

**CITY OF SEQUIM
CIVIL SERVICE RULES AND REGULATIONS**

SECTION ONE - GENERAL PROVISIONS

1.01 Authority and Application: These Rules are promulgated pursuant to the City of Sequim Civil Service Ordinance No. 281, SMC 2.40.

1.02 Scope and Purpose: These Rules govern the administration of the City of Sequim Civil Service System. These Rules shall provide for the selection, promotion, and discipline of positions within the Police Department on the basis of merit; provide for the Civil Service Commission to oversee the merit system and hear appeals; and provide for investigation of matters relating to appeals of disciplinary actions or matters concerning the selection process.

1.03 Copies of Rules: Copies of these Rules shall be available upon request.

1.04 Severability: If any provision of these Rules, or the application thereof to any person or circumstance, is held invalid by a court of proper jurisdiction, such invalid portions shall not affect any other provision or application of these Rules or the Civil Service Ordinance of the City of Sequim.

1.05. State Law Governs: Pursuant to SMC 2.40.030 The commission shall organize itself, hold meetings, adopt rules and regulations, perform the duties and exercise the powers of the commission in accordance with state law. (Ord. 2009-036 § 1; Ord. 2009-016; Ord. 281 § 3, 1973)

SECTION TWO - DEFINITIONS

As used in these Rules, the words and terms set forth shall be given the following meanings:

2.01 "Applicant" shall mean a person who has filed the necessary documents, as prescribed by the Chief Examiner, to take a Civil Service Examination.

2.02 "Appointing Authority or Power" means the City Manager or the Chief of Police, as applicable.

2.03 "Appointment" means the hiring by the Appointing Authority of a regular full-time position subject to the Civil Service System.

2.04 "Board" means the qualifications appraisal panel, also known as the "Interview Board".

2.05 "Break in Service" means loss of service credit resulting from resignation, discharge, retirement, leave without pay, or other similar actions.

2.06 "Certification" means a list of names from the City's certified hiring eligibility register transmitted by the Chief Examiner to the affected Department Head from which an appointment may be made to fill a vacant position.

2.07 "Chief Examiner" means the Secretary of the Civil Service Commission.

2.08 "City" means the City of Sequim.

2.09 "City Service" means time in which an employee has been employed in a Civil Service position for the City of Sequim, excluding any leaves of absence without pay, or other break in service. A break in service for more than any 12 consecutive months eliminates any prior City Service, and upon rehire, the employee is deemed a new hire.

2.10 "Class" means a group of positions designated as having similar duties and responsibilities, the same salary range, and qualifications to be grouped into a single classification for purposes of examination.

2.11 "Class Series" means two or more classifications which are similar as to occupation but which differ in responsibility and authority and are ranked in a career ladder as a normal line of promotion, such as Police Officer, Police Sergeant, Police Captain.

2.12 "Class Specifications" (sometimes referred to as "Job Description") means a description of the nature of work, distinguishing if necessary, examples of duties, qualifications, knowledge, abilities, and skill required for the classification.

2.13 "Classified Position" means a position subject to the Civil Service System including regular, full-time budgeted positions of the Sequim Police Department in the following classifications, or as amended from time-to-time:

| | |
|--------------------|-------------------|
| Records Specialist | Records Clerk II |
| Police Officer | Police Commander |
| Police Sergeant | Police Lieutenant |

2.13.a Those employees occupying the position of Police Specialist and Records Clerk II were covered under these rules and regulations effective January 1, 1997.

2.14 "Commission" means the Civil Service Commission of the City of Sequim and "Commissioners" means any one of the three Commissioners appointed to that Commission by the City Council.

2.15 "Continuous initial testing list" (CITL) – a list of applicants who have passed the written examination and the physical agility testing and are therefore eligible to be on the continuous initial testing list, unless there are changes to an applicant's physical agility abilities. An applicant shall be eligible to participate when the department head schedules an oral board event to complete the testing process.

2.16 "City's certified hiring eligibility register" (CCHER) – a list of applicants on the Civil Service Rules and Regulations

certified hiring eligibility list who have completed the oral boards and whose score earns such applicant placement on the hiring list/register which the Civil Service Commission has approved as certified. There may be up to two active certified list/registers: one Entry-Level Certified Hiring Eligibility Register and one Lateral-Entry Certified Hiring Eligibility List/Register.

