RULE I

THE CIVIL SERVICE COMMISSION - FIRE

Section 1. Organization. The members of the Civil Service Commission, after appointment by the Mayor, shall proceed to the election of a chairman who shall continue in office until subsequent reorganization of the Commission becomes necessary.

Section 2. Powers & Duties. The Civil Service Commission shall:

A) Adopt rules for the regulation of personnel administration within the classified service.
B) Appoint a Secretary/Chief Examiner in conformity with Rule II, Section 1.
C) Approve minutes of its own meetings and records of its procedures.
D) Approve the creation, amendment, and discontinuance of a classification plan as provided by the appointing authority.
E) Provide for the holding of competitive tests under the supervision of the Secretary/Chief Examiner to determine the relative qualifications of persons for employment in the classified service and prepare a list of eligible candidates for vacancies and certify same.
F) Conduct all civil suits necessary for the proper enforcement of Ch. 41.08 RCW and these rules and regulations.
G) Hear and determine appeals arising from the administration of Ch. 41.08 RCW and these rules and regulations.
H) Investigate and report on all matters relating to the enforcement and effect of Ch. 41.08 RCW and these rules and regulations.
I) Have such powers and duties as are imposed upon the Commission by Ch. 41.08 RCW.

Section 3. Rules and Regulations. Rules of the Civil Service Commission shall be adopted by a majority vote of the members of the Commission at any regular or special meeting of the Commission. The Commission or any member thereof may propose a rule or an amendment to a rule at any time; however, all other persons must submit any proposed rule or amendment to the Secretary/Chief Examiner of the Commission at least one week in advance of the meeting at which such person desires to have such proposal considered by the Commission. The rules of the Commission may be amended in the same manner as adopting a rule. The Civil Service Commission has the power to interpret its rules. The Commission may apply such principles as it deems desirable in determining cases which are not clearly determined by rules adopted by the Commission. Rules in effect at the time of any event being considered by the Commission shall be applied to such event.

Section 4. Meetings. Regular meetings of the Civil Service Commission shall be

held on the 2nd Thursday of each month at Clarkston in the Council Chambers. Special meetings of the Commission may be held at such times and places as may be determined from time to time by the Commission; provided that the determination to hold the special meeting and the specific formal agenda items are the only matters which shall be acted upon by the Commission at such special meeting. All matters which shall be acted upon by the Commission shall be conducted in a manner which is in total compliance with what is commonly referred to as the "Open Public Meetings Act of 1971", as amended, of the State of Washington (Ch. 42.30 RCW). Two members of the Commission shall constitute a quorum. Robert's Rules of Order, Newly Revised shall serve as a guide on questions of procedure in parliamentary law not otherwise provided for by these rules and regulations.

Section 5. Severability. If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and such shall not effect the remaining rules and regulations or remaining portions of the rules and regulations.

RULE II

Secretary/Chief Examiner

Section 1. Selection. The Secretary/Chief Examiner shall be appointed as a result of a competitive examination. The specific qualifications which must be met in order to compete in the examination shall be set by the Commission. The Commission shall determine the method of examination to be utilized, but may delegate the administration of the examination to any appropriate body or individual. At the discretion of the Commission, the examination may be either open to all qualified individuals or limited to qualified present employees of any department of the city.

Section 2. Duties. The Secretary/Chief Examiner shall:

A) Attend and record all meetings of the Commission;
B) Administer personnel functions of the classified service;
C) Enforce the provisions of Ch. 41.08 RCW and these rules and regulations, except those functions and duties reserved to the Civil Service Commission;
D) Provide for the holding of competitive examinations with the necessary procedural matters;
E) Perform all lawful and necessary duties delegated by the Commission and all functions essential to the effective administration of the civil service system.

RULE III

APPLICATION PROCEDURE AND APPLICANTS

Section 1. Announcement of Vacancy. Whenever there is a need, the Secretary/

Chief Examiner shall invite, by giving public notice, qualified persons to apply for employment and for admission to the examination scheduled to create an eligibility list. Public announcement of the examination shall specify:

A) The title and salary range of the position;
B) A brief outline of the duties of the position;
C) The minimum qualifications required;
D) The location where application may be made;
E) The final date upon which applications will be accepted.

Section 2. Application Format

Application must be made on forms supplied by the Commission or in such other format as may be prescribed by the Commission. All applications must be signed by the person applying.

Section 3. Filing Time for Applications. Applications for examination and employment must be accepted for a period of not less than 14 calendar days.

Section 4. Non-acceptance of Applicant. If the Secretary/Chief Examiner determines that a particular applicant does not meet the minimum qualifications as established by the Commission or if in his judgment he concludes that the applicant should not be allowed to compete in the examination for some other appropriate reason, the applicant shall be notified promptly in writing sufficiently prior to the scheduled examination so that he may attempt to supply additional information to the Secretary/Chief EXaminer prior to the examination. Should the matter not be able to be settled prior to the examination, the applicant shall be allowed to compete in the examination and the commission shall make the final decision as to whether or not his name shall be included on the eligibility list, if he passes the examination, at the time it approves the establishment of the eligibility list resulting from the examination.

RULE IV

EXAMINATIONS

Section 1. Scope. All examinations shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which an appointment is to be made.

