



Civil Service Commission

Rules and Regulations

Police, Fire, and Civilian Employees

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RULE 1: GENERAL PROVISIONS

- 1.1 Authority and Application. These rules govern the administration of the Civil Service System of the City of Vancouver and are promulgated pursuant to the authority granted by Section 7.03 of the Vancouver Charter, Chapter 2.57 of the Vancouver Municipal Code (“VMC”), and Chapters 41.08 and 41.12 of the Revised Code of Washington (“RCW”). These rules are applicable to all proceedings before the Civil Service Commission related to all full-time, fully paid employees of the City of Vancouver’s police and/or fire departments with the exception of the following: police chief, fire chief, and assistant police chief. These rules should be read in conjunction with the applicable provisions of the Charter, Municipal Code and State Statutes.

- 1.2 Purpose and Scope. The purpose and scope of these Rules is to ensure that the Civil Service System is administered in accordance with Washington state law, the City Charter and ordinances, and that all proceedings before the Commission are conducted in an orderly, fair, and timely manner. They are intended to promote the principles of civil service including assurance that appointments, promotion, and retention in City service are based on fitness, competency, and merit.

- 1.3 Presumption of Validity. The Civil Service System implemented by these rules substantially accomplishes the purpose of Chapters 41.08 and 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 Chapters 41.08 and 41.12 RCW.

- 1.4 Conflict. If these Rules conflict with the provisions of the City Charter, City ordinance, Washington State law, or a collective bargaining agreement under chapter 41.56 RCW, the provisions of the applicable Charter, ordinance, law or agreement shall prevail, to the extent required by law. Employees covered by a collective bargaining agreement should consult that agreement to determine whether it provides procedures that must be used instead of the procedures established by these Rules, or includes rights and privileges in addition to, or in lieu of those provided in these Rules.
- 1.5 Computation of Time. In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included unless it is a Saturday, a Sunday or a City legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday or a City legal holiday. Any period of time may be extended by the Secretary upon written motion for extension of time to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission office prior to the end of the applicable time period. The date of notice for purpose of these rules shall be the date on which notice of an action is posted in the Commission's office; (a) as provided in these Rules; (b) is mailed or (c) delivered personally to a party to a proceeding.
- 1.6 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.

RULE 2: DEFINITIONS

2.1 The words and phrases used in these rules and regulations shall have the following meaning throughout these rules:

- a. Appointing Authority. The appointing authority for the fire department is the Fire Chief, or his/her designee. The appointing authority for the Police Department is the Police Chief, or his/her designee.
- b. City. The City of Vancouver.
- c. Commission. The Civil Service Commission. When *Commission* is referred to in these rules as responsible for taking action, the term shall include the Commission or its designee.
- d. Regular Employee. A City employee in a civil service position who has successfully completed a probationary period as a new hire.
- e. Supervisory or Management. A Civil Service Position other than entry level or lateral entry.
- f. Secretary. The Secretary/Chief Examiner is appointed by the City Manager pursuant to VMC 2.57.020, as amended, and these rules. When *Secretary* or *Chief Examiner* is referred to in these rules, the term shall include the Secretary and/or any designee of the Secretary.
- g. Final Score. Total score of the exam components, including any applicable preference percentage and/or scoring criteria status required by law, these Rules, and/or approved by the Commission. Final scores will be rounded to the nearest whole number as set forth in each individual exam plan.
- h. Civil Service Position. Full-time, fully paid and regularly commissioned officers of the City's fire and police departments, and civilian members of the City's fire and police departments, except for those positions specifically exempted according to these rules, the Vancouver Municipal Code, and/or State statute.

RULE 3: ADMINISTRATION AND OPERATIONS

- 3.1 Commissioners. Commissioners shall be appointed in accordance with Vancouver Municipal Code. The term of office of such commissioners shall be six (6) years.
- a. A Commissioner may resign for any reason. A Commissioner may be removed from office as provided under VMC 2.57.010, as amended.
 - b. There is no maximum term limit. A Commissioner is eligible for reappointment upon the expiration of each term.
- 3.2 Chair and Vice Chair. The Commission shall elect one of its members as Chair. Should a Chair resign or be removed from the position prior to the expiration of his or her term, the Commission, upon appointment of a new member, shall elect a new Chair. Of those Commission members not elected Chair, the Commission member who has the longest tenure on the Commission shall serve as the Vice Chair and preside over any meeting in which the Chair is absent. If both the Chair and Vice Chair are absent from a meeting at which a quorum is present, the Commission member of the quorum who has the longest tenure on the Commission shall preside over the meeting.
- 3.3 Commission Address and Hours. The office and address of the Civil Service Commission is Vancouver Human Resources, P.O. Box 1995, Vancouver, Washington 98668-1995. The regular office hours of the Commission shall be Monday – Friday, 8:00 a.m. to 5:00 p.m., Pacific Time.
- 3.4 Commission Meetings. The Commission shall schedule a regular monthly meeting time and place. The meeting time and/or place may change at the discretion of the Commission. Any meeting may be canceled and/or re-scheduled if there is no pending business requiring Commission action or if necessary for other reasons in the best interest of the Commission.
- a. At the time of the adoption of these rules, the Commission meeting schedule is the third Wednesday of each month at 8:00 a.m. at City Hall.
 - b. The Commission may schedule additional meetings as necessary. Notice of these special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended).

- c. The Commission may schedule and conduct telephonic and/or videoconference meetings.
- d. The Commission shall also schedule and conduct hearings as required. Notice of hearings shall be provided as required by these rules.
- e. All Commission meetings or hearings, regular or as required, shall be open and public. However, the Commission may meet in executive session as authorized by the Open Public Meetings Act.

3.5 Conduct of Commission Meetings. *Roberts Rules of Order, Newly Revised, 10th edition,* shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules.

- a. By agreement of three commissioners, the rules may be waived or modified for a particular meeting.
- b. Three members of the Commission shall constitute a quorum.
- c. No action of the Commission shall be effective unless three members concur. If only three commissioners are present at a meeting, action will be taken as follows:
 - i. If all commissioners vote yes or all commissioners vote no, the decision is effective and final.
 - ii. If the commissioners vote differently, the issue will be tabled until the next meeting when all five commissioners are present.
- d. Action taken at any regularly scheduled meeting, special meeting or hearing shall not be voided for the sole reason that the procedures outlined in *Roberts Rules of Order* were not followed.

3.6 Record of Commission Meetings. The Commission shall record its proceedings by audiovisual means, by audio, or both. Written minutes of action taken shall be prepared and approved at the next scheduled meeting, or as soon thereafter as possible.

3.7 Inspection of Commission Records. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission.

- a. Inspection will be permitted during office hours in a space provided by the Commission and shall be supervised by the Secretary.
- b. Inspection must be accomplished without excessive interference with the essential functions of the Commission.
- c. Copies of public records will be made available at actual cost or as provided by law.

