



CIVIL SERVICE RULES & REGULATIONS

CITY OF ARLINGTON

238 N. Olympic Ave, Arlington, WA 98223

Adopted
Amended
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TABLE OF CONTENTS

1. General Provisions.....	1-1
1.01 Authority and Application	1-1
1.03 Scope and Purpose	1-1
1.05 Presumption of Validity.....	1-1
1.07 Severability	1-1
2. Administration and Operations.....	2-1
2.01 Commission--Meetings--Quorum.....	2-1
2.01.01. Electronic Attendance and Voting	2-1
2.03 Powers and Duties.....	2-1
2.05 Chair--Vice Chair.....	2-2
2.07 Rules of Order.....	2-2
2.09 Commissioners--Challenge.....	2-2
2.11 Commissioners--Challenge--Necessity.....	2-2
2.13 Office Location and Hours.....	2-2
2.15 Public Records	2-2
2.17 Record of Proceedings	2-2
2.19 Reports--Applicants, Eligibles, Employees	2-3
2.21 Reports--Department Heads.....	2-3
3. Secretary/Chief Examiner.....	3-1
3.01 Secretary/Chief Examiner--Appointment	3-1
3.03 Reserved.....	3-1
3.05 Secretary/Chief Examiner --Discipline.....	3-1
3.07 Secretary/Chief Examiner --Authority.....	3-1
3.09 Review of and Appeal From Actions or Decisions of the Secretary/Chief Examiner...	3-1
4. Definitions.....	4-1
4.01 Actual Service.....	4-1
4.03 Allocation.....	4-1
4.05 Applicant.....	4-1

4.07 Appointing Authority.....	4-1
4.09 Appointments.....	4-1
4.09.01 Appointment--Regular.....	4-1
4.09.02 Appointment--Provisional.....	4-1
4.09.03 Appointment--Temporary.....	4-1
4.11 Reserved.....	4-1
4.13 Break in Service.....	4-1
4.15 Candidate.....	4-1
4.17 Certified Eligible List.....	4-1
4.19 Certify.....	4-2
4.21 City.....	4-2
4.23 Civil Service Employee.....	4-2
4.25 Reserved.....	4-2
4.27 Class.....	4-2
4.29 Class Series.....	4-2
4.31 Classified Service.....	4-2
4.33 Class Specification.....	4-2
4.35 Commission.....	4-2
4.37 Continuous Service.....	4-2
4.39 Demotion.....	4-2
4.41 Department.....	4-2
4.43 Discharge.....	4-2
4.45 Eligible.....	4-2
4.47 Reserved.....	4-3
4.49 Employee.....	4-3
4.51 Examination.....	4-3
4.51.01. Examination--Open.....	4-3
4.51.02. Examination--Promotional.....	4-3
4.53 Examination Bulletin.....	4-3
4.55 Final Examination Score.....	4-3
4.57 Lateral Entry.....	4-3

4.59 Layoff.....	4-3
4.61 Reserved.....	4-3
4.63 Position-Regular	4-4
4.65 Probation or Probationary	4-4
4.67 Official Newspaper	4-4
4.69 Promotion.....	4-4
4.71 Quit	4-4
4.73 Reallocation	4-4
4.75 Reduction	4-4
4.77 Reinstatement.....	4-4
4.79 Reinstatement Register	4-4
4.81 Rejection	4-4
4.83 Resignation	4-4
4.85 Retention Credit.....	4-5
4.87 Retirement.....	4-5
4.89 Secretary/Chief Examiner.....	4-5
4.91 Standing--Regular	4-5
4.93 Suspension	4-5
4.95 Veterans' Scoring Criteria.....	4-5
4.97 Written Notice.....	4-5
5. Rule-Making	5-1
5.01 Amendments of Rules.....	5-1
5.03 Effective Date of Rules.....	5-1
5.05 Copies of Rules.....	5-1
5.07 Effect of Rules	5-1
6. Classification.....	6-1
6.01 Classification.....	6-1
6.02 Effect of Classification Changes on Incumbent.....	6-1
6.02.01 Title Change	6-1
6.02.02 Upgrading of Position	6-1
6.02.03 Downgrading of Position.....	6-1

7. Applications and Applicants	7-1
7.01 General Requirements for Filing Applications	7-1
7.01.03 Time for Filing Applications	7-1
7.02 Minimum Requirements	7-1
7.03 Lateral Entry: Full-Paid Administrative Employees.....	7-2
7.05 Applications for Promotional Examinations.....	7-2
7.07 Special Requirements.....	7-2
7.09 Reserved.....	7-2
7.11 Rejection of Applicant or Eligible.....	7-2
7.13 Debarment from Employment.....	7-3
7.15 Notice of Non-Acceptance.....	7-3
7.17 Admission to Examination Pending Appeal.....	7-3
7.19 Amendment of Application.....	7-3
7.21 Applications Not Returned	7-4
7.23 Application Fee.....	7-4
8. Examinations.....	8-1
8.01 Scheduling Examinations.....	8-1
8.01.01 Conduct May Be Delegated	8-1
8.03 Examination Announcement.....	8-1
8.05 Amendments to Announcements	8-1
8.07 Continuous Examinations	8-1
8.07.01 Notice	8-1
8.07.02 Duration and Closing.....	8-2
8.09 Character of Examinations.....	8-2
8.11 Reserved.....	8-2
8.13 Parts and Weights	8-2
8.15 Relative Weights.....	8-2
8.17 Passing Grade Required.....	8-2
8.19 Promotional Examinations.....	8-2
8.20 Test Results and Challenge of Test Scores.....	8-3
8.21 Reserved.....	8-3

8.23 Veterans' Credit.....	8-3
8.29 Keyed Copy Inspection and Examination Protest.	8-3
8.31 Correction of Clerical Errors	8-3
8.33 Effective Date of Examination Results.....	8-3
8.35 Reexamination.	8-4
8.37 Examination Papers	8-4
8.39 Additional Examination.....	8-4
8.41 Number of Applicants.....	8-4
8.41.01 Limitations.....	8-4
9. Registers and Eligibility.....	8-4
9.01 Establishment of Certified Eligible Lists.....	9-1
9.03 Effective Life of Lists	9-1
9.05 Appointment Without Examination.....	9-2
9.07 Establishment of Reinstatement Registers.....	9-2
9.09 Reserved.....	9-2
9.11 Availability of Eligibles.....	9-2
9.13 Cancellation of Eligibility.....	9-2
9.15 Restoration of Names to Certified Eligible List.	9-3
9.17 Revocation of List.....	9-3
10. Certification and Appointment.	10-1
10.01 General Provisions.....	10-1
10.03 Request for Certification.....	10-1
10.05 Certification.	10-1
10.05.01 Certified Eligible List.....	10-1
10.05.02 Order of Reinstatement--Eligible	10-1
10.05.04 Multiple Vacancies.....	10-2
10.05.05 Additional Names.....	10-2
10.05.06 Special Skills	10-2
10.05.07 Prior Service	10-2
10.05.8 Application/Examination.....	10-2
10.07 Deferment of Certification.....	10-2

