



Civil Service Rules & Regulations



Revised, November 20, 2002

**Vancouver Civil Service
Commission &
City Human Resources**

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RULE 1 GENERAL PROVISIONS

- 1.01 Authority and Application. These rules are promulgated pursuant to the authority granted by Vancouver Charter Section 7.02 and Chapter 2.57 of the Vancouver Municipal Code. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the applicable provisions of the Charter and Municipal Code.
- 1.02 Scope and Purpose. These rules govern the continuing administration of the Civil Service System of the City of Vancouver. The purpose of these rules is to assure that the Civil Service System in the City is administered in accordance with the City of Vancouver ordinances, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.
- 1.03 Presumption of Validity. The Civil Service System implemented by these rules substantially accomplishes the purpose of chapters 41.08 and 41.12 R.C.W. These rules are presumed to be valid and shall be upheld unless in direct conflict with chapters 41.08 and 41.12 R.C.W.
- 1.04 Severability. If any provision of these rules or the application thereof to any person or circumstance is held invalid such invalidity shall not affect other provisions or applications of these rules.

RULE 2 DEFINITIONS

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

Appointing Authority. The appointing authority as designated by the City Manager is the director of the department. For the police department, the director is the Chief of Police or his/her designee. For the fire department, the director is the Fire Chief, or his/her designee. The director is authorized to hire, promote or discharge an employee.

City. The City of Vancouver.

Commission. The Civil Service Commission. When Commission is referred to in these rules as responsible for taking action, the term shall include the commission or its designee.

Regular Employee. A City employee in a civil service position who has successfully completed a probationary period as a new hire.

Secretary. The Secretary/Chief Examiner appointed by the City Manager as outlined in Rule 4. When Secretary is referred to in these rules as responsible for taking action, the term shall include the secretary or a designee appointed by the Secretary.

Final Score. Total score of the examination components, including any applicable preference percentage and/or scoring criteria status required by law, these Rules, and/or approved by the Commission.

RULE 3 ADMINISTRATION AND OPERATIONS

- 3.01 Commissioners. Commissioners shall be appointed in accordance with Vancouver Municipal Code. The term of office of such commissioners shall be six years.
- a. A Commissioner may resign for any reason or be removed from office for cause as provided for under Vancouver Municipal Code.
 - b. There is no maximum term limit. A Commissioner is eligible for reappointment upon the expiration of each term.
- 3.02 Chair. The Commission shall elect one of its members as Chair. Should a Chair resign or be removed from the position prior to the expiration of his or her term, the Commission, upon appointment of a new member, shall elect a new Chair.
- 3.03 Commission Address and Hours. The office and address of the Civil Service Commission is Vancouver Human Resources, P.O. Box 1995, Vancouver, Washington 98668-1995. The regular office hours of the Commission shall be Monday – Friday, 8:00 a.m. to 5:00 p.m.
- 3.04 Commission Meetings. The Commission shall schedule a regular monthly meeting time and place. The meeting time and/or place may change at the discretion of the Commission. Any meeting may be canceled and/or re-scheduled if there is no pending business requiring Commission action or if necessary for other reasons in the best interest of the Commission.
- a. At the time of the adoption of these rules, the Commission meeting schedule is the third Wednesday of each month at 7:00 a.m. in the City Council Chambers at City Hall.

- b. The Commission may schedule additional meetings as necessary. Notice of these special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 R.C.W., as amended).
- c. The Commission shall also schedule and conduct hearings as required. Notice of hearings shall be provided as required by these rules.
- d. All Commission meetings or hearings, regular or as required, shall be open and public. However, the Commission may meet in executive session as authorized by the Open Public Meetings Act.

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

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

3.06 Record of Commission Meetings. The Commission shall audiotape its

proceedings and shall prepare written minutes of action taken.

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

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

3.08 Reports from Secretary The Secretary is responsible for keeping the Commission informed of all appointments to Civil Service positions and changes in the employment status of Civil Service employees.

RULE 4 SECRETARY/CHIEF EXAMINER

4.01 Appointment of the Secretary/Chief Examiner. A Secretary/Chief Examiner (hereinafter referred to as "Secretary") shall be appointed by the City Manager. The appointment is subject to approval by the Commission.

- a. The Commission may require the Secretary/Examiner to be assigned from a list of qualified candidates.
- b. Qualifications. If the Commission requires a list, it shall provide minimum qualifications that are to be examined and the circumstances in which a test will be required.

4.02 Authority of the Secretary. In addition to acting as Secretary of the Commission, the Secretary shall:

- a. Be the executive officer and be responsible to the Commission;
- b. Keep the minutes and other records of the Commission;
- c. Provide proper notice of regular and special meetings of the Commission;
- d. Schedule hearings and notify all parties of hearing schedules;
- e. Make recommendations regarding policy and amendments to these Rules;
- f. Report to the Commission at each regular Commission meeting;
- g. Prepare the budget for the Commission, approve accounts and administer generally the expenditure of funds appropriated for the operation of the Commission;
- h. Prepare and conduct all examinations, or authorize an approved agency to do so, which shall include the following:
 - (i) Determine the examination to be conducted;

- (ii) Prepare and post examination announcements;
 - (iii) Plan and prepare, in conjunction with the appointing authority the examination components to be used in each examination;
 - (iv) Determine that minimum qualifications are met by the applicants, answer all questions relating to the eligibility of applicants, the examination, extensions of time and all questions arising during the course of an examination;
 - (v) Score the examination papers, and establish a list of those who have passing scores;
 - (vi) Prepare a complete report of each examination for submission to the Commission, together with a report on all appeals from any part of the examination
- i. Conduct investigations and inspections as the Commission deems necessary to ascertain whether Chapter 2.57 of the Vancouver Municipal Code and these rules are being obeyed;
 - j. Facilitate correspondence and questions to the Commission;
 - k. Issue subpoenas on behalf of the Commission and parties appearing before the Commission;
 - l. Remove names from an entry level/lateral entry level eligibility list as provided for in these Rules, with a report to the Commission;
 - m. In performing any of his/her duties, the Secretary may use the services and advice of a qualified professional consultant; and
 - n. Perform all other functions necessary for the proper carrying out of these rules and the provisions of law relating to the Civil Service System and such additional duties as may be assigned from time to time by the Commission.

