

CITY OF PUYALLUP

CIVIL SERVICE COMMISSION BYLAWS



OCTOBER 20, 2014

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RULE 1 - GENERAL PROVISIONS

- 1.1 **AUTHORITY AND APPLICATION.** These rules are promulgated pursuant to the authority granted by the City of Puyallup ordinances. These rules are applicable to all positions and all employees covered by the City's Civil Service System and to all proceedings before the Civil Service Commission and should be read in conjunction with specific provisions of the City ordinances.
- 1.2 **SCOPE AND PURPOSE.** These rules govern the continuing administration of the Civil Service System of the City and the terms and conditions of civil service employment in the City. The purpose of these rules is to assure that the Civil Service System in the City is administered in accordance with applicable City ordinances, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.
- 1.3 **PRESUMPTION OF VALIDITY.** The Civil Service System implemented by these rules substantially accomplishes the purpose of Chapter 41.12 RCW. Variation from state models are based on local conditions and are intended to maintain the purposes of civil service systems: merit selection, tenure, and an independent civil service commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of Chapter 41.12 RCW.
- 1.4 **SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.
 - 1.4.1 In the event of conflict between these rules and a collective bargaining agreement under Chapter 41.56 RCW, the provisions of the collective bargaining agreement shall prevail.

RULE 2 - ADMINISTRATION AND OPERATIONS

2.1 THE CIVIL SERVICE COMMISSION.

- 2.1.1 **Chair -- Vice Chair.** At the first regular meeting of each calendar year, the Commission shall elect one of its members as Chair and another member to serve as Vice Chair for a term of one year. The Chair shall preside at meetings of the Commission and shall continue to have all the rights, privileges, and immunities of any other member of the Commission, specifically including the right to vote on matters before the Commission. Should a Chair and/or Vice Chair resign or be removed from the position prior to the expiration of their term, the Commission, upon appointment of a new member shall proceed to the election of a new Chair and/or Vice Chair. (Revised 5/18/04)
- 2.1.2 **Commission -- Meetings -- Quorum.** In the necessary conduct of its work, the Commission shall meet on the third Monday of each month at 6:00 p.m. at City Hall, 333 South Meridian, Puyallup, WA 98371 unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act. (Chapter 42.30 RCW, as amended.) The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Three members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless a majority of the members concur. All Commission meetings or hearings, regular or as required, shall be open and public; provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW, as amended).
- 2.1.3 **Record of Proceedings.** The Commission shall keep a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at their own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary/Chief Examiner.
- 2.1.4 **Rules of Order.** Robert's Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two commissioners such rules may be waived or modified.
- 2.1.5 **Commissioners -- Challenge.** Any challenge to a commissioner's sitting at a hearing shall be made by an interested party by submitting a written affidavit to the Chief Examiner at least ten (10) days prior to the commencement of a hearing or as soon as possible after the party learned of the alleged interest, prejudice or close relationship which is the basis of the challenge. The Commission shall review the affidavit and vote on the challenge prior to proceeding with the hearing. Upon the Commission's finding of cause for disqualification, the challenged commissioner shall take no part in the hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to commencement of a hearing.
- 2.1.6 **Commissioners -- Challenge -- Member Pro Tempore.** If, as a result of disqualification(s) pursuant to Rule 2.1.5, there is no longer a lawfully constituted quorum available, then the remaining commissioner(s) shall request the Mayor in writing to appoint another qualified person or persons to act as a member of the Commission pro tempore for the purpose of hearing and deciding the particular proceeding only.

Alternatively, the remaining commissioners may, with written consent of the Chief Examiner and employee (or employee representative), appoint a member or members pro tempore.

2.1.7 **Office Hours.** The address of the Civil Service Commission is 333 South Meridian, Puyallup, Washington 98371. The regular office hours shall be 8:00 A.M. to 5:00 P.M., Monday through Friday (excluding City holidays) at the offices of the Human Resources Department.

2.2 **POWERS AND DUTIES.** The Civil Service Commission shall:

2.2.1 Adopt rules in conformance with the regulation of personnel matters within the classified service.

2.2.1A **Amendments of Rules.** The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission. Unless upon emergency declared by all commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting prior to adoption. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.

2.2.1B **Effective Date of Rules.** All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.

2.2.1C **Copies of Rules.** A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to each affected department of the City. A copy shall be maintained in the office of the Commission for public distribution as required by state law.

2.2.1D **Effect of Rules.** The terms and conditions of Civil Service employment are governed by these rules and applicable statute (and ordinance). No employee shall have a property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

2.2.2 Appoint, whenever necessary, a Secretary/Chief Examiner in conformity with Rule 3, Section 1.

2.2.3 Approve minutes of its own meetings and records of its procedure.

2.2.4 Provide for the holding of competitive tests, or the determination of the relative qualifications of persons for employment in the classified service either by the Secretary/Chief Examiner or by any other agency designated by the Commission.

2.2.5 Approve eligible lists from which names of the highest-ranking eligible candidates shall be referred to the appointing authority for selection consideration when a vacancy occurs.

2.2.6 Conduct all civil suits necessary for the proper enforcement of the Civil Service Act and these rules.

2.2.7 Hear and determine appeals arising from the administration of the Civil Service Act and these rules.

- 2.2.8 Investigate and report on all matters touching the enforcement and effect of the Civil Service Act and these rules.
- 2.2.9 Approve names to be reinstated to reinstatement eligibility lists.

RULE 3 - THE SECRETARY/CHIEF EXAMINER

- 3.1 **Selection.** In the absence of a list from which appointment may be legally made and upon vacancy, the Secretary/Chief Examiner shall be appointed as a result of a competitive examination, which examination may be either original and open to all properly qualified citizens of the City, or promotional and limited to persons already in the service of City departments as the Commission may decide. The Secretary/Chief Examiner may be held by one person or divided into two positions: one to serve as Secretary and one to serve as Chief Examiner.
- 3.2 **Duties.** In addition to acting as Secretary to the Commission, the Secretary/Chief Examiner (hereinafter referred to as "Chief Examiner") shall:
- 3.2.1 Be the general manager and executive officer of the Civil Service Office responsible to the Commission and shall direct the activities of all personnel in the Civil Service Office.
 - 3.2.2 Delegate duties where necessary and supervise and direct the work of all persons assisting in the preparation, conduct, and scoring of examinations, and maintenance of the classification plan.
 - 3.2.3 Report to the Commission from time to time as directed concerning the details of the work of the Civil Service Office.
 - 3.2.4 Assist in the preparation of the Civil Service budget and generally administer the expenditure of funds appropriated for the operation of the Commission.
 - 3.2.5 Classify all Civil Service positions in the classified service and maintain a classification plan for these positions.
 - 3.2.6 Determine which examinations shall be conducted, the minimum qualifications of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, approve such experts, special examiners, and other persons the Chief Examiner may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination; and
 - 3.2.7 Perform all other functions necessary for the proper carrying out of these rules and the provisions of law relating to the Civil Service System and such additional duties as may be assigned from time to time by the Commission.
 - 3.2.8 Prepare the agenda, in consultation with the Commission Chair, or with the Vice Chair in the absence of the Chair, for all Commission meetings.
- 3.3 **Independent Investigation.** The Commission may, when it appears in the best interest of the Civil Service System, retain the services of an investigator separate from the Chief Examiner. Any person so retained will be paid from the funds of the Commission and shall report either directly to the Commission or to such other persons as the Commission may designate.
- 3.4 **Review of and Appeal from Actions or Decisions of the Chief Examiner.**
- 3.4.1 The Commission on its own motion may review or modify any action or decision of the Chief Examiner.

