
- 10.03.08 Prior Service. If a temporary vacancy is to be filled from an open or a promotional register, those eligibles with three (3) months of service who are shown on the register as having been laid off or reduced in rank due to reduction in force within the last twelve (12) months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligibles for certification according to rule.
- 10.03.09 Application/Examination. The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.
- 10.04 DEFERMENT OF CERTIFICATION. The Secretary may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefore. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his/her desire to be returned to the register, and such return has been approved by the Secretary. Deferment is limited to the expiration of the list or from one year under continuous testing procedures.

- 10.05 REGULAR APPOINTMENT. A regular appointment to fill a vacancy must be made from the names contained on the official certification. The official appointment report shall show the name of the person appointed, the effective date, the salary, the nature or duration of the appointment, and any other information required.
- 10.06 PROVISIONAL APPOINTMENT. Where there is no suitable eligible register from which certification can be made, the Secretary may allow the appointing authority to make a provisional appointment. A provisional appointment may be made for a period of up to four (4) months and may be extended for a longer period of time upon approval of the Commission. All provisional employment in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a proper eligible register for such class is available, provided, an extension may be granted by the Commission upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the four-month limitation. Provisional service shall not be credited on any probationary/orientation period or be used in computing any privilege under the Civil Service ordinances or rules.
- 10.07 TEMPORARY APPOINTMENT.
- 10.07.01 A temporary appointment is an appointment from an employment or promotional list in the usual manner, to fill a position for a duration not to exceed four (4) months. Such appointment may be extended for a longer period of time upon approval by the Commission. In making such an appointment, the appointing authority shall submit a job requisition of the Secretary/Chief Examiner in the manner provided for regular appointment, but shall indicate the estimated time the position will terminate. The Secretary/Chief Examiner shall notify the person or persons appearing on the appropriate eligibility list, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The most qualified person or persons willing to accept shall be certified for appointment. Temporary service shall not be credited on any probationary/orientation period or be used in computing any privilege under the Civil Service ordinances or rules.
- 10.07.02 In the event a current police eligible list exists and there is one or more qualified reserve police officer(s) available to accept a temporary vacancy or to temporarily fill a regular vacancy until a regular appointment is made, the appointing authority may request permission from the Commission to fill the vacancy with a reserve police officer. The Commission will consider the estimated duration of the temporary position, estimated training requirements, estimated equipment costs, and any other unique extenuating factors in making their decision. Selection of the

reserve police officer to fill vacancy on a temporary basis shall be made by the appointing authority.

10.08 REHIRE OF OFFICERS OTHER THAN LATERAL APPLICANTS

- a. A rehire to fill a vacant Police Officer position may be made outside the certification process when the employee to be rehired:
- b. was originally hired by the City of Lynnwood from a Civil Service eligibility list for the same position,
- c. has successfully completed the applicable academy training,
- d. left City employment in good status prior to completing one year of service and
- e. is rehired within 12 months of resignation from a City of Lynnwood Police Officer position.

Employees who resigned a Police Officer position with the City of Lynnwood and have been gone more than 12 months will be considered entry level applicants and must be certified from a current eligibility list unless they otherwise meet the minimum qualifications as a lateral applicant.

11. PROBATION/ORIENTATION

11.01 PROBATIONARY/ORIENTATION PERIOD.

- 11.01.01 After each regular full-time or regular part-time appointment from an eligible register, the employee appointed shall serve a complete period of probation/orientation before the appointment is deemed complete. The purpose of the probationary/orientation period is to provide a trial period during which the department may observe the performance of the probationary/orientation employee before Civil Service status is acquired.
- 11.01.02 No new probationary/orientation period results from a transfer, or reduction, of an employee who previously completed a probationary/orientation period.

11.02 LENGTH OF PROBATIONARY/ORIENTATION PERIOD. The period of probation/orientation shall be equivalent to twelve (12) months of full-time service for entry-level positions and twelve (12) months for promotional positions in Police following regular appointment from an eligible register. The probationary period shall be equal to twelve (12) months following graduation from the Police Academy. Any period of absence from duty in the position to which the employee seeks appointment, longer than three (3) days in duration, shall be excluded from the calculation of the probationary/orientation period on

the basis of the required twelve (12) months of actual service. Notwithstanding the provisions of this Section, nothing herein shall prohibit the Appointing Authority and any employee from extending a probationary/orientation period up to an additional six (6) months beyond the twelve (12) or six (6) months of full-time service specified in this subsection to allow an employee further opportunity to successfully complete their probationary/orientation period of employment.