2.17 "Department Head" means the Police Chief.

2.18 "Discipline" or "Disciplinary Action" means personnel action by the Appointing Power that is administered in good faith, that directly or adversely affects the employee's compensation, and that is appealable to the Civil Service Commission, including the following:

- Demotion: Involuntary moving of an employee from a higher classification to a classification having a lower salary range.
- Discharge: Involuntary termination, also known as a dismissal, fired, or removed from employment for just cause.
- Reduction of pay: Involuntary reduction in an employee's wages as a result of disciplinary action.
- Suspension without pay: Involuntary temporary removal of an employee without pay from employment for cause.
- Transfer: Involuntary transfer for disciplinary reasons from one position to another position within the same classification which negatively affects the employee's compensation or benefits. Not all transfers are for disciplinary purposes, and those transfers are not subject to Civil Service appeal.
- Other similar action imposed for purposes of discipline which results in loss of benefits.

2.19 "Eligible" means an applicant qualified for a given classification through proper examination including successful completion of written examination, physical ability testing and oral interview board process and placed on the City's certified hiring eligibility register.

2.20 "Examination" means the process of testing the fitness and qualifications of applicants, including the following:

a) Open Examination: An written and physical examination process open to any member of the public who meets the qualifications as stated in the recruitment examination announcement.

b) Promotional Examination: An examination open only to City of Sequim Police Department employees in a specified classification as stated in the

recruitment examination announcement.

c) Lateral Entry Examination: A written and physical examination process open only to experienced persons who possess special skills and abilities listed on the class specification needed to fill a vacancy within the Department:

2.21 "Examination Announcement" means the official job recruitment bulletin prepared by the Chief Examiner or designee indicating the recruitment period, qualifications, summary of job description, closing date, examination procedures if applicable, type of examination, or other relevant information as determined by the Chief Examiner.

2.22 "Probationary Employee" means an employee, while employed from date of hire through the first twelve (12) months of employment after completion of the academy, if a newly commissioned Officer; or twelve (12) months from date of hire for a lateral transfer commissioned Officer; or twelve (12) months from date of promotion for an internally promoted Sergeant or Lieutenant; or eighteen (18) months from date of hire for a lateral hire Sergeant or Lieutenant; or six (6) months for non-commissioned positions.

2.23 "Probationary Period" means the status of an employee during the period from the date of hire through the first twelve (12) months of employment after completion of the academy, if a newly commissioned officer; or twelve (12) months of employment from date of hire for a lateral transfer commissioned Officer or an internally promoted Sergeant or Lieutenant; or eighteen (18) months of employment for a lateral hire Sergeant or Lieutenant; or six (6) months employment for non-commissioned personnel. The "Probationary Period" is to determine fitness by performance for the position appointed.

2.24 "Reinstatement" means reappointment of an employee to a position in a classification which the employee previously held regular status, and meets the necessary qualifications for the classification.

2.25 "Resignation" means a written request by an employee for separation of City service which, to be proper, requires a minimum of fourteen (14) calendar days' advance notice for the employee to leave in good standing.

2.26 "Secretary" means the Chief Examiner or such other person as the Commission may designate.

2.27 "Veteran's Preference" means preference in examination based upon prior military service, as provided for in the applicable State Law. See RCW 41.04.010

SECTION THREE - CIVIL SERVICE COMMISSION DUTIES AND PROCEDURES

3.01 Duties of the Commission: The duties of the Commission shall include the following:

1. To promulgate, subject to approval of the City Council, necessary rules to carry out and enforce the provisions of the City of Sequim Civil Service Ordinance.
2. To provide for investigation concerning all matters under the authority of the Civil Service System.
3. To hold fair and impartial hearings concerning appeals of disciplinary action or appeals of matters with respect to the administration of the selection procedures, or other such matters governed by the Civil Service Ordinance, including administering oaths, issuing subpoenas requiring the attendance of witnesses or documents needed for evidence, taking testimony of witnesses, and reviewing any documents relative to matters before the Commission.
4. To perform other duties as may be prescribed or authorized by the Civil Service Ordinance of the City of Sequim.