Section 2. Character. The qualification and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:

A) Written tests;
B) Oral tests of knowledge or ability;
C) Interviews covering general qualifications, education, training, and/or experience;
D) Physical tests of strength, stamina, agility, or dexterity;

E) Psychological tests conducted under fully competent guidance;
F) Evaluation of education, training, experience, or qualifications as shown by the application, or by other information submitted, or by the record.

Section 3. Preparation. All examinations shall be prepared and administered under the supervision of the Secretary/Chief Examiner following the general direction of the Civil Service Commission. The Secretary/Chief Examiner may, at his discretion, delegate the preparation and/or administration of examinations, or any portion thereof, to such qualified and unbiased consultants as he deems advisable.

Section 4. Commission Review. All aspects of the preparation and administration of examinations shall be subject to review by the Civil Service Commission.

Section 5. Promotional Examinations. As the needs of the city and of the Fire Department may require, promotional examinations may be conducted from time to time. The character of such examinations is as detailed in Section 2 above. All applicants for promotional examinations must be current employees of the Fire Department and must at least have completed the probationary period in a position of the classification from which they are seeking a promotion. Additional time-in-service and/or other requirements may be established at the discretion of the Commission.

Section 6. Identity of Examinees. The identity of individuals taking competitive written examinations shall be concealed from the examiners by the use of an identification number which shall be used on all test papers. In non-written examinations every precaution shall be taken to ensure that the identity of examinees, if by necessity it must be disclosed, shall not be used in any manner which may be prejudicial to the examinees.

Section 7. Passing Score. A total passing score on an examination shall be 70%. A total passing score other than 70% may be established by the Commission if it determines that such a score reflects the ability of the examinee to perform the duties of the position for which he is being examined. Passing scores on portions of the examinations, if such are appropriate due to the nature of the total examination process, shall be established by the Secretary/Chief Examiner. Each such portion or sub-test must be passed prior to proceeding to the next portion or sub-test.

Section 8. Veterans' credit. In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state, and all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans as defined in RCW 41.04.005, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect, a percentage in accordance with the following:

(1) Ten percent to a veteran who is not receiving any veterans'

retirement payments and said percentage shall be utilized in said veteran's competitive examination, and not in any promotional examination until one of such examination results in said veteran's first appointment: PROVIDED, that said percentage shall not be utilized in any promotional examination;

(2) Five percent to a veteran who is receiving any veterans' retirement payments and said percentage shall be utilized in said veteran's competitive examination only and not in any promotional examination until one of such examination results in said veteran's first appointment: PROVIDED, that said percentage shall not be utilized in any promotional examination;

(3) Five percent to a veteran who, after having previously received employment with the state or any of its political subdivisions or municipal corporations, shall be called, or recalled, to active military service for a period of one year or more, during any period of war, for his first promotional examination only, upon compliance with RCW 73.16.035 as it now exists or may hereafter be amended;

(4) There shall be no examination preferences other than those which have been specifically provided for above and all preferences above specified in (1), (2) and (3) must be claimed by a veteran within eight years of the date of his release from active service.

Section 9. Notification of Grade and Rank. Each examinee shall be notified by mail of the results of the examination and, if he received a passing score, of his relative position on the eligibility list. See addendum "K"

Section 10. Review of Examination Papers and Challenges. Within 5 days after notice of his final score has been mailed, any competitor may review his examination papers and may have his score reviewed and corrected if an error is found to have been made. Should a candidate wish to challenge any questions, he shall submit to the Secretary/Chief Examiner within 10 days after notice of his final score has been mailed, authoritative written proof of the validity of his claim. All such written challenges shall be considered by the Commission. If the Commission is satisfied as to the validity of the challenges, it shall order that the examinations be regraded accordingly, the eligibility list restructured, and notices mailed to everyone on the eligibility list indicating the action ordered and its effect on their individual ranking on the eligibility list.

RULE V

ELIGIBILITY LISTS

Section 1. Establishment of Eligibility Lists. Eligibility lists shall be prepared which rank individuals qualified for certification to appointing authorities based upon the results of examinations and, if applicable, veterans' credit, except that anyone permanently eligible for a class shall continually be ranked #1 until receiving an appointment to a position within

that class. See addendum "C"

Section 2. Duration. Eligibility lists shall be valid for 1 year following the date of formal establishment by the Commission.

Section 3. Permanent Eligibility. Individuals may be permanently ranked number 1 on an eligibility list, until such time as they may receive an appointment, for appropriate reasons, such as having been reduced in rank or laid off due to other than cause as determined by the Commission, or due to any other circumstance sufficient for the Commission to order permanent #1 ranking.

Section 4. Removal of Names from Eligibility Lists - Notification and Appeal. No name may be removed from an eligibility list without the consent of the Commission. When consideration of such action is to be made by the Commission, the individual who may be affected shall be notified that such action is to be considered and that he may appear before the Commission to comment prior to any action being taken by the Commission.

Section 5. Notice of Address Change. Each individual on an eligibility list shall be responsible for notifying the Secretary/Chief Examiner of a change of address. Failure to do so may cause the removal of his name from the eligibility list.

Section 6. Revocation of a List. An eligibility list may be revoked and another list prepared only when the Commission deems it 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 list may be revoked without prior written notice to all persons whose standing may be affected by the revocation.

