

**CITY OF
GRAND COULEE
POLICE DEPARTMENT**

CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

Governing the employment of all full-time
permanent employees of the
Police Department

ADOPTED: _____

COMMISSIONERS

CITY OF GRAND COULEE POLICE DEPARTMENT
CIVIL SERVICE COMMISSION RULES AND REGULATIONS

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CITY OF GRAND COULEE POLICE DEPARTMENT
CIVIL SERVICE RULES AND REGULATIONS

RULE 1. DEFINITION OF TERMS

Sec. 1.1. Applicant. Anyone who has filed an application to take a Civil Service examination.

Sec. 1.2. Appointee. Appointee means an individual in the Classified Service serving his probationary period. (Same as 'probationer')

Sec. 1.3. Appointing Authority. Appointing Authority means the Mayor of Grand Coulee.

Sec. 1.4. Background Investigation. Background investigation means and includes, but is not limited to, a credit and reference check, a review of driving record, a record check of local, county, state, and federal agencies, and work history with prior employers or agencies where the applicant performed voluntary services.

Sec. 1.5. Candidate. An applicant who has completed, or is in the process of completing, a Civil Service examination.

Sec. 1.6. Class. Class means a group of positions sufficiently similar with respect to duties and responsibilities so that the same title may reasonably be used for each, the same qualifications may be required, and the same salary range may be applied with equity.

Sec. 1.7. Classified Service. Classified Service means all positions in the City of Grand Coulee service which are subject to the provisions of these rules and regulations as defined by state law and including full-paid members of the Police Department.

Sec. 1.8. Commission. Commission means the Civil Service Commission for the Police Department of the City of Grand Coulee.

Sec. 1.9. Compensation. Compensation means any allowance, fee, salary, wage, or fringe benefits paid to an employee for performing the duties and responsibilities of his position.

Sec. 1.10. Demotion. Demotion means a reduction in employment status to a class having a lower maximum rate of compensation.

Sec. 1.11. Discharge. Discharge means the separation of a regular employee from the Classified Service for cause.

Sec. 1.12. Eligible. Eligible means the meeting of all standards set for qualification for a position in the Classified Service.

Sec. 1.13. Eligibility List. A list of successful examinees for a given class from which certification may be made to fill vacancies in such class.

Sec. 1.14. Emergency Appointment. Emergency appointment means the appointment to a position in the Classified Service made by the Appointing Authority under conditions which threaten life or property, limited to the duration of the emergency period but not to exceed sixty (60) days, and made without reference to the requirements of Civil Service law or these Rules and Regulations.

Sec. 1.15. Examination. Examination means and includes, but not limited to, written, oral, and physical agility tests where the type of examination is not specified.

Sec. 1.16. Full-paid. Full-paid means the employees in the Classified Service who are paid regularly by the City and who devote their full time to police duty.

Sec. 1.17. Gender, Number, and Tenses. The masculine gender includes the feminine and neuter. The singular number includes the plural, and the plural includes the singular. The present tense includes the past and future tenses, and the future tense includes the present tense.

Sec. 1.18. Lay-off. Lay-off means the termination of employment because of the lack of funds, lack of work, or because of material change in the organization of the Classified Service.

Sec. 1.19. Lateral Entry. Lateral entry means the employment of a commissioned law enforcement officer who has been employed on a full-time basis for a period of time exceeding twelve (12) consecutive months and not had a lapse of employment as a law enforcement officer for a period exceeding the previous twelve (12) months, calculated from the day of appointment.

Sec. 1.20. Position. Position means any employment or office in the Classified Service.

Sec. 1.21. Probationary Period. Probationary period means that trial service time prior to attaining regular status during which an employee is subject to rejection without hearing.

Sec. 1.22. Promotion. Promotion means a change in rank to a position with a higher maximum rate of pay. It does not include change of title or assignment, such as detective, or command ranks higher than lieutenant which is purely discretionary with the Chief of Police.

Sec. 1.23. Provisional Appointment. Provisional appointment means a non-competitive appointment to a position in the Classified Service made in the absence of an eligibility list, pending the establishment of an eligibility list for the class and not to exceed four (4) months in duration.

Sec. 1.24. Public Notice. Public notice means, at a minimum, giving notice by posting three (3) public buildings and by publication in a newspaper of general circulation in the City.

Sec. 1.25. Regular Employee. Regular employee means an employee who has attained regular status.

Sec. 1.25.1. Regular Status. Regular status means the status of an employee who has acquired rights to a hearing upon discharge by reason of the successful completion of his probationary period.

Sec. 1.26. Relative. Relative means father, mother, spouse, brother, or sister (full, half, or in-law), son or daughter (blood, step, adopted, or in-law), aunt, uncle, niece, nephew, or first cousin.

