

Civil Service Rules and Procedures

Of the

**Civil Service Commission
City of Poulsbo, Washington**

**Adopted by the
Civil Service Commission
June 17, 2003**

**Ron Appleton, Chairman
Bill Ridley, Commissioner
Ardis Morrow, Commissioner**

Don Morrison, Secretary/Chief Examiner

POULSBO CIVIL SERVICE RULES

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Exhibits:		
	<ul style="list-style-type: none"> • Chapter 2.84 Poulsbo Municipal Code (CSC Organization, Powers and Duties, etc.) • RCW 41.04.010 Veterans' Preference in Examinations Job Classification Descriptions • Police Officer and Police Sergeant Position Classification 	

1. **GENERAL PROVISIONS**

1.010. **AUTHORITY AND APPLICATION.** These rules are promulgated pursuant to the authority granted by Chapter 2.84 of the Poulsbo Municipal Code to the Civil Service Commission. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of PMC Chapter 2.84.

1.020. **SCOPE AND PURPOSE.** These rules govern the continuing administration of the Civil Service System of the City of Poulsbo. The purpose of these rules is to assure that the Civil Service System in the City is administered in accordance with the City of Poulsbo ordinances, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

1.030. **PRESUMPTION OF VALIDITY.** The Civil Service System implemented by these rules substantially accomplishes the purpose of chapters 41.08 and 41.12 RCW. These rules are presumed to be valid and shall be upheld unless in direct conflict with chapters 41.08 and 41.12 RCW.

1.040. **SEVERABILITY.** If any rule, section, paragraph, sentence, clause, phrase or word of these rules is declared unconstitutional, illegal, or void for any reason, such decision shall not affect the validity of the remaining portions of these rules. The Commission hereby declares that it would have prescribed and adopted these rules, and each rule, section, paragraph, sentence, clause, phrase and word hereof, regardless of the fact that any one or more rules, sections, paragraphs, sentences, clauses, phrases or words be declared unconstitutional, illegal, or void.

2. **DEFINITIONS**

The following words and phrases shall have the meanings hereinafter described unless the context in which they are included clearly indicates otherwise.

2.010. **ACTUAL SERVICE**. Time in which a given employee has been engaged under civil service appointment in the performance of the duties of a position or positions and shall include absences with pay.

2.020. **ALLOCATION**. The locating or placing in the classified service of a position in the class appropriate to it on the basis of duties and responsibilities and required qualifications of such position.

2.030. **APPLICANT**. Anyone who has filed an application to take a civil service examination.

2.040. **APPOINTING AUTHORITY**. The person, group of persons, board, commission or council vested with the power and authority to select, appoint, or employ any person to hold any office, place, position or employment with the City of Poulsbo subject to Civil Service.

2.050. **APPOINTMENT--REGULAR**. The appointment of a certified eligible.

2.060. **APPOINTMENT--TEMPORARY**. An appointment other than from an eligible register for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment.

2.070 **ASSIGNMENT**. An employee may be assigned to a position which carries additional salary and additional limited responsibilities and is within the scope of the specifications for the class from which assignment is made.

2.080. **BREAK IN SERVICE**. A separation from civil service status with a loss of accumulated service credit as occasioned by a "quit," "resignation," "discharge," or "service retirement."

2.090. **BUSINESS DAYS**. Calendar days exclusive of Saturdays, Sundays, and legal holidays.

2.100. **CANDIDATE**. Any applicant who has completed, or is in the process of completing, a civil service examination.

2.110. **CERTIFICATION**. A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.

2.120. CERTIFY. Verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.

2.130. CITY. The City of Poulsbo.

2.140 CLASS. A group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.

2.150. CLASS SERIES. Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as [Police Officer, Police Sergeant, Police Lieutenant].

2.160. CLASS SPECIFICATION. A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.

2.170. COMMISSION. The Civil Service Commission. The term Commissioner means any one member of said Commission.

2.180. CONTINUOUS SERVICE. Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.

2.190 DEMOTION. The removal of an employee from a higher to a lower class because of incapacity, inefficiency, misconduct or other similar causes.

2.200. DEPARTMENT HEAD. Police Chief.

2.210. DISCHARGE. Termination, separation, dismissal, or removal from the service for cause.

2.220. ELIGIBLE. Anyone qualified for a given class through examination and placed on the proper eligible register; also, "certified eligible."

2.230. ELIGIBLE REGISTER. A list of successful examinees for a given class from which certification may be made to fill vacancies in such class.

2.240. EMPLOYEE. Anyone holding a position in the Civil Service System of the City of Poulsbo.

a. EMPLOYEE--REGULAR. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.

b. EMPLOYEE--TEMPORARY. Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available (provisional).

c. EMPLOYEE--EXEMPT. Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority.

d. EMPLOYEE--PROBATIONARY. A person appointed from a certification who has not yet completed one year of continuous service.

e. A regular employee is the only employee with rights under Rule 16.01.

2.250. EXAMINATION. The process of testing the fitness and qualifications of applicants for positions in a specific class.

a. EXAMINATION--OPEN GRADED. An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing such examination.

b. EXAMINATION--PROMOTIONAL. An examination limited to employees meeting the requirements stated in the official bulletin announcing such examination.

2.260. INTERESTED PARTY. A person who has a clear legal or equitable right in any civil service affair, matter or proceeding and whose interest is immediate and substantial and not nominal or remote.

2.270. LAYOFF. Separation from a permanent position because of economy, lack of funds, lack of work or because the position has been abolished.

2.280. OFFICIAL BULLETIN. The examination announcement containing basic information about the class positions, the requirements for filing, how to apply, and other pertinent information which is posted in the Commission's office and in other suitable locations.

2.290. OFFICIAL NEWSPAPER. The newspaper designated as official by the City, or as otherwise designated by the Commission.

2.300. PERSONAL PRONOUN. The personal pronoun of the masculine gender shall apply equally to the feminine gender when appropriate.