RULE 4: SECRETARY/CHIEF EXAMINER

- 4.1 Appointment of the Secretary/Chief Examiner. A Secretary/Chief Examiner (hereinafter referred to as “Secretary”) shall be appointed by the City Manager as provided in VMC 2.57.020, as amended.
- 4.2 Authority of the Secretary. In addition to acting as Secretary of the Commission, the Secretary shall:
- a. Be the executive officer and be responsible to the Commission;
 - b. Keep the minutes and other records of the Commission;
 - c. Provide proper notice of regular and special meetings of the Commission;
 - d. Schedule hearings and notify all parties of hearing schedules;
 - e. Classify all Civilian Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
 - f. Make recommendations regarding policy and amendments to these Rules;
 - g. Report to the Commission at each regular Commission meeting;
 - h. Prepare the budget for the Commission, approve accounts and administer generally the expenditure of funds appropriated for the operation of the Commission;
 - i. Prepare and conduct all exams, or authorize an approved agency to do so, which shall include the following:
 - i. Determine the exam to be conducted, 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;
 - ii. Prepare and post exam announcements;
 - iii. Plan and prepare, in conjunction with the appointing authority the exam components to be used in each exam;
 - iv. Determine that minimum qualifications are met by the applicants, answer all questions relating to the admissibility and eligibility of applicants, the exam, extensions of time and all questions arising during the course of an exam;

- v. Supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he or she may deem necessary;
 - vi. Score the exam papers, and establish a list of those who have passing scores; and
 - vii. Prepare a complete report of each exam for submission to the Commission, together with a report on all appeals from any part of the exam.
- j. Conduct investigations and inspections as the Commission deems necessary to ascertain whether Chapter 2.57 VMC and these rules are being obeyed;
 - k. Facilitate correspondence and questions to the Commission;
 - l. Issue subpoenas on behalf of the Commission and parties appearing before the Commission;
 - m. Remove names from an entry level/lateral entry level eligibility list as provided for in these Rules, with a report to the Commission; Inform the Commission of all appointments to Civil Service positions and changes in the employment status of Civil Service employees.
 - n. In performing any of his/her duties under these rules, the Secretary may delegate the task to City employees/staff and/or use the services and advice of a qualified professional consultant; and
 - o. 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.

4.3 Review of Actions or Decisions of the Secretary. There is no appeal of any action or decision of the Secretary except as specifically provided for in these rules. However, the Commission retains the authority to review or modify any action or decision of the Secretary as it deems necessary to carry out the purposes of the State law, City ordinance, or these rules.

RULE 5: RULEMAKING

- 5.1 Amendment 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.
- a. Amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption.
 - b. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.
- 5.2 Effective Date of Rules. Unless the Commission specifies otherwise, all rules and amendments shall become effective immediately upon their adoption by the Commission.
- 5.3 Copies of Rules. A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to the City's government record center, made available to each department of the City and to the public, and posted on the Commission's website (www.cityofvancouver.us/csc).
- 5.4 Effect of Rules. These rules, and future rules or amendments the Commission may enact, set forth procedures for appointment of tenure in the Civil Service as well as guidelines for some terms and conditions of Civil Service employment. However, the rules are not intended to create a property interest in employment.
- 5.5 Interpretation of Rules. The Commission has the power to interpret its rules. The Commission may apply such principles as it deems necessary to carry out the purposes of state law and their rules in determining cases that are not clearly defined by rules adopted by the Commission.

RULE 6: CLASSIFICATION

- 6.1 Classification Plan. The appointing authority, in conjunction with the Secretary, shall prepare and maintain a classification plan for all job positions in the Civil Service System so that all positions that are substantially similar in duties, responsibilities, authority, and character of work are included in the same class.
- a. For Sworn Police: Commander, Lieutenant, Sergeant, Corporal, and Police Officer
 - b. For Sworn Fire: Deputy Fire Chief, Division Chief, Battalion Chief, Captain, Firefighter/Paramedic, Firefighter
 - c. For Civilian Employees in Police Department: Administrative Assistant, Business Intelligence Analyst, Communications Specialist, Crime Analyst, Departmental Aide, Digital Forensics Investigator, Evidence Supervisor, Evidence Technician, Finance and Logistics Supervisor, Financial Analyst B, Lead Police Records Specialist, Management Analyst B, Material Control Coordinator, Police Records Manager, Police Records Specialist, Police Records Supervisor, Police Service Technician, Program Coordinator I and II, Public Information Coordinator C, Resource Service Technician, Resource Service Technician A, Senior Digital Forensics Investigator, Strategic Communications Manager, Support Specialist I, II and III, and Volunteer Coordinator.
 - d. For Civilian Employees in Fire Department: Administrative Assistant, Analyst B, Business Intelligence Analyst, Deputy Fire Marshal I and II, Financial Analyst B, Fire Code Officer, Fire Marshal, Assistant Fire Marshal, Lead Deputy Fire Marshal, Fire Protection Engineer, Human Resource Analyst, Resource Service Technician, Management Analyst, Material Control Coordinator, Senior Engineering Technician, Support Specialist I and II and III

As of January 1, 2018, all employees currently occupying the above classifications for civilian employees and working in either the Vancouver Police or Vancouver Fire Department are grandfathered into the Civil Service System. Employees hired on or after January 1, 2018, must successfully complete the Civil Service Exam process and be selected from a then current eligibility list.

6.2 Classification of Positions/Administration of Position Classification.

- a. For all sworn police/fire positions, each Civil Service position shall be a separate civil service classification.
- b. For all civilian police/fire positions:
 - i. The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary, whenever: the duties or responsibilities of existing positions have undergone significant changes, notification is received that new positions are to be established by the City Council, or upon request of an appointing authority or an affected employee if title classification of such position has not been reviewed within the last 12 months.
 - ii. Each position in the classified service shall be classified at the direction of the Secretary and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent. Positions shall be allocated to a given class when:
 1. The same descriptive title may be used to designate each position in the class;
 2. The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and
 3. Similar tests may be used to select incumbents
 - iii. 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 and responsibilities, the required and desirable qualifications for such position, and the relationship to other classes. The examples of duties in a specification shall not be construed as exclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

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

6.3 Responsibilities of the Appointing Authority. The appointing authority shall report any and all organizational changes, which may change any part of the classification plan, to the Secretary. However, neither this responsibility, nor anything else in these rules, shall restrict the ability of the appointing authority to direct its employees or limit its ability to assign work to deal with emergency situations.

6.4 Responsibilities of the Secretary/Examiner. The Secretary will conduct position classification studies of individual positions or groups of positions as necessary. The Secretary will report to the Commission any changes in the classification plan and the results of any studies.

6.5 Responsibilities of the Commission. The establishment of a new classification of more than sixty (60) calendar day's duration must be approved by the Commission. The request must be in writing accompanied by a statement of the duties, responsibilities, and qualification requirements for the new or affected classification.

6.6 Positions Exempt from Civil Service. The following positions are exempt from Civil Service and Civil Service Rules and Regulations:

- a. Police Chief
- b. Fire Chief
- c. Assistant Police Chief

RULE 7: APPLICATION AND QUALIFICATION REQUIREMENTS

7.1 Ordering Exams. The Commission shall order exams as follows:

- a. The Commission shall order exams for Police Corporal, Police Sergeant, and Fire Captain positions to take place at 18-month intervals, whether or not a job opening exists or is anticipated in the positions listed.
- b. The Commission shall order exams for all other positions covered by Civil Service as needed.
- c. Nothing in this rule shall prevent the Commission from ordering exams at other times if it is deemed to be in the best interest of the City.

7.2 Application Requirements. All applicants must file a written application on a form prescribed by the Secretary, and must attest to provide complete, truthful and accurate information. All applications filed with the Commission become the property of the Commission and shall not be returned to the applicant.

- a. Each applicant must:
 - i. Meet the requirements specified in these rules and in the official exam announcement as of the applicant's exam date, unless otherwise specified in the official exam announcement.
 - ii. Produce evidence of the required education, training, experience or any other lawful requirement for a job position.
- b. Time for filing applications:
 - i. All applications must be received in the Commission office or other identified location, along with a required fee, by the date fixed in the official exam announcement.
 - ii. The time for filing applications may be extended by the Secretary as the needs of the service require, provided that the new date for filing shall be advertised.
- c. The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application at any time for good cause shown.