RULE VI

APPOINTMENTS

Section 1. Basis for Appointments. All appointments within the fire department, whether entry-level or promotional, shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation.

Section 2. Appointing Authority. The appointing authority shall be the Mayor, for all department employees and the Civil Service Commission for the Secretary/ Chief Examiner..

Section 3. Certification of Eligible. Upon requisition by the appointing authority, the Secretary/Chief Examiner shall certify to him the names of the three highest ranked individuals on the appropriate eligibility list. The appointing authority shall also be furnished copies of the applications and any other appropriate information of record on the persons certified.

Section 4. Appointment Accepted or Declined. Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the Secretary/ Chief

Examiner or of the appointing authority within 10 business days next succeeding the mailing of such notice of certification, he may be deemed to have declined appointment and be removed from the eligibility list. If the applicant accepts the appointment and presents himself for duty within such time as the appointing authority shall prescribed, he shall be deemed to be appointed.

Section 5. Acting Appointment. An acting appointment may only be made when it is determined by the Commission that no appropriate eligibility list exists. As soon as possible following that determination, the Secretary/Chief Examiner, shall cause an examination to be held which will result in the creation of an appropriate eligibility list.

See addendum "D"

Section 6. Temporary Appointment. In making temporary appointments, the appointing authority shall make requisition to the Secretary/Chief Examiner in the manner provided for regular appointments, but shall indicate the time at which it is estimated that the position will terminate. The Secretary/Chief Examiner shall notify the person or persons appearing on the appropriate list, or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The Commission shall certify the name of the person ranked highest on such list or lists.

Section 7. Limit to Acting or Temporary Appointment. No temporary or acting appointment shall continue for a period exceeding 4 months and no person shall receive more than one such appointment in any twelve month period.

RULE VII

PROBATIONARY PERIOD

Section 1. Purpose. A probationary period is an integral part of the examination process. It shall be utilized as an opportunity to observe the employee's work, to provide special training, to assist the employee in adjustment to his new position, and as an aid in making the decision to reject any employee whose work performance or personal conduct is unsatisfactory.

See addendum A

Section 2. Duration. No appointment, whether for entrance employment or promotion to any position, shall be deemed complete until the expiration of a six month probationary period.

See addendum A

Section 3. Dismissal during Entrance Probation Period. At any time during the six months entrance probationary period the appointing authority may terminate the appointment of the person certified to him if, during the performance test thus afforded, upon observation or consideration of the performance of duty, he is found unfit or unsatisfactory: Provided, however, that the appointing authority shall forthwith notify the Commission in writing of any such termination of employment. Such action by the appointing authority is not subject to appeal.

Section 4. Unsatisfactory Performance during Promotional Probationary Period. At any time during the six months promotional probationary period the appointing authority may terminate the promotional appointment of the person certified to him if, during the performance test thus afforded, upon observation or consideration

of the performance of duty, he is found unfit or unsatisfactory. Provided, however, that the appointing authority shall forthwith notify the Commission in writing of any such termination of a promotional appointment. The appointed employee shall have the right to revert to a position in his last held permanent class. Such action on the part of the appointing authority is not appealable.

Section 5. Action Not Required. If no action is taken by the appointing authority to terminate or reduce in rank a probationary employee during the probation period and the employee holds the position for six months, the employee shall be deemed to have satisfactorily completed the probationary period and his appointment shall be permanent.

Section 6. Removal from Eligibility List. If an appointment is not made permanent because of the department's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, he shall no longer be on the eligibility list for the position.

Section 7. Acting or Temporary Appointments. If an employee's appointment to a position is an acting or temporary appointment, the time during which the employee performs the duties of the position in an acting or temporary capacity shall not be credited toward the employee's completion of a later probationary period for an equivalent position.

RULE VIII

DISCIPLINARY ACTION

Section 1. Tenure of Employment. No full-time employee of the fire department who shall have been permanently appointed or inducted into civil service under provisions of Ch. 41.08 RCW and these rules and regulations, shall be suspended, terminated, or reduced in rank except for cause.

Section 2. Cause for Disciplinary Action. The following may be considered as cause for disciplinary action:

A) Incompetency, 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 any willful violation of the provisions of Ch. 41.08 RCW or of these rules and regulations;

C) Mental or physical unfitness for the position which the employee holds;

D) Dishonest, disgraceful, immoral, or prejudicial conduct;

E) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

F) Conviction of a felony or a misdemeanor involving moral turpitude;
G) Any other act or failure to act which in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Section 3. Procedure to Instigate Disciplinary Action. Disciplinary action shall only be instigated against an employee upon written accusation of the appointing authority, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the Commission.

Section 4. Appeal Rights. Any full-time permanent employee so suspended, terminated, or reduced in rank may file a petition or appeal in the manner delineated in Rule IX of these rules and regulations.

RULE IX

HEARING OF APPEALS

Section 1. Right to a Hearing. Any permanent civil service employee who is suspended, terminated, or reduced in rank may petition for a hearing before the Civil Service Commission.