2.310 POSITION. Any group of duties and responsibilities in the service of the City which one person is required to perform as full- or part-time employment.

a. POSITION--REGULAR. A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position established during a given budget year, unless the appointing authority certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.

b. POSITION--REGULAR PART-TIME. Employment in a regular position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.

2.320. PROBATION OR PROBATIONARY. The status of an employee during a trial period following an appointment from an eligible register. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position prior to certification to regular employment.

2.330. QUIT. Any voluntary separation of an employee from the City service without acceptance of a resignation by the appointing authority.

2.340. REDUCTION. The removal of an employee from a higher to a lower class in lieu of layoff or for other reasons not associated with demotion. Such reduction may be at the employee's request with the concurrence of the appointing authority and the Commission.

2.350. REGISTER. A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment. See 2.230, "Eligible Register."

2.360. REINSTATEMENT. Reappointment of an employee to a position in a class in which he was a regular employee.

2.370 REINSTATEMENT REGISTER. A list of names of persons who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement.

2.380. RESIGNATION. A written request by an employee for separation from a class or from the City service. To be valid, such request must show written approval of the appointing authority.

2.390. SECRETARY. Secretary and Chief Examiner as defined in Chapter 4.

2.400. SENIORITY. The total amount of continuous service, less any break in service, in position or positions of a specified class or total amount of actual service in

the class if reemployed. For purposes of layoff in a lower class, seniority in such class shall include any service in a higher class in the same class series.

2.410. STANDING--REGULAR. The full civil service status of a regular employee.

2.420 SUSPENSION. Temporary removal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in demotion or discharge.

2.430. VETERANS' PREFERENCE. Preference in examinations and employment, based on military service, as provided and defined pursuant to Title 41.04 RCW.

3. ADMINISTRATION AND OPERATIONS

3.010. COMMISSION--MEETINGS--QUORUM. In the necessary conduct of its work, the Commission shall meet on the third Tuesday of each month at 7:00 p.m. in the Poulsbo City Council Chambers, unless there is no pending business requiring Commission action. In the event that any regular meeting date falls upon a City holiday, the meeting shall be conducted on the next regular business day unless a special meeting date is set in advance. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public. Provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 43.20 RCW, as amended). If a commissioner has three or more successive unexcused absences from any regular or special meetings of the Commission, the Mayor, upon recommendation of the Commission, may remove the said commissioner from office.

3.020. CHAIR--VICE CHAIR. At the first regular meeting in January of each year, the Commission shall elect one of its members as chair and another member to serve as vice chair for a term of one year. Should a chair and/or vice chair resign or be removed from the position prior to the expiration of his term, the Commission, upon appointment of a new member, shall proceed to the election of a new chair and/or vice chair.

3.030. RULES OF ORDER. Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules.

3.040. COMMISSIONERS--CHALLENGE. Any challenge to a commissioner sitting at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged commissioner shall review and rule on the challenge prior to proceeding with the hearing. Upon a commissioner's finding of cause for disqualification, the commissioner shall take no part in the hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown to a party prior to commencement of a hearing.

3.050. COMMISSIONERS--CHALLENGE--NECESSITY. If, as a result of disqualification(s) pursuant to Rule 3.040, there is no longer a lawfully constituted quorum available, then by reason of necessity the disqualified commissioner(s) shall return and proceed with the hearing.

3.060. OFFICE--HOURS. The official office address of the Civil Service Commission shall be at City Hall which is located at:

19050 Jensen Way N.E.
P. O. Box 98
Poulsbo, WA 98370

The regular office hours of the Commission Secretary shall be 9:00 a.m. to 4:00 p.m., Monday through Friday.

3.070. VALIDITY OF TEST SCORES. The written and physical agility scores of any applicant shall be valid for up to 15 months from the date of testing or up to 12 months from the date of placement upon the Subscriber's eligibility list, whichever occurs first, following the report of the contractor, in accordance with Civil Service Commission Rules.

3.080. PUBLIC RECORDS. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission Secretary. No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the Commission Secretary and under his supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by City ordinance. These rules shall be made available to the public for free in accordance with RCW 41.08.040 and 41.12.040.

3.090. RECORD OF PROCEEDINGS. The Commission shall keep an audiotape record of its proceedings and minutes of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered by the Kitsap County Superior Court. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his own expense, may have a court reporter record all or part of a proceeding. On appeal or review by the court, costs of transcription shall be paid by the appellant and final cost recovery by the prevailing party shall be awarded at the discretion of the reviewing court. Upon appeal or review by the court, transcription and certification of a record of proceedings shall be arranged by the Secretary.

3.100. REPORTS--APPLICANTS, ELIGIBLES, EMPLOYEES.

a. Each applicant, eligible and employee shall keep the Commission informed, by written notice to the Secretary, of his current address and telephone number, and shall report any change of name through marriage or otherwise.

b. Each eligible shall keep the Secretary informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefor.

3.110. REPORTS--DEPARTMENT HEADS. A department head shall immediately report to the Secretary in such detail and on such forms as the Secretary may prescribe:

a. Every appointment, transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, assignment, change of position within a class or within an assignment title, change of title, change of compensation;

b. Every separation from the service with the reasons therefore;

c. Every refusal or failure to accept appointment by a person whose name has been certified.