- 3.4.2 Any person adversely affected by any action or decision of the Chief Examiner may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the date of notice of such action unless established otherwise in these rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

RULE 4 - HEARINGS AND INVESTIGATIONS

4.1 Hearings

4.1.1 **Hearings -- Appeals.** As previously stated Robert's Rules of order shall be the final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. (See Rule 2.1.4)

4.1.1A Any regular employee who is demoted, suspended, or terminated may appeal such action to the Commission.

4.1.1B Employees who are alleged to be probationary by the disciplining department may only appeal to the Commission the questions of their probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.

4.1.1C Any employee who is adversely affected by an alleged violation of Civil Service rules or City ordinances and/or policies involving promotion, demotion, discharge, or suspension, and who has not sought relief through union or City grievance procedures, may appeal said alleged violation to the Commission.

4.1.2 **Appeals -- Time -- Form.** A notice of appeal shall be filed at the Commission office within ten (10) calendar days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include mailing address and street address where service of process and other papers may be upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal. Forms provided by the Commission may be used for such notice, but are not required.

4.1.3 Exhaustion of Administrative Remedies.

4.1.3A The Chief Examiner shall direct the employee to exhaust available administrative procedures regarding a termination matter, before hearing the matter.

4.1.3B If the employee exhausts the available administrative procedures and continues to believe that good cause has not been shown, the employee may within ten (10) calendar days after the final step of the procedure request the Chief Examiner to return the appeal to the Commission for hearing.

4.1.4 Authority of Chief Examiner/Staff.

4.1.4A The Chief Examiner to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Chief Examiner may also conduct pre-hearing settlement conferences in order to encourage resolution of contested matters, issue subpoenas, and note depositions.

4.1.4B The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting.

On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.

- 4.1.4C As an aid to investigations authorized by the Commission, the Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.
- 4.1.5 **Appeals -- Initial Review.** The Chief Examiner shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed from is a final action. Upon a determination that the appeal is not timely, the Chief Examiner shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.
- 4.1.6 **Appeals -- Notice of Hearing.** Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) calendar days, a hearing before the Commission shall be set, with each party to be afforded not less than twenty (20) calendar days notice of such hearing. Subsequent hearings on the same appeal shall have one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section.
- 4.1.7 **Appeals -- Authority of Department.** The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.
- 4.1.8 **Service of Process -- Papers.**
- 4.1.8A The Commission staff shall cause to be served all orders, notices, and other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or paper.
- 4.1.8B All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgment of such mailing attached to the papers so served. Written acknowledgment shall be by affidavit of the person who mailed the papers or by certificate of any attorney or secretary.
- 4.1.8C Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or inter-city) upon deposit in the mail properly stamped and addressed.
- 4.1.8D Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the commission office. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.

4.1.8E An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

4.1.9 **Discovery**

4.1.9A 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 Chief Examiner with assistance from the Commission's legal counsel.

4.1.9B Upon the failure of any party to comply with an order of the Chief Examiner compelling discovery, the Chief Examiner shall schedule the matter before the Commission for review and determination of appropriate sanctions.

4.1.10 **Subpoenas**

4.1.10A Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specific time and place, and give testimony or produce designated books, documents, or things under that person's control.

4.1.10B Upon application of any party or their representative, the Chief Examiner shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly served. Such requests for subpoenas shall be submitted to the Commission offices at least three (3) business days prior to the hearing.

4.1.10C Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.

4.1.10D The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office; and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.

4.1.10E Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:

- (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
- (2) Conditionally deny a motion to quash or modify upon just and reasonable conditions.

4.1.11 **Burden of Proof.** At any hearing on appeal from a demotion, suspension or termination, the disciplinary authority shall have the burden of showing that its action was in good faith for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

4.1.12 **Evidence**

- 4.1.12A Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the Superior Courts of the State of Washington.
- 4.1.12B Witnesses in any hearing may be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.
- 4.1.12C When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- 4.1.12D At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member, and to the Chief Examiner.
- 4.1.12E Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) business days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) business day prior to the hearing.

4.1.13 **Deliberation.** The Commission may deliberate in closed (executive) session when taking a disciplinary case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

4.1.14 **Decision.** In any appeal the Commission shall issue a decision, including findings of fact, conclusions of law, and an order to each party or counsel of record for each party. A decision shall be issued within ten (10) business days of the close of the hearing of an appeal or other proceeding heard only by the Commission. Absent the consent of an appellant to an extension of time, failure to issue a decision within the time prescribed shall result in an appeal being sustained.

4.1.15 **Remedies.** The Commission may issue such remedial orders as deemed appropriate.

4.1.16 **Reconsideration.** A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) business days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

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

RULE 5 - CLASSIFICATION

- 5.1 **Classification Plan.** A class specification shall be prepared and maintained for each class in the classified Civil Service System. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall contain, when applicable a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.
- 5.2 **Administration of Position Classification.** The City Manager or designee will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary, whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council or may do so upon request of an appointing authority or an affected employee if the classification of such position has not been reviewed within the last 12 months.
- 5.3 **Classification of Positions**
- 5.3.1 Each position in the classified service shall be classified at the direction of the City Manager or designee and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:
- a. The same descriptive title may be used to designate each position in the class;
 - b. The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and
 - c. Similar tests may be used to select incumbents.
- 5.3.2 All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.
- 5.3.3 Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.
- 5.3.4 In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationships thereof to other classes. The examples of duties set forth in such specification shall not be construed as all inclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.
- 5.4 **Reclassifications.** Positions whose duties have changed materially so as to necessitate reclassification shall be allocated to a more appropriate class, whether new or already created, in the same manner as originally classified. No reclassification to a class having either a greater or a lower maximum salary range shall be effective, however, unless recommended jointly by the appointing authority and the Chief Examiner and unanimously approved by the Commission. Nor shall reclassification be used for the purpose of avoiding the restrictions surrounding demotions and promotions.

RULE 6 - APPLICATIONS/CANDIDATES

- 6.1 **Announcement of Vacancy.** Whenever there is need, the Chief Examiner shall make notice, either public or in-house as determined by the Commission, inviting qualified persons to apply for employment in the classified service and for admission to the examination scheduled to select the most competent. Said notice of the examination shall specify the title and salary range of the position, a brief outline of the requirements of the position, the minimum qualifications required, and the final date upon which applications will be received. Persons desiring to compete for positions in the competitive service shall file applications with the Chief Examiner on forms supplied by the Civil Service Commission.
- 6.2 **General Requirements for Filing Applications**
- 6.2.1 In order to file an application for examination, the applicant must:
- a. Meet the requirements specified in these rules and in the official examination bulletin as of the closing day of the official filing period, and;
 - b. Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Chief Examiner.
- 6.2.2 **Time for Filing Applications**
- 6.2.2A All applications for examination shall be filed with the Chief Examiner during office hours and within the time limit fixed in the official announcements of examination; provided, that upon written evidence of extenuating circumstances acceptable to the Chief Examiner, late applications may be accepted. Applications received by mail in the office of the Commission must be postmarked on or before the closing date.
- 6.2.2B The time for filing applications may be extended by the Chief Examiner as the needs of the service require; provided, that the examination shall then be re-advertised in the official newspaper of the City.
- 6.3 **Rejection of Application 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:
- a. Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
 - b. Is physically or mentally unfit to perform the duties of the position sought;
 - c. Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);
 - d. Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be cause for dismissal from City service; or has an unsatisfactory record of employment in the City service, or with any other agency or firm;
 - e. Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;
 - f. Fails to appear for fingerprinting or other investigation as required;

- g. Has assisted in preparing the examination for which application is sought, or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- h. After notification, did not promptly appear at the time and place designated for the examination;
- i. Has been discharged from the Armed Forces under dishonorable conditions;
- j. Such actions contemplated by this rule may also be taken for other material reasons.

