



CIVIL SERVICE RULES

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CITY OF SUMNER CIVIL SERVICE RULES

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1. DEFINITIONS

- 1.1 ACTUAL SERVICE. Time in which a given employee has been engaged under City Civil Service appointment in the performance of the duties of a position or positions, including absences with pay.
- 1.2 APPEAL OF DISCIPLINE. A request that the Commission review discipline imposed on an employee by the City. To be considered, the request must be made by the affected employee and comply entirely with these rules, including but not limited to process, timeliness and substance.
- 1.3 APPEAL OF SECRETARY'S DECISION. A request that the Commission review a decision of the Secretary. To be considered, the request must be made by the affected employee and comply entirely with these rules, including but not limited to process, timeliness and substance.
- 1.4 APPLICANT. Anyone who has filed an application to take a Civil Service examination.
- 1.5 APPOINTING AUTHORITY. The person, group of persons, or city council vested with the power and authority to select, appoint, or employ any person to hold any office, place, position or employment with the City of Sumner subject to Civil Service. This would include the Mayor, City Administrator, Police Chief or other Department Director.
- 1.6 APPOINTMENT.
 - 161 APPOINTMENT--ACTING. The appointment of an individual to a position in a class for which they may or may not be on an appropriate eligibility list.
 - 162 APPOINTMENT--PROVISIONAL. A limited appointment to classified position for which there is no individual available for appointment from the certified eligible list.
 - 163 APPOINTMENT--REGULAR. The appointment of an individual from the certified eligible list.
- 1.7 BREAK IN SERVICE. A separation from Civil Service status with a loss of accumulated service credit as occasioned by a resignation, discharge, or retirement.
- 1.8 CANDIDATE. Any applicant who has completed, or is in the process of completing, a Police Civil Service examination.
- 1.9 CERTIFIED ELIGIBILITY LIST. A list of names certified by the Commission from which the

Appointing Authority may fill a vacancy.

- 1.10 CERTIFY. To verify a list of names providing the ranked order of candidates tested and found eligible for employment or promotion.
- 1.11 CITY. The City of Sumner.
- 1.12 CAUSE. A fair and honest basis for discipline, including suspension, demotion or discharge, exercised in good faith by the Appointing Authority based upon facts that (a) are supported by substantial evidence; (b) are reasonably believed by the Appointing Authority to be true; and (c) do not constitute any arbitrary, capricious or illegal basis.
- 1.13 CIVIL SERVICE EMPLOYEE. Any full-time employee who has Civil Service status.
- 1.14 CLASS. A position or group of positions designated by the City as having similar duties and responsibilities, so that the same examination may be used for each position in the group and the same salary range may be applied with equity. Class is also referred to as Rank.
- 1.15 CLASSIFIED SERVICE. Classified service means all positions in the City police service which are filled by full time employees, and which are subject to the provisions of these regulations and have not specifically been designated as exempt from civil service. Positions not meeting the definition of classified service are non-classified.
- 1.16 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. Class Specification is also referred to as job description.
- 1.17 COMMISSION. The Civil Service Commission of the City of Sumner. "Commissioner" means any one member of said Commission.
- 1.18 COMMISSIONED. Those positions in the City that have been granted a law enforcement commission under [RCW 9A](#).
- 1.19 COMPENSATION. Compensation means any allowance, fee, salary, incentive pay, or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of such person's position or office, and "total compensation" includes all applicable benefits.
- 1.20 CONTINUOUS SERVICE. Employment without interruption, except for absences on approved leave with pay or to serve in the armed forces of the United States.

- 1.21 CONTINUOUS TESTING. Continuous testing shall mean a written examination and/or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards whose results shall be valid for a period of one calendar year from test date.
- 1.22 DEMOTION. Removal of an employee, for cause, from a higher to a lower class of employment.
- 1.23 DISCHARGE. Termination, separation, dismissal, or removal from the service for cause.
- 1.24 ELIGIBLE. Anyone qualified for a given class through examination and placed on the proper eligible list.
- 1.25 ELIGIBILITY LIST. A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the Appointing Authority for consideration for employment.
- 1.26 EMPLOYEES. Any and all full-time employees of the City of Sumner, regardless of status or type.
- 1261 EMPLOYEE—COMMISSIONED. Any employee who holds a position that has been commissioned with a General Authority Washington Peace Officer authority under [RCW 10.93.020\(3\)](#).
- 1262 EMPLOYEE—LIMITED COMMISSIONED. Any employee who holds a position that has been commissioned with a Limited Authority Washington Peace Officer authority under [RCW 10.93.020\(4\)](#).
- 1263 EMPLOYEE--EXEMPT. Any employee in a position of employment that is not subject to Civil Service rules and regulations and who serves entirely at the discretion of the Appointing Authority. This definition is specifically for purposes of these rules and not intended to be applied in other settings, such as an analysis under the Fair Labor Standards Act (FLSA).
- 1264 EMPLOYED--FULL-TIME. Any employee who has successfully completed a trial period as defined in Sumner Municipal Code and who is scheduled to regularly work 40 hours a week.
- 1265 EMPLOYEE--NON-COMMISSIONED. Any employee who holds a position that has not been commissioned with law enforcement authority.
- 1266 EMPLOYEE--PROBATIONARY. A person appointed from a certified eligibility list that has not yet completed the specified trial period of employment.

- 126.7 EMPLOYEE--PROVISIONAL. Any employee temporarily appointed to a classified position for which there is no current eligible list.
- 126.8 EMPLOYEE--REGULAR. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period. This is the only type of employee with rights under [Rule 17](#).
- 1.27 EXAMINATION. The process of testing the fitness and qualifications of applicants for positions in a class.
- 127.1 EXAMINATION--OPEN. An examination open to any member of the public (including employees) meeting the requirements as stated in the official bulletin announcing the examination.
- 127.2 EXAMINATION--PROMOTIONAL. An examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.
- 1.28 EXAMINATION ANNOUNCEMENT. A job announcement containing basic information about the class or position, the requirements for filing, how to apply, and other pertinent information.
- 1.29 EXCEPTIONAL ENTRY. Exceptional entry means entry into the Police Department by an applicant who holds a current Peace Officer Certificate, with less than 2 years' experience as a fully commissioned law officer, with no more than a 24 month break in service.
- 1.30 FINAL EXAMINATION SCORE. Total of earned exam score plus, as applicable additional veterans' preference scoring. All preference percentages are applied to the exam score as referenced in [Rule 9](#) Eligibility Lists and Eligibility.
- 1.31 LATERAL ENTRY. Lateral entry means entry into the Police Department by an applicant with two (2) or more years' experience as a fully commissioned law officer, who holds a current Peace Officer Certificate, with no more than a 24 month break in service.
- 1.32 LAYOFF. The interruption of service and pay of any regular employee because of lack of work or funds.
- 1.33 NEW HIRE. Employees who have been hired from outside employment of the City of Sumner and have not yet completed probation for the initial position for which they were hired.
- 1.34 NON-COMMISSIONED. Those positions not meeting the definition of Commissioned, or

Limited Commissioned.