4. **SECRETARY AND CHIEF EXAMINER**

4.010. SECRETARY AND CHIEF EXAMINER--APPOINTMENT. A Secretary and Chief Examiner (hereafter "Secretary") shall be appointed by the Commission. The Secretary appointed by the Commission shall, in addition to acting as Secretary of the Commission:

- a. Be the executive officer and responsible to the Commission;
- b. Keep the minutes and other records of the Commission, and certify to the same when required;
- c. Administer and make effective the provisions of these Rules, establishing such administrative controls as may be necessary;
- d. Make recommendations relative to matters of policy and for necessary amendments to these Rules;
- e. Report to the Commission from time to time as directed concerning the details of his work;
- f. Prepare the budget for the Commission, approve accounts and administer generally the expenditure of funds appropriated for the operation of the Commission;
- g. Order, prepare or cause to have prepared, and conduct all examinations except those that may be conducted by subscription testing services pursuant to Rules 8.180 and 8.190:
 - (1) Determine the examination to be conducted or coordinate with subscription testing services on continuous testing and subscription based examinations to be conducted according to Rules 8.180 and 8.190;
 - (2) Prepare and cause to have posted bulletins announcing examinations conducted by the Commission;
 - (3) Plan and/or prepare or cause to have prepared the questions to be used in each examination prepared by the Commission, together with the standards or key answers;
 - (4) Determine that minimum qualifications are met by the applicants, pass upon all questions relating to the eligibility of applicants, the examination, extensions of time and all questions arising during the course of an examination, subject to appeal to the Commission as provided herein;

(5) Grade the examination papers and the qualifications of applicants, and establish a list of those who have passing grades, or in the case of subscription testing, review the list established pursuant to subscription testing;

(6) Prepare a complete report of each examination for submission to the Commission, together with a report on all appeals from his rulings or appeals from any part of the examination; and

(7) In performing any of the above duties, the Secretary is allowed to use the services and advice of a qualified professional consultant.

h. Certify in the name of the Commission payrolls or accounts in accordance with the State Law;

i. Conduct investigations and inspections as the Commission deems necessary and report findings to the Commission;

j. Perform all other functions necessary for the proper carrying out of these Rules and the provisions of City ordinances relating to the civil service, and such additional duties as may be assigned to him from time to time by the Commission; and

k. Use publicity, paid advertising, subscription testing services, or other public relations means to interest people in becoming employees of the City of Poulsbo within such limits as may be prescribed by the Commission.

4.020. CODIFICATION AND PUBLICATION OF REGULATIONS. The Secretary shall have the power and authority to codify, organize and classify all rules and regulations of the Civil Service Commission in a logical, orderly and systematic manner, which shall be properly indexed and shall cause the same to be printed and published together with all amendments thereto, regularly as they are made, to be made available to the public generally pursuant to RCW 41.08.040 and 41.12.040.

4.030. REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY.

a. The Commission on its own motion may review or modify any action or decision of the Secretary.

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

5. RULE-MAKING

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

5.020. EFFECTIVE DATE OF RULES. All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.

5.030. COPIES OF RULES. A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to each affected department of the city and appropriate persons. A copy shall be maintained in the office of the Commission for public inspection and copies shall be available for free public distribution as required by state law.

5.040. EFFECT OF RULES. The terms and conditions of civil service employment are governed by these rules, and applicable statutes and ordinance. No employee shall have a property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the civil service, and employees are subject to these rules and amendments thereto.

6. CLASSIFICATION

6.010. CLASSIFICATION PLAN. A class specification shall be prepared and maintained for each class in the classified Civil Service System. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.

6.020. ADMINISTRATION OF POSITION CLASSIFICATION. The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever directed by the appointing authority and/or the Commission. In performing the above duty, the Secretary is allowed to use the services and advice of a qualified professional consultant.

6.030. CLASSIFICATION OF POSITIONS.

a. Each position in the classified service shall be classified at the direction of the Secretary and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:

- (1) The same descriptive title may be used to designate each position in the class;
- (2) The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and
- (3) Similar tests may be used to select incumbents.

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

c. Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.

d. In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationship thereof to other classes. The examples of duties set forth in such specification shall not be construed as all inclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

e. It shall be the duty of responsible administrative officers in the various departments to report to the Secretary any and all organization changes which will abolish or affect changes in existing positions or establish new positions. When an appointing authority requests the establishment of any new or additional position of more than sixty (60) calendar days' duration, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Secretary, accompanied by a statement of the duties, responsibilities and qualification requirements of the position. In those instances where gradual shifts in work emphasis or changing work conditions have affected material changes in existing positions, the Secretary shall be notified in writing by the affected department before the end of the budget year. In those instances in which the duties of a position are materially changed for other reasons, the Secretary shall be notified immediately and not later than ten (10) business days from the date of such change. The Secretary shall report any and all of these changes to the Commission. Nothing herein shall restrict the ability of the appointing authority to direct its employees nor limit its ability to assign work to deal with emergency operations.

f. ASSIGNMENT. An employee may be assigned to a position which carries additional salary and limited additional duties and responsibilities and is within the scope of the specification for the class from which assignment is made. If the duties of the position for which an assignment is proposed are beyond the scope of the official specification for the base class, such position must be separately classified and eligibility established by examination. No permanent or vested rights shall be acquired by reason of such assignment, and such assignments shall be subject to review and change by appointing authority at any time.

6.040. EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT.

a. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as held in the former class.

b. Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment thereto in accordance with these rules.

c. Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the appointing authority and the Commission, elect to take a voluntary reduction to the lower class; or at his option and with the concurrence of the appointing authority and the Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which he has regular standing.

7. APPLICATIONS AND APPLICANTS

7.010. GENERAL REQUIREMENTS FOR FILING APPLICATIONS.

a. All applicants for examination for positions in the classified Civil Service must file written application on a form prescribed by the Secretary; and no one shall be admitted to any examination without having first filed an application on the proper form, giving fully, truthfully, and accurately all information required.

b. In order to file an application for examination, the applicant must:

(1) Meet the minimum requirements specified in the official examination bulletin as of the closing day of the official filing period; and

(2) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

c. Time for filing applications:

(1) All applications for examination shall be filed with the Secretary during office hours and with the time limit fixed in the official announcement of examination. Applications received by mail in the office of the Commission must be postmarked on or before the closing date.

(2) The time for filing applications may be extended by the Secretary as the needs of the service require; provided that the examination shall then be re-advertised in the official newspaper of the city and in any other places where originally advertised.

7.020. APPLICATIONS FOR PROMOTIONAL EXAMINATIONS. When designated in the official bulletin, the Secretary may permit regular employees and probationers to file for and take a promotional examination for delayed eligibility so that a candidate who does not yet qualify, but will qualify during the term of an eligibility register, may take the examination.