Sec. 1.27. Suspension. Suspension means the temporary separation of an employee from the Classified Service with or without pay for investigative or disciplinary purposes.

Sec. 1.28. Temporary Appointment. Temporary appointment means an appointment to the Classified Service not to exceed nine (9) months in duration and as extended by the Civil Service Commission.

Sec. 1.29. Veterans Preference. A preference status shall be accorded to veterans by adding to the veteran's final cumulative score a percentage of such score in accordance with the requirements of RCW 41.04.010. The term veteran means any person who satisfies the definition in RCW 41.04.005.

Sec. 1.30. Written Notice. Written notice, as required under these rules, means the service of a notice in writing either to the person directly or by certified mail, return receipt requested. If by mail, the service shall be deemed completed at the time of deposit with the Post Office.

CITY OF GRAND COULEE POLICE DEPARTMENT
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RULE 2. THE CIVIL SERVICE COMMISSION

Sec. 2.1. Organization. The three Commissioners shall be appointed by the Mayor for staggered six (6) year terms*. Each Commissioner shall be given a position designation; that is position No. 1, No. 2, or No. 3. Each position shall have a termination date, and termination dates shall be separated by two (2) year increments. A Chair shall be selected upon appointment of a new member or reappointment of a member. All meetings of the Commission shall be conducted in compliance with the “Open Public Meeting Act of 1971”, RCW Chapter 42.30. Two (2) members shall constitute a quorum and all action of the Commission shall be by majority vote. The Commission shall keep record of all proceedings and such minutes shall become part of the permanent files of the Commission. *Robert’s Rules of Order Newly Revised* shall be the final authority on all questions of procedure and parliamentary law not otherwise provided by these *Rules*. *Except that the first three members of such commission shall be appointed for different terms, as follows: one to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years.

Sec. 2.2. Removal. Members of the Civil Service Commission may be removed from office for the following reasons: incompetency, dereliction of duty, or malfeasance. The Mayor shall have the power to remove the member, subject to the right of the member to a public hearing before the City Council. Such public hearing before the City Council shall be in the nature of an appeal from the decision of the Mayor and the request shall be filed in writing within ten (10) days after receipt of the notice of removal by the Commissioner. The City Council by majority vote shall have the authority to affirm or reverse the decision of the Mayor.

Sec. 2.3. Powers and Duties. The Civil Service Commission shall:

1. Adopt rules for the regulation of personnel matters within the Classified Service.
2. Appoint a Secretary and Chief Examiner. The position of Secretary and Chief Examiner shall be held by one person, henceforth referred to as "Secretary." The Commission shall appoint one member of the Commission the Chief Hearing Officer, and appoint another Commissioner to be responsible for drafting amendments to *Rules and Regulations* for the consideration of the Commission.
3. Approve the minutes of its meetings and maintain records of Commission business.
4. Provide for the holding of competitive tests under the supervision of the Secretary and act as a committee of the whole to determine the relative qualifications of persons for employment in the Classified Service.
5. Begin and conduct all civil suits that may be necessary for the proper enforcement of actions within its authority and the *Rules* of the Commission. The Commission shall be represented in such suits by the Attorney for the City, or the Commission may in any case be represented by special counsel appointed by it.
6. Hear and decide appeals arising from the administration of the Civil Services Acts and these *Rules*.
7. Investigate and report on all matters touching the enforcement and effect of matters within its authority and these *Rules* and have such powers as will facilitate such investigations, including subpoena power, the power to administer oaths, and the power to take depositions.
8. Ensure that all appointments to and promotions in the Classified Service shall be made solely on the basis of merit, efficiency, and fitness, which shall be ascertained by open, competitive examination and impartial investigation.
9. Ensure that no person shall be discharged, demoted, suspended, reinstated, or transferred from any position contrary to these *Rules*.
10. Make available to the members of the Classified Service copies of its *Rules and Regulations* and amendments thereto.

Sec. 2.4. Meetings. The regular meeting of the Commission shall be held quarterly, beginning on the first Monday in January and on the first Monday quarterly thereafter at the Grand Coulee Council Chambers, unless canceled by motion of the Commission at an earlier date. If the first Monday is a holiday, then the regular meeting shall be held on the day following in accordance with state law. Special meetings of the Commission may be held at such times and places as may be determined, provided that the determination to hold the special meeting and the specific agenda items are the only matters which shall be acted upon by the Commission.

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RULE 3. THE SECRETARY/CHIEF EXAMINER

Sec. 3.1. Qualifications. The Secretary/Chief Examiner of the Commission shall be an employee of the City of Grand Coulee.

Sec. 3.2. Term of Office. The Secretary/Chief Examiner shall serve indefinitely at the pleasure of the Commission.

