

CITY OF PORT ANGELES

CIVIL SERVICE

RULES AND REGULATIONS

Human Resources Office
February, 2002

CITY OF PORT ANGELES
CIVIL SERVICE RULES AND REGULATIONS

TABLE OF CONTENTS

	<u>PAGE</u>	
<u>Section 1 - General Provisions:</u>		
1.01 Authority and Application	1	
1.02 Scope and Purpose	1	
1.03 Copies of Rules	1	
1.04 Severability	1	
 <u>Section 2 - Definitions</u>	 1-5	
 <u>Section 3 - Duties and Procedures</u>		
3.01 Duties of the Commission	5	
3.02 Meetings of the Commission		5
3.03 Chairperson and Vice-Chairperson Offices		6
3.04 Rules of Order	6	
3.05 Business of the Commission		6
3.06 Investigations of the Commission	6	
3.07 Observation of Selection Procedures by Commission	6	
3.08 Legal Counsel of the Commission	6	
3.09 Address of the Commission		7
3.10 Record of Commission Proceedings		7
 <u>Section 4 - Chief Examiner Duties and Procedures</u>		
4.01 Duties/Authority	7	
4.02 Review and Appeals from Actions or Decisions of the Chief Examiner		7
 <u>Section 5 - Applications</u>		
5.01 General Requirements for Filing Applications	8	
5.02 Rejection of Applicant or Eligible	8-9	
5.03 Admission to Examination Pending Appeal		9
5.04 Amendment of Application	9	
5.05 Applications Not Returned	9	
 <u>Section 6 - Examinations</u>		
6.01 Examination Announcements	9	
6.02 Type of Examinations	10	
6.03 Interview Board	10	
6.04 Weighing of Examination Components	11	
6.05 Veterans & Volunteer Preference Credit	11	
6.06 Keyed Copy Inspection and Examination Protest		11
6.07 Correction of Clerical Errors		12
6.08 Examination Papers	12	
6.09 Pre-Employment Testing	12	
		<u>PAGE</u>

Section 7 - Certification and Appointment

7.01	General Provisions	12	
7.02	Establishment of Eligible Registers		12
7.03	Duration of an Eligible List	13	
7.04	Request for Certification	13	
7.05	Certification	13	
7.06	Inactive Status	13	
7.07	Regular Appointment		13
7.08	Temporary Appointment	13	
7.09	Availability of Eligibles	14	
7.10	Cancellation of Eligibility	14	

Section 8 - Reinstatement

8.01	Duration of Reinstatement List	14	
------	--------------------------------	----	--

Section 9 - Disciplinary Action

9.01	Causes for Disciplinary Action	14-15	
9.02	Types of Discipline	15	
9.03	Pre-Discipline Procedures and Notice	15	
9.04	Right to Representation	15	
9.05	Evidence Supporting the Charges	16	
9.06	Post Administrative Review Actions		16

Section 10 - Appeal Hearings

10.1	Types of Appeals	16	
10.2	Time and Notice	16	
10.3	Exhaustion of Remedies	16	
10.4	Scheduling	16	
10.5	Service and Filing	17	
10.6	Discovery	17	
10.7	Settlement	17	
10.8	Burden of Proof	17	
10.9	Evidence	18	
10.10	Deliberation	18	
10.11	Decision	18	
10.12	Judicial Review	18	

**CITY OF PORT ANGELES
CIVIL SERVICE RULES AND REGULATIONS**

SECTION 1 - GENERAL PROVISIONS

1.01 - Authority and Application:

These rules are promulgated pursuant to the City of Port Angeles Civil Service Ordinance No. 2410.

Portions of these rules are subject to the collective bargaining process, therefore, the labor contracts will supercede these rules if any conflicts exist between the two documents.

1.02 - Scope and Purpose:

These rules govern the administration of the City of Port Angeles Civil Service System. These rules shall provide for the selection, promotion, and discipline of positions within the Police and Fire Departments on the basis of merit; provide for the Civil Service Commission to oversee the merit system and hear appeals; and provide for investigation of matters relating to appeals of disciplinary actions or matters concerning the selection process.

1.03 - Copies of Rules:

Copies of these rules shall be available free of charge, upon request.

