

**CITY OF BONNEY LAKE
CIVIL SERVICE COMMISSION
RULES AND REGULATIONS**

Amending the Civil Service Rules & Regulations Dated September 23, 1996 this 24 day of May, 2010.

1. GENERAL PROVISIONS

- 1.01 AUTHORITY AND APPLICATION.** These rules are promulgated pursuant to the authority granted by [Chapter 41.12 RCW, Civil Service for City Police/Chapter]. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of [the referenced RCW chapter].
- 1.02 SCOPE AND PURPOSE.** These rules govern the continuing administration of the Civil Service System of the City of Bonney Lake. The purpose of these rules is to assure that the Civil Service System in the City of Bonney Lake is administered in accordance with the Charter and ordinances of the City of Bonney Lake, and that all proceedings before the Commission are conducted in an orderly, fair, and timely manner.
- 1.03 PRESUMPTION OF VALIDITY.** The Civil Service System implemented by these rules substantially accomplishes the purpose of RCW, Chapter 41. 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, Chapter 41.
- 1.04 EMPLOYMENT PRACTICES.** No person in the classified civil service, or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against in his/her employment or opportunity for employment because of his/her race, color, religious or political opinions or affiliations, union affiliation, sexual orientation, ancestry, age, marital status, disability consistent with state and federal laws, or national origin.
- 1.05 SEVERABILITY.** If any provision, rule, section, paragraph, sentence, clause, phrase, or word 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 – MEETING – QUORUM.** In the necessary conduct of its work, the commission shall meet on the fourth (4th) Monday of each month at 5:30 p.m. in the City Hall unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW, as amended).
- 2.02 CHAIR-VICE CHAIR.** At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair and another member to serve as Vice Chair for a term of one year. Should a Chair and/or Vice Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair and/or Vice Chair.
- 2.03 RULES OF ORDER.** [Roberts/Reeds/...] Rules of Order shall be final authority on all questions of procedures and parliamentary law not otherwise provided by these rules. However, with the concurrence of two commissioners such rules may be waived or modified.
- 2.04 COMMISSIONERS – CHALLENGE.** 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 Commissioner(s) shall review and rule on the challenge prior to commencement of the hearing unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to commencement of a hearing.
- 2.05 COMMISSION – CHALLENGE – NECESSITY.** If, as a result of disqualifications(s) pursuant to Rule 2.04, there is no longer a lawfully constituted quorum available, then by reason of necessity the disqualified Commissioner(s) shall return and proceed with the hearing.
- 2.06 OFFICE HOURS.** The office [and post office] address of the Civil Service Commission is P.O. Box 7380 Bonney Lake, WA 98391. The

regular office hours of the Commission Secretary shall be 8:30 a.m. to 5:00 p.m.

2.07 PUBLIC RECORDS. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charges for inspection of public records. Inspection will be permitted during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by City ordinance. These rules shall be printed for free public distribution.

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

2.09 REPORTS – APPLICANTS, ELIGIBLES, EMPLOYEES.

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

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

2.10 REPORTS – DEPARTMENT HEADS. A department head shall immediately report to the Secretary in such detail and on such forms as the Secretary may prescribe:

2.10.01 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, change of title, change of compensation;

- 2.10.02 Every separation from the service with the reasons therefore;
- 2.10.03 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 (hereinafter, “Secretary”) shall be appointed by the Commission.
- 3.02 **SECRETARY – DISCIPLINE.** The Secretary may be subject to suspension, reduction, or discharge by the Commission for just cause.
- 3.03 **SECRETARY – AUTHORITY.** In addition to acting as Secretary of the Commission, the Secretary shall:
 - 3.03.01 Be the general manager and executive officer of the Civil Service Department, responsible to the Commission, and shall direct the activities of all personnel in the Civil Service Department, including their appointments and removals;
 - 3.03.02 Delegate duties where necessary and supervise the work of all persons employed in the Department, including the preparation, conduct and scoring of examinations, and maintenance of the classification plan;
 - 3.03.03 Report to the Commission from time to time as directed concerning the details of the work of the Department;
 - 3.03.04 Prepare the budget for the Department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Department;
 - 3.03.05 Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
 - 3.03.06 Determine which examinations shall be conducted, the minimum qualification of applicants, the subjects to be covered in each examination, methods of testing and the relative weights to be given to the various parts of the

examination: supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he/she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination; and [Note: see Rule 8.01, "Ordering Examinations"].

3.03.07 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 such additional duties as may be assigned to him/her from time to time by the Commission.

3.04 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY.

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

3.04.02 Any person adversely affected by any action or decision of the Secretary may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) 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.

4.02 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.

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

4.04 APPOINTING AUTHORITY. The person or persons authorized to hire, promote or discharge employees.

[A person who is authorized to employ others on behalf of the City, which means: (1) the Mayor and/or City Administrator the Chief of Police with respect to any Police Department position included in this system.]

4.05 APPOINTMENTS

4.05.01 APPOINTMENT – REGULAR. The appointment of a certified eligible.

4.05.02 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 eligible list.

4.05.03 APPOINTMENT – TEMPORARY. A limited appointment other than from an 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.

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

4.07 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.”