Sec. 3.3. Duties. The Secretary/Chief Examiner shall:

1. Provide proper notice of regular and special meetings of the Civil Service Commission.
2. Schedule hearings and notify all parties of hearing schedules.
3. Attend all meetings of the Civil Service Commission and take minutes of all Commission actions.
4. Schedule Civil Service examinations.
5. Keep all records for the Commission.
6. Preserve reports made to the Commission.
7. Superintend and keep all records of the Commission examinations.
8. Perform other duties that are assigned by the Commission.

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RULE 4. HEARINGS AND INVESTIGATIONS

Sec. 4.1. Hearing Authority. Hearings and investigations that the Commission is authorized to conduct may be conducted by the Commission as a whole, or may be delegated to a single member, but no official decision of the Commission shall be rendered until at least two members have reviewed the evidence and concurred in an opinion. Any hearing resulting from a request by a regular employee must be conducted by the Commission as a whole.

Sec. 4.2. Procedure. The procedure of the hearing or investigation shall not be restricted so as to deny the introduction of evidence that the Commission deems pertinent. 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 under oath or affirmation. Only the evidence presented during the hearing or investigations shall be considered. A person pressing a claim or defending a privilege before the Commission shall appear for all sessions and shall not be excused from answering questions and supplying information except upon claim of privilege. The Washington Rules of Civil Procedure shall apply when an individual pressing a claim or defending a privilege is incapacitated. Parties are entitled to be heard personally and be represented by counsel. No evidence introduced before the Commission shall be used to establish liability in a civil action or criminal prosecution.

Sec. 4.3. Rights of Parties. Whenever a hearing is granted, all parties shall be entitled to:

1. Testify under oath or affirmation.
2. Subpoena witnesses to testify in his behalf.
3. Cross-examine all witnesses testifying against him.
4. Present such affidavits, exhibits, and other evidence as is deemed pertinent.
5. Argue his case.

Sec. 4.4. Burden of Proof. The Chief of Police shall have the burden of showing by material and substantial evidence that the action taken was done in good faith for cause.

Sec. 4.5. Petition for Rehearing. In an appeal heard by less than a quorum 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 fifteen (15) calendar days of the date of issuance of the Commission 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 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 ten (10) days notice to the petitioner and 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, that decision shall be deemed its final decision for the purposes of judicial review. If the Commission decides to reconsider its decision, it shall at the meeting enter findings of fact, conclusions, and its final decision, which for purposes of judicial review shall be deemed the final decision of the Commission.

Sec. 4.6. Report of Commission. All decisions, opinions, and recommendations arising from a hearing or investigation by the Commission shall be written and subscribed to by the members concurring and shall be filed as a permanent record. Any member may submit a minority or supplemental decision or report, which shall be filed as a matter of record.

Sec. 4.7. Judicial Review. Any person aggrieved by a final decision of the Commission may file for review in an appropriate court of law. Such petition shall be filed within thirty (30) days of the date of issuance of the Commission's final decision.

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RULE 5. CLASSIFICATION

Sec. 5.1. Procedure and Effect. The Appointing Authority shall classify all positions in the Classified Service. The classification plan so developed shall be transmitted to the Commission. Additional classes may be established and existing classes may be divided, combined, or abolished in the same manner as originally adopted. No reclassification of an existing class to a class having either a greater or lower maximum salary range shall be effective unless recommended by the Appointing Authority and unanimously approved by the Commission. Reclassification shall not be used for the purpose of avoiding demotions or promotions.

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RULE 6. EMPLOYMENT APPLICATIONS

Sec. 6.1. Announcement of Vacancy. Whenever there is need, the Commission shall give public notice inviting qualified persons to apply for appointment in the Classified Service and for admission to the examination scheduled to select the most competent. Public notice of the examination shall specify the title and salary range of the position, a brief outline of the requirements of the position, the minimum qualifications, and the final date upon which applications will be received. Persons desiring to compete for positions in the Classified Service shall file applications on forms supplied by the Commission.

Sec. 6.2. Candidates: Minimum Qualifications.

1. In order to file an application for examination, the applicant must:
 - a. Meet the requirements specified in these *Rules* and in the official examination bulletin as of the closing day of the official filing period and,
 - b. Produce evidence of education, training, experience, or other lawful requirements for a class, as directed by the Secretary.

2. Time for filing applications:
 - a. Applications for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of the examination. Applications received by mail in the Office of the Commission must be received by the time and final date.

Sec. 6.3. Rejection of Applications. If the Secretary determines that an application does not meet the minimum qualifications agreed to by the Chief of Police and the Commission, or if 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 the applicant may attempt to supply additional information to the Secretary prior to the examination. If the matter cannot 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 at the time the Commission approves the establishment of the eligibility list.

Sec. 6.4. Regional Testing. Sections 6.1, 6.2, and 6.3 need not be exercised if the Commission elects to participate in a Regional Testing Program.