- d. The Commission may charge a fee to offset the cost of purchase and administration of exams. The fee will be published in the official exam announcement.

7.3 Rejection of Applicant. The Secretary may reject an applicant for exam or withhold an applicant's name from a list for certification for one or more of the following reasons:

- a. The individual does not meet the requirements set forth in these rules or in the official exam announcement, including but not limited to completing the general requirements for filing applications outlined in Rule 7.2;
- b. The individual is unable to perform the duties of the position sought;
- c. The individual has been convicted of any felony or of a misdemeanor involving moral turpitude (See Chapter 9.96A RCW);
- d. The individual has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for discharge from City service or has an unsatisfactory record of employment in the City service or with any other agency or organization;
- e. The individual has made any material false statement or has attempted any deception or fraud in connection with this or any other Civil Service exam;
- f. The individual fails to appear for any portion of the application and/or exam process;
- g. The individual assisted in preparing the exam for which application is sought or obtained confidential information concerning such exam which might give him or her an unfair advantage over other applicants;
- h. The individual promises to pay any money or other valuable thing to anyone for an actual or prospective advantage in the exam process;
- i. For any civilian, entry or lateral position, failing to appear for fingerprinting or other investigation, if so required;
- j. For failing to meet any other minimum qualification set forth by law; or
- k. For other material reasons.

- 7.4 Conditional Admission to an Exam. If there is a reasonable doubt as to whether the applicant meets the requirements outlined in the Rules, the Secretary may admit the applicant to the exam on the condition that the particular requirements are met to the satisfaction of the Secretary prior to certification of the eligibility list. If the requirements are not met to the satisfaction of the Secretary in a timely manner, the individual's name will not be included on an eligibility list.
- 7.5 Limiting Number of Applicants. Exams shall be open to all applicants who meet the qualification requirements outlined in these rules. However, the Secretary may restrict the number of qualified applicants to be examined at any one time whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups. Any limitation shall be included in the exam announcement. The process for elimination shall be determined by the Secretary, as needed, and shall be set forth in the exam announcement.
- 7.6 Qualification Requirements – Entry Level: An entry level applicant must meet the following minimum qualification requirements on or before the first day of the applicant's exam, unless otherwise provided:
- a. For Entry Level Police:
 - i. Be a United States citizen or lawful permanent resident;
 - ii. Ability to read and write the English language;
 - iii. High school diploma or the equivalent;
 - iv. Be 21 years of age; and
 - v. Meet any other minimum qualification requirements established by the Commission or law.

- b. For Entry Level Firefighter:
 - i. Be a United States citizen or lawful permanent resident;
 - ii. Ability to read and write the English language;
 - iii. High school diploma or the equivalent;
 - iv. Be 21 years of age;
 - v. Have or obtain a Washington EMT Certification within one year of hire;
and
 - vi. Meet any other minimum qualification requirements established by the Commission or law.
- c. For Entry Level Firefighter/Paramedic:
 - i. All qualifications for Entry Level Firefighter;
 - ii. Certification as a Washington State Paramedic, or for any Out-of-State National Registered Paramedic, the ability to complete all Washington State Department of Health certification requirements listed in the Washington State Certification application packet within first 6 months of employment;
and
 - iii. Successful completion of department approved paramedic training course. Applicants who graduated from paramedic training after June 30, 1996 are required to have graduated from a paramedic training program that is accredited by the committee on accreditation of educational programs for the emergency medical services professions.
- d. For Civilian Positions: Meet all minimum qualifications for the classification as defined by the Secretary.

7.7 Qualification Requirements – Lateral Level: A lateral level applicant must meet the following minimum qualification requirements on or before the first day of the applicant’s exam, unless otherwise provided:

a. For Lateral Level Police:

- i. All qualification requirements for Entry Level Police;
- ii. Successful completion of a state certified basic law enforcement academy;
- iii. Receipt of an offer of employment for a position as a commissioned, full time general authority law enforcement officer from a municipal, county, or state law enforcement agency; and
- iv. A candidate who has a break in continuous law enforcement service following completion of the Academy will not be eligible for lateral entry under the following circumstances:
 1. The candidate completed the Washington State Basic Law Enforcement Academy and the break in service was greater than sixty (60) months.
 2. The candidate completed a state certified law enforcement program other than Washington and the break in service was greater than twenty-four (24) months.

b. For Lateral Level Firefighter:

- i. All requirements for Entry Level Firefighter;
- ii. Three (3) consecutive years experience as a full-time, paid firefighter with an agency whose primary responsibility is fire protection and emergency services and have primary responsibilities including fire suppression, hazardous materials mitigation, and emergency medical services;
- iii. Must be certified an Emergency Medical Technician Basic (EMT-B); and
- iv. Must possess a Washington State Firefighter I or equivalent.

c. For Lateral Level Firefighter/Paramedic:

- i. All requirements for Entry Level Firefighter/Paramedic;
- ii. Three (3) consecutive years experience as a full-time, paid firefighter with an agency whose primary responsibility is fire protection and emergency services and have primary responsibilities including fire suppression, hazardous materials mitigation, and emergency medical services;

- iii. Certification as a Washington State Paramedic, or for any Out-of-State National Registered Paramedic, the ability to complete all Washington State Department of Health certification requirements listed in the Washington State Certification application packet within first 6 months of employment; and
- iv. Must possess a Washington State Firefighter I or equivalent.
- d. For Civilian Positions: Meet all minimum qualifications for the classification as defined by the Secretary.

7.8 Qualification Requirements – Supervisory or Management Level: A supervisory or management level applicant must meet the following minimum qualification requirements on or before the first day of the applicant’s exam, unless otherwise provided:

- a. For Police Supervisory or Management Level Positions:
 - i. Corporal: Four (4) years as a commissioned police officer with at least two (2) of these years served with the Vancouver Police Department. For purposes of this rule:
 - 1. Officers who joined the Vancouver Police Department as entry level officers are deemed to have been commissioned on the date of their graduation from the basic law enforcement academy.
 - 2. Officers who joined the Vancouver Police Department as lateral officers are deemed to have been commissioned on the date as determined by the agency from which the officer transferred. The service time of lateral officers for purposes of meeting the two (2) year time period with the Vancouver Police Department shall begin on the individual’s date of hire with the Vancouver Police Department.
 - ii. Sergeant: Four (4) years as a sworn police officer (which may include time of any duration as a corporal) with at least two (2) of these years served with the Vancouver Police Department. For purposes of this rule:

1. Officers who joined the Vancouver Police Department as entry level officers are deemed to have been commissioned on the date of their graduation from the basic law enforcement academy.
 2. Officers who joined the Vancouver Police Department as lateral officers are deemed to have been commissioned on the date as determined by the agency from which the officer transferred. The service time of lateral officers for purposes of meeting the two (2) year time period with the Vancouver Police Department shall begin on the individual's date of hire with the Vancouver Police Department.
- iii. Police Lieutenant: Two (2) years of service in the Vancouver Police Department in the rank of Sergeant, and a Bachelor's Degree from an accredited college.
 - iv. Police Commander: Successful completion of probation as a Lieutenant in the Vancouver Police Department or equivalent experience in another law enforcement agency, and a Bachelor's Degree from an accredited college. When recruiting and testing for the Police Commander position, the Police Department may consider both internal and external candidates.
- b. For Fire Supervisory or Management Level Positions:
- i. Fire Captain: Four (4) years in the Vancouver Fire Department in the position of firefighter or firefighter/paramedic and completion of any prerequisites established by the Vancouver Fire Department to serve as a Captain in an Acting/Out-of-Class capacity.
 - ii. Battalion Chief: Four (4) years of service in the Vancouver Fire Department, attain the rank as a Step 3 Captain or above, and have or obtain a Washington EMT Certification within one year of hire; and an Associate's Degree or 60 semester units from an accredited college or university with major coursework in fire science, public or business administration or a related field at the time of application.