- 11.03 **INTERRUPTION OF PROBATIONARY/ORIENTATION PERIOD BY MILITARY SERVICE.** A probationary/orientation employee who engages in active military service on an extended basis shall be considered as having an interrupted probationary/orientation period. Such employee may continue the probationary/orientation period following return from military leave.
- 11.04 **SERVICE IN ANOTHER CLASS.** Service in a class or office other than the one to which an eligible is regularly appointed may be credited toward completion of a probationary/orientation period if the Secretary has approved the written statement of the appointing authority to the effect that the probationary/orientation period may be properly judged on the basis of service in the other class or office.

12. **SERVICE CREDIT**

- 12.01 Service credit is defined as all service after the effective date of regular appointment in that class and shall be applicable in the department in which employed. One service credit equals one calendar month.
- 12.02 **DETERMINATION.** The determination of a regular employee's earned service credit shall be made on the basis of the available payroll, personnel and other records. If payroll records are not available for any particular period, it shall be refutably presumed that each regular employee employed during such period, as shown by other records, earned full service credit in the particular class and department in which employed, for the entire length of the period.
- 12.03 **REQUESTS FOR CONFIRMATION.**
- 12.03.01 **REQUESTS.** Any regular employee, or an association or union on behalf of such employee, or the head of an employee's department may request a determination of the employee's earned service credit as of a designated date in any specified class and department in which he has served. If the request is made at a reasonable time and interval, and subject to such directives as may be then in effect, the Secretary shall as soon as practicable but within ten (10) days ascertain the requested computation, and shall so notify the requesting employee, association, union or department head in writing.
- 12.03.02 **PROTESTS.** If any employee, association, union or department head has cause to object to the computation of the employee's

service credit, written protest may be filed with the Secretary setting forth with particularity the reason and basis for his/her objection. Such protests must be filed within ten (10) days. The Secretary shall give due consideration to all timely filed protests and take such action as deemed appropriate.

12.04 SERVICE COVERED.

- 12.04.01 Once a regular employee acquires tenured Civil Service status and regular standing in any given class in a particular department, the employee shall receive full service credit for the entire length of time served in such class and department, whether such service is continuous or interrupted.
- 12.04.02 PROBATIONARY/ORIENTATION PERIOD. After completion of an original or promotional probationary period, a regular employee shall receive credit for actual service during such period. If a probationary/orientation employee fails to complete satisfactorily the required probationary/orientation period and is returned to his former regular class, actual service during such period shall be credited to the former class.
- 12.04.03 LEAVES WITH PAY. A regular employee shall receive full service credit for any leave with pay.
- 12.04.04 LEAVES WITHOUT PAY. No service credit shall be allowed for any time that an employee is on any leave of absence without pay except as otherwise provided by law.
- 12.04.05 SUSPENSION. No service credit shall be allowed while an employee is on a suspension without pay in excess of three (3) days, unless the suspension is modified, reversed or nullified on appeal.

12.05 CHANGE IN CLASS OR DEPARTMENT.

- 12.05.01 A regular employee who earns service credit in any one class and department may not carry over that service credit to a new class and department upon appointment, promotion, reinstatement, transfer, demotion or voluntary reduction to or from another class or department. Such service credit shall be permanently retained in and be credited to the class and department in which it was earned, unless expressly provided in these rules.
- 12.05.02 ABOLITION OF CLASS. In the event that a regular employee's former class is abolished or changed, all service credit earned in such class prior to its abolition or change and not lost or forfeited

shall be credited to another class in the same department which is substantially similar to, and is neither higher nor lower than, the abolished or changed class.

