

CIVIL SERVICE RULES

For

CLARK COUNTY, WASHINGTON

Originated June, 1992

Revised February, 1994
Revised March, 1994
Revised February, 1995
Revised June, 1995
Revised January 1996
Revised May 1996
Revised August 1997
Revised November 1999
Revised May 2000
Revised July 2000
Revised March 2002
Revised January 2003
Revised August 2004
Revised April 2005
Revised January 2009
Revised December 2012
Revised May 2013

**Clark County Civil Service Commission
And
Clark County Human Resources Department**

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1. GENERAL PROVISIONS

- 1.01 **AUTHORITY AND APPLICATION.** These rules are promulgated pursuant to the authority granted by Chapter 41.14 RCW. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of that chapter.
- 1.03 **SCOPE AND PURPOSE.** These rules govern the continuing administration of the Civil Service System of Clark County. They apply to all regular positions and employees governed by the Civil Service System except as otherwise provided by law or collective bargaining agreement. The purpose of these rules is to assure that the Civil Service System is administered in accordance with the codes and ordinances of Clark County and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.
- 1.05 **PRESUMPTION OF VALIDITY.** The Civil Service System implemented by these rules substantially accomplishes the purpose of RCW 41.14. These rules are presumed to be valid and shall be upheld unless in direct conflict with RCW 41.14
- 1.07 **SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to severable.

2. ADMINISTRATION AND OPERATIONS

- 2.01 COMMISSION--MEETINGS--QUORUM. In the necessary conduct of its work, the Commission shall meet on the third Tuesday of each month, at 3:30, in the Clark County Administration Offices, 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. 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).
- a. Commissioners may appear in person, via teleconference or electronically.
 - b. When appropriate, the Acting Chair of the meeting may accept a proxy vote from an absent Commissioner by email or US mail.
 - c. The Secretary and Chief Examiner may provide meeting materials e.g., agendas, minutes, reports, in paper form or via email.
- 2.03 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.
- 2.05 RULES OF ORDER. Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules.
- 2.07 COMMISSIONERS--CHALLENGE. An interested party, including other commissioners, may challenge the authority of a commissioner to hear a matter or, in the alternative, a commissioner may disqualify him/her self from hearing a matter for any of the reasons listed in this section. When the disqualification is not voluntary, eligibility of a commissioner shall be determined by majority vote of the commission. Any challenge filed under this section must be raised in advance of the matter being ruled upon unless, in the exercise of reasonable diligence, a basis for challenge is unknown to a party prior to commencement of a hearing. Reasons for disqualification include but are not limited to:
- a. Prior personal knowledge of the appellant or issue before the commission that would preclude an objective decision.
 - b. A conflict of interest.
 - c. An ex-officio relationship with any party to a hearing or appeal.
 - d. Such other reasons as may be considered by the commission.
- 2.08 COMMISSIONERS--CHALLENGE--NECESSITY. If, as a result of disqualification(s) pursuant to section 2.07, there is no longer a lawfully constituted quorum available, then the remaining commissioners shall proceed with the hearing unless the matter can reasonably be continued to a future regular or special meeting.
- 2.09 OFFICE--HOURS. The office address of the Civil Service Commission is 1300 Franklin, 5th floor, Vancouver, WA 98660. The regular office hours of the Commission staff shall be 8:00 a.m. to 5:00 p.m.
- 2.11 PUBLIC RECORDS. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charged for inspection of public records. Inspection will be 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 County rules. These rules shall be printed for free public distribution and available on the Clark County website: <http://www.clark.wa.gov/hr/documents.html>

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

2.15 REPORTS--APPLICANTS, ELIGIBLES, EMPLOYEES

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

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

- a. Every appointment, transfer, promotion, demotion, change in pay, leave of absence or return, layoff, reinstatement, suspension, reclassification, change of compensation;
- b. Every separation from the service with the reasons therefore;
- c. Every refusal or failure to accept appointment by a person whose name has been certified.

3. SECRETARY AND CHIEF EXAMINER

3.01 SECRETARY AND CHIEF EXAMINER--APPOINTMENT. A Secretary and Chief Examiner (hereafter, "Secretary") shall be appointed by the Commission.

3.03 QUALIFICATIONS. The Secretary shall be appointed as a result of a competitive examination, which examination must be open to all properly qualified citizens of the County; provided, that no appointee of the Commission, either as Chief Examiner or as an Assistant to the Chief Examiner, shall be an employee of the Sheriff's Department.

3.05 SECRETARY--DISCIPLINE. The Secretary may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of other FLSA exempt (salaried) members of the classified service.

3.07 SECRETARY--AUTHORITY. In addition to acting as Secretary of the Commission, the Secretary shall:

- a. 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;
- b. Delegate duties where necessary and supervise and direct the work of all persons employed in said Department, including the preparation, conduct, **supervision** and scoring of examinations, and maintenance of the classification plan;
- c. Report to the Commission from time to time as directed concerning the details of the work of the Department;
- d. 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 and job description.
- e. Determine which examinations shall be conducted, the minimum qualifications 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; appoint 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 periodic reports to the Commission regarding test plans and activities, together with a report on all appeals from rulings or appeals from any part of the examination.
- f. 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.

3.09 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY

- a. The Commission on its own motion may review or modify any action or decision of the Secretary.
- b. 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 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 indicates otherwise.

ADMINISTRATIVE LEAVE. Paid leave not charged to an employee's accrued paid leave accounts, taken as a pre-disciplinary measure to facilitate investigation or consideration of discipline or imposed or granted by the appointing authority for other reasons.

ALLOCATION/RELOCATION. The assignment of a position to the appropriate job classification on the basis of duties and responsibilities and required qualifications of such position.

ALTERNATE STAFFING. Establishing positions at multiple classification levels within a job series.

APPOINTING AUTHORITY. The County Sheriff or his/her designee.

APPOINTMENT--REGULAR. The appointment of an employee to a regular position in the classified or unclassified service

ASSIGNMENT. The position held by an employee within a classification, denoted by duties, section, shift and the like.

CERTIFY AND CERTIFICATION. The provision of a list of the highest standing eligibles to the appointing authority for consideration for employment to a vacant regular position.

CLASS SPECIFICATION. A written description of the general purpose duties, responsibilities, and qualifications of a classification

CLASSIFICATION/CLASS. A job classification, encompassing one or more positions having similar duties and responsibilities such that a single examination and pay rate may be used for each position in the classification

CLASSIFICATION SERIES. Two or more hierarchical classifications within a job family (Custody Officer, Deputy Sheriff, etc.) comprising a career ladder.