- iii. Division Chief: At least one (1) year in the Vancouver Fire Department as a Battalion Chief or above, or equivalent; and a Bachelor's degree or equivalent from an accredited college or university with major coursework in fire science, public or business administration or a related field at the time of application. When recruiting and testing for the Division Chief position, the Fire Department may consider both internal and external candidates.
- iv. Deputy Chief: At least three (3) years in the Vancouver Fire Department as a Battalion Chief, Division Chief or above, or equivalent. In addition, someone seeking this position must have a Bachelor's degree from an accredited college or university with major coursework in fire science, public, or business administration or a related field. When recruiting and testing for this position, the Fire Department may consider both internal and external candidates.

7.9 Application for Promotional Exams – Civilian Positions: The Secretary, in conjunction with the promoting department, shall determine and outline the minimum qualifications for any supervisory civilian position prior to any promotional announcement. Application for promotional exams relating to Civilian Positions shall be accepted from any regularly appointed employee in the classes from which the promotion is allowed who meets said minimum qualifications. The Secretary may permit regular employees and probationers to file for and take a promotional exam for delayed eligibility, if on the final date the application is due, they meet lower specified minimum service requirements in the classes from which promotion is allowed. Prior to this occurring, the Secretary shall publish this in the announcement.

7.10 Exception to Qualification Requirements – Supervisory or Management Level: If fewer than three eligible candidates apply, or in the event that no one attains a passing score on the exam given:

- a. For positions that allow consideration of internal candidates only, the Appointing Authority may advertise the exam to include first personnel in the next lower rank in the department and second to personnel outside the City of Vancouver who have attained the equivalent rank required of members of the applicable department.
- b. For positions that allow consideration of both internal and external candidates, the Appointing Authority may advertise the exam to personnel in the next lower rank in the applicable department and/or to candidates outside the City of Vancouver who meet the qualification requirements.

RULE 8: EXAMINATIONS AND APPEALS

8.1 Exams: The Commission shall order an exam whenever it is deemed to be in the best interest of the City. The exams may be ordered on a scheduled testing date(s) or on a continuous examining basis.

- a. Exam Announcement. Official exam announcements shall be published in a legal newspaper designated pursuant to Chapter 65.16 RCW, with general circulation in the City of Vancouver and posted in the Commission office and appropriate departments at least ten (10) calendar days preceding each exam. Public notice of continuous exams shall state that the period for filing applications and taking exams shall remain open until further order and notice. The Secretary may amend any published announcement with appropriate public notice. Published includes internet posting.
- b. Announcement Components. Announcements shall specify title, compensation range, general duties to be performed, qualifications specified in the class specification, other specific minimum qualifications as the Commission may determine necessary, the type of examination(s) to be given, final date on which applications will be received, and all other conditions of competition.
- c. Character of Exams. All exams shall be competitive, impartial and practical in their character. The exams shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class and/or position for which the exam was ordered. An exam shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.
- d. Content of Exams. Exams may include written tests, personal qualifications, physical or performance tests, psychological tests, evaluations of training and experience, interviews, any other suitable evaluation of ability to perform the job, or any combination of such tests. Such tests may evaluate education, training, experience, performance, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative qualifications and abilities of the candidates. The Commission will assure that the exams conform to the regulations of the Equal Employment Opportunity Commission.

- e. Exam Questions. The Secretary shall determine all questions pertaining to examinations, except those which in accordance with these rules may require the approval of the Commission, including the types of examinations to be given, the weights to be assigned, and the choice of consultants to assist in the preparation and rating of the examinations. The Secretary shall consult with the appropriate department heads or designee on the procedure to be followed in each examination.
- f. Exam Results. Each exam shall contain one or more parts to which a minimum passing score (which may include a pass/fail score), raw score, rank order or percentage weights shall be assigned. Each part shall be scored independently and added together to determine the final score.
 - i. A minimum passing score may be determined by the Commission prior to any exam; and where an exam consists of two or more parts, the Commission may set a minimum score to be required for any part of the exam. An applicant who fails to attain the minimum score for that part shall be considered as having failed the entire exam and shall not be entitled to take the balance of the exam or, when all parts of the exam have been completed, any remaining parts of the exam need not be scored.
 - ii. The name of the examinee shall not be entered on an eligibility list without the examinee having attained a passing result in the examination as established by the Secretary.
- g. Veteran's Preference. The scores of any "veteran" as defined in RCW 41.04.007 shall be increased as provided in RCW 41.04.010. The Commission interprets "veteran's first appointment" in RCW 41.04.010(1) and .010(2) to mean the veteran's first appointment by a specific appointing authority as defined in Rule 2.1 above.

8.2 Release of Exam Information.

- a. Civilian, Entry and Lateral Exams. Prior to the exam, each individual taking the exam shall receive any minimum passing requirements and information about the exam components. Following the exam, all candidates completing the exam process shall be notified of their results and each individual who successfully completes the exam process shall receive notice of their final score, rank, and/or results. In addition, the Secretary will notify each candidate of his/her appeal rights.
- b. Supervisory and Management Exams for Sworn Police and Sworn Fire.
 - i. Prior to the Exam. Internal candidates who meet the minimum qualification requirements for a supervisory or management exam may provide input into the exam process for the supervisory or management exam regarding the exam process including but not limited to appropriate exam components, scoring mechanisms and the exam results that should be released to candidates following the exam. In addition, the candidates and appointing authority may present information at a Commission meeting regarding the exam components and the exam results that should be released to candidates following the exam. The Commission shall retain sole authority to determine the appropriate exam process including but not limited to the exam components, appropriate scoring mechanism and the information that should be provided to candidates following the exam. Information regarding the scoring mechanism, any minimum scoring requirements, the exam components, information that will be released to participants following the exam, if any, and appeal rights, will be available to all internal and external candidates who apply to take the exam.
 - ii. Following the Exam. All internal and external candidates who take the exam shall receive information as follows:
 1. The Secretary will notify each candidate of his/her final score and/or rank.
 2. The Secretary will notify each candidate of his/her appeal rights.

3. Each individual may review his/her exam information at a location determined by the Secretary/Examiner.
4. Individuals may not copy exam information.
5. Each individual may review his/her exam information provided that, information may not be reviewed between the time that an exam schedule is approved by the Commission and the exam. "Exam information" includes written exams and exam answer keys, and rater comments from interview panels or other assessments. "Exam information" does not include rater names or a right to review the actual written rater notes.

8.3 Conditional Admission to an Exam. If there is reasonable doubt as to whether the applicant meets the requirements outlined in these Rules, the Secretary may admit the applicant to the exam on the condition that the particular requirements are met to the satisfaction of the Secretary prior to certification of the eligibility list. If the requirements are not met to the satisfaction of the Secretary in a timely manner, the individual's name will not be included on an eligibility list.

8.4 Grounds for Appeal.

- a. Any individual may file an appeal of the exam based on the following grounds:
 - i. The Commission failed to follow the City ordinance, state law or its own rules in the administration of the exam and/or the exam process;
 - ii. The exam was not valid, e.g., was not job related;
 - iii. The examiners were not impartial;
 - iv. A clerical error was made in scoring the exam; (This does NOT include disagreement with the number of points or score awarded by a rater(s)); or
 - v. The exam or exam process was discriminatory as defined under state and/or federal law.
- b. Except for reasons stated in this section, there is no appeal available for any action taken by the Secretary or Commission outlined in this rule.