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RULE 7. EXAMINATIONS

Sec. 7.1. Conduct May be Delegated. The Secretary shall arrange for the use of public buildings and equipment for conducting examinations. The Commission may conduct and score the examination or any part thereof, or may name any qualified person or agency to do so. All tests, including tests of physical fitness, shall be practical and shall consist of only subjects that will fairly determine the capacity of applicants to perform the duties of the position to which appointment is to be made. All examinations shall be proctored by at least one member of the Commission.

Sec. 7.2. Qualifying Grade and Lateral Entry Screening/Scoring. In all physical agility tests, all portions must be passed. In all written examinations, the minimum grade or standing for which eligibility may be earned shall be 70%. In all oral examinations, the minimum grade or standing for which eligibility may be earned shall be 50%. The cut off point may be established at a higher score to meet other criteria. Failure in one part of the examination shall be grounds for declaring the applicant as failing the entire examination. Lateral entry candidates shall be screened in accordance with Appendix A, which is attached to these *Rules* and incorporated by reference. Notice of results of screening and acceptance or rejection for placement on the lateral entry eligibility list shall be sent to applicants.

Sec. 7.3. Written Examination Procedure. The identity of persons taking competitive written tests shall be concealed from the examiners by the use of an identification number, which shall be used on all test papers.

Sec. 7.4. Oral Examination Procedure. Entry level applicants obtaining a qualifying grade on the written examination and lateral entry applicants who are placed on the lateral entry eligibility list may be notified to appear before an Oral Examination Board selected by the Commission.

Sec. 7.5. Physical Agility Test. Any tests to fill positions may include tests of physical fitness and/or manual skill. If such tests are to be used to determine fitness for the position, the Commission must be involved in the makeup, administration, and scoring of such examinations.

Sec. 7.6. Preparation of an Eligibility List. The names of person successful in the examination shall be arranged in order of their earned ratings.

Sec. 7.7. Preference for Veterans. Veterans who served during a period of war or in an armed conflict and do not receive military retirement. Veterans who served during a “period of war”, as that defined in RCW 41.04.005, need not have served in a combat zone or hostile environment to qualify; simply being in the armed forces during a such period, in addition to not receiving military retirement, is sufficient. Veterans who served in an “armed conflict”, as defined in RCW 41.04.005, and received a campaign badge or medal, and who do not receive military retirement, also qualify in this category.

A “period of war” is defined by RCW 41.04.005 to include, in addition to the two world wars, the following:

- the Korean conflict;
- the Vietnam era, which was the period beginning August 5, 1964, and ending on May 7, 1975;
- the Persian Gulf War; which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law; and
- the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of Congress.

However, since there has never been a presidential proclamation or law officially ending the Persian Gulf War, anybody who has served in the armed forces since August 2, 1990 and does not receive military retirement will qualify for this ten percent scoring criteria status, in addition to those who qualify because of earlier service.

The statute also designates the following “armed conflicts”, if the veteran was awarded the respective campaign badge or medal;

- the crisis in Lebanon;
- the invasion of Grenada;
- Panama, Operation Just Cause;
- Somalia, Operation Restore Hope;
- Haiti, Operation Uphold Democracy; and
- Bosnia, Operation Joint Endeavor.

Since the latter three “armed conflicts” occurred during the Gulf War period, a person who served in either of those conflicts also qualifies as having served during a “period of war”, so a campaign badge would not be necessary to qualify in this category.

Veterans in this category receive a 10 percent scoring criteria added to passing mark, grade, or rating of competitive exams until their first appointment. This “first appointment” limitation means that, if a veteran has gotten a job with the 10 percent scoring criteria status, he/she may not use it to obtain another job, even with another agency. Also it may not be used in a promotional exam.

Veterans who did not serve during a period of war or who are receiving military retirement. This category of veterans, which includes any veteran not covered by the first category, is entitled to a five percent scoring criteria status. Like the first category, it may be used only until a veteran’s first appointment and may not be used in any promotional exam.

Veterans who were called to active military service for one or more years from employment with a city or county. This category receives a five percent scoring criteria status that applies to first promotional examinations only. (Note that this category of veterans is protected when returning to employment from military duty by the federal Uniformed Services Employment and Reemployment Rights Act.) Of course, veterans in this category could also qualify in any of the above two categories when seeking initial employment with another agency covered by RCW 41.04.010.

Sec. 7.8. Preference for Service as Police Reserve. In an open graded examination for police officer, candidates who receive a passing grade and who have served satisfactorily at least two (2) consecutive years as a police reserve in the Grand Coulee Police Department shall have five percent (5%) of their final examination graded added to their final cumulative score.

Sec. 7.9. Notification of Results. Each applicant shall be notified of the results of the examination, his final earned rating, and the relative position on the eligibility list.