4.08 BUSINESS DAYS. calendar days exclusive of Saturdays, Sundays, and legal holidays.

- 4.09 CANDIDATE.** Any applicant who has completed, or is in the process of completing, a Civil Service examination.
- 4.10 CERTIFICATION.** [Certified Eligible List] A list of names from an eligible list transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.
- 4.11 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.
- 4.12 CITY.** The City of Bonney Lake.
- 4.13 CIVIL SERVICE EMPLOYEE.** Any employee who has Civil Service status.
- 4.14 CIVIL SERVICE LIST.** See Eligible List.
- 4.15 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.
- 4.16 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, Police Lieutenant].
- 4.17 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.
- 4.18 COMMISSION.** The Civil Service Commission. "Commissioner" means any one member of said Commission.
- 4.19 CONTINUOUS SERVICE.** Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.
- 4.20 DEMOTION.** Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.
- 4.21 DEPARTMENT.** Any department of the City subject to civil service as established by ordinance. The legal head of any such department is the "Department Head," or Department Head's designee.

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

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

4.24 ELIGIBLE LIST. A list or lists of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, "List of Eligibles".

4.25 EMPLOYEE. Anyone holding a position in the Civil Service System of the City.

4.25.01 EMPLOYEE – REGULAR. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.

4.25.02 EMPLOYEE – TEMPORARY. Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no list is available.

4.25.03 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.

4.25.04 EMPLOYEE – PROBATIONARY. A person appointed from a certification who has not yet completed the specified trial period of employment.

4.25.05 EMPLOYEE – PROVISIONAL. Any employee appointed Provisionally to a position.

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

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

4.26.01. EXAMINATION – OPEN [or ENTRANCE]. An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.

4.26.02. EXAMINATION – PROMOTIONAL. An examination limited to employees meeting the requirements states in the official bulletin announcing the examination.

- 4.27 EXAMINATION BULLETIN. [or OFFICIAL 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 the Commission Office and in other suitable locations.
- 4.28 FINAL EXAMINATION SCORE.** Total of earned exam score plus additional veteran's preference or service credit points for which the applicant is eligible.
- 4.29 IN – HOUSE LIST.** A list of the names of civil service employees, in the order of final examination rating, who have passed an examination for an entrance position of class.
- 4.30 LAYOFF.** The interruption of service and pay of any regular or temporary employee because of lack of work or funds, except the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.
- 4.31 OFFICIAL NEWSPAPER.** The newspaper designated as official by the City, or as otherwise designated by the Commission.
- 4.32 POSITION.** Any group of duties and responsibilities in the service of the City which one person is required to perform as full or part-time employment, and which is included in the City budget.
- 4.32.01. POSITION – REGULAR.** A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position established during a given budget year, unless the Department Head certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
- 4.32.02. POSITION – REGULAR PART-TIME.** Employment in a regular position for work in a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.
- 4.33 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 performance of duties, fitness for the position to which certified and appointed.
- 4.34 PROMOTION.** The appointment of an employee to a higher 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.

- 4.35 QUIT.** Any voluntary separation of an employee from the City service without acceptance or a resignation by the appointing authority.
- 4.36 REALLOCATION.** The allocation of a position to a different class in the Classification Plan.
- 4.37 REDUCTION.** The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 4.38 LIST.** A list of candidates for employment who have passed an employment examination, and whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment. See 4.24, "Eligible list."
- 4.39 REINSTATEMENT.** Reappointment of a regular employee to a position in a class in which the employee was a regular employee.
- 4.40 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 on disability retirement who are capable mentally and physically for reinstatement.
- 4.41 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.
- 4.42 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.
- 4.43 RETIREMENT.** The termination of employment for service or disability pursuant to applicable retirement laws.
- 4.44 SECRETARY.** Secretary-Chief Examiner as defined in Chapter 3.
- 4.45 STANDING – REGULAR.** This full Civil Service status of a regular employee.

4.46 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.

4.47 VETERANS' PREFERENCE. Preference in examinations and employment, based on military service, as provided and defined by applicable laws.

5. RULE – MAKING.

5.01 AMENDMENTS OF RULES. The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission.

5.02 EFFECTIVE DATE OF RULES. All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.

5.03 COPIES OF RULES. A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to the city clerk, other central government record center, and to each affected department of the City. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available for free public distribution as required by state law.

5.04 EFFECT OF RULES. The terms and conditions of Civil Service employment are governed by these rules, applicable statutes, and ordinances. No employee shall have a property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

6. CLASSIFICATION.

6.01 CLASSIFICATION PLAN. A plan specification shall be prepared and maintained for each class in the Civil Service System. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties in the class, and contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.

6.02 ADMINISTRATION OF POSITION CLASSIFICATION. The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed

necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council; or upon request of an appointing authority or an affected employee if title classification of such position has not been reviewed within the last 12 months.

6.03 CLASSIFICATION OF POSITIONS

6.03.01 Each position in the classified service shall be classified at the direction of the Secretary allocated to its designated duties. Positions shall be 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 qualifications may be required of incumbents; and
- (c) Similar test may be used to select incumbents.

6.03.02 All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.

6.03.03 Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.

6.03.04 In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationship to other classes. The examples of duties in a specification, shall not be construed as exclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

6.04 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT.

6.04.01 Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as held in the former class.

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

6.04.03 Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the appointing authority and Commission, elect to take a voluntary reduction to the lower class or, at the employee's option and with concurrence of the appointing authority and the Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which the employee has regular standing.

7. APPLICATIONS AND APPLICANTS.

7.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS.

7.01.01 All applicants for examinations for positions in the classified Civil Service must file a written application on a form prescribed by the Secretary; no one shall be admitted to any examination without having first filed an application on the proper form, giving fully, truthfully, and accurately all information required.

7.01.02 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) Procedure evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

7.01.03 Time for filing applications:

- (a) All applications for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of the examination, provided that upon written evidence of the extenuating circumstances acceptable to the Secretary, 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 as the needs of the service require, provided that the examination shall then be re-advertised in the official newspaper.