Section 2. Petition for Hearing. A petition for a hearing before the Commission shall be in writing, signed by the petitioner, giving his mailing address, the action from which he appeals, and, in detail, the facts and the reasons upon which his case is based. Such petition must be filed with the Secretary/Chief Examiner within 10 working days of the receipt by the petitioner of the notice of his suspension, termination, or reduction in rank.

Section 3. Hearing of the Appeal. The Commission shall determine whether the appeal will be heard before the entire Commission, one or more named members of the Commission, or a specially designated Hearing Examiner. The individual or group of individiuals who it is determined shall hear the appeal shall:

A) Publicly conduct the hearing;
B) Administer oaths and affirmations, examine witnesses, and receive evidence;
C) Issue subpoenas as provided by law;
D) Rule upon offers of proof and receive evidence;
E) Hold conferences for the settlement or simplication of the issues; and
F) Dispose of procedural requests for similar matters.

Section 4. Notice of the Hearing. Within 10 days after the petition for a hearing is filed with the Secretary/Chief Examiner, the Commission shall cause a hearing on the appeal to occur. Notice of the time and place of the hearing shall be served on the petitioner at least five working days prior to the hearing.

Section 5. Rights of the Petitioner. When a hearing is granted, the petitioner

shall attend, unless excused by the Commission, and shall be entitled to:

A) Be represented by counsel at such hearing;
B) Testify under oath;
C) Subpoena witnesses to testify for him;
D) Cross-examine all witnesses appearing against him and all employees of the Commission whose actions are in question or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the Commission or other individual or group of individuals assigned to hear the appeal;
E) Present such affidavits, exhibits, and other evidence as is deemed pertinent to the hearing;
F) Argue his case.

Section 6. Rights of the Appointing Authority. The appointing authority who instigated the suspension, termination, or reduction in rank against the petitioner shall be entitled to rights equal to those of the petitioner as delineated in Section 5 above.

Section 7. Evidence. Hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs, but the Commission may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Hearsay evidence may be admitted for any purpose but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Oral evidence shall be taken only under oath or affirmation. Only the evidence presented at the hearing will be considered in determining an appeal.

Section 8. Testimony of Petitioner. The petitioner may be required to testify and may be cross-examined as to any matter relevant to the hearing.

Section 9. Burden of Proof. The appointing authority shall have the burden of showing by material and substantital evidence in view of the entire record at the hearing that the employee was suspended, terminated, or reduced in rank for cause.

Section 10. Transcripts of Hearings. A stenographic reporter shall be provided by the Commission to make an official transcript of the hearing. Copies of the transcript shall be available from the reporter; however, except in the case of judicial review, they shall not be provided at the expense of the Commission.

Section 11. Decision of the Commission. Decisions of the Commission shall be accompanied by the findings of fact and conclusions of the Commission and shall be rendered in writing within five working days after the conclusioin of the hearing. When an appeal is not heard by the full Commission, the individual or group of individuals hearing the appeal shall file with the Commission within three working days after the hearing, findings of fact, conclusions, and a recommended decision for the Commission's consideration. Within two days thereafter, the Commission shall, at a regular or special meeting, announce its decision. The decision shall

be considered final for purposes of review, except as otherwise provided in Sections 12 and 13 below.

Section 12. Petition for Reconsideration. In an appeal heard by less than a quorun of the Commission, any person aggrieved by any resultant decision of the Commission may file a petition for reconsideration with the Commission. Such petition shall be filed within 15 calendar days of the date of issuance of the Commission's decision and shall be accompanied by a transcript of the hearing which shall be furnished by the petitioner at his sole cost and expense. The petition shall contain all of the petitioner's arguments for reconsideration, and copies of the petition shall be served by certified mail, return receipt requested, upon all parties to the hearing. Upon receipt of the petition and transcript, the Commission shall upon 10 days notice to the petitioner, and to all parties to the appeal hold a regular or special meeting at which the Commission shall consider the petition and written arguments of all parties submitting the same to the Commission, and shall determine whether to reconsider its decision. If the Commission determines not to reconsider its decision, its decision not to reconsider shall be deemed its final decision for purposes of judicial review. If the Commission decides to reconsider its decision, it shall, at the meeting at which such decision is made, enter findings of fact, conclusions, and its final decision, which for purposes of judicial review shall be deemed to be the final decision of the Commission.

Section 13. Petition for Judicial Review. Any person aggrieved by any final decision of the Commission may file for review in an appropriate court of law. Such petition shall be filed within 30 calendar days of the date of issuance of the Commission's final decision. If the petition is granted, the court shall hear the matter without jury, on the record of the hearing and briefs of the parties.

RULE X

PROCEDURAL INVESTIGATION

Section 1. Investigative Responsibility. The Civil Service Commission shall make investigations as deemed necessary to insure that the intent of Ch. 41.08 RCW and these rules and regulations is being adhered to. The Commission shall have such necessary powers to enable it to conduct such investigations, including, but not limited to, the right of access to work sites, the power to administer oaths and subpoenas, and the ability to require the attendance of witnesses and/or the production of any pertinent documents.

Section 2. Citizen Complaints. The Commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, and setting forth in concise language, in writing, the necessity for such investigation.

