

Clyde Hill

Civil Service

Rules and Regulations

City Ordinance 668



Civil Service Commission

RULE 1

- Section 1. Appointment and Terms. The Civil Service Commission shall consist of five members, appointed by the Mayor. The terms of office for such Commissioners shall be for three years. Confirmation by the City Council is not necessary. Due to the unique circumstances existing in the City which require a close working relationship between the Mayor and the Civil Service Commission, and in deference to the provisions of RCW Chapter 41.12 and after determination that it is in the best interests of the citizens of the City of Clyde Hill, the members of the Civil Service Commission shall hold office at the pleasure of the Mayor. Members of the Commission shall serve without compensations.
- Section 2. Requirements for Office. No person shall be appointed a member of the Commission who is not a citizen of the United States. Commissioners must have been residents of the City of Clyde Hill for three years immediately preceding such appointment, and an elector of the County where he/she resides.
- Section 3. Organization. The members of the Civil Service Commission when appointed by the Mayor, shall proceed to the election of a Chairperson who shall continue in office for a period of one (1) year or until subsequent reorganization becomes desirable or necessary.
- Section 4. Meetings. All meetings of the Commission shall be public and, in conformity with RCW 32.30, the "Open House Meetings Act of 1971" except that upon unanimous vote of its members the Commission may meet in Executive Session. Regular meetings shall be held as required and at other times upon the call of the Chairman or any three (3) members.

Three (3) members shall constitute a quorum and three affirmative votes shall be required for the transaction of any official business.

Special meetings may be held at such times and places as may be determined by the Commission; provided that the determination to hold special meetings and the specific agenda items warranting the special meeting are the only matters which may be acted upon at said special meeting. The Secretary/Chief Examiner shall attend all meetings and shall record the actions taken and how the Commissioners voted, and shall be presented to the Commission for approval or correction at the next regular meeting. Upon approval the minutes shall be signed by the Chairperson and countersigned by the Secretary/Chief Examiner and shall become a part of the permanent record of the Commission. Roberts Rules of Order Revised shall be the final authority on all questions of procedure and parliamentary law not otherwise provided by the Act of these regulations.

Section 5. Powers and Duties. The Civil Service Commission shall:

- A. Limit its duties exclusively to full time Police Department law enforcement personnel.
- B. Keep itself informed on the quality and efficiency of Police Department administration and adopt rules for the regulation of the Police Department relating to qualification and hiring of police, and the appropriate handling and hearings on complaints or appeals by police officers concerning grievances, disciplinary matters or termination.
- C. Appoint a Secretary/Chief Examiner in conformity with Rule II, Section 1.
- D. Approve minutes of its own meetings and records of its procedure.
- E. Formulate and hold competitive tests under the supervision of the Secretary/Chief Examiner to determine the relative qualifications of persons for employment in the classified service, and prepare a list of eligible candidates for vacancies and certify the same.

- F. Begin and conduct all civil suits which may be necessary for the proper enforcement of RCW Chapter 41.12 and of the Rules of the Commission. The Commission shall be represented in such suits by the City attorney, but said Commission may in any case be represented by special counsel appointed by it.
- G. Hear and determine appeal arising from the administration of RCW 41.12 and these rules and regulations.
- H. Investigation and report all matters relating to the enforcement and effect of RCW 41.12 and these rules and regulations.
- I. Have such powers and duties as are imposed upon the Commission by RCW 41.12.

Section 6. Rules and Regulations. Rules of the Civil Service Commission shall be adopted or amended by an affirmative vote of three members of the Commission at any regular or special meeting of which public notice has been given. Before adoption of the Civil Service Commission rules, the Civil Service is required to submit a copy of the proposed rules to both the Mayor and the Chief of Police for preliminary approval. In addition, Civil Service Commission may wish to utilize the advice of the Mayor and the Chief of Police during the drafting process. The Mayor, Chief of Police or any member of the Civil Service Commission may propose a rule or amendment to a rule at any time; however, all other persons must submit any proposed rule or amendment to the Secretary/Chief Examiner of the Commission at least 30 days in advance of the meeting at which the proposal will be considered. The rules of the Commission shall be adopted or amended by a majority vote and approval by the Mayor. The Civil Service Commission has the power to interpret its rules. The Commission may apply such principles as it deems desirable in the determining cases which are not clearly determined by rules adopted by the Commission. Upon the affirmative vote of the three members of the Commission, any such amendment may be effective upon the date of its passage.

Section 7. Severability. If any of these rules and regulations or portion thereof are declared by a court of competent jurisdiction or judicial proceeding or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and shall not affect the remaining rules and regulations or remaining portions of the rules and regulations.

RULE II

SECRETARY/CHIEF EXAMINER

Section 1. Selection. The Civil Service Commission shall appoint the Secretary/Chief Examiner from a list of eligible candidates. The list of eligible candidates shall be determined by competitive examination. The Commission shall determine the method of examination to be utilized. The person holding the position of Secretary/Chief Examiner need not be a resident of the City.

Section 2. The City Council shall provide for the compensation of the Secretary/Chief Examiner in an amount commensurate with the time and responsibilities involved.

Section 3. Duties. The Secretary/Chief Examiner shall be the official custodian of all records and files, including examinations of the Commission, receive and prepare all reports made to it; attend and record all meetings of the Commission; keep the minutes of the meetings. Hearings and other activities of the Commission; prepare the correspondence of the Commission, and shall conduct and be personally present at all examinations; certify that all examinations are graded in a fair and impartial manner; establish and maintain eligibility lists; maintain a record of all regular and temporary positions in the classified service, and perform other such duties as the Commission and Chairperson may require.