7.02 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS

7.02.01 An application shall be accepted from any regularly Appointed employee in the classes from which promotion is allowed who, in addition to meeting the requirement of Rule 7.01, has requisite service credit designated in the official bulletin.

7.02.02 When designated in the official bulletin, the Secretary may permit regular employees and probationers to file for and take a promotional examination for delayed eligibility if [on the last day for/within thirty days of/or other appropriate time] accepting applications, they meet lower specified minimum service requirements in the classes from which promotion is allowed.

7.03 SPECIAL REQUIREMENTS

7.03.01 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.

7.03.02 When designated on the official bulletins, the Secretary may permit filing by an applicant not more than one year under the specified minimum age on an open graded/entrance examination and not more than two years under the specified experience on a promotional examination. A successful candidate will have delayed eligibility until the required minimum age or experience is attained.

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

7.05 REJECTION OF APPLICANT OR ELIGIBLE. The Secretary may reject an applicant for examination, withhold from a list or from certification the name of an eligible if the applicant or eligible:

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

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

7.05.03 Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);

7.05.04 Has made any material false statements or has attempted any deception or fraud in connection with this or any other Civic Service examination;

7.05.05 Fails to appear for fingerprinting or other investigation as required;

7.05.06 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;

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

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

7.05.09 For other Material reasons.

See rule **3.04** "Review and Appeal From Actions or Decisions of the Secretary."

7.06 DEBARMENT FROM EMPLOYMENT

7.06.01 No one who has been dismissed from the Service for cause involving moral turpitude shall be allowed to again enter the Service, and anyone dismissed for other good cause shall be allowed to again enter the Service only by express consent of the Secretary;

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

7.07 NOTICE ON NON-ACCEPTANCE. Anyone against whom action is taken under **Rule 7.06** shall be notified promptly by the Civil Service Department of the reasons therefore by either oral notice at the time of

filing the application and/or written notice mailed to the applicant or eligible.

- 7.08 ADMISSION TO EXAMINATION PENDING APPEAL.** The Secretary may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal, such admission to be without prejudice to either the City or the applicant.
- 7.09 AMENDMENT OF APPLICATION.** The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.
- 7.10 APPLICATIONS NOT RETURNED.** All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.
- 8. EXAMINATIONS.**
- 8.01 ORDERING EXAMINATIONS.** An examination shall be ordered whenever it is deemed to be in the best interest of the City. The Secretary shall administer examinations as provided by these rules.
- 8.02 EXAMINATION ANNOUNCEMENT.** Public notice of examinations shall be given by the Secretary in the official newspaper and in any other publications which the Secretary may direct at least 7 days preceding such examination. The official bulletin shall be posted in the Commission's office and distributed to appropriate departments. In addition to the public notice, promotional examination notices shall be posted in the Commission office and in department offices not fewer than five (5) days preceding the examination.
- 8.03 AMENDMENTS TO ANNOUNCEMENTS.** The Secretary may amend any published announcement with appropriate public notice.
- 8.04 CONTINUOUS EXAMINATIONS.** The continuous or periodic examining program may be ordered and administered by the Secretary for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligible list, and certifications for appointments shall be made in the same manner as from any eligible list. Names of eligibles from successive examinations in the same program shall be entered on the eligible list for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such eligible lists in the same manner and for the same reasons as from any eligible list.

8.04.01 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.

8.04.02 DURATION AND CLOSING. Any open filing and examination period may be closed by order of the Secretary upon giving notice of the order by:

- (a) publication at least once in the Official Newspaper; and
- (b) posting a copy in the Civil Service Office at least seven (7) days prior to the date of closing.

8.04.03 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 eligible list may be promulgated immediately after the results are obtained.

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

8.05 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.

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

8.07 PARTS AND WEIGHTS. Each examination shall contain one or more parts to which a raw score, rank order, or percentage weight shall be assigned. One or more of the options shall be utilized in scoring and examination.

8.07.01 A raw score (actual number or questions answered correctly) shall be the sole indicator of final score of a written examination, unless otherwise determined by the Commission prior to exam administration.

8.07.02 A rank order list shall be the final result of an assessment center or other type of examination approved by the Secretary. The rank ordering shall be determined by the number of points earned in an assessment center. Assessors retained by the Commission shall have the latitude and flexibility of recommending individuals for the promotion in addition to not recommending individuals for promotion, thus not including those individuals on the eligibility list who do not receive recommendations.

8.07.03 A percentage weight shall be determined by multiplying the weight assigned to one or more parts of an examination and the sum of the resulting products, to be called the "weighted average."

8.08 PASSING GRADES.

8.08.01 A final minimum passing score required shall be determined by the Commission prior to any examination in which a raw score is utilized.

8.08.02 Where an examination consists of two or more parts, the Commissions 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.

8.09 QUALIFYING GRADE. Where any part or parts of an examination relate to qualifications deemed essential to the proper performance of the duties of the class, the Secretary may determine the minimum qualifying grade for each such part or parts. Failure to attain such grade shall disqualify an examinee, without regard to overall examination grade, and shall disqualify the examinee from participation or rating on other parts of the examination.

8.10 TIME AND PLACE OF EXAMINATION. Whenever applicants are required to appear for an examination, the time and place shall be designated in the official bulletin or the applicants shall be notified in person, by mail or by telephone. The Secretary and Chief Examiner, when he/she finds that the good of the service requires it, may at his/her

discretion have an examination given in more than one session and/or at more than one place either within or outside the City of Bonney Lake.