COMPUTATION OF TIME: See Chapter 19.03

DEMOTION. Appointment either voluntarily or involuntarily to a classification having a lower maximum salary. Demotion may be voluntary, disciplinary or in lieu of layoff. Demotion may be considered an appropriate disciplinary action when the employee has failed to demonstrate the performance required for a classification but has demonstrated or is believed capable of satisfactory performance in a lower classification. Demotion does not include intra-classification reassignments which may result in a loss of premium pay associated with the assignment.

DISCHARGE. Involuntary termination of a regular employee for cause.

ELIGIBLE. Anyone holding a position on an active eligibility list for a class.

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

EMPLOYEE--PROVISIONAL. An employee holding a temporary appointment of four months or less to a regular classified position in the absence of an eligibility list.

EMPLOYEE--REGULAR. An employee who has been appointed to a regular position within the classified or unclassified service

EMPLOYEE--SUBSTITUTE. An employee temporarily appointed for a period of four months or less to a regular position to replace an employee on a leave of absence

EMPLOYEE--TEMPORARY. An employee not holding a regular classified or unclassified position. Temporary employees are those hired for projects or peak workload situations and are not subject to these rules.

EMPLOYEE--UNCLASSIFIED. Any employee holding a position in the unclassified service, 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.

EXAMINATION. Any test or process used to determine the qualifications or candidates for regular positions within the service. Or the complete set of examinations used to establish an eligibility list.

EXAMINATION--OPEN. An examination open to any member of the public.

EXAMINATION--PROMOTIONAL. An examination limited to current regular employees of the County or Sheriff's Department, as applicable.

LAYOFF. A separation from service due to the elimination of a position based on lack of work or funds, reorganization or other reasons outside the employee's control of nondisciplinary nature.

POSITION--REGULAR. A budgeted full or part-time position within the classified or unclassified service.

POSITION--TEMPORARY. A limited-duration full or part-time assignment funded but not budgeted as a position within the classified or unclassified service. Temporary positions and employees do not receive the benefits, rights and privileges of regular employees and are not subject to these rules.

PROBATION. A trial period following appointment from an open or promotional eligibility list during which time an employee is required to demonstrate competency in the position. An original probationary period or employee refers to the initial probationary period served following appointment to a position in the classified service. A promotional probationary period or employee refers to the probationary period following promotion, reclassification or other such actions as provided for in these rules.

PROBATIONARY RELEASE. An involuntary termination from employment due to failure to satisfactorily complete the probationary period for the class. The appointing authority may release employees during an original probationary period for any lawful job-related reasons without recourse to the appeal procedures contained in these rules. A regular employee serving a promotional probationary period may be returned to his/her former classification without recourse to the appeal procedures in these rules except as provided in section 18.01.

REALIGNMENT. An adjustment to the salary range of an existing classification based on external market salaries, internal salary relationships and/or a change in the concept of the classification.

RECALL. Return to employment from an active recall list

RECALL LIST: A list of regular employees who were laid off and or demoted in lieu of layoff who are eligible for recall to the classification from which laid off.

RECLASSIFICATION: Assignment of a position to a new classification based on a change in duties or responsibilities.

REEMPLOYMENT. Appointment of a former regular employee to a position in the classified service from an eligibility list or to a position in the unclassified service.

REGULAR STATUS. An employee has attained regular status when he\she has successfully completed the original probationary period for any classification in the classified service.

REINSTATEMENT. Reappointment of a regular employee to a position in a class in which he/she had previously attained regular status

RESIGNATION. A voluntary separation from the County service

SECRETARY. Secretary and Chief Examiner as defined in Chapter 3.

SERVICE--CONTINUOUS. Service in a regular position since the last date of hire and excluding unpaid leaves of absence of fifteen days or longer. Continuous service includes paid leave, military or peace corps leave, disciplinary suspensions of less than fifteen days and leave due to occupational injury or illness.

SERVICE--TOTAL. The total period of employment based on the first date of hire in a regular position or classification, including leaves of absence and service preceding reinstatement and reemployment, excluding the break in service.

SUSPENSION. A period of involuntary unpaid leave imposed as a disciplinary action. See administrative leave for leave imposed at a pre-disciplinary level or for other reasons.

TRANSFER. Transfer of an employee to a new classification having the same maximum salary.

VETERAN'S PREFERENCE. Preference granted to eligible military veterans in examinations as provided for in these rules or applicable laws and ordinances.

5. RULE-MAKING

- 5.01 AMENDMENTS OF RULES. The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission, unless upon emergency declared by all commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.
- 5.03 EFFECTIVE DATE OF RULES. All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.
- 5.05 COPIES OF RULES. A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to each affected department of the County. A copy shall be maintained in the office of the Commission for public inspection on the website <http://www.clark.wa.gov/hr/documents.html> and copies shall be available for free public distribution as required by state law.
- 5.07 EFFECT OF RULES. The terms and conditions of civil service employment are governed by these rules, and applicable statutes. No employee shall have a property interest in employment 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 SPECIFICATION. A class specification shall be prepared and maintained for each class in the classified Civil Service System. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.

6.03 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 County Commissioners; or may do so upon request of an appointing authority or an affected employee if the classification of such position has not been reviewed within the last 12 months.

6.05 CLASSIFICATION OF POSITIONS

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

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

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

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

d. 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 thereof to other classes. The examples of duties set forth in such specification shall not be construed as all inclusive 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.

e. It shall be the duty of responsible administrative officers to report to the Secretary any and all organization changes which will abolish or affect changes in existing positions or establish new positions. When an appointing authority requests the establishment of any new or additional regular position, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Secretary, accompanied by a statement of the duties, responsibilities and qualification requirements of the position.

f. ASSIGNMENT. Upon request of the appointing authority and with approval of the Secretary and Board of County Commissioners, selected positions or assignments within a classification may be designated for premium pay above the compensation of the base class. No permanent or vested rights shall be acquired by reason of assignment to such

positions and such assignments shall be subject to review and change by the appointing authority at any time.

- g. Classification changes are subject to the following approvals:
 - (1) Reallocation of positions within existing classifications: appointing authority, Secretary and County Administrator.
 - (2) New classifications or changes to the pay rates of existing classifications: appointing authority, Secretary and Board of County Commissioners.

6.06 ALTERNATE STAFFING

- a. Selected positions may be established as alternately staffed at multiple levels within a classification series, e.g. Office Assistant II/III. Positions may be classified in this fashion when the range of duties and responsibilities allows for the job to be performed with varying levels of responsibility and expertise, depending upon the qualifications and abilities of the incumbent.
- b. Incumbents of alternately staffed positions may be promoted in the series without a competitive posting and examination process. Eligibility for promotion will be determined by the appointing authority based upon such factors as the employee's qualifications, job performance, length of service and demonstrated ability to perform effectively at the higher level. To be eligible for promotion, employees in alternately staffed positions must meet the published qualifications for the higher class, and, if applicable, have passed the probationary period for their current classification level. Employees promoted within alternate classifications must serve a new probationary period of one year.
- c. Vacant alternately staffed positions may be filled at any level in the series depending upon the needs of the department and the qualifications of the employee. Job postings to fill positions may be targeted to a specific level or, in the alternative, may accept candidates at multiple levels.