6.4 **Debarment from Employment.** Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or an account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.

6.5 **Notice of Non-Acceptance.** Anyone against whom action is taken under Section 4 above shall be notified promptly by the Civil Service Department of the reasons therefore by either oral notice at time of filing the application and/or written notice mailed to the applicant or eligible.

6.6 **Amendment of Application.** The Chief Examiner may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.

6.7 **Applications Not Returned.** All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

6.8 **Application Fee.** For any position in the classified service which shall be vacant and an application process there commenced, the Commission, at its discretion, may determine an appropriate application fee. Nothing contained herein shall require the Commission to charge an application fee.

RULE 7 - EXAMINATIONS - POLICE DEPARTMENT

- 7.1 **Conduct May Be Delegated.** The Commission shall designate the person, persons, or agency who shall develop, conduct, and score the examination process and may name, therefore, any qualified person or agency. The commission shall approve the proposed examination process prior to administration.
- 7.1.1 **Character of Examinations.** All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.
- 7.1.2 **Content of Examinations.** Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, or any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.
- 7.1.3 **Parts and Weights.** Each examination shall contain one or more parts to which a raw score, rank order, or percentage weight shall be assigned. One or more of the following options shall be utilized in scoring an examination.
- 7.1.3A Raw score (actual number of questions answered correctly) shall be the sole indicator of final score of a written examination, unless otherwise determined by the Commission prior to exam administration.
- 7.1.3B A rank order list shall be the final result of an assessment center or other type of examination approved by the Commission. The rank ordering shall be determined by the number of points earned in the assessment center or examination. Assessors retained by the Commission shall have the latitude and flexibility of recommending individuals in addition to not recommending individuals, thus not including those individuals on the eligibility list who do not receive recommendations.
- 7.1.3C A percentage weight shall be determined by multiplying the weight assigned to one or more parts of an examination and the sum of the resulting products, to be called the "weighted average." (Revised 11/18/03)
- 7.1.4 **Passing Grades.**
- 7.1.4A The name of an examinee shall not be entered on an eligible register without the examinee having attained a passing grade in the examination as established by the Chief Examiner and approved by the Commission. Unless otherwise noted within the exam announcement and approved by the Commission, the minimum passing score is 70%. (Revised 10/20/14)
- 7.1.4B A final minimum passing score required shall be authorized by the Commission prior to any examination in which a raw score is utilized.
- 7.1.4C Where an examination consists of two or more parts, the Commission may set a minimum score to be required in any part of such examination, and any applicant

who fails to attain such minimum score shall be considered as having failed the entire exam and shall not be entitled to take the balance of the exam. The minimum score required and the part of the exam to which it is applicable shall be stated in the official bulletin or announced at the time of the examination. (Revised 11/18/03)

7.1.5 **Number of Applicants – Limitations.** The Chief Examiner may restrict the number of applicants to be examined at any one time whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups.

7.1.5A **Multi-Part Examinations.** The Chief Examiner may limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of tests; provided, however, the number of examinees shall be established before administration of preliminary tests. (Revised 11/18/03)

7.1.6 **Veterans' Credit.** Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW.

7.1.7 **Service Credit** (Approved 6/21/10).

7.1.7.1 **Service Credit for Puyallup Corrections Officers/Puyallup Police Reserve Officers Testing for Entry Level Police Officer.**

A candidate who has passed an examination shall be entitled to service credit for the position of Police Officer as follows:

Corrections Officer 2 (2nd Class) with at least ***one*** continuous year with the Puyallup Police Department – **2.5%**

Corrections Officer 3 (1st Class) with at least ***one*** continuous year with the Puyallup Police Department – **2.5%**

Corrections Officer 3 (1st Class) with at least ***two*** consecutive years with the Puyallup Police Department – **5%**

Corrections Officer Supervisor – **5%**

Level Two Reserve Police Officer with at least one continuous year as a Puyallup Reserve Police Officer – **2.5%** This applies to active reserves only.

Level Three Reserve Police Officer and Level Four Reserve Police Officer with at least two consecutive years as a Puyallup Reserve Police Officer – **5%** This applies to active reserves only.

7.1.7.2 **Service Credit for Puyallup Police Reserve Officers Testing for Entry Level Corrections Officer.**

A candidate who has passed an examination shall be entitled to service credit for the position of Corrections Officer as follows:

Level Two Reserve Police Officer with at least one continuous year as a Puyallup Reserve Police Officer – **2.5%** This applies to active reserves only.

Level Three Reserve Police Officer and Level Four Reserve Police Officer with at least two consecutive years as a Puyallup Reserve Police Officer – **5%** This applies to active reserves only.

7.1.7.3 Reserve Officer Definitions.

The position of Reserve Officer is defined as described in the Reserve Officer Manual under the Reserve Officer Classification and Duties section.

7.1.7.4 Calculating Service Credit.

Service credit is a percent (%) of a candidate's total score, including multiple test elements such as a written exam, oral board, etc. For example, if a candidate receives 75 points on a written exam and 85 points on an oral board, their total score would be 160 points. If the candidate qualified for a 2.5% service credit, the candidate would earn an additional 4.00 points (160 x 2.5%) for a final total score of 164 points.

7.1.7.5 Compounding.

Service credit and veterans preference points do not compound, each are applied to the total score independently.

7.2 Certification on the Eligibility List

7.2.1 Examination. All applicants for a position in the Puyallup Police Department shall be required to take examinations designed to measure fitness to perform the assigned work and developed and administered on the basis of sound personnel practices, to be certified on the eligibility list.

7.2.2 Rating and Preparation of Lists. The names of persons successful in all parts of an examination shall be arranged in order of their earned ratings.

7.2.3 Notification of Results. Competitors shall be notified of their results of the examination and, if successful, of their final earned rating and their relative position on the eligibility list. In any situation where the City's contract with a testing agency permits, and to the extent required by law, applicants may have the right to inspect their own test paper in the presence of the Chief Examiner.

7.2.4 Examination Protest. The applicant has five (5) business days after the final examination to challenge any question or to question the key. Reasons for this challenge must be submitted to the Chief Examiner for review. The Chief Examiner will carry out an investigation within five (5) business days after receiving the appeal and submit the Chief Examiner's findings to the Commission. The Civil Service Commission will review these findings within five (5) business days after receiving them from the Chief Examiner, at a special meeting held for the purpose of such review, and give their final decision. (Revised 6/16/87)

7.3 Appointments

7.3.1 Additional Examinations. To be appointed to a position as a police officer or corrections officer, those candidates who are ranked on the eligibility list will be required to take additional examinations as deemed appropriate by the appointing authority, with the concurrence of the Commission, provided that such additional examinations are designed to measure fitness to perform the assigned work and are developed and administered on the basis of sound personnel practices.

Such additional examinations will be for the purpose of confirming or denying a candidate's fitness for the position and shall not affect a candidate's ranking on the eligibility list. Any candidate failing to qualify for appointment based upon such additional examinations will be removed from the eligibility list upon written notifications to the Chief Examiner.