- 8.11 LATE APPLICANT.** Whenever applicants are required to assemble for a test, no applicant will be admitted after the designated time except at the discretion of the Secretary and Chief Examiner or at the discretion of someone authorized by him/her.
- 8.12 PROMOTIONAL EXAMINATIONS.** Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the Commission. Upon showing from a department head that special training and knowledge gained within a department is essential to the proper filling of the vacancy, the Commission may limit an examination to a promotion within a department only.
- 8.13 OPEN GRADED EXAMINATIONS.** An examination may be advertised as open graded when, in the judgment of the commission, it is in the best interest of the service.
- 8.14 VETERANS' CREDIT.** Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW.
- 8.15 RESERVE OFFICER CREDIT.** Reserve officers who have passed the Washington State Criminal Justice Training Center Reserve Officer's academy or equivalent, have worked at least 240 hours as a Reserve Officer for the City of Bonney Lake and have passed an examination shall be entitled to a 3% credit to the applicant's final test score.
- 8.16 EXAMINATION – PROTEST.**
- 8.16.01** Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the examiner within five (5) days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.
- 8.16.02** 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 five (5) days after the notices of results have been mailed.

8.16.03 Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within five (5) days after the notices of results have been mailed.

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

8.17 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 shall affect an appointment made from a certification made prior to the correction.

8.18 EFFECTIVE DATE OF EXAMINATION RESULTS. Results of an examination shall become effective on the date official notice thereof is posted on the bulletin board of the Civil Service Commission.

8.19 RE-EXAMINATION.

8.19.01 No one shall be re-examined for the same class within six months of the effective date of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the list, and the eligibility that will provide the greatest advantage to the eligible shall be used.

8.20 EXAMINATION PAPERS. Examination papers of each eligible shall be kept on file in the office of the Commission until the expiration of eligibility.

8.21 ADDITIONAL EXAMINATION.

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

8.21.02 The Secretary may designate a limited number of certified eligibles for additional examination.

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

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

9. LISTS AND ELIGIBILITY

9.01 ESTABLISHMENT OF ELIGIBLE LISTS. After each examination, an 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 list: relative rank shall be determined by the examination rating or grade, plus any additional points for City of Bonney Lake Reserves & Volunteers or by law for veterans' preference. (Not both)

9.01.02 On an open list: relative rank shall be determined by the examination grade, plus percentage allowed for Bonney Lake Reserves and Volunteers or Veteran's preference. (Not both)

9.01.03 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' preference in accordance with Washington state law. Eligibles on a promotional list do not so qualify.

(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) By lot.

9.01.04 If an applicant is permitted to file for and take an examination for delayed eligibility, and if such applicant is successful in the examination, eligibility shall be held in abeyance until the candidate meets the requirements for eligibility, which must be reported in writing. If otherwise eligible, the candidate's name shall be placed on the list in accordance with the final examination grade. Any such eligibility shall expire with that of other eligibles from the same examination.

9.02 DURATION OF ELIGIBLE LISTS

An eligible list shall be in effect for one year from the date of promulgation. Before the expiration of an eligible list, the Commission may extend the period of eligibility for one year at a time for all eligibles who are still within the required age limits and who are available for employment.

Any eligible list which has been extended shall be terminated automatically upon promulgation of an eligible list from a new examination for the class.

Any eligible who has been in the active service of the armed forces of the United States during part or all of the effective period of an eligible list shall be entitled to extended eligibility provided that he/she files written request for such eligibility with the Commission within 90 days from termination of such service. Such extended eligibility shall be equal to the period to which he/she was entitled at the time of entering such service.

9.03 RETURN TO LIST FOLLOWING LAYOFF. On layoff, an employee's name shall be placed upon the proper eligible list for the class, according to the grade, for three years from the date of such layoff.

9.04 RETURN TO ELIGIBLE LIST AFTER RESIGNATION OR RETIREMENT.

9.04.01 A former employee who resigned or retired may request return of his/her name to the proper open eligible list for the class. Such

request must be made within one year from the date of resignation or retirement.

9.04.02 Any request for return to list following resignation or retirement must be supported by written recommendation of the former employing department;

9.04.03 A former employee whose eligibility is reinstated under this rule shall be certified according to Civil Service rules. However, the name of such an eligible need be considered only by the department which recommends the return of the name to the list.

9.04.04 The name of a former employee who resigned or retired, may not be returned to a promotional list, unless recommended by the head of the former employing department and approved by the Civil Service Commission within one year from the date of resignation or retirement.

9.05 APPOINTMENT WITHOUT EXAMINATION. Except as provided in **9.03, 9.04, and 9.06**, any return to the Civil Service shall be by examination only.

9.06 ESTABLISHMENT OF REINSTATEMENT LISTS.

9.06.01 The names of regular employees who have been laid off or, when requested in writing by the appointing authority, probationary employees who have been laid off shall be placed upon a reinstatement list for the same class and for the department from which laid off, for a period of two years from the date of layoff;

9.06.02 When a reinstatement list exists for a classification in which a vacancy exists, it shall be exhausted before any certification can be made from an eligibility list.

9.07 AVAILABILITY OF ELIGIBLES.

9.07.01 It shall be the responsibility of an eligible to notify the Civil Service Department 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.

9.07.02 The name of an eligible who submits a written statement restricting the conditions under which availability for employment shall be withheld from certifications which do not meet the conditions specified. New written statements may be filed at any time within the duration of an

eligible list modifying conditions under which employment would be accepted.

9.08 CANCELLATION OF ELIGIBILITY.

9.08.01 Anyone's name may be removed from an 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;

9.08.02 Separation from the service will terminate any promotional eligibility;

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

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

9.08.05 If an eligible fails to receive appointment by being passed over by the Rule of 3, the eligible's name shall be placed back on the eligibility roster unless the appointing authority requests that the name be dropped from the list. Appointing authority shall submit, in writing along with justification, to the Secretary within two weeks of the date of appointment, the request to drop the eligible from the roster. The eligible may only be dropped by confirmation of the Civil Service Commission.