- 12.05.03 COMBINATION - COMPUTATION. Whenever the service credit of a regular employee earned in two or more classes, or in the same class in different departments, is to be combined under these rules as hereinafter prescribed, the service credit earned and not lost or forfeited in each such class and department shall be computed separately and shall be added together, and the total sum shall represent the employee's service credit for the particular purpose in question.
- 12.06 PROMOTION - COMPUTATION OF CREDIT. Upon completion of the probationary/orientation period for a promotional position, an employee shall receive credit for all service in the promotional class and particular department, which shall be credited to that class and department. The employee shall retain all prior service credit earned in the lower class and department, but such service credit shall be credited only to the latter class and department.
- 12.07 TRANSFER - COMPUTATION OF CREDIT. A regular employee shall be entitled to retain all service credit earned in any class and department prior to an authorized transfer therefrom, which shall be credited to such former class and department. Service credit earned in the new class or department to which transferred shall be credited to such new class or department, from the effective date of the transfer. If the transfer becomes tenured, the required trial period, if any, shall be credited to the new class or department. Otherwise, such trial period as served shall be credited to the former class or department.
- 12.08 DEMOTION - COMPUTATION OF CREDIT. Upon the involuntary demotion of an employee, all service credit earned in the class and department from which demoted, up to the effective date of the demotion shall be retained by the employee, unless otherwise provided in the demotion order and approved by the Commission. From that time, the employee shall be entitled to such service credit earned in the lower class to which demoted, plus whatever service credit formerly earned in such class and department and not lost or forfeited. Any required trial period, if satisfactorily served, shall be credited to that lower class and department. If not satisfactorily served and demoted again, such trial period as actually served shall be credited to the next lower or other class in which the employee acquires regular standing or, in the event of a layoff, to the class and department from which the employee is laid off.
- 12.09 VOLUNTARY REDUCTION - COMPUTATION OF CREDIT. Upon the voluntary reduction of a regular employee to a lower class in the same or different department as provided by these Rules, such employee shall retain all

earned retention credit in the higher class and department from which reduced, prior to such reduction, if not lost or forfeited.

12.10 REALLOCATION - COMPUTATION OF CREDIT.

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

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

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

13. REDUCTION

13.01 AUTHORIZED. As defined in Rule 4, a voluntary reduction is the movement of an employee from a higher class to a lower class of employment. A voluntary reduction may be made only upon an employee's written request, and consistent with these rules.

13.02 APPLICABLE CLASSES. A reduction may be approved for:

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

13.03 PROCEDURE. A request for voluntary reduction must be submitted in writing to the Chief of the applicable department for approval. The request must include statement of justifiable or satisfactory reason,

including a showing that the employee meets the qualifications of the lower class. If approved, the reduction shall take effect on the date specified by the appropriate chief.

13.04 EFFECT OF REDUCTION.

- 13.04.01 Upon the effective date, or following satisfactory completion of any probation/orientation period, the reduction shall be complete and the employee shall have regular standing in the lower class and department to which reduced.
- 13.04.02 An employee reduced shall be able to return to the former position only by examination and regular appointment, or in the event of a recovery from disability, appointment from a reinstatement register.
- 13.04.03 In the event a reduction creates a new vacancy, the vacancy shall be filled as outlined in these rules.

13.05 REDUCTION AVAILABLE.

- a. BY EMPLOYEE. An employee in a class may seek a voluntary reduction where there is a vacant position or if a vacancy will occur as the result of the reduction.
- b. BY DEPARTMENT. Reduction involuntarily of an employee from a higher civil service class to a lower civil service class is governed by Rule 14, Layoff.

14. LAYOFF

- 14.01 In a given class in a department, the following shall be the order of layoff:
 - 14.01.01 Provisional appointees;
 - 14.01.02 Temporary employees not earning service credit;
 - 14.01.03 Probationary/orientation period employees (except as their layoff may be affected by military service during probation/orientation);
 - 14.01.04 Regular employees in the order of their length of service, the one with the least service being laid off first. In the event of a tie, the employee's performance appraisals will be used to break the tie.
- 14.02 LAYOFF OUT OF ORDER. The Commission may grant permission for layoff out of the regular order, upon showing by the department of a

necessity therefore in the interest of efficient operation of the department, after giving any employee or employees affected, an opportunity to be heard.

14.03 VOLUNTARY REDUCTION IN LIEU OF LAYOFF. When an employee is notified of pending layoff, the employee may apply to the appointing authority for voluntary demotion to a lesser classification for which the employee is qualified. Any demotion(s) to prevent a layoff of the employee(s) will be reversed when the position is reinstated. Reversal shall occur in order of seniority in the hire position to be reinstated.