10.09 Duration of Certification.....	10-2
10.11 Regular Appointment.....	10-2
10.13 Temporary Appointment.....	10-2
10.15 Provisional Appointment	10-3
11. Probation.	11-1
11.01 Probationary Period	11-1
11.03 Length of Probationary Period.....	11-1
11.03.03 Re-Hires, Promotions, Internal Transfers and Lateral Transfers	11-1
11.03.05 Extension.....	11-1
11.05 Interruption of Probationary Period by Military Service.....	11-1
11.07 Service in Another Class.....	11-2
11.08 Notice of Completion of Probationary Period	11-2
11.09 Removal of Probationer	11-2
11.09.01 Termination During Probationary Period.....	11-2
11.09.02 Procedure.....	11-2
11.11 Demotion.....	11-2
11.13 Protests.....	11-2
12. Service Credit.....	12-1
12.03 Determination	12-1
12.04 Requests for Confirmation.....	12-1
12.04.01 Requests.....	12-1
12.04.02 Protests	12-1
12.05 Service Covered	12-1
12.05.01 Generally	12-1
12.05.02 Probationary Period.....	12-1
12.05.03 Temporary or Provisional Appointment.....	12-2
12.05.04 On Assignment	12-2
12.05.05 Leaves With Pay.....	12-2
12.05.06 Leaves Without Pay.....	12-2
12.05.07 Suspension.....	12-2
12.06 Change in Class or Department	12-2

12.06.01 Generally	12-2
12.06.02 Abolition of Class.....	12-2
12.06.03 Combination--Computation.....	12-2
12.07 Promotion--Computation of Credit.....	12-2
12.09 Transfer--Computation of Credit	12-3
12.11 Demotion--Computation of Credit.....	12-3
12.13 Voluntary Reduction--Computation of Credit.....	12-3
12.15 Reallocation--Computation of Credit	12-3
12.15.01 Similar Classes	12-3
12.15.02 Dissimilar Classes	12-3
12.17 Layoff--Computation of Credit.....	12-3
12.19 Service Credit Upon Separation From Service.....	12-3
13. Transfer--Reduction.....	13-1
13.02 Intra-Departmental Transfers.....	13-1
13.05 Reduction	13-2
13.05.01 Authorized.....	13-2
13.05.02 Applicable Classes	13-2
13.05.03 Procedure.....	13-2
13.05.04 Effect of Reduction	13-2
13.05.05 Reduction Available	13-3
14. Layoff.....	14-1
14.02 Layoff Out of Order	14-1
14.03 Reduction in Lieu of Layoff	14-1
15. Leaves of Absence.....	15-1
15.01 Duration of Leaves.....	15-1
15.03 Cancellation/Revocation.....	15-1
15.05 Return from Leave	15-1
15.07 Military Leave.....	15-1
15.09 Filling Vacancy.....	15-1
15.11 Protests.....	15-1
16. Resignation.....	16-1

16.01 How Submitted	16-1
16.03 Withdrawal of Resignation	16-1
16.05 Involuntary Resignation.....	16-1
16.07 Implied Resignation	16-1
16.09 Return to Employment Following Resignation	16-1
17. Discipline and Discharge.	17-1
17.01 Suspension	17-1
17.03 Demotion--Discharge.....	17-1
17.05 Discipline--Good Cause--Illustrated.....	17-1
18. Pre-Disciplinary Hearing.	18-1
18.01 Pre-Disciplinary Hearing--Required.....	18-1
18.03 Pre-Disciplinary Hearing--Standards/Notice Of Discipline	18-1
19. Hearings.	19-1
19.01 Hearings--Appeals	19-1
19.03 Appeals--Time--Form	19-1
19.05 Exhaustion of Administrative Remedies	19-1
19.07 Authority of Secretary-Chief Examiner and Staff	19-1
19.09 Appeals--Initial Review	19-2
19.11 Appeals--Notice of Hearing.....	19-2
19.13 Appeals--Authority of Department.....	19-2
19.15 Service of Process--Papers.....	19-2
19.17 Discovery	19-3
19.19 Subpoenas	19-3
19.21 Burden of Proof.....	19-4
19.23 Evidence.....	19-4
19.25 Deliberation.....	19-5
19.27 Decision	19-5
19.29 Remedies.....	19-5
19.31 Reconsideration.....	19-5
19.33 Waiver.....	19-5
20. Retirement and Disability.	20-1

20.01 Retirement.....	20-1
21. Miscellaneous.	21-1
21.01 Computation of Time.....	21-1
21.03 Repeals and Savings	21-1

1 General Provisions.

The Civil Service Commission, appointed by the Mayor of Arlington in accordance with the terms of Arlington municipal Code Chapter 2.48.010, such ordinance being enacted pursuant to the provisions of RCW Chapter 41.12, adopts the following rules and regulations for carrying out the purpose of said law.

1.01 Authority and Application. These rules are promulgated pursuant to the authority granted by 41.12 RCW, Civil Service for City Police. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of Chapter 41.12.

1.03 Scope and Purpose. These rules govern the continuing administration of the Civil Service System of the City of Arlington, Washington. The purpose of these rules is to assure that the Civil Service System in Arlington, Washington is administered in accordance with the Arlington Municipal Code and ordinances of the City of Arlington, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

1.05 Presumption of Validity. The Civil Service System implemented by these rules substantially accomplishes the purpose of RCW 41.12. Variation 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 shall be upheld unless in direct conflict with the purposes of RCW 41.12.

1.07 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 applications 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.

2 Administration and Operations.

2.01 Commission--Meetings--Quorum. In the necessary conduct of its work, the Commission shall meet on the first Wednesday of each month, at 9:00 a.m., in the City Council Library unless otherwise published or there is no pending business requiring Commission action. If the regular meeting of the Commission falls on a City recognized holiday or some other City non-work day, the regular meeting shall be held on the first working day following the holiday or non-work day, or as scheduled by the Commission. 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).

2.01.01. Electronic Attendance and Voting. If one Commissioner (not more than one) will not be able to attend a regular or special meeting because of a business commitment or an acceptable personal conflict, the Commission may allow said commissioner to attend the meeting and/or vote on an issue being considered by the Commission via electronic means such as telephone or video conference. If a Commissioner is participating via an electronic means, that Commissioner shall not be able to introduce any new discussion or agenda topics. In the event that such attendance and/or voting are allowed, the minutes shall record such attendance action.

2.03 Powers and Duties.

The Civil Service Commission shall:

2.03.01 Adopt Civil Service Rules for positions within the classified service.

2.03.02 Appoint a Secretary /Chief Examiner in conformity with Section 3.

2.03.03 Approve minutes of its' own meetings and records of its procedure.

2.03.04 Conduct procedural investigations as provided in Chapter 19.

2.03.05 Provide for the holding of competitive tests under the supervision of the Secretary/Chief Examiner or some other delegate to determine the relative qualifications of persons for employment in the classified service and prepare a list of eligible candidates for vacancies and certify the same.

2.03.06 Conduct all civil suits necessary for the proper enforcement of the Civil Service Act and these Civil Service Rules. Any civil service action shall be initiated by the City Attorney in the name of the City upon demand of the Commission.

2.03.07 Hear and determine appeals arising from the administration of the Civil Service Act and these Civil Service Rules.

2.03.08 Investigate and report on all matters touching the enforcement and effect of the Civil Service Act and these Civil Service Rules.

2.03.09 Have such additional powers and duties as are provided by Chapter 41.12.040 RCW.

2.05 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.

2.07 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.