- 1.35 PERSONNEL POLICY. The City's current Personnel Policy Manual as amended.
- 1.36 POSITION. Any group of duties and responsibilities in the service of the City that one person is required to perform as full-time employment and that is included in the City budget.
- 1.37 POSITION--REGULAR. A position included in the official biennial budget that is neither specified as seasonal or temporary employment nor limited for a period of less than the budget period; also any such position established during a given budget period, unless the Appointing Authority certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
- 1.38 PROBATION or PROBATIONARY. The status of an employee during a trial period following a regular appointment from an eligible list. 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 they have been certified and appointed. During probation, the employee is subject to rejection by the appointing authority with neither a hearing before the Commission nor a right to appeal.
- 1.39 PROMOTION. The appointment of an employee to a higher class. Any change in employment other than by a temporary or provisional appointment from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission constitutes a promotion.
- 1.40 PUBLIC NOTICE. Public notice means giving notice by posting on a website, e-mail notification or posting in a conspicuous location.
- 1.41 RANK. See CLASS.
- 1.42 RECLASSIFICATION. The allocation of a position to a different class in the Classification Plan.
- 1.43 REDUCTION IN RANK OR CLASS. The movement of an employee from a higher class to a lower class of employment for reasons other than cause.
- 1.44 REJECTION. Rejection means the separation of a probationary employee from service.
- 1.45 REINSTATEMENT. Reinstatement of a regular employee to a position in a class in which the employee was a regular employee.

- 1.46 REINSTATEMENT LIST. 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 list may also include former employees who have resigned or are on disability retirement who are capable, mentally and physically, for reinstatement.
- 1.47 RESIGNATION. A written statement by an employee of separation from service.
- 1.48 RETENTION CREDIT. The employee's service credit in a given class or position and any higher position in a series or any other credit.
- 1.49 RETIREMENT. The termination of employment for service or disability under applicable law.
- 1.50 RULES. The Civil Service Rules as properly adopted by the Police Civil Service Commission.
- 1.51 SUBSCRIPTION TESTING SERVICE. "Subscription Testing Service" means a person or organization offering a service that tests and maintains lists of candidates for employment who have successfully completed the Subscription Testing Service process.
- 1.52 SUSPENSION. Temporary removal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee that could result in demotion or discharge.
- 1.53 TRANSFER. A change in employment or status from a position in one class to a position in another class, not a promotion, reduction, demotion or reclassification.
- 1.54 VACANCY. A regular position not held by a regular or probationary employee.
- 1.55 VALIDATION. A process demonstrating job relatedness of examinations as outlined by the EEOC Uniform Guidelines.
- 1.56 VETERANS' PREFERENCE. Preference in examinations and employment, based on military service, as provided and defined by applicable laws.
- 1.57 WEBSITE. The City's current online portal for public announcements or job announcements.
- 1.58 WRITTEN NOTICE. Written notice, as required under these civil service regulations, means serving notice in writing either directly or by mail to the last known address or by e-mail. If by mail or e-mail, the serving shall be deemed completed at the time the notice is deposited in the post office or sent electronically.

2. GENERAL PROVISIONS

- 2.1 AUTHORITY. These rules are promulgated under the authority granted by [Chapter 41.12 RCW](#) Civil Service for City Police, and Sumner Municipal Code Chapter 2.96.
- 2.2 SCOPE AND PURPOSE. These rules govern the continuing administration of the Civil Service Commission of the City of Sumner. The purpose of these rules is to assure that the Civil Service Commission is administered in accordance with all applicable laws, ordinances and policies and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.
- 2.3 PRESUMPTION OF VALIDITY. The Civil Service System implemented by these rules substantially accomplishes the purpose of [Chapter 41.12 RCW](#) - Civil Service for City Police. These rules are presumed to be valid and will be upheld unless found to be in direct conflict with the purpose of [Chapter 41.12 RCW](#).
- 2.4 SEVERABILITY. If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications of these rules that can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.
- 2.5 CONFLICT. In the event of a conflict between these rules and an applicable collective bargaining agreement under [Chapter 41.56 RCW](#) – Public Employees Collective Bargaining, the provisions of the collective bargaining agreement will prevail.

3. ADMINISTRATION AND OPERATIONS

- 3.1 COMMISSION--MEETINGS. Regular meetings of the Civil Service Commission shall be held at least annually, or as determined by the Commission or upon request of the City. Meetings of the Commission may be held at such times and places as determined by the Commission. All activities of the Commission shall be conducted as required by the Open Public Meetings Act ([Chapter 42.30 RCW](#), as amended). The Commission will conduct hearings and provide notice of hearings as required by these rules. The Commission shall be composed of three (3) members and two (2) members of the Commission shall constitute a quorum.
- 3.2 CHAIR. The members of the Civil Service Commission, after appointment by the Mayor, shall elect a Chairperson who shall continue in office for one (1) year. Commission members will select a chairperson annually.
- 3.3 RULES OF ORDER. Robert's Rules of Order is the final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. With the concurrence of two (2) commissioners, Robert's rules may be waived or modified within the boundaries of the law.
- 3.4 PUBLIC RECORDS. Public records of the Commission are available for inspection and copying consistent with City policy.
- 3.5 POWERS AND DUTIES. The Civil Service Commission shall:
 - 351 Adopt rules and regulations for the purposes of hiring, promotions and discipline within the classified service.
 - 352 Approve minutes of its own meetings and records of its procedures.
 - 353 Provide for the holding of competitive tests under the supervision of the Secretary/Chief Examiner to determine the relative qualifications of persons for employment in the classified service and prepare a list of eligible candidates for vacancies and certify same.
 - 354 Conduct all civil suits necessary for the proper enforcement of [Chapter 41.12 RCW](#) and these rules and regulations. Upon direction of the commission and approval by Council any action shall be brought by the City Attorney in the name of the City.
 - 355 Hear and determine appeals arising from the administration of [Chapter 41.12 RCW](#) and these rules and regulations.
 - 356 Investigate and report on all matters relating to the enforcement of effect of [Chapter 41.12 RCW](#) and these rules and regulations.

357 Have such powers and duties as are imposed upon the Commission by [Chapter 41.12 RCW](#).

3.6 REPORTS--APPLICANTS, ELIGIBLES, EMPLOYEES.

361 Each applicant, eligible and employee will keep the Commission informed, by written notice to the Secretary/Chief Examiner, of their current address and telephone number and will report any change of name through marriage or otherwise. Failure to do so alleviates the City of any responsibility for notification.

362 Each eligible will keep the Secretary/Chief Examiner informed, in writing, regarding their availability and any refusal to accept an appointment or promotion and the reasons therefore.

3.7 REPORTS--APPOINTING AUTHORITIES. An Appointing Authority will report to the Secretary/Chief Examiner in such detail and on such forms as the Secretary/Chief Examiner may prescribe:

371 Every appointment, promotion, transfer, reinstatement, layoff, demotion, reduction, removal, discharge, suspension without pay, leave of absence without pay, change of position within a class or within an assignment title;

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

4. SECRETARY/CHIEF EXAMINER

- 4.1 APPOINTMENT. The Secretary/Chief Examiner shall be appointed by the Mayor of the City of Sumner.
- 4.2 AUTHORITY. In addition to acting as Secretary of the Commission, the Secretary/Chief Examiner will:
 - 421 Attend and record all meetings of the Commission; keep the records of the Commission and preserve all reports made to it.
 - 422 Administer personnel functions of the classified service.
 - 423 Enforce the provisions of [Chapter 41.12 RCW](#) and these rules and regulations.
 - 424 Provide for the holding of competitive examinations with the necessary procedural matters.
 - 425 Perform all other functions necessary for the proper carrying out of these rules and the provisions of law relating to the Civil Service System and perform such additional duties as the Commission assigns from time to time.

