

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.02

MAYOR

Sections:

2.02.010 Compensation.

2.02.010 Compensation.

Commencing January 1, 2004, the mayor shall be paid \$2,500 per month plus benefits that would accrue for a half-time nonrepresented city employee. (Ord. 902 § 1, 2003; Ord. 739 § 1, 1998; Ord. 661 § 1, 1995; Ord. 485 § 1, 1991; Ord. 357, 1986)

Chapter 2.04

CITY ADMINISTRATOR

Sections:

2.04.010 Established – Appointment.

2.04.020 Administrative, executive, liaison officer.

2.04.030 Powers and duties.

2.04.040 Employment “at will” – Contract.

2.04.010 Established – Appointment.

The office of city administrator of the city of Lake Forest Park is hereby established, which office shall be filled by appointment by the mayor, subject to confirmation by majority vote of the city council, in accordance with the requirements of this chapter. (Ord. 870 § 1, 2002; Ord. 868 § 1, 2001; Ord. 675 § 1, 1996; Ord. 52 § 1, 1963)

2.04.020 Administrative, executive, liaison officer.

The city administrator shall be the chief operating officer for the city with administrative, executive and liaison functions under the direction and authority of the mayor as chief executive officer. (Ord. 868 § 1, 2001; Ord. 675 § 1, 1996; Ord. 52 § 2, 1963)

2.04.030 Powers and duties.

The city administrator shall have the following specific duties, powers and responsibilities in addition to others provided in this chapter or otherwise:

A. Under the direction and authority of the mayor, supervise, administer and coordinate the activities and functions of the various city offices and departments in carrying out the policies of the city council, and administer and supervise the carrying out of the decisions, regulations and policies of the various city departments and commissions;

B. Regularly report to the mayor and city council concerning the status of all assignments, duties, projects and functions of the various city offices and departments;

C. Serve as personnel officer for the city, including, without necessary limitation, the hiring and discharging (subject to the approval of the mayor) of all city employees except those employees and officers required by state law or city ordinance to be appointed by the mayor or elected by the voters of the city, and subject to any applicable civil service laws, ordinances or regulations;

D. Supervise all purchasing by the various city offices, departments and commissions;

2.04.040

E. Supervise all expenditures by the various city offices, departments and commissions for the purpose of keeping the same within the limitations of the annual budget of the city;

F. Assist the mayor and city council generally in conducting the city’s business in all matters, and perform such other duties and assume such other responsibilities as the mayor or city council may direct, and as by ordinances and resolutions of the city council may be required. (Ord. 868 § 1, 2001; Ord. 796 § 1, 1999; Ord. 701 § 15, 1997; Ord. 675 § 1, 1996; Ord. 52 § 3, 1963)

2.04.040 Employment “at will” – Contract.

The city administrator shall be an “at will” employee, and may be removed by the mayor without cause being assigned. The city administrator shall be employed pursuant to an employment agreement that establishes his or her compensation and terms and conditions of employment, including benefits. The city administrator’s contract must be approved by majority vote of the council. (Ord. 868 § 1, 2001; Ord. 675 § 1, 1996; Ord. 52 § 4, 1963)

Chapter 2.06

CITY COUNCIL

Sections:

- 2.06.010 Time and place of meetings.
- 2.06.020 Compensation.

2.06.010 Time and place of meetings.

Regular meetings of the council of the city of Lake Forest Park shall be held the second and fourth Thursday of each month at 7:30 p.m. at the City Hall Council Chambers located at 17425 Ballinger Way N.E., Lake Forest Park, Washington.