1.04 - Severability:

If any provisions of these rules, or the application thereof to any person or circumstance, is held invalid by a court of proper jurisdiction, such invalid portions shall not affect any other provision or application of these rules or the Civil Service Ordinance of the City of Port Angeles.

SECTION 2 - DEFINITIONS

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

- 2.01** ***“Applicant”*** shall mean a person who has filed the necessary documents, as prescribed by the Chief Examiner, to compete in the Civil Service selection process.
- 2.02** ***“Appointing Authority or Power”*** means the City Manager or his/her designated Police Chief or Fire Chief, if applicable.
- 2.03** ***“Appointment”*** means the hiring by the Appointing Authority of a position subject to the Civil Service System.
- 2.04** ***“Board”*** means the qualifications appraisal panel, also known as the “Interview Board”.

- 2.05 “**Break in Service**” means loss of service credit resulting from resignation, discharge, retirement, leave without pay, or other similar actions.
- 2.06 “**Certification**” means a list of names from an eligible register transmitted by the Chief Examiner to the affected Department Head from which an appointment shall be made to fill a vacant position.
- 2.07 “**Chief Examiner**” means the City Human Resources Manager.
- 2.08 “**City**” means the City of Port Angeles.
- 2.09 “**Class**” means a group of positions designated as having similar duties and responsibilities and the same salary range and qualifications to be grouped into a single classification for purposes of examination.
- 2.10 “**Class Series**” means two or more classifications which are similar as to occupation but which differ in responsibility and authority and are ranked in a career ladder as a normal line of promotion, such as Police Officer, Police Sergeant, Police Captain; or Firefighter and Fire Captain.
- 2.11 “**Class Specification**” (sometimes referred to as a job description) means a description of the nature of work, distinguishing characteristics, if necessary, examples of duties, qualifications, knowledge, abilities and skills required for the classification.
- 2.12 “**Classified Position**” means a position subject to the Civil Service System including regular, full-time budgeted positions of the Port Angeles Police Department or Fire Department in the following classifications, or as amended from time-to-time:

Police Department

Police Officer
 Police Corporal (p)
 Police Sergeant (p)
 Police Captain (p)
 Deputy Police Chief (p)
 Police Lieutenant (p)
 Communications Officer
 Animal Control Officer
 Parking Enforcement Officer
 Communications Supervisor (p)
 Records Supervisor (p)
 Records Specialist
 Warrant Entry Clerk
 Administrative Assistant
 Support Services Technician

Fire Department

Assistant Fire Chief (p)
 Fire Marshal (p)
 Firefighter/EMT
 Firefighter/Paramedic
 Fire Captain (p)
 Medical Officer (p)
 Training/Safety Officer (p)
 Administrative Assistant

(p) = Those classifications which are filled through promotional openings, as long as there are three or more qualified candidates who are willing to participate in the selection process from within the department. If there are less than 3 qualified internal candidates that apply, the Chief has the option to use open or lateral recruitment to fill the vacant position. In the event of external recruitment, any qualified internal candidates may also apply along with the external candidates and

- compete in the selection process. Variances to the process for certain promotional classes may vary in accordance with terms and conditions in the labor contracts.
- 2.13** “**Commission**” means the Civil Service Commission of the City of Port Angeles and “**Commissioners**” means any one of the three Commissioners appointed to that Commission by the City Council.
- 2.14** “**Continuous Service**” means unbroken service with the City of Port Angeles or within a classification, excluding any approved leaves of absence.
- 2.15** “**Department Head**” means the Police Chief or Fire Chief of the City of Port Angeles.
- 2.16** “**Discipline**” or “**Disciplinary Action**” means any personnel action by the Appointing Power that is based on just cause, that adversely affects the employee’s wages, benefits, or other terms and conditions of employment, and that is appealable to the Civil Service Commission, including the following:
- Demotion: Involuntary moving of an employee from a higher classification to a classification having a lower salary range.
 - Discharge: Involuntary Termination, also known as dismissal, fired, or removed from employment.
 - Reduction of Pay: Involuntary Reduction in an employee’s wages as a result of disciplinary action.
 - Suspension Without Pay: Temporarily suspending an employee’s pay for disciplinary reasons.
 - Transfer: Involuntary Transfer for disciplinary reasons from one position to another position within the same classification which negatively affects the employee’s compensation or benefits.
 - Other similar action imposed for purposes of discipline which results in loss of compensation or benefits.
- 2.17** “**Eligible**” means a person qualified for a given classification through proper examination and placed on a valid eligible register.
- 2.18** “**Examination**” means the process of testing the fitness and qualifications of applicants.
- 2.19** “**Examination Announcement**” means the official job bulletin prepared by the Chief Examiner or designee indicating the recruitment period, qualifications, summary of job description, closing date, examination procedures (if applicable), type of examination, or other relevant information as determined by the Chief Examiner.