Sec. 7.10. Review of Examination Papers and Challenges. Within seven (7) working days after notice of his final score has been mailed, any applicant may review his examination papers and have his score reviewed and corrected if an error is identified. Should an applicant wish to challenge any part of the examination, he shall submit to the Secretary, within fifteen (15) days after notice of his final score has been mailed, authoritative written proof of the validity of his claim. All such challenges shall be considered by the Commission. If the Commission is satisfied as to the validity of any such challenges, it shall order an appropriate revision of the examination scores, a restructuring of the eligibility list, and the mailing of notices to candidates on the eligibility list indicating the action ordered and its effect on their individual standing.

Sec. 7.11. Promotional Examinations. Promotions shall be made solely on merit, efficiency, and fitness, which shall be ascertained by competitive examination and impartial investigation. All Applicants for promotion must be regular employees in the Classified Service of the City of Grand Coulee (except as provided otherwise in this section) and must possess the minimum qualifications or other specifications of the class to which promotion is sought. The selection process shall conform to Rule 9, and the probationary period contained in Rule 10 shall apply. Provided, that should the Commission certify fewer than three (3) eligible individuals, the Chief of Police shall have the option of selecting from among those certified or requesting the Commission to conduct another examination, either 1. among those individual who did not attain the minimum score or 2. among any and all individuals who possess the minimum qualifications. In any event, those persons previously certified shall remain on the eligibility list. A promotion eligibility list shall remain in effect one (1) year.

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RULE 8. ELIGIBILITY LISTS

Sec. 8.1. Order of names on a List. Names on the eligibility lists shall be in order of preference according to the final earned ratings of the examination, including veterans' preference and Grand Coulee Police Department Reserve credits. Candidates certified to the Chief of Police under the Rule of Three, and not selected for appointment, shall remain on the eligibility list in the order of their earned points.

Sec. 8.2. Effective Life of an Eligibility List. Eligibility lists shall become effective upon attestation thereof by the Secretary that the list was legally prepared and represents the relative ratings of the names appearing thereon. Entry level eligibility lists shall remain in effect for one (1) year and lateral entry eligibility lists shall remain in effect continuously. Provided that either list may expire:

1. When the number of persons thereon still available for appointment is less than three (3); or,
2. When such list is revoked pursuant to Section 8.3. A new entry level eligibility list with more than three (3) names may be extended by action of the Commission for not more than one (1) additional year.

Sec. 8.3. Revocation of a List. Eligibility lists may be revoked and another examination ordered, only upon approval of the Commission, when such action is deemed advisable on account of fraud, errors, or for obviously inappropriate standards prescribed in connection with the examination or the plainly inadequate results obtained therefrom, or due to the opening of an application period for the purpose of creating a new list. No lists shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons therefore in the minutes of a regular or special Commission meeting.

Sec. 8.4. Removal of names from a List. The Commission may remove a candidate's name from an eligibility list for the following reasons:

1. The Commission shall make an availability inquiry of candidates on a regular basis but not later than six (6) months following the last Commission action affecting the eligibility list. Candidates responding negatively to an availability inquiry, or failing to respond within ten (10) days of the mailing of such inquiry, or responding but subsequently failing to comply with background investigations and further hiring procedures, shall be removed from the eligibility list.
2. The Commission may remove a candidate's name from an eligibility list if at any stage of the hiring procedure he fails to meet the criteria for appointment set forth under Rule 9. In this instance, the Chief of Police shall provide the Commission with written request for the removal of a candidate's name from a list and the reasons for such request.

When a candidate's name is removed from a list, the Commission shall cause a written notice to be sent to the candidate advising the action that has been taken and the reasons for such action. The written notice shall be sent by certified mail, return receipt requested, to the candidate's last known address. The candidate shall have the right to file a petition for reinstatement to the list by sending written request to the Civil Service Secretary within ten (10) working days of receiving the written notice. The name of the candidate so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission. If the reinstatement occurs after another person has been hired, the reinstated name shall be placed in an appropriate position on the eligibility list based on his earned ratings, but shall not affect the appointment.

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RULE 9. APPOINTMENTS

Sec. 9.1. Basis for Appointments. All appointments within the Classified Service shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation.

Sec. 9.2. Hiring Procedure. Whenever a vacancy exist, the Chief of Police may either request the names of the top three (3) candidates on the entry level eligibility list or may request the names from the lateral entry eligibility list or may request both. When the request is for the lateral entry eligibility list, the entire list will be certified to the Chief of Police. When the request is for the entry level eligibility list, the top three (3) candidates will be certified to the Chief of Police in accordance with the Rule of Three. The Commission shall thereupon certify the names of such persons highest on the entry level eligibility list who are willing to accept employment. The Chief of Police shall then conduct uniform background investigations and in doing so shall consider the experience, training, education, and other like criteria of the candidates.