Additional regular council meetings each month serving as workshop sessions shall be held on the second and fourth Thursday of each month at 6:00 p.m. at the City Hall at 17425 Ballinger Way N.E., Lake Forest Park, Washington. (Ord. 894 § 1, 2003; Ord. 871 § 1, 2002; Ord. 749, 1998; Ord. 694 § 1, 1996; Ord. 671 § 1, 1996)

2.06.020 Compensation.

Councilmembers shall be paid \$500.00 per month; provided, that the increase in compensation for any council position shall not take effect until January 1st of the year following the year in which the council position is filled by a general election. (Ord. 902 § 2, 2003; Ord. 707 § 1, 1997; Ord. 485 § 2, 1991)

Chapter 2.08

APPOINTMENT OF CITY OFFICERS

Sections:

- 2.08.010 Clerk – Appointment.
- 2.08.020 *Repealed.*
- 2.08.030 Clerk – Duties and compensation.
- 2.08.040 Attorney – Appointment.
- 2.08.050 Attorney – Duties.
- 2.08.060 Attorney – Contract.
- 2.08.070 Prosecuting attorney – Appointment.
- 2.08.080 Prosecuting attorney – Duties.
- 2.08.090 Prosecuting attorney – Contract.
- 2.08.095 Finance director – Duties and compensation.
- 2.08.096 Finance director – Qualifications.
- 2.08.100 *Repealed.*
- 2.08.110 *Repealed.*
- 2.08.120 *Repealed.*
- 2.08.130 Planning and building director – Appointment and compensation.
- 2.08.140 Planning and building director – Duties.
- 2.08.150 Planning and building director – Qualifications.
- 2.08.160 Department of public services – Creation – Jurisdiction.
- 2.08.170 Director – Duties and compensation.
- 2.08.180 Director – Qualifications.

2.08.010 Clerk – Appointment.

The city clerk shall be appointed by the mayor subject to confirmation by a majority of the city council. (Ord. 882 § 1, 2002; Ord. 162, 1969)

2.08.020 Treasurer – Duties and compensation.

Repealed by Ord. 882. (Ord. 162, 1969)

2.08.030 Clerk – Duties and compensation.

The city clerk shall fulfill the statutory duties required of that office and such other duties as shall be assigned to the clerk. The clerk shall be compensated as provided by budget or salary ordinance. The city clerk shall receive those benefits normally afforded a full-time nonrepresented employee of the city. (Ord. 882 § 1, 2002; Ord. 162, 1969)

2.08.040 Attorney – Appointment.

A city attorney shall be appointed by the mayor, subject to confirmation by a majority of the city council. The person appointed shall be a citizen of

the United States of America and of the state and an attorney at law in good standing admitted to practice by the Washington State Bar Association. (Ord. 882 § 1, 2002; Ord. 825 § 1, 2000; Ord. 182 § 1, 1970)

2.08.050 Attorney – Duties.

The city attorney shall fulfill the statutory duties required of his office, except such duties as are specifically designated to the city prosecuting attorney and set forth in LFPMC 2.08.080, and perform such other legal services as the mayor and city council may direct. (Ord. 882 § 1, 2002; Ord. 182 § 2, 1970)

2.08.060 Attorney – Contract.

The city attorney shall be retained according to a contract establishing compensation and other terms and conditions all as approved by the city council. (Ord. 882 § 1, 2002; Ord. 182 § 3, 1970)

2.08.070 Prosecuting attorney – Appointment.

A prosecuting attorney shall be appointed by the mayor, subject to confirmation by a majority of the city council. The person appointed shall be a citizen of the United States of America and of the state and an attorney in good standing admitted to practice by the Washington State Bar Association. (Ord. 882 § 1, 2002; Ord. 825 § 2, 2000; Ord. 182 § 4, 1970)

2.08.080 Prosecuting attorney – Duties.

The prosecuting attorney shall represent the city in all matters coming before the municipal court of the city and any and all appeals taken therefrom. (Ord. 882 § 1, 2002; Ord. 182 § 5, 1970)

2.08.090 Prosecuting attorney – Contract.

The prosecuting attorney shall be retained according to a contract establishing compensation and other terms and conditions all as approved by the city council. (Ord. 882 § 1, 2002; Ord. 182 § 6, 1970)

2.08.095 Finance director – Duties and compensation.

A. There is hereby created the office of finance director, which office shall be filled by appointment by the mayor, subject to confirmation by a majority of the city council. The finance director shall be subject to removal by the mayor.