- 2.20 “Sworn Positions”:** means uniformed personnel in the ranks of law enforcement or firefighting and emergency medical classifications.
- 2.21 “Non-Sworn Positions”:** means Clerical, Administrative, Technical, and other civilian personnel in the Police and Fire Departments.
- 2.22 “Probationary Period”** means the status of an employee during his/her initial review period in a new job to determine satisfactory performance. The employee may be terminated without cause during the probationary period. During the probationary period the department determines if the employee’s performance is at a satisfactory level and upon completion, the employee is retained as a regular employee or terminated from the position. The probationary period may only be extended by approval of the City Manager, for a period he/she determines. A probationary employee may be terminated without cause and has no appeal rights or other recourse.

Police Officers begin a 12-month probationary period after completing the State Law Enforcement Academy. Fire Department personnel have a 12-month probationary period from the date of hire. Employees promoted into a higher classification in the Police or Fire Department shall serve a 12 month probationary period. If a promoted employee fails probation, he/she shall revert back to the position held prior to the promotion.

2.23 Recruitment Process:

“Open Recruitment” means recruitment which will be open to the public and not restricted to existing City employees. The applicant shall meet the qualifications and standards established in the job announcement.

“Lateral Entry” means the City is conducting open recruitment to hire non-promotional positions laterally from candidates in other police or fire departments who meet the qualifications of the position that is vacant.

“Promotional Openings” means the City is recruiting to fill the position exclusively from within the City Police or Fire Department employees. Promotional openings are those classifications identified with a “(p)” as listed under rule 2.12.

“Transfer” means the City is recruiting to fill the position from within the City of Port Angeles workforce and is not restricted to the Police and Fire Departments. This process may be used only for non-sworn personnel. Employees that transfer must meet the qualifications and standards established in the job announcement.

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

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

- 2.26** “**Secretary**” means the Chief Examiner, his/her designee, or such other person as the Commission may designate.
- 2.27** “**Veterans Preference**” means preference in examination based upon prior military service, as provided for in the applicable State law.
- 2.28** “**Volunteer Preference**”: means additional credit points in the selection process given to volunteers of the Port Angeles Fire Department.

SECTION 3 - CIVIL SERVICE COMMISSION DUTIES AND PROCEDURES

3.01 - Duties of the Commission:

The duties of the Commission shall include the following:

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

3.02 - Meetings of the Commissioners:

- 1) The Civil Service Commission, hereinafter referred to as the “Commission” shall meet on a quarterly basis or more often, as determined by the Commission, to carry out the business of the Civil Service System. The quarterly meetings shall be the regular meetings of the Commission and shall be held on the third Thursday of January, April, July, and October of each year. Other meetings of the Commission shall be special meetings and shall be scheduled on an as-needed basis, as determined by the Commission.
- 2) Notice of regular or special meetings of the Commission shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW).
- 3) The Commission shall be composed of three (3) members, and two (2) members shall constitute a quorum to conduct business of the Commission.
- 4) All such Commission meetings or hearings shall be open and public; provided however that the Commission may meet in executive session, as authorized by the Open Public Meetings Act (Chapter 42.30 RCW).

3.03 - Chairperson and Vice-Chairperson Offices:

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

3.04 - Rules of Order:

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

3.05 - Business of the Commission:

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

3.06 - Investigations by the Commission:

The Commission may conduct on its own or with available and/or budgeted resources, the necessary investigations relative to an appeal before the Commission, or investigate other matters properly brought before the Commission. If directed by the Commission, the Chief Examiner shall conduct the necessary investigations and prepare a detailed report for the Commission. If an investigation is necessary for an appeal, the Commission shall ensure that such investigation does not result in a conflict of interest of possibly prejudice information toward one side or the other.