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

RULE 5 RULEMAKING

- 5.01 Amendment of Rules. The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission.
- a. Amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption.
 - b. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.
- 5.02 Effective Date of Rules. All rules and amendments shall become effective immediately upon their adoption by the Commission, unless specified otherwise by the Commission.
- 5.03 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 a central government record center and made available to each department of the City. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available as required by state law.
- 5.04 Effect of Rules. These rules, and future rules or amendments the Commission may enact, set forth procedures for appointment of tenure in the Civil Service as well as guidelines for some terms and conditions of Civil Service employment. However, the rules are not intended to create a property interest in employment.
- 5.05 Interpretation of Rules. The Commission has the power to interpret its rules.

The Commission may apply such principles, as it deems necessary to carry out the purposes of state law and their rules in determining cases that are not clearly defined by rules adopted by the Commission.

RULE 6 CLASSIFICATION

6.01 Classification Plan. The appointing authority, in conjunction with the Secretary, shall prepare and maintain a classification plan for all job positions in the Civil Service System so that all positions that are substantially similar in duties, responsibilities, authority and character of work are included in the same class.

- a. The job positions shall be all full time, fully paid and fully commissioned officers of the City's police and fire departments including, but not limited to:
 - For police: commander, lieutenant, sergeant, corporal and police officer.
 - For fire: deputy fire chief, fire training chief, fire marshal, battalion chief, captain, firefighter, fire fighter/paramedic, and fire inspector.
- b. Each of the listed job positions shall be a separate civil service classification.
- c. Responsibilities of the Appointing Authority. The appointing authority shall report any and all organizational changes, which may change any part of the classification plan, to the Secretary. However, neither this responsibility, nor anything else in these rules, shall restrict the ability of the appointing authority to neither direct its employees nor limit its ability to assign work to deal with emergency situations.
- d. Responsibilities of the Secretary. The Secretary will conduct position classification studies of individual positions or groups of positions as necessary. The Secretary will report to the Commission any changes in the classification plan and the results of any studies.

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

RULE 7 ENTRY LEVEL AND LATERAL ENTRY QUALIFICATIONS, EXAMINATIONS AND APPEALS

- 7.01 General Provisions. The requirements of this rule apply only to entry level and lateral entry positions. Therefore, the term applicant as used in this rule shall refer to an individual who has filed or wishes to file an application to take a Civil Service examination for an entry level or lateral entry position.
- 7.02 Examinations. The Commission shall order an examination whenever it is deemed to be in the best interest of the City. The examinations may be ordered on a scheduled testing date(s) or on a continuous examining basis.
- a. Examination Announcement. Public announcement of examinations shall, at the minimum, be published in a legal designated newspaper pursuant to RCW 65.16.010, with general circulation in the City of Vancouver and posted in the Commission office and appropriate departments at least ten (10) calendar days preceding each examination. Public notice of continuous examinations shall state that the period for filing applications and taking examinations shall remain open until further order and notice. The Secretary may amend any published announcement with appropriate public notice.
 - b. Character of Examinations. All examinations shall be competitive, impartial and practical in their character. The examinations shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class or position for which the examination was ordered. An examination shall be deemed to be

competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

- c. Content of Examinations. Examinations may include written tests, personal qualifications, physical or performance tests, psychological tests, evaluations of training and experience, interviews, any other suitable evaluation of ability to perform the job, or any combination of such tests. Such tests may evaluate education, training, experience, performance, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative qualifications and abilities of the candidates.

The Commission will assure that the examinations conform to the regulations of the Equal Employment Opportunity Commission in that they are job related and that they do not screen out any qualified applicants.

- d. Examination Scoring. Each examination shall contain one or more parts to which a minimum passing score (which may include a pass/fail score), raw score, rank order or percentage weights shall be assigned. Each part shall be scored independently.
 - (i) A minimum passing score may be determined by the Commission prior to any examination; and
 - (ii) Where an examination consists of two or more parts, the Commission may set a minimum score to be required for any part of the examination. An applicant who fails to attain the minimum score for that part shall be considered as having failed the entire examination and shall not be entitled to take

the balance of the examination or, when all parts of the examination have been completed, any remaining parts of the examination need not be scored.

7.03 Release of Examination Information. Prior to the examination, each individual taking the examination shall receive any minimum passing requirements and information about the examination components. Following the examination, all candidates completing the examination process shall be notified of their results and each individual who successfully completes the examination process shall receive notice of their final score and/or rank.

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

- a. In order to file an application for examination, the applicant must:
 - (i) Meet the requirements specified in these rules and in the official examination announcement as of the applicant's examination date.
 - (ii) Produce evidence of the required education, training, experience or any other lawful requirement for a job position.
- b. Time for filing applications:
 - (i) All applications for examination must be received in the Commission office or other identified location, along with a required fee, by the date fixed in the official announcement

of the examination.