5. RULE MAKING

- 5.1 **AMENDMENT OF RULES.** The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meetings of the Commission. The Commission or any member thereof may propose a rule or an amendment to a rule at any time; however, all other persons must submit any proposed rule or amendment to the Secretary/Chief Examiner of the Commission at least one week in advance of the meeting at which such person desires to have such proposal considered by the Commission. The rules of the Commission may be amended in the same manner as adopting a rule. The Civil Service Commission has the power to interpret its rules. The Commission may apply such principles as it deems desirable in determining cases which are not clearly determined by rules adopted by the Commission. Rules in effect at the time of any event being considered by the Commission shall be applied to such event.
- 5.2 **EFFECTIVE DATE OF RULES.** All Rules and amendments become effective immediately upon their adoption by the Commission unless the Commission specifies a later date.
- 5.3 **COPIES OF RULES.** A copy of these Rules and a copy of all subsequent rules or amendments will be sent as soon as practicable after adoption to the City Clerk and to each affected department of the City. A copy will be maintained by the Secretary/Chief Examiner for public inspection, and copies will be available on the City's Website.
- 5.4 **EFFECT OF RULES.** The terms and conditions of Police Civil Service employment are governed by these Rules and City ordinance. No employee may have a property interest in or as a result of these rules. These Rules, and such additional rules as the Commission may enact, regulate the mode and appointment of tenure in the Police Civil Service, and regular employees are subject to these Rules and amendments thereto.
- 5.5 **LABOR AGREEMENT.** Upon certification by a bargaining unit in the Department and subsequent labor contract being entered into between the City and such bargaining unit, the terms and conditions of the labor contract shall control. The employment relationship and these Rules shall have no effect when in conflict with an applicable labor contract.

6. CLASSIFICATION

6.1 CLASSIFICATION PLAN. A class specification (job description) will be maintained for each class in the Civil Service System. A specification describes the class generally; distinguishes it from other classes, provides examples of typical duties of the class; and contains, when applicable, a statement of those qualifications for applicants for positions in the class.

6.2 CLASSIFICATION OF POSITIONS.

621 Each position in the classified service are classified at the direction of the Secretary/Chief Examiner and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions are allocated to a given class when:

- (a) The same descriptive title may be used to designate each position in the class;
- (b) The same level of education, experience, knowledge, ability, and other qualification may be required of incumbents; and
- (c) Similar tests may be used to select incumbents.

622 Compensation or salary is not a factor in determining the classification of any position or the standing of any incumbent.

623 In allocating any position to a class, the Commission considers the specification for the class as a whole. The general duties, specific tasks, responsibilities, required and desirable qualifications for such position, and its relationship to other classes are considered. The examples of duties in a specification may not be construed as exclusive or restrictive. An example of a typical task or a combination of two or more tasks, without relating to all parts of the specification, will not be used to determine that a position should be included within a class.

6.3 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT. Whenever a title of a class is changed without a change in duties or responsibilities, the incumbent will have the same status in the retitled class as held in the former class.

631 Whenever a position is reclassified from one class to a higher class, the incumbent may not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment, except as provided by these rules.

- (a) Whenever the essential functions of a position have significantly increased and are no longer in accordance with the classification

description, the position may be reclassified to the appropriate classification, or a newly created classification with the approval of the City Administrator.

7. APPLICATION PROCEDURE AND APPLICANTS

7.1 GENERAL REQUIREMENTS FOR FILING APPLICATIONS.

7.11 All applicants for examination for positions in the Civil Service, with the exception of entry level officer, must file a written application on a form prescribed by the Secretary; no one may be admitted to any examination without having first filed an application on the proper form, giving fully, truthfully, and accurately all information required.

7.12 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; and
- (b) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

7.13 Applicants must abide by the following time limitations:

- (a) All applications must be filed within the time limit fixed in the official announcement of the examination.
- (b) The Secretary may extend the time for filing applications as the needs of the service require, but the examination must then be re-advertised as originally advertised.

7.2 SPECIAL REQUIREMENTS.

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

7.22 When the official bulletins so designate, the Secretary may permit an applicant to file not more than six (6) months under the specified minimum age on an open examination and not more than one (1) year under the specified experience on a promotional examination. A successful candidate will have delayed eligibility until the required minimum age or experience is attained.

7.3 **CONDITIONAL ADMISSION.** If the Secretary reasonably doubts whether the applicant meets the minimum requirements, the Secretary may order that the applicant be admitted to the examination on the condition that the particular requirements are met to the satisfaction of the Secretary before the applicant is enrolled on an eligible list.

7.4 **REJECTION OF APPLICANT OR ELIGIBLE.** The Secretary may reject an applicant for

examination, withhold the applicant from a list or from certification, or remove from a list the name of an eligible under the following circumstances:

- 7.41 FAILURE TO MEET REQUIREMENTS. It is clear that the applicant does not meet the minimum requirements set forth in these Rules or in the job announcement.
 - 7.42 FALSE STATEMENT. The applicant has made a material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination.
 - 7.43 FAILURE TO RESPOND. Any applicant who fails to respond to a request to schedule an examination or test or part thereof is considered to have withdrawn from the application process.
 - 7.44 FAILURE TO APPEAR. Any applicant who fails to appear at a scheduled examination or any scheduled test or part thereof is considered to have failed that examination or test.
 - 7.45 FAILURE TO PASS THE PSYCHOLOGICAL OR BACKGROUND TEST UNDER RULE 8.12.1. Including, any applicant previously removed from an eligibility list and notified of said removal pursuant to Rule 9.11 for failing the psychological examination and/or the background examination as allowed in Rule 8.12.1.
 - 7.46 INADEQUATE RESOURCES. An eligible may be removed from a list if the Police Chief and Secretary/Chief Examiner deems that it does not have the resources to conduct the background investigation required pursuant to [Chapter 43.101 RCW](#). Resources means materials, funding and staff time. Nothing impairs an applicant's (eligible's) rights under state discrimination laws. [Chapter 41.12.070 RCW](#).
- 7.5 DEBARMENT FROM EMPLOYMENT.
- 7.51 No one who has been dismissed from the Civil Service for cause involving moral turpitude may reenter the Civil Service, and anyone dismissed for other cause may reenter the Civil Service only by express consent of the Commission.
 - 7.52 Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage who directly or indirectly pays or promises to pay any money or other valuable thing to anyone whomever for or on account of such actual or prospective advantage, is ineligible for any further employment in the Civil Service.
- 7.6 NOTICE OF NONACCEPTANCE. Anyone against whom action is taken under Rule 7.4 will be notified by the Secretary of the reasons therefore by written notice sent to the applicant

or eligible.

- 7.7 ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary may admit to the examination anyone who has pending an appeal of an application that was not accepted, pending final disposition of the appeal, such admission to be without prejudice to either the City or the applicant.
- 7.8 AMENDMENT OF APPLICATION. On or before the last date for filing applications, the Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.
- 7.9 APPLICATIONS NOT RETURNED. All applications when completed and filed become the property of the City and thereafter may not be returned to the applicant.

8. EXAMINATIONS

All examinations shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which an appointment is to be made.