RULE III
CLASSIFICATION

Section 1. Establishment. The classified civil service shall include only the uniformed and commissioned police officers of the City of Clyde Hill, excluding the Chief of Police. In making examinations, certifying for appointments and promotions, making suspensions and removals and otherwise carrying out the Civil Service Rules and Regulations, the work of said Police Department shall be classified in accordance with the character of the services performed, which classification shall be as follows.

- A. Commander
- B. Corporal
- C. Police Officer
- D. Unclassified. All reservist part-time police officers or other permanent or temporary full or part time clerical, administrative or other non-law enforcement employee of the Department. Such persons shall perform such duties as directed by the Chief of Police.

Section 2. Recognition. Hereafter the class title so established shall be used in all personnel, budget, accounting and other financial documents and the communication of the City.

Section 3. Changes. Additional classes may be established and existing classes may be divided, combined or abolished by the Civil Service Commission in the same manner as originally adopted.

Section 4. Duties of Commander, Corporal and Police Officers.

- A. Commander. The Commander is the second in command within the Police Department, and is directly responsible and accountable to the Chief of Police. They are responsible for the overall supervision of the of persons engaged in police patrol, investigation of traffic or for other areas of police administration, and other such duties as may be directed by the Chief of Police. They handle the day-to-day operations of the Police Department, and is responsible for the enforcement of all City ordinances and state statutes within the City limits. They assume command of the Police Department in the absences of the Chief of Police.

- B. Corporal. The Corporals are a lead position within the Police Department, and are directly responsible and accountable to the Commander and Chief of Police. The Corporal will engage in police patrol, investigation of traffic or for other areas of police and other such duties as may be directed by the Commander and Chief of Police. They are responsible for the enforcement of all City ordinances and state statutes within the City Limits. A Corporal will be assigned by the Chief of Police to assume command of the Police Department in the absence of the Commander and Chief of Police.

- C. Police Officer. Police officers shall perform assigned duties with intelligence and efficiency. Their duties shall include patrol, traffic and any other duties assigned to them by their Commander or the Chief of Police.

Section 5. Requirements for Commander, Corporals and Police Officers.

- A. Commander.
 - 1. A minimum of three (3) years recent experience as a full time patrol officer.
 - 2. A minimum of one (1) year experience in a supervisory

position such as Acting Commander with the Clyde Hill Police Department

Or

A minimum of two (2) years recent experience in a supervisory position such as Sergeant with a recognized or qualified department of at least comparable size.

Or

A minimum of two (2) years of recent experience in a lead position such as Corporal with the Clyde Hill Police Department

3. A college graduate or hold an Associate of Arts or Associate of Science Degree from an accredited college.

B. Corporal.

1. A non-probationary officer with a minimum of five (5) years experience as a full-time patrol officer.
2. A college graduate or hold an Associates of Arts or Associate of Science Degree from an accredited college.
3. Must be a Field Training Officer (FTO)

C. Police Officer.

- (1) Applicants must meet the requirements established by Rule V of these Rules.

RULE IV

MERIT BASIS FOR APPOINTMENT AND PROMOTION

Section 1. All appointments to, and promotions in, the Department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and review of personal records. No person shall be reinstated, transferred, suspended or discharged from any position or employment contrary to the provisions of the Rules.

RULE V

QUALIFICATIONS

Section 1. General. An applicant for any position in the Police Department must be a citizen of the United States; capable of reading and writing in the English language; possess educational training equivalent to a four year high school diploma; and be in good health, of good moral character, and of temperate and industrious habits.

Section 2. Physical Standard. Unless otherwise provided in these Rules, no person under the age of 21 years will be admitted to the examination for any position; must possess an agreeable personality and be of a temperament and disposition suitable for law enforcement duties. The Commission may waive requirement for good reason, based upon present employment, and/or experience, and for such other reasons which the Commission may deem relative in the case.

Section 3. Medical Examination. Proof of good health by a medical and physical examination shall be taken by all probationary appointees before entering upon their employment and by all applicants for reinstatement prior to reinstatement. All such examinations shall be made at the expense of the City of Clyde Hill by a physician approved by the Commission who shall certify the results of such examination to the Commission.

Section 4. Burden of Proof. The burden of proof shall be upon an applicant for any position under Civil Service to show that he/she possess the required qualifications.

RULE VI

APPLICATIONS

Section 1. Announcement of Vacancy. Whenever there is a need for a current list of qualified candidates for appointment or promotion to a position in the classified civil service, the Secretary/Chief Examiner shall make an announcement and give public notice of the examination inviting qualified persons to apply for admission to the examination for employment or promotion. Public notice shall specify the title and salary range of the position, a brief description of duties, the minimum qualifications required, including minimum age 21 and possession of a valid driver's license, and the final date upon which application will be received. Notice of the examination shall be given by publications which the Secretary/Chief Examiner deems appropriate to ensure a wide circulation of the notice and a competitive examination.

Section 2. Form of Application. Persons desiring to apply for positions for which the examination will be held shall file applications with the Secretary/Chief Examiner on forms supplied by the City of Clyde Hill. The application forms will be designed and filled out so as to clearly show the applicant possesses the minimum qualifications for the position.

Section 3. Filing Time for Application.

- A. No application will be accepted for an examination until an examination for the particular position has been announced. Applications must be received at the office of the City no later than 5:00 p.m. on the last day for filing.