- 7.3.2 **Position Vacancies.** Whenever a position in the entry level of the classified service becomes vacant following the certification of the eligibility list, the Chief Examiner shall certify to the appointing authority, or their designee, the names of the ten (10) persons highest on the eligibility list. At such times the appointing authority, or their designee, will conduct such additional examinations as deemed appropriate.

When the list created by such additional examinations is reduced to four (4) names through appointments or by removal from the list, an additional six (6) candidates ranked highest on the current eligibility list will be eligible for the additional examination process. Provided that if there is more than one vacancy, then the Chief Examiner may submit from the eligibility list five (5) candidates, in addition to those provided for above, for each additional position vacancy.

- 7.4 **Rule of Three for Original Appointments.** To facilitate the recruitment of fully trained police officers and corrections officers, the Commission has authorized the establishment of a lateral-entry list together with the existing entry-level list and reinstatement lists. Whenever making an original appointment, the appointing authority must select one of the top three qualifying candidates from a certified eligibility list for the class. (Revised 11/18/03)

7.5 **Continuous Testing Examination**

- 7.5.1 A continuous or periodic examining program may be ordered and administered by the Chief Examiner for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register, and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register. (Revised 11/18/03)

- 7.5.2 Continuous testing may be held for the positions of lateral-entry police officer and lateral-entry corrections officer. Once the qualifications and recruitment process has been approved by the Civil Service Commission the Chief Examiner may open, as needed, the position for applicants until a number of candidates have been deemed to start a selection process. Upon completion of this process, an eligibility list will be certified by the Commission.

- 7.5.3 The Chief Examiner may continue, based on anticipated departmental need, to accept applications and advertise as needed. Once an appropriate number of applications have been accepted, the Chief Examiner will hold an examination for the position. The names of those qualified candidates will be amended into the existing eligibility list. Candidates will be on an existing list for a maximum of one year, but can retest upon the expiration of their names on the list. (Revised 7/19/87)

- 7.6 **Examinations.** All examinations for regular appointments in the Police Department shall be made on merit, efficiency, and fitness, which shall be ascertained by competitive examination and

impartial investigation. Applicants shall be tested as authorized by the Civil Service Commission or as determined through collective bargaining. (Revised 11/18/03)

7.7 **Eligibility Requirements**

7.7.1 **Eligibility for Sergeant.** Candidates shall be of first-class Police Officer standing at the time of application and shall have three (3) years' experience as a Police Officer and one (1) year experience as a Puyallup Police Officer. Candidates hired by the City after October 13, 1978, shall also show proof of completion of sixty (60) semester units or equivalent quarter units of college credit.

7.7.2 **Eligibility for Captain.** Candidates shall have two years of experience as a first-line supervisor at the level of Police Sergeant at a city, county or state police agency in Washington State and a bachelor's degree from an accredited four-year college or university. The education requirement shall not apply to members of the Puyallup Police Department hired before October 13, 1978. Examinations for Captain may be either promotional or open graded at the discretion of the appointing authority.

7.7.3 **Eligibility for Commander.** Candidates shall have two years of experience at the level of Police Captain at a city, county, or state agency in Washington State and a bachelor's degree from an accredited four-year college or university. Examinations for Commander may be either promotional or open graded at the discretion of the appointing authority.

7.7.4 **Eligibility for Corrections Lieutenant.** Candidates must hold the rank of Corrections Sergeant with the City of Puyallup at the time of appointment and shall have three (3) years' experience at this rank. In addition, candidates must have sixty (60) semester college units or equivalent quarter units earned prior to application filing. (Revised 2/25/13)

7.7.5 The appointing authority has the discretion and authority to add additional requirements to meet the needs of the department providing sufficient notice is given to those candidates eligible for the next rank position. (Revised 10/21/03)

7.8 **Rule of Three for Promotional Appointments.** When making a promotional appointment, the appointing authority must select one of the top three qualifying candidates.

7.8.1 Upon certification of a promotional eligibility list by the Civil Service Commission, a candidate who is in the top three on such list, but does not wish to be considered for a promotion, may decline to be considered for promotion but remain on the eligibility list. However, the candidate declining to be considered for the open promotional position, must submit his/her reason for declining in writing to the Chief Examiner within five calendar days after the open promotional position is announced. The Appointing Authority may then consider the next candidate in the list as part of the rule of three. The candidate within the top three who declines to be considered in the rule of three will be considered for the next opening unless he/she declines in writing for that opening as well. A candidate who declines promotion the third time he/she is eligible, will be removed from the current promotional eligibility list. (Revised 4/21/14)

7.9 **Police Corps Program.** The United States has adopted the Police Corps Act as Title XX, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. §§ 1409 et seq. The purposes of the Police Corps Act are to address violent crime by increasing the number of police with advance education and training on community patrol and provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

- 7.9.1 **Endorsement.** The State of Washington is sponsoring, through the Criminal Justice Training Commission, the Police Corps Program in the state of Washington. The City of Puyallup's Civil Service Commission endorses the Police Corps Program and seeks to participate in the Program through sponsorship of qualified candidates. The Police Corps Program is found to be a qualified testing and eligibility program that provides a process equal to or greater than the existing exam processes used by this Commission in the evaluation of candidates for police employment.
- 7.9.2 **Police Corps Authorized.** The Civil Service Commission recognizes and authorizes the Police Corps Program as a qualified testing and eligibility process for Police employment. The Commission hereby establishes procedures for candidate sponsorship and eligibility for employment. Following qualification of candidates pursuant to the procedures set forth in Rule 7.9.3, candidates shall be certified as eligible for appointment by the appointing authority. Candidates appointed to probationary status pursuant to the procedures of the Police Corps Program shall be subject to the same terms and conditions of the Civil Service Commission and other probationary employees of the City of Puyallup.
- 7.9.3 **Police Corps Procedures.**
- 7.9.3A **Sponsorship.** All applicants for consideration for sponsorship by the City shall be reviewed and approved by the Commission and the appointing authority. By motion or other approval, the Commission may delegate its review and approval authority of candidates to the Chief Examiner. Upon such delegation, the Chief Examiner shall verify that candidates for sponsorship meet the minimum eligibility requirements for City of Puyallup employment.
- 7.9.3B **Candidate Qualifications.** Candidates for Police Corps sponsorship by the City of Puyallup shall be subject to initial testing to determine fitness for City of Puyallup employment. Such testing shall include, but not be limited to, background, polygraph, psychological, and physical agility testing. Upon satisfactory completion of such testing, the candidate may be sponsored by the City of Puyallup. Sponsorship shall be approved by the appointing authority and by the Commission, acting by motion or upon approval of the Chief Examiner.
- 7.9.3C **Record of Program Completion.** Following sponsorship by the appointing authority and the Commission, the candidate may be admitted to the Police Corps Program and subject to the Program as conducted by the Washington Criminal Justice Training Center ("CJTC"). Upon successful completion of the CJTC Program and certification of the candidate for employment under the Program, the information shall be submitted to the Chief Examiner. Additional administration of tests authorized in Section 7.9.3B to confirm the continuing eligibility of the candidate for employment may be administered by the Chief Examiner and the appointing authority. Following successful completion of further testing, the Chief Examiner shall place the name of the candidate on the Police Corps candidate register.
- 7.9.3D **Certification to Appointing Authority.** Candidates sponsored by the City of Puyallup and successfully completing the Police Corps Program shall be certified by the Chief Examiner to the appointing authority for appointment. Candidates appointed shall be employed in a probationary status and shall be subject to all policies, rules, regulations, and collective bargaining agreements applicable to probationary employees of the City of Puyallup.