3.02 Meetings of the Commission:

1. The Civil Service Commission, hereinafter referred to as the "Commission" shall meet on a monthly basis or more often, if there is business to conduct, as determined by the Commission, to carry out the business of the Civil Service System. The monthly meetings shall be regular meetings of the Commission and shall be held on the first Tuesday of each month. Other meetings of the Commission shall be special meetings and shall be scheduled on an as needed basis, as determined by the Commission.
2. Notice of regular or special meetings of the Commission shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW).
3. The Commission shall be composed of three (3) members, and two (2) members shall constitute a quorum to conduct business of the Commission.
4. All such Commission meetings or hearings 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).

3.03 Chairperson and Vice-Chairperson: At the first monthly meeting held in January of each year, the Commission shall select one of its members to be Chairperson and another member to be Vice-Chairperson for a one year term of office. Should either the Chairperson or Vice-Chairperson of the Commission resign or be removed from their position on the Commission, the Commission, upon appointment of a new member by the City Council, shall proceed to elect a new Chairperson and/or Vice-Chairperson to fill the vacant position, for the remaining term of office.

3.04 Rules of Order: Robert's Rules of Order shall be the procedural authority on the questions of parliamentary law not otherwise provided for in these rules.

3.05 Business of the Commission: The Chief Examiner shall publish proper notice of

Commission meetings. Any matters that the public wishes the Commission to address shall be submitted to the Chief Examiner, together with any pertinent information, for the Commission to consider, and the Chief Examiner shall place them on the Commission's agenda, provided that upon motion of the Commission, additional items may be placed on the agenda.

3.06 Investigations by the Commission: The Commission may conduct on its own or with available and/or budgeted resources; the necessary investigations relative to an appeal before the Commission, or investigate other matters properly brought before the Commission. Such investigations shall be commenced by a person stating a complaint of a rule violation, and the investigation shall be carried out in an open public hearing process.

3.07 Legal Counsel of the Commission: The legal counsel of the Commission shall be the City Attorney or his/her designee, unless circumstances, such as a conflict of interest, require the Commission to retain outside counsel. Such legal counsel shall be available at the Commission's request to advise and represent the Commission, if matters require possible legal action or legal opinions for the Commission. Retaining outside counsel shall be subject to budgetary authorization by the City Council.

3.08 Address of the Commission: The official address of the Civil Service Commission shall be the City of Sequim, 152 W. Cedar Street, Sequim, WA 98382.

3.09 Record of Commission Proceedings: The official record of the Commission shall be the minutes of Commission meetings. As approved by the Commission, the Chief Examiner shall keep public records of the Commission meetings and actions. A party to a proceeding may have a court reporter record all or part of a hearing. The cost of the court reporter and preparation of a transcript shall be borne by the appealing party, unless otherwise determined by the Commission.

SECTION FOUR - CHIEF EXAMINER DUTIES AND PROCEDURES

4.01 Duties/Authority: The duties of the Chief Examiner shall include the following:

1. Serve as Secretary to the Civil Service commission, as directed by the Commission, and perform such duties, as the Commission may direct under the authority of the Civil Service Ordinance.
2. Prepare examinations, recruitment announcements, schedule examinations, score exams, or coordinate with a testing service and maintain the classification plan (job description for each classification) of the Civil Service system, all to be done in a fair and impartial manner and to be based solely on merit and fitness.
3. Report to the Commission from time-to-time concerning the work of the Chief Examiner relative to the Civil Service System.
4. Classify Civil Service position and prepare and maintain job descriptions for each classification.

4.02 Review any Appeals from Actions or Decisions of the Chief Examiner: Any person adversely affected by an action or decision of the Chief Examiner may request the Commission to review and revise or amend such action or decision. Such an appeal request shall be submitted in writing, setting forth with reasonable certainty, the action or decision that the person objects to, the grounds supporting the request, and the relief sought. The request must be made within ten (10) calendar days of the date of such action or decision by the Chief Examiner. The Commission shall thereupon schedule a special appeals hearing, as a public hearing, to hear the matter, conduct any investigation as necessary, and rule relative to the appeal. The Commission may designate a temporary Secretary for appeals of actions or decision of the Chief Examiner. Failure to file an appeal as prescribed above shall result in a denial of the appeal.