- B. Applications may be amended no later than 5:00 p.m. on the last day for filing.
- C. The Secretary/Chief Examiner or their designate, shall stamp each application with the date and time of filing, and this time the date shall control in any dispute as to whether an application has been timely filed.
- D. The time for filing applications may be extended or reopened by the Commission in the event that the Commission determines that insufficient applications have been received to ensure a competitive test.

Section 4. Reject of Application.

- A. The Secretary/Chief Examiner may refuse to accept an application or admit an applicant to the examination, where such applicant:
 - (1) Does not meet the requirement for the position description adopted by the City or in the bulletin announcing the examination;
 - (2) Has made any material false statement or has attempted any deception or fraud in connection with the application, the examination or any previous Civil Service examination;
 - (3) Refuses to execute any oath as prescribed by law;
 - (4) Refuses to furnish all information required to complete the application;
 - (5) Has assisted in preparing, conducting or scoring the examination for which they apply, or who has in any other manner secured confidential information concerning such examination which might give them an unfair advantage over other applicants, or

(6) Has failed to timely file their application.

B. In the event that the Secretary/Chief Examiner refuses to accept any application, the person whose application is not accepted shall be notified promptly of the reason(s). Oral notice at the time of the filing the application or by telephone shall be sufficient. If the Secretary/Chief Examiner is unable to notify the applicant orally, a written notice shall be mailed to the address shown on the application. The cause for rejection shall be entered upon the application form and filed in conformity with these rules.

C. Any person whose application is rejected or not accepted by the Secretary/Chief Examiner may request for such review with the Commission within ten (10) business days after such notice of the Secretary/Chief Examiner's ruling is given to the applicant. For purposes of this section, notice of the Secretary/Chief Examiner's ruling shall be deemed to be given as of the time it is done orally, or in the event that written notice is mailed, three days after the date of mailing. In the event that the Commission is unable to review the Secretary /Chief Examiner's ruling prior to the date set for the examination, the Secretary/Chief Examiner may, in their discretion, admit to the examination any person whose application was not accepted, admit to examination, pending final review by the Commission. Such admission shall be without prejudice to the right of the Commission to reject the application after completing review of the Secretary/Chief Examiner's ruling.

Section 5. Withdrawal of Application. Any applicant may withdraw their application at any time without prejudice against re-application, provided that such withdrawal is made prior to any qualifying examination being administered to or participated in by the applicant. Failure to take or participate in qualifying examinations being administered to or participate in qualifying examinations at the times the same are scheduled shall be deemed to constitute withdrawal of the application unless excused by the Secretary/Chief Examiner.

Section 6. Lateral Entry. In accordance with the needs of the classified civil service and in conjunction with Rule VI as stated above, the Chief of Police may request creation of a lateral entry eligibility list (LEEL). The LEEL shall be limited solely to establishing eligibility lists for patrol officer positions. Minimum qualification standards may be established by the Commission, based upon the recommendations of the Chief of Police. The LEEL shall not be used as a means to evade or circumvent applications of these Rules to all prospective classified civil service employees.

Rule VII

EXAMINATIONS

Section 1. Scope. All examinations shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which an appointment is to be made. The Commission shall consult with the Chief of Police in determining the criteria to be included in examination and the selection of any commercially available examination. Such examinations may include one or more of the following methods:

- A. Written examination;
- B. Tests of physical fitness;
- C. Test of manual skills, dexterity and other job-related capabilities;
- D. Interviews covering general qualifications, education, training and/or experience;
- E. Complete background investigation, including criminal record checks, character references and financial references;
- F. Entry level polygraph examination;

G. Psychological evaluation, and

H. Medical examination.

Section 2. Preparation. All examinations shall be administered under the supervision of the Secretary/Chief Examiner following general direction of the Civil Service Commission.

Section 3. Commission Review. All aspects of the preparation and administration of examinations shall be subject to review by the Civil Service Commission, the Chief of Police, and/or their designate.

Section 4. Entrance Exams — Discretionary Role of the Commission. Entrance examinations for police officers at the discretion of the Commission shall be in three parts: written examination, performance tests, and oral examination and/or interview. Oral interview testing shall be conducted and graded by a Selection Committee consisting of a quorum of the Civil Service Commission, the Chief of Police or their representative. The Secretary/Chief Examiner and/or their designate may be present, and participate in interviewing the applicants. The Commission shall conduct the oral examination for the purpose of determining the capacity of persons examined to perform the duties of the position. The performance tests shall meet standards established by the Chief of Police and shall be conducted by the Secretary/Chief Examiner and at least one of the

Section 5. Qualifying Grade. In all examinations, the minimum or standing for which eligibility may be earned shall be seventy five percent (75%). Such basic grade shall be based upon all factors of the examination, including learning aptitude, training, experience and other job-related qualifying factors, as shown in the application of the candidate or other portions of examination. Failure of any applicant in one part of the essential job-related qualifications may be grounds for declaring the applicant as failing the

entire examination. The minimum score required shall be stated in the official bulletin or announcement at the time of examination.

Section 6. Weight. The relative weight of the entrance examination for police officers shall be fixed by the Commission and the papers shall be graded accordingly. Said relative weight may be changed at any time by the Commission. At this date, the relative weight is as follows:

physical agility - pass/fail

oral - 50 percent and

written – 50 percent

Section 7. Rating and Preparation of Eligibility List. The names of applicants who pass an examination shall be entered upon an eligibility list for the position or class for which the examination was held in order of their earned ratings on the examination, including any applicable police reservist's credit and veteran's credit required by state law.