7.030. SPECIAL REQUIREMENTS. The Commission, at the request of the appointing authority, may prescribe such limits and such other specific requirements, physical or otherwise, as required by and related to the work to be performed.

7.040. REJECTION OF APPLICANT OR ELIGIBLE. The Secretary may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

a. Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;

- b. Is physically or mentally unfit to perform the duties of the position sought;
- c. Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;
- d. Fails to appear for fingerprinting or other investigation as required;
- e. Has assisted in preparing the examination for which application is sought, or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- f. After notification, did not promptly appear at the time and place designated for the examination;
- g. Such actions contemplated by this rule may also be taken for other material reasons.

See Rule 4.030, "Review of and Appeal from Actions or Decisions of the Secretary."

7.050. DEBARMENT FROM EMPLOYMENT. Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be subject to immediate discharge and shall be ineligible for any further employment in the Civil Service.

7.060. NOTICE OF NON-ACCEPTANCE. Anyone against whom action is taken under Rule 7.050 shall be notified promptly by the Civil Service Commission of the reasons therefore by either oral notice at time of filing the application and/or written notice mailed to the applicant or eligible.

7.070. ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary 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.

7.080. AMENDMENT OF APPLICATION. The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.

7.090. APPLICATIONS NOT RETURNED. All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

7.100. APPLICATION FEE. As published in the official bulletin.

8. EXAMINATIONS

8.010. ORDERING EXAMINATIONS. The Commission shall order an examination whenever it is deemed to be in the best interest of the City. The Secretary shall administer examinations as provided by these rules.

8.020. EXAMINATION ANNOUNCEMENT. Public notice of examinations shall be given by the Secretary in the official newspaper at least ten (10) business days preceding such examination and in any other publications which the Secretary may direct. The official bulletin shall be posted at the Port of Poulsbo, Poulsbo City Hall, the Poulsbo Post Office and in appropriate departments. Promotional examination notices shall be posted in Poulsbo City Hall and in department offices not less than thirty (30) calendar days preceding the examination.

8.030. AMENDMENTS TO ANNOUNCEMENTS. The Secretary may amend any published announcement with appropriate public notice.

8.040. CONTINUOUS EXAMINATIONS. a. A continuous or periodic examining program may be ordered and administered by the Secretary, as directed by the Commission, for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places as determined by final grades without regard to priority of tests. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

b. To expedite certification and appointment and to maintain security of examination materials, no keyed copy of the written test will be provided at any time. The eligible register may be promulgated immediately after the results are obtained.

c. Except as provided above, the rules applicable to other examinations shall apply to continuous and periodic examinations.

8.050. COMPETITIVE EXAMINATIONS. All examinations shall be competitive when applicants are tested as to their relative qualifications and abilities or when applicants are scored against a fixed standard. Examinations shall be open to all qualified applicants, provided that the number of applicants permitted to take examinations may be limited as follows:

a. Whenever the appointing authority determines that restricting the examination to applicants who have previous work experience with the Department, whether through employment or volunteer work, will be in the best interest of the City,

will not violate the City's equal employment opportunity policy, and that sufficient applicants will be available from such group to insure a competitive examination, the examination shall be restricted to such applicants by order of the Commission;

b. Upon recommendation of the appointing authority, the Commission may set a maximum number of applicants permitted to take the written portion of any examination to the greatest number that can reasonably be tested in light of the available testing facilities, funds and time available for administering and grading the examination, which in any event shall not be less than 75 applicants;

c. The Commission, upon recommendation of the appointing authority, may limit the maximum number of applicants permitted to take the physical and/or oral portions of any examinations which follow the written portion of the examination, to the maximum number which can reasonably be accommodated in light of the facilities, time and funds required to administer and grade such examinations, which in any event shall not be less than 10 applicants; and

d. When a limit has been set upon the number of applicants permitted to take the written examination, priority shall be established by the date and time of filing of a complete application, including payment of any required fee. When a limit has been established upon the number of applicants permitted to take the physical and/or oral portions of any examination, priority of applicants shall be determined according to the grade earned on the written portion of the examination. In the case of a tie score on the written portion of the examination, when necessary the date and time of filing of a complete application and payment of all required fees shall be used in applying the limit upon the number of applicants permitted to take the test. Such limitations shall be made prior to the giving of notice of the examination and shall be set forth in all notices of the examination.

8.060. CONTENT OF EXAMINATIONS. Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, or any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.

8.070. PARTS AND WEIGHTS. Each examination shall embrace two or more parts to which percentage weights shall be assigned, which weights shall total 100%. Each part shall be graded independently. This grade shall be multiplied by the percentage weight assigned to such part and the sum of the resulting products shall be called the weighted average. Applicants will be informed in the application materials of the relative weights of each examination.

8.080. PASSING GRADES.

a. In its discretion, the Civil Service Commission may establish a minimum passing grade for entry examinations, exclusive of veterans credit, if any. In order to conserve financial resources, the Commission may also establish a numerical cut off for candidates based on written test scores, thereby limiting the number of candidates forwarded for physical agility or other testing process. The passing grade shall be established with reference to minimum qualifications required for an applicant and after consideration of the advice of the person or persons who prepare the test. No minimum passing score shall be required for promotional examinations.

b. At the direction of the Commission and based upon the advice of the person or persons who have prepared the examination, the secretary may set a minimum score to be required in any part of any entry examination and any applicant who fails to attain such minimum score shall be considered as having failed in the entire examination and shall not be entitled to take the balance of the examination or, when all parts of the examination have been applied, any applicant who fails to obtain such minimum score on any part shall be considered as having failed in the entire examination and any remaining parts of the examination need not be scored. This paragraph shall not apply to promotional examinations.

c. When a minimum score is required for an examination or any part thereof, it shall be stated in the official bulletin and announced at the time of examination.

8.090. PROMOTIONAL EXAMINATION. Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the Commission. Upon showing from a department that special training and knowledge gained within a department is essential to the proper filling of the vacancy, the Commission may limit an examination to a promotional within a department only, provided that sufficient persons within a department are qualified.