SECTION FIVE – SUBSCRIPTION TESTING SERVICES

5.01 Subscription Testing Services Authorized. The Chief Examiner, following approval by the Commission, may enter into contracts with one or more Subscription Testing Services.

5.02 Subscription Testing Service defined. “Subscription Testing Service” means a person or organization offering a service that tests and maintains lists of candidates for employment who have successfully completed the Subscription Testing Service process.

5.03 Process Verification. The Secretary shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.

5.04 Certification

5.04.01 All applicants reported as a qualified candidate by the Subscription Testing Service may be placed on the City’s continuous testing initial entry list and/or lateral list (as appropriate) by date of testing. The Appointing Authority may request the Chief Examiner or the Commission determine if and when the City needs to conduct the second part of applicant testing process, which is the oral board examination process.

5.04.02 By motion or other approval, the Commission may delegate to the Chief Examiner the review and approval of candidates. Upon such delegation, the Chief Examiner shall verify that candidates for placement on the continuous testing initial list(s) meet the minimum eligibility requirements for employment.

5.05 Additional Testing. Candidates qualified to be placed on the City’s certified hiring eligibility register(s) shall be subject to such additional testing as may be required by the Commission or the appointing authority. Such testing shall include, but not be limited to, background, polygraph, psychological, physical agility testing.

SECTION SIX. CONTINUOUS TESTING

2.15 “City’s continuous testing eligibility list” (CCTEL) – an applicant has passed the written examination and the physical agility testing and is therefore eligible to be on the Civil Service Rules and Regulations

continuous testing eligibility list, ready for when the department head schedules an oral board event to complete the testing process.

2.16 “City’s certified hiring eligibility list” (CCHHEL) – an applicant on the certified hiring eligibility list who has completed the oral boards and whose score earns him placement on the hiring list the Civil Service Commission approves.

6.01 Continuous Testing Initial List(s). The Secretary/Chief Examiner, following approval by the Commission, may establish an entry-level continuous testing initial list and a lateral-entry continuous testing initial list for use by applicants tested through the Subscription Testing Service.

6.02 Continuous Testing Defined. Continuous testing shall mean a written examination or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards whose results shall be valid for a period of one calendar year from the date of certification to the City’s Continuous Testing Initial List. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a subscription testing agreement.

6.03 Certification. Applicants certified pursuant to a (Subscription Testing Service) continuous testing process shall be placed on the City’s Continuous Testing Initial Eligibility list(s). Certification shall be in accordance with the rules and regulations of this Commission. As each applicant is placed in accordance with his or her written scores the placement of all others on the list shall be adjusted.

6.04 Additional Testing. Applicants placed upon the City’s continuous testing initial list(s) shall be subject to such other testing processes as the Commission shall direct, including but not limited to, oral boards or any other testing process conducted by the Commission or by a subscriber pursuant to Rule.

6.05 Removal of Names. The names of candidates certified to the City’s continuous testing initial list shall remain on the list until the expiration of one year from the date of certification or until the candidate has been hired by another public safety organization. Names may be removed upon notification by the candidate, upon the written notification of another public safety employer or an entity providing subscription testing.

SECTION SEVEN - APPLICATIONS

7.01 General Requirements for Filing Applications:

1. All applicants for examinations for positions under Civil Service, or those certified for the continuous testing initial list(s) must complete a City of Sequim application. No one shall be admitted to any oral examination without having first completed and signed an application giving fully, truthfully, and accurately, all information required.

2. In order to be accepted for examination, the applicant must:

A. Meet the educational and experience requirements specified in the job

announcement.

B. As requested in the examination procedures, produce evidence of education, training, experience, or any other requirements of the examination.

3. Time for filing applications:

A. All applications for examination shall be filed with the City of Sequim Human Resources Office within the time limit specified in the recruitment job announcement. Applications received by mail in the Human Resources Office must be postmarked on or before the stated closing date.

B. The time deadline for filing applications may be extended by the Chief Examiner if insufficient qualified applicants exist in order to conduct an examination. Public notice of such an extension will be made in the appropriate manner as determined by the Chief Examiner.