3.07 - Observation of Selection Procedures by Commission:

Pursuant to the Civil Service Commission's authority under PAMC 2.22.040(B)(2) to make investigations concerning and to report upon all matters touching the enforcement and the effect of the City's Civil Service Ordinance, the Commission may assign one of its members, to attend in an observer capacity, tests and interviews of applicants for positions in the classified Civil Service. The purpose of the observation any reports shall be for the Commission's information in the event that the tests and interviews are challenged or the Commission is requested to investigate whether or not the tests and interviews are being conducted in a fair and effective manner and are otherwise in compliance with Chapter 2.22 of the Port Angeles Municipal Code.

3.08 - Legal Counsel of the Commission:

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

3.09 - Address of the Commission:

The official address of the Civil Service Commission shall be the City of Port Angeles, P.O. Box 1150, 321 East Fifth Street, Port Angeles, Washington 98362.

3.10 - Record of Commission Proceedings:

The official record of the Commission shall be the minutes of Commission meetings. As approved by the Commission, the Secretary shall keep public records of the Commission meetings and actions.

A party to a proceeding, at his/her expense, may have a court reporter record all or part of a hearing. Cost of a court reporter or cost of transcripts used by the Commission in their review of a hearing shall be borne by the appealing party unless otherwise determined by the Commission.

SECTION 4 - CHIEF EXAMINER DUTIES AND PROCEDURES

4.01 - Duties/Authority:

The duties of the Chief Examiner shall include the following:

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

4.02 - Review and Appeals from Actions or Decisions of the Chief Examiner:

Any person adversely affected by an action or decision of the Chief Examiner may request the Commission to review and revise or amend such action or decision. Such an appeal request shall be submitted in writing, setting forth with reasonable certainty the action or decision that the person objects to, the grounds supporting the request, and the relief sought. The request must be made

within fourteen (14) calendar days of the date of such action, knowledge of the action, or decision by the Chief Examiner.

The Commission shall thereupon schedule a special appeals hearing, as a public hearing, to hear the matter, conduct any investigation as necessary, and rule relative to the appeal. The Commission may designate a temporary Secretary for appeals of actions or decisions of the Chief Examiner. Failure to file an appeal in a timely manner shall result in a denial of the appeal.

SECTION 5 - APPLICATIONS

5.01 - General Requirements for Filing Applications:

- 1) All applicants for positions under Civil Service must complete a City of Port Angeles application.
- 2) In order to be accepted for examination, the applicant must:
 - a) Meet the educational and experience requirements specified in the job announcement.
 - b) As requested in the examination procedures, produce evidence of education, training, experience, or any other requirements of the examination.
- 3) Time for filing applications:
 - a) All applications for examination shall be filed with the City of Port Angeles Human Resources Office within the time limit specified in the job announcement. Applications received by mail in the Human Resources Office must be postmarked on or before the closing date.
 - b) The time deadline for filing applications may be extended by the Chief Examiner if insufficient qualified applicants exist in order to conduct an examination. Public notice of such an extension will be made in the appropriate manner as determined by the Chief Examiner.

5.02 - Rejection of Applicant or Eligible:

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

- 1) Does not meet the requirements set forth in the job announcement.
- 2) Is found to be physically or mentally unfit to perform the duties of the position as determined by a licensed physician and/or psychologist.
- 3) Has been convicted of any felony, or convicted of a misdemeanor involving moral turpitude, or other conviction which is job related.
- 4) Has made any material false statement or has attempted any deception or fraud in connection

- with application to seek employment.
- 5) Fails to appear for any stages or portions of the examination process, or fails any pre-employment examination procedure.
 - 6) Has assisted in preparing any portion of the examination or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination.
 - 7) After notification, did not promptly appear at the time and place designated for the examination.
 - 8) Has been dishonorably discharged from military service for cause equivalent to conviction of a felony or misdemeanor involving moral turpitude or other cause which is job-related.

5.03 - Admission to Examination Pending Appeal:

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

5.04 - Amendment of Application:

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

5.05 - Applications Not Returned:

All applications, when filed, become the property of the City and thereafter may not be returned to the applicant.

SECTION 6 - EXAMINATIONS

6.01 - Examination Announcements:

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

6.02 - Type of Examinations:

General Provisions for Requesting to Fill a Vacant Position:

In the event of an opening in the Police or Fire Department, the Chief of the department shall notify the Chief Examiner in writing of the opening. The Chief shall request one of the following defined methods below to recruit and fill the position:

“Open Recruitment” means recruitment which will be open to the public and not restricted to existing City employees. The applicant shall meet the qualifications and standards established in the job announcement.