It shall be a mandatory prerequisite for employment for an applicant to:

1. Meet the Medical Selection Standards & Guidelines, developed by the Systems Design Group for the Washington State Criminal Justice Training Commission, which are adopted by reference; and
2. Meet the Pre-employment Physical Fitness Screening Test Standards, which are adopted by reference; and
3. Such other minimum requirements as stated in Section 6.2. Failure to meet such standards prior to an offer of appointment shall result in removal from the applicable eligibility list. The Chief of Police is further empowered to by-pass the Rule of Three and may select anyone on the applicable eligibility list to comply with the provisions of the City's Affirmative Action Policy.

Sec. 9.3. Background Investigation Criteria. A candidate's name may be removed from an eligibility list if it is determined through the background investigation that a candidate possesses or has demonstrated any of the following qualities or tendencies during prior employments or in his personal life:

1. Incompetency, inefficiency, or inattention to or dereliction of duty;
2. Insubordination; discourteous treatment of the public; or a fellow employee, or any other act of omission or commission that would tend to injure the public service; or any other willful failure on the part of the candidate to properly conduct himself;
3. Mental or physical unfitness for the position;
4. Dishonest, disgraceful, immoral, or prejudicial conduct;
5. Use of narcotics or drugs not prescribed by licensed medical practitioner; or drunkenness;
6. Conviction of a felony; or conviction of a misdemeanor involving moral turpitude; or
7. Any other act or failure to act which, in the judgment of the Civil Service Commissioners, is sufficient to show the candidate to be an unsuitable, undesirable, or unfit person to be employed in the Classified Service.

Sec. 9.4. Failure to Respond. Candidates failing to comply with pre-appointment investigations as requested by the Chief of Police, or failing to answer a notification of appointment within five (5) days, or failing without due cause to accept appointment when offered, excluding a provisional, emergency, or temporary appointment, shall be deemed to have declined appointment. If a candidate accepts appointment within the period outlined above and then fails without due cause to report for duty within one (1) day of the reporting date specified in the notice, he shall be deemed to have declined appointment. Any person so declining appointment shall also be permanently dropped from the eligibility list on which his name appears unless he presents satisfactory cause to the Commission for his action or failure to act.

Sec. 9.5. Provisional Appointment. The Chief of Police may make provisional appointments. As soon as possible following a provisional appointment, the Commission shall announce and conduct an examination and shall certify the three (3) highest eligible names for regular appointment. No provisional appointment shall be continued for longer than four (4) months and no provisional appointee shall be appointed more than once in the same year unless he qualifies by competitive examination and is approved in the regular manner. Time spent as a provisional appointee shall not be credited to the probationary period or be utilized for computing any privileged accruing under Civil Service law or these regulations.

Sec. 9.6. Emergency Appointment. To meet the immediate requirements of an emergency condition that threatens life or property, the Chief of Police may employ any person or persons whom he may be legally empowered to appoint without restriction of Civil Service law and these regulations. Such employment shall be limited to the duration of the emergency period and is not to exceed sixty (60) days under any circumstances. Time spent as an emergency appointee shall not be credited to any probationary period or be utilized for computing any privilege accruing under Civil Service law or these regulations.

Sec. 9.7. Appointment to Fill a Temporary Vacancy. A temporary vacancy exists when a member of the Classified Service is granted a leave of absence or is temporarily assigned duties with another agency or is on an extended sick or disability leave, and the Chief of Police has reasonable grounds to believe the member will return to service. The Chief of Police is authorized to make an appointment to fill a temporary vacancy under the following conditions:

1. The appointee shall be certified as having successfully completed the Basic Law Enforcement Academy of the Washington State Criminal Justice Training Commission.
2. The appointment shall be for a term not to exceed nine (9) months.
3. The nine-month appointment may be extended in additional increments, each increment not to exceed six (6) months, with the approval of the Civil Service Commission.
4. Time spent as a temporary appointee shall not be credited to any probationary period or be utilized for computing any privilege accruing under Civil Service law or these regulations.

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RULE 10. PROBATIONARY PERIOD

Sec. 10.1. Length of Period. No entry level or lateral appointee shall attain regular status in a position until they have satisfactorily completed a probationary period with the City of Grand Coulee of twelve (12) months following certification by the State of Washington Criminal Justice Training Commission. Re-employed person who have formerly acquired regular status in the class shall not be subject to probation unless two (2) years have elapsed since their former employment with the City of Grand Coulee Police Department.

Sec. 10.2. Termination of a Probationer. During the probationary period, the Chief of Police at his discretion, may terminate the employment of a probationary employee. Written notice of such termination shall be given the probationer and a copy shall be forwarded to the Commission.