- 7.9.4 **Police Corps Qualified Personnel.** Any officer originally appointed from a register pursuant to the Police Corps Program shall serve no less than four (4) years of employment with the Department on community patrol. Service in community patrol shall not preclude an employee from eligibility for testing or promotion, consistent with rules now or hereafter adopted by the Commission.

RULE 8 - ELIGIBLE LISTS

- 8.1 **Order of Names on Lists.** Names on eligible lists for a class shall be in order of preference according to final earned rating in the examination, including veteran scoring criteria (preference) credits, except that employees laid off from a position in that class shall be given prior preference over original applicants in inverse order of lay off. The preference in rank of eligibles having equal final examination scores shall be determined as follows:
- 8.1.A When the examination is composed of two or more parts with separate grades, the one who has:
- (1) The highest grade on the most heavily weighted part of the examination; if a tie still exists, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains.
 - (2) The highest grade on the written test if all parts are weighted equally.
- 8.1.B When the examination has only one part or the candidates are of equal rank under (A) above:
- (1) Between examinees who are City employees, the one having the greater service credit with the City, regardless of class or department;
 - (2) If one is a regular or probationary City employee and the others are not, the regular City employee has preference.
- 8.1.C If 8.1.A and 8.1.B above do not resolve the tie, the candidates shall be accorded the same standing on the list.
- 8.2 **Effective Life of Lists.**
- 8.2.1 Eligible lists shall become effective upon the approval thereof by the Commission and submission by the Chief Examiner to the effect that the list was legally prepared and represents the relative rating of the names appearing thereon. Eligible lists shall be of three kinds; viz., eligibility lists from which original appointments are made, promotional lists from which promotional appointments are made, and reinstatement lists from which reinstatements are made.
- 8.2.2 Eligibility lists for original appointments shall be valid for one year and may be extended by a majority vote of the Civil Service Commission for additional one-year periods, for a maximum of three (3) years.
- 8.2.3 Promotional lists shall be valid for one year and may be extended by majority vote of the Civil Service Commission for additional one-year periods for a total of two (2) years for positions represented by a collective bargaining unit and a maximum of three (3) years for positions not represented by a collective bargaining unit. In the event of a negotiated agreement, all promotional lists may be extended for a maximum of three (3) years.
- 8.2.4 Employees who are placed on reinstatement lists due to layoff or reduction shall have their names remain effective on the reinstatement lists as follows:
- 8.2.4A Employees who have successfully completed the probationary period for a rank shall be maintained on the reinstatement list for an unlimited period of time;

provided, however, that their names may be removed from the reinstatement list for cause.

8.2.4B Employees who have not completed the probationary period for the rank shall be maintained on the reinstatement list for that rank for a maximum of three (3) years following the effective date of the reduction or layoff; provided, however, that their names may be removed from the reinstatement list for cause. After the maximum three-year period, their names shall be automatically removed from the reinstatement list.

8.2.5 Former employees who request to be placed on reinstatement lists after resignation or retirement under Rule 8.7 shall have their names remain effective on the reinstatement list for a maximum of two (2) years. After the maximum two-year period, their names shall be automatically removed from the reinstatement list.

8.2.6 Any eligibility list shall be terminated automatically upon promulgation of an eligibility list from a new examination for the class. However, such automatic termination shall not apply to reinstatement lists as set forth in Rules 8.6 and 8.7.

8.3 **Removal of Names from Lists.**

8.3.1 The name of any person who applies for a position under Civil Service Commission and is not qualified pursuant to the requirements of the examination announcement will be notified by the Chief Examiner as to why they were not qualified. Means of notification can be by the telephone or the postal service.

8.3.2 The name of any person appearing on an eligible list may be removed by the Chief Examiner if the candidate fails to respond to a notice of certification or other correspondence from the Commission, if they decline an appointment without reason satisfactory to the Commission, or if correspondence is returned as undeliverable by postal authorities. In case of such removal, the Chief Examiner shall notify in writing the candidates affected at their last known address. The name of the person so removed may be reinstated only if satisfactory explanation of circumstances is made to the Commission. The names of persons on promotional employment lists who resign from the service shall be automatically dropped from such lists.

8.3.3 The name of any person who has been certified on an eligibility list, but is unable to meet such additional testing standards as set forth by the appointing authority will be notified by the appointing authority. Notice will be given to the Chief Examiner who will strike the name from the eligibility list and notify the Civil Service Commission of such action.

8.3.4 Upon certification by the Civil Service Commission, the appointment authority may use other testing (e.g., psychological, polygraph, interviewing, physical evaluation) to determine if an applicant meets the needs of the department. Upon the completion of this testing, the Appointing Authority will use the rule of three to make their selection. If, during the life of a list, a candidate is passed over three (3) times for appointment, the candidate will be automatically dropped from the eligibility list. The foregoing is to be used for original appointments only and does not apply to promotional examinations. There will be no appeal of this decision through the Civil Service Commission.

8.4 **Notice of Address Change.** Persons on an eligible list shall file with the Commission written notice of any change of name or address, and failure to do so may cause removal of their name from the list.

8.5 **Revocation of List.** An employment or promotional list may be revoked and another examination ordered only when, upon recommendation of the Chief Examiner and approval of the Commission, such action is deemed advisable on account of fraud, errors, or of obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate results obtained therefrom. No lists shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons in the minutes of the Commission.

8.6 **Reinstatement Lists.**

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

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

However, the order of certification from eligibility lists set forth in this section shall not apply to special reinstatement lists due to resignation or retirement. (See Rule 8.7).

8.6.2 **Order of Reinstatement -- Eligible.**

8.6.2A If a vacancy is to be filled from the reinstatement list, the following shall be the order of certification:

- (1) Regular employees in the order of their length of service in grade. The regular employee on such register who has the most service credit in grade shall be first reinstated;
- (2) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.

8.6.2B Upon request from the appointing authority, the Chief Examiner may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

8.6.2C Nothing in this rule shall prevent the reinstatement of any regular or probationary employee for the purpose of transfer to another department, either for the same class or for voluntary reduction in class, as provided in these rules. (Revised 11/18/03)

8.7 **Reinstatement Lists After Resignation or Retirement.**

8.7.1 A former employee who has resigned or retired may request the return of their name to a special resignation or retirement reinstatement register for their position providing that their request occurs within one year from the date of resignation or retirement and they meet the minimum qualifications for that position at the time of their request.

8.7.2 The Chief Examiner will receive this request and will have the authority to determine if the employee is qualified according to 8.7.1.

8.7.3 If the former employee is not satisfied with the decision rendered by the Chief Examiner, they will have the right to appeal to the Civil Service Commission.

- 8.7.4 The appeal will be submitted to the Chief Examiner. The Chief Examiner will give notice of the appeal and schedule a time at the next Commission meeting to receive written or verbal testimony regarding the appeal. The appeal will then be approved or disapproved by the Commission.
- 8.7.5 Any former employee approved for reinstatement by the Commission may be reinstated to an open position.
- 8.7.6 Each reinstated employee must serve a six (6) month trial service period. Any employee who does not complete their trial service period is not eligible for reinstatement.
- 8.7.7 Upon approval by the Civil Service Commission, the name of the employee being reinstated to the register will have their name placed on a reinstatement register separate from those placed through entry-level testing or lateral-entry testing or those placed on a reinstatement register due to layoff or reduction in rank. When an opening occurs, a person requesting reinstatement due to resignation or retirement shall have their name submitted to the appointing authority together with two (2) names from the current eligibility lists. None of the above in Rule 8.7 pertains to promotional lists.