8.100. OPEN GRADED EXAMINATIONS. An examination may be advertised as open graded when, in the judgment of the Commission, it is in the best interest of the service.

8.110. VETERANS' CREDIT. Veterans who have passed an examination, shall be entitled to credit pursuant to Chapter 41.04 RCW. A copy of pertinent provisions of Washington State law relating to veterans' preference in employment is attached in the Appendix to these rules. No other credit shall be given.

8.120. KEYED COPY INSPECTION AND EXAMINATION PROTEST.

a. Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Secretary within three (3) business days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.

b. When a keyed copy is provided, protests against the proposed keyed answers must be filed in writing within three (3) business days or within the time limit specified on the examination instruction sheet. Challenge shall be made after inspection of the tests in accordance with and as limited by the terms of any agreement covering the use of a standardized test.

c. When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest or appeal must be filed in writing within ten (10) business days after the notices of results have been mailed.

d. Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within ten (10) business days after the notices of results have been mailed.

e. All protests filed in accordance with this rule shall be considered and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

8.130. CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected by the Secretary 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.

8.140. EFFECTIVE DATE OF EXAMINATION RESULTS. Results of an examination shall become effective on the date official notice thereof is posted on the Poulso City Hall bulletin board.

8.150. REEXAMINATION.

a. No one shall be reexamined for the same class within six months of the effective date of such examination, unless authorized by the Commission upon determination that it would be in the best interest of the City.

b. If an eligible takes a succeeding examination for the same class, the result of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the register and the eligibility that will provide the greatest advantage to the eligible shall be used.

8.160. EXAMINATION PAPERS. Examination papers of each eligible shall be kept on file in the office of the Commission until the expiration of eligibility.

8.170. ADDITIONAL EXAMINATION.

a. Eligibles certified pursuant to Rule 10 shall be subject to medical, physical, or psychological examination and to such other examinations, as specified in

the official bulletin and as authorized and approved by the Commission. Such other examinations include, but are not limited to, background examination and polygraph; provided, however, a polygraph examination shall be allowed only for entry-level applicants. Reports of such examinations shall be filed with the Commission in the event the findings of the examination lead to a recommendation that the eligible be rejected. The Commission shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the eligible register.

b. The Secretary may designate a limited number of certified eligibles for additional examination as provided in Rule 8.170(a), in order to maintain an ability to certify registers pursuant to Rule 10.

8.180 SUBSCRIPTION TESTING SERVICES

a. Subscription Testing Services Authorized. The Secretary, following approval by the Commission, may enter into contracts with one or more Subscription Testing Services.

b. Subscription Testing Service Defined. "Subscription Testing Service" means a person or organization offering a service that tests and maintains lists of candidates for employment who have successfully completed the Subscription Testing Service process.

c. Process Verification. The Secretary shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.

d. Certification.

(1) All applicants certified as a qualified candidate by the Subscription Testing Service may be subject to additional testing prior to review and approval by the Commission prior to referral to the appointing authority. Following qualification of candidates pursuant to applicable Civil Services rules and the procedure set forth in the contract with the Subscription Testing Service, candidates may be certified as eligible for appointment to the Appointing Authority.

(2) By motion or other approval, the Commission may delegate to the Secretary the review and approval of candidates. Upon such delegation, the secretary shall verify that candidates for placement on the eligible register meet the minimum eligibility requirements for employment.

(3) Candidates qualified for appointment pursuant to the procedures established in this Rule shall be placed on the eligible register in accordance with Rule 9.010; provided, however, that candidates rejected by the Commission for 1) not satisfying any test requirement; 2) not completing probation; or,

3) following certification, not responding to the appointing authority for consideration, shall be removed from the eligible register.

e. Additional Testing. Candidates qualified pursuant to a Subscription Testing Service shall be subject to such additional testing as may be required by the Commission or the appointing authority. Such testing may include, but not be limited to, background, polygraph, psychological, drug, and physical agility.

8.190 CONTINUOUS TESTING SERVICES BY SUBSCRIPTION SERVICE

a. Continuous Testing Eligibility List. The Secretary/Chief Examiner, following approval by the Commission, may establish any eligibility list for use by applicants tested through and certified for eligibility through this continuous testing process.

b. Continuous Testing Defined. Continuous testing shall mean a written examination or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards whose results shall be valid for a period of up to one calendar year from the date of certification to a Continuous Testing Initial Eligibility list. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a subscription testing agreement.

c. Certification. Applicants certified pursuant to a continuous testing process shall be placed on a Continuous Testing Initial Eligibility list. Certification shall be in accordance with the rules and regulations of this Commission. As each applicant is placed in accordance with his or her scores and veteran's preference (if applicable) the placement of all others on the list shall be adjusted.

d. Additional Testing. Applicants placed upon this eligibility list shall be subject to such other testing processes as the Commission shall direct, including but not limited to oral boards or any other testing process conducted by the Commission or by a subscriber pursuant to Rule.

e. Removal of Names. The names of candidates certified to this eligibility list shall remain on the list until either certified to a secondary hiring list following an oral board or other testing as established by the Commission, the expiration of one year from the date of certification or until the candidate has been hired by another public safety organization. Names may be removed upon notification by the candidate, upon the written notification of another public safety employer or an entity providing subscription testing.

9. REGISTERS AND ELIGIBILITY

9.010. ESTABLISHMENT OF ELIGIBLE REGISTERS. After each examination, an eligible register for the class shall be prepared on which the names for successful candidates shall be ranked as follows:

a. On a promotional register: relative rank shall be determined by the examination rating or grade, plus any additional points or percentage allowed by law for veterans' preference.

b. On an open graded register: relative rank shall be determined by the examination grade, plus percentage allowed by law for veterans' preference.

c. Priority of time of examination shall not give any preference in rank on the register.

d. The preference in rank of eligibles having equal, final general averages shall be determined as follows, in the order stated:

(1) When the examination is composed of two or more parts with separate grades, the one who has:

(a) the highest grade on the most heavily weighted part of the examination; if a tie still exists, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains;

(b) the highest grade on the written test if all parts are weighted equally; and

(c) if one is a regular or probationary City employee and the others are not, the regular City employee has preference.