8.5 Filing Procedures for Exam Appeals. The following procedures must be followed for filing an exam appeal:

- a. The notice of appeal must be received by the Secretary in the Commission office within fourteen (14) calendar days following transmission of the exam scores by the Secretary or his/her designee to the candidate's e-mail address provided with his or her application and/or internal e-mail address. Failure to file an appeal within this time period is a waiver of any right to appeal the exam that is established by these rules.
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, a concise statement of the reason for the appeal, and the desired remedy.
- c. The procedures outlined in Rule 15 shall be followed for appeals filed under this rule.

RULE 9: ELIGIBILITY LISTS

9.1 Identification of Eligibility Lists. The Commission shall maintain the following eligibility lists:

- a. *Reinstatement List.* A list of names of persons who were City employees in a given class and who were laid off, accepted reduction in lieu of layoff, retired, reclassified, or voluntarily resigned and are entitled to reinstatement. The names may be added to the list only with approval of the Commission.
- b. *Entry Level List.* A list of names of applicants for an entry level position, other than for Firefighter and Firefighter/Paramedic, that have passed the exam process that has been certified by the Commission.
- c. *Lateral Entry List.* A list of names of applicants for a lateral entry position that have passed the exam process that has been certified by the Commission.
- d. *Supervisory or Management List.* A list of names of candidates for supervisory or management positions who have passed the exam process that has been certified by the Commission.
- e. *Firefighter Entry List.* A list of names of applicants for a Firefighter position or Firefighter/Paramedic position that have passed the exam process that has been certified by the Commission.

The term *Eligibility List* shall include any and all of the above named lists.

9.2 Establishment of a Reinstatement List. The Commission shall establish and maintain reinstatement lists for individual class specifications. The names of the following employees shall be placed on the appropriate reinstatement list:

- a. Employees who have been reclassified to a lower classification for reasons other than disciplinary action or failure to pass probation shall be on the reinstatement list for the classification from which they were reclassified.
- b. Regular employees who have been laid off shall be on the reinstatement list for the classification from which they were laid off.

- c. Regular employees who accepted a reduction to a lower classification in lieu of lay off shall be on the reinstatement list for the classification they held prior to the reduction.
- d. Newly hired probationary employees who have been laid off shall be on the reinstatement list for the classification from which they were laid off.
- e. Former employees who resigned, were separated from employment in good standing, or retired from City employment shall be on the reinstatement list for the classification which they held at the time of separation if a written request is made by the former employee and the request is supported by a written recommendation of the Chief of the former employing department and approved by the Commission. The written request for reinstatement must be received by the Chief of the former employing department within 24 months of the date of separation from employment.

9.3 Establishment of a Supervisory or Management, Entry Level, Lateral Entry, and Firefighter Entry Lists. After each exam, an eligibility list shall be prepared on which the names of successful candidates shall be ranked as follows:

- a. For exams with a scheduled testing date (non-continuous):
 - i. Rank shall be determined by the candidate's final score.
 - ii. Candidates having equal final scores shall be placed at the same rank on the list but counted separately when determining the next rank. For example, two candidates with an equal score that is third highest shall be ranked at 3; the next candidate shall be ranked at 5.
- b. For continuous exams:
 - i. The names of eligible candidates resulting from such exam shall be entered on an eligibility list in the same manner as for scheduled testing.
 - ii. Time and date of exam shall not be given any preference in rank.

- iii. Names of eligible candidates from successive exams in the same program shall be entered on the eligibility list as determined by the procedures of the appointing authority and the final scores without regard to order of tests. Any procedures adopted by the appointing authority must be consistent with the intent of these Civil Service Rules.

9.4 Responsibilities of Individuals on an Eligibility List. Each individual on an eligibility list has the responsibility to:

- a. Inform the Secretary, in writing, which shall include email, of any address, telephone number or name changes.
- b. Inform the Secretary, in writing, of any changes in availability for employment or promotion.

9.5 Duration of Eligibility Lists. Certified eligibility lists shall remain valid for the following time period unless superseded by a new list created and certified as the result of a new exam:

- a. Reinstatement lists shall be valid indefinitely. Individuals who are on the list due to accepting reduction in lieu of layoff list shall remain on the list indefinitely. Individuals who are on the reinstatement list due to layoff shall remain on the reinstatement list for a maximum of twenty four (24) months. All other individuals shall remain on the list for a maximum of twelve (12) months.
- b. Police and Fire Supervisory or Management lists shall remain valid for eighteen (18) months following certification.
- c. Police Entry Level Lists shall remain valid for twelve (12) months following certification.
- d. Lateral Entry Lists shall remain valid for twelve (12) months following certification.
- e. Firefighter Entry and Firefighter/Paramedic Entry Lists shall remain valid for twenty-four (24) months following certification.
- f. Civilian Lists, both Entry and Supervisor/Management, shall remain valid for six (6) months following certification.

- g. For continuous exams, the list shall remain valid indefinitely and each individual shall remain on the list for the period identified in 9.5(b) through 9.5(e) above, as applicable.

9.6 Extension of Eligibility Lists. The Commission may extend the time periods outlined in rule 9.5 for validity of eligibility lists if extension of the time period would be in the best interests of the City.

9.7 Removal from Eligibility List Other than a Reinstatement List. The Commission may remove an individual's name from an eligibility list if the individual:

- a. Receives a "poor suitability," "high risk" or equivalent rating on the written assessment of personality traits and behaviors;
- b. Fails to obtain and/or maintain any certification, commission, or license required by law or these rules as a condition of employment for the position held;
- c. Does not meet the requirements set forth in these rules or in the exam announcement;
- d. Is unable to perform the duties of the position sought;
- e. Has been convicted of any felony, or misdemeanor involving moral turpitude;
- f. Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for discharge from City service or has an unsatisfactory record of employment in the City service or with any other agency or organization;
- g. Has made any material false statement or has attempted any deception or fraud in connection with any Civil Service exam;
- h. Has assisted in preparing the exam for which application is sought or has in any other manner secured confidential information concerning the exam which might give an unfair advantage over other individuals taking the exam;
- i. Promises to pay money or other valuable thing to anyone whatever for an actual or prospective advantage;

- j. Fails to successfully complete or meet the standards set for any part of the pre-employment process, including but not limited to, the exam(s) and background investigation;
- k. Fails to meet the “qualifying only” standards;
- l. Fails to respond to a call from the appointing authority or Commission for ten (10) calendar days;
- m. Refuses to accept appointment, except that an individual’s name will not be removed from a reinstatement list after lay off for refusal to accept appointment in a lower class from which the individual was laid off;
- n. Requests that his or her name be removed from the list;
- o. In the case of a supervisory or management list, has separated from City employment for any reason; or
- p. For other material reasons.

9.8 Removal from Reinstatement List. The Commission may remove an individual’s name from a reinstatement list if the individual engaged in any of the following activities following the time his/her name was placed on the list:

- a. Was convicted of any felony, or misdemeanor involving moral turpitude;
- b. Loses the ability to obtain and/or maintain any certification, commission, or license required by law or these rules as a condition of employment for the position held;
- c. Was dismissed or resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for discharge from City Service;
- d. Fails to respond to a call from the appointing authority or Commission for ten (10) calendar days;
- e. Refuses to accept appointment to the job from which he/she was laid off;
- f. Requests that his/her name be removed from the list; or
- g. For other material reasons.