RULE 9 - APPOINTMENT

9.1 Authorization and Appointment

9.1.1 **General Provisions.** Vacancies in the classified Civil Service shall be filled by reinstatement, promotional appointment, assignment, open-graded appointment, transfer, reduction, demotion, or in the absence of an appropriate register, the Chief Examiner may authorize a regular, emergency, temporary, provisional or disability/military appointment.

9.1.2 **Request for Authorization.** Whenever an appointing authority wishes to fill a vacancy, a request for authorization shall be submitted to the Chief Examiner. The request shall show the class title, the salary, date of hire, authority for the appointment, and any other details necessary for full description of the position to be filled.

9.2 Regular Appointment

9.2.1 All vacancies in the classified service for original appointment within the Police Department shall be filled in accordance with RCW 41.12.100 except that the trial service period shall be twelve (12) months or as specified in the Collective Bargaining Agreement. All vacancies in the classified service for promotional reasons for the Police Department shall be filled in accordance with state rule RCW 41.12.100 and the trial service period shall be twelve (12) months or as specified in the Collective Bargaining Agreement. (Revised 11-15-05)

9.3 **Emergency Appointment.** To meet the immediate requirements of an emergency condition which threatens life or property, appointing authorities may employ any person or persons whom they may be legally empowered to appoint without restriction of Civil Service law and rules. Such employment shall be limited to the duration of the emergency period and shall in no event exceed sixty (60) calendar days. Time spent as an emergency appointee shall not be credited to any probationary period or be utilized for computing any privilege accruing under Civil Service law or these regulations.

9.4 **Provisional Appointment.** Provisional appointment may be made only in the absence of a suitable eligibility list appropriate for the position to be filled. In such case, the appointing authority may select a person meeting the minimum prerequisites for the class to which the position is allocated for the nomination to the Chief Examiner. The Chief Examiner shall interview or may use any other method to determine whether or not the nominee possesses the necessary experience, training, and other prerequisites for the position. If satisfactory, their name shall be certified to the appointing authority for appointment and their application accepted for an examination to establish an employment list for the position. As soon as possible, the Chief Examiner shall announce and conduct the examination and shall certify a name for regular appointment in the usual manner.

No provisional appointment shall be continued longer than six (6) months in any one fiscal year, and no person appointed provisionally shall be again appointed in the same year unless they are qualified by competitive examination and are appointed in the regular manner. No time spent as a provisional appointee shall be credited to the trial service period or be utilized for computing any privilege accruing under Civil Service law or these rules.

9.5 **Disability/Military Appointment.** From time to time either through disability or military assignment there are created vacancies in the work force of the uniformed service. It is unknown at the time of the vacancy how long the vacancy may last, but it is imperative that the police department operate at fully authorized strength. Therefore, the intent of this rule is to provide

the appropriate appointing authority the flexibility to fill these positions during the periods of absence of regular employees.

9.5.1 **Military Appointment.** Military appointments shall be deemed to be an assignment above and beyond the 21 days provided for annual reserve training. In the event an employee in the uniformed service is called to active military service, a vacancy shall be determined to exist in that department.

The appointing authority may fill the position through the appropriate selection process. As provided by statute, employees returning from active military service shall be entitled to reinstatement in their former positions. If there are insufficient authorized positions for persons currently in that class when the employee returns from active military service, then the person with the least seniority in that class shall be either reduced in rank or, in the case of a police officer or corrections officer, laid off.

In the event the reduction in rank or layoff is of an individual who has successfully completed their trial service period, that individual will retain the right to be placed on a reinstatement list in accordance with Rule 8.6, absent cause to the contrary.

In the event there has not been an opportunity to complete the trial service period, the appointment will be treated as a temporary appointment and the individual's name will be placed on a reinstatement list in accordance with Rule 8.6.

It will be the responsibility to the appointing authority to inform a prospective employee of the above provisions when hiring said employee to fill a position vacated due to a military leave.

9.5.2 **Disability Appointment.** The appointing authority may, during periods when regular employees in the classified service are on disability leave, appoint temporary replacements for said disabled employees. No disability appointment may exceed six (6) months in any one fiscal year.

The purpose of this section is to permit the department to meet temporary vacancies such as those created by the LEOFF system where the regular employee may be able to return to service and there will, therefore, be no regular position vacant.

9.6 **Temporary Appointment.** When any vacancy occurs in a classified position due to reassignments, retirement, disability leave, military leave, or any other bona fide reason, the appointing authority may select a temporary replacement from an established eligible list certified by the Civil Service Commission. Temporary employment may continue only so long as the facts exist justifying a temporary appointment. No person shall receive more than one temporary appointment or serve more than six (6) months as a temporary appointee in any one fiscal year. No time spent as a temporary appointee shall be credited to the probationary period or be utilized for computing any privilege accruing under Civil Service law or these rules.

RULE 10 – TRANSFERS, REDUCTIONS AND LAYOFFS

- 10.1 **Transfer.** Transfers consist of the change of an employee from one position to another position in the same or comparable class. The appointment of an employee to a higher class or to a position of higher skill or responsibility level shall be deemed a promotion and may be accomplished only in the manner provided in these rules for making promotional appointments.

Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class shall be deemed a demotion and may be accomplished only in the manner provided in these rules for making demotional appointments.

No increase or advance in salary shall be made upon transfer unless the rules governing salary advances are complied with and no decrease in salary shall be made unless the rules regarding reductions in salaries are complied with. Transfers of employees from one department to another may be made with the approval of the appointing authorities concerned and the Chief Examiner. An appointing authority may, at any time, transfer an employee from one position to another within the same class under their jurisdiction. (Revised 11/18/03)

- 10.2 **Reduction.** A reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A reduction may be approved for:

- a. The next lower or any lower class in the class series containing the class from which reduced;
- b. Any lower class in which the employee has acquired previously regular status, provided there has been no intervening forfeiture;
- c. Any lower class which is substantially similar to any lower class (in the employee's current class series) in the position classification plan; or
- d. Employees seeking to return to employment or reemployment from a disability, to a vacant position in another permissible class or department for which the employee qualifies.

10.2.1 **Reduction Procedure.** A request for reduction must be submitted in writing to the Chief Examiner. The request must include statement of justifiable or satisfactory reason, including a showing that the employee meets the qualifications of the lower class. The reduction must be approved by the City Manager and the head of the department in which the lower class is located and reported to the Commission.

10.2.2 **Effect of Reduction.** Upon the effective date, or following satisfactory completion of any trial period, the reduction shall be complete and the employee shall have regular standing in the lower class to which reduced. A probationer reduced to a class in which such probationer has not held regular standing shall start a new trial period. An employee reduced shall be able to return to the former position only by examination and regular appointment or by appointment from a reinstatement register.

10.2.3 **Reduction Available.**

10.2.3A **By Employee.** A voluntary reduction may be sought by an employee for any vacant position in the class under Section 10.2.