Section 8. Police Reservist's Credit. In all competitive examinations, applicants who have successfully completed the City of Clyde Hill Reserve Field Training Program shall be given preference by adding five percent to the overall passing grade, based upon a possible rating of 100 points as perfect. This preference shall be used until one of the examinations results in the reservist's first appointment, and not in any subsequent promotional examination.

Section 9. Veteran's Credit. Where a veteran's preference may be claimed on an entrance examination, proof of honorable discharge or certificate of honorable active service shall be submitted at the time of making application for the examination. In all competitive examinations, veterans shall be given a preference by adding to the passing grade, based upon a possible rating of 100 points as perfect, a percentage of such passing grade under the following conditions:

A. Ten percent to a veteran who is not receiving any veterans retirement payments and said percentage shall be utilized in said veteran's competitive examination and not in any promotional

examination until one of such examinations results in said veteran's first appointment: Provided, that said percentage shall not be utilized in any promotional examination;

- B. Five percent to a veteran who is receiving any veteran's retirement payments and said percentage shall be utilized in said veteran's competitive examination only and not in any promotional examination until one of such examinations results in said veteran's first appointment: Provided, that said percentage shall not be utilized in any promotional examination;
- C. Five percent to a veteran who, after previously received employment with the state or any of its political subdivisions or municipal corporations, shall be called, or recalled to active military service for a period of one year, or more, during any period of war, for their first promotional examination only.
- D. For veterans, there shall be no examination preferences other than those which have been specifically provided for above and all preferences above specified above in A, B and C must be claimed by a veteran within fifteen years of the date of their release from active service.

Section 10. Promotional Examinations. Promotional examinations may be conducted as needed and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent tests. All candidates must either be regular employees of the classified service of the City or employees of other police departments, and must have at least completed the probationary period in a position of the classification from which they are seeking promotion. All applicants must possess the minimum qualifications of the class to which promotion is sought.

Section 11. Notification of Results. The Secretary/Chief Examiner shall mail/email notification of their test results to each applicant promptly after completion of all scoring. Applicants shall be allowed a period often (10) business days following the mailing date of the notification in which each may inspect their scored answer sheets and any rating standards and scoring keys by which they have been rated ruling any part of the examination. The notification of examination results sent out by the

Secretary/Chief Examiner shall advise the applicant of their right to inspect the results and the time period for doing so.

- Section 12. Disclosure and Results. Except as provided in these rules, the Secretary/Chief Examiner shall not disclose the results of any examination except with the consent of the person examined or by order of the Commission.
- Section 13. Reexamination. No person who has failed to pass an examination shall be reexamined for the same or higher grade of service within six (6) months from the date of such failure. An eligible person may compete in any examination for the purpose of reinstatement on the register, provided, however, that unless excused by the Commission, refusal of an appointment tendered shall be sufficient cause for dropping an applicant's name from the eligible or reinstatement register.
- Section 14. Protests. If an applicant believes an error has been made in the application of the written test scoring or that any other error has been made, they may, during the ten (10) day period inspection period, file a protest with the Secretary/Chief Examiner stating specifically where they believe an error has been made and giving specific facts and reasons to support the protest. Applicants shall not be allowed to remove copies of any of the test questions or answers from the inspection room during the inspection period. Upon receipt of a written protest or request for rescoring or re-rating, a review of the protest shall be made by the Secretary/Chief Examiner, who shall pass on all such protests or requests and make any necessary corrections in grades and rates.
- Section 15. Report of Examination. After the expiration of the ten (10) day period provided for inspection and protest and after the Secretary/Chief Examiner has passed on all protests and has corrected any errors, the Secretary/Chief Examiner shall submit a complete report on each examination to the Commission, including any part on all protests in connection with the examination and the disposition of such protests.
- Section 16. Appeal to Commission. Any person whose protest of any examination is disallowed by the Secretary/Chief Examiner may, within ten (10) business days after the Secretary/Chief Examiner's ruling, appeal the ruling to the Commission. The Commission's determination as to the ruling will be final.

Section 17. Joint Examination. Notwithstanding any other provision of these rules, whenever the Commission determines that the best interests of the City will be served thereby and that all qualifications for a particular position will be adequately tested, the Commission may determine to hold a joint examination with any other appropriate agency.

RULE III

LATERAL ENTRY PROGRAM

Section 1. Purpose. The purpose of these procedures is to first set out a formal format for the hiring of officers desiring to transfer laterally into the Clyde Hill Police Department from another police department. Secondly, these procedures will ensure that all officers making application will have an equal opportunity for employment through a formal non-biased selection process.

Section 2. Notification. The Secretary/Chief Examiner for the City of Clyde Hill shall advertise, for a period of at least two weeks, that the City of Clyde Hill is accepting applications for a lateral transfer position in the Police Department.

Section 3. Qualifications.

A. Applicants for lateral entry must have been employed as full-time law enforcement officers with a civilian law enforcement agency within the last twenty-four (24) months. That employment must have lasted a minimum of one year. Applicants shall have successfully completed probation and possess current basic certification upon application from the Washington State Criminal Justice Training Commission (WSCJTC), which can be obtained by successfully completing the WSCJTC Basic Law Enforcement

Academy. Out of state candidates, who have been previously certified in another state, must pass the WSCJTC equivalency examination. All candidates must successfully pass an entrance interview. Applicants for Lateral Entry must also be at least 21 years of age at the time of hire and a U.S. citizen and have or be able to obtain a valid Washington State Driver's License by time of hire.

- B. An applicant must be willing to submit to a polygraph examination and a psychological examination.
- C. An applicant must be of good moral character, free from bad debts and have no criminal record, or a record of poor driving performance.