“Lateral Entry” means the City is conducting open recruitment to hire non-promotional positions laterally from candidates in other police or fire departments who meet the qualifications of the position that is vacant.

Promotional Openings” means the City is recruiting to fill the position exclusively from within the City Police or Fire Department employees. Promotional openings are those classifications identified with a “(p)” as listed under rule 2.12.

“Transfer” means the City is recruiting to fill the position from within the City of Port Angeles workforce and is not restricted to the Police and Fire Departments. This process may be used only for non-sworn personnel. Employees that transfer must meet the qualifications and standards established in the job announcement.

The selection process shall be competitive, impartial, and job related. It shall be used to qualify and rank applicants in terms of their relative fitness for the duties of the class. Testing procedures may include written tests, assessment center, of education and training evaluations, physical or performance tests, background and psychological investigations, or any other suitable evaluation of fitness, or any combination of such tests. Testing procedures shall evaluate education, experience, aptitude, knowledge, skill, physical condition, and other qualifications to determine the relative fitness of the applicants.

6.03 - Interview Board:

The Interview Board shall be composed of three persons. One member shall be the Chief Examiner or his designee. The Chief Examiner shall appoint the other two members who shall be from the respective operating department. One shall be a management representative (excluding the Chief of the department) and the other shall be a supervisory representative within the department or a department member with ten years or more service in the same position being tested.

For promotional examinations in the Police and Fire Departments, the Interview Board shall be three uniformed professional personnel in a supervisory capacity from outside the local area. The Chief Examiner or his designee will administer the selection process but will not be a rater in the interviews.

6.04 - Weighing of Examination Components:

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

6.05 - Veterans Credit and Volunteer Preference Credit:

Veterans Credit: Veterans who have passed all required portions of an examination shall be entitled to credit, pursuant to Chapter 41.04 RCW.

Volunteer Preference Points: An applicant for an entry-level firefighter position shall be eligible for a credit of one percent for each 6 months of experience as a volunteer firefighter with the PAFD, up to a maximum of 10%, provided that the following criteria are met:

- 1) The applicant shall have been appointed to the Port Angeles Volunteer Fire Department following an open, competitive, non-discriminatory selection process.
- 2) The applicant shall be in good standing as a volunteer as determined by the PAFD volunteer by-laws.
- 3) The volunteer preference credit shall be added to the applicant's written test score.
- 4) If using veterans credit, the volunteer shall not be entitled to also receive volunteer points in the selection process.

6.06 - Keyed Copy Inspection and Examination Protest:

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

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

6.07 - Correction of Clerical Errors:

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

6.08 - Examination Papers:

Examination papers of each candidate on the eligible list shall be kept on file in the Human Resources Office until the expiration of the eligibility list.

6.09 - Pre-Employment Testing:

Candidates certified from the eligible list shall be subject to pre-employment testing, including any or all of the following: medical, psychological examination, background investigation, reference checks, and polygraph, or other similar testing device, if necessary; provided polygraphs or other similar testing shall be administered only for entry-level positions. In the event the candidate fails one or more of the pre-employment examinations, the Chief Examiner may recommend to the Commission to have the individual removed from the eligible list, with notice to the candidate stating the reason for such removal. In this event, an additional name will be certified to the Department Head for consideration.

SECTION 7 - CERTIFICATION AND APPOINTMENT

7.01 - General Provisions:

Vacancies in Police or Fire Departments shall be filled by reinstatement, promotional appointment, open appointment, or in the absence of an appropriate eligible list, the Chief Examiner may authorize a provisional appointment, not to exceed four (4) months, pending establishment of an appropriate eligible list. Any person appointed to a provisional appointment shall meet the qualifications for the classification.

7.02 - Establishment of Eligible Lists:

After each examination, an eligible list for the class shall be prepared with the names of candidates ranked as follows:

- 1) On a promotional list: relative rank shall be determined by the final examination score;
- 2) On an open list: relative rank shall be determined by the total of all examination scores, together with applicable percentage allowed by law for veterans preference or fire department volunteer preference credits.
- 3) If a tie exists on the final score, both candidates shall be certified to the department for consideration.