6.07 PERSONNEL AND CIVIL SERVICE RECORDS

- a. The Secretary shall establish and maintain appropriate records of position, examination and employee within the classified and unclassified civil service. The appointing authority shall maintain duplicate or additional records necessary for efficient administration of the department. Contents of and access to files and records shall be in conformance with all applicable legal requirements.
- b. It shall be the duty of each appointing authority to supply to the Secretary, in writing, all necessary information to enable the Civil Service Department to maintain such records

6.09 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT

- a. When a position is reclassified to a lateral classification having the same maximum salary, the incumbent shall be granted regular status in the new classification provided that he/she meets the minimum qualifications for the new classification. Probationary employees shall be required to complete the probationary period prior to receiving regular status. Seniority and service credit that is based on time in classification shall include time in the former and new classification. Changes should not adversely effect qualified incumbents, particularly in the area of seniority. All seniority (time spent) is carried forward to the new position classification.

- b. When a position is reclassified to a higher classification the Secretary may authorize appointment without examination under the following conditions:
 - (1) The change in duties evolved over a period of time, generally six months or longer.
 - (2) The incumbent has held the position and has satisfactorily performed substantially all of the duties for a period in excess six months.
 - (3) The incumbent meets all published qualifications for the new classification
- c. Upon request of the appointing authority and the concurrence of the Secretary, the incumbent of a job reclassified under 6.09b may be appointed without the requirement of having to serve a probationary period in the new class.
- d. In all other cases involving upward reclassification, the position must be filled via competitive examination. The incumbent may be continued in the position for a maximum of four (4) months on a temporary basis, pending examination. Where an established eligibility list exists, the Secretary may authorize a new examination in order to provide incumbents of reclassified positions the opportunity to compete.
- e. Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the appointing authority, elect to take a voluntary reduction to the lower class; or at his/her option and with the concurrence of the appointing authority, 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 he has regular standing.
- f. Incumbents who are not successful in retaining their positions through competitive examination shall be handled via the procedures in Chapter 14, Layoff.

6.10 UNCLASSIFIED SERVICE

- a. Assignment to a position in the unclassified service, carrying additional salary, duties and responsibilities, may be made by the appointing authority, from any position in the classified service and from any outside source.
 - (1) Any classified employee having civil service status in a position may take an appointment in the unclassified service and maintain the right to return to his/her regular position or to a like position, within thirty calendar days of the expiration of such appointment
 - (2) Seniority of an employee returning to his/her formerly held classified position or similar position, shall be calculated based on time spent in the unclassified position combined with the time spent in the formerly held classified position to which reinstatement is requested.

7. APPLICATIONS AND APPLICANTS

7.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS

- a. All applicants for examinations for positions in the classified Civil Service must submit an application in the form prescribed by the Secretary; and 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.
- b. In order to submit an application for examination, the applicant must produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.
- c. Time for submitting applications:
 - (1) All applications shall be submitted to the Secretary within the time limit fixed in the official announcement of examination; provided, that upon written evidence of extenuating circumstances acceptable to the Secretary, late applications may be accepted. The Secretary may designate in the official bulletin, that applications must be received on or before the closing date.
 - (2) 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.

7.03 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS

- a. An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed who, in addition to meeting the requirements of section 7.01, has the requisite service credit with the department as designated in the official bulletin and has completed the probationary period.

7.05 SPECIAL REQUIREMENTS

- a. 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.
- b. When designated on the official bulletins, the Secretary may permit filing by an applicant not more than six months under the specified minimum age on an open examination and not more than three months under the specified experience on a promotional examination. Probationers must successfully complete the probation period by the last day for accepting applications, in order to be eligible for promotional examinations. A successful candidate will have delayed eligibility until the required minimum age or experience is attained.

7.07 REJECTION OF APPLICATION OR ELIGIBLE. The Secretary may reject an applicant for examination, withhold from an eligibility list or from certification the name of an eligible, or remove from an eligibility list the name of an eligible if the applicant or eligible:

- a. Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;

- b. Is physically or mentally unable to perform all of the essential functions of the position sought with or without reasonable accommodation, as applicable under federal and state law;
- c. Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96a RCW);
- d. Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from County service; or has an unsatisfactory record of employment in the County service, or with any other agency or firm;
- e. Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;
- f. After notification, did not promptly appear at the time and place designated for the examination or any other appearance required in conjunction with the examination, certification or appointment process.
- g. 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;
- h. Has been discharged from the Armed Forces under dishonorable conditions.
- i. Such actions contemplated by this rule may also be taken for other material reasons.

7.09 DEBARMENT FROM EMPLOYMENT

- a. 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 and the appointing authority, subject to review by the Civil Service Commission.
 - (1) Candidates, who have committed a detected or undetected misdemeanor while employed in *non-sworn* law enforcement or related law enforcement environments, will not be automatically disqualified and shall be considered for employment provided that no further incidents have occurred within the last ten (10) years from the date of the original incident.
- b. Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.

7.11 NOTICE OF NON-ACCEPTANCE. Anyone against whom action is taken under this chapter shall be notified promptly by the Civil Service Department of the reasons therefore by either oral notice and/or written notice mailed to the applicant or eligible. When oral notice is given, the follow-up written confirmation must include the date and time of oral notice.

7.13 ADMISSION TO EXAMINATION PENDING APPEAL. At the discretion of the Secretary, an applicant whose application was not accepted may be admitted to the examination pending final disposition of an appeal, such admission to be without prejudice to either the County or the applicant.

- 7.15 AMENDMENT OF APPLICATION. At the discretion of the Secretary, an applicant may be permitted to amend or add to his/her application after acceptance.
- 7.17 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. The Commission shall order an examination whenever it is deemed to be in the best interest of the County. The Secretary or designee shall administer examinations as provided by these rules.

8.03 EXAMINATION ANNOUNCEMENT. Public notice of examinations shall be given by the Secretary and applications shall be accepted for a minimum of ten (10) days. The official bulletin shall be posted in the Commission's office and distributed to appropriate departments.

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

8.07 CONTINUOUS EXAMINATIONS

a. A continuous or periodic examination may be ordered and administered by the Secretary for any class of positions for other than promotional examinations. The secretary may close the filing period at any time after ten days when a sufficient number of applications from qualified candidates are received. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligibility list and certifications for appointments shall be made in the same manner as from any eligibility list. Names of eligibles from successive examinations in the same program shall be entered on the eligibility list for the class at the appropriate places as determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

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

8.09 CHARACTER OF EXAMINATIONS. All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

8.11 CONTENT OF EXAMINATIONS. Examinations may include any or all of the following; review of standard or supplemental applications, written tests, physical or performance tests, oral interviews, assessment centers, or any other suitable evaluation of job fitness. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.