8.1 EXAMINATION ANNOUNCEMENT. Public notice of open examinations must be provided by the Secretary and posted on the City's website at least fourteen (14) days before such examination. The official bulletin for promotional examinations shall be posted on the City's employment website and at the police station.

811 Qualified applicants may take the examination at such times and places as specified in announced schedules. All qualified applicants shall be notified of the scheduled examination.

8.2 DELAYED EXAMINATION. When a qualified applicant is unable to participate in a promotional examination due to active military service, the applicant will be allowed to take the examination upon return to work.

821 An applicant must notify the secretary in writing within thirty (30) days of return to work, of intent to participate in delayed testing. Testing will be scheduled as quickly as is appropriate.

822 There will be no change to examination materials or requirements utilized in the examination process missed by the applicant.

823 Upon successful completion, with a qualifying grade, of a delayed promotional examination, the applicant's name will be merged onto the appropriate eligibility list.

(a) Addition of an applicant's name to an eligibility list will not affect the normal lifespan of that list.

(b) Revised ranking due to delayed examination will not affect appointments made from the list prior to revision.

8.3 CHARACTER OF EXAMINATIONS. All examinations must be competitive, impartial, and practical in their character. Examinations will 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 is 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.

8.4 PREPARATION. All examinations shall be prepared and administered under the supervision of the Secretary/Chief Examiner following the general direction of the Civil Service Commission. The Secretary/Chief Examiner may, at their discretion, delegate

the preparation and/or administration of examinations, or any portion thereof, to such qualified and unbiased consultants as deemed advisable.

- 8.5 **CONTENT OF EXAMINATIONS.** Examinations may include oral or written tests, physical or performance tests, assessment centers, evaluations of training and experience, interviews, any other suitable evaluation of fitness, or any combination of such tests. Examinations may evaluate education, experience, aptitude, knowledge, skill, ability to meet physical requirements of the position, suitability and other qualifications to determine the fitness of the candidates.
- 8.6 **PASSING SCORE.** A passing score on an examination shall be established by the continuous testing partner. For examinations not involving the continuous testing partner, the passing score is 70%, unless amended per exam by the Commission. Failure to attain such grade on any part of a multi-part exam disqualifies an examinee.
- 8.7 **KEYED COPY INSPECTION AND EXAMINATION PROTEST.** Any protest against the scope, content, or practicality of any part of an examination must be filed in writing with the Secretary within three (3) days immediately following the administration of such part.
- 8.7.1 When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade will be notified, and any protest or appeal of the scoring must be filed in writing within three (3) days after the notices of results have been sent.
- 8.7.2 The Secretary will consider all protests filed in accordance with this rule and will make any proper corrections. If authorized corrections apply to other examinees, the corrections will be made on all affected examination papers.
- 8.8 **CORRECTION OF CLERICAL ERRORS.** Any clerical error may be corrected by the Secretary upon discovery at any time during the life of the eligible list, but no such correction will effect an appointment from a certification made before the correction.
- 8.9 **EFFECTIVE DATE OF EXAMINATION RESULTS.** Results of an examination shall become effective on the date official results are certified by the Secretary.
- 8.10 **REEXAMINATION.**
- 8.10.1 No one may be reexamined for the same class within one (1) year of the effective date of such examination, unless the Secretary determines that reexamination would be in the best interest of the City.
- 8.10.2 If an eligible takes a succeeding examination for the same class, the result of such examination does nullify any remaining eligibility already established.

- 8.11 EXAMINATION PAPERS. Examination papers of each eligible are maintained consistent with examination administration procedures and applicable record retention laws.
- 8.12 ADDITIONAL EXAMINATION.
- 8.12.1 Eligibles certified pursuant to [Rule 9](#) are subject to medical, physical, or psychological examination and to such other examinations administered by the Police Department. If the findings of the examination recommend that the eligible be rejected, the Secretary will consider such recommendation, may require further examination, and may remove the eligible's name from the list.
- 8.13 MULTI PART EXAMINATION. When an examination consists of two or more parts, the Commission may:
- 8.13.1 Set a minimum score to be required in any part of such examination. Any applicant who fails to attain such minimum score fails the entire exam and is not entitled to take the balance of the exam.
- 8.13.2 Assign weights to each part of the examination, with the examinee's earned examination score equaling the weighted average of the scores on each part.
- 8.13.3 Limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of tests.
- 8.14 NUMBER OF APPLICANTS--LIMITATIONS. The Secretary may restrict the number of qualified applicants to be examined at any one time whenever an examination for a position is likely to attract large numbers of qualified applicants and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants.
- 8.15 CONTINUOUS TESTING. A continuous or periodic testing program may be ordered and administered by the Secretary for any class of positions (other than promotional examinations). Filing will be open, applications received, and the examinations administered according to the needs of the City. The names of qualified eligibles resulting from such examinations shall be entered on the initial eligibility list. Candidates who receive a passing score on written and physical abilities exam will be subject to review and may be disqualified as not best suited, prior to being included in successive testing. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

8.15.1 CONTINUOUS TESTING ELIGIBILITY LIST. Candidates who successfully pass an examination as the result of continuous testing shall have their names integrated with the existing initial eligibility list. Candidates will be placed on the list based on their score rank, for a period of one year.

8.16 SUBSCRIPTION TESTING SERVICES

8.16.1 SUBSCRIPTION TESTING SERVICES AUTHORIZED. The Secretary, following approval by the Commission, may enter into contracts with one or more Subscription Testing Services for the purposes of continuous testing. The Commission recognizes that it does not have a monetary budget.

8.16.2 PROCESS VERIFICATION. The Secretary shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.

8.17 CERTIFICATION

8.17.1 CERTIFICATION. Applicants certified pursuant to a continuous testing process may be invited to participate in additional examinations including background review, and oral boards. Certification shall be in accordance with the rules and regulations of this Commission. Each qualified applicant is invited in accordance with their scores and veteran's preference (if applicable).

(a) An applicant on a certified list who was not eligible for Veteran's Preference Scoring at the time of application, may submit their DD214 and receive Veteran's Preference Scoring for the remainder of the period the candidate's name is on that list. The secretary will adjust the candidate's score and adjust placement of all names on the appropriate list at the time the DD214 is received. Receipt of Veteran's Preference Scoring does not adjust the length of time the candidate's name remains on the eligibility list.

8.17.2 ADDITIONAL TESTING. Applicants who have successfully completed one step in a multi part examination shall be subject to such other testing processes, including but not limited to oral boards.

9. ELIGIBILITY LISTS AND ELIGIBILITY

- 9.1 ESTABLISHMENT OF ELIGIBILITY LISTS. After each examination under [Rule 8](#), an eligibility list for the class will be prepared on which the names of successful qualified candidates are ranked as follows:
- 9.2 Relative rank is determined by the examination rating or grade, plus a percentage for veterans' preference scoring. Percentages are cumulative.
- 921 The Commission shall certify the list within 90 days of appointment to the eligibility list.
- 9.3 Veterans' preference scoring is applied upon receipt of DD214 in accordance with [Chapter 41.04.010 RCW](#).
- 931 Priority of time of examination does not give any preference in rank on the list.
- 932 The preference in rank of eligibles having equal final general averages are determined as follows, in the order stated:
- (a) The one who qualifies for veterans' preference scoring in accordance with Washington state law.
 - (b) When the examination is comprised of two or more parts with separate grades:
 - (1) The highest grade on the most heavily weighted part of the examination; if a tie still exists, 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 under (a) and (b) above, if one is a regular City employee and the others are not, the regular City employee will be given preference.
 - (d) By lot.
- 933 If an applicant is permitted by the Secretary to file for and take an examination for delayed eligibility, and if such applicant succeeds in the examination, eligibility is held in abeyance until the candidate meets the requirements for eligibility, which must be reported in writing. If otherwise eligible, the candidate's name is placed on the list in accordance with this Rule. Any such eligibility expires with that of other eligibles from the same examination.