9.09 CERTIFICATION FROM LIST FOR ANOTHER CLASS. Where no eligible list is in existence for a class, certification may be made from a list created for another class or the same or higher rank in the same or in a related class series, if the duties of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Secretary finds that the use of the list is for the best interest of the City and the necessary skills and knowledge were adequately tested in the examination.

9.09.01 Where a single list has been established without regard to age, residence, or some other particular qualification not tested in the

examination and the appointing authority requests certification for a position, the duties of which require the particular qualification, and states the facts and reasons for such request, the Secretary may certify the highest eligible with that qualification.

9.09.02 Refusal to accept re-employment in a permanent position shall constitute separation from the service except as provided in Rule 9.07e;

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

9.10 WITHHOLDING NAMES FROM CERTIFICATION OR REMOVING NAMES FROM ELIGIBLE LIST. The name of an eligible may be withheld from certification or removed from an eligible list when:

(a) He/she expresses unwillingness or inability to accept appointment, or refuses offer of an appointment without adequate explanation.

(b) He/she fails to respond within five business days next succeeding the mailing of written inquiry regarding availability for regular employment or request to appear for interview regarding such employment.

(c) He/she fails to present himself/herself for duty at the time agreed upon after having accepted an appointment.

(d) He/she cannot be reached in time for appointment when immediate temporary employment is required. This shall only apply to such immediate temporary employment.

(e) He/she has accepted temporary appointment from the list and is so employed at time of certification for other temporary employment. This shall apply only to appointment to temporary positions.

(f) He/she fails to present the license, registration, certificate, or any other credential required. The name of any such eligible may be restored for certification when the particular requirement has been met.

(g) He/she fails to maintain a record of his/her current address with the Commission as evidenced by the return of a properly addressed unclaimed letter or other evidence.

(h) His/her name has been certified three times to the same appointing authority or department head without receiving appointment.

(i) Upon a finding by the Commission that the eligible is not qualified to perform the duties of the class.

(j) He/she willfully violates any of the provisions of these Rules or any applicable law.

(k) For any reason enumerated in **Rule 7.05**.

9.11 RESTORATION OF NAMES TO ELIGIBLE LISTS. When the name of a person has been removed from an eligible list or from certification, it may be restored thereto by the Secretary or by the Commission on appeal taken within five business days after notice of the decision, only under the following circumstances:

(a) Where the withholding or removal was because of acceptance of a permanent appointment and where the person is still in City service or has been separated therefrom without fault or delinquency on his/her part, and the good of the City and justice to the employee require that he/she be restored to the eligible list to be eligible for certification.

(b) Where the withholding or removal was because of the unwillingness or inability of the employee to accept an appointment, or failure to respond to inquiry as to his/her availability, to appear for interview, or to present himself/herself for duty, and the applicant presents a good and valid reason for such unwillingness, inability or failure, and certifies to the Secretary and Chief Examiner that he/she is now willing and able to accept appointment.

(c) Where the withholding or removal was for a reason stated in Rule **7.05** and such reason no longer exists.

9.12 EFFECT OF REMOVAL, WITHHOLDING, OR RESTORATION

9.12.01 The removal or withholding of a name shall automatically advance all of the names below it on the eligible list.

9.12.02 Restoration of the name of an eligible or the addition of the name of a veteran under these Rules shall not affect an appointment from any certification made before such name was restored or added.

9.12.03 The acceptance or refusal by an eligible of temporary appointment shall not affect his/her certification from the eligible list for regular employment.

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 list, the Secretary may authorize a temporary or provisional appointment.

10.02 REQUEST FOR CERTIFICATION. Whenever an appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Secretary. 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.

11. CERTIFICATION AND APPOINTMENT

11.01 CERTIFICATION FROM ELIGIBLE LIST. Upon request for certification of names to fill a vacancy, the Secretary shall certify to the appointing authority the names of the three persons highest on the appropriate eligibility list who are willing to accept the position for which certification is made. To determine who is willing to accept the position, the secretary shall send a certified letter to the highest three persons on the appropriate eligibility list. The candidates must respond in writing, within three (3) working days from date of receipt of the letter. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy or, in the absence of an appropriate eligibility list, the appointing authority may authorize a provisional appointment for a period not to exceed four months. No person shall receive more than one provisional appointment in any twelve month period. Should the appointing authority choose an individual who is not the highest of the names submitted, the appointing authority shall forward to the Commission a written communication explaining why the individual was by-passed.

11.02 CERTIFICATION

11.02.01 Eligible List. Certification to fill a vacancy shall be made by the Civil Service Department from lists in the following order and as provided in this rule:

- (1)** Reinstatement
- (2)** Promotional
- (3)** Original

11.02.02 Order of Reinstatement – Eligible.

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

- (1)** Regular employees in the order of their length of service. The regular employee on such list 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 list shall be certified together.

(b) Upon request from the appointing authority, the Secretary may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

(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, as provided in these rules.

11.03 APPOINTMENT OF ELIGIBLES

11.03.01 In filling vacancies by appointment from an eligible list, the Rule of 3 shall apply.

11.03.02 If a vacancy is to be filled from a promotional list, the Secretary shall certify to the appointing authority the names of the three available eligibles who stand highest on the appropriate list.

11.03.03 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.

11.03.04 Special Skills. Where a certification of eligibles with the 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 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.

11.03.05 Poor Service. If a temporary vacancy is to be filled from an open or a promotional list, those eligibles with three months of service who are shown on the list as having been laid off within the last 24 months from the department in which the vacancy exists shall be placed in order of recall at the head of the list of eligibles are certification.