Sec. 10.3. Attainment of Permanent Status. The Commission shall notify the Chief of Police fourteen (14) days prior to the completion of the probationary period. At the end of the probationary period, the Chief of Police shall report to the Commission on the probationer's service and efficiency. No salary or other compensation shall be paid for the service of any probationer following expiration of the probationary period until the Chief of Police has filed a written statement with the Commission that the performance of the probationary employee is satisfactory and that his retention in the service is desired.

Sec. 10.4. Cancellation of Promotion During Probationary Period. An appointee who has his promotion canceled during the probationary period shall be restored to the position from which he was promoted.

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RULE 11. LAY-OFFS AND FURLOUGHS

Sec. 11.1. Lay-Off. Whenever the Chief of Police contemplates a reduction of staff because of a shortage of funds, lack of work, or material reorganization of the Classified Service, notice thereof shall be sent by the Chief of Police to the Commission. When the Chief of Police determines which position or positions are to be abandoned, employees holding positions within a class shall be laid off in inverse order of their lengths of service. Any complaint by a regular employee that the lay-off was in bad faith shall be investigated by the Commission. If the Commission finds that the lay-off was not made in good faith in accordance with these *Rules and Regulations*, it may order the reinstatement of the regular employee or employees.

Notice of lay-off shall be given to the affected employees and the Commission at least fourteen (14) days before the effective date thereof. Rights of rehire for a laid-off employee shall depend on whether an eligibility list exists on the rehire date. If such a list exists, the laid-off employee shall automatically become one of the candidates certified to the Chief of Police for a period of two (2) years following lay-off, providing the laid-off employee is qualified for the announced position. If such a list does not exist, the Chief of Police shall have two options in his sole discretion: 1. summarily reinstate the employee if the rehire date is within two (2) years of lay-off, or 2. request the Commission to provide a new eligibility list, in which event the laid-off employee shall automatically become one of the candidates certified to the Chief of Police if the projected hire date is within two (2) years of lay-off.

Sec. 11.2. Furloughs. The Chief of Police may from time to time furlough an employee or employees for up to sixty (60) days due to projected budgetary deficits. In developing furlough policy, the Chief of Police shall exercise good faith and best efforts to minimize furlough impact on any one individual, and may elect to spread the furlough impact among more than one employee without regard to hire dates. No benefits, except salary and salary-related benefits, shall be lost during the furlough period.

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RULE 12. SUSPENSIONS, DEMOTIONS, DISCHARGE

Sec. 12.1. Requirement of Cause. No person in the Classified Service who has attained regular status in the Classified Service shall be suspended or demoted, or discharged except for cause.

Sec. 12.2. Suspension. The Chief of Police may suspend a regular employee without pay for a period not to exceed thirty (30) days or may revoke earned vacation leave not to exceed twenty (20) days in any twelve (12) month period for disciplinary purposes. Notification of such disciplinary action shall be communicated to the employee in writing stating the charges and shall be delivered to the employee by the Chief of Police. Such action shall be immediately reported to the Commission. Such an employee may, within ten (10) days of the date of receipt of such notification, file with the Commission a written request for an investigation and hearing, which request, shall provide for holding a hearing at which the employee and the Chief of Police shall have the right to be heard. Within ten (10) days of the conclusion of the hearing, the Commission shall render its decision. If the decision orders a modification of the disciplinary action, it shall be accompanied by a supporting statement detailing where the Commission believes prejudice was practiced, poor faith exemplified, or cause was lacking.

Sec. 12.3. Demotion and Discharge. The Chief of Police may demote or discharge a regular employee for inefficiency or other just cause. In all such cases, written reasons shall be furnished the employee and such action shall be immediately reported to the Commission. Within ten (10) days after the date of the notice of demotion or discharge, the employee may file a written request for an investigation and hearing before the Commission. The Commission, within fifteen (15) days of the receipt of such request, shall provide for holding a hearing at which the employee and the Chief of Police shall have the right to be heard. Within ten (10) days of the conclusion of the hearing, the Commission shall render its decision. If the Commission finds that the demotion or discharge was not made in good faith for cause, it shall order the reinstatement of such individual and may order such other provisions as the Commission deems necessary and fair. The Commission shall file a report of the Commission's findings and orders.