9.4 TYPES OF ELIGIBLE LISTS.

941 ENTRY LEVEL. Entry Level is the consideration for applicants who have not completed a basic law enforcement academy. The Entry Level Police Officer applicants, by the time of employment must have the following minimum qualifications:

- (a) Be a citizen of the United States of America, lawful permanent resident or DACA recipient.
- (b) Be at least 21 years of age.
- (c) Possess a current and valid driver's license and when hired, obtain a State of Washington driver's license within 30 days.
- (d) Be able to read and write the English language at a skill level commensurate with general law enforcement duties and responsibilities.
- (e) Possess a minimum of a high school diploma or G.E.D. equivalency.
- (f) Pass job related performance aptitude and physical ability tests, including polygraph, psychological and medical examination.

942 EXCEPTIONAL ENTRY. Exceptional Entry is the consideration for applicants currently attending or having successfully completed a basic law enforcement academy recognized by the State of Washington but have less than two years' experience with no more than 24 months break in service. The Exceptional Entry Police Officer applicants, by the time of employment, must have the following minimum qualifications:

- (a) Be a citizen of the United States of America, lawful permanent resident or DACA recipient.
- (b) Be at least 21 years of age.
- (c) Possess a current and valid driver's license and when hired, obtain a State of Washington driver's license within 30 days.
- (d) Be able to read and write the English language at a skill level commensurate with general law enforcement duties and responsibilities.
- (e) Possess a minimum of a high school diploma or G.E.D. equivalency.
- (f) Pass job related performance aptitude and physical ability tests, including polygraph, psychological and medical examination.
- (g) Have successfully completed or is currently attending a basic law enforcement academy, and has or is able to obtain a valid Washington Peace Officer Certification.

943 LATERAL ENTRY. Lateral Entry is the consideration for applicants who have successfully completed a basic law enforcement academy recognized by the State of Washington, have more than two years' experience as a fully commissioned police officer with less than 24 months break in service. The Lateral Entry Police Officer applicants, by the time of employment, must have the following minimum qualifications:

- (a) Be a citizen of the United States of America, lawful permanent resident or DACA recipient.
- (b) Be at least 21 years of age.
- (c) Possess a current and valid driver's license and when hired, obtain a State of Washington driver's license within 30 days.
- (d) Be able to read and write the English language at a skill level commensurate with general law enforcement duties and responsibilities.
- (e) Possess a minimum of a high school diploma or G.E.D. equivalency.
- (f) Pass job related performance aptitude and physical ability tests, including polygraph, psychological and medical examination.
- (g) Have successfully completed a basic law enforcement academy, and has or is able to obtain a valid Washington Peace Officer Certification.

9.5 NOTIFICATION OF GRADE AND RANK. Each examinee shall be notified of the results of the examination and, if they received a passing score, of their relative position on the eligibility list.

9.6 RETURN TO ELIGIBLE LIST

961 An employee transferred or promoted from a civil service position to an exempt position will be returned to the open graded eligible list for the class previously held in the event of termination of the exempt appointment or an involuntary reduction in hours.

962 A former employee who resigned or retired may request return of their name to the proper open graded eligible list for the class. Such request must be made within one year from the date of resignation or retirement and approved by the Civil Service Commission. The Civil Service Commission may extend the above time limitation, not to exceed one additional year upon satisfactory showing that such extension would be in the best interest of the City.

- (a) Any request for return to the list following resignation or retirement must be supported by written recommendation of the Chief of Police.
- (b) The name of a former employee who resigned or retired may not be returned to a promotional list, unless recommended by the Police Chief and approved by the Civil Service Commission within one year from the date of resignation or retirement.

963 A former employee who has resigned or retired due to disability is governed by [Rule 18](#).

964 Return to the open graded eligible list for a class previously held will result in placement at the top of the existing list.

(a) In the absence of an existing list, one will be created.

9.7 APPOINTMENT WITHOUT EXAMINATION. Except as provided in Rule 9.6, any return to the Civil Service shall be by examination only.

9.8 ESTABLISHMENT OF REINSTATEMENT LISTS.

981 The names of regular or probationary employees who have been laid off or, when requested in writing by the Appointing Authority, shall be placed upon a reinstatement list for the same class from which laid off, for a period of one year from the date of layoff.

982 Upon the request of an appointing authority, the Civil Service Commission may approve the certification of anyone on such a reinstatement list as eligible for appointment on an open competitive basis.

9.9 AVAILABILITY OF ELIGIBLES. Upon approval of the Secretary, the name of an eligible who submits a written statement restricting the conditions under which they are available for employment may be withheld from certifications that do not meet the conditions specified.

9.10 CANCELLATION OF ELIGIBILITY. No name may be removed from an eligibility list without the consent of the Secretary/Chief Examiner. Anyone's name may be removed from an eligible list:

9.101 For failure to meet the minimum standards required by state law ([RCW 43.101.095](#); [RCW 43.101.200](#)).

9.102 For failure to successfully complete or meet the standards set for any part of the pre-employment process, including but not limited to, additional examination(s) and background investigations; 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 failure to provide complete, accurate, and truthful information;

9.103 For false statements by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment;

9.104 For dismissal or resignation in lieu of discharge from any position, public or private, for any cause which would be a cause for discharge from City service, or for an unsatisfactory record of employment in the City service or with any other agency or organization;

9.105 Upon request of an Appointing Authority that an eligible has failed to respond to

call or has refused to accept employment or promotion;

9.106 For failure to respond to the canvass of a list within fourteen (14) days from such canvass;

9.107 For refusal to accept reemployment in a regular position;

9.108 An eligible may be removed from a list if the Police Chief and Secretary/Chief Examiner deems that it does not have the resources to conduct the background investigation required pursuant to [Chapter 43.101 RCW](#). Resources means materials, funding and staff time. Nothing impairs an applicant's (eligible's) rights under state discrimination laws. [Chapter 41.12.070 RCW](#).

9.11 CANCELLATION OF ELIGIBILITY--NOTICE TO ELIGIBLE. Before striking an eligible's name from a list, the Secretary will give the eligible written notice setting forth the causes for removal. Within five (5) days after the date of service of such notice, the eligible may file a written statement with the Secretary explaining or justifying the causes set forth in the notice. The Secretary will consider all timely filed statements and take such action as is appropriate. Notice under this section is not required in the event of an eligible's voluntary removal from a list.

Anyone who desires to challenge the Secretary/Chief Examiner's decision may file a written request within 10 days with the Secretary, requesting a review by the Commission. The individual may appear before the Commission to comment. The Commission may direct the Secretary to reinstate the eligible to the applicable list for further consideration.

9.12 DURATION OF ELIGIBILITY LISTS.

9.121 Eligibility List. Except as provided below, each eligibility list is in effect for one (1) year from its date of certification, date of application or date of successful completion of oral board.