8.13 PARTS AND WEIGHTS. Each component of the examination shall be weighted and scored in a manner consistent with contemporary principles of employee selection and applicable legal requirements and guidelines. Scoring techniques may include scored examinations, examinations graded on a pass/fail basis, ranking or other such options. Scoring options utilized may include "band" scoring where candidates' scores are defined as a number of bands (E.g. "Exceptional, excellent, very well qualified, well qualified, etc.") reflecting their overall level of fitness for employment. The Secretary shall establish the number of scoring bands to be utilized consistent with contemporary selection principles.

8.15 PASSING GRADES

- a. The secretary shall establish the final minimum passing score required for any examination in which a raw score is utilized.
 - b. In oral interviews and assessment center examinations, the secretary may authorize the evaluating panel to determine which candidates are to be considered recommended or not recommended for consideration for final appointment. Only the names of recommended candidates shall be entered on the eligibility list.
- 8.19 PROMOTIONAL EXAMINATIONS. Vacancies shall be filled by promotion, whenever practical in the judgment of the Commission. When, in the judgment of the secretary and with the concurrence of the Commission, an adequate pool of current regular employees who are qualified exists within the department of the County. Examinations may be announced as promotional and eligibility restricted to internal candidates who have attained regular status in a lower classification. In such cases the examination may be announced as a county-wide promotional examination restricted to the Sheriff's department or further restricted as provided below.
- a. Upon showing from a department that special training and knowledge gained within a work unit or job family is essential to the proper filling of the vacancy, the Commission may limit an examination to a promotional within a work unit or within the specific job family or career ladder, E.g. only Custody Officers are eligible for Custody Sergeant positions.
 - b. Promotional recruitments may be further restricted to employees of a particular job classification and/or work unit when the new position results from reclassification of a position in that classification and/or work unit as provided by section 6.09 (d).
- 8.23 VETERANS' CREDIT. Veterans, who have passed an examination, shall be entitled to credit pursuant to Chapter 41.04 RCW <http://apps.leg.wa.gov/RCW/default.aspx?cite=41.04> . [A copy of pertinent provisions of Washington State law relating to veterans' preference in employment is attached as Appendix B to these rules].
- 8.29 KEYED COPY INSPECTION AND EXAMINATION PROTEST
- a. Any protest against the job relatedness of any part of an examination shall be filed in writing with the Secretary within three (3) days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.
 - b. No keyed copy will be provided for inspection on standardized tests or on continuous or periodic examinations. When a keyed copy is provided, protests against the proposed keyed answers must be filed in writing within (3) days or the time limitation specified on the examination instruction sheet.
 - c. Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within three (3) days after the notices of results have been provided. When oral notice is given, the follow-up written confirmation must include the date and time of oral notice.
 - d. All protests filed in accordance with this rule shall be considered and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.
- 8.31 CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected by the Secretary upon discovery at any time during the life of the eligibility list, but no such correction shall affect an appointment made from a certification prior to the correction.

- 8.35 REEXAMINATION. No one shall be reexamined for the same class within six months of the effective date of such examination, unless authorized by the Secretary upon determination that it would be in the best interest of the County.
- 8.37 EXAMINATION MATERIALS. Examination materials of each eligible shall be kept on file in the office of the Commission until the expiration of eligibility or as required by state or federal records retention laws.

9. ELIGIBILITY LISTS

9.01 ESTABLISHMENT OF ELIGIBILITY LISTS. After each examination, an eligibility list for the class shall be prepared on which the names of successful candidates shall be ranked in order of score, including any additional points allowed by law or these rules for reserve officers or veterans' credit. Individuals participating in the examination on a delayed eligibility basis shall be certified in order of rank when they have attained full eligibility for appointment.

9.03 RETURN TO ELIGIBILITY LIST FOLLOWING LAYOFF. Employees who have been laid off and whose period of recall eligibility has expired may request that their name be restored to the eligibility list for the class from which they were laid off. Such request must be made within one year of the expiration of recall eligibility. The Chief Examiner will approve such requests provided the employee separated from service in good standing and the appointing authority approves. The employee's name shall be restored to the current and successive lists in order of original score for a maximum of one year from the date of the restoration.

9.04 RESCINDED OFFER OF EMPLOYMENT. When an offer of employment is rescinded due to shortage of funds or budget adjustments by the Board candidates who have completed or not the post-offer process shall have their names restored to the current and successive lists in order of original score for a maximum of one year from the date of restoration to the list.

9.05 ALTERNATIVES TO ELIGIBILITY LIST APPOINTMENTS

a. As an alternative to appointment from the current eligibility list for a class and/or competitive examination, an appointing authority may fill a vacancy by any of the following means:

- (1) Transfer of an employee from a position in the same or lateral classification provided the employee meets the qualifications for the classification. Transferred employees shall be placed at the same step in the new range.
- (2) Demotion of an employee from a higher classification provided the employee meets the qualifications for the classification. Demoted employees shall be placed at the highest step in the new range not exceeding the former salary.
- (3) Reinstatement of a former employee, who attained regular status in the classification, left County service in good standing and the reinstatement is effective within two years of separation. Reinstated employees shall be placed at the step number and not necessarily salary level previously attained prior to separation. Time served at the former step shall be applied toward eligibility for the next step increase. Additionally, if a vacancy exists, and with the approval of the appointing authority, reinstatements may be made to a lower classification for which the employee has attained regular status and which is in the same career ladder/series as the last position held.
- (4) Transfer or demotion of an employee who has a qualified disability under the ADA or state law and who successfully meets the minimum qualifications for a position. Employees who are reasonably accommodated will be placed at the highest step in the new range that is equal to or below their former salary. If the former salary exceeds the maximum of the new range, the employee shall be placed at the top step of the new range.
- (5) Absorption of an employee as a result of the Sheriff's Office absorbing the function which that employee performs. An employee added to the Department in this fashion shall be placed at the highest step in the new range that does not

exceed his/her former salary. If the former salary exceeds the maximum of the new range, the employee shall be placed at the top step of the new range.

(6) Conversion of a temporary employee to regular status, when he/she has held a temporary position in excess of 1040 hours and subsequently that position, responsible for the specific functions formerly performed by the temporary employee, is converted to a regular classified position. Temporary employees may be converted without competitive process under this subsection, at the discretion of the Sheriff. An employee added to the Department in this fashion shall be placed at the highest step in the new range that does not exceed his/her former salary. If the former salary exceeds the maximum of the new range, the employee shall be placed at the top step of the new range.