2.09 Commissioners--Challenge. Any challenge to a Commissioner's sitting at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged Commissioners shall review and rule on the challenge prior to proceeding with the hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to commencement of a hearing.

2.11 Commissioners--Challenge--Necessity. If, as a result of disqualification(s) pursuant to Rule 2.07, there is no longer a lawfully constituted quorum available, then by reason of necessity, the disqualified Commissioners(s) shall return and proceed with the hearing.

2.13 Office Location and Hours. The office address of the Civil Service Commission is 238 N Olympic Ave., Arlington, WA 98223. The regular office hours of the Commission Secretary/Chief Examiner's office are 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays or other non-working days identified by the City.

2.15 Public Records. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Secretary/Chief Examiner. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the Secretary/Chief Examiner, and under the Secretary/Chief Examiner's supervision, and must be accomplished without excessive interference with the essential functions of the Secretary/Chief Examiner. Copies will be made available at actual cost or as provided by City of Arlington ordinance. These rules shall be printed for free public distribution.

2.17 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/Chief Examiner.

2.19 Reports--Applicants, Eligibles, Employees.

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

2.19.02 Each eligible shall keep the Secretary/Chief Examiner informed in writing regarding availability and any refusal to accept appointment or promotion and the reasons therefor.

2.21 Reports--Department Heads. A department head shall immediately report to the Secretary/Chief Examiner in such detail and on such forms as the Secretary/Chief Examiner may prescribe:

2.21.01 Every appointment, transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, assignment, change of position within a class or within an assignment title, or change of title;

2.21.02 Every separation from the service with the reasons therefor;

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

3 Secretary/Chief Examiner.

3.01 Secretary/Chief Examiner--Appointment. A Secretary- Chief Examiner shall be appointed by the Commission.

3.01.01 The Secretary/Chief Examiner shall be appointed as a result of a competitive examination, which examination may be either original and open to all properly qualified citizens of the city, or promotional and limited to persons already in the service of the police or other city department as the Commission may decide.

3.03 Reserved.

3.05 Secretary/Chief Examiner --Discipline. The Secretary/Chief Examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

3.07 Secretary/Chief Examiner --Authority. In addition to acting as Secretary/Chief Examiner of the Commission, the Secretary/Chief Examiner shall attend and record all meetings of the Commission; keep the records of the Commission; preserve all reports made to it; superintend and keep record of all examinations held under its direction; and perform such other duties as the Commission may prescribe.

3.09 Review of and Appeal from Actions or Decisions of the Secretary/Chief Examiner.

3.09.01 The Commission on its own motion may review or modify any action or decision of the Secretary/Chief Examiner.

3.09.02 Any person adversely affected by any action or decision of the Secretary/Chief Examiner 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, and must be made within ten (10) working days from the date of notice of such action unless established otherwise in these rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

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.

4.03 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.

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

4.07 Appointing Authority. The Mayor or designee authorized to hire, promote or discharge employees.

4.09 Appointments.

4.09.01 Appointment--Regular. The appointment of a certified eligible.

4.09.02 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 (b) a non-certified person to a classified position for which there is no current certified eligible list.

4.09.03 Appointment--Temporary. A limited appointment other than from a certified eligible list 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.

4.11 Reserved.

4.13 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."

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

4.17 Certified Eligible List. A list of candidates for employment who have passed an employment examination and whose names are chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

4.19 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.

4.21 City. The City of Arlington.

4.23 Civil Service Employee. Any employee who has Civil Service status.

4.25 Reserved.

4.27 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.

4.29 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, Police Sergeant.

4.31 Classified Service. Classified service means all positions in the City police service which are created by ordinance and which are subject to provisions of these regulations as defined by state law, specifically including all full-paid commissioned police officers and full-paid administrative employees of the Police Department. The positions of Chief of Police, Reserve Police Officers and all appointed temporary full-time and part-time personnel are specifically excluded from the Classified Service.

4.33 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.

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

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

4.39 Demotion. Removal of an employee for cause from a higher to a lower class of employment or salary step within a class.

4.41 Department. Any department of the City subject to civil service as established by ordinance. The head of any such department is the "Department Head," or Department Head's designee.

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

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

4.47 Reserved.

4.49 Employee. Anyone holding a position in the Civil Service System of the City of Arlington.

4.49.01 Employee--Regular. Any employee who has been appointed from a Certified Eligible List and who has satisfactorily served the full probationary period.

4.49.02 Employee--Temporary. Any employee appointed temporarily (under these rules) to a position.

4.49.03 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.

4.49.04 Employee--Probationary. A person appointed from a Certified Eligible List who has not yet completed the specified trial period of employment.

4.49.05 Employee--Provisional. Any employee appointed provisionally to a position.

Note: A regular employee is the only employee with rights under Rule 19.01.

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

4.51.01. Examination--Open. An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.

4.51.02. Examination--Promotional. An examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.

4.53 Examination Bulletin. An examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and the other pertinent information. The examination announcement shall be posted in City Hall and in other suitable locations.

4.55 Final Examination Score. Total of earned exam score plus additional veteran's service credit for which an applicant is eligible.

4.57 Lateral Entry. Entry into the Police Department by applicant already trained and experienced in law enforcement or administration and as described in the job announcement.

4.59 Layoff. Layoff means the termination of employment because of lack of funds or work or because of material change in the classified service organization.

4.61 Reserved.

4.63 Position-Regular. A position which performs any duty or group of duties and responsibilities in the service of the City of Arlington which one person is required to perform as full-time employment, and which is included in the City of Arlington budget.

4.65 Probation or Probationary. 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. Probation means the period of trial service during which an employee is continuously working in a classified position (excluding unscheduled period of non-work time such as absence due to disability and leaves of absence) prior to attaining permanent status in such position. Such probationary period may be extended one (1) time for up to six (6) additional months at the discretion of the appointing authority.

4.67 Official Newspaper. The newspaper designated as official by the City of Arlington, or as otherwise designated by the Commission. Public notice means giving notice by posting in at least two (2) conspicuous places in a public place or a building or by publication in a newspaper or internet, or both.

4.69 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 or provisional appointment (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute a promotion. Promotion means a change in employment in accordance with these civil service regulations from a lower to a higher position in the classified service.

4.71 Quit. Any voluntary separation of an employee from the City service without acceptance of a resignation by the appointing authority.

4.73 Reallocation. The allocation of a position to a different class in the Classification Plan.

4.75 Reduction. The removal of an employee from a higher class to a lower class of employment for reasons other than cause.

4.77 Reinstatement. Reappointment of a regular employee to a position in a class in which the employee was a regular employee.

4.79 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 who are capable mentally and physically for reinstatement.

4.81 Rejection. Rejection means the separation of a probationary employee from the service.

4.83 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.

4.85 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.

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

4.89 Secretary/Chief Examiner. Secretary/Chief Examiner as defined in Chapter 3.

4.91 Standing--Regular. The full Civil Service status of a regular employee.

4.93 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.

4.95 Veterans' Scoring Criteria. Preference in examinations and employment based on military service, as provided and defined by applicable laws.

4.96 Volunteer Service Credits. Preference in examinations and employment based on current status as a Reserve Police Officer in good standing with the City of Arlington Police Department as defined in 8.24.