7.02 Rejection of applicant or Eligible: The Chief Examiner may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

1. Does not meet the requirements set forth in the job announcement.
2. Is found to be physically or mentally unfit to perform the duties of the position as determined by a licensed physician and/or psychologist.
3. Has been convicted of any felony, or convicted of a misdemeanor involving moral turpitude, or other conviction which is job related.
4. Has made any material false statement or has attempted any deception or fraud in connection with application to seek employment.
5. Fails to appear for any stages or portions of the examination process, or fails any pre-employment examination procedure.
6. Has assisted in preparing any portion of the examination or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination.
7. After notification, did not promptly appear at the time and place designated for the examination.
8. Has been dishonorably discharged from military service for cause equivalent to conviction of a felony or misdemeanor involving moral turpitude or other cause which is job related.
9. Has lost the ability to gain certification by the Washington State Criminal Justice Training Commission.
10. Has lost the legal right to carry a firearm.
11. Is not able to provide credible testimony in a court of law based on prior history of deception, bias, or criminal conduct as defined in case law (Brady V. Maryland).

7.03 Admission to Examination Pending appeal: the Chief Examiner may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal, such admission to be without prejudice to either the City or the applicant.

7.04 Amendment of Application: The Chief Examiner may permit an applicant to amend the information on the application or file additional information as long as such amendment is prior to any phases of the testing process.

7.05 Applications Not Returned: All applications when filed become the property of the City and thereafter may not be returned to the applicant.

SECTION EIGHT - EXAMINATIONS

8.01 Examination Announcements: Public notice of Subscription Testing Service entrance examination or other examinations open to the public shall be published in the local newspaper and/or other publications, as determined by the Chief Examiner. The official job bulletin shall be posted in the Human Resources Office and distributed to appropriate agencies for posting. Additionally, the Chief Examiner shall determine any other appropriate recruitment publications to attract qualified applicants.

8.02 Type of Examinations: All examinations shall be competitive, impartial, and job related. They shall be used to qualify and rank applicants in terms of their relative fitness for the duties of the classification. Examinations may include written tests, assessment of education and training qualifications, physical or performance tests, background investigations, or any other suitable evaluation of fitness, or any combination of such tests. Such examinations shall evaluate education, experience, aptitude, knowledge, skill, physical condition, and other qualifications to determine the relative fitness of the applicants.

8.03 Interview/Assessment Board: The Interview/Assessment Board shall be composed of at least four (4) persons, selected by the Commission. One (1) member shall be the Chief Examiner or his/her non-police designee. One (1) member shall be a lay person who shall be a citizen of the City of Sequim. Two (2) members shall be uniformed police professionals with experience and expertise with respect to the particular position for which the interviews are being conducted; PROVIDED that for promotional exams, one such uniformed professional member shall not be an employee of the City of Sequim. For entry level examinations, the uniformed police professional shall be a middle-management position within the Department. The Commission shall retain the right to establish interview questions, assessment center measures, and grading criteria for use by the Interview or Assessment Board.

8.04 Weighting of Examination Components: Each examination shall contain one or more parts to which percentage weights shall be assigned, which total 100%. Each part shall be graded independently and then combined with other scores to arrive at a total score for placement on the eligible list. Failing any component will result in disqualification from further competition in the examination process.

8.05 Veterans' Credit Veterans who have passed all required portions of an examination, promotional examinations, shall be entitled to credit, as provided for in RCW 41.04 as now existing and as hereafter amended.

8.06 Keyed Copy Inspection and Examination Protect: any protest relative to the scope, content, or applicability of any specific question of the written examination shall be filed with the Chief Examiner within the time allotted for the examination, stating the nature of the challenge, the correct answer if known, together with a possible source to verify the answer. No keyed copy of the examination will be provided for inspection. However, the applicant may request the Chief Examiner to verify the scoring for possible errors.

When a qualifying grade or score is required on any part of an examination, those who fail shall be notified and any protest or appeal must be filed within ten (10) working days after the notices of results have been mailed (excluding challenges to specific questions, which is noted above). All protests filed in accordance with this Rule shall be reviewed and any proper corrections made, if clerical errors are found. If corrections are applicable to other examinations, the corrections shall be made and proper notice provided to applicants if their score is affected.