- b. When there is no current eligibility list for a classification, the Secretary, with approval of the appointing authority, may authorize certification from an alternative list, provided however; that the qualifications and examination used for the alternative class can be construed to adequately address the requirements of the class to which appointment is desired. This procedure may only be used for appointment to a lower or lateral classification.
- c. Upon recommendation of the appointing authority and passing a qualifying examination employees may be promoted to successive classification levels within alternately staffed positions. The Chief Examiner shall determine the appropriate examination to determine eligibility for promotion. No positions or classifications may be established as alternately staffed without approval of the Commission. Effective upon adoption of this rule, all Deputy Sheriff positions are deemed alternately staffed, subject to approval by the Board of County Commissioners and the collective bargaining requirements associated with RCW 41.56.
- d. Except as otherwise provided in these rules, all appointments to positions in the classified service shall be made on the basis of competitive examination.

9.09 DURATION OF ELIGIBILITY LISTS

- a. Except as otherwise provided in this section, all open competitive eligible registers shall remain in effect for one year from the effective date of their establishment. Promotional eligibility lists shall remain in effect for one year from the date of their establishment.
- b. With the approval of the appointing authority, an open or promotional list may be extended by the Secretary for a maximum of six additional months.
- c. When an eligibility list is deemed by the Secretary to contain an inadequate number of qualified eligibles to fill current and anticipated vacancies, the Secretary may authorize cancellation of the current eligibility list and/or a new examination, with eligibles from the new list merged with those on the existing list based on score. The minimum duration of an eligibility list shall be six months for an open list and twelve months for a promotional list.
- d. Employees on current eligibility lists may extend their eligibility through reapplication for subsequent examinations. When this is the case, their position on the list shall be based on the last score received. If an employee elects not to re-take an examination, their employment eligibility shall terminate upon expiration or cancellation of their eligible list.

- e. When an eligible candidate in good standing is activated into the military, his/her remaining time on the eligibility list shall be frozen until he/she successfully completes the military commitment and is available for civilian employment. Candidates must request that this rule be invoked by providing a written request, and an estimated date of release from military. Application of this rule has a maximum time period of up to one full calendar year from the date of when a candidate has been activated into military status.

9.11 AVAILABILITY OF ELIGIBLES

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

9.13 CANCELLATION OF ELIGIBILITY

- a. An eligible's name may be removed from an eligibility list for failure to pass a required examination or upon receipt of proof of material physical or mental disability 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 County or previous employers may be the basis for removal if such would have provided the basis for dismissal from County service.
- b. An eligible's name may be removed from the eligibility list for other reasons, including:
 - (1) Failure to respond to inquiries or notices from the County
 - (2) Refusal to accept two consecutive offers of employment except as provided in section 9.13 (e).
 - (3) Rejection by the appointing authority after three successive certifications to vacant positions, in such circumstances the department must notify the Human Resource Department within 10 days in order that candidates may receive timely notification of standing.
- c. Such action contemplated by this rule may also be taken for other material reasons.
- d. Separation from the service shall terminate promotional eligibility.
- e. Open or promotional eligibles may request that their name be placed on an inactive list due to temporary disability or unavailability for employment or place reasonable restrictions on the types of positions for which certified, E.g. selected shifts or geographic assignments. When such requests are approved by the Secretary, the eligible shall only be certified within the limits specified and failure to certify shall not jeopardize eligibility based on the disqualifications in 9.13 b above.

- 9.14 **PROVIDING INFORMATION TO CANCELED ELIGIBLES.** When notifying an eligible of removal from the eligibility list, the basis for the removal shall be included in the correspondence. Although certain aspects of the testing materials contain confidential or privileged information, the applicants will be provided with reasonable, general information as to the basis for the removal. Names of individuals, statements from past employers and diagnosis revealed in psychological or medical evaluations will not be released to candidates.
- 9.15 **RESTORATION OF NAMES TO ELIGIBILITY LISTS.** The name of an eligible which has been removed from an eligibility list may be restored upon written request to the Secretary for such restoration. The request must specify the reasons for the requested restoration. The Secretary may approve the request if it is deemed that the evidence submitted justifies such approval.
- 9.16 **REAPPLICATION OF NAMES REMOVED FROM ELIGIBILITY LISTS.** When a person is removed from an eligibility list for cause as indicated in Rule 9.13 [CANCELLATION OF ELIGIBILITY], such individual becomes ineligible to reapply for that position and all other classified positions within the Clark County Sheriff's Office for a period of eighteen (18) months from the date of written notification.
- 9.17 **APPEAL.** Whenever a person's name is removed from an eligibility list, such person has the right to appeal, and must notify the Chief Examiner/Secretary in writing within 10 calendar days of receipt of notification. Written notifications must state the basis for the appeal.

10. CERTIFICATION AND APPOINTMENT

10.01 GENERAL PROVISIONS. Except as provided otherwise by these rules, vacancies in the classified civil service shall be filled by certification and appointment following a competitive examination.

10.03 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 vacancies known or anticipated, 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 necessary for full description of the position to be filled. Alternately staffed positions are limited to not more than 40% of the hires at the upper level within a calendar year. The appointing authority may request an exception of the 40% limit be made by the Civil Service Commission.

10.05 CERTIFICATION

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

- (1) Recall lists
- (2) Promotional eligibility lists
- (3) Open eligibility lists

b. Order of recall. If a vacancy is to be filled from the recall list, the Secretary shall certify the names of qualified regular employees in the order of their length of service in the classification from which they were laid off. In the event of a tie, the tie shall be broken on the basis of total continuous service, first in the department and then in the County. If there is still a tie the issue shall be resolved by lot. The regular employee on such list who has the most service credit shall be offered the position.

c. Order of certification from promotional and open eligibility lists.

- (1) If a vacancy is to be filled from an eligibility list, the Secretary shall certify to the appointing authority the names of the three highest ranking eligible candidates that are qualified and available for employment. When necessary, and upon request of the appointing authority and with approval of the Secretary, names may be granted provisional certification pending the final outcome of the background investigation.
- (2) In the event of a tie, all eligibles having the same rank shall be certified.
- (3) If two or more vacancies are to be filled from any of the above lists other than the reinstatement list, the name of one additional person shall be certified for each additional position.
- (4) 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.
- (5) Where a certification of eligibles with special experience, training or skills is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position, and the Secretary 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. Certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed only by the sex specified.

- (6) The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.

- 10.07 DEFERMENT OF CERTIFICATION. The Secretary may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefore. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his desire to be returned to the eligibility list, and such return has been approved by the Secretary.
- 10.09 DURATION OF CERTIFICATION. Certification shall be in effect for thirty (30) days from its date of issuance. The appointing authority must file a report of any appointment from such certification with the Secretary. Upon request, the Secretary may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification.
- 10.11 REGULAR APPOINTMENT. A regular appointment to fill a vacancy must be made from the names contained on the official certification. The official appointment report shall show the name of the person appointed, the effective date, the salary, the nature or duration of the appointment, and any other information required.
- 10.13 PROVISIONAL APPOINTMENT. Where there is no suitable eligibility list from which certification can be made, the Secretary may allow the appointing authority to make a provisional appointment. A provisional appointment may be made for a period of up to four months, and may not be extended for a longer period of time. No person shall receive more than one temporary appointment in any twelve-month period. All provisional employment in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a proper eligibility list for such class is available; provided, an extension may be granted by the Secretary upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the four-month limitation.