15. DISCIPLINE AND DISCHARGE

15.01 SUSPENSION.

15.01.01 The Appointing Authority may suspend a subordinate, with or without pay, for cause for a period to be determined by the Appointing Authority.

15.01.02 Any deprivation by a department head of any vacation or other paid leave, compensatory time-off or other privilege involving pay or compensation either directly or indirectly, to which an employee is otherwise entitled under law and these rules, shall be deemed to be a suspension without pay and shall be subject to the above provisions.

15.02 DEMOTION – DISCHARGE.

15.02.01 The Appointing Authority may discharge an employee or demote an employee to a lower class for cause. An employee so demoted shall lose all rights to the higher class. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationary/orientation employee.

15.02.02 The Department Director shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class.

15.02.03 Upon the effective date of the demotion, the demoted employee shall have the status, rank and standing of the lower class to which demoted, and such class and department shall be deemed to be his regular class and department for purposes of these rules until an authorized change is made.

- 15.03 DISCIPLINE CAUSE - ILLUSTRATED. The following are declared to illustrate adequate causes of discipline, up to and including termination; discipline may be made for any other good cause.
- 15.03.01 Incompetence, inefficiency, inattention to, or dereliction of duty;
 - 15.03.02 Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any other act of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself;
 - 15.03.03 Mental or physical unfitness for the position which the employee holds;
 - 15.03.04 Disgraceful or prejudicial conduct;
 - 15.03.05 Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service;
 - 15.03.06 Commission of a felony, or a misdemeanor;
 - 15.03.07 Illicit use, possession, transference or supply of drugs, narcotics or other illegal substances;
 - 15.03.08 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by other with his/her collusion;
 - 15.03.09 Violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;
 - 15.03.10 Violation of any of the provisions of these rules or rules, orders, policies, or procedures of the operating department and applicable policies.
 - 15.03.11 Any other cause, act or failure to act which, under law or these rules, or the judgment of the commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges, or other disciplinary action.

16. PREDISCIPLINARY HEARING

16.01 PREDISCIPLINARY HEARING - REQUIRED. A department director shall provide and arrange for a predisciplinary hearing prior to demotion, suspension or discharge of a regular employee.

16.02 PREDISCIPLINARY HEARING - STANDARDS/NOTICE OF DISCIPLINE.

16.02.01 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.

16.02.02 The employee may have legal counsel or union representation present at a predisciplinary hearing.

16.02.03 The department's explanation of the department's evidence at the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.

16.02.04 Should the department head determine to discipline following the predisciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.

16.02.05 The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee.

17. HEARINGS

17.01 HEARINGS - APPEALS.

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

17.01.02 Any regular employee, or department, who is adversely affected by an alleged violation of civil service rules, may appeal such violation to the Commission.

- 17.02 APPEALS - TIME - FORM. A notice of appeal shall be filed with the Secretary within ten (10) 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 reasons for the appeal.
- 17.03 AUTHORITY OF SECRETARY AND STAFF.
- 17.03.01 The Secretary to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission.
- 17.03.02 The Commission may authorize staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules, which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.
- 17.04 APPEALS - INITIAL REVIEW. The Secretary shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the Secretary shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.
- 17.05 APPEALS - NOTICE OF HEARING. Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) days, a hearing before the Commission shall be set, with each party to be afforded not fewer than twenty (20) days notice of such hearing. Subsequent hearings on the same appeal shall have one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section.
- 17.06 APPEALS - AUTHORITY OF DEPARTMENT. The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying, or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request dismissal of the matter. A stipulations signed by both parties should be submitted to the Commission prior to such dismissal.
- 17.07 SERVICE OF PROCESS - PAPERS.

- 17.07.01 The Commission staff shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document, or paper.
- 17.07.02 All notices, documents, or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgment of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers or by certificate of any attorney or the Secretary.
- 17.07.03 Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or inter-city), upon properly stamped and addressed deposit in the mail system.
- 17.07.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the City's Human Resources Department. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least seven (7) calendar days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.
- 17.07.05 An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the commission shall constitute a waiver of service and notice under these rules.

17.08 DISCOVERY.

- 17.08.01 Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Secretary.
- 17.08.02 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.