- (a) Upon request of the appointing authority, the Secretary may extend the eligibility list for two (2) terms of six (6) months each.
- (b) Any eligibility list scheduled to expire within six (6) months of the date a candidate's name is added, following delayed testing as outlined in Rule 8.2.3, may be extended for six (6) months from expiration.
- (c) Any eligibility list may be determined to have expired when, in the opinion of the Secretary and with the concurrence of the Commission, the number of eligibles is insufficient to ensure the City will benefit from the best pool of applicants possible.
- (d) When, in the opinion of the Secretary and with the concurrence of the Commission, an eligibility list does not meet the demands of the service, but has not expired, the appointing authority may order examinations to provide additional eligibles.

- (e) Should a new list be established, any eligibles remaining on the old list may be automatically transferred to the new list, without a change to their eligibility date. Where the exam has not changed, the transferring eligible will be ranked according to the score from the previous exam. Where the exam has changed, the transferring eligible must take the new exam in order to be ranked on the new list.
- (f) Any eligibility list shall be terminated automatically upon certification of an eligibility list from a new examination for the class.

9.122 DURATION OF ELIGIBILITY ON CONTINUOUS LISTS. For initial eligibility lists resulting from continuous testing, each person will remain on the list for an eligibility period of one (1) year from the date the candidate submitted the application with the City. An eligible's name shall automatically be removed from consideration at the end of their one-year eligibility period.

- (a) The Secretary may extend the expiration date of the continuous list for up to two (2) terms of six (6) months each.

9.13 NOTICE OF ADDRESS CHANGE. Each individual on an eligibility list shall be responsible for notifying the Secretary/Chief Examiner of a change of address. Failure to do so may cause the removal of their name from eligibility list.

9.14 REVOCATION OF A LIST. An eligibility list may be revoked, and another list prepared only when the Commission deems it advisable on account of fraud, errors, or obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate results obtained therefrom. An eligibility list will be revoked by expiration at the end of its duration. No list may be revoked without prior written notice to all persons whose standing may be affected by the revocation.

10. APPOINTMENT AND REINSTATEMENT

- 10.1 GENERAL PROVISIONS. Vacancies in the classified Civil Service are filled by provisional appointment, reinstatement, promotional appointment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate list, the appointing authority may authorize a provisional appointment.
- 10.2 BASIS FOR APPOINTMENTS. All appointments for classified service whether entry-level or promotional, shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation.
- 10.3 REGULAR APPOINTMENT. A regular appointment to fill a vacancy will be made from the names contained on an official certified list in accordance with Rule of Three (Rule 10.8).
- 10.4 APPOINTMENT ACCEPTED OR DECLINED. Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the Secretary/Chief Examiner or of the appointing authority within 10 business days next succeeding the mailing of such notice of certification, they may be deemed to have declined appointment and be removed from the eligibility list. If a candidate declines an appointment without reason satisfactory to the Commission, they shall be removed from the list by the Commission. In case of such removal, the Secretary/Chief Examiner shall notify the candidate affected, in writing. The name of a person so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission. If the applicant accepts the appointment and presents themselves for duty within such time as the appointing authority shall prescribe, they shall be deemed to be appointed.
- 10.5 ORDER OF APPOINTMENT. Appointment to fill a vacancy shall be made from certified eligibility lists in the following order and as provided in this rule; Reinstatement, Promotional, Original.
- 105.1 ORDER OF REINSTATEMENT. If a vacancy is to be filled from the reinstatement list, the following shall be the order of appointment:
- (a) Regular employees in the order of their classification seniority. The regular employee on such list who has the most seniority for the reinstatement classification shall be first reinstated;
 - (b) Probationers, with regard to length of service. The probationary employee on such list who was employed for the classification longest, from which they were laid off, shall be reinstated first.
 - (c) Upon request from the Appointing Authority, the Secretary may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.
 - (d) 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.

- 10.6 DEFERMENT OF APPOINTMENT. The appointing authority may defer appointment of an eligible upon the eligible's written request with satisfactory reason. Deferment will postpone appointment of such eligible until the next vacancy occurring after the eligible has notified the Secretary in writing and with the appointing authority's approval of such appointment.
- 10.7 RULE OF THREE. The Secretary presents to the Chief or their designee the names of the top three available eligibles from the appropriate certified eligibility list for one vacancy.
- 10.7.1 MULTIPLE VACANCIES. If two or more vacancies are to be filled, the Secretary presents to the Chief or their designee for the first vacancy, the names of the top three available eligibles and an additional three names for each concurrent vacancy thereafter. (ie: for two vacancies, the top six names of available eligibles would be presented to the Appointing Authority; for three vacancies, nine, and so on).
- 10.8 PROVISIONAL APPOINTMENT.
- 10.8.1 WITHOUT ELIGIBILITY LIST. When there is no suitable eligibility list from which certification can be made, the Chief may make a provisional appointment. A provisional appointment may be made for up to twelve (12) months and may be extended.
- 10.8.2 WITH ELIGIBILITY LIST. All provisional employment in a class must cease at the earliest possible date and may not exceed thirty (30) days from the date of notice that a proper eligibility list for such class is available. The City Administrator may grant an extension upon written request by the Chief or their designee if such extension will not cause the provisional appointment to exceed twelve (12) months.
- 10.9 ACTING APPOINTMENT. Acting appointments other than those covered by collective bargaining agreement shall be at the discretion of the Chief of Police to be consistent with City Personnel Policy.
- 10.9.1 LIMIT OF APPOINTMENT. No acting appointment shall continue for a period exceeding twelve (12) months.

11. PROBATION

- 11.1 PROBATIONARY PERIOD. After each appointment from an eligible list, the employee appointed serves a complete period of probation before the appointment is deemed complete. The probationary period provides a trial period during which the department may observe the performance of the probationary employee before the employee acquires Civil Service status.
- 11.2 LENGTH OF PROBATIONARY PERIOD. The period of probation is determined by City Policy or Collective Bargaining Agreement. Periods of leave without pay will not be counted towards the probationary period.
- 11.3 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE. A probationer who engages in active military service on an extended basis interrupts the probationary period. The employee may resume the probationary period from the time it was interrupted following return from military leave within the provisions of [Chapter 73.16 RCW](#).
- 11.4 FAILURE OF PROBATION. Any employee failing to satisfactorily complete any promotional probationary period shall be restored to the most recent previous classification for which they qualify.
 - 1141 REMOVAL OF PROBATIONER. The Appointing Authority may discharge any probationer with or without cause. The Commission will not review the reasons for discharge, and no appeal shall be heard.
 - 1142 PROCEDURE. The Appointing Authority will notify the Commission of the removal of the probationer. Notice must be mailed to or personally served on the employee, and proof of notice must be filed with the Secretary.
 - 1143 RIGHTS RETAINED. A promotional probationer, unless terminated for cause, retains all civil service rights to the position from which appointed.
- 11.5 REMOVAL FROM ELIGIBILITY LIST. If an appointment is not made permanent because of the department's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, they shall no longer be on the eligibility list for the position.