11. PROBATION

11.01 PROBATIONARY PERIOD

- a. All full-time or part-time regular appointments from an eligibility list shall require successful completion of a probationary period. The probationary period shall be considered as the final portion of the examination process and shall be used to evaluate the qualifications, conduct and performance of employees.
- b. Except as provided in section 11.07, below, transfers and demotions to a new classification shall require successful completion of a new probationary period. [in the same class from one department to another, the receiving department may, with the approval of the Secretary, require that a complete probationary period be served in that department.]
- c. A regular employee who has been voluntarily or involuntarily demoted to a lower classification within the same job family shall not be required to serve a new probationary period in the lower classification.

11.03 LENGTH OF PROBATIONARY PERIOD. The period of probation shall be equivalent to 12 months of full-time service following appointment from an eligibility list. Minor absences due to vacations, annual military leave, illnesses, etc., shall not be construed as interrupting the probationary period, provided however than a minimum of 1,824 regular paid hours (or the prorated equivalent for part time employees) shall be required for completion of the probationary period. The probationary period shall be extended as necessary to meet this requirement.

11.05 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE. A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

11.07 SERVICE IN ANOTHER CLASS. Upon request of the department and with the approval of the Secretary, service in another lateral or higher classification may be credited toward completion of a probationary period when it can be determined that the employee's service in the former classification adequately demonstrates the employee's qualifications and performance in the new classification. [if the Secretary has approved the written statement of the appointing authority to the effect that the probationary period may be properly judged on the basis of service in the other class or office].

11.09 PROBATIONARY DISCHARGE OR DEMOTION

- a. The appointing authority may discharge any employee serving an original probationary period. Such action need not be based on just cause and shall not otherwise be reviewed by the Commission except as provided in section 18.01.
- b. An employee serving a promotional probationary period may be demoted to his/her former classification on the basis of unsatisfactory performance in the higher classification. Such action shall not be subject to the just cause standard or review by the Commission. A promotional probationary employee who is discharged or otherwise disciplined shall be entitled to appeal the discipline to the Commission.

12. SERVICE CREDIT

12.01 Except as otherwise defined in these rules, service and seniority shall be defined as follows:

- a. For retirement and accrual of paid leave, an employee's length of service shall be based on the last date of hire in a regular position with the County. For retirement purposes, employees who separate from County service and are reemployed shall be given credit for the prior service in accordance with the rules and procedures of the applicable retirement system.
- b. For layoff service and step increases, an employee's length of service shall be based on all continuous active employment within the employee's current classification.
- c. Employees shall continue to accrue service credit during any period of paid leave or during unpaid leaves of absence of less than 15 calendar days. Employees shall also accrue service credit during military, Peace Corps, US Public Health and industrial injury leave as and to the extent required by state and federal law.
- d. Employees shall maintain, but not accrue, service credit during unpaid leaves of 15 days or more or while on an active recall list provided that the employee is recalled to service in a regular position.
- e. Employees who resign and are reinstated under 9.05 or who are recalled from an active layoff list shall receive credit for service prior to resignation. All other service prior to a break in service caused by termination shall be lost.

12.02 Service credit for salary step increases shall be based on the date of the employee's appointment or promotion to the current classification. Upon reclassification, lateral transfers or demotions, the employee's eligibility date shall remain unchanged.

13. LAYOFF

- 13.01 The appointing authority may lay off any employee in the Classified Service whenever such action results from shortage of work or funds, the abolition of a position because of changes in organization, budget adjustments directed by the Board or other reasons outside the employee's control of a nondisciplinary nature; however, no regular employee shall be laid off while there are temporary, provisional or probationary employees serving in the class for which the regular or probationary employee is eligible and available.
- 13.03 Layoff of regular employees shall be made in inverse order of seniority in the classification. The Sheriff may authorize layoff out of seniority order when authorized by the Secretary when there is a showing that an employee who would otherwise be laid off possesses critical skills or training required for the continued operation of the department. An employee who is laid off by virtue of the exercise of this option may appeal the decision to the Commission. In the event that there are two (2) or more employees eligible for layoff with the same service in the classification, the order of layoff shall be based first on total service in the Sheriff's department and then total County service.
- 13.05 Provisional and temporary employees shall be laid off prior to the layoff of probationary employees and in any order determined by the appointing authority. Employees serving an original probationary period shall likewise be laid off in an order determined by the appointing authority based upon demonstrated performance and qualifications. The names of probationary employees laid off under this section shall be entered on the eligibility list for the classification from which they were laid off in order of seniority and shall be certified to available vacancies ahead of outside candidates but otherwise in accordance with these rules. Probationary employees shall be eligible for reemployment under this procedure for the life of the eligible list or six months, whichever is greater.
- 13.07 In lieu of layoff, a regular employee may request reassignment to a position in a lateral or lower classification in which the employee had attained regular status by successfully completing the probationary period. In such event the employee may bump the employee with the least seniority in the classification to which reassignment is requested provided the employee is qualified to perform the assignment. An employee who is no longer certified through the state due to having promoted or moved laterally to a civilian assignment, will be considered otherwise qualified unless he/she is unable to successfully complete the academy requirements within the first year of returning to the formerly held position. Seniority for bumping under this section shall include seniority in the classification from which the employee was laid off and seniority in the classification to which reassignment is requested.
- 13.09 The names of employees who are laid off or displaced under this rule will be placed on the recall list for the classification previously occupied in inverse order of layoff. The recall list will remain in effect for a period of four years until the employee requests that his/her name be removed from the list, or until the employee declines re-employment in the classification from which he or she was laid off, whichever is sooner.
- 13.11 An employee who is laid off may request that the department place his/her name on the reemployment list for a lower classification in the Sheriff's Office in which the employee had attained regular status by successfully completing the probationary period. Placement on the recall list for a lower classification will be based on seniority in the classification from which the employee was laid off and seniority in the classification for which recall rights are requested.

- 13.13 At the time of employee notification of layoff, the department shall advise the employee of the terms of this section and the employee shall advise the department within seven (7) days of any option he or she wishes to exercise under the terms of this Article.
- 13.15 The County shall notify an employee on the recall list of his recall to work by certified mail to the employee's last known address. The employee shall respond in writing within seven (7) days of receipt of such notification or forfeit his right to recall under this Article.
- 13.17 An employee who bumps into a lateral classification (i.e., a classification with an identical maximum base wage rate) shall retain the base rate he or she last held in the classification from which he or she bumps. An employee who bumps into a lower classification (i.e., one with a lower maximum base wage rate) shall initially be placed in the highest step in the lower range not exceeding his/her former base salary. An employee who is recalled from layoff status shall be placed at his/her former step.