- (ii) The time for filing applications may be extended by the Secretary as the needs of the service require, provided that the new date for filing shall be advertised.
- c. The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application at any time for good cause shown.
- d. The Commission may charge a fee to offset the cost of purchase and administration of examinations. The fee will be published in the official announcement of the examination.

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

- a. The individual does not meet the requirements set forth in these rules or in the examination announcement, including but not limited to completing the general requirements for filing applications outlined in Rule 7.04;
- b. The individual is unable to perform the duties of the position sought;
- c. The individual has been convicted of any felony or of a misdemeanor involving moral turpitude (See Chapter 9.96A R.C.W.).
- d. The individual has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for discharge from City service or has an unsatisfactory record of employment in the City service or with any other agency or organization;
- e. The individual has made any material false statement or has

attempted any deception or fraud in connection with this or any other Civil Service examination;

- f. The individual fails to appear for any portion of the application and/or examination process;
- g. The individual assisted in preparing the examination for which application is sought or obtained confidential information concerning such examination which might give him or her an unfair advantage over other applicants;
- h. The individual promises to pay any money or other valuable thing to anyone for an actual or prospective advantage in the examination process;
- i. For failing to meet any other minimum qualification set forth by law;
or
- j. For other material reasons.

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

7.07 Limiting Number of Applicants. Examinations shall be open to all qualified applicants. However, the Commission may limit the number of applicants permitted to take an examination. Any limitation shall be included in the examination announcement.

7.08 Qualification Requirements – Entry Level Police Officer and Firefighter. An applicant must meet the following minimum qualification requirements on or before the first day of the applicant’s examination, unless otherwise provided:

- a. United States citizen;
- b. Ability to read and write the English language;
- c. High school diploma or the equivalent;
- d. For a position in the fire department be 20 years of age and for a position in the police department be 21 years of age; and
- e. Meet any other minimum qualification requirements established by the Commission or law.

7.09 Qualification Requirements - Lateral Entry Police Officer. An applicant must meet the following minimum qualification requirements on or before the applicant’s first day of the examination, unless otherwise provided:

- a. All qualification requirements listed in Rule 7.08 for entry-level police officer;
- b. Successful completion of a state certified basic law enforcement academy;
- c. Receipt of an offer of employment for a position as a commissioned, full time general authority law enforcement officer from a municipal, county, or state law enforcement agency;
- d. A candidate who has a break in continuous law enforcement service following completion of the Academy will not be eligible for lateral entry under the following circumstances:
 - (i) The candidate completed the Washington State Basic Law enforcement Academy and the break in service was greater than thirty-seven (37) months.

- (ii) The candidate completed a state certified law enforcement program other than Washington and the break in service was greater than twenty-four (24) months.

7.10 Qualification Requirements – Lateral Entry Firefighter. An applicant must meet the following minimum requirements on or before the first day of the applicant’s examination, unless otherwise provided for:

- a. All qualification requirements listed in Rule 7.08 for entry-level firefighter;
- b. Three (3) consecutive years experience as a full-time, paid firefighter with an agency whose primary responsibility is fire protection and emergency services and have primary responsibilities including fire suppression, hazardous materials mitigation, and emergency medical services;
- c. Must be certified as an Emergency Medical Technician Basic (EMT-B); and
- d. Must meet the educational requirements or possess a Washington State Firefighter I or equivalent.

7.11 Grounds for Appeal.

- a. Any individual who participates in the examination process may file an appeal of the examination based on the following grounds:
 - (i) The Commission failed to follow the City ordinance, state law or its own rules in the administration of the examination and/or the examination process;
 - (ii) The examination was not valid, e.g., was not job related;
 - (iii) The examiners were not impartial;
 - (iv) A clerical error was made in scoring the examination; or

- (v) The examination or examination process was discriminatory as defined under state and/or federal law.
- b. Except for reasons stated in 7.11 a., there is no appeal available under these rules for any action taken by the Secretary or Commission outlined in this rule including but not limited to rejecting an applicant for examination, withholding an applicant's name from a list for certification, or re-certification of a list following a successful appeal that results in a new scoring and ranking.

7.12 Procedures for Filing Examination Appeals. The following procedures must be followed for filing an examination appeal:

- a. Notices of appeal must be in writing and filed in the Commission office.
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, a concise statement of the reason for the appeal and the desired remedy.
- c. The notice must be received by the secretary in the Commission office within the time frame established by the Commission. If no time frame is established, the appeal period will be fourteen (14) calendar days following certification of the list. Failure to file an appeal within this time period is a waiver of any right to appeal the examination that is established by these rules.

RULE 8 POLICE CORPS QUALIFICATIONS, EXAMINATIONS AND APPEALS

8.01 General Provisions. The requirements of this rule apply only to Police Corps positions. Therefore, the term applicant as used in this rule shall refer to an individual who has filed or wishes to file an application to take an examination for a Police Corps position.

8.02 Qualification Requirements—Police Corps Officer. A candidate must meet the following minimum qualification requirements on or before the first day of the examination, unless otherwise provided:

- a. A United States citizen;
- b. Ability to read and write the English language;
- c. A high school diploma or the equivalent;
- d. 21 years of age;
- e. A Bachelor's degree from an accredited college;
- f. Successful completion of Police Corps training program;
- g. Successful completion of any other requirements of the Police Corps Act; and
- h. Any other qualification requirements established by the Commission or by law.