10.2.3B **By Department.** Reduction involuntarily of an employee from a higher civil service class to a lower civil service class is governed by Rule 10.3, Layoff. (Revised 11/18/03)

- 10.3 **Layoff.** Whenever the appointing authority determines cause for layoff, notice shall be sent to the Chief Examiner. Any complaint by a regular employee that layoff was in bad faith shall be investigated by the Chief Examiner who shall submit a report and recommendations to the Civil Service Commission. If the Commission finds that the layoff was irregular, it may order the reinstatement of the regular employee or employees.

Notice of layoff shall be given the employee concerned and the Chief Examiner at least one week before the effective date thereof. Employees laid off shall have their names placed on a reinstatement list of the class to which their position was allocated in accordance with these rules.

- 10.3.1 **Cause For Layoff.** The following shall constitute cause for layoff or transfer or reduction in lieu of layoff:

- a. Abolition of or consolidation of filled positions by the City Council either expressly or by failure to appropriate funds or resulting from the lawful amendment or revision of the Classification Plan.
- b. Reallocation of positions to a higher or lower class and the failure, refusal or inability of the incumbent employee or employees to qualify for a higher class, to be placed regularly in the existing class or to be reallocated to a lower class.
- c. Lack or insufficiency of funds, or lack or curtailment of work, where the City Council or a department head acts to reduce the number of employees in a particular class or department.
- d. An employee's position has been filled and there is no vacancy as a result of return of a regular employee from an extended leave of absence; restoration to active duty of a regular employee or probationer from a disability, public-office, military, public-health or Peace Corps leave of absence; or reinstatement of a former employee from disability retirement.
- e. Restoration of a promotional probationer to a former class where there is no vacancy in the former class; or, in any displacement case authorized by these rules, where there is no vacancy in the class or department to which the employee is transferred, reduced or demoted.
- f. Any other cause under law or these Rules necessitating a reduction in the number of regular or probationary employees or the displacement thereof.

- 10.3.2 **Reduction or Transfer in Lieu of Layoff.** At the time of any layoff, regular employees shall be given an opportunity to accept reduction to the next lower class in a series of classes; employees who have not yet completed their probationary period following a promotion shall be given an opportunity to be restored to their former class. In addition, any such employee may, in lieu of layoff, be transferred to a vacant position in another permissible class for which the employee qualifies. All requests for voluntary reduction, restoration or transfer in lieu of layoff must be filed with the Civil Service Office within ten (10) days following notification to the employee of the intended layoff unless excused by the Commission. (Revised 11/18/03)

RULE 11 - SUSPENSIONS, DEMOTIONS, AND DISCHARGE

- 11.1 **Suspensions.** An appointing authority, for disciplinary purposes, may suspend a regular employee without pay for a period not to exceed thirty (30) calendar days in any twelve-month (12) period. Such action shall immediately be reported to the Chief Examiner. Within ten (10) calendar days after the effective date of the suspension, the employee may file written request for hearing before the Civil Service Commission. The Commission, within fifteen (15) calendar days after receipt of the request, shall hold, or provide for holding a hearing at which the employee and the appointing authority shall have the privilege to be heard either personally or through counsel. All hearings shall be conducted with the object of obtaining the facts in the matter and of arriving at a just and equitable conclusion as to whether the suspension was made for religious or political reason or for just cause. No informality in any proceedings or hearings, or in the manner of taking testimony before the Commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission; provided, however, that in any hearing relating to the suspension of any employee all witnesses shall be sworn. Within ten (10) calendar days of the conclusion of the hearing, the Commission shall render its decision. If the Commission orders a modification of the suspension, it shall be accompanied by a supporting statement showing wherein the Commission believes religious or political prejudice was practiced, poor faith exemplified, or cause was lacking.
- 11.2 **Demotion and Discharge.** An appointing authority may demote or discharge a regular employee for inefficiency or other just cause. In case of termination the appointing authority shall be required to give written notice to the employee of the reasons for the termination and to advise the employee of the right to a pre-termination hearing to give their side of the story. If, after such hearing, the appointing authority decides to proceed with the termination, the employee and the Chief Examiner shall be notified. The notice to the employee of the right to the pre-termination hearing shall provide that the hearing must be held within five (5) days of the notice. An employee given such notice shall be placed on leave with pay pending such hearing and the decision therefrom. In the case of demotion, written reason, therefore, shall be furnished the employee and the Chief Examiner at least five (5) calendar days prior to the effective date of the demotion. Within ten (10) calendar days after the effective day of the dismissal or demotion, the employee may file written request for hearing before the Civil Service Commission. The Commission, within fifteen (15) calendar days after reception of the request, shall hold, or provide for holding a hearing at which the employee and the appointing authority shall have the privilege to be heard either personally or through counsel. All hearings shall be conducted with the object of obtaining the facts in the matter and of arriving at a just and equitable conclusion as to whether the demotion or discharge was made for religious or political reasons or for just cause. No informality in any proceedings or hearings, or in the manner of taking testimony before the Commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission; provided, however, that in any hearing relating to the discharge of any employee all witness shall be sworn. Within ten (10) calendar days of the conclusion of the hearing, the Commission shall render its decision. If the Commission orders a modification of the demotion or discharge, it shall be accompanied by a supporting statement showing wherein the Commission believes religious or political prejudice was practiced or lack of just cause.
- 11.3 **Cause for Discipline, Demotion, Suspension, and/or Termination.** No employee or officer who has successfully completed trial service and obtained regular status shall be disciplined, demoted, suspended, and/or terminated without just cause. The following are declared to illustrate adequate causes for discipline, demotion, suspension, and/or termination. However, discipline, demotion, suspension, and/or termination are not limited to the following:

- a. Incompetence, inefficiency, or inattention to, or dereliction of duty;
- b. Dishonesty, intemperance, immoral conduct, insubordination, 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 himself or herself;
- c. Mental or physical unfitness for the position which the employee holds;
- d. Dishonest, disgraceful, or prejudicial conduct;
- e. Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;
- f. Conviction of a felony, or a misdemeanor involving moral turpitude;
- g. False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;
- h. Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;
- i. Willful or intentional violation of any of the provisions of these rules.

RULE 12 - RECORDS AND REPORTS

- 12.1 **Public Records.** Public records of the Commission, except those exempted by RCW 42.17.310, shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by City ordinance. These rules shall be printed for free public distribution.
- 12.2 **Reports -- Department Heads.** A department shall immediately report to the Chief Examiner in such detail and on such forms as the Chief Examiner may prescribe:
- a. Every appointment, inter-departmental transfer, promotion, demotion, reduction, lay-off, reinstatement, suspension, leave of absence without pay, return to duty, assignment, change of position within a class or within an assignment title, change of title, change of compensation;
 - b. Every separation from the service with the reasons therefore;
 - c. Every refusal or failure to accept appointment by a person whose name has been certified.
- 12.3 **Annual Report.** The Chief Examiner shall prepare an annual report of the Chief Examiner's and the Commission's activities for approval by the Commission and for submission to the City Manager.

RULE 13 - COMPLAINTS

- 13.1 **Procedure.** Any person in the classified service may file with the Chief Examiner or the Commission a complaint against a decision, action, or thing, or a petition in support of any privilege or right involving personnel matters. The Chief Examiner, if not directly a party, shall investigate and attempt to adjust the matter and shall report the complaint with any explanation of the facts and recommendations to the Civil Service Commission. The Commission may investigate further or hold a hearing and may issue recommendations or, if authorized, a directing order, or may allow appeal from any party to the complaint. If a complaint to which the Chief Examiner is a party is made, the Chief Examiner shall file a statement of the facts and an explanation of the Chief Examiner's action with the Civil Service Commission, which may investigate, grant hearing and issue recommendations, or, if authorized, a directing order.