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

8.08 Examination Papers: Examination papers of each candidate on the eligible list shall be kept on file in the City Clerk's Office until the expiration of the eligibility list.

8.09 Pre-Employment Testing: Candidates certified from the eligible list shall be subject to pre-employment testing, including medical and psychological examinations (post offer), background investigation, and reference checks. Polygraphs will be administered as prescribed by state law (RCW 43.101.095 and WAC 139-05-240). In the event the candidate fails one or more of the pre-employment examinations, the Chief Examiner shall recommend to the Commission to have the individual removed from the eligible list, and shall schedule the matter to be heard before the Commission. Prior to the Commission's consideration, the candidate shall be provided with written notice stating the reason for such proposed removal. The candidate shall have 10 days in which to file with the Chief Examiner an appeal of this proposed action, and request an opportunity to be heard on this matter before the Commission.

SECTION NINE - CERTIFICATION AND APPOINTMENT

9.01 General Provision: Vacancies in the Police Department shall be filled by reinstatement, promotional appointment, open appointment, or in the absence of an appropriate register, the Chief Examiner may authorize a temporary appointment, consistent with Section 9.08.

9.02 Establishment of Eligible Registers: After each examination, an eligible register for the classification shall be prepared with the names of candidates ranked as follows:

1. On a promotional examination register: relative rank shall be determined by the examination final score, together with any applicable percentage allowed by law for

veteran's preference for promotional positions;

2. On an open examination register: relative rank shall be determined by the total of all examination scores, together with applicable percentage allowed by law for veteran's preference.

3. If a tie exists on the final score, all candidates shall be certified to the Department Head for consideration, consistent with Section 9.05(2).

9.03 Duration of an Eligible List/Register: eligible list/register shall become effective on the date signed by the Chief Examiner and shall remain valid for a period of twelve (12) months.

Upon application by the Police Chief, at the discretion of the Civil Service Commission, a certified promotional examination register may be extended beyond the initial 12 month duration for a period approved by the Commission, not to exceed a total of 24 months.

An eligible list shall be declared canceled by the Commission and a new examination ordered in the event of (a) fraudulent conduct involved in the examination by one or more of the candidates on the list resulting in the examination being compromised; or (b) insufficient number of qualified candidates exist on the eligible list.

9.04 Request for Certification: Whenever an Appointing Authority wishes to fill a vacancy, a request for certification shall be submitted to the Chief Examiner. The request shall show the number of positions to be filled, the classification title, and cause of the vacancy, or if a new position.

9.05 Certification

1. Certification to fill a vacancy shall be made by the Chief Examiner from established registers. The eligible list, through the open examination process, shall be used (excluding promotional positions) unless the Department Head requests permission from the commission to fill the vacant position by lateral entry examination.

2. Rule of Five The top five scores on the eligible list for entry level positions and the top five scores on the eligible list for promotional positions shall be certified to the Department Head. Should any of the candidates be found invalid, removed from the list, or disqualified in some manner, an additional name shall be certified from the list to the Department Head so that five qualified candidates for entry level positions and five qualified candidates for promotional positions are available to select for a hiring decision.

9.06 Inactive Status: The Chief Examiner may grant inactive status to an eligible upon receipt of a written request to become inactive on the eligible list. Inactive status will prevent certification of the eligible until the next vacancy occurring after the eligible has given written notice of their desire to be returned to the register, and remains otherwise qualified for the position.

9.07 Regular appointment: A regular appointment to fill a vacancy must be made from the names contained on a valid eligible list. The Department Head, after making the selection, shall cause to be completed a Personnel Action Form (PAF) indicating the effective date of hire, the salary, and other pertinent information. The Department Head will coordinate the post-offer medical examination, which must be completed prior to starting employment.

9.08 Temporary appointment: Where there is no suitable eligible register from which certification can be made, the Chief Examiner may allow the Appointing Authority to make a temporary appointment. A temporary appointment may be made for a period of up to four (4) months, and may not be extended for a longer period of time, unless special dispensation is granted by the Commission. No person shall receive more than one temporary assignment in any twelve (12) month period without specific authorization by the Commission.