4.97 Written Notice. Written notice, as required under these civil service regulations, means the serving of notice in writing either to the person directly or by email or mail to his or her last known address. If by mail, the serving shall be deemed completed at the time the notice is deposited in the U.S. mail.

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.

Unless an emergency is declared by all Commissioners, amendment(s) to these rules, or any additional rules, shall be first discussed in an open regular or special meeting at least one meeting prior to adoption. Upon declaration of an 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.

5.05 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 to each affected department of the City. A copy shall be maintained in the office of the Secretary/Chief Examiner for public inspection, and copies shall be available for free public distribution as required by state law.

5.07 Effect of Rules. The terms and conditions of Civil Service employment are governed by these rules, and applicable statute and ordinance. 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. The appointing authority will create all offices, places, positions, and employment within the classified service, and will assign to each position so created an appropriate title and establish the experience, knowledge, capacity, skill, education, and other qualifications and minimum prerequisites required for appointment to such position. As thus promulgated, the classification plan within the classified service shall be adopted by the Commission, which shall thereupon allocate each existing classified position within the police department to one of the classes as established in the plan. Thereafter, the class titles so established shall be used in all personnel, budget, accounting and other financial documents and communications of the City. If the appointing authority creates additional classes, or divides, combines or abolishes existing classes, a new classification plan shall be adopted in the manner of the original.

6.1.1.1.1 6.02 Effect of Classification Changes on Incumbent.

6.02.01 Title Change. 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.

6.02.02 Upgrading of Position. Whenever a position is reclassified from one class to a higher class, the incumbent may continue in the same position temporarily but must gain eligibility for the new class by examination and receipt of an appointment thereto in accordance with these rules. Provided that the Commission may authorize the appointment of the incumbent to the new position without examination after considering the particular facts involved. A regular employee shall be qualified to take the examination for the higher class regardless of an existing certified eligible list for that class. A regular employee who fails the examination or is not appointed will retain employment in the lower class and may be appointed to another position, transferred or voluntarily reduced according to these rules. A probationary employee may be permitted, upon approval of the Commission, to qualify for the higher class in the same manner as a regular employee. A probationary employee who is not permitted to take the examination or who is not appointed to the position, may be appointed to another position, transferred, or enrolled on an appropriate certified eligible list for the lower class.

6.02.03 Downgrading of Position. Whenever a position is reclassified from one class to a lower class, the incumbent employee shall retain Civil Service status in the class from which the position is reallocated and shall, if practicable, be appointed to another position in that class or voluntarily transferred in accordance with these rules. Otherwise, the employee shall be granted full status in the lower class and placed on a reinstatement register for the higher class. The probationer's name shall be enrolled on an appropriate certified eligible list for the higher class with the same standing as at the time of original certification.

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/Chief Examiner; 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 In order to file an application for examination, the applicant must:

- (a) Meet the requirements specified in these rules 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 directed by the Secretary/Chief Examiner.

7.01.03 Time for Filing Applications:

- (a) All applications for examination shall be filed with the Secretary/Chief Examiner during office hours and within the time limit fixed in the official announcement of the examination, provided that upon written evidence of extenuating circumstances acceptable to the Secretary/Chief Examiner, late applications may be accepted. Applications received by mail in the office of the Commission must be postmarked on or before the closing date.
- (b) The time for filing applications may be extended by the Secretary/Chief Examiner as the needs of the service require, provided that the examination shall then be re-advertised.

7.02 Minimum Requirements

7.02.01 All applicants shall be citizens or lawful permanent residents of the United States of America. All applicants must be able to speak, read, write and comprehend the English language, be in ordinary good health, and be of good moral character and temperate and industrious habits.

Minimum education requirements shall be high school graduation, or qualification under general educational development tests, unless otherwise specified herein.

All applicants, except applicants for full-paid administrative positions, shall meet the minimum medical and health standards established by these Civil Service Rules and/or pursuant to RCW Chapters 41.26.045 and 41.26.046.

The minimum age requirements for police officers shall be 21 years of age at the time of entering the Basic Law Enforcement Academy and entry level applicants must be at least 20.5 years old to be eligible to take the written civil service exam and the maximum age prior to any appointment shall be consistent with the applicable provisions of the State of Washington Law Enforcement Officers and Firefighters Retirement Act.

7.03 Lateral Entry: Full-Paid Administrative Employees

In accordance with the needs of the Police Department, a lateral entry Certified Eligible List may be requested by the Department Head. The Commission shall be guided by the applicable job description in defining the minimum education and experience requirements for the position.

7.05 Applications for Promotional Examinations

7.05.01 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 Rule 7.01, has the requisite service credit designated in the official bulletin.

7.05.02 An open examination may be conducted when, in the opinion of the Chief of the department, no permanent employee of the service is qualified for the promotion.

7.07 Special Requirements.

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

7.09 Reserved.

7.11 Rejection of Applicant or Eligible.

If the Secretary/Chief Examiner determines that a particular applicant does not meet the minimum requirements as established by the Commission, and specified in the job announcement, the applicant shall be notified as such in writing.

7.11.01 The Secretary/Chief Examiner 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:

7.11.02 Is physically or mentally unfit to perform the duties of the position sought;

7.11.03 Has been convicted of any felony or a misdemeanor involving moral turpitude;

7.11.04 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;

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

7.11.06 Fails to appear for fingerprinting, other investigation or appointments as required;

7.11.07 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;

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

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

7.11.10 For other material reasons.

See Rule 3.09, "Review of and Appeal From Actions or Decisions of the Secretary/Chief Examiner."

7.13 Debarment from Employment.

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

7.13.02 Anyone dismissed for other good cause may be allowed to again enter the Service only by express consent of the Commission;

7.13.03 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 whatsoever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.

7.15 Notice of Non-Acceptance. Anyone against whom action is taken under Rule 7.11 shall be notified promptly by the Secretary/Chief Examiner of the reasons therefor by written notice mailed to the applicant or eligible.

7.17 Admission to Examination Pending Appeal. The Secretary/Chief Examiner 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 or the applicant.

7.19 Amendment of Application. The Secretary/Chief Examiner may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application, provided it is submitted by the application closing date and time.

7.21 Applications Not Returned. All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

7.23 Application Fee. [Reserved.]

8 Examinations.

8.01 Scheduling Examinations. An examination shall be ordered and scheduled whenever it is deemed to be in the best interest of the City. The Secretary/Chief Examiner shall administer examinations as provided by these rules.

8.01.01 Conduct May Be Delegated. The Secretary/Chief Examiner shall arrange for the use of public or private buildings and equipment for the conducting of examinations. The Commission shall designate the person or agency that shall conduct and score the examination.

8.01.02 The Secretary/Chief Examiner shall designate the person or agency that shall conduct and score the examination.

8.03 Examination Announcement. Public notice means giving notice by posting in at least two (2) conspicuous places in a public place or a building or by publication in a newspaper or internet, or both, at least thirty (30) days preceding such examination.

The official bulletin shall be posted in City Hall or other designated area and distributed to appropriate departments for posting.

8.03.01 Promotional examination notices shall be posted in City Hall or other designated area and in department offices not fewer than thirty 30 days preceding the examination.

8.05 Amendments to Announcements. The Secretary/Chief Examiner may amend any published announcement with appropriate public notice.