(2) By lot.

e. If an applicant is permitted to file for and take an examination for delayed eligibility and if such applicant is successful in the examination, eligibility shall be held in abeyance until the candidate meets the requirements for eligibility, which must be reported in writing. If otherwise eligible, the candidate's name shall be placed on the register in accordance with the final examination grade. Any such eligibility shall expire with that of other eligibles from the same examination.

9.020. RETURN TO REGISTER FOLLOWING LAY OFF. On lay off, an employee's name shall be placed upon the proper eligible register for the class, according to the grade, for one year from the date of such lay off.

9.030. RETURN TO ELIGIBLE REGISTER AFTER RESIGNATION OR RETIREMENT.

a. A former employee who resigned or retired may request return of his name to the proper open graded eligible register for the class. Such request must be made within one year from the date of resignation or retirement.

b. Any requests for return to register following resignation or retirement must be supported by written recommendation of the former employing department.

c. A former employee whose eligibility is reinstated under this rule shall be certified according to Civil Service Rule 10.05. However, the name of such an eligible need be considered only by the department which recommends return of the name to the register.

d. The name of a former employee who resigned or retired may not be returned to a promotional register, unless recommended by the head of the former employing department and approved by the Civil Service Commission within one year from the date of resignation or retirement.

9.040. APPOINTMENT WITHOUT EXAMINATION. Except as provided in 9.020, 9.030, and 9.050, any return to the Civil Service shall be by examination only.

9.050. ESTABLISHMENT OF REINSTATEMENT REGISTERS. a. The names of regular employees who have been laid off or, when requested in writing by the appointing authority, probationary employees who have been laid off, shall be placed upon a reinstatement register for the same class and for the department from which laid off, for a period of one year from the date of lay off.

b. Upon the request of an appointing authority, the secretary may approve the certification of any one on such a reinstatement register as eligible for appointment on an open competitive basis in the department requesting certification.

c. Any one on a reinstatement register who becomes a regular employee in another department shall lose reinstatement rights in the former department.

d. Any one accepting a permanent appointment in the class from which laid off and in a department other than that from which laid off is not to be certified to the former department unless eligibility for that department is restored.

e. Refusal to accept permanent work from a reinstatement register shall terminate all rights granted under this chapter; provided, no one shall lose reinstatement eligibility by refusing to accept appointment in a department other than the one from which laid off.

9.060. DURATION OF ELIGIBLE REGISTERS.

a. If an applicant is permitted a delayed administration of an examination, and is successful in such examination, that applicant's eligibility shall expire with that of other eligibles from the same examination.

b. In no event shall a register remain in force for longer than twelve (12) months, unless extended by the Commission at the request of a department head for only one additional twelve month period.

c. No register shall remain in effect after promulgation of a register from a subsequent examination.

d. Eligibility upon return of a name to an eligible register following resignation shall be for one year from such return.

e. An employee who accepts a position in another class in the same department or accepts an appointment in another department, or is laid off, shall retain all earned eligibility for the periods provided for in Rule 10, except that if an appointment is accepted in another department (whether following a lay off or otherwise), continuation of the departmental promotional eligibility for the first department shall be at the option of that department.

9.070 JOINT TESTING

a. When the Commission by inter-local agreement has entered into a joint testing agreement with other public agencies that provide law enforcement, such inter-local agreement may individually vary the standards set forth in these rules. The Secretary/Chief Examiner shall report to the Civil Service Commission prior to any joint testing process. The Commission's approval of such testing process shall be deemed approval and variance (if applicable) of the standards established by these rules, provided, however, that no variation in the testing process shall be approved which does not substantially conform to the purposes of the Washington State Civil Service Statutes and the Poulsbo Civil Service System as adopted by ordinance.

9.080. AVAILABILITY OF ELIGIBLES.

a. It shall be the responsibility of an eligible to notify the Secretary in writing immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment.

b. The name of an eligible who submits a written statement restricting the conditions under which available for employment, shall be withheld from certifications which do not meet the conditions specified. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.

9.090. CANCELLATION OF ELIGIBILITY.

a. Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character 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 shall be deemed cause for cancellation of eligibility.

b. Separation from the service will terminate any promotional eligibility.

c. Upon request of an appointing authority that an eligible has failed to respond to call, or has refused to accept employment, the Secretary may strike the eligible's name from the register.

d. Failure to respond to the canvass of a register within ten (10) business days from such canvass shall be deemed cause to strike the name of any eligible from the register.

e. Refusal to accept reemployment in a permanent position shall constitute separation from the service except as provided in Rule 9.050(e).

f. Such action contemplated by this rule may also be taken for other material reasons.

9.100. RESTORATION OF NAMES TO ELIGIBLE REGISTERS. The name of an eligible which has been removed from a register may be restored upon written request to the Commission for such restoration. The request must specify the reasons for the requested restoration. The Commission may approve the request if it is deemed that the evidence submitted justifies such approval, and is in the best interest of the City.

10. CERTIFICATION AND APPOINTMENT

10.010. GENERAL PROVISIONS. Vacancies in the classified civil service shall be filled by reinstatement, promotional appointment, assignment, open graded appointment, transfer, reduction, demotion, or in the absence of an appropriate register, the Commission may authorize a temporary appointment.

10.020. REQUEST FOR CERTIFICATION. Whenever an appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Secretary. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment, and any other details necessary for full description of the position to be filled.

10.030. CERTIFICATION.

a. Certification to fill a vacancy shall be made by the Civil Service Commission from registers in the following order and as provided in this rule:

- (1) Lay off reinstatement registers
- (2) Resignation reinstatement registers
- (3) Eligible registers

b. Order of reinstatement:

(1) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:

(a) Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be the first reinstated;

(b) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.

(2) Upon request from the appointing authority, the Commission may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the Department, after giving the employees adversely affected an opportunity to be heard.

c. Certification of Eligibles.

(1) If a vacancy is to be filled from the promotional register, the Secretary shall certify to the appointing authority the names of the three available eligibles who stand highest on the appropriate register.