7.03 - Duration of an Eligible List:

Eligible lists shall become effective on the date signed by the Chief Examiner and shall remain valid

for a period of twelve (12) months. The Chief may request another examination if the entry level list has fewer than 5 names or the promotional list has fewer than 3 names. An eligible list may be extended beyond the initial twelve(12) month duration for a period approved by the Commission, not to exceed a total of twenty-four (24) months. An eligible list shall be declared canceled by the Commission and a new examination ordered in the event of (a) fraudulent conduct involved in the examination by one or more of the candidates on the list resulting in the exam being compromised; or (b) insufficient number of qualified candidates exist on the eligible list.

7.04 - Request for Certification:

Whenever an appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Chief Examiner. The request shall show the number of positions to be filled, the class title, and cause of vacancy, or if a new position.

7.05 - Certification

Certification to fill a vacancy shall be made by the Secretary to the Department Head from established lists, unless the vacancy is filled as a provisional appointment. When a vacancy is filled from an existing list, promotional openings shall be filled using a rule of three candidates being certified from the eligible list. All other vacancies shall be filled using a rule of five candidates being certified from the eligible list. Should any of the candidates be disqualified from the list, an additional name shall be certified to the Department Head. The Department Head may select any of the certified candidates. In the event of more than one vacancy, the Chief shall be certified additional names from the list, so that the Chief has two more names than vacancies from which to select.

7.06 - Inactive Status:

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

7.07 - Regular Appointment:

A regular appointment to fill a vacancy must be made from the names contained on a valid eligible list. The Department Head, after making the selection, shall forward to the Human Resources Office a completed Personnel Action Form (PAF) indicating the effective date of hire, the salary, and other pertinent information. The Human Resources Office will coordinate the pre-employment medical examination and psychological evaluation, if necessary.

7.08 - Provisional Appointment:

Where there is no suitable eligible list from which certification can be made, the Chief Examiner may allow the Appointing Authority to make a provisional appointment. A provisional appointment may be made for a period of up to four (4) months, and may not be extended for a longer period of time, unless special dispensation is granted by the Commission.

No person shall receive more than one provisional assignment in any twelve (12) month period without specific authorization by the Commission.

7.09 - Availability of Eligibles:

It shall be the responsibility of an eligible to notify the Human Resources Office in writing immediately of any changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment. Failure of proper notice because of an incorrect address shall result in removal of the name from the eligible list and the next available eligible certified.

7.10 - Cancellation of Eligibility:

- 1) A candidate's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof that the candidate cannot perform the job because of physical or mental disability, failure to pass the background investigation, or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the City of Port Angeles or dismissal from employment shall be deemed cause for cancellation of eligibility.
- 2) Separation from City service will terminate any promotional eligibility.
- 3) Upon failure to respond to a recall or refusal to accept employment within fourteen (14) calendar days of notice, the Chief Examiner shall strike the eligible's name from the register and notify the reason for such action.

SECTION 8 - REINSTATEMENT

8.01 - Duration of Reinstatement List:

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

SECTION 9 - DISCIPLINARY ACTION

9.01 - Causes for Disciplinary Action:

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

- 1) Incompetency, inefficiency, or inattention to or dereliction of duty.
- 2) 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 a willful violation of the provisions of the Civil Service rules.
- 3) Mental or physical unfitness for the position which the employee holds.
- 4) Dishonest, disgraceful, immoral, or prejudicial conduct.
- 5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid

or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under Civil Service.

- 6) Conviction of any felony or misdemeanor, directly or indirectly related to the employee's employment with the City of Port Angeles.
- 7) Any other act or failure to act which, in the judgment of the Appointing Power, is sufficient to show cause for disciplinary action, including but not limited to the following:
 - a) Absence without leave;
 - b) Sexual harassment;
 - c) Negligent or willful damage to public property or waste of public supplies or equipment;
 - d) Fraud or dishonesty in securing appointment or promotion;
 - e) Failure to report an accident or falsely filing a report concerning an injury;
 - f) Willful or intentional violation of the department's policy manual.

9.02 - Types of Discipline:

A regular full-time employee (excluding probationary employees who are not subject to these Civil Service appeal procedures for disciplinary action) may be disciplined for just cause, as set forth in Section 9.01. Disciplinary actions include demotion, suspension without pay, reduction in pay, discharge, or other such action resulting in the loss of compensation or benefits.