8.07 Continuous Examinations. A continuous or periodic examining program may be ordered and administered by the Secretary/Chief Examiner 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 certified eligible list and certifications for appointments shall be made in the same manner as from any certified eligible list. Names of eligibles from successive examinations in the same program shall be entered on the certified eligible list for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such certified eligible list in the same manner and for the same reasons as from any certified eligible list.

8.07.01 Notice. Public notice of continuous examinations shall state that the period for filing applications and taking examinations shall remain open until further order and notice. 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 Examination Bulletin.

8.07.02 Duration and Closing. Any open filing and examination period may be closed by order of the Secretary/Chief Examiner.

8.07.03 To expedite certification and appointment and to maintain security of examination material, no keyed copy of the written test will be provided at any time. The certified eligible list may be promulgated immediately after the results are obtained.

8.07.04 Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations.

8.09 Character of Examinations. All examinations shall be competitive, impartial and practical in their character. 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. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

8.11 Reserved.

8.13 Parts and Weights. Each examination may contain one or more parts to which percentage weights shall be assigned, which weights shall total 100%. Each part shall be graded independently and each candidate must attain the minimum passing score, without the benefit of any other credit, before continuing to the next part or phase of the examination. This earned grade shall be multiplied by the percentage weight assigned to such part, and the sum of the resulting products shall be called the Examination Grade.

8.15 Relative Weights.

8.15.01 The relative weight of each part of the examination shall be designated by the Civil Service Commission as would be applicable to the examination process being used.

8.15.02 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 bulletin or announced at the time of the examination.

8.17 Passing Grade Required. The name of an examinee shall not be entered on a certified eligible list without the examinee having attained a passing grade in the examination as established by the Secretary/Chief Examiner.

8.19 Promotional Examinations. Upon showing from a department that special training and knowledge gained within a department is essential to the proper filling of the vacancy, vacancies in the higher positions of a class shall be filled by promotion whenever practical in the judgment of the Chief.

8.20 Test Results and Challenge of Test Scores

8.20.01 Each competitor shall be notified in writing of the results of the examination and, if successful, of his or her final earned rating.

8.21 Reserved.

8.23 Veterans' Credit. Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW.

8.24 Volunteer Service Credit – Police Department. Current City of Arlington Reserve Police Officers in good standing who have worked an average of twenty-four (24) hours per month for twelve (12) consecutive months will have ten percent (10%) of their final examination grade added to their final cumulative score.

8.29 Keyed Copy Inspection and Examination Protest.

8.29.01 Any protest against the scope, content or practicality of any part of an examination shall be filed in writing with the Secretary/Chief Examiner within three (3) working days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.

8.29.02 When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified, and any protest or appeal must be filed in writing within three (3) working days after the notices of results have been mailed.

8.29.03 Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within three (3) working days after the notices of results have been mailed.

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

8.31 Correction of Clerical Errors. Any clerical error may be corrected by the Secretary/Chief Examiner upon discovery at any time during the life of the certified eligible list, but no such correction shall affect an appointment made from a certification made prior to the correction.

8.33 Effective Date of Examination Results. Results of an examination shall become effective on the date the Certified Eligible List is certified by the City of Arlington Civil Service Commission.

8.35 Reexamination.

8.35.01 No one shall be reexamined for the same class within six months of the effective date of such examination, unless authorized by the Secretary/Chief Examiner upon determination that it would be in the best interest of the City.

8.35.02 If an eligible takes a succeeding examination for the same class, the result of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the register, and the eligibility that will provide the greatest advantage to the eligible shall be used.

8.37 Examination Papers. The Secretary/Chief Examiner shall keep on file the examination papers of each eligible in accordance with State recordkeeping requirements.

8.39 Additional Examination.

8.39.01 Eligibles certified pursuant to Rule 9 shall be subject to medical, physical, and/or psychological examination, and to such other examinations as authorized and approved by the hiring authority and/or Commission. Such other examinations include, but are not limited to, background examination, and polygraph. Positions such as Police Support Services Technicians may be exempt from these provisions.

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 Secretary/Chief Examiner shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the certified eligible list.

8.41 Number of Applicants.

8.41.01 Limitations.

(a) The Secretary/Chief Examiner 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. The number of examinees shall be established before administration of preliminary tests.

(b) The Secretary/Chief Examiner 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.

9 Registers and Eligibility.

9.01 Establishment of Certified Eligible Lists. After each examination, a certified eligible list for the class shall be prepared on which the names of successful candidates shall be ranked as follows:

9.01.01 On a promotional register, relative rank shall be determined by the examination rating or grade, plus percentage allowed by law for veterans' scoring criteria.

9.01.02 On an open graded register, relative rank shall be determined by the examination grade, plus percentage allowed by law for veterans' scoring criteria.

9.01.03 Priority of time of examination shall not give any preference in rank on the register.

9.01.04 The preference in rank of eligibles having equal final general averages shall be determined as follows, in the order stated:

(a) The one who qualifies for veterans' scoring criteria in accordance with Washington state law.

(b) When the examination is composed of two or more parts with separate grades, the one who has:

(1) 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.

(2) The highest grade on the written test if all parts are weighted equally.

(c) When the examination has only one part or the candidates have the same standing as listed above:

(1) As between examinees who are City employees, the one having the greater service credit with the City, regardless of class or department;

(2) If one is a regular or probationary City employee and the others are not, the regular City employee has preference.

(d) By lot.

9.03 Effective Life of Lists. Certified Eligible Lists shall become effective upon the approval thereof by the Civil Service Commission. Certified Eligible Lists, including promotional lists,

shall remain in effect for one (1) year, and may be extended for a six-month period up to two times, allowing the list to be valid for up to two years.

9.05 Appointment Without Examination. Except as provided in 16.05, and 9.07, any return to the Civil Service shall be by examination only.

9.07 Establishment of Reinstatement Registers.

9.07.01 The names of regular employees who have been laid off, and when requested in writing by the appointing authority, probationary employees who have been laid off, may 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;

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

9.07.03 Anyone accepting a permanent appointment in the class from which laid off and in a department other than that from which laid off is not to be certified to the former department unless eligibility for that department is restored.

9.09 Reserved.

9.11 Availability of Eligibles.

9.11.01 It shall be the responsibility of an eligible to notify the Secretary/Chief Examiner 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 cause the removal of his or her name from the Certified Eligible List.

9.13 Cancellation of Eligibility.

9.13.01 Anyone's name may be removed from a certified eligible list for failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct, or 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. 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;

9.13.02 Separation from the service will terminate any promotional eligibility;

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

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

9.13.05 Refusal to accept reemployment in a permanent position shall constitute separation from the service except as provided in Rule 9.13.04;

9.13.06 Such action contemplated by this rule may also be taken for other material reasons.

9.15 Restoration of Names to Certified Eligible List. The name of an eligible which has been removed from a register may be restored upon written request to the Secretary/Chief Examiner for such restoration. The request must specify the reasons for the requested restoration. The Secretary/Chief Examiner may approve the request if it is deemed that the evidence submitted justifies such approval.

9.17 Revocation of List. An employment or promotional list may be revoked and another examination ordered when upon recommendation of the Secretary/Chief Examiner and approval of the Commission such action is deemed advisable on account of fraud, errors or of inappropriate standards prescribed in connection with the examination and where the Commission determines that results obtained there-from were inadequate. No lists 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.