8.03 Grounds for Appeal. There is no appeal available under these rules for any action taken by the Secretary or Commission relating to Police Corps job positions.

RULE 9 SUPERVISORY OR MANAGEMENT QUALIFICATIONS, EXAMINATIONS
 AND APPEALS

9.01 Supervisory or Management Positions. This rule shall apply to supervisory or management positions. For the purpose of this rule, supervisory or management is defined as the appointment of a City employee or other job applicant to a position other than entry level, Police Corps, or lateral entry.

9.02 Ordering Examinations. The Commission shall order examinations for supervisory or management positions as follows:

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

9.03 Examination Announcements. Examination announcements shall be posted in the Commission office and in appropriate departments, and/or in such other sources deemed necessary by the Secretary, not fewer than thirty (30) calendar days preceding the examination. The examination may be conducted prior to the expiration of the 30-day period if all individuals eligible to take the examination have submitted applications

or have indicated that they have no intention of applying for the supervisory or management position. The Secretary may amend any published announcements with notice.

9.04 Limiting Number of Applicants. Examinations shall be open to all qualified applicants. However, the Commission may limit the number of applicants permitted to take an examination. Any limitation shall be included in the examination announcement.

9.05 Qualification Requirements - Fire Department. A candidate must meet the following minimum qualification requirements on or before the first day of examination, unless otherwise provided:

- a. Fire Inspector: Four years in the Vancouver Fire Department in the position of firefighter, Deputy Fire Marshal, or Public Education Coordinator; or two (2) years in one of the listed positions plus possession of an Associate degree.
- b. Fire Captain, Step 1: Four (4) years in the Vancouver Fire Department in the position of firefighter.
- c. Fire Captain, Steps 2 through 4: Two (2) years in the Vancouver Fire Department in the next lower step and meet qualifications that are in accordance with Vancouver Fire Department AG #127 and be approved by a committee made up of representatives from the union and administration.
- d. Fire Captain, Step 5: Must meet the requirements as outlined for Steps 2 through 4 and be appointed by the Fire Chief.
- e. Battalion Chief: Worked in the Vancouver Fire Department as a Step 3, 4, or 5 Fire Captain.

- f. Fire Marshal: Any amount of time as a Step 3 Captain or above; or Fire Inspector for at least four (4) years; or equivalent experience. When recruiting and testing for this position, the Fire Department may consider both internal and external candidates.
- g. Fire Training Chief: Any amount of time in the Vancouver Fire Department as a Step 3 Captain or above; or Fire Inspector for at least four (4) years; or equivalent experience. When recruiting and testing for this position, the Fire Department may consider both internal and external candidates.
- h. Deputy Chief: Any amount of time in the Vancouver Fire Department as a Step 3 Captain or above; or Fire Inspector for at least four (4) years; or equivalent experience in another fire agency. In addition, someone seeking this position must be an executive fire officer graduate from the NFA or have a Bachelor's degree from an accredited college or university with a major course work in fire science, public, or business administration or a related field, or possess a Bachelor's degree equivalent. When recruiting and testing for this position, the Fire Department may consider both internal and external candidates.

9.06 Qualification Requirements - Police Department. A candidate must meet the following minimum qualification requirements on or before the first day of examination, unless otherwise provided:

- a. Police Corporal: Four (4) years as a sworn police officer with at least two (2) of these years served with the Vancouver Police Department.
- b. Police Sergeant: Four (4) years as either a sworn police officer or

corporal, or combination of both, with at least two (2) of those years served in the Vancouver Police Department.

c. Police Lieutenant:

- (i) Four (4) years service in the Vancouver Police Department with at least two (2) of those years in the rank of sergeant; or four (4) years service in the Vancouver Police Department as a corporal plus two (2) years experience at the rank of sergeant or above in another law enforcement agency; and
- (ii) A Bachelors degree from an accredited college.

d. Police Commander:

- (i) Two (2) years service in the Vancouver Police Department as a lieutenant and/or sergeant or equivalent experience in another law enforcement agency; and
- (ii) A Bachelors degree from an accredited college.
- (iii) When recruiting and testing for this position, the Police Department may consider both internal and external candidates.

9.07 Exception to Qualification Requirements. In the event that less than three eligible candidates apply from within the Vancouver department, or in the event that no one attains a passing score on the examination given, the Commission may advertise the examination to include first personnel in the next lower rank in the department and second to personnel outside the City of Vancouver who have attained the equivalent rank required of members of the Vancouver Police department. This rule shall not apply to the positions that allow consideration of both internal and external candidates.

9.08 Character of Examinations. All examinations shall be competitive, impartial and practical in their character. The examinations shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class or position for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications, knowledge, skills and abilities or when a single applicant is scored against a fixed standard.

9.09 Content of Examinations. Examinations may include written tests, personal qualifications, physical or performance tests, psychological tests, evaluations of training and experience, interviews, any other suitable evaluation of ability to perform the job, or any combination of such tests. Such test may evaluate education, training, experience, performance, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine relative qualifications and abilities of the candidates.

The Commission will assure that the examinations conform to the regulations of the Equal Employment Opportunity Commission in that they are job related and do not screen out any qualified applicants.

9.10 Examination Scoring. Each examination shall contain one or more parts to which a minimum passing score (which may include a pass/fail score), raw score, rank order or percentage weight shall be assigned. Each part shall be scored independently.