Sec. 12.4. Cause for Discharge or Demotion. The following may be declared cause for discharge from or demotion in the Classified Service, although such action may be based on causes other than those specifically enumerated here:

1. Incompetency, inefficiency, inattention to or dereliction of duty;
2. Dishonesty, intemperance, insubordination, or discourteous treatment of the public or fellow employees; or any other act of commission or omission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or failure to obey any lawful or reasonable direction when such failure or violation amounts to a serious breach of discipline; or any willful violation of these *Rules and Regulations*, other official order, state law, or City ordinance;
3. Mental or physical unfitness for the position that the employee holds;
4. Drunkenness, or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such an 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 his position under Civil Service;
5. Conviction of a violation of the Uniform Controlled Substance Act;
6. Conviction of a crime involving moral turpitude;
7. Acceptance for personal use of anything of value in the course of work when given in the expectation of receiving a better treatment than that accorded the public generally;
8. Failure to pay just debts if scandal is caused the service as a result thereof;
9. Conduct subversive to public order and sustained conduct detrimental to the efficiency or morale of the service; and
10. Any other act, or failure to act, which in the judgment of the Commission is sufficient to show the employee to be unsuitable for the position held in the Classified Service.

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RULE 13. LEAVES AND RESIGNATIONS

Sec. 13.1. Leaves of Absence without Pay. The Chief of Police, subject to the approval of the Commission, may grant a regular employee a leave of absence without pay for a period not to exceed the time permitted for a temporary appointment. No leave without pay shall be granted except upon written request by the Chief of Police, and a copy shall be filed with the Commission. Upon the expiration of a regularly approved leave without pay, the employee shall be reinstated to the position held at the time leave was granted. An employee on approved leave of absence shall notify the Chief of Police, fourteen (14) days prior to the expiration of his leave, of his intention to return to duty. Failure to so notify the Chief of Police may be cause for discharge.

Sec. 13.2. Resignations. An employee desiring to leave the Classified Service of the City of Grand Coulee in good standing shall file with the Chief of Police, at least fourteen (14) days before leaving, a written resignation stating the effective date and the reason for leaving. The resignation shall be forwarded to the Commission, with a statement by the Chief of Police commenting on the resigned employee's service, performance, and any pertinent information concerning the cause for resignation. Failure to comply with this Rule shall be entered on the service record of the employee and may be cause for denying future employment by the City of Grand Coulee. The resignation of an employee who fails to give proper notice thereof shall be immediately reported to the Commission by the Chief of Police.

Sec. 13.3. Reinstatement. Within two (2) years from resignation, a resigned regular employee, with the approval of the Chief of Police and the consent of the Commission, may be reinstated in the position of the same or comparable class, or with the approval of the Commission, may be placed among the highest three (3) on the eligibility list for the class to which his former position was allocated. In the event the resigned employee is so placed on the eligibility list, the name previously third on such list shall drop to fourth. No person resigning during his probationary period may be reinstated, but with the approval of the Commission, may be placed on the list from which he was certified and appointed, provided such eligibility list is in effect. Time of service shall determine order of an eligibility list for employees who have resigned.

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RULE 14. RECORDS AND REPORTS

Sec. 14.1. Personnel Files. The Commission shall maintain or have access to a personnel file for each employee in the Classified Service showing the name, position held, division, assignment, salary, employment status, leaves, and all other pertinent information. Access to these files shall be restricted to the Chief of Police, Secretary, and the Commission, except in accordance with the Open Public Records Act, RCW 42.17.240 et. seq.

Sec. 14.2. Examination Records. The Civil Service Commission shall maintain an examination record for every applicant, giving the name, address, date, and title of the examination, ratings earned, and the grade obtained.

Sec. 14.3. Access to Public Records. The minutes of all Commission meetings shall be open to the public during City office hours and may be inspected upon application to the Secretary of the Commission.

Sec. 14.4. Destruction of Records. Examination records and roster or payroll cards and the minutes of the Commission meetings shall be kept permanently. All other records pertaining to applicants not employed, including applications, correspondence, examinations, and records may be destroyed in the manner provided by law.

Sec. 14.5. Reports. The Chief of Police shall report to the Commission in writing and upon forms prescribed by the Commission all employments and all changes in the status of personnel, supplying the name of the new appointee, the title of the position, 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 Commission on additional data covering the Classified Service, including reports of employee performance. 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 with the Commission a statement in explanation of any adverse report or rating. Such an employee's statement shall be made part of the employee's record.

Sec. 14.6. Annual Report. The Commission shall prepare an annual report of the Commission activities for the year for submission to the Chief of Police upon request.

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RULE 15. COMPLAINTS

Sec. 15.1. Procedure. Any person may file a complaint with the Commission protesting any action involving the Classified Service. Any person may file a petition of support for any privilege or right of the Classified Service. The Commission may investigate, hold a hearing on the matter, and may issue a recommendation or directing order thereon.

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RULE 16. AMENDMENTS

Sec. 16.1. Procedure. After adoption, these rules may be amended by submission and reading of the proposed amendment at any meeting of the Commission. Notice of the proposal shall be given to the Chief of Police and a vote thereon shall be taken at the next meeting. If approved by at least two (2) members of the Commission, the amendment shall be adopted and shall be in immediate effect. A copy of the amended regulation shall be provided the Chief of Police and all members of the Classified Service.