Section 4. Testing Procedures.

- A. The testing procedures utilized will be the same as those in Rule VII above.

Section 5. Hiring Process.

- A. Applicants shall submit a resume to the Civil Service Commission.
- B. Each applicant passing all required tests will meet with the Civil Service Commission and any other person designated by the Mayor for a formal interview.
- C. Following the interview process, a list of eligible lateral entry persons shall be compiled by the Civil Service Commission.

RULE IX

ELIGIBILITY LISTS

Section 1. Order of Names.

- A. Names on eligibility lists for a position or a class shall be entered in order of final rating earned on the examination for the position or class, including a veteran's preference points and reservist's preference points where applicable, except that former employees laid off from a position in that class within the past fiscal year shall be given preference over other applicants.
- B. Whenever two or more applicants have the same final rating, priority of position on the eligibility list shall be determined by the date of application or if the dates are the same, the names shall be listed alphabetically.

Section 2. Effective Life of Eligibility Lists. Eligibility lists shall become effective when the Secretary/Chief Examiner signs a statement certifying that the list was legally prepared and represent the relative ranking of the names on it. An eligibility list shall remain in effect for not more than one (1) year from the day it was created unless otherwise ordered by the Commission prior to the expiration of the one year period.

Section 3. Removal of Names From List.

- A. The name of any person appearing on the eligibility list shall be removed by the Secretary/Chief Examiner upon the happening of any of the following:
 - (1) Appointment of the person to a position within the classified service; or
 - (2) Upon determination by the Secretary/Chief Examiner that the person is not eligible for appointment because of any of the reasons set forth in Rule VI, Section 5; or
 - (3) Where the applicant refuses appointment to a position within the classified service; or
 - (4) Where the applicant fails to keep a current address on file with the Commission; or

- (5) Upon a determination by the Secretary/Chief Examiner that the applicant has made any false statement or has attempted or committed any deception or fraud in connection with their application, examination or any other investigation or inquiry regarding their fitness for the position; or
- (6) Upon notification by the Appointing Authority that the name of the person should be removed from the eligibility list because of the results of a background or other investigation; or
- (7) Upon a determination by the Appointing Authority that an eligible applicant does not satisfy the qualification for employment to the classified service; or
- (8) Where the applicant consents to or requests that their name be removed from the list.

B. Whenever an applicant's name is removed from the eligibility list pursuant to Rule Vi, Sections 4(A)-(D) and 5(A)-(C), the Secretary/Chief Examiner shall mail notice of such removal to the Commission. Any applicant who desires to appeal such removal may, within ten (10) business days after the mailing of the notice of removal, appeal the removal to the Civil Service Commission. Such appeals shall not affect the validity of the eligibility list or an appointment made from a certification made during the pendency of the appeal. When the appeal has been decided by the Commission, the Secretary/Chief Examiner shall add the name of the appellant to the eligibility list at the appropriate place if it has been determined that they are entitled to be on the eligibility list.

Section 4. Revocation of List. An employment or promotional list may be revoked and another examination ordered when, upon the recommendation of the Secretary/Chief Examiner and approval of the Commission, such action is deemed advisable on the account of fraud, errors, or of inappropriate standards described in connection with the examination, and where the Commission determines that results obtained were inadequate. No lists

shall be altered or revoked except upon written notice to all persons whose standing may be affected.

RULE X

APPOINTMENTS

- Section 1. Procedure. Whenever a vacancy exists in the classified service, appointment of one of the three top ranked applicants will be selected by the Mayor, acting through the City Administrator and/or Chief of Police (Appointing Authority) from the applicable certified eligibility list. The Appointing Authority or their designate also has the right to reject the entire eligibility list, if so determined. If all such persons are unwilling to accept the appointment, are disqualified, or if for any other reason there is no such list for the class, the Commission shall authorize a provisional appointee list for such class. In the event such person is a provisional appointee, they shall be replaced by selecting one from the three highest ranking applicants certified by the Commission following the examination given pursuant to Rule VIII, section 4.
- Section 2. Failure to Respond. If a candidate whose name has been certified for appointment fails to respond to a notice of certification within ten (10) business days after the notice is mailed or fails to accept a written offer of appointment with the same period, the candidate may be deemed to have declined appointment. If the candidate accepts the appointment and then fails to report for duty on the date specified, he/she may be deemed to have declined appointment. Any applicant who fails to sign a contract with the City of Clyde Hill will also be deemed to have declined appointment.
- Section 3. Emergency Appointment. To meet the immediate requirements of an emergency condition which threatens the public safety, the Appointing Authority, may employ any person whom they may be legally empowered

to appoint without restriction. Such appointment shall be limited to the duration of the emergency, not to exceed 60 days.

Section 4. Provisional Appointment. As soon as possible, following a provisional appointment, the Secretary/Chief Examiner shall announce and oversee the examination and the Commission shall certify three (3) names for regular appointment.

Section 5. Temporary Appointment. For a temporary appointment, the Appointing Authority shall request a certification in the manner provided for a regular appointment, but shall indicate the date on which the position will terminate. The Secretary/Chief Examiner shall notify the person appearing on the appropriate eligibility list, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment.

Section 6. Length of Temporary or Provisional Appointment.