- 9.9 Voluntary Removal from Eligibility List. An individual may request that his or her name be removed from an eligibility list for any reason. The request for removal must be documented by the appointing authority.
- 9.10 Restoring a Name to an Eligibility List. An individual whose name has been removed from an eligibility list may request that his or her name be restored to an eligibility list as follows:
- a. An individual who voluntarily requested that his or her name be removed from an entry level, or lateral entry eligibility list may request that his or her name be restored to the list from which his or her name was removed with the same final score. The individual is only entitled to have his or her name restored to the list for the time period that he or she would have been on the list if his or her name had never been removed. The request must be submitted in writing with reasons justifying return to the list. It is within the Commission's sole discretion to approve or deny such a request.
 - b. The name of a former employee whose name was removed from a supervisory or management eligibility list due to resignation or retirement may request that his or her name be returned to the same supervisory or management list within six (6) months of the date of resignation or retirement *if* the employee was reinstated to his or her previous position prior to making the request and the employee has a recommendation from the Chief of the former employing department. It is within the Commission's sole discretion to approve or deny such a request.

9.11 Grounds for Appeals.

- a. There is no appeal for removal of a name from an entry level list, or lateral entry list.
- b. An individual may appeal the decision of the Commission to remove his or her name from a supervisory or management list or a reinstatement list on the following grounds only:
 - i. The Commission failed to follow the City ordinance, State law or its own rules in the decision to remove the name from the list;
 - ii. The decision to remove the name was discriminatory as defined by law; or
 - iii. The decision to remove the name was based on inaccurate information.

9.12 Procedures for Filing Appeals. The following procedures must be followed for filing an appeal for removal of a name from an eligibility list:

- a. The notice of appeal must be in writing and received by the Secretary in the Commission office within fourteen (14) calendar days of the date of removal. Failure to file an appeal within this time period is a waiver of any right to appeal the exam that is established by these rules.
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, a concise statement of the reason for the appeal, and the desired remedy.
- c. The procedures outlined in Rule 15 shall be followed for appeals filed under this rule.

RULE 10: CERTIFICATION AND APPOINTMENT

10.1 General Provisions. Vacancies in Civil Service positions shall be filled by appointment from a certified eligibility list or by transfer, reduction or demotion.

10.2 Procedure for Certification. The procedure for certification of an eligibility list shall be as follows:

- a. An eligibility list shall be established.
- b. The eligibility list shall be submitted to the Commission for certification that the candidates on the list have successfully completed the exam process, are ranked correctly, and may be considered for appointment to the appropriate Civil Service position.
- c. Certification of a list shall state that final eligibility is subject to a candidate's successfully passing any subsequent testing procedures, verification of qualifications or any other requirements ordered by the Commission.

10.3 Procedure for Appointment. The procedure for appointing a candidate from a certified eligibility list other than the reinstatement list shall be as follows:

- a. When an appointing authority wishes to fill a vacancy and a current certified eligibility list exists, the appointing authority shall consider the three candidates who stand highest on the appropriate eligibility list *provided that* in the case of entry level and lateral entry positions, the appointing authority shall consider the top ten candidates on the eligibility list.
- b. If two or more vacancies are to be filled from an eligibility list, the appointing authority may consider one or more additional persons for each additional position.
- c. The application and exam information of the candidates identified in (a) and (b) above shall be made available for inspection by the appointing authority.
- d. The appointing authority may require additional testing, verification of qualifications or any other relevant information approved by the Commission.
- e. The appointing authority may appoint any of the candidates to the available job position or, in its sole discretion, may choose not to appoint any of the candidates.

- f. When an appointing authority wishes to fill a vacancy and a current certified list does not exist or there are an insufficient number of eligible candidates on the list, the appointing authority may consider the available candidates and appoint one of them. If the appointing authority does not wish to appoint one of the available candidates, it may submit a request for an exam to the Commission. The request shall include information that there are an insufficient number of eligible candidates on the list.

10.4 Order of Appointment.

- a. Regular appointments to fill a vacant civil service classification shall be made from eligibility lists in the following order and as provided in this rule:
 - i. The reinstatement list appropriate for the position to be filled.
 - ii. The appropriate list for the position to be filled including the supervisory or management eligibility list, entry level list, firefighter entry List or lateral entry eligibility list.
 - iii. Any other eligibility list.
- b. Regular appointments to fill a vacant civil service classification from the reinstatement list shall be made in the following order:
 - i. Employees who were reclassified to a lower classification for reasons other than discipline or failure to pass probation.
 - ii. Regular employees who accepted reduction in lieu of layoff in the order of their length of service. The employee on the list who has the most seniority (as defined in Rule 12.1(c)(iii)(1)) in the rank from which the reduction occurred shall be first reinstated.
 - iii. Regular employees who were laid off in the order of their length of service.
 - iv. Newly hired probationary employees who accepted reduction in lieu of layoff without regard to length of service.
 - v. Newly hired probationary employees who were laid off without regard to the length of service.

- vi. Regular employees who are on the reinstatement list for any reason other than layoff or reduction in lieu of layoff in the order of their length of service.
- vii. Newly hired probationary employees who are on the reinstatement list for any reason other than layoff or reduction in lieu of layoff without regard to their length of service.
- viii. Upon request from the appointing authority, the Commission may authorize reinstatement out of such regular order upon a showing that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

10.5 Deferment of Appointment. Any candidate who is offered appointment from an eligibility list may voluntarily refuse the appointment and request that his or her name not be removed from the list. The Commission may grant such a request with a justifiable reason.

10.6 Temporary Appointment.

- a. The appointing authority may make a temporary appointment to an existing Civil Service classification as follows:
 - i. Temporary Appointment. When a vacant position is to be filled and the appointee shall perform the full scope of the duties and responsibilities, for a period no longer than four (4) months. No person shall receive more than one temporary appointment or serve more than four (4) months as a temporary appointee in any one fiscal year.
 - ii. Acting Appointment. When no vacant position is to be filled, and the appointee shall perform the full scope of the duties and responsibilities assigned to the acting position.
 - iii. Out of Class Appointment. When no vacant position is to be filled and the appointee shall perform more than 60% but less than the full scope of the duties and responsibilities of the out of class position. The appointee must perform the out of class work for a minimum of five (5) consecutive work shifts.

- b. For temporary and acting appointments, the appointing authority shall use the following procedure:
 - i. If a current certified eligibility list exists for the position, the temporary appointment shall be made from the eligibility list utilizing the rule of three as outlined in this rule.
 - ii. If a current eligibility list does not exist for the position, the appointment shall be made by appointing one of the employees who meets the qualification requirements for the position as outlined in these rules.
- c. For out of class appointments, the appointing authority shall appoint an employee from the next lower rank.

RULE 11: PROBATION

11.1 Probationary Period. After each regular appointment from an eligibility list, the employee appointed shall serve a complete period of probation before the appointment is deemed complete.

- a. In the Fire Department, entry level employment is subject to a probationary period of twelve (12) months' actual service. Lateral entry employment is subject to a probationary period of twelve (12) months' actual service from the date of hire.
- b. Promotion to another position within the Civil Service is subject to a 12-month probationary period, but training school time shall not be deducted when computing the probationary period.
- c. Actual service shall not include time spent away from the department for an extended period of time.
- d. If an employee receives a temporary and/or acting appointment to a Civil Service position and subsequently receives a regular appointment to the same position, with no break in service, the time spent working in the temporary and/or acting appointment shall count as actual service in computing the probationary period.

11.2 Removal of Probationary Employee. Probationary employees may be removed from their job position without cause.

- a. At any time during the probationary period of a new employee, the appointing authority may discharge an employee. The appointing authority shall notify the Commission of the discharge. The reason for termination of employment need not constitute just cause and shall not otherwise be reviewed by the Commission.