- a. A minimum passing score may be determined by the Commission prior to any examination; and
- b. Where an examination consists of two or more parts, the

Commission may set a minimum score to be required for any part of the examination. An applicant who fails to attain the minimum score for that part shall be considered as having failed the entire examination and shall not be entitled to take the balance of the examination or, when all parts of the examination have been completed, any remaining parts of the examination need not be scored.

- 9.11 Release of Examination Information Prior to the Examination. Internal candidates who meet the minimum qualification requirements for a supervisory or management examination will have an opportunity to provide input into the examination process for the supervisory or management examination as follows:
- a. Prior to creation of the examination, the Secretary will solicit input from the candidates regarding the examination process including but not limited to appropriate examination components, scoring mechanisms and the examination results that should be released to candidates following the examination.
 - b. The candidates and appointing authority shall have an opportunity to present information at a Commission meeting regarding the examination components and the examination results that should be released to candidates following the examination.
 - c. The Commission shall retain sole authority to determine the appropriate examination process including but not limited to the examination components, appropriate scoring mechanism and the information that should be provided to candidates following the examination.

- d. The Secretary shall provide each internal and external candidate who applies to take the examination with information regarding the scoring mechanism, any minimum scoring requirements, the examination components, information that will be released to participants following the examination, if any, and appeal rights.

9.12 Release of Information Following the Examination. All internal and external candidates who take the examination shall receive information as follows:

- a. The Secretary will notify each candidate of his/her final score and/or rank.
- b. The Secretary will notify each candidate of his/her appeal rights.
- c. Each individual may review his/her examination information in the Secretary's office, provided that, information may not be reviewed between the time that an exam schedule is approved by the Commission and the examination. "Examination information" includes written examinations and examination answer keys, and rater comments from interview panels or other assessments. "Examination information" does not include rater names or a right to review the actual written rater notes.

9.13 Grounds for Examination Appeals.

- a. Any individual who participates in the examination process may file an appeal on the following grounds:
 - (i) The Commission failed to follow the City ordinance, State law or its own rules in administration of the examination and/or the examination process;
 - (ii) The examination was not valid because it was not job

related; a question or questions were ambiguous and/or the answer scored as correct was incorrect;

- (iii) The examiners were not impartial;
- (iv) A clerical error was made in scoring the examination; or
- (v) The examination or examination process was discriminatory as defined under State and/or federal laws.

- b. Except for reasons outlined in 9.13(a), there is no appeal available under these rules for any action taken by the Secretary or Commission outlined in this rule including but not limited to re-certification of a list following a successful appeal those results in new scoring and ranking.

9.14 Procedures for Filing Examination Appeals. The following procedures must be followed for filing an examination appeal:

- a. Notices of appeal must be in writing and filed in the Commission office.
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, a concise statement of the reason for the appeal and the desired remedy.
- c. The notice must be received by the secretary in the Commission office within the time frame established by the Commission. If no time frame is established, the appeal period will be fourteen (14) calendar days following certification of the list. Failure to file an appeal within this time period is a waiver of any right to appeal the examination that is established by these rules.

9.15 Procedure for Appeal. The procedures outlined in Rule 15 shall be followed for appeals filed under this rule.

RULE 10 ELIGIBILITY LISTS

10.01 Definition and Identification of Eligibility Lists. The Commission shall maintain the following eligibility lists:

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

The term eligibility list shall include any and all of the above named lists.

10.02 Establishing Supervisory or Management, Entry Level, Police Corps, and Lateral Entry Eligibility Lists. After each examination, an eligibility list shall be prepared on which the names of successful candidates shall be ranked as follows:

- a. For examinations with a scheduled testing date (non-continuous):

- (i) Rank shall be determined by the candidate's final score.
 - (ii) Candidates having equal final scores shall be placed at the same rank on the list but counted separately when determining the next rank. For example, two candidates with an equal score that is third highest shall be ranked at 3; the next candidate shall be ranked at 5.
- b. For continuous examinations:
- (i) The names of eligible candidates resulting from such examination shall be entered on an eligibility list in the same manner as for scheduled testing.
 - (ii) Time and date of examination shall not be given any preference in rank.
 - (iii) Names of eligible candidates from successive examinations in the same program shall be entered on the eligibility list as determined by final scores without regard to order of tests.
 - (iv)

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

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

- c. Regular employees who accepted a reduction to a lower classification in lieu of lay off shall be on the reinstatement list for the classification they held prior to the reduction.
- d. Newly hired probationary employees who have been laid off shall be on the reinstatement list for the classification from which they were laid off following approval of the Commission.
- e. Former employees who resigned or retired from City employment shall be on the reinstatement list for the classification from which they resigned if a written request is made by the former employee and the request is supported by a written recommendation of the Chief of the former employing department and approved by the Commission.

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

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

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

- a. Reinstatement lists shall be valid indefinitely. However, an individual is only eligible for reinstatement for twelve (12) months and as a result may only remain on the list for twelve (12) months.
- b. Supervisory or Management lists shall remain valid for eighteen (18)

months following certification.

- c. Entry Level Lists shall remain valid for twelve (12) months following certification.
- d. Lateral Entry Lists shall remain valid for twelve (12) months following certification.
- e. Police Corps lists shall remain valid for 12 months following certification.
- f. For continuous examinations, the list shall remain valid indefinitely and each individual shall remain on the list for the period identified in b-e above, as applicable.

10.06 Extension of Eligibility Lists. The Commission may extend the time periods outlined in rule 10.05 for validity of eligibility lists if extension of the time period would be in the best interests of the City.