- A. No temporary or provisional appointment shall be continued and no person shall be employed in a position on a temporary or provisional basis for more than twelve (12) months, provided that a temporary or provisional appointment may be extended for an additional six (6) months, if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact continue to be vacant, such as in the instance that a position is vacant due to an officer being on disability leave under the LEOFF Act, or for other good cause which in the discretion of the Commission warrants an additional extension of such provisional or temporary appointment.
- B. The period during which any persons serves in a position covered by these rules as a provisional or temporary appointee shall not be credited against any probationary period in a regular appointment

and shall not be used in computing time in grade or time of service for purposes of promotion.

Section 7. Probation.

- A. To enable the Appointing Authority to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year of probationary service, during which the Appointing Authority may terminate the employment of the person appointed by them, if, during the performance of duty, the Appointing Authority deems such person unfit, or unsatisfactory for service in the department. Upon such termination of the employment the Appointing Authority shall request the Commission to certify the next three persons highest on the eligibility list for the position and the Appointing Authority shall appoint one person so certified to the vacant position, provided that the Appointing Authority finds such person to in fact be qualified for the position. Upon such appointment, the person appointed shall likewise enter upon the duties of the position for a period of one year's probationary service in the same manner as the original appointment. This process shall be repeated until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefore, whereupon the appointment, employment or promotion shall be deemed to be complete.
- B. The initial probationary period shall be one year unless extended by the Appointing Authority by notification to the Civil Service Commission prior to the end of the probationary period.
- C. No person shall be deemed to have completed the probationary period until he/she has been certified to regular employment by the Appointing Authority. A probationary employee who is not certified to regular employment within 30 days following the close of the probationary period shall be deemed to have been terminated.

- D. The Appointing Authority may notify the Commission of extensions of probationary periods for probationary employees when the Appointing Authority has not had an adequate opportunity for reasonable observation of the skills and progress of the employee, or when disciplinary problems indicate in the sole discretion of the Appointing Authority the need for further observation. Time spent on sick leave or disability shall not be counted toward the one-year probationary period.
- E. For purposes of the section, both the first and last days an appointee works shall be included in computing the probationary period. Fractional portions of a day count as a whole day.

Section 8. Reduction in Rank after promotion. A promotional appointee who is reduced in rank during the probationary period from the position to which he/she was promoted shall be restored to the position from which he/she was promoted.

RULE XI

LAYOFFS

Section 1. Layoffs. Whenever any regular employee is laid off because of a curtailment in expenditures, reduction in force, reorganization of the department, or any like cause other than disciplinary reasons, the name of the laid off employee shall be placed at the head of any existing eligibility list for the position of class from which the employee was laid off, or any eligibility list thereafter established for the position or class, to the end that the laid off employee shall be the first to be re-employed. If there is more than one regular employee who has been laid off from the same position or class, the laid off employees shall be placed on the eligibility list in the order of their seniority at the time of layoff.

RULE XII
PROMOTIONS

- Section 1. Examinations. Examinations for promotions shall be in accordance with Rule VII, Section 10. No person shall be admitted to an examination for promotion from any grade who has not served at least the probationary period in the grade from which he/she seeks promotion.
- Section 2. Eligibility Grade. No person who fails to obtain an average of at least 75 percent of complete proficiency on an examination for promotion shall be deemed eligible for promotion.
- Section 3. Duration of Eligibility. Any person who has taken and passed a promotional examination with a score of 86 percent or better will not be required to take further examination for a period of three years. Any member who has been on the eligible list for the three years and has not received promotion will be dropped from the list. A promotional examination may be given every three years or as often as the Civil Service Commission shall determine.
- Section 4. Probationary Appointment. Promotions shall be provisional for a period of twelve (12) months, in which time the Chief of Police, with approval from the Civil Service Commission or their designate, shall determine if said individual has the qualifications to hold said position permanently. During any such time, said provisional employee may reduce in grade to their pre-promotion position, for cause, and without right of an appeal. Upon serving said twelve (12) months provisional period of time, said promotion shall be permanent.

RULE XIII
GOUNDS FOR DISCIPLINE

Section 1. Ground for Discharge, Reduction, or Suspension, or Deprivation of Privileges. The continued tenure of everyone holding an office, place, position, or employment under the provisions of these rules and regulations shall be only during good behavior, and any such person may be removed, discharged, or suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges, or other special privileges for any of, but not limited to, any of the following reasons:

- A. Incompetence, inefficiency, inattention to, or dereliction of duty;
- B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or of a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct themselves; or to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or serious breach of discipline; or any other willful violation of provisions of RCW 41.12, these rules and regulations, as now enacted or as subsequently amended, other official orders, state law or City ordinance;
- C. Mental or physical unfitness, as determined by competent authority, for the position which the employee holds;
- D. Dishonest, disgraceful, immoral or prejudicial conduct;
- E. Drunkenness or use of intoxicating liquors, narcotics, or any other non-prescription habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of their classification.
- F. Conviction of a felony, or a misdemeanor involving moral turpitude, or illegal drug use, sale or possession.
- G. Manhandling, mishandling, or inhumane treatment of a civilian or person under arrest or in custody.

- H. Acceptance for personal use of a fee, gift, or other valuable thing in the course of duty, or receiving a favor or better treatment than that accorded the general public;
- I. Failure to pay just debts or obligation promptly;
- J. Carelessness or negligence in the use of the property of the City;
- K. Such other and further legal bases after adoption as may be established from time to time by the Police Department or Appointing Authority.
- L. Any other act or failure to act taken by the Appointing Authority which in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and/or unfit person to be employed in the public service;
- M. Employment in gainful occupations for profit in addition to regular police duties, which divert their attention from their duties or in any way interferes with the performance of such civil service duties;
- N. Failure to promptly report upon expiration of a leave of absence.