RULE XI

CLASSIFICATION

Section 1. Procedure and Effect. The appointing authority shall provide for the

classification of all positions in the classified service, including the assignment to each class or position of the appropriate title and experience, knowledge, capacity, skill, education, and other qualifications, such as the minimum prerequisites for appointment. Further, he shall allocate every position in the classified service to one of the classes established in the plan. The classification plan so developed shall be transmitted to the Civil Service Commission for approval. Thereafter the class titles so established shall be used in all personnel, budget, accounting and other financial documents and communications of the city. Additional classes may be established, and existing classes may be divided, combined, or abolished in the same manner as originally adopted.

RULE XII

LEAVES OF ABSENCE

Section 1. Less than 30 Days' Duration. Leaves of absence not exceeding 30 days and without pay may be granted by the appointing authority to any person under civil service: Provided that such appointing authority shall give notice of such leave to the Secretary/Chief Examiner.

Section 2. More than 30 Days' Duration. Leaves of absence in excess of 30 days duration may be granted by the Civil Service Commission upon written request of the employee and upon written endorsement by the appointing authority.

Section 3. Military Leave. Military leaves of absence shall be granted by the Commission in accordance with the provisions of the applicable chapters of the Revised Code of Washington. (RCW 38.40.060)

Section 4. Expiration or Termination of Leaves of Absence. The Commission may terminate any leave of absence by written notice to the employee concerned whenever the conditions require such action. The employee shall then be required to return to duty forthwith. The employee shall be returned to the same class or position as he occupied when leave of absence was granted or he may be returned to such other position as may be authorized by the Commission. An employee who fails to return to duty upon termination or expiration of leave shall be considered as absent without leave and subject to disciplinary action.

RULE XIII

TRANSFERS, LAY-OFFS, AND REDUCTIONS IN FORCE

Section 1. Transfers. Transfers are allowable and do not require an examination when they are from one position to another position within the same or comparable class. The transfer of an employee from a position in a class with a lower maximum rate of pay to a position in a class with a higher maximum rate of pay shall be deemed a promotion and may be accomplished only in the manner provided in these rules and regulations for making promotional appointments. A transfer of an employee from a position in a class with a higher maximum rate of pay to a position with a lower maximum rate of pay shall be deemed a reduction in rank and may be accomplished only in the manner provided in these rules and regulations.

Section 2. Layoffs and Reductions in Force. Whenever the appointing authority contemplates a reduction of staff because of shortage of funds, lack of work, or reorganization, notice thereof shall be sent by the appointing authority to the Secretary/Chief Examinier. When it is determined which positions are to be abandoned, employees holding positions within that class shall be laid off in opposite order to their length of service. Any complaint by a permanent employee that a layoff was made in bad faith shall be investigated by the Civil Service Commission. If the Commission finds that the lay-off was not made in accordance with these rules and regulations, it may order the reinstatement of the permanent employee or employees. Notice of lay-off shall be given the employee concerned and the Secretary/Chief Examiner at least four weeks before the effective date thereof. Permanent employees laid-off shall have their names placed on the eligible list of the class to which their position was allocated in accordance with these rules and regulations.

RULE XIV

RESIGNATION

Section 1. Procedure. An employee may resign from a civil service position by presenting his resignation in writing to his appointing authority. To resign in good standing, an employee shall give at least two calendar weeks' notice, unless, because of extenuating circumstances, it is agreed to permit a shorter period of notice. The appointing authority may make or cause to be made such investigation as he deems warranted, for the purpose of verifying reasons for each resignation. An employee's resignation and the circumstances pertinent to it shall be recorded in his personnel file.

Section 2. Examination Records. The Secretary/Chief Examiner shall maintain examination records on each employee in the classified service. Such records shall include the date and title of the examinations, ratings earned, and the grade obtained.

Section 3. Access to Departmental Records. The Secretary/Chief Examiner shall have access to all departmental records, the examination of which will aid him in the discharge of his duties.

Section 4. Records Open to the Public. The minutes of all Civil Service Commission meetings shall be open to the public during office hours and may be inspected upon application to the Secretary/Chief Examiner. Access to other Commission records shall be governed by any applicable chapters of the Revised Code of Washington and/or federal laws or regulations.

Section 5. Reports. The appointing authority shall report to the Secretary/Chief Examiner in writing and upon forms prescribed by the Commission, all appointments and all changes whatsoever in the status of personnel, supplying the name of the new appointee or employee, the title of his position and date of commencement of service, and any change recommended or made therein, and shall report from time to time, as may be required by the Secretary/Chief Examiner, additional data governing the classified service, including reports of employee performance and productivity, upon such forms or in such manner as may be approved

by the Civil Service Commission. Any performance report or rating shall be available for inspection by the employee concerned who may discuss it with the official making the report or rating and may file a statement in explanation of any report or rating. This statement shall be appended to the report or rating and shall be made apart of the employee's record.

Section 6. Certification of Payroll. Upon compiling payroll or claims containing the names of any person or persons to be paid for services rendered in the classified service, and before payment is made, the paying officer of the city shall submit the payroll or claims to the Secretary/Chief Examiner, or other duly authorized agent, for examination to determine whether the names appearing thereon have been appointed, employed, promoted, reduced in rank, or in any other way affected in a manner inconsistent with these rules and regulations.

Section 7. Annual Report. The Secretary/Chief Examiner shall prepare an annual report for submission to the Civil Service Commission, the City Council, and the Mayor.