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

- a. Receives a "poor suitability" rating on the written assessment of personality traits and behaviors.
- b. Fails to obtain and/or maintain any certification, commission, or license required by law or these rules as a condition of employment for the position held;
- c. Does not meet the requirements set forth in these rules or in the examination announcement;
- d. Is unable to perform the duties of the position sought;
- e. Has been convicted of any felony, or misdemeanor involving moral turpitude;

- f. Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for discharge from City service or has an unsatisfactory record of employment in the City service or with any other agency or organization;
- g. Has made any material false statement or has attempted any deception or fraud in connection with any Civil Service examination;
- h. Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning the examination which might give an unfair advantage over other individuals taking the examination;
- i. Promises to pay money or other valuable thing to anyone whatever for an actual or prospective advantage;
- j. Fails to successfully complete or meet the standards set for any part of the pre-employment process, including but not limited to, the examination(s) and background investigation;
- k. Fails to meet the "qualifying only" standards;
- l. Is deemed to be unable to successfully perform the duties of the position sought following review of the totality of the circumstances including but not limited to the needs of the appointing authority and the results of the examination(s), interview(s) and background investigation;
- m. Fails to respond to a call from the appointing authority or Commission for ten (10) calendar days;
- n. Refuses to accept appointment, except that an individual's name will not be removed from a reinstatement list after lay off for refusal to accept appointment in a lower class from which the individual

- was laid off;
- o. Requests that his or her name be removed from the list;
- p. In the case of a supervisory or management list, has separated from City employment for any reason; or
- q. For other material reasons.

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

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

10.09 Voluntary Removal from Eligibility List. An individual may request that his or her name be removed from an eligibility list for any reason. The request for removal must be documented by the appointing authority.

10.10 Restoring a Name to Eligibility List. An individual whose name has been removed from an eligibility list may request that his or her name be restored to an eligibility list as follows:

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

10.11 Grounds for Appeals.

- a. There is no appeal for removal of a name from an entry level list, a police corps list or lateral entry list.

- b. An individual may appeal the decision of the Commission to remove his or her name from a supervisory or management list or a reinstatement list on the following grounds:
 - (i) The Commission failed to follow the City ordinance, State law or its own rules in the decision to remove the name from the list;
 - (ii) The decision to remove the name was discriminatory as defined by law; or
 - (iii) The decision to remove the name was based on inaccurate information.

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

- a. Notice of appeal must be in writing and received by the Secretary in the Commission office within fourteen (14) calendar days of the date of removal. The notice must contain a brief description of the facts giving rise to the appeal, a concise statement of the reasons for the appeal, and the desired remedy.
- b. The procedures outlined in Rule 15 shall be followed for appeals filed under this rule.

RULE 11 CERTIFICATION AND APPOINTMENT

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

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

- a. An eligibility list shall be established as outlined in Rule 10.
- b. The eligibility list shall be submitted to the Commission for certification that the candidates on the list have successfully completed the examination process, are ranked correctly and may be considered for appointment to the appropriate Civil Service position.
- c. Certification of a list shall state that final eligibility is subject to a candidate's successfully passing any subsequent testing procedures, verification of qualifications or any other requirements ordered by the Commission.

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

- a. When an appointing authority wishes to fill a vacancy and a current certified eligibility list exists, the appointing authority shall consider the three candidates who stand highest on the appropriate eligibility list provided that in the case of entry level and lateral entry positions, the appointing authority shall consider the top ten candidates on the eligibility list.

- b. If two or more vacancies are to be filled from an eligibility list, the appointing authority may consider one or more additional persons at the next rank for each additional position.
- c. The application and examination information of the candidates identified in (a) and (b) above shall be made available for inspection by the appointing authority.
- d. The appointing authority may require additional testing, verification of qualifications or any other information approved by the Commission.
- e. The appointing authority may appoint any of the candidates to the available job position or, in its sole discretion, may choose not to appoint any of the candidates.
- f. When an appointing authority wishes to fill a vacancy and a current certified list does not exist or there are an insufficient number of eligible candidates on the list, the appointing authority may interview the available candidates and appoint one of them. If the appointing authority does not wish to appoint one of the available candidates, it may submit a request for an examination to the Commission. The request shall include information that there are an insufficient number of eligible candidates on the list.

11.04 Order of Appointment.

- a. Appointments to fill a vacancy shall be made from eligibility lists in the following order and as provided in this rule:
 - (i) The Reinstatement List appropriate for the position to be filled.
 - (ii) The appropriate list for the position to be filled including the supervisory or management eligibility list, entry level list, Police

Corps list, or lateral entry eligibility list.

(iii) Any other Eligibility List.

b. Appointments from the reinstatement list shall be made in the following order:

- (i) Employees who were reclassified to a lower classification for reasons other than discipline or failure to pass probation.
- (ii) Regular employees who accepted reduction in lieu of layoff in the order of their length of service. The employee on the list who has the most service credit shall be first reinstated.
- (iii) Regular employees who were laid off in the order of their length of service.
- (iv) Newly hired probationary employees who accepted reduction in lieu of layoff without regard to length of service.
- (v) Newly hired probationary employees who were laid off without regard to the length of service.
- (vi) Regular employees who are on the reinstatement list for any other a reason other than layoff or reduction in lieu of layoff in the order of their length of service.
- (vii) Newly hired probationary employees who are on the reinstatement list for any reason other than layoff or reduction in lieu of layoff without regard to their length of service.
- (viii) Upon request from the appointing authority, the Commission may authorize reinstatement out of such regular order upon a showing that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

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

A candidate who is offered appointment to his or her previous job position from a reinstatement list and voluntarily refuses the appointment will be removed from the list.