9.09 Availability of Eligible: It shall be the responsibility of an eligible to notify the City Clerk's Office in writing immediately of any changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment. Failure to provide the City with proper notice shall result in removal of the name from the eligible list and the next available eligible certified.

9.10 Cancellation of Eligibility:

1. A candidate's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof that the candidate cannot perform the job because of physical or mental disability, inability to provide credible testimony in a court of law, failure to pass the background investigation, polygraph examination, psychological examination, or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the City of Sequim, determination of non-certification or prior revocation of certification by the Washington State Criminal Justice Training Commission (RCW 43.101.105), or dismissal from employment from City of Sequim shall be deemed cause for cancellation of eligibility.

2. Separation from City service will terminate any promotional eligibility.

3. Upon failure to respond to a recall or refusal to accept employment within fourteen (14) calendar days of notice, the Chief Examiner shall strike the eligible's name from the register and make notification of the reason for such action.

SECTION TEN - REINSTATEMENT

10.01 Duration of Reinstatement List: Regular employees, who have been laid off in good standing, or who have been granted a leave of absence without pay, may be reinstated by the Appointing Authority prior to using the entry level or lateral entry eligible list.

SECTION ELEVEN - DISCIPLINARY ACTION

11.01 Causes for Disciplinary Action: Causes for disciplinary action include but are not limited to the following:

1. Incompetence, inefficiency, or inattention to or dereliction of duty.
2. Dishonest, intemperance, immoral conduct, insubordination, unjustified discourteous treatment of the public or 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 him/herself; or any willful violation of the provisions of the Civil Service rules.
3. Mental or physical unfitness for the position which the employee holds.
4. Dishonest, disgraceful, immoral, or prejudicial conduct.
5. Drunkenness or use of intoxicating liquors, narcotics, *or any* other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service.
6. Conviction of any felony or misdemeanor.
7. Any other act or failure to act which, in the judgment of the Appointing Authority, is sufficient to show cause for disciplinary action, including but not limited to the following:
 - a. Absence without leave.
 - b. Harassment and/or discrimination.
 - c. Negligent or willful damage to public property or waste of public supplies or equipment.
 - d. Fraud or dishonesty in securing appointment or promotion.
 - e. Failure to report an accident or falsely filing a report concerning an injury.
 - f. Willful or intentional violation of the Department's Policy Manual.
 - g. Insubordination or refusal to follow a supervisor's lawful order.
 - h. Revocation of police officer certification by the Washington State Criminal Justice Training Commission.

- i. Legal loss of privilege to carry a firearm.

11.02 Types of Discipline: A regular full-time employee (excluding probationary employees who are not subject to these Civil Service appeal procedures for disciplinary actions) may be disciplined for just cause, as set forth in Section 11.01. Disciplinary actions include demotion, suspension without pay, reduction in pay, discharge, or other such action resulting in the loss of compensation or benefits.

11.03 Notice of Disciplinary Action: The Department Head shall provide a copy of all disciplinary actions to the Civil Service Commission.

SECTION TWELVE - APPEAL HEARINGS

12.01 Types of Appeals: Any regular employee may appeal disciplinary action to the Commission. Any applicant for employment may appeal any action of the Chief Examiner to the Commission.

12.02 Time and Notice: A Notice of Appeal shall be filed with the Commission within fourteen (14) calendar days of the action or knowledge of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address of the appellant. The notice shall also contain a detailed description of the facts giving rise to the appeal, and concise statement of the reason for the appeal, together with the requested remedy. Failure to submit an appeal within the time limits specified shall result in a denial of the appeal. All notices must be delivered to the City Clerk's Office at City Hall.

12.03 Scheduling: Upon receipt of a Notice of Appeal, the Commission shall forward a copy of the notice to affected parties. A hearing before the commission shall be set within thirty (30) calendar days of notice of the appeal, unless the parties agree upon a time extension, not to exceed ninety (90) calendar days, unless approved by the Commission. If the appeal is not heard within such time period at the fault of the applicant, the Commission may dismiss the appeal.

12.04 Service and Filing:

1. The Chief Examiner shall cause to be served all orders, notices, and other papers issued by the Commission, including subpoenas. All other paper shall be served *by* the party filing the notice, document, or paper.