Section 2. Procedure for Discipline/Pre-Disciplinary Hearing.

- A. No person in the classified civil service who shall have been regularly appointed or induction into civil service under provisions of RCW 41.12 shall be removed, suspended, demoted or discharged except for just cause as provided elsewhere in these rules and regulations. For the purpose of the section, a resignations or voluntary separation from employment shall not be considered a removal of suspension, demotion or discharge.
- B. Whenever the Appointing Authority has determined that just cause for removal, suspension, demotion or discharge exists, the Appointing Authority shall offer the accused employee the opportunity for a pre-disciplinary hearing. Such hearing shall consist of oral or written notice of the charges being given to the

employee and a meeting between the employee and their representative, if requested by the employee, and the Appointing Authority at which an explanation of the Appointing Authority's evidence shall be presented, and an opportunity for the employee to tell their side of the story prior to any disciplinary action being taken.

- C. If, upon completion of the pre-disciplinary hearing, the Appointing Authority determines that there is sufficient evidence to warrant removal, suspension, demotion, or discharge of that employee, the Appointing Authority shall serve the employee within ten (10) calendar days with a written statement which contains, in general terms, the charges and evidence against the employee, together with a statement of the disciplinary action to be taken. A duplicate of the statement required by this subsection shall be filed with the Commission.
- D. Any regular civil service employee aggrieved by a disciplinary action of the Appointing Authority for this section may, within ten (10) calendar days from the date of the action, file with the Commission at City Hall a written demand for written investigation and/or hearing.

Section 3. Hearing on Investigation. Wherever the Commission shall receive a timely, written demand for investigation from an employee aggrieved by a removal, suspension, demotion or discharge, or whenever the Commission shall receive a petition from a citizen alleging irregularities or abuses in the administration or enforcement of the civil service ordinances or rules of the City, the Commission shall schedule a hearing in order to conduct an investigation into such removal, suspension, demotion or discharge or such alleged irregularities or abuses.

Section 4. Notice of Hearing.

- A. Within not less than twenty (20) calendar days, nor more than sixty (60) calendar days after receipt of the petition, unless good cause is

shown for either an earlier or later scheduling, the Commission shall schedule a meeting in order to schedule a hearing and conduct an investigation into the appeal.

- B. Written notice of the scheduled hearing shall be mailed to the appellant as shown on the records of the Appointing Authority. This written notice shall be sent by certified mail, return receipt requested, no less than ten (10) calendar days prior to the date selected for the hearing to all petitioning parties and/or their representatives and the Appointing Authority. The notice shall identify the appeal to be heard, and shall specify the time and place of the hearing.

Section 5. Legal Counsel. Both the Appointing Authority and the petitioning party shall have the right to be represented at all stages of the Commission's investigation and hearing at their expense. In addition, the Commission may in its discretion retain independent counsel at City expense to assist the Commission in the conduct of its investigation and hearing process.

Section 6. Conduct of Hearing.

- A. Investigation and hearings shall be conducted by the Commission or their designate.
- B. Hearings upon demand, appeal or review of disciplinary actions taken by the Appointing Authority shall be quasi-judicial in nature. The inquiry of the Commission shall be limited in such matters to the determination of the question of whether the removal, suspension, demotion, or discharge was or was not made for political or religious reasons, and was or was not made in good faith for just cause. In the event of an alleged rule or regulation violation inquiries, the Commission shall rule in such violation did occur.

- C. The Chairperson of the Commission shall conduct the hearing in an orderly manner, and shall rule on all procedural matters, objections, motions made by any party, issue subpoenas as provided by law, administer oaths, examine witnesses, and receive evidence.
- D. The testimony of all witnesses shall be under oath. All documents which the participating parties have the Commission review as part of the evidence shall be introduced as exhibits. A verbatim record of the proceedings shall be kept by the Commission.
- E. All portions of the hearings shall be open to the public, with the following exceptions:
 - (1) Where all parties agree to a closed hearing or:
 - (2) Where the Chairperson determines that because of the sensitive nature of a witness' testimony, the hearing should be closed during that testimony in order to prevent unnecessary embarrassment to the witness or parties; or
 - (3) Where the Commission determines to exclude witnesses who have not yet testified, or who may be recalled to testify, following the testimony of other witnesses; or
 - (4) During the deliberations of the Commission.
- F. The Chairperson shall determine the proper order of the hearing. As a general rule, the hearing shall proceed as follows:
 - (1) The Appointing Authority and the petitioner shall each be offered the opportunity to make an oral opening statement, setting out briefly a statement of the issue, facts and dispute in the case. Either party may waive an opening statement.
 - (2) The Appointing Authority shall introduce all evidence and witnesses in its case.
 - (3) The appellant or petitioning party shall introduce all evidence and witnesses in their case.
 - (4) Rebuttal evidence from the Appointing Authority.

- (5) Upon completion of rebuttal testimony and evidence, each party shall be given an opportunity to make a closing statement to the Commission, setting forth that party's view of the evidence and its' relation to the issue(s) before the Commission.
 - (6) Written post hearing statements may be permitted b approval of the Commission Chairperson. Such written statement must be received by the Commission no later than (10) calendar days following the close of the hearing.
 - (7) After completion of closing statement, or the receipt by the Commission of post hearings or briefs, if permitted, the Commission shall deliberate and render a decision.
- G. All Matters to be proven by any party shall be proven by a preponderance of the evidence. The Appointing Authority bears the burden of sustaining a removal, suspension, demotion, or discharge of any employee. The burden of proof shall be on the employee or applicant in all other matters. Any petitioner of the Commission to investigate irregularities or abuses bears the burden of showing such irregularities or abuses occurred.
- H. In conducting the hearing, the Commission shall not be bound by the technical rules of evidence. The Commission may receive and examine any and all evidence which it determines to be relevant to the issue(s) before the Commission.
- I. During the presentation of its testimony, each party shall be allowed direct examination if the witness is called by the party in their case, or rebuttal, or cross-examination, if the witness is called by an adverse party in such party's case or rebuttal.