(2) If a vacancy is to be filled from an open graded register, the Secretary shall certify to the appointing authority the names of the three available eligibles who stand highest on the appropriate register.

(3) Nothing in these rules shall be interpreted to prohibit the Commission from certifying an eligible list containing fewer than three available eligibles where an insufficient number of applicants apply, fail to meet the minimum criteria established or pass the required examination(s). In such case, the Commission shall certify the names of the available eligibles who stand highest on the appropriate register. The appointing authority may then exercise its right provided in Poulso Municipal Code Section 2.84.100(D) to either appoint from the list or elect to fill the vacancy by temporary appointment until the eligible list contains the name of at least three available eligibles.

d. If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.

e. If an appointing authority makes an acceptable showing that any of the eligibles certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.

f. Where a certification of eligibles with special experience, training or skills is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position, and the Commission determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles who possess the special qualifications.

g. If a temporary vacancy is to be filled from an open or a promotional register, those eligibles with at least three months of service who are shown on the register as having been laid off within the last twelve (12) months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligibles for certification according to rule.

h. The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.

10.040. DEFERMENT OF CERTIFICATION. The Commission may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefor. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his desire to be returned to the register, and such return has been approved by the Commission.

10.050. DURATION OF CERTIFICATION. Certification shall be in effect for forty-five (45) days from its date of issuance. The appointing authority must file a

request of any appointment from such certification with the Commission. Upon request, the Commission may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification.

10.060. REGULAR APPOINTMENT. A regular appointment to fill a vacancy must be made from the names contained on the official certification. The official appointment report shall show the name of the person appointed, the effective date, the salary, the nature or duration of the appointment, and any other information required.

10.070. TEMPORARY APPOINTMENT. Where there is no suitable eligible register from which certification can be made and the best interests of the City require prompt action or the services of a temporary employee, the Commission may allow the appointing authority to make a temporary appointment. A temporary appointment may be made for a period of up to six (6) months, and may be extended up to twelve (12) months. No person shall receive more than one temporary appointment in any twelve-month period. All temporary employment in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a proper eligible register for such class is available; provided, an extension may be granted by the Commission upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the twelve-month limitation.

11. PROBATION

11.010. PROBATIONARY PERIOD.

a. After each full-time or part-time permanent appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete.

b. A regular employee who has been reduced to a lower class in which he has not had regular standing shall have probationary status in the lower class for six (6) months from the date of such reduction.

11.020. LENGTH OF PROBATIONARY PERIOD. The period of probation shall be equivalent to twelve (12) months of full-time service following appointment from an eligible register. Such period may be extended for up to an additional six (6) months if requested by the appointing authority and such extension is determined to be warranted by the Commission. If an employee is absent from duty for a prolonged period while on approved leave during a probationary period, and the appointing authority or department head does not have a reasonable opportunity to evaluate the performance of the employee, the appointing authority or the department head may calculate the probationary period of the employee on the basis of twelve (12) months of actual service, exclusive of the time away on approved leave.

11.030. INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE. A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

11.040. SERVICE IN ANOTHER CLASS. Service in a class or office other than the one to which an eligible is regularly appointed may be credited toward completion of a probationary period if the Commission has approved the written statement of the appointing authority to the effect that the probationary period may be properly judged on the basis of service in the other class or office.

11.050. PROBATIONARY DISCHARGE OR DEMOTION.

a. The appointing authority, by assigning in writing to the Commission the reasons therefor, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission except as provided in Rule 16.010(b).

b. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, in accordance with Rule 15.020 on demotion; or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the appointing authority, subject to approval by the Commission.

c. A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

11.060. CERTIFICATION TO REGULAR EMPLOYMENT. The appointing authority must certify a probationer as either satisfactory or unsatisfactory at a date not later than ten (10) days prior to the expiration of the probationer's period of probation. If satisfactory, the certification will include a recommendation for permanent employment. If unsatisfactory, the certification will include a recommendation for discharge.

12. LAYOFF

12.010. LAYOFF.

a. Order of layoff. In a given class and department, the following shall be the order of layoff: (1) temporary employees; (2) probationers (except as their layoff may be affected by military service during probation); (3) regular employees in the order of their length of service, the one with the least service being laid off first.

b. Layoff out of order. The Commission may grant permission for layoff out of the regular order, upon showing by the appointing authority of the necessity therefore in the interest of efficient operation of the department, after giving any employee or employees affected an opportunity to be heard.

c. Reduction in lieu of layoff. At the time of any layoff, a regular employee or a promotional probationer shall be given an opportunity to accept reduction to the next lower class and a series of classes in the department.

13. LEAVES OF ABSENCE

13.010. DURATION OF LEAVES.

a. A leave of absence without pay for a period not exceeding sixty (60) consecutive days may be granted by a department head, who shall give notice of such leave to the Commission.

b. A request for a leave of absence longer than sixty (60) days bearing the favorable recommendation of the employee's appointing authority may be granted by the Commission.

c. No employee shall be given leave to take a position outside the City service for more than sixty (60) days in any calendar year, except where it appears in the best interest of the City.

13.020. RETURN FROM LEAVE. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with same standing.

13.030. MILITARY LEAVE. See City ordinance and Washington state law relating thereto.

13.040. FILLING VACANCY. All temporary employment caused by leave of absence shall be made pursuant to Rule 10.

14. RESIGNATION

14.010. HOW SUBMITTED. The resignation of any employee from the service shall be made in writing and filed with the Commission after approval by the appointing authority.

14.020. RETURN TO ELIGIBLE REGISTER FOLLOWING RESIGNATION.
(See Rule 9.030.)

15. DISCIPLINE AND DISCHARGE

15.010. SUSPENSION--DISCHARGE.

- a. A department head may suspend a subordinate, with or without pay, for a period not to exceed thirty (30) working days for good cause.
- b. A department head may suspend with pay during investigation, for physical/mental evaluation or when necessary to preserve public confidence in service.
- c. Appointing authority may discharge a subordinate for good cause.