- b. At any time during the probationary period following a promotion, the appointing authority may remove the employee from their job position for inability to satisfactorily perform the duties of the position or may discharge the employee for cause. Unless the employee is discharged for cause, he or she shall be reinstated to the position from which they were promoted. If the employee is reinstated to a position in which he or she had not completed their probationary period, the employee will be required to complete a 12 month actual service probationary period.

11.3 Completion of Probationary Period. If an employee is not removed from his or her job position during the probationary period, the employee will have satisfactorily completed probation and the appointment will be deemed complete.

RULE 12: TRANSFER, REDUCTION AND LAYOFF

12.1 General Provisions. An employee may be removed from their job position for the following reasons:

- a. Transfer. An appointing authority may transfer an employee from one position to another position in the same class in the department without prior approval of the Commission. The transfer of an employee shall not constitute a promotion.
- b. Voluntary Reduction. An employee may request that he or she be moved from a job position to a lower class of employment for reasons other than discipline or cause. The request must include the reason(s) for the reduction and a showing that the employee meets the qualifications of the lower class. The reduction must be approved by the appointing authority with notice to the Secretary. The employee may request that his or her name be placed on the reinstatement list for their former position within twelve (12) months of the reduction.
- c. Layoff. The City may lay off employees due to lack of work, reorganization, reduction in force or shortage of funds in the following order:
 - i. Temporary employees;
 - ii. Probationary employees;
 - iii. Regular employees in the order of their seniority, the one with the least seniority being laid off first.
 1. For Sworn Police: Seniority for police officers shall be defined as time in the department. Seniority for police corporals, police sergeants, police lieutenants, and police commanders, shall be defined as time in the position.
 2. For Sworn Fire: Seniority for Deputy Fire Chief, Division Chief, Battalion Chief, Captain, Firefighter/Paramedic and Firefighter is defined by time in the position in Vancouver Fire Department.
- d. Reduction in lieu of layoff. At the time of any layoff, a regular employee or an employee serving a probationary period may be given an opportunity to accept reduction to the next lower class in lieu of layoff. Such employees shall have bumping rights over any employee in the lower classification with less seniority. Seniority shall be defined as time in the rank or any higher rank.

- e. Names of employees who are laid off or who accept reduction to a lower classification in lieu of layoff shall be placed on a reinstatement list for the classification from which the layoff took place as provided under these Rules. Laid off employees who are offered reinstatement will receive a conditional offer of reinstatement. The offer will be conditioned on successful completion of a background investigation covering the period of time between the date of layoff and date of proposed reinstatement, medical and psychological examinations and a drug screen.

12.2 Appeal of Layoff Decision. Layoff shall be in accordance with the then current and valid City ordinance, policy and/or procedure unless otherwise specified by these rules.

- a. Any non-probationary employee may appeal a layoff decision on the grounds that the decision was not made in accordance with the applicable rules and/or was made in bad faith.
- b. The notice of appeal must be in writing and received by the Secretary in the Commission office within fourteen (14) calendar days of the non-probationary employee receiving notification of the layoff. Failure to file an appeal within this time period is a waiver of any right to appeal the exam that is established by these rules.
- c. The notice must contain a brief description of the facts giving rise to the appeal and a concise statement of the reasons for the appeal.
- d. The procedures outlined in Rule 15 shall be followed for appeals filed under this rule.

RULE 13: DISCIPLINE AND DISCHARGE

13.1 General Provisions. Any regular employee may be disciplined for just cause. For the purposes of these rules, “*discipline*” shall be defined as a written reprimand, suspension, demotion, or termination.

13.2 Just Cause Defined. Just cause may include, but is not limited to:

- a. Failure to obtain and/or maintain any certification, commission, or license required by law or these rules as a condition of employment for the position held;
- b. Incompetency, inefficiency or inattention to or dereliction of duty. These include, but are not limited to, the failure or inability to adequately perform the duties or responsibilities of the position, rank or office of the employee;
- c. Mental or physical unfitness for the position which the employee holds;
- d. Drunkenness or use of intoxicating liquors, use of narcotics or any other habit forming drug, liquid or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;
- e. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of a member of the public or a fellow employee, any other act of omission or commission tending to injure the public service; or any willful failure on the part of the employee to properly conduct himself or herself;
- f. Violation of any lawful and reasonable regulation, policy, rule, order or direction made or given by a superior officer;
- g. Conviction of a felony, or a misdemeanor involving moral turpitude; or
- h. Any other cause, act or failure to act which in the judgment of the appointing authority is grounds for or warrants discipline.

13.3 Grounds for Disciplinary Appeals. Any regular employee who is disciplined or discharged may appeal such action to the Commission.

13.4 Procedures for Filing Disciplinary Appeals. The following procedures must be followed for filing a disciplinary appeal:

- a. Notices of appeal must be in writing and filed in the Commission office;
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, the date of the discipline, a concise statement of the reasons for the appeal, the desired remedy, the mailing and street address, or e-mail address if the appealing employee consents to electronic service, where service may be made upon the appealing employee and must be signed by the appealing employee; and
- c. The notice must be filed within the time period as specified within the applicable collective bargaining agreement of the action that is the subject of the appeal. Failure to file an appeal within this time period is a waiver of any right to appeal that is established by these rules.
- d. Procedures outlined in Rule 15 shall be followed for appeals filed under this rule.

13.5 Election of Remedies. Employees who choose to appeal a disciplinary action or discharge through the grievance procedure provided under an applicable collective bargaining agreement shall not have recourse through the appeal process established by these rules.

RULE 14 MILITARY LEAVE

- 14.1 General Provisions. The requirements of this rule apply to applicants who have been ordered to report to active military duty. To the extent that the requirements of this rule conflict with any other Civil Service rule contained herein, this rule will control.
- 14.2 Testing Process Prior to Offer of Employment. If an applicant is ordered to report to active military duty after he or she has begun the testing process, but before he or she has completed the testing process, the following procedures will apply:
- a. The applicant must notify the Secretary of his or her orders to report for duty as soon as practicable.
 - b. The Secretary may request that the applicant provide a copy of the order to report for military duty.
 - c. The applicant will be eligible to complete the testing process for twelve (12) months following the date of the order to report for military duty.
 - d. The applicant may be eliminated from the testing process for any reason allowed by these rules.
- 14.3 Entry Level or Lateral Entry Eligibility List. If an applicant's name is on a certified eligibility list but has not yet received a conditional offer of employment at the time he or she is ordered to report for active military duty, the following procedures will apply:
- a. The applicant must notify the Secretary of his or her orders to report for duty as soon as practicable.
 - b. The Secretary may request that the applicant provide a copy of the order to report for military duty.
 - c. The applicant's name will remain on the eligibility list until the list expires or, in the case of continuous testing, for the time period allowed under these rules.
 - d. The applicant's name will not be removed from the eligibility list for failure to respond to a call from the appointing authority or commission or for inability to accept a position due to the fact that he or she is on active military duty.
 - e. The applicant's name will not be included within the Rule of 10 regardless of his or her score.

- f. If the applicant returns from active military duty within the applicable time period, he or she must notify the Secretary that he or she is still interested in being considered for employment. The Secretary will consider the applicant for employment, and may include his or her name within the Rule of 10, as otherwise provided under these rules.

14.4 Following Offer of Employment. If the applicant receives orders to report for active military duty following receipt of a conditional or final offer of employment, but prior to his or her first day of employment, the following procedures will apply:

- a. The offer of employment will be withdrawn.
- b. The applicant may request that his or her name remain on the eligibility list due to the fact that he or she is unable to begin employment due to active military duty.
- c. The procedures outlined in Rule 14.3.