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

11.03.07 Selective Certification. Where a certification of eligibles other than in the normal order is requested in writing by the appointing authority as being necessary to implement the Affirmative Action Program of the City by achieving ratios of minority, female or handicapped employees in all classifications of city employment approximately equal to the ratios of these same groups in the community, and the Secretary determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles of minority, female, or handicapped eligibles, as designated in the request.

11.04 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. Upon request, the Secretary may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification.

11.05 REGULAR APPOINTMENT. A regular appointment to fill a vacancy must be made from the names contained on the official eligibility roster 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.

11.06 TEMPORARY APPOINTMENT. A temporary appointment may be made by the appointing authority for a period of up to four months and may be extended for a longer period of time by appointing authority request with confirmation from the Commissioners for justified reasons. 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.

11.07 PROVISIONAL APPOINTMENT. A provisional appointment without examination may be made when there is no appropriate eligible list, or persons on the list are not available or cannot be contacted, and when an appointing authority certifies and supports with adequate facts that an emergency exists. Such provisional appointment must be approved by the Commission. The provisional appointee must meet the requirements for and file application for examination for the class and such appointment may continue only until such time as the position can be filled from an eligible list. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any twelve month period.

An emergency exists when:

- (a) Life, health, or property is in jeopardy.
- (b) The immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties.
- (c) The work program of a City department will be impaired if the position is left vacant and the work cannot be reassigned or deferred.

12. PROBATION.

12.01 PROBATIONARY PERIOD

12.01.01 After each full-time or part-time regular appointment from an 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.

12.01.02 A regular employee who has been reduced to a lower class in which he/she has not had regular standing shall have probationary status in the lower class for twelve (12) months from the date of such reduction.

12.02 LENGTH OF PROBATIONARY PERIOD. The period of probation shall be equivalent to twelve (12) months of full-time service following appointment from an eligible list and completion of the Criminal Justice Training Center certified academy or equivalent. In state Lateral Entry appointments will also be required to serve a probationary period of twelve (12) months of full-time service following appointment from an eligible list. Minor absences due to vacations, annual military leave, 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 will approve a departmental request for an extension of the probationary period.

12.03 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.

12.04 SERVICE IN ANOTHER CLASS. Service in a class or office other than the one to which an eligible is regularly appointed may be credited toward completion of a probationary period if the Secretary has approved the written statement of the appointing authority to effect that the probationary period may be properly judged on the basis of service in the other class or office.

12.05 REMOVAL OF PROMOTIONAL PROBATIONER.

12.05.01 RIGHTS RETAINED. A promotional probationer, unless discharged for cause, retains all civil service rights to the position from which appointed. Such rights shall be retained whether promotion is to a promotional position.

12.05.02 DEMOTION. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he/she was appointed, in accordance with Rule 18.02 on demotion, or may be allowed eligibility for another position in the same class, for which he/she is deemed qualified by the appointing authority, subject to approval by the Commission.

13. SERVICE CREDIT.

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

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

13.03 SERVICE COVERED.

13.03.01 GENERALLY. Once a regular employee acquires tenured Civil Service status and regular standing in any given class in a particular department, the employee shall receive full service credit for the entire length of time served in such class and department, whether such service is continuous or interrupted.

13.03.02 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 complete satisfactorily the required probationary period and is returned to his/her former regular class, actual service during such period shall be credited to the former class.

13.03.03 TEMPORARY OR PROVISIONAL APPOINTMENT. If a temporary or provisional appointment is followed by a regular appointment to the same class, such employee shall receive credit in such class for actual, continuous service during the 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.

13.03.04 ON ASSIGNMENT. A regular employee's service shall be credited to the regular class for the entire length of time served under an assignment.

13.03.05 LEAVES WITH PAY. A regular employee shall receive full credit for any leave with pay.

13.03.06 LEAVES WITHOUT PAY. No service credit shall be allowed for any time that an employee is on any leave of absence without pay.

13.03.07 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.

13.04 CHANGE IN CLASS OR DEPARTMENT.

13.04.01 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.

13.04.02 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.

13.04.03 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 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.

13.05 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.

13.06 TRANSFER – COMPUTATION OF CREDIT. A regular employee shall be entitled to retain all service credit earned in any 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 transfer. If the transfer becomes tenured, the required trial period, if any, shall be credited to the new class or department. Otherwise such trial period as served shall be credited to the former class or department.

13.07 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 is 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.

13.08 VOLUNTARY REDUCTION – COMPUTATION OF CREDIT. Upon the voluntary reduction of a regular employee to a lower class in the same or different department as provided by these Rules, such employee shall retain all earned retention credit in the higher class and department from which reduced, prior to such reduction, if not lost or forfeited.

13.09 REALLOCATION – COMPUTATION OF CREDIT.

13.09.01 SIMILAR CLASSES. If a regular employee 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.

13.09.02 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.

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

13.11 DISCIPLINARY PENALTY. (OPTIONAL) As a disciplinary penalty in lieu of dismissal, demotion or other penalty, or in addition to such penalty, the Commission may be its order, at its discretion, forfeit or deduct all or a designated portion of the service credit that the employee has earned up to the date of the order, in terms of service credit months or years.

13.12 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 re-employment by the City.

14. TRANSFER – REDUCTION.

14.01 The transfer of an employee shall not constitute a promotion in the service, except as provided in Rule 13.05m above.

14.02 Assignments: An appointing authority may transfer an employee from one position to another in the same class in his/her department without prior approval of the Secretary but must report any such transfer to the Civil Service Department within five days of its effective date.