RULE 14 - AMENDMENTS

- 14.1 **Amendments of Rules.** The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission. Unless upon emergency declared by all commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting prior to adoption. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.

RULE 15 - DEFINITION OF TERMS

- 15.1 **ADVANCEMENT.** Advancement means a salary increase within an arranged schedule or established rate of pay for a class of position made without examination.
- 15.2 **APPLICANT.** Anyone who has filed an application to take a Civil Service examination.
- 15.3 **APPOINTING AUTHORITY.** Appointing authority means the officer, person, commission, body or agency empowered separately or jointly to hire, promote, or discharge employees within the classified service of the city. The words appointing authority, appointing officer, or appointing power shall be construed to be synonymous.
- 15.4 **ASSIGNMENT.** An employee may be assigned to a position which carries additional salary and additional limited responsibilities and is within the scope of the specification for the class from which assignment is made.
- 15.5 **CANDIDATE.** Any applicant who has completed, or is in the process of completing, a civil service examination.
- 15.6 **CERTIFICATION.** A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.
- 15.7 **CHIEF EXAMINER.** Included within the position(s) of Secretary/Chief Examiner as defined in Rule 3. The Secretary/Chief Examiner may be held by one person or divided into two positions: one to serve as Secretary and one to serve as Chief Examiner.
- 15.8 **CITY.** City means the City of Puyallup.
- 15.9 **CLASS.** Class means a group of positions designated as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.
- 15.10 **CLASS SPECIFICATION.** A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.
- 15.11 **CLASSIFIED SERVICE.** Classified service means all positions in the civil service subject to the provisions of these rules as defined by the state law and including full paid members of the Police Department and the Chief Examiner of the Civil Service Commission.
- 15.12 **COMMISSION.** Commission means the Civil Service Commission appointed to the City of Puyallup. "Commissioner" means any one member of the Commission.
- 15.13 **COMPENSATION.** Compensation means any allowance, fee, salary, or wage paid to an employees or officers in the classified service for performing the duties and responsibilities of their position or office.
- 15.14 **DEMOTION.** Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class. (Revised 11/18/03)
- 15.15 **DISABILITY/MILITARY APPOINTMENT.** Disability/military appointment means an appointment to serve in a classified position for those employees who are on disability or military leave.

- 15.16 **DISCHARGE.** Discharge means the termination, separation, dismissal, or removal of a regular employee from the classified service for cause. (Revised 11/18/03)
- 15.17 **ELIGIBLE.** Eligible means anyone qualified for a given class through examination and placed on the proper eligible register; also "certified eligible."
- 15.18 **ELIGIBLE LIST.** A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, "Eligibility List" and "Register."
- 15.19 **EMERGENCY APPOINTMENT.** Emergency appointment means an appointment to serve in a classified position under emergency conditions for not more than sixty (60) calendar days.
- 15.20 **EMPLOYEE.** Employee means anyone holding a position in the Civil Service System of the City.
- 15.21 **EXAMINATION.** The process of testing the fitness and qualifications of applicants for positions in a class:
- 15.21.1 **EXAMINATION - OPEN.** An examination open to any member of the public meeting the requirements as stated in the official examination announcement; also referred to as "open graded." (Revised 11/18/03)
- 15.21.2 **EXAMINATION - PROMOTIONAL.** An examination limited to employees meeting the requirements stated in the official examination announcement.
- 15.22 **FINAL EXAMINATION SCORE.** Total of earned exam score plus additional veteran's scoring criteria (preference) or service credit points for which an applicant is eligible; also, Final Earned Rating.
- 15.23 **EXPERIENCE.** Experience as herein used shall mean experience as a regular employee, under Civil Service appointment, but shall include trial service time.
- 15.24 **FULL-PAID.** Full-paid officer, employee, or department means that person or those persons receiving compensation from the City in return for services devoted to Police duties which occupy undivided attention and activity other than ordinary off-duty time allowances.
- 15.25 **LAY-OFF.** Lay-off means the termination of employment because of lack of funds or work or because of material change in organization.
- 15.26 **ORIGINAL APPOINTMENT.** The initial regular appointment of a person who is not a present employee of the City from an eligibility list established by an open graded examination. (Revised 11/18/03)
- 15.27 **PERSONAL PRONOUN.** Plural personal pronouns are used herein to reflect singular pronouns, such as he/she and his/her, in order to maintain gender neutrality.
- 15.28 **POSITION.** Position means any employment or office in the classified service.
- 15.29 **PROBATION OR PROBATIONARY.** The status of an employee during a trial service period following a regular appointment from an eligibility list. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed before civil service status is acquired. (Revised 11/18/03)
- 15.30 **PROBATIONER OR PROBATIONARY EMPLOYEE.** An employee whose status is probationary. (Revised 11/18/03)

- 15.31 **PROMOTION.** The appointment of an employee to a higher class or to a position of higher skill or responsibility level. Any change in employment other than by an assignment or by a temporary or provisional appointment (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute a promotion.
- 15.32 **PROMOTIONAL PROBATIONER.** An employee whose status is probationary following a promotional regular appointment. (Revised 11/18/03)
- 15.33 **PROVISIONAL APPOINTMENT.** A limited noncompetitive appointment of a non-certified person to a classified position for which there is no current eligibility register. (Revised 11/18/03)
- 15.34 **PUBLIC NOTICE.** Public notice means giving notice by publication in the official publication of the City.
- 15.35 **REDUCTION.** The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 15.36 **REGISTER.** A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, "Eligible List" and "Eligibility List."
- 15.37 **REGULAR APPOINTMENT.** The appointment of a certified eligible. (Revised 11/18/03)
- 15.38 **REGULAR STATUS EMPLOYEE.** Regular status employee means an employee with rights under Rule 4.
- 15.39 **REINSTATEMENT.** Reappointment of a regular or probationary employee to a class in which they were a regular or probationary employee. (Revised 11/18/03)
- 15.40 **REINSTATEMENT LIST.** A list of names of persons who were regular or probationary employees in a given class and who were laid off, resigned, or retired and are entitled to reinstatement in such class. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement. (Revised 11/18/03)
- 15.41 **RESIGNATION.** A written request by an employee for separation from the City service.
- 15.42 **SECRETARY.** Secretary as defined in Rule 3.
- 15.43 **SERVICE CREDIT.** Service Credit means preference in examinations and employment, based on service as a Corrections Officer or a Reserve Officer as defined within.
- 15.44 **STANDING—REGULAR.** The full civil service status of a regular employee. (Revised 11/18/03)
- 15.45 **SUSPENSION.** Suspension means the temporary removal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in demotion or discharge.
- 15.46 **TEMPORARY APPOINTMENT.** A limited appointment from an eligibility list for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment. (Revised 11/18/03)

- 15.47 **TRIAL SERVICE.** Trial Service means the initial period after appointment including without limitation, initial, original, promotional, or reinstatement, until regular status is obtained.
- 15.48 **VETERAN'S PREFERENCE/SCORING CRITERIA.** Veteran's scoring criteria or preference means preference in examinations and employment, based on military service, as provided and defined by applicable laws.
- 15.49 **WRITTEN NOTICE.** Written notice, as required under these rules, means the service of notice in writing either to the person directly or by certified mail. If by mail, the service shall be deemed completed at the time the return receipt from the certified letter is received or the City receives notice that the letter was not claimed.

RCW 41.12- Civil Service - Police