14. LEAVES OF ABSENCE

- 14.01 Under all circumstances leave requests will conform to the employee's respective collective bargaining agreement and HR County Policy.
- 14.02 The appointing authority may grant a regular employee a leave of absence without pay for a period not exceeding twelve calendar months for medical, educational or compelling personal reasons and shall give notice of such leave to the Commission.
- 14.03 At the expiration of an authorized leave of absence, a regular employee shall be returned to the same classification and salary step as was held prior to the leave of absence.
- 14.05 CIVIC DUTY LEAVE. Leave with pay shall be granted as necessary to allow employees to serve as a member of a jury, to take examinations for County positions, or to vote. Any compensation received by the employee for such duties, excluding mileage allowance, shall be waived, remitted to the County, or, in the alternative, the County shall pay the difference between the employee's regular salary and the fees received. Service as a witness in matters arising from the course and scope of employment shall be considered on-duty time. Service as a witness or party to non job related matters shall be unpaid or charged against the employee's accrued leave balance.
- 14.07 OTHER LEAVES. Paid leave shall be granted employees in accordance with federal and state laws or local codes and ordinances as required for military service, including US Public Health and Peace Corps leave, parental and job-related disability leave.
- 14.09 REPLACEMENT FOR EMPLOYEES ON LEAVE. All temporary employment caused by leave of absence shall be made pursuant to Chapter 10.

15. RESIGNATION

- 15.01 Resignation of any employee from the service shall be made in writing and filed with the appointing authority. The Secretary shall be notified of any resignation of a regular or probationary employee in the classified service.
- 15.02 Regular employees who resign in good standing may be eligible for reinstatement under section 9.05 for two (2) years following resignation. After that date, former employees may only be appointed to positions in the classified service by competitive examination.

16. DISCIPLINE AND DISCHARGE

- 16.01 The appointing authority may discipline a regular employee in good faith for cause. Discipline subject to this requirement is limited to suspension, demotion, reduction in salary step, denial or postponement of salary step increases, or discharge. Suspensions generally should not exceed one month and should generally be employed in cases of misconduct and not for performance-based problems. Suspensions of FLSA exempt (salaried) employees are not encouraged. When used, they must be in increments of one or more calendar weeks to preserve the salaried status of these employees under the FLSA. Partial week suspensions are only permitted for significant safety infractions. Such actions may be appealable to the Commission as provided herein. Oral and written warnings or reprimands, reassignments or other actions not resulting in a loss of pay are not subject to the provisions of this chapter.
- 16.02 Employees serving an original probationary period may be disciplined for any lawful reason and shall not be entitled to review under this rule. Employees serving a promotional probationary period shall not be entitled to request review of disciplinary demotions to the former classification but shall otherwise enjoy all rights afforded regular employees.
- 16.03 The following are considered to be cause for discipline:
- a. Unsatisfactory job performance including incompetency, inefficiency, carelessness or inattention to duty, negligence or dereliction of duty, unprofessional conduct or appearance or failure to maintain knowledge, skills, abilities or licenses and certifications required for effective job performance.
 - b. Misconduct including dishonesty, falsification or false statements, by act or omission, unprofessional or immoral conduct, or any other act of omission or commission tending to injure the reputation or effectiveness of the department, County or public service.
 - c. Failure to maintain the required level of mental or physical fitness for the position which the employee holds;
 - d. Racial or sexual discrimination or harassment or prejudicial conduct;
 - e. Unlawful or unacceptable use, possession or sale of controlled substances or alcohol including off-duty use to the extent that the use thereof impairs or interferes with job performance and effectiveness. Violation of the requirements and conditions of the Drug Free Work-place Act or other state and federal laws regarding substance abuse.
 - f. Conviction of a felony, or a misdemeanor involving moral turpitude;
 - g. False or fraudulent statements, cheating or fraudulent conduct as an applicant, examinee, eligible, or employee, including misrepresentation of qualifications for employment, or such actions by others with his or her collusion;
 - h. Insubordination or violation of any lawful and reasonable regulation, provision of these rules or order or direction from an authorized supervisor;
 - i. Absence without authorization including failure to follow required procedures for notification and approval of absences and failure to return from authorized leave or leaves of absence or abuse of leave privileges.
 - j. Unsatisfactory attendance or punctuality

- k. Acting upon or maintaining a conflict of interest, including misuse, abuse or personal use of County funds, property or equipment, acceptance of gifts or favors in exchange for the exercise of influence or the granting of considerations, or maintaining unauthorized off-duty employment.
- l. Failure to maintain satisfactory working relations with the public, other employees or superiors, including intemperance or discourtesy.

16.04 PREDISCIPLINARY HEARING

- a. In the event of discipline at the level of a salary step reduction, demotion, suspension, or discharge of a regular employee, an employee shall be provided with a written notice of the basis for discipline and recommended disciplinary action. The employee shall be given an opportunity to respond at a pre-disciplinary hearing or in writing. The employee may have legal counsel or union representation present at the hearing.
- b. Information presented by the department at the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.
- c. Should the appointing authority determine to discipline following the pre-disciplinary hearing, 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.
- d. On appeal, the Commission shall not consider any basis for disciplinary action not previously presented to the employee.

16.06 ADMINISTRATIVE LEAVE. The Department may place an employee on administrative leave, with or without pay, pending an investigation. To the extent the Sheriff or any subsequent appellate body finds that discipline is not sustained, the employee shall be compensated for any loss in pay.

16.07 PERSONNEL FILES

- a. Access to the employee's personnel file shall be limited to the employee, his or her authorized representative, officials of the County and Sheriff's Office and such other persons or agencies as may be allowed under state and County laws and regulations.
- b. Employees shall be provided copies of all adverse material to be included in their personnel file and shall have the right to attach statements in rebuttal or explanation.
- c. Employees may request that written warnings placed in an employee's personnel file be removed after three (3) years if there have been no related problems or disciplinary action imposed during that period.

17. HEARINGS

17.01 SCOPE OF APPEALS

- a. The Commission may hear an appeal alleging violation of these rules from any Employee, applicant or Eligible who is adversely affected by an alleged violation of Civil Service rules or County ordinances and policies.
- b. Any regular employee who is demoted, reduced in pay, suspended or discharged may appeal such action to the Commission.
- c. A regular employee who is demoted while serving a promotional probationary period or a probationary employee who is disciplined may only appeal the question of his/her probationary status and whether the rules for discipline of probationary employees were properly followed.