14.03 Transfers may be made upon consent of the department head and with the Secretary's approval as follows:

14.03.01 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;

14.03.02 Transfer, in lieu of layoff, may be made to a 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 15 is not practicable. Regular standing in the new class may be attained by the employee only through examination and regular appointment.

14.03.03 The Secretary may approve a transfer under this Rule with the consent of the appointing authority of the receiving department only, upon a showing of circumstances justifying such action.

14.04 REDUCTION.

14.04.01 APPLICABLE CLASSES. A reduction may be approved for

(a) the next lower or any lower class in the Class Series containing the class from which reduced;

- (b) any lower class in which the employee has acquired previously Regular Standing, provided there has been no intervening forfeiture; 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 re-employment from a disability. To a vacant position in another permissible class or department for which the employee qualifies.

14.04.02 PROCEDURE.

- (a) A Request for reduction must be submitted in writing to the Secretary. The request must include a state 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 Personnel Manager 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 Secretary.

14.04.03 EFFECT OF REDUCTION.

- (a) Upon the effective date, or following satisfactory completion of any trial period, the reduction shall be complete and the employee shall have Regular Standing in the lower class and the 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 a recovery from disability, appointment from a reinstatement list.

14.04.04 REDUCTION AVAILABLE.

By Employee. A voluntary reduction may be sought by an employee for any vacant position in a lower classification.

14.04.05. The Secretary may, in her/his judgment and discretion, provide in the order granting or approving any reduction that the

employee shall serve a designated trial period, not to exceed one month's service from the effective date of the reduction, in the position to which reduced service from the effective date of the reduction, in the position to which reduced for the sole purpose of satisfying the Commission that the employee is capable of satisfactorily performing the functions and the duties of such position or class as recommended by the Department Head.

Provided, however, that the Commission may by its order for case, 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.

15. LAYOFF AND RECALL

15.01 LAYOFF. The department head may lay off or reduce an employee when necessary for the following reasons:

- (a) Economy or lack of work.
- (b) Where there are more employees than positions in any class within the department.

15.02 ORDER OF LAYOFF. Layoffs and reductions shall be made by class of position and by department. In each class of position in which there is to be layoff or reduction, employees shall be laid off according to employment status in the following order.

- (a) provisional
- (b) temporary
- (c) probationary
- (d) regular

Provisional and temporary employees shall be laid off according to the needs of the service as determined by the department head.

Probationary employees shall be laid off or reduced in inverse order of seniority by class in the department.

Regular employees shall be laid off or reduced as provided in 18.02 following.

15.02.01 In case there are two or more regular employees in the (classification) (class) from which layoff or reduction is to be made such employee having greater department seniority than an employee of a lower classification, the employee with the least seniority by class shall

be laid off first.

15.02.02 In the event of a recall, the last employee laid off shall be the first employee recalled. This obligation shall expire twenty-four months after such lay-off, or after such time as the employer is unable to contact the employee being recalled.

16. LEAVES OF ABSENCE.

16.01 DURATION OF LEAVES.

16.01.01 Refer to applicable State and Federal Laws and Labor Contracts.

16.02 CANCELLATION/REVOICATION. Any or all leaves of absences without pay within a department may be canceled whenever any necessity arises in 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 department head of the cancellation or revocation of their leave. A copy of such notice shall be filed with the Secretary immediately.

16.03 REPORTS OF LEAVES OF ABSENCE. All leaves of absence granted shall be reported to the Commission promptly and in writing.

17. RESIGNATION.

17.01 HOW SUBMITTED. Resignation of any employee from service shall be made in writing and filed with the Secretary after approval by the appointing authority/department head.

17.02 WITHDRAWAL OF RESIGNATION. The Secretary 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.

17.03 INVOLUNTARY RESIGNATION. Any resignation may be voided and set aside and the employee reinstated to active duty by order of the Commission upon its determination that the resignation was made involuntarily and 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 Secretary within ten (10)

days from the effective date of resignation. If no such petition is filed within the ten (10) day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.

17.04 IMPLIED RESIGNATION. The department head may presumptively consider any employee to have implied resignation 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 five (5) or more consecutive working days or has quite or “orally resigned” and has been absent from duty for three (3) or more consecutive working days without leave or authorization. An employee will not be determined to have resigned under this rule until five (5) days after receipt of service of a written notice by listed or certified mail to the employee’s last known address. No resignation order shall take effect if, prior thereto, the employee reports for active duty, applies for restoration or reinstatement, or otherwise give notice to the department head, in the judgment of the Commission, rebuts the resumption of resignation.

18. DISCIPLINE AND DISCHARGE.

18.01 SUSPENSION.

18.01.01 A department head may suspend a subordinate, with or without pay, for a period not to exceed thirty (30) days for good cause.

18.01.02 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.

18.02 Demotion – Discharge.

18.02.01 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.

18.02.02 The demoted employee may be required to actually serve actively a trial period in the class to which demoted, for such time upon such terms and conditions as the head of the department 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.

18.02.03 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/her regular class and department for purposes of these Rules until an authorized change is made.

18.03 DISCIPLINE -- GOOD CAUSE – ILLUSTRATED. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other good cause.

18.03.01 Incompetence, inefficiency, inattention to, or dereliction of duty;

18.03.02 Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any other act of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself/herself;

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

18.03.04 Dishonest, disgraceful, or prejudicial conduct;

18.03.05 Drunkenness or use 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;

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

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

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

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

18.03.10 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, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges, or other disciplinary action.

19. PREDISCIPLINARY HEARING.

19.01 PREDISCIPLINARY HEARING -- REQUIRED. A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate.

19.02 PREDISCIPLINARY HEARING – STANDARDS/NOTICE OF DISCIPLINE.

19.02.01 An employee shall be provided, in writing, with a notice of the charge and an explanation of the department's evidence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's proposed action should be taken.