RULE XVI

DEFINITIONS

Section 1. Definitions. The following are definitions of terms appearing in these rules and regulations:

A) Acting Appointment. The appointment of an individual to a position in a class for which he is not on an appropriate eligibility list.
B) Appointing Authority. The individual or group of individuals responsible for appointment, discipline, and termination.
C) Cause. Any action or inaction which the Civil Service Commission deems appropriate justification for disciplinary action, including terminatioin, suspension, or reduction in rank.
D) Certification. The process of the Secretary/Chief Examiner relaying to the appointing authority upon requisition, the name of the individual ranked highest on an eligibility list.
E) Class. A group of positions sufficiently similar in duties, responsibilities, authority and minimum qualifications to permit combining them under a single title, and to permit the application of common standards for selection and compensation.
F) Classification. The process of assigning positions to classes.
G) Classification Plan. All class descriptions compiled into one written document.
H) Classified Service. All positions under the jurisdiction of the Civil Service Commission.
I) Elgible. A person ranked on an eligibility list.
J) Lay-off. The involuntary termination of an employee for reasons other than cause.
K) Permanent Employee. An employee who has completed the probationary period for the class of his present position.
L) Position. A group of current duties and responsibilities assigned by

competent authority requiring the employment of one person.

M) Probation. A working test period during which an employee is required to demonstrate his ability and capacity to perform the duties of the position to which he has been appointed.

N) Promotion. The movement of an employee from a position in one class to another class imposing increased duties and responsibilities, requiring greater pay and qualifications, and providing a higher maximum rate of pay.

O) Reduction in Force. Lay-off necessitated by the need to reduce manpower level.

P) Reduction in Rank. The movement of an employee from one class to another class having a lower maximum rate of pay.

Q) Resignation. The voluntary action by an employee of terminating his employment.

R) Suspension. A temporary removal from duty with or without pay of an employee for disciplinary purposes or for the purpose of investigation of accusations brought against an employee.

S) Temporary Appointment. An appointment of a person ranked on an eligibility list to a position of limited duration.

T) Termination. The involuntary cessation of employment with the city for cause.

U) Transfer. The movement of an employee from oneposition to another in the same or different class having essentially the same salary range, involving the performance of similar duties, and requiring substantially the same basic qualifications.

Approved and adopted by the City of Clarkston Civil Service Commission on the 29th day of September, 1981.

(S) David Justice
Chairman

(S) Gordon J. Hartung
Commissioner

(S) _____
Commissioner

ADDENDUM A

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule VII probationary Period, Section 2 Duration, and Section 3 - Dismissal during Entrance Probationary Period.

Section 2 - Duration - No appointment for entrance employment shall be deemed complete until the expiration of twelve month probationary period.

Section 3 - Dismissal During Entrance Probationary Period. At any time during the twelve months entrance probationary period, or exception periods, the appointing authority may terminate the appointment of the person certified to him if, during the performance test thus afforded, upon observation or consideration of the performance of duty, he is found unfit or unsatisfactory; Provided, however, that the appointing authority shall forthwith notify the Commission in writing of any such termination of employment. Such action by the apointing authority is not subject to appeal.

DATED THIS 9th DAY OF October, 1986 CIVIL SERVICE COMMISSION

APPROVED:

Frank Nachand, Chairman

Betty Eckman, Commissioner

Loren Frederiksen, Commissioner

NO ADDENDUM B YET

ADDENDUM "C"

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule V Eligibility Lists, Section 2 Duration.

Section 2 - Duration - Eligibility lists shall be valid for 1 year following the date of formal establishment by the Commission. The Commission may, if it so elects, extend the duration of the list for an additional 1 year period.

DATED THIS 12TH DAY OF NOVEMBER, 1987.

CIVIL SERVICE COMMISSION

APPROVED:

Frank Nachand, Chairman

Scott Reynolds, Commissioner

Wayne Thill, Commissioner

ADDENDUM "D"

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule VI, Section 6 - Temporary Appointment.

Section 6 - Temporary Appointment -

In making temporary appointments the appointing authority shall make requisition to the Secretary/Chief Examiner in the manner provided for regular appointments, but shall indicate the time at which it is estimated that the position will terminate. The Secretary shall certify to the appointing authority the names of the three highest ranked individuals on the appropriate list.

DATED THIS 29TH DAY OF AUGUST, 1989

CIVIL SERVICE COMMISSION

APPROVED:

FRANK NACHAND, CHAIRMAN

SCOTT REYNOLDS, COMMISSIONER

WAYNE THILL, COMMISSIONER

ADDENDUM "E"

Adding to Clarkston Civil Service Rules - Fire, Rule VII Probationary Period. Section 8 - Response Time.

Section 8 - Response Time - All permanent employees of the Clarkston Fire Department hired after 1/1/90 shall after six months of employment be subject to a ten minute response time to arrive at the Clarkston Fire Station, 820 5th Street, Clarkston, WA.

DATED THIS 8th DAY OF MARCH, 1990 - CIVIL SERVICE COMMISSION

Kevin Clark

Kevin Clark, Chairman

Scott Reynolds

Scott Reynolds

Wayne Thill

Wayne Thill

ADDENDUM "F"

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule XIII, Section 2, "Layoffs and Reductions in Force."