10 Certification and Appointment.

10.01 General Provisions. Vacancies in the classified Civil Service shall be filled by reinstatement, promotional appointment, assignment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate register, the Secretary/Chief Examiner may authorize a temporary or provisional appointment.

10.03 Request for Certification. Whenever the appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Secretary/Chief Examiner. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment and any other details for full description of the position to be filled.

10.1.1.1.1 10.05 Certification.

10.05.01 Certified Eligible List. Certification to fill a vacancy shall be made by the Civil Service Commission

10.05.02 Order of Reinstatement--Eligible.

(a) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:

(1) 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;

(2) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.

(b) Upon request from the appointing authority, the Secretary/Chief Examiner 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.

(c) Nothing in this rule shall prevent the reinstatement of any regular or probationary 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.

10.05.03 If a vacancy is to be filled from a promotional register, the Secretary/Chief Examiner shall certify to the appointing authority the names of the five available eligibles who stand highest on the appropriate register.

10.05.04 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.

10.05.05 Additional Names. If an 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.

10.05.06 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 Secretary/Chief Examiner 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.

10.05.07 Prior Service. If a temporary vacancy is to be filled from an open or a promotional register, those eligibles with three months of service who are shown on the register as having been laid off within the last 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.

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

10.07 Deferment of Certification. The Secretary/Chief Examiner may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefor. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his or her desire to be returned to the register, and such return has been approved by the Secretary/Chief Examiner. A deferment under this section is not intended to allow an eligible to be placed on any other (subsequent) lists; they may only be returned to the list they were originally placed on.

10.09 Duration of Certification. Certification shall be in effect for thirty (30) days from its date of issuance. The appointing authority must file a report of any appointment from such certification with the Secretary/Chief Examiner. Upon request, the Secretary/Chief Examiner may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification.

10.11 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.

10.13 Temporary Appointment. Where there is no suitable certified eligible list from which certification can be made, the Secretary/Chief Examiner may allow the appointing authority to make a temporary appointment. A temporary appointment may be made for a period of up to four months and may not be extended for a longer period of time. 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 possible date and shall not exceed thirty (30) days from date of notice that a proper certified eligible list for such class is available, provided, an extension may be granted by the Secretary/Chief Examiner upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the four-month limitation.

10.15 Provisional Appointment

Whenever a vacancy in the classified service exists, appointment of one from the five top-ranked applicants will be selected from the applicable Certified Eligible List, except as stated in Section 10.05.05. If all such persons (or person) are/is unwilling to accept the appointment, are/is disqualified, or if for any other reason there is no such list for the class, the Commission shall authorize a provisional appointment list for such class.

This list shall be established in accordance with the provision of these rules and shall be open to all current qualified employees and/or volunteer personnel of that class.

In the event such person is a provisional appointee, he or she shall be replaced by selecting one (1) from the five (5) highest ranking applicants certified by the Commission following the examination given pursuant to Section 8 to fill the vacancy.

It shall be recognized that a provisional appointee may also be on an applicable Certified Eligible List.

11 Probation.

11.01 Probationary Period.

11.01.01 After each full-time appointment from an certified eligible list, the employee appointed shall serve a complete period of probation before the appointment is deemed complete. The purpose of the probationary period is to provide a trial period during which the department may observe the performance of the probationary employee before civil service status is acquired.

11.03 Length of Probationary Period. The period of probation shall be equivalent to 12 months of full-time service following permanent appointment from a certified eligible list. If employment is contingent upon the successful completion of Criminal Justice Training Commission basic law enforcement academy, or training of similar duration and requirement, the probationary period shall be for 12 months following successful completion of such training or certification. If employment is contingent upon the successful completion of an equivalency academy, the probationary period shall be 12 months from the date of hire.

11.03.01 Minor absences due to vacations, military leave or service, illnesses, etc. shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary/Chief Examiner will approve a departmental request for an extension of the probationary period, or as required by Washington state law.

11.03.02 If a probationer transfers in the same class from one department to another, the receiving department may, with the approval of the Secretary/Chief Examiner, require that a complete probationary period be served in that department.

11.1.1.1.1.1 11.03.03 Re-Hires, Promotions, Internal Transfers and Lateral Transfers

The probationary period for re-hires, promotions, internal transfers to positions in the classified service with different job descriptions (including demotions), and lateral transfers shall be six months.

11.1.1.1.1.2 11.03.04 Extension

The probationary period specified in Section 11.03 may be extended one (1) time only for up to six (6) additional months if deemed to be in the best interest of the classified service by the appointing authority.

11.05 Interruption of Probationary Period by Military Service. A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

11.07 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 period if the Secretary/Chief Examiner has approved the written statement of the appointing authority to the effect that the probationary period may be properly judged on the basis of service in the other class or office.

11.08 Notice of Completion of Probationary Period.

After completion of the requisite probationary period, the appointing authority shall report to the Commission on the probationer's service and efficiency. Upon request from the appointing authority, the probationary period may be extended one (1) time only for up to and additional six (6) months in accordance with Section 11.03.05 Extension.

11.09 Removal of Probationer.

11.09.01 Termination During Probationary Period. During the probationary period, the appointing authority, at his or her discretion, may terminate the employment of a probationary employee. Notice of such termination shall be given to the probationer and a copy forwarded to the Secretary/Chief Examiner. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission except as provided in Rule 11.08.

11.09.02 Procedure. The department head must file a notice stating the reasons for the removal with the Human Resources department prior to the end of the probationary period. Only the appointing authority may terminate an employee. Notice must be mailed to or personally served on the employee and proof of notice filed with the Human Resources department.

11.11 Demotion. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he or she was appointed, in accordance with Rule 17.03 on demotion, or may be allowed eligibility for another position in the same class, for which he or she is deemed qualified by the appointing authority, subject to approval by the Commission.

A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

11.13 Protests. Any probationer may file a written protest with the Secretary/Chief Examiner protesting a termination of probationary status or demotion. All protests must be filed within ten (10) working days of notice of the action taken. The Secretary/Chief Examiner will give due consideration to and take appropriate action on all timely-filed protests. Probationers may appeal a decision of the Secretary/Chief Examiner to the Commission under Rule 19.

12 Service Credit.

12.01 Service credit in a class for a regular employee shall be computed to cover all service in a Civil Service position subsequent to regular appointment in that class and shall be applicable in the department in which employed.

12.03 Determination.

12.03.01 The determination of a regular employee's earned service credit shall be made on the basis of the available payroll, personnel and other official records. If said records are not available for any particular period, it shall be rebuttably presumed that each regular employee employed during such period, as shown by other official records, earned full service credit in the particular class and department in which employed, for the entire length of such period.

12.04 Requests for Confirmation.

12.04.01 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 or she 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/Chief Examiner shall as soon as practicable but within ten (10) working days ascertain the requested computation, and shall so notify the requesting employee, association, union or department head in writing.

12.04.02 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/Chief Examiner setting forth with particularity the reason and basis for his or her objection. Such protests must be filed within ten (10) working days. The Secretary/Chief Examiner shall give due consideration to all timely-filed protests and take such action as deemed appropriate.

12.05 Service Covered.

12.05.01 Generally. Once a regular employee has successfully completed their probationary period and achieved 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.

12.05.02 Probationary Period. After completion of an original or promotional probationary period, a regular employee shall receive credit for actual service during such period. If a probationer fails to satisfactorily complete the required probationary period and is

returned to his or her former regular class, actual service during such period shall be credited to the former class.