9.03 - Pre-Discipline Procedures and Notice:

An employee who is being considered for disciplinary action is entitled to an administrative review and an informal hearing of the charges prior to imposing the disciplinary action, except in emergency situations where such review shall be after the disciplinary action has been implemented. During this review, the employee shall receive in writing the nature of the charges, citing specific violations of rules, policies, procedures, etc., and be given an opportunity to respond to the charges as to why the proposed disciplinary action should not be imposed.

9.04 - Right to Representation:

The employee has a right to have legal counsel and/or other representative present during the informal hearing process, or any other discussions between the employee and supervisor, if such discussions relate to the disciplinary action being considered.

9.05 - Evidence Supporting the Charges:

The department's explanation of the evidence during the administrative review process shall be sufficient to apprise the employee of the basis for the proposed action. This however, shall not be construed as limiting the department from presenting more detailed or additional information at a later date when such information was not known or was unavailable at the time of the discussion.

9.06 - Post Administrative Review Actions:

The Department Head shall consider the response from the employee or representative and either affirm, modify, or cancel the proposed disciplinary action. The decision may be made during the administrative review process or at a later time after additional consideration. However, in either event, a written response as to the Department Head's decision will be provided to the employee, with a copy to the Civil Service Commission.

SECTION 10 - APPEAL HEARINGS

10.01 - Types of Appeals:

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

10.02 - Time and Notice:

A notice of appeal shall be filed with the Commission within fourteen (14) calendar days of the action or knowledge of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address of the appellant. The notice shall also contain a detailed description of the facts giving rise to the appeal, and a concise statement of the reason for the appeal, together with the requested remedy. Failure to submit an appeal within the time limits specified shall result in a denial of the appeal.

10.03 - Exhaustion of Remedies:

An employee may not use the Civil Service appeal process on any matter subject to the grievance process of the collective bargaining agreement. Any administrative process available to the employee prior to the Civil Service process must be used prior to this appeal process, i.e., exhaust administrative remedies.

10.04 - Scheduling:

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

10.05 - Service and Filing:

- 1) The Secretary shall cause to be served all orders, notices, and other papers issued by the Commission, including subpoenas. All other papers shall be served by the party filing the notice, document, or paper.
- 2) All notices, documents, or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of the initial appeal to the Commission shall be in person or by registered

or certified mail, and all other correspondence may be by regular mail service.

- 3) Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers at City Hall or three (3) days after mailing, whichever is earlier. A list of known issues, exhibits, stipulations, and evidence shall be provided to the Secretary for the Commission and the affected Department Head at least five (5) work days prior to the hearing. Any documents to be used during the appeal hearing must be provided to the Commission and the opposing party at the beginning of the hearing for proper discovery.
- 4) An appellant or petitioner is responsible for notifying the Commission in writing of any change in address and telephone number.

10.06 - Discovery:

Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Commission prior to the beginning of the hearing.

10.07 - Settlement:

- 1) The exercise of jurisdiction by the Commission over a matter does not preclude the parties from settling the matter prior to the hearing. Upon resolution of a matter prior to hearing, the appellant shall request the dismissal of the matter and the parties shall notify the Commission of the settlement.
- 2) The parties are encouraged to settle appeals prior to formal hearing and may meet with the Chief Examiner for pre-hearing settlement conferences in order to settle contested matters.

10.08 - Burden of Proof:

At any hearing on appeal resulting from a disciplinary action, the Appointing Power shall have the burden of showing that its actions was for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

10.09 - Evidence:

- 1) Subject to other provisions of these rules, all complete and relevant evidence shall be admissible, as determined by the Commission.
- 2) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible or hearsay evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.

- 3) At any hearing before the Commission when documentary exhibits are to be offered into evidence, the original shall be provided to the Commission and copies shall be furnished to the opposing party and to each Commission member.
- 4) Witnesses in any hearing shall be examined verbally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.

10.10 - Deliberation:

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

10.11 - Decision:

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

10.12 - Judicial Review:

Any court action challenging a final action or decision taken by the Chief Examiner or Commission shall be commenced within fourteen (14) calendar days of such action or decision. The cost of preparing any transcript that may be necessary for judicial review shall be borne by the party seeking such judicial review.