14.5 Supervisory or Management Eligibility List. If an employee's name is on a supervisory or management eligibility list at the time he or she is ordered to report for active military duty, the following procedures apply:

- a. The employee must notify the Secretary of his or her orders to report for duty as practicable.
- b. The secretary may request that the employee provide a copy of the order to report for military duty.
- c. The employee's name will remain on the eligibility list until the list expires.
- d. The employee's name will not be removed from the eligibility list for inability to accept a position due to the fact that he or she is on active military duty.
- e. The employee's name will not be included within the Rule of Three (3) regardless of his or her score.

- f. If the employee returns from active military prior to expiration of the eligibility list, the employee will be included in the Rule of Three (3) and will be considered for appointment to the supervisory or management position as otherwise provided under these rules.
- 14.6 Other Eligibility Lists. If an applicant's, employee's or former employee's name is on an eligibility list that is not addressed in this rule at the time he or she is called to active military duty, he or she is not entitled to the protections of this rule.

RULE 15 APPEALS

- 15.1 Initial Review of Notice of Appeal. The Secretary shall review all notices of appeal to determine whether the employee has timely filed an appeal, whether the notice is complete as required under these rules and whether the action appealed is a final action.
- a. The Secretary may dismiss an appeal if it is not timely or the notice is not complete.
 - b. If an action from which an appeal is sought is not final, the Secretary may stay the appeal until the action is final.
- 15.2 Notice of Hearing. Upon receipt of a notice of appeal, the Secretary shall forward a copy of the notice to other affected parties. The Secretary will then schedule a hearing at the earliest possible Commission meeting with not less than fourteen (14) calendar days' notice to each party.
- 15.3 Authority of Secretary.
- a. The Secretary shall have the authority to make orders of preliminary matters, including motions for continuance, protective orders, and other similar matters.
 - b. The Secretary may conduct prehearing settlement conferences in order to encourage resolution of contested matters.
 - c. The Commission may authorize the Secretary to investigate any reports or appeals relating to the enforcement or application of the Civil Service Rules or those rules that do not involve a disciplinary proceeding.
 - d. Upon request of any party at least seven (7) calendar days prior to an appeal hearing, the Secretary may issue a subpoena commanding the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents or things under the person's control. The party requesting the subpoena is responsible for having the subpoena properly served as provided in the Washington Superior Court Civil Rules and for providing copies of subpoenas to the opposing party.

- 15.4 Hearing Procedure. Unless otherwise determined by the Commission, appeal hearings before the Commission shall be conducted as follows:
- a. Burden of Proof: The appellant shall have the burden of proof by a preponderance of the evidence.
 - b. Proceeding with Counsel. Any party to an appeal has the right to appear before the Commission with or without legal counsel.
 - c. Consolidation Allowed. If multiple parties have appeals with a common nucleus of law or fact, the appeals may be consolidated at the discretion of the Chair.
 - d. Right to Present Case. Subject to the rules for consolidation and cumulative evidence herein, each party with legal standing will have an opportunity to present arguments, call witnesses, provide testimony, introduce documentary and other tangible evidence, cross-examine witnesses and respond to questions of the Commission.
 - e. Time Limits. Unless otherwise determined by the Commission, it is expected that an appeal hearing shall be completed within one (1) day. The appellant or respondent may file a motion with the Commission to enlarge this time limit, the decision of which rests in the Commission's discretion.
 - f. Order & Structure of Hearing. Appeals shall proceed as follows:
 - i. Call to order and introduction by the Chair.
 - ii. Chair shall address any prehearing or administrative issues raised by the parties.
 - iii. Entry of Appellant's and Respondent's documents and other evidence into the record. Parties to provide true and correct copies of any documents and other evidence to be presented.
 - iv. Initial presentation/Opening Statement of case by Appellant.
 - v. Initial presentation/Opening Statement of case by the Respondent.
 - vi. Presentation of Appellants' case-in-chief/witnesses. Each witness shall be sworn in by the Chair. Following each witness's direct examination, Respondent shall have the opportunity to cross-examine said witness, which may then be followed by redirect examination. After redirect examination, the Commission may examine said witness.

- vii. Presentation of Respondent’s case-in-chief/witnesses. Following each witness’s direct examination, the Appellant shall have the opportunity to cross-examine said witness. Respondent may then follow with redirect examination of the witness. After redirect examination, the Commission may examine said witness.
- viii. Closing statement by Appellant.
- ix. Closing statements by Respondent.
- x. Closure of the record by the Commission.
- g. Testimony Under Oath. All testimony during the Appeal Hearing shall be sworn and conducted in open session. The Commission Chair shall administer an oath to all individuals prior to the offer of testimony, in substantially the following form: “Do you swear and affirm under penalty of perjury that all of the statements to be made in this proceeding shall be the truth, whole truth, and nothing but the truth?” An individual who does not answer in the affirmative will not be permitted to testify.
- h. Consideration of Testimony and Evidence. Except as otherwise provided herein, the rules of evidence governing civil proceedings in the superior courts of the State of Washington shall not apply.
 - i. The Commission shall only consider the relevant testimony of witnesses and other relevant evidence offered by the Parties at the Appeal Hearing.
 - ii. Relevant evidence is that evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.
 - iii. The Chair shall rule on any objections made by either party.
 - iv. The Chair may exclude evidence or argument otherwise relevant if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the Commission, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

- v. If appeals are consolidated, one party may adopt or incorporate the testimony of another party or witness to be considered in his/her own appeal.
 - i. Briefs and Documentary Evidence. No formal briefing of the issues or argument by either Party is required. If briefing is provided by either party, it shall be limited to five (5) double-spaced pages. Each party submitting briefing or documentary evidence shall provide one (1) true and correct copy to the opposing party and one (1) true and correct copy to the Commission, at least three (3) business days prior to the date of the Appeal Hearing.
- 15.5 Record of Proceedings. The Commission shall audiotape hearings and shall prepare written minutes of action taken.
- a. A party to an appeal hearing may request that a transcript of the hearing be prepared from the audiotape. The transcript of the hearing will be prepared at the Commission's expense.
 - b. The Commission or a party to an appeal may retain a court reporter to record all or part of the appeal hearing at the expense of the party requesting the reporter. The Commission or any party to the appeal may obtain a transcript from the court reporter at its own expense.
- 15.6 Disqualification of Commissioners. Any party to an appeal may request that a Commissioner be disqualified from sitting at the appeal hearing if there is a reasonable belief that the Commissioner would not be impartial in accord with the appearance of fairness act. A request for disqualification must be made prior to the commencement of the hearing, or, if the cause for disqualification is not known prior to hearing, as soon as the cause for disqualification becomes known. It is within the Commission's sole discretion to approve or deny such a request.
- a. Failure to make a timely request shall constitute a waiver of the right to make such a request.
 - b. If, as a result of the disqualification, there is no longer a lawfully constituted quorum, the appeal hearing shall be set over until a quorum is available.

- 15.7 Deliberation. Deliberations by the Commission shall be subject to Chapter 42.30 RCW. The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. No person other than the members of the Commission, the Secretary and legal counsel to the Commission shall be present during the deliberations. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal other than in open hearing.
- 15.8 Decision. In any appeal, the Commission shall issue a decision as soon as practicable.
- a. The decision shall be made by a majority vote of the Commission;
 - b. The decision shall be in writing and shall include findings of fact, conclusions of law and an order; and
 - c. The Commission shall notify each party, or counsel of record for each party, of the decision.
- 15.9 Remedies. The Commission may issue such remedial orders as deemed appropriate.
- 15.10 Waiver. Upon stipulation of all parties to the proceeding, and upon a showing that the purposes of the rules or City ordinances would be better served, the Commission may waive any of the requirements outlined in this rule.