11.06 Temporary Appointment. The appointing authority may make a temporary appointment to an existing Civil Service position for up to one hundred eighty (180) calendar days and may be extended for up to an additional one hundred eighty (180) calendar days with approval of the Commission. No employee shall receive more than one temporary appointment in any 12-month period.

- a. If a current certified eligibility list exists for the position, the appointment shall be made from the eligibility list utilizing the rule of three as outlined in this Rule.
- b. If a current certified eligibility list does not exist for the position, the appointment shall be made by appointing one of the employees in the next lower rank.

RULE 12 PROBATION

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

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

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

- a. At any time during the probationary period of a new employee, the

appointing authority may discharge an employee. The appointing authority shall notify the Commission of the discharge. The reason for termination of employment need not constitute just cause and shall not otherwise be reviewed by the Commission.

- b. At any time during the probationary period following a promotion, the appointing authority may remove the employee from their job position for inability to satisfactorily perform the duties of the position or may discharge the employee for cause. Unless the employee is discharged for cause, he or she shall be reinstated to the position from which they were promoted. If the employee is reinstated to a position in which he or she had not gained regular standing, the employee will be required to complete the probationary period.
- c. If an entry-level employee is discharged during the probationary period, he or she will no longer be on the eligibility list for the position.

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

RULE 13 TRANSFER, REDUCTION AND LAYOFF

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

- a. Transfer. An appointing authority may transfer an employee from one position to another position in the same class in the department without prior approval of the Commission. The transfer of an employee shall not constitute a promotion.
- b. Voluntary Reduction. An employee may request that he or she be moved from a job position to a lower class of employment for reasons other than layoff, discipline or cause. The request must include the reason(s) for the reduction and a showing that the employee meets the qualifications of the lower class. The reduction must be approved by the department head with notice to the Secretary. The employee may request that his or her name be placed on the reinstatement list for their former position within twelve (12) months of the reduction.
- c. Layoff. The City may lay off employees due to lack of work, reorganization, reduction in force or shortage of funds in the following order:
 - (1) Temporary employees;
 - (2) Probationary employees;
 - (3) Regular employees in the order of their length of service, the one with the least service being laid off first.
- d. Reduction in lieu of layoff. At the time of any layoff, a regular employee or an employee serving a probationary period may be given an opportunity to accept reduction to the next lower class in lieu of layoff. Such employees shall have bumping rights over any

employee in the lower classification with less seniority.

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

- a. Any non-probationary employee may appeal a layoff decision on the grounds that the decision was not made in accordance with the applicable rules and/or was made in bad faith. Such an appeal may be made by filing a written notice of appeal with the Commission within fourteen (14) calendar days of receiving notification of the layoff. The notice must contain a brief description of the facts giving rise to the appeal and a concise statement of the reasons for the appeal.
- b. The procedures outlined in Rule 15 shall be followed for appeals filed under this rule.

RULE 14 DISCIPLINE AND DISCHARGE

14.01 General Provisions. Any regular employee may be disciplined or discharged from employment for just cause. For the purposes of these rules, "discipline" shall be defined as a written reprimand, suspension, or demotion.

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

- a. Failure to obtain and/or maintain any certification, commission, or license required by law or these rules as a condition of employment for the position held;
- b. Incompetency, inefficiency or inattention to or dereliction of duty. These include, but are not limited to, the failure or inability to adequately perform the duties or responsibilities of the position, rank or office of the employee;
- c. Mental or physical unfitness for the position which the employee holds;
- d. Drunkenness or use of intoxicating liquors, use of narcotics or any other habit forming drug, liquid or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;
- e. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of a member of the public or a fellow employee, any other act of omission or commission tending to injure the public service; or any willful failure on the part of the employee to properly conduct himself or herself;

- f. Violation of any lawful and reasonable regulation, policy, rule, order or direction made or given by a superior officer;
- g. Conviction of a felony, or a misdemeanor involving moral turpitude;
or
- h. Any other cause, act or failure to act which in the judgment of the appointing authority is grounds for or warrants discipline or discharge.

RULE 15 APPEALS

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

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

- a. Notices of appeal must be in writing and filed in the Commission office;
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, the date of the discipline, a concise statement of the reasons for the appeal, the desired remedy, the mailing and street address where service of process may be made upon the appealing employee and must be signed by the appealing employee; and
- c. The notice must be filed within the time period as specified within the applicable collective bargaining agreement of the action that is the subject of the appeal.

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

15.04 Burden of Proof. The appellant shall have the burden of proof. The standard of proof shall be by a preponderance of the evidence.

15.05 Initial Review of Notice of Appeal. The Secretary shall review all notices of

appeal to determine whether the employee has timely filed an appeal, whether the notice is complete as required under these rules and whether the action appealed is a final action.

- a. The Secretary may dismiss an appeal if it is not timely or the notice is not complete.
- b. If an action is not final, the Secretary may stay the appeal until the action is final.

15.06 Notice of Hearing. Upon receipt of a notice of appeal, the Secretary shall forward a copy of the notice to other affected parties. The Secretary will then schedule a hearing at the earliest possible Commission meeting with not less than fourteen (14) calendar days' notice to each party.

15.07 Authority of Secretary.

- a. The Secretary shall have the authority to make orders of preliminary matters, including motions for continuance, protective orders, and other similar matters.
- b. The Secretary may conduct prehearing settlement conferences in order to encourage resolution of contested matters.
- c. The Commission may authorize the Secretary to investigate any reports or appeals relating to the enforcement or application of the Civil Service Rules or those rules that do not involve a disciplinary proceeding.
- d. Upon request of any party at least seven (7) calendar days prior to an appeal hearing, the Secretary may issue a subpoena commanding the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents or things under the person's control.