17.03 APPEAL PROCEDURES AND REQUIREMENTS

- a. A notice of appeal shall be filed at the Commission offices within ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal. Forms provided by the Commission may be used for such notice, but are not required.
- b. When not inconsistent with the terms of a collective bargaining agreement, the Secretary may direct the employee to exhaust available administrative procedures before hearing the matter.
- c. If the employee exhausts the available administrative procedures and continues to believe that cause has not been shown, the employee may within the (10) days after the final step of the procedure, request the Secretary to return the appeal to the Commission for hearing.

17.07 AUTHORITY OF SECRETARY AND CHIEF EXAMINER/STAFF

- a. The Secretary and 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 and Chief Examiner may also conduct pre-hearing settlement conferences in order to encourage resolution of contested matters, issue subpoenas, and note depositions.
- b. The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission. 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.
- c. As an aid to investigations authorized by the Commission, the Secretary and Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

17.09 APPEALS--INITIAL REVIEW. The Secretary and Chief Examiner shall review all appeals to determine whether the employee or Eligible has timely filed an appeal and whether the action appealed from is within the authority of the Commission. Upon a determination that the appeal is not timely, or within the authority of the Commission, the Secretary and Chief Examiner shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. Such orders may be appealed to the Commission.

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

17.13 APPEALS--AUTHORITY OF DEPARTMENT. The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

17.15 SERVICE OF PROCESS--PAPERS

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

b. All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgment of such mailing attached to the papers so served. Written acknowledgment shall be by affidavit of the person who mailed the papers, or by certificate of any attorney or Secretary and Chief Examiner.

c. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail, upon deposit in the mail properly stamped and addressed.

d. 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 in advance and may be provided at the hearing.

e. An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

17.17 DISCOVERY

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

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

17.19 SUBPOENAS

- a. 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, to give testimony or produce designated books, documents, or things under that person's control.
- b. Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly served. Such requests for subpoenas shall be submitted to the Commission offices at least three (3) days prior to the hearing.
- c. Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.
- d. The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office; and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.
- e. 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.

17.23 EVIDENCE

- a. 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.
- b. Witnesses in any hearing may be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.
- c. 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. Further participation in the hearing, after objection, shall not be deemed a waiver.

- d. 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 and Chief Examiner.
 - e. Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.
- 17.25 EXECUTIVE SESSION. The Commission may deliberate in closed session as authorized by Chapter 42.30 RCW. No person other than staff to the Commission, legal counsel, and the Appointing Authority or his/her designee Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.
- 17.27 DECISION. In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall be issued within ten (10) days of the close of the hearing of an appeal or other proceeding heard by the Commission, unless extended by mutual consent of both parties.
- 17.29 REMEDIES. The Commission may issue such remedial orders as deemed appropriate.
- 17.31 RECONSIDERATION. A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.
- 17.33 WAIVER. Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinances of the County would be better served, the Commission may waive the requirements of any of these rules.

18. RETIREMENT AND DISABILITY

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

18.02 DISABILITY

- a. Employees who are unable to perform the duties of their positions by virtue of a temporary physical or mental disability may request a medical leave of absence of up to six (6) months in excess of any accrued sick leave. Such requests must be in writing and must specify the nature and expected duration of the disability period. The request must be accompanied by supporting documentation from a physician and the appointing authority may require a separate medical evaluation.
- b. Employees returning from a medical leave must provide medical verification or the ability to return to full or restricted duty and the appointing authority may request additional verification as above.
- c. When there is cause to believe that an employee is physically or mentally unfit to perform the full duties of his/her position, an employee may be required to submit medical verification of his/her ability to work from a physician of the employer's choosing. The employee may submit a 2nd medical opinion from a physician of the employee's choice. In the event the medical opinions are conflicting, a 3rd physician shall be selected who is mutually acceptable to the appointing authority and employee and that opinion shall govern. If the employee is found unfit to continue in the position the employee shall be placed on medical leave if the disability is for less than six months as provided above. If the temporary disability is expected to continue for longer than six months beyond the accrued sick leave the employee shall be terminated for medical reasons and may be eligible for reemployment or reinstatement in accordance with these rules.

19. MISCELLANEOUS

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

19.03 COMPUTATION OF TIME

- a. In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless otherwise specified. References to days shall be construed to mean calendar days. When a time period ends on a Saturday, Sunday or designated County holiday the deadline shall be extended to the next regular working day.
- b. Unless prohibited by RCW 41.14, any period of time may be extended by the Secretary and Chief Examiner for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the expiration of the applicable time period.
- c. The date of notice for purpose of these rules shall be the date on which notice of an action is postmarked or is certified as received by a party to a proceeding.

CIVIL SERVICE RULES

APPENDIX B

RCW 41.04.005

"Veteran" defined for certain purposes.

(1) As used in RCW [41.04.005](#), [41.16.220](#), [41.20.050](#), [41.40.170](#), and [*28B.15.380](#) "veteran" includes every person, who at the time he or she seeks the benefits of RCW [41.04.005](#), [41.16.220](#), [41.20.050](#), [41.40.170](#), or [*28B.15.380](#) has received an honorable discharge, is actively serving honorably, or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:

(a) The person has served between World War I and World War II or during any period of war, as defined in subsection (2) of this section, as either:

(i) A member in any branch of the armed forces of the United States;

(ii) A member of the women's air forces service pilots;

(iii) A U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or

(iv) A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(b) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:

(i) In any branch of the armed forces of the United States; or

(ii) As a member of the women's air forces service pilots.

(2) A "period of war" includes:

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) The Vietnam era, which means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;

(ii) The period beginning August 5, 1964, and ending on May 7, 1975;

(e) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law;

(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and

(g) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; Bosnia, Operation Joint Endeavor; Operation Noble Eagle; southern or central Asia, Operation Enduring Freedom; and Persian Gulf, Operation Iraqi Freedom.

RCW 41.04.007

"Veteran" defined for certain purposes.

"Veteran" includes every person, who at the time he or she seeks the benefits of RCW 46.18.212, 46.18.235, 72.36.030, 41.04.010, 73.04.090, 73.08.010, 73.08.070, 73.08.080, or 43.180.250 has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

- (1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;
- (2) As a member of the women's air forces service pilots;
- (3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
- (4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
- (5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
- (6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW 46.04.013.

<http://apps.leg.wa.gov/RCW/default.aspx?cite=41.04.007>

RCW 41.04.010

Veterans' scoring criteria status in examinations.

In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations shall give a scoring criteria status to all veterans as defined in RCW [41.04.007](#), by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

- (1) Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW [41.04.005](#) and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;
- (2) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW [41.04.005](#) or is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;
- (3) Five percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only;
- (4) All veterans' scoring criteria may be claimed upon release from active military service.

Notes:

Veterans and veterans' affairs: Title [73](#) RCW.

<http://apps.leg.wa.gov/RCW/default.aspx?cite=41.04.010>