12.05.03 Temporary or Provisional Appointment. A regular employee shall receive service credit in the regular class for the period after the regular appointment, served under a temporary or provisional appointment to another class or department or to an exempt position, if the employee returns to the regular class after the expiration or termination of such service.

12.05.04 On Assignment. A regular employee shall be credited to the regular class for the entire length of time served under an assignment.

12.05.05 Leaves With Pay. A regular employee shall receive full service credit for any leave with pay.

12.05.06 Leaves Without Pay. No service credit shall be allowed for any time that an employee is on any leave of absence without pay, except where required by law.

12.05.07 Suspension. No service credit shall be allowed while an employee is on a suspension without pay, unless the suspension is modified, reversed or nullified on appeal.

12.06 Change in Class or Department.

12.06.01 Generally. No service credit earned by a regular employee in any one class and department shall be carried over upon appointment, promotion, reinstatement, transfer, demotion or voluntary reduction to or from another class or department, but such service credit shall be permanently retained in and be credited to the class and department in which it was earned, unless expressly provided by these Rules.

12.06.02 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.

12.06.03 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.

12.07 Promotion--Computation of Credit. Upon completion of the probationary 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. All prior service

credit earned in the lower class and department shall be retained by the employee, but such service credit shall be credited only to the latter class and department.

12.09 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 is other than temporary (e.g., permanent), 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.

12.11 Demotion--Computation of Credit. Upon the involuntary demotion of an employee in accordance with these Rules, 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.

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

12.15 Reallocation--Computation of Credit.

12.15.01 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 the same department.

12.15.02 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.

12.17 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.

12.19 Service Credit Upon Separation From Service. Upon separation from the service, no credit shall be given or allowed for any prior service or employment up to the time of such

separation, and except as otherwise specifically provided by these Rules, service credit shall be forfeited and not be reinstated upon reemployment by the City.

13 Transfer--Reduction.

13.01 The transfer of an employee shall not constitute a promotion in the service, except as provided in Rule 13.03.04, below.

13.02 Intra-Departmental Transfers. An appointing authority may transfer an employee from one position to another position in the same class without prior approval of the Secretary/Chief Examiner but must report any such transfer to the Civil Service Commission within five working days of its effective date.

13.03 Transfers may be made upon consent of the department head and with the Secretary/Chief Examiner 's approval as follows:

13.03.01 Transfer in the same class from one department to another; such a transfer may be made concurrent with the appointment of an employee to another class;

13.03.02 Transfer to another class in the same or a different department in case of injury in line of duty either with the City service or with the armed forces in time of war, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;

13.03.03 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department, upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.

13.03.04 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class when such transfer would constitute a promotion or advancement in the service provided a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced and when transfer in lieu of layoff under Rule 13.03.03 is not practicable. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.

13.03.05 The Secretary/Chief Examiner may approve a transfer under this Rule 13.03 with the consent of the department head of the receiving department only, upon a showing of circumstances justifying such action.

13.04 These rules have no authority or effect on positions or departments not subject to the Civil Service. Transfer to or from positions or departments not subject to the Civil Service are unaffected by these rules.

13.05 Reduction.

13.05.01 Authorized. As defined in Rule 4.75, a reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A reduction may be made only upon an employee's written request, and consistent with these Rules.

13.05.02 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 previously acquired Regular Standing, provided there has been no intervening forfeiture; or
- (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.

13.05.03 Procedure.

- (a) A request for reduction must be submitted in writing to the Secretary/Chief Examiner. The request must include a statement of justifiable or satisfactory reason, including a showing that the employee meets the qualifications of the lower class.
- (b) The reduction must be approved by the appointing authority and the head of the department in which the lower class is located, and reported to the Commission.
- (c) The reduction shall take effect on the date ordered by the appointing authority.

13.05.04 Effect of Reduction.

- (a) Upon the effective date, or following satisfactory completion of any probationary period, the reduction shall be complete and the employee shall have Regular Standing in the lower class and department to which reduced.
- (b) An employee reduced shall be able to return to the former position only by examination and regular appointment, or in the event of recovery from disability, appointment from a reinstatement register.

13.05.05 Reduction Available.

(a) By Employee. A voluntary reduction may be sought by an employee for any vacant position in a class under Section 13.05.02.

(b) By Department.

(1) Employees with Standing. Reduction involuntarily of an employee from a higher civil service class to a lower civil service class is governed by Rule 13, Transfer - Reduction.

13.05.06 The Commission may, in its judgment and discretion, provide in the order granting or approving any reduction that the employee shall serve a designated probationary period, not to exceed one month's service from the effective date of the reduction, in the position to which reduced for the sole purpose of satisfying the Commission that employee is capable of satisfactorily performing the functions and duties of such position or class.

Provided, however, that the Commission may by its order for cause, at any time during the running of a prescribed trial period, either extend, shorten, modify or waive in whole or in part the duration or balance of such period.

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 appointees;

14.01.03 Probationers (except as their layoff may be affected by military service during probation);

14.01.04 Regular employees in the order of their length of service, the one with the least service being laid off first.

14.02 Layoff Out of Order. The Secretary/Chief Examiner may grant permission for layoff out of the regular order, upon showing by the department head of a necessity therefor in the interest of efficient operation of the department, after giving any employee or employees affected an opportunity to be heard.

14.03 Reduction in Lieu of Layoff. At the time of any layoff, a regular employee or a promotional probationer shall be given an opportunity to accept reduction to the next lower class in a series of classes in his or her department, or he or she may be transferred as provided by Rule 13.03.03 and Rules 13.03.04, Transfer in Lieu of Layoff. An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with the Service Credit Rule 12.

15 Leaves of Absence.

15.01 Duration of Leaves.

The rules only apply to leaves of absence which are not provided for under law (e.g., Family Medical Leave Act, Military Leave)

15.01.01 A leave of absence without pay for a period not exceeding thirty (30) consecutive days may be granted by the appointing authority of a department head, who shall give notice of such leave to the Commission.

15.01.02 A request for a leave of absence longer than thirty (30) days bearing the favorable recommendation of the employee's department head may be granted by the Secretary/Chief Examiner, who shall give notice of such leave to the Commission.

15.01.03 No employee shall be given leave to take a position outside the City service for more than thirty (30) days in any calendar year, except where it appears in the best interest of the City.

15.03 Cancellation/Revocation. Any or all leaves of absence without pay within a department may be cancelled whenever any necessity arises in the good-faith judgment of the department head. A department head may revoke an individual employee's leave without pay if it is found that the employee is using the leave for purposes other than that for which it was granted. Employees may be ordered to return to work immediately or as soon as practicable on written notice from the appointing authority of the cancellation or revocation of their leave. A copy of such notice shall be filed with the Secretary/Chief Examiner immediately.

15.05 Return from Leave. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit as determined by these rules and Federal and State laws.

15.07 Military Leave. See City policy, local, state and federal laws relating thereto.

15.09 Filling Vacancy. All temporary employment caused by leave of absence shall be made pursuant to Rule 10.

15.11 Protests. All protests to any action pertaining to leaves of absence shall be filed with the Secretary/Chief Examiner within ten (10) working days of notice of such action. The Secretary/Chief Examiner shall give due consideration to and take appropriate action on all timely-filed protests.