The party requesting the subpoena is responsible for having the subpoena properly served as provided in the Washington Superior Court Civil Rules and for providing copies of subpoenas to the opposing party.

15.08 Hearing Procedure. An appeal hearing before the Commission shall be conducted as follows:

- a. Any party to an appeal has the right to appear before the Commission with or without legal counsel.
- b. All competent and relevant evidence shall be admissible. In passing on 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.
- c. Each party with legal standing will have an opportunity to present their arguments, call witnesses, provide testimony, introduce documentary and other tangible evidence, cross-examine witnesses and respond to questions of the Commission.
- d. Witnesses shall be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.
- e. The order and formality of the hearing shall be determined by the Commission.

15.09 Record of Proceedings. The Commission shall audiotape hearings and shall prepare written minutes of action taken.

- a. A party to an appeal hearing may request that a verbatim transcript of the hearing be prepared from the audiotape. The

transcript of the hearing will be prepared at the Commission's expense.

- b. The Commission or a party to an appeal may retain a court reporter to record all or part of the appeal hearing at the expense of the party requesting the reporter. The Commission or any party to the appeal may obtain a transcript from the court reporter at its own expense.

- 15.10 Disqualification of Commissioners. Any party to an appeal may request that a Commissioner be disqualified from sitting at the appeal hearing if there is a reasonable belief that the Commissioner would not be impartial. A request for disqualification must be made prior to the commencement of the hearing, or, if the cause for disqualification is not known prior to hearing, as soon as the cause for disqualification becomes known.
- a. Failure to make a timely request shall constitute a waiver of the right to make such a request.
 - b. If, as a result of the disqualification, there is no longer a lawfully constituted quorum, the appeal hearing shall be set over until a quorum is available.

- 15.11 Deliberation. Deliberations by the Commission shall be subject to Chapter 42.30 R.C.W. The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. No person other than the members of the Commission, the Secretary and legal counsel to the Commission shall be present during the deliberations. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal other than in open hearing.

15.12 Decision. In any appeal, the Commission shall issue a decision as soon as practicable.

- a. The decision shall be made by a majority vote of the Commission;
- b. The decision shall be in writing and shall include findings of fact, conclusions of law and an order; and
- c. The Commission shall notify each party or counsel of record for each party of the decision.

15.13 Remedies. The Commission may issue such remedial orders as deemed appropriate.

15.14 Waiver. Upon stipulation of all parties to the proceeding, and upon a showing that the purposes of the rules or City ordinances would be better served, the Commission may waive any of the requirements outlined in this rule.

RULE 16 MILITARY LEAVE

16.01 General Provisions. The requirements of this rule apply to applicants who have been ordered to report to active military duty. To the extent that the requirements of this rule conflict with any other Civil Service rule contained herein, this rule will control.

16.02 Testing Process Prior to Offer of Employment. If an applicant is ordered to report to active military duty after he or she has begun the testing process, but before he or she has completed the testing process, prior to receiving a conditional offer of employment, the following procedures will apply:

- a. The applicant must notify will be eligible to complete the testing process for twelve (12) months following the date of the order to report for military duty.
- b. The Secretary that he or she has been ordered to report for active military duty prior to completion of the testing process.
- c. The Secretary may request that the applicant provide a copy of the order to report for military duty.
- d. The applicant will be eligible to complete the testing process twelve (12) months following the date of notification.
- e. If the applicant has been eliminated from the testing process for any reason allowed by these rules prior to the notification, the applicant will NOT be entitled to the protections of this rule.

16.03 Eligibility List. If an applicant's name is on a certified eligibility list at the time he or she is ordered to report for active military duty and the applicant is NOT a current City employee, the following procedures will

apply:

- a. The applicant must notify the Secretary that he or she has been ordered to active military duty within ten (10) days of receipt of the orders.
- b. The Secretary may request that the applicant provide a copy of the order to report for military duty.
- c. The applicant's name will not be removed from the eligibility list for inability to accept a position due to the fact that he or she is on active military duty.
- d. The applicant's name will remain on the eligibility list until the list expires or, in the case of continuous testing, for the time period allowed under these rules. During this time period, the applicant's name will not be removed from the eligibility list for inability to accept a position due to the fact that he or she is on active military duty.
- e. The applicant's name will not be included within the Rule of 10, regardless of his or her score during the active military duty.
- f. If the applicant returns from active military duty within the applicable time period, he or she must notify the Secretary that he or she is still interested in being considered for employment. The Secretary will consider the applicant for employment, and may include his or her name within the Rule of 10, as otherwise provided under these rules.

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

- a. The offer of employment will be withdrawn.
- b. The applicant may request that his or her name not be removed from the eligibility list due to the fact that he or she is unable to begin employment due to active military duty.
- c. The procedures outlined in Rule 17.03(b) through 17.03(e) will remain on the eligibility list until the list expires or, in the case of continuous testing, for the time period allowed under these rules apply.

RULE 17 MISCELLANEOUS

17.01 Repeals and Savings. All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

17.02 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 shall not be included. The last day of the period shall be included unless it is a Saturday, a Sunday or a City legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday or a City legal holiday.
- b. Any period of time may be extended by the Secretary upon written motion for extension of time to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission office prior to the 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 received in the Commission's office or is mailed to a party to a proceeding.