B. Under the direction of the mayor and the city administrator, the finance director shall perform

2.08.096

the statutory duties of the city treasurer, and the finance director shall plan, organize and direct the financial operations of the city, including but not limited to financial management and control of city funds and preparation and administration of the city's operating and capital budgets.

C. The finance director shall receive a salary in such amount as the city council may provide for in the city's annual budget. The director shall receive those benefits normally afforded a full-time non-represented employee of the city. (Ord. 882 § 1, 2002; Ord. 789 § 1, 1999)

2.08.096 Finance director – Qualifications.

A. The director shall either possess a bachelor's degree pertinent to public finance or a bachelor's degree with five years' experience in municipal or public sector management generally comparable to the management responsibilities assigned to the director.

B. The director shall possess knowledge of and experience with municipal finance and budget procedures. (Ord. 882 § 1, 2002; Ord. 789 § 1, 1999)

2.08.100 Accountant – Compensation.

Repealed by Ord. 882. (Ord. 591 § 1, 1994)

2.08.110 Accountant – Duties.

Repealed by Ord. 882. (Ord. 591 § 2, 1994)

2.08.120 Accountant – Qualifications.

Repealed by Ord. 882. (Ord. 591 § 3, 1994)

2.08.130 Planning and building director – Appointment and compensation.

A. There is established the position of planning and building director. The planning and building director shall be appointed by the mayor, subject to confirmation by a majority of the city council. The planning and building director shall be subject to removal by the mayor.

B. The planning and building director shall receive a salary in such amount as the city council may provide for in the city's annual budget. The planning and building director shall receive those benefits normally afforded a full-time non-represented employee of the city. (Ord. 908 § 1, 2004; Ord. 882 § 1, 2002; Ord. 621 § 1, 1995)

2.08.140 Planning and building director – Duties.

Under the direction of the mayor and the city administrator, the duties of the position shall be as follows:

A. Administration and enforcement of LFPMC Titles 15, Buildings and Construction, 16, Environmental Protection, 17, Subdivisions, and 18, Zoning;

B. Administration, implementation, and enforcement of the State Environmental Policy Act (SEPA), the Shoreline Management Act (SMA), and management of general city compliance with the Growth Management Act (GMA);

C. Acting as the city's responsible official under the State Environmental Policy Act;

D. The qualifications and the specific duties of the planning and building director shall be established by a position description prepared by the mayor and approved by the city council. (Ord. 924 § 1, 2005; Ord. 908 § 2, 2004; Ord. 882 § 1, 2002; Ord. 701 § 18, 1997; Ord. 621 § 2, 1995)

2.08.150 Planning and building director – Qualifications.

In addition, in determining the selection of an individual to fill the position, the mayor may consider the following additional qualifications:

A. Thoroughness and attention to detail;

B. Ability to analyze code provisions;

C. Knowledge of basic environmental function and values, and demonstrated skills in oral and written communication to individuals and groups in a public setting;

D. Flexibility to work effectively in collaboration with others in a small staff;

E. Commitment to serving the public;

F. Ability to organize and prioritize workload. (Ord. 908 § 3, 2004; Ord. 882 § 1, 2002; Ord. 621 § 3, 1995)

2.08.160 Department of public services – Creation – Jurisdiction.

There is hereby created a department of public services which shall have responsibility for administration and enforcement of Chapter 12.04 LFPMC, Street Excavations, LFPMC Title 13, Public Services, and such other responsibilities as may be assigned to it by the city administrator or by the mayor. (Ord. 908 § 4, 2004; Ord. 882 § 1, 2002; Ord. 770 § 1, 1998)

2.08.170 Director – Duties and compensation.

A. There is hereby created the office of director of public services, which office shall be filled by appointment by the mayor, subject to confirmation by a majority of the city council. The director of

public services shall be subject to removal by the mayor.

B. Under the direction of the mayor and the city administrator, the director shall be responsible for and supervise those city departments assigned to the jurisdiction of the department of public services by the mayor, and the director shall provide for the administration and enforcement of those titles and chapters of the Lake Forest Park Municipal Code for which the department is assigned responsibility by the ordinance codified in this section or by the mayor.