12. TRANSFER--REDUCTION

12.1 TRANSFER.

- 12.11** The transfer of an employee within the same class and at the same level does not constitute a promotion in the service, and is not subject to Commission review or appeal.
- 12.12** An Appointing Authority may transfer an employee from one position to another position in the same class and department without prior approval.
- 12.13** An Appointing Authority may transfer a non-civil service employee into a vacant civil service position when all of the following conditions are met:
- (a) In lieu of layoff. A non-civil service employee would otherwise be laid off; and
 - (b) classification requirements of the vacant civil service position are substantially similar to, or lower than, the classification requirements of the position being eliminated; and
 - (c) the transferring employee meets all requirements of the civil service position; and
 - (d) the transferring employee has held a permanent position for a minimum of twelve (12) months and has a satisfactory performance record.

12.2 REDUCTION.

- 12.21 AUTHORIZED.** As defined in Rule 1.43, a Reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause.
- 12.22 APPLICABLE CLASSES.** A reduction may be approved for:
- (a) Any lower class in which the employee has acquired previous regular standing; or
 - (b) Any lower class substantially similar to any lower class (in the employee's current class series) in the position classification plan.
- 12.23 PROCEDURE.**
- (a) The reduction must be approved by the Appointing Authority and reported to the Commission.

- (b) The reduction takes effect on the date specified by the Appointing Authority.

1224 EFFECT OF REDUCTION.

- (a) Upon the effective date, the reduction will be complete and the employee will have Regular Standing in the lower class to which they have been reduced.
- (b) A reduced employee may return to their former position only by examination and regular appointment or, in the event of a recovery from disability, appointment from a reinstatement list.

1225 REDUCTION TYPES.

- (a) By Employee. A voluntary reduction may be sought by an employee for any vacant position in a class under Rule 1.43.
- (b) By Department.
 - (1) Employees With Standing. Layoff or involuntary reduction from a higher Civil Service class to a lower Civil Service class.
 - (2) Employees Without Standing. An employee who is appointed from a civil service position to an exempt position has the right to return to the same or like classification, in which they last held regular standing prior to exempt appointment, upon termination of the exempt appointment within one year of appointment or otherwise approved by the Commission, unless such termination was for cause.

13. LEAVES OF ABSENCE

- 13.1 RETURN FROM LEAVE. At the expiration of a leave of absence authorized by the City's Employee Policies and with the approval of the Appointing Authority, a regular employee resumes the same class of work with standing as determined by these Rules.
- 13.2 FILLING VACANCY. All employment caused by a leave of absence in excess of one (1) year is made under [Rule 9](#).

14. RESIGNATION

- 14.1 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. Such determination may be made only after an employee's appeal and hearing under [Rule 17](#). The Commission will conduct a hearing only after the resigned employee files a written petition with the Secretary within ten (10) days from the effective date of the resignation. If no such petition is filed within the ten (10) day limits, a resignation is conclusively presumed to have been made voluntarily and without duress or coercion.
- 14.2 IMPLIED RESIGNATION. The Appointing Authority may presume that any employee has resigned when the employee has been absent from duty without leave or authorization or has failed to report for duty for three (3) or more consecutive workdays.

15. DISCIPLINE AND DISCHARGE

15.1 DISCIPLINE – CAUSE. Cause is defined as a fair and honest reason for discipline, including suspension, demotion or discharge, exercised in good faith by the Appointing Authority and based upon facts that (a) are supported by substantial evidence; (b) are reasonably believed by the Appointing Authority to be true; and (c) are not for any arbitrary or capricious or illegal reason. The Appointing Authority may discipline for any cause.

15.2 SUSPENSION.

1521 The Appointing Authority may suspend for cause a subordinate, without pay, for a period not to exceed thirty (30) days. Such action must be immediately reported to the Secretary/Chief Examiner.

1522 A suspension without pay less than three (3) days shall not be subject to Commission review.

1523 The suspended employee may, within ten (10) days from the date of suspension, file with the Commission a written request for an investigation and hearing, which the Commission will conduct.

1524 The Commission will only review suspension in response to an appeal properly filed pursuant to these rules.

1525 Movement of an employee within the City's compensation schedule shall not be considered a suspension or demotion. Employee appeals of movement within the compensation schedule shall be subject to the City's Employee Policies.

15.3 DEMOTION--DISCHARGE.

1531 The Appointing Authority may discharge an employee or demote an employee to a lower class for cause. An employee so demoted loses all rights to the higher class, but may test at the next opportunity to be placed on any new list established for the higher class.

1532 The Appointing Authority must be satisfied that the demoted employee is able to perform the duties of the lower class. The demoted employee may be required to serve a trial period in the class to which demoted, for such time and upon such terms and conditions as the head of the department provides in the demotion order, solely to determine whether the employee is capable of satisfactorily performing the functions and duties of such class.

1533 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 will have the status, rank and standing of the lower class to which demoted, and such class and department will be deemed to be their regular class and department for purposes of these Rules until an authorized change is made.

16. PREDISCIPLINARY HEARING

- 16.1 PREDISCIPLINARY HEARING--REQUIRED. The Appointing Authority must provide and arrange for a predisciplinary (Loudermill) hearing before demoting or discharging a subordinate. The rules and process governing predisciplinary hearings are outlined in the City of Sumner Personnel policies and/or the Police Guild Collective Bargaining Agreement if applicable.

17. HEARINGS

17.1 HEARINGS--APPEALS.

17.11 Any regular employee who is suspended without pay for more than three (3) days, demoted or terminated may appeal such action to the Commission, and shall be so notified at the time such action is taken by the appointing authority.

17.12 Except as otherwise provided in these Rules or by applicable law, any regular employee who is adversely affected by an alleged violation of the Civil Service Rules may bring such violation to the attention of the Commission, however, relief may only be granted in response to a properly filed appeal in accordance with these rules. All other matters shall be disposed of with a recommendation from the Commission.

17.13 This section does not apply to employees other than regular employees.

17.2 EXHAUSTION OF ADMINISTRATIVE REMEDIES.

17.21 An employee shall exhaust available administrative procedures prior to any appeal to the Commission.

17.1 PETITION FOR HEARING. If the employee exhausts the available administrative procedures and continues to believe that cause has not been shown, the employee may request a hearing before the Commission. A petition for a hearing before the Commission shall be in writing, signed by the petitioner, give the petitioner's mailing address, the action from which the petitioner appeals and, in detail, the facts and the reasons upon which the petitioner's case is based. Such petition shall be filed with the Secretary and Chief Examiner within ten (10) days of the receipt by the petitioner of the notice of action of the Appointing Authority to which the employee objects.

17.2 A properly filed appeal prevents implementation of the discipline in question pending any ruling of the Commission.

17.3 Applicable rules relating to appeals to the Commission are to be included in any notice of discipline issued subject to these rules.

17.4 AUTHORITY OF STAFF. The Commission's attorney has the authority to make orders on preliminary matters, including motions for discovery and to compel discovery, continuance, and protective orders. Such orders may be appealed to the Commission.

17.5 APPEALS--INITIAL REVIEW. The Secretary reviews all appeals to determine whether the employee has timely filed an appeal and whether the action appealed is a final action.

Upon determining that the appeal is not timely, the Secretary issues 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 must be stayed until such action becomes final. Such orders may be appealed to the Commission.

17.6 APPEALS--NOTICE OF HEARING. Upon receipt of a notice of appeal, the Commission staff forwards a copy of the notice to other affected parties. As soon as practicable thereafter, a hearing before the Commission is set, with each party to be afforded not fewer than twenty (20) days' notice of such hearing. All parties may agree to waive the notice provisions and time limits provided by this Rule.