16 Resignation.

16.01 How Submitted. Resignation of any employee from the service shall be made in writing and filed with the Secretary/Chief Examiner.

16.03 Withdrawal of Resignation. The Secretary/Chief Examiner may permit the withdrawal of a resignation only upon a written request filed within ten (10) working days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the appointing authority.

16.05 Involuntary Resignation. Any resignation may be voided and set aside and the employee reinstated or restored to active duty by order of the Commission upon its determination that the resignation was made involuntarily or under duress or coercion, after giving the department head reasonable notice and an opportunity to be heard on the matter. Such action by the Commission may only be taken upon the written petition of the resigned employee filed with the Human Resources department within ten (10) working days from the effective date of the resignation. If no such petition is filed within the ten (10) working day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.

16.07 Implied Resignation. The department head may presumptively consider any employee to have impliedly resigned upon finding that such employee has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for three (3) or more consecutive working days or has quit or "orally resigned" and has been absent from duty for three (3) or more consecutive working days without leave or authorization.

16.09 Return to Employment Following Resignation.

16.09.01 A former employee who resigned or retired may request to return to his or her former position if such request is submitted within two years following date of resignation.

16.09.02 Any request for return to employment following resignation or retirement must be supported by written recommendation of the current department head of the department from which they resigned or retired.

16.09.03 If reinstatement to a vacant position or a position expected to become vacant within approximately six months is approved by the appointing authority, the pay grade at which the employee is employed shall be at the recommendation of the department head based on the returning employee's current qualifications, but in no event shall be higher than the level as that when the employee resigned.

17 Discipline and Discharge.

17.01 Suspension.

17.01.01 A department head may suspend a subordinate with the approval of the appointing authority, with or without pay, for a period not to exceed thirty (30) days for good cause.

17.01.02 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.

17.03 Demotion--Discharge.

17.03.01 With the authority of the appointing authority, the department head 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 probationer.

17.03.02 The Secretary/Chief Examiner shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class. The demoted employee may be required to and actively serve a trial period in the class to which demoted, for such time and upon such terms and conditions as the department head may provide in the demotion order, for the sole purpose of determining that he/she is capable of satisfactorily performing the functions and duties of such class.

17.03.03 Upon the satisfactory completion of the prescribed trial period or upon the effective date of the demotion if no such period is required, 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 or her regular class and department for purposes of these Rules until an authorized change is made.

17.05 Discipline--Good Cause--Illustrated. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other good cause:

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

17.05.02 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;

17.05.03 Mental or physical unfitness for the position which the employee holds;

17.05.04 Dishonest, disgraceful, or prejudicial conduct;

17.05.05 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;

17.05.06 Conviction of a felony, or a misdemeanor involving moral turpitude;

17.05.07 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;

17.05.08 Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;

17.05.09 Willful or intentional violation of any of the provisions of these rules.

17.05.10 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.

18 Pre-Disciplinary Hearing.

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

18.03 Pre-Disciplinary Hearing--Standards/Notice Of Discipline.

18.03.01 An employee shall be provided with a notice of the charge in writing. 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.

18.03.02 The employee may choose to have a representative present at a pre-disciplinary hearing. Such representative is not permitted to participate in the meeting (i.e., make comment, ask questions, etc.)

18.03.03 The department's explanation of the department's evidence at the pre-disciplinary 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 pre-disciplinary hearing.

18.03.04 Should the appointing authority or designee determine to discipline following the pre-disciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.

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

19 Hearings.

19.01 Hearings--Appeals.

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

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

19.01.03 Any employee, or department, who is adversely affected by an alleged violation of Civil Service or City policy may appeal such violation to the Commission.

19.03 Appeals--Time--Form. A notice of appeal shall be filed with the Secretary/Chief 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.

19.05 Exhaustion of Administrative Remedies.

19.05.01 The Secretary/Chief Examiner may, when not inconsistent with the terms of a collective bargaining agreement, direct the employee to exhaust available administrative procedures regarding a disciplinary matter before hearing the matter.

19.05.02 If the employee exhausts the available administrative procedures and continues to believe that good cause has not been shown, the employee may within ten (10) working days after the final step of the procedure request the Secretary/Chief Examiner to return the appeal to the Commission for hearing.

19.07 Authority of Secretary-Chief Examiner and Staff.

19.07.01 The Secretary/Chief Examiner 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. The Secretary/Chief Examiner may also conduct pre-hearing settlement conferences (in order to encourage resolution of contested matters), issue subpoenas, and note depositions.

19.07.02 The Commission may authorize the Secretary/Chief Examiner 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 Secretary/Chief Examiner 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.

19.07.03 As an aid to investigations authorized by the Commission, the Secretary/Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

19.09 Appeals--Initial Review. The Secretary/Chief Examiner 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/Chief Examiner 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.

19.11 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) working days, a hearing before the Commission shall be set, with each party to be afforded not fewer than twenty (20) working 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 in writing to waive the notice provisions and time limits provided by this section.

19.13 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 the dismissal of the matter. A stipulation signed by both parties shall be submitted to the Commission prior to such dismissal.

19.15 Service of Process--Papers.

19.15.01 The Secretary/Chief Examiner 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.

19.15.02 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 acknowledgement 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 Secretary/Chief Examiner.

19.15.03 Service upon parties shall be regarded as complete when personal service has been accomplished or by U.S. mail upon properly stamped and addressed deposit in the mail system.

19.15.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Secretary/Chief Examiner's office. 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 three (3) working 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.

19.15.05 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.

19.17 Discovery.

19.17.01 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/Chief Examiner.

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

19.19 Subpoenas.

19.19.01 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.

19.19.02 Upon application of any party or his/her representative, the Secretary/Chief Examiner 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 three (3) working days prior to the hearing.

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

19.19.04 The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office, and if such service has not been acknowledged by

the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.

19.19.05 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:

(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(2) Condition denial of a motion to quash or modify upon just and reasonable conditions.

19.21 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.

19.23 Evidence.

19.23.01 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.

19.23.02 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.

19.23.03 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.

19.23.04 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/Chief Examiner.

19.23.05 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) working day prior to the hearing.

19.23.06 An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.

19.25 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/Chief Examiner 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.

19.27 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 be issued within twenty (20) days of the close of the hearing of an appeal or other proceeding heard only by the Commission. Absent the consent of an appellant to an extension of time, failure to issue a decision within the time prescribed shall result in an appeal being sustained.

19.29 Remedies. The Commission may issue such remedial orders as deemed appropriate.

19.31 Reconsideration. A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

19.33 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.

20 Retirement and Disability.

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

21 Miscellaneous.

21.01 Computation of Time.

21.01.01 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, a City legal holiday or a furlough day, in which event the period runs until the end of the next working day which is neither a Saturday, a Sunday, a City legal holiday or a furlough day. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays, furloughs, and legal holidays shall be excluded in the computation.

21.01.02 Any period of time except for the stated period of time set forth in Rules 19.03 and 19.11 may be extended by the Secretary/Chief Examiner for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the running of the applicable time period.

21.01.03 The date of notice for purpose of these rules shall be the date on which notice of an action is posted in the Secretary/Chief Examiner's office or such other location determined by the Commission; (a) as provided in these Rules; (b) is mailed or (c) delivered personally to a party to a proceeding.

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