C. The director of public services shall receive a salary in such amount as the city council may establish by ordinance or provide for in the city's annual budget. The director shall receive those benefits normally afforded a full-time nonrepresented employee of the city. (Ord. 882 § 1, 2002; Ord. 770 § 1, 1998)

2.08.180 Director – Qualifications.

A. The director shall either possess a bachelor's degree pertinent to public administration or have five years' experience in municipal or public sector management generally comparable to the management responsibilities assigned to the director.

B. The director shall possess knowledge of and experience with municipal budget procedures and public works or planning. (Ord. 882 § 1, 2002; Ord. 770 § 1, 1998)

Chapter 2.12

MUNICIPAL COURT

Sections:

- 2.12.010 Adopted.
- 2.12.020 Continuation.
- 2.12.030 Records.
- 2.12.040 Pleading and practice.
- 2.12.050 Jurisdiction.
- 2.12.060 Sessions.
- 2.12.070 Seal.
- 2.12.080 Sentencing and imposition of jail time.
- 2.12.090 Deferral of sentence – Change of plea – Dismissal of action.
- 2.12.100 Notification of deferred or suspended sentence – Termination of probation.
- 2.12.110 Continuation of jurisdiction.
- 2.12.120 Issuance of criminal process.
- 2.12.130 Court costs.
- 2.12.140 Revenue disposition.
- 2.12.150 Jury trials – Juror fees and compensation.
- 2.12.160 Salaries – Operating costs – Employees.
- 2.12.170 Judges – Appointment, term, qualifications.
- 2.12.180 Judges pro tempore.
- 2.12.190 Judges – Vacancy – Appointment.
- 2.12.200 Judges – Removal from office.
- 2.12.210 Judges – Oath – Bond.
- 2.12.220 Warrants – Fees.
- 2.12.230 Payment of fines and fees.
- 2.12.240 Severability.

2.12.010 Adopted.

There is adopted pursuant to RCW 3.50.007, to take effect January 1, 1985, a municipal court to be known as "The City of Lake Forest Park Municipal Court" which shall operate in accordance with and have jurisdiction pursuant to Chapter 3.50 RCW, as presently existing or hereinafter amended. (Ord. 329 § 2, 1984)

2.12.020 Continuation.

All municipal court matters pending as of January 1, 1985, shall continue without change. This reorganization shall not in any way diminish the jurisdiction of the court, change fees, expenses, fines, or forfeiture, except as otherwise expressly provided by Chapter 3.50 RCW. (Ord. 329 § 3, 1984)

2.12.030

2.12.030 Records.

All matters pending effective January 1, 1985, shall be transcribed in accordance with court rules, and such transcripts shall be provided as required in the event of an appeal from any final judgment of the court. All matters appealed shall be on the record as established by the court, and shall be in accordance with rules for pleading, practice, and appeals for the rules for appeal of decisions of courts of limited jurisdiction (RALJ) as presently existing or hereinafter amended. (Ord. 329 § 4, 1984)

2.12.040 Pleading and practice.

Pleading and practice before the municipal court shall be, insofar as applicable, as stated in the Justice Court Criminal Rules (JCCR), and the Justice Court Traffic Infraction Rules (JTIR), subject to local rules that may be adopted by the judges of the municipal court. (Ord. 329 § 5, 1984)

2.12.050 Jurisdiction.

A. The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city and shall have original jurisdiction of all other actions brought to enforce or recover licenses, penalties or forfeitures declared or given by such ordinance or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinance and to pronounce judgment in accordance therewith.

B. All criminal prosecutions for the violation of a city ordinance shall be conducted in the name of the city and may be upon the complaint of any person. The municipal court shall have jurisdiction over, and there is adopted to be effective within the city, all offenses constituting a misdemeanor or gross misdemeanor as defined either under a county enactment or a state enactment. No reference beyond citation to the codified version of a county ordinance or a state enactment shall be necessary for initiation of a prosecution for violation of any such enactments. (Ord. 325 §§ 6, 22, 1984)

2.12.060 Sessions.

The municipal court shall be open and hold such regular and special sessions as may be prescribed by the legislative body of the city, or