17.09 SUBPOENAS.

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

17.09.02 Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly served. Such requests for subpoenas shall be submitted to the Commission offices at least seven (7) calendar days prior to the hearing.

17.09.03 Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.

17.09.04 The person serving the subpoena shall make proof of service by filing the subpoena with the Secretary and if the witness has not acknowledged such service, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.

17.09.05 Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:

- a. Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
- b. Condition denial of a motion to quash or modify upon just and reasonable conditions.

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

17.11 EVIDENCE.

17.11.01 Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In hearing the appeal of any person removed, suspended, demoted or discharged, the evidence shall be confined to the question of whether or not such removal, suspension, demotion, or discharge was or was not made for

political or religious reason, and was or was not made in good faith for cause. 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.

- 17.11.02 A witness in any hearing may be examined orally, under oath or affirmation and shall be subject to cross-examination by opposing parties and the Commission.
- 17.11.03 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- 17.11.04 At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Secretary.
- 17.11.05 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulations no later than seven (7) calendar days in advance of the hearing, barring unusual circumstances as determined by the Civil Service Commission Chairperson. The party of whom the request is made shall respond no later than three (3) days prior to the hearing.
- 17.11.06 An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.
- 17.12 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 person other than 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.
- 17.13 DECISION. In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall ordinarily be issued within thirty (30) days of the close of the hearing of an appeal or other proceeding heard only by the Commission.

- 17.13.01 After its investigation, the Commission may, if it finds that the disciplinary action of the appointing authority was made in good faith and for cause and not for political or religious reasons, either:
- a. Affirm the disciplinary action, or
 - b. In lieu of affirming the disciplinary action, may modify the disciplinary action by ordering a suspension without pay, for a given period and subsequent restoration to duty, or demotion in classification, grade or pay, or order such other greater or lesser punishment as befits the conduct of the employee under investigation.

17.13.02 If, however, after its investigation the Commission shall find that the disciplinary action of the appointing authority was made for political or religious reasons, or not in good faith and for cause, the Commission shall order the immediate reinstatement or re-employment of such person in the office, place or position of employment from which the person was removed, suspended, demoted or discharged, which reinstatement shall if the Commission so provides in its discretion, be retro-active and entitle such person to pay or compensation from the time of such removal, suspension or discharge.

17.14 REMEDIES. The Commission may issue such remedial orders as deemed appropriate.

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

18. RETIREMENT AND DISABILITY

18.01 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. Employees initiating a service retirement shall file with the appointing authority, at least two weeks before leaving, a written resignation notice, stating the effective date.

19. MISCELLANEOUS

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

19.02 AMENDMENTS. After adoption, these rules may be amended by submission and reading of the proposed amendment at any regular meeting of the Commission. Public notice of the proposal shall be given by posting the item on

the meeting agenda. A vote thereon shall be taken at the next regular meeting following the review of the amendment. If approved by at least two members of the Commission, the amendment shall be adopted and shall take immediate effect.

20. CLASS SPECIFICATIONS FOR POLICE DEPARTMENT

20.01 All full-time sworn positions of the Police Department shall be allocated to classifications established herein on the basis of level of responsibility, authority assigned, and qualifications required.

The class specifications for the Police Department include the following:

- 20.01.01 Police Commander
- 20.01.02 Police Sergeant
- 20.01.03 Police Officer
- 20.01.04 Custody Sergeant
- 20.01.05 Custody Officer
- 20.01.06 Police Clerk
- 20.01.07 Crime Prevention Specialist
- 20.01.08 Evidence Technician
- 20.01.09 Animal Control Officer
- 20.01.10 Victim Services Coordinator
- 20.01.11 Community Support Specialist/Social Worker
- 20.01.12 Court Marshal
- 20.01.13 Master Custody Officer
- 20.01.14 Crime Analyst

20.02 For clarification purposes, the following positions have been determined to be unclassified positions in the Police Department:

- 20.02.1 Deputy Police Chief (2 positions)
- 20.02.2 Police Administrative Assistant (1 position)
- 20.02.3 Police Management Analyst, Senior (1 position)

20.02.4 Public Affairs and Communication Manager (1 position)

The above list constitutes five of the six unclassified positions allotted to the Chief of Police in accordance with RCW 41.12.050.