Layoffs and Reductions in Force. Whenever the appointing authority contemplates a reduction of staff because of shortage of funds, lack of work, or reorganization, a notice thereof shall be sent by the appointing authority to the Secretary/Chief Examiner. When it is determined which positions are to be abandoned, employees holding positions within that class shall be laid off in opposite order to their length of service. A permanent employee may elect a voluntary demotion to his or her previous rank in the department in lieu of layoff, and if no vacancy exists one will be created by removing the least senior incumbent from said rank. Any complaint by a permanent employee that a layoff was made in bad faith shall be investigated by the Civil Service Commission. If the Commission finds that a layoff was not made in accordance with these rules and regulations, it may order the reinstatement of the permanent employee or employees. Notice of layoff shall be given the employee concerned and the Secretary/Chief Examiner at least four weeks before the effective date thereof. Permanent employees laid off shall have their names placed on the eligible list of the class to which their position was allocated in accordance with these rules and regulations.

Dated this 12th day of December, 1991

CIVIL SERVICE COMMISSION

Kevin Clark

Kevin Clark, Chairperson

Ron Koller, Commissioner

Scott D. Reynolds

Scott Reynolds, Commissioner

ADDENDUM "G"

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule V and Addendum C, "Eligibility Lists, Section 2, Duration."

Section 2. Duration. Eligibility lists shall be valid for one year following the date of formal establishment by the Commission. The Commission may, if it so elects, extend the duration of the list for an additional period not to exceed one year.

Dated this 12th day of November, 1992

CIVIL SERVICE COMMISSION

Kevin Clark

Kevin Clark, Chairperson

Ron Koller, Commissioner

Scott D Reynolds

Scott Reynolds, Commissioner

ADDENDUM "H"

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule VI, Appointments - Section 8 - Emergency Appointment

Section 8 - Emergency Appointment

The appointing power may employ any person or persons who meet the immediate requirements of emergency conditions which threaten public life or property whenever due to lack of time or otherwise, it is impossible to secure the services of persons through the Civil Service Commission. As soon as practicable, all such appointments shall be reported to the Commission. The commission may disallow or terminate any such appointment at any time and in no event shall such employment of any one person be continued for more than 120 days in any one year.

DATED THIS _____ DAY OF APRIL, 1994.

CLARKSTON CIVIL SERVICE COMMISSION

Scott D. Reynolds

Scott Reynolds, Chairman

Judy Jacobe

Judy Jacobe, Member

Russ Millard, Member

ADDENDUM "I"

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule III, Application Procedure and Applicants - Section 5 - Non-Refundable Application Fee

Section 5 - Non-Refundable Application Fee

The Commission may require a non-refundable application fee accompany each application returned for consideration.

Dated this 8th day of September, 1994.

CIVIL SERVICE COMMISSION

Scott Reynolds

Scott Reynolds, Chair

Judy Jacobe

Judy Jacobe, Commissioner

Russ Millard

Russ Millard, Commissioner

ADDENDUM "J"

Amending and/or adding to Clarkston Civil Service Rules - Fire, Rule IV, Section 5, "Promotional Examinations."

Promotional and Lateral Entry Examinations. To meet the needs of the City and the Fire Department, the Civil Service Commission may, at its discretion, conduct promotional and lateral entry examinations. The character of such examinations is detailed in Section 2 above. All applicants for promotional examinations must be current employees of the Fire Department and must at least have completed the probationary period in a position of the classification from which they are seeking a promotion. Additional time-in-service and/or other requirements may be established at the discretion of the Commission.

Dated this 16th day of March, 1995.

CIVIL SERVICE COMMISSION

_____
Scott Reynolds, Chairman

_____
Judy Jacobe, Commissioner

_____
Russ Millard, Commissioner

CLARKSTON CIVIL SERVICE MEETING - MARCH 16, 1995

CALL TO ORDER: The meeting was called to order by Chairman Scott Reynolds at 5:05 p.m.

ROLL CALL: Present were Commissioners Scott Reynolds, Judy Jacobe, Russ Millard; Fire Chief Bob Berreman. No one representing the Police Department was present.

MINUTES: Jacobe moved to approve the minutes of February 9, 1995 as written. Millard seconded, motion carried.

NEW BUSINESS:
Fire Department Addendum "J" - Amending and/or Adding to Clarkston Civil Service Rules - Fire Rule IV, Section 5, "Promotional Examinations"

Jacobe moved to adopt Addendum "J" to the Clarkston Civil Service Rules - Fire Department. Millard seconded, motion carried.

ADDENDUM "J"

Amending and/or Adding to Clarkston Civil Service Rules - Fire, Rule IV, Section 5, "Promotional Examinations."

Promotional and Lateral Entry Examination. To meet the needs of the City and the Fire Department, the Civil Service Commission may, at is discretion, conduct promotional and lateral entry examination. The character of such examinations is detailed in Section 2 above. All applicants for promotional examinations must be current employees of the Fire Department and must at least have completed the probationary period in a position of the classification from which they are seeking a promotion. Additional time-in-service and/or other requirements may be established at the discretion of the Commission.