17.7 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 before the matter goes to hearing. Upon resolution of a matter before hearing, any party may request the dismissal of the matter. A stipulation signed by both parties must be submitted to the Commission before such dismissal.

17.8 SERVICE OF PROCESS--PAPERS.

1781 The Commission staff may 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. The party filing the notice, document or paper must serve every other paper.

1782 All notices, documents or papers served by either the Commission or a party must be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Papers may be served in person, by registered or certified mail, or by regular mail with written acknowledgment of such mailing attached to the papers. Written acknowledgment must be by affidavit of the person who mailed the papers or by certificate of any attorney or the Secretary.

1783 Service upon parties is complete upon personal delivery or upon properly stamped and addressed deposit in the mail system (U.S. or intra-city).

1784 Papers required to be filed with the Commission are deemed filed only upon actual receipt of the papers by the Commission staff at the Commission office. All papers except the original appeal notice must be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days before any hearing involving matters discussed in the brief or memoranda.

1785 An appellant or petitioner must notify the Commission in writing of any change in their mailing or street address and telephone number. Failure to so notify the Commission constitutes a waiver of service and notice under these Rules.

17.9 HEARINGS--LEGAL COUNSEL. Both the Appointing Authority and the petitioner shall have the right to be represented by legal counsel at all stages of the Commission's investigation and hearing. In addition, the Commission may, in its discretion, retain independent counsel at City expense to assist the Commission in the conduct of the hearing process.

17.10 DISCOVERY.

17.101 Parties to a proceeding must provide each other reasonable access to and discovery of all relevant information concerning the matter before the Commission subject to rules of privilege. Any questions concerning relevancy or access are resolved by order of the Secretary.

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

17.11 SUBPOENAS.

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

17.112 Upon application of any party or their representative, the Secretary will 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 the subpoena properly served. Requests for subpoenas must be submitted to the Secretary at least three (3) days before the hearing.

17.113 Service is made by serving a copy of the subpoena on the person named therein.

17.114 The person serving the subpoena must make proof of service by filing the subpoena with the Secretary, and if such service has not been acknowledged by the witness, the person serving the subpoena must make an affidavit of service.

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

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

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

17.12 BURDEN OF PROOF. At any hearing on appeal from a demotion or termination, the Appointing Authority bears the burden of showing that its action was in good faith for cause. At any other hearing, the petitioner or appellant bears the burden of proof by preponderance of the evidence. The decision of the Appointing Authority is entitled to substantial weight, and will not be set aside unless found by the Commission to be (a) unsupported by substantial evidence; (b) not in good faith; or (c) arbitrary, capricious or illegal.

17.13 EVIDENCE.

17.131 Subject to other provisions of these rules, all competent and relevant evidence is admissible. In passing upon the admissibility of evidence, the Commission may consider but is not bound to follow the rules of evidence governing civil proceedings in the superior courts of the state of Washington.

17.132 A witness in any hearing may be examined orally under oath or affirmation and is subject to cross-examination by opposing parties and the Commission.

17.133 When an 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 must state the grounds of such objection at the time such evidence is offered or excluded. No such objection is deemed waived by further participation in the hearing.

17.134 At any hearing before the commission when documentary exhibits are to be offered into evidence, copies must be furnished to the opposing party, to each Commission member and to the Secretary.

17.135 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will request such stipulation no later than three (3) days before the hearing, barring unusual circumstances. The party to whom the request is made must respond no later than one (1) day before the hearing.

17.136 An employee has the right to appear before the Commission with or without counsel and/or any applicable formal labor representation and to be heard in the employee's defense. The employee may not be represented by a co-worker, friend or other person not licensed to practice law or authorized by the relevant Union.

17.14 SUMMARY PROCEEDINGS.

17.141 AUTHORIZED. The Commission will hear appeals from suspensions of three (3) days or less in a summary manner. The Commission may provide for other or similar procedures in any appeal of a suspension, demotion or discharge in order to efficiently manage the appeal.

17.142 PROCEDURE. Pursuant to a schedule to be established by the Secretary in consultation with the Commission's attorney, the parties shall:

- (a) Submit the testimony of witnesses in summary content;
- (b) Compile and submit any exhibits;
- (c) File three (3) copies of witness statements and exhibits to the Secretary, and serve the other party; and
- (d) File three (3) copies of objections to any of the testimony and exhibits, and a list of rebuttal witnesses including a summary of rebuttal testimony with the Secretary and serve the other party.

The Commission will admit testimony and exhibits to which no objection is taken without further proof made or permitted. Time for opening statements will be limited. Only direct evidence objected to or identified in rebuttal and such redirect examination as permitted by the Commission will be heard, all subject to cross examination.

17.143 RESERVED RIGHTS. The procedure in this Rule shall not limit or restrict the Commission in its management of individual cases coming before it.

17.15 DELIBERATION. The Commission may deliberate in closed (executive) session when considering a disciplinary or other quasi-judicial case. Only the Secretary and legal counsel to the Commission may be present during deliberation. No one may convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

17.16 DECISION. In any appeal, the Commission must issue a written decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party.

17.17 REMEDIES. The Commission may issue such remedial orders as it deems appropriate only as the result of an appeal. The Commission may issue recommendations in response to matters that do not rise to the level of an appeal.

17.18 RECONSIDERATION. A party may move for reconsideration by the Commission only on the basis of newly discovered evidence. Such evidence must be new in the sense that it was not available to be discovered prior to the hearing. Such motion must be filed with the Commission within ten (10) days of the Commissioner's decision. Such motion for

reconsideration is decided on affidavits absent special showing that testimony is necessary.

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

18. RETIREMENT AND DISABILITY

- 18.1 RETIREMENT. Employees of the City who are members of pension fund systems as provided by law will be retired on account of service or disability in accordance with the pertinent provisions of law.
- 18.2 REINSTATEMENT AFTER DISABILITY RETIREMENT. The Secretary reviews any report from a retirement system and the recommendation of the Appointing Authority showing that a former employee who is on disability retirement has regained their health and is again employable. Upon the Appointing Authority being satisfied that the employee is physically and mentally competent to perform the duties of the regular class, the Secretary will:
- 1821 Order the employee to return to former employment status as if a leave of absence had been granted; or
- 1822 Place the employee's name on the reinstatement list for an available class and department.
- 1823 Any appeal under this Rule shall be governed by [Rule 9](#).
- 18.3 DISCHARGE FOR CAUSE--EXCEPTION. The provisions of 18.1 and 18.2 do not apply when an employee is discharged from the service under [Rule 15](#), whether or not the employee qualifies for a disability retirement.

19. MISCELLANEOUS

19.1 REPEALS AND SAVINGS. All matters are subject to these rules, except as provided by the Ordinances of the City.

19.2 COMPUTATION OF TIME.

1921 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 time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, a Sunday, or a City legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, a Sunday, nor a City legal holiday. When the period of time prescribed or allowed is five (5) days or less, intermediate Saturdays, Sundays and legal holidays are excluded from the computation.

1922 Any period of time except for the stated period of time set forth in Rules 17.2-Petition for Hearing may be extended by the Secretary 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 before the running of the applicable time period.

1923 The date of notice for the purpose of these Rules is the date on which notice of an action is (a) posted on the public notices board at City Hall, (b) emailed, (c) posted on the City's website or (d) delivered personally to a party to a proceeding.