15.020. DEMOTION.

- a. Demotion of an employee to a lower class for good cause may be made by the department head.
- b. An employee so demoted shall lose all rights to the higher class.
- c. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer. The Commission shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class and shall require the completion of a probationary period.

15.030. DISCIPLINE--GOOD CAUSE--ILLUSTRATED. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other good cause:

- a. Incompetency, inefficiency, or inattention to, or dereliction of duty;
- b. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself;
- c. Mental or physical unfitness for the position which the employee holds;
- d. Dishonest, disgraceful, or prejudicial conduct;
- e. Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficient or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;
- f. Conviction of a felony, or a misdemeanor involving moral turpitude;

g. False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;

h. Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;

i. Willful or intentional violation of any of the provisions of these rules.

16. HEARINGS

16.010. HEARINGS--APPEALS.

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

b. Any employee who is alleged to be probationary by the disciplining department may only appeal to the Commission the questions relating to his probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.

c. Any employee, or department, who is adversely affected by an alleged violation of Civil Service rules or City ordinances may appeal such violation to the Commission.

16.020. APPEALS--TIME--FORM. A notice of appeal shall be filed at the Commission offices within ten (10) business days of the action that is subject of the appeal with notice of service on the employee. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal, and a concise statement of the reason for the appeal. Forms provided by the Commission may be used for such notice, but are not required.

16.030. EXHAUSTION OF ADMINISTRATIVE REMEDIES.

a. The Commission may, when not inconsistent with the terms of a collective bargaining agreement, direct the employee to exhaust available administrative procedures regarding a disciplinary matter, before hearing the matter. See Rule 16.

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

16.040. AUTHORITY OF SECRETARY.

a. The Secretary to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, issue subpoenas to compel attendance at hearings at the request of a party, continuances, protective orders, and other similar matters. Such orders may be appealed to the Commission.

b. The Commission may authorize the Secretary to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those

rules which do not involve a disciplinary proceeding. The Secretary shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.

c. As an aid to investigations authorized by the Commission, the Secretary may subpoena any documents that would be discoverable for purposes of hearing preparation and may take statements by tape recorder of any person who may have relevant knowledge. Statements so taken shall be kept as part of the records of the Commission.

16.050. APPEALS--INITIAL REVIEW. The Secretary shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed from is a final action. Upon determination that the appeal is not timely, the Secretary shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.

16.060. APPEALS--NOTICE OF HEARING. Upon receipt of a notice of appeal, the Secretary shall forward a copy of the notice to other affected parties. At the next regular Commission meeting, the Commission shall set a hearing date, with each party to be afforded not less than twenty (20) business days' notice of such hearing, or as otherwise mutually agreed between the appellant and the employer. Subsequent hearings on the same appeal shall have one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section.

16.070. APPEALS--AUTHORITY OF DEPARTMENT. The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal, and the requested order may include a request to seal the records of a proceeding, if necessary to prevent disclosure of information which would violate the employee's right to privacy.

16.080. SERVICE OF PROCESS--PAPERS.

a. The Secretary shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or paper.

b. All notices, documents or papers other than notice of discharge 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 notice of

discharge shall be by personal service. Service of any other papers shall be by registered or certified mail, or by regular mail with written acknowledgment of such mailing attached to the papers so served. Written acknowledgment shall be by affidavit of the person who mailed the papers, or by certificate of any attorney or the Secretary.

c. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail (U.S. or inter-city), upon deposit in the mail properly stamped and addressed.

d. Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Secretary at the Commission office. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) business days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.

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

16.090. DISCOVERY.

a. 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 Secretary.

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

16.100. SUBPOENAS.

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

b. Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such hearing or discovery proceeding. The party requesting the subpoena is responsible for having said subpoena properly served. Such requests for subpoenas shall be submitted to the Commission offices at least three (3) business days prior to the hearing or date of deposition.

c. Service of subpoena shall be made by serving a copy of the subpoena on the person therein.

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

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

(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(2) Condition denial of a motion to quash or modify upon just and reasonable conditions.

16.110. BURDEN OF PROOF. At any hearing on appeal from a termination, the disciplinary authority shall have the burden of showing that its action was in good faith for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

16.120. EVIDENCE.

a. Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the State of Washington.

b. Witnesses in any hearing may be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.

c. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.

d. At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Secretary.

e. Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) business days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) business day prior to the hearing.

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

16.140. DECISION. In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall normally be issued within ten (10) business days of the close of the hearing of an appeal or other proceeding heard only by the Commission.

16.150. REMEDIES. The Commission may issue such remedial orders as deemed appropriate.

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

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

17. RETIREMENT AND DISABILITY

17.010. RETIREMENT. Employees of the City who are members of pension fund systems as provided by law shall be retired on account of age/service or disability in accordance with the pertinent provisions of law.

17.020. REINSTATEMENT AFTER DISABILITY RETIREMENT.

a. The Commission shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his health to the extent employable.

(1) Upon being satisfied that the employee is physically and mentally competent to perform the duties of the regular class, the Commission shall:

(a) Order return of the employee to former employment status as if a leave of absence had been granted; or

(b) Place the name on the reinstatement register for an available class department.

(2) The name of an employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement register for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Commission;

(3) If such an employee's name is placed on a reinstatement register, length of service acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to these rules. Eligibility rights shall not expire as prescribed in case of layoff.

b. Any reinstatement in a class other than that in which last employed shall not result in a promotion.

c. The provisions of this rule shall not apply in the event an employee is discharged from the service and concurrently given a disability retirement.

18. MISCELLANEOUS

18.010. REPEALS AND SAVINGS. All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

18.020. COMPUTATION OF TIME.

a. In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a City legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a City legal holiday.

b. Any period of time except for the stated period of time set forth in Rules 16.020 and 16.060 may be extended by the Secretary for no more than ten (10) business days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the running of the applicable time period.

c. The date of notice for purpose of these rules shall be the date on which notice of an action is posted in the Commission's office or is mailed to a party to a proceeding.