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

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

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

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

19.03 CHARGES FILED BY A CITIZEN.

19.03.01 When written charges are filed by any citizen or taxpayer of the City against any person classified Civil Service pursuant to applicable State law, the Commission shall refer such charges to the appointing

authority or department head for investigation and such action as he/she deems necessary.

20. HEARINGS.

20.01 HEARINGS – APPEALS

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

20.01.02 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.

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

20.02 APPEALS – TIME – FORM. A notice of appeal shall be filed at the Commission offices within ten (10) days of the action that is the subject of 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.

20.03 EXHAUSTION OF ADMINISTRATIVE REMEDIES.

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

20.03.02 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) days after the final step of the procedure request the Secretary to return the appeal to the Commission for hearing.

20.04 AUTHORITY OF SECRETARY-CHIEF EXAMINER AND STAFF.

20.04.01 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.

20.04.02 The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the civil Service or those rule which to not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.

20.05 APPEALS -- INITIAL REVIEW. The Secretary-Chief Examiner shall review the 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 for 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.

20.06 APPEALS – NOTICE OF HEARING. Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties, As soon as possible thereafter, but in any event within ten (10) days, a hearing before the commission shall be set, with each party to be afforded not fewer than twenty (20) days notice of such hearing. Subsequent hearings on the same appeal shall have one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section.

20.07 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, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

20.08 SERVICE OF PROCESS – PAPERS.

20.08.01 The Commission staff shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the parting filing the notice,

documents or paper.

20.08.02 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, 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 an attorney or Secretary-Chief Examiner.

20.08.03 Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or inter-city), upon properly stamped and addressed deposit in the mail system.

20.08.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the Commission 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) 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.

20.08.05 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.

20.09 DISCOVERY.

20.09.01 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 by order of the Secretary.

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

20.10 SUBPOENAS.

20.10.01 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 information under that person's control.

20.10.02 Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceedings. 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 five (5) working days prior to the hearing.

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

20.10.04 The person service 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.

20.10.05 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.

20.11 RIGHTS OF PETITIONER. When a hearing is granted, the petitioner shall attend except as hereinafter provided and shall be entitled to:

- (a) Be represented by counsel at such hearings.
- (b) Testify under oath.
- (c) Subpoena witnesses to testify for him/her.
- (d) Cross examine all witnesses appearing against him/her and all employees of the Commission whose actions are in question or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the Commission or Hearing Board.
- (e) Impeach any witness before the Commission or Hearing Board.

- (f) Present such affidavits, exhibits, and other evidence as the Commission or Hearing Board deems pertinent to the inquiry.
- (g) Argue his/her case.

The appointing authority and department head, the Secretary and Chief Examiner or other members of the Commission staff, and any other person whom the Commission or Hearing Board finds to be interested in the matter shall be entitled to the same privileges.

20.12 FAILURE OF PETITIONER TO APPEAR.

In the case of hearings on the discharge or reduction of an employee, the failure of the petitioning employee to appear in person or by counsel at the time and place set for the hearing without good cause therefore being given to the Commission or the Hearing Board in advance shall be deemed a withdrawal of this petition and consent to the action or ruling from which the appeal was taken.

In hearings other than on discharge or reduction, appearance of the petitioner may be excused by the Secretary or by the Commission or the Hearing Board.

20.13 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 preponderance of the evidence.

20.14 EVIDENCE.

20.14.01 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.

20.14.02 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.

20.14.03 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.

20.14.04 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 five (5) working days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.

20.15 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.

20.16 DECISION. In any appeal, the Commission shall issue a decision, including findings or fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall be issued within ten (10) working 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 with the time prescribed shall result in an appeal being sustained.

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

20.18 RECONSIDERATION. A party may move for reconsiderations 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) working days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

20.19 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.

21. RETIREMENT AND DISABILITY.

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

21.02 REINSTATEMENT AFTER DISABILITY RETIREMENT.

21.02.01 PROCEDURE. The Secretary shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his/her health to the extent employable. Upon being satisfied that the employee is physically and mentally competent to perform the duties of the regular class, the Secretary will:

(a) Order return of the employee to former employment status as if a leave of absence had been granted; or

(b) Place the name on the reinstatement register for an available class and department.

21.02.02 EFFECT. The name of an employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement list for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Secretary. If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff. Any reinstatement to a class other than that which last employed shall not result in a promotion.

21.02.03 DISCHARGE FOR CAUSE -- EXCEPTION. The provision of this rule shall not apply in the event an employee is discharged from the service, whether or not the employee receives a disability retirement.

22. MISCELLANEOUS.

22.01 REPEAL AND SAVINGS. All matters shall be subject to these rules and to that extent, all previous Civil Service rules re hereby repealed.

22.02 COMPUTATION OF TIME.

22.02.01 In computing any period of time prescribed or allowed by these rules or by an applicable statute, the day of the act or event from which the designated period so computed shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a City legal holiday, in which event the period runs until the

end of the next day which is neither a Saturday, a Sunday, nor a City legal holiday. When the period of time prescribed or allowed is five (5) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

22.02.02 Any period of time except for the stated period of time set forth in Rules 20.02 and 20.10 may be extended by the Secretary-Chief Examiner for no more than fourteen (14) calendar days upon written notice to the Commission offices prior to the running of the applicable time period.

22.02.03 The date of notice for purposes of these rules shall be the date on which notice of an action is posted in the Commission's office; (a) as provided in these Rules, (b) is mailed, or (c) delivered personally to a party to a proceeding.