ADJOURNMENT: Jacobe moved, Millard seconded, motion carried to adjourn the meeting at 5:20 p.m.

Scott D Reynolds

Kathie A. Mattson
Secretary / Chief Examiner

AAJ754

ADDENDUM "K"

Amending and/or adding to Clarkston Civil Service Rules – Fire, Rule VI , Appointments - Section 6, Temporary Appointment as follows:

Section 6. Temporary Appointment. In making temporary appointments the appointing authority shall make requisition to the Secretary/Chief Examiner in the manner provided for regular appointments, but shall indicate the time at which it is estimated that the position will terminate. The Secretary shall certify to the appointing authority the names of the three highest ranked individuals on the appropriate list. The individual appointed to a temporary appointment does not achieve civil service protection and may be terminated at any time. If the individual appointed to a temporary appointment was pulled from the appropriate (eligibility) list, his/her name will remain on the appropriate list and no preference is granted for future employment.

Dated this 12th day of March, 2009.

CIVIL SERVICE COMMISSION

_____
Bill Provost, Chairman

_____
Warren Frudd

_____
Henrick Juve

MINUTES - March 12, 2009

CLARKSTON CIVIL SERVICE COMMISSION met on March 12, 2009, in regular session in the Council Chambers at City Hall in Clarkston, Washington.

I **CALL TO ORDER**

The meeting was called to order at 5 p.m. by Chairman Bill Provost.

PRESENT: Commissioners Warren Frudd and Bill Provost.
The secretary advised that she had just been notified that Commissioner Henrick Juve has resigned and that the City Clerk was advertising for a replacement.

Police Chief Joel Hastings and Fire Chief Steve Cooper were also present.

II **DISPOSITION OF MINUTES**

Commissioner Frudd moved to approve the minutes of February 12th as mailed. Commissioner Provost seconded the motion. Motion carried 2-0.

II **UNFINISHED AND NEW BUSINESS**

The secretary presented Addendum "K" to Rule VI, Appoinments to the local by-laws covering the firefighters. The amended by-laws states that temporary appointments taken off the eligibility list would not be removed from the list but would remain there for further consideration in the event of a full time position becoming available. Commissioner Frudd moved to approved the amendment. Motion seconded by Commissioner Provost and carried 2-0.

Chief Cooper advised the Commission he was working with the City Council and the Local Firefighter's Union to implement a Reserve Firefighter program. He inquired if that would be a Civil Service position. After discussion it was the unanimous decision of the Commissioners present and of Chief Cooper and Chief Hastings that the secretary contact Steve DiJulia and report back at the next meeting.

Discussion was had with amending the "temporary hire" provision in the local by-laws for the police. It was recommendation that the secretary and Chief Hastings get together and come up with a recommendation to the Commission.

III **ADJOURNMENT**

There being no further business to come before the Board, it was the unanimous consensus of the commissioner present to adjourn. Meeting adjourned at 5:40 p.m.

Eleanor Sheldon
Eleanor Sheldon, Secretary

Attest: _____
William E. Provost, Chairman

AMENDED ADDENDUM

Amending and/or adding to Clarkston Civil Service Rules – Fire, Rule I - Section 4, Meetings as follows:

Section 4. Meetings. Regular meetings of the Civil Service Commission shall be held on the 2nd Friday of each month at noon at Clarkston City Hall. Special meetings of the Commission may be held at such times and places as may be determined from time to time by the Commission; provided that the determination to hold the special meeting and the specific formal agenda items are the only matters which shall be acted upon by the Commission at such special meeting. All matters which shall be acted upon by the Commission shall be conducted in a manner which is tin total compliance with what is commonly referred to as the "Open Public Meetings Act of 1971", as amended, of the State of Washington (Ch. 42, 30 RCW). Two members of the Commission shall constitute a quorum. Robert's Rules of Order, Newly Revised shall serve as a guide on questions of procedure in parliamentary law not otherwise proved for by these rules and regulations.

Dated this10th day of August, 2012.

CIVIL SERVICE COMMISSION

Warren Frudd, Chairman

Paul Higueria

Forrest S. Jenkins

ADDENDUM "M"

Amending and/or adding to Clarkston Civil Service Rules - Fire-Rule 1, Section 4, Meetings as follows:

Section 4. Meetings. Regular meetings of the Civil Service Commission shall be held on the 2nd Friday of each month at noon at Clarkston City Hall, unless there is no pending business requiring Commission action. Special meetings of the Commission may be held at such times and places as may be determined from time to time by the Commission; provided that the determination to hold the special meeting and the specific formal agenda items are the only matters which shall be acted upon by the Commission at such special meeting. All matters which shall be acted upon by the Commission shall be conducted in a manner which is in total compliance with what is commonly referred to as the "Open Public Meetings Act of 1971", as amended, of the State of Washington (Ch. 42, 30 RCW). Two members of the Commission shall constitute a quorum. Robert's Rules of Order, Newly revised shall serve as a guide on questions of procedure in parliamentary law not otherwise proved for by these rules and regulations.

Dated this 13th day of October, 2017.

CIVIL SERVICE COMMISSION

Warren Frudd

Warren Frudd, Chairman

Forrest S. Jenkins, Commissioner

Kathleen A. Warren

Kathleen A. Warren, Commissioner