2. All notices, documents, or papers served by either the Commission or a party shall be signed by the Chief Examiner and shall be served by each party upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of the initial appeal to the Commission shall be in person or by registered or certified mail, and all other correspondence may be by regular mail service.

3. Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers at City Hall or three (3) days after mailing, whichever is earlier. Documentary evidence is not required to be filed, but, rather, provided at the hearing.

However, a list of exhibits and stipulations shall be provided for the Commission at least five (5) days prior to the hearing.

12.05 Discovery: 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 Commission prior to the beginning of the hearing.

12.06 Evidence Objections:

1. Subject to other provisions of these Rules, all complete and relevant evidence shall be admissible, as determined by the Commission.

2. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible or hearsay evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction of exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.

3. Any hearing before the Commission when documentary exhibits are to be offered into evidence, the original shall be provided to the Commission and copies shall be furnished to the opposing party and to each Commission member.

4. Witnesses in any hearing shall be examined verbally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.

12.07 Deliberation: the Commission may deliberate in clot (executive) session when considering a disciplinary case. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person, other than legal counsel, shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing. The Commission may request each party to submit post hearing briefs and/or draft proposed findings of fact and conclusions of law for the Commission's consideration.

12.08 Decision: the Commission shall issue a written decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record. A decision shall be issued within ten (10) days of the close of the hearing of an appeal by the Commission. If post-hearing briefs are filed, the close of the meeting shall be the time deadline specified by the Commission for submittal of the briefs.

12.09 Judicial Review: Any court action challenging a final action or decision taken by the Chief Examiner or Commission shall be commenced within fifteen (15) days of such action or decision. The cost of preparing any transcript that may be necessary for the judicial review shall be borne by the party seeking such judicial review.

SECTION THIRTEEN - LAYOFFS AND REINSTATEMENT REGISTER

13.01 Layoffs: The Appointing Authority may layoff or reduce an employee, or employees, when necessary due to lack of funds, lack of work, abolishment of position or for related reasons which are outside the employer's control and which do not reflect discredit upon the service of the employee. The Appointing Authority shall give at least two weeks' notice to the affected employee and shall submit written reasons therefore to the employee, and to the Commission.

13.02 Employment Status and Order of Layoff: Whenever it becomes necessary or useful, through lack of finances or for any other reasonable and just cause, to reduce the number of employees of this unit, such reductions shall be carried out in the following order:

1. Provisional appointees.
2. Temporary appointees.
3. Probationers (first appointment).

4. Permanent employees in the order of rank and length of City Service; the one with the least service being laid off first and the one with most rank being laid off last.

13.03 Layoff Out of Order: The Appointing Authority may lay off out of the regular order, upon showing of necessity therefore, in the interest of efficient operation of the department, after giving any employee or employees affected an opportunity to be heard by the Commission.

13.04 Reduction in Lieu of Layoff: At the time of any layoff, classified employees shall be given an opportunity to accept reduction to the next lower class in the Department; provided that any employee so reduced shall be entitled to credit for any previous regular service in the lower class and to any other City Service time.

13.05 Transfer in Lieu of Layoff: Transfers in lieu of layoff may be made to a different position within the Department upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a classified employee or probationer is not displaced.

SECTION FOURTEEN - RETURN TO REGISTER FOLLOWING LAYOFF

14.01 On layoff, an employee's name shall be placed upon the proper eligible register for the class, according to the grade, for one year from the date of such layoff.

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

14.03 Upon the request of the Appointing Authority, the Chief Examiner may approve the certification of anyone on such a reinstatement register as eligible for appointment on an open competitive basis.

14.04 It shall be the responsibility of an eligible to notify the Civil Service Commission in writing immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for reemployment.

14.05 The name of an eligible who submits a written statement restricting the conditions under which they are 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 eligible register modifying conditions under which reemployment would be accepted.

APPROVED AND ADOPTED by the City of Sequim Civil Service Commission on October 7, 2014.



Cliff Brehan
Civil Service Commission Chairman



Dave Munro
Civil Service Commission Vice Chairman



Bill Dickinson
Chief of Police

Approved as to form:



9/11/2014

Craig Ritchie
City Attorney