Section 7. Decision of Commission – Findings and Conclusions.

- A. After the hearing has been completed, the Commission shall deliberate and reach a decision concerning the case.

- B. If the hearing relates to the removal, suspension, demotion or discharge of a regular employee and the Commission find that the removal, suspension, demotion or discharge was made for political or religious reasons, and was not made in good faith for cause, the Commission shall order the immediate reinstatement, or reemployment of the accused employee in the office place, portion or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. If, on the other hand, the Commission finds that such removal, suspension, demotion or discharge was made in good faith for cause, the Commission may affirm the removal, suspension, demotion or discharge, or in lieu thereof, may order such greater or lesser discipline as it deems appropriate under the circumstances.

- C. If the hearing involves an investigation by the Commission into alleged irregularities or abuses, the Commission shall, if it finds that such irregularities or abuses have occurred or exist, order such corrective action as the Commission deems appropriate under the circumstances.

- D. In rendering its decision, the Commission shall make finding and conclusions in support thereof. The findings shall contain a summary of the evidence relied upon the Commission in reaching its decision, and the conclusion shall indicate the Commission's reasoning in applying the standard of review set forth. The Findings shall be certified in writing to the participating parties and shall be enforced by the Appointing Authority.

Section 8. Appeals of Commission Decisions.

- A. The accused in any removal, suspension, demotion or discharge may appeal from the Commission's decision or order to the King County Superior Court. Such appeal may be taken by serving the Commission, within ten (10) calendar days after the entry of the Commission's judgment or order, with a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all papers and exhibits on file in the office of the Commission affecting or relating to such judgment or order be filed with such court. The accused shall pay all costs of preparing the transcript at the time the notice of appeal is filed. The Commission shall, within thirty (30) calendar days after the filing of such notice and the payment of costs, make, certify and file such transcript with such court. The King County Superior Court shall proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order made by the Commission was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.
- B. Any party desiring to appeal any decision of the Commission made as the result of a hearing or investigation into any matter other than a removal, suspension, demotion or discharge, must file an appropriate action in King County Superior Court within ten (10) calendar days after the entry of the Commission's decision of order.

RULE XIV

RECORDS AND REPORTS

- Section 1. Reports to the Commission. The Appointing Authority shall report to the Secretary/Chief Examiner in writing and upon forms prescribed by the Commission, all employments and all changes whatsoever in the status of personnel, supplying the name of the new appointee or employee, the title of their position, the date of commencement of service, and any change recommended or made therein, and shall report from time to time as may

be required by the Secretary/Chief Examiner additional data covering the competitive service, including reports of employees' performance and productivity, upon such forms or in such manner as may be approved by the Civil Service Commission. Any performance report or rating shall be available for inspection by the employee concerned who may discuss it with the official making the report or rating and may file a statement in explanation or any adverse report or rating. This statement shall be appended to the report or rating and shall be made a part of the employee's record.

- Section 2. Roster Cards. The Secretary/Chief Examiner shall maintain in their custody a service or poster card for each employee in the classified service, showing name, title or position held, the class within the employing department to which assigned the salary, changes in employment status, leaves, and all other information that may be considered pertinent. Access to these records shall be restricted to the Chief of Police, the Mayor and/or their designate, department head and members of the Civil Service Commission. The Secretary/Chief Examiner shall have access to all departmental and institutional personnel documents and records, the examination of which will aid them in the discharge of their duties.
- Section 3. Examination Records. The Secretary/Chief Examiner shall similarly maintain an examination card for every applicant, giving the name, address, age, sex, the date and title of the examination complete ratings earned and the grade obtained if successful; if unsuccessful, this fact shall be recorded. Access to these records shall be restricted to the appointing authority and members of the Civil Service Commission.
- Section 4. Records Open to the Public. The minutes of all Civil Service Commission meetings shall be open to the public during office hours of the City Hall and may be inspected upon application to the Secretary/Chief Examiner.

- Section 5. Destruction of Records. Examination cards and roster cards and the minutes of the Civil Service Commission shall be kept permanently. All other records pertaining to personnel, including applications, correspondence, examination, and reports may be destroyed after three (3) years, in the manner provided by law.
- Section 6. Reports. The Appointing Authority shall report to Secretary/Chief Examiner in writing and upon forms prescribed by the Commission, all employments and all changes whatsoever in the status of personnel, supplying the name of the new appointee or employee, the title of their position, and date of commencement of service, and any change recommended or made therein, and shall report from time to time as maybe required by the Secretary/Chief Examiner additional data covering the competitive service, including reports of employees' performance and productivity, upon such forms or in such a manner as may be approved by the Civil Service Commission. Any performance report or rating shall be available for inspection by the employee concerned who may discuss it with the official making the report or rating and may file a statement in explanation of any adverse report or rating. This statement may be appended to the report or rating and shall be made a part of the employee's record.
- Section 7. Annual Report. The Secretary/Chief Examiner shall prepare a summarized annual report of their and the Commission's activities if requested by the Commission, for approval by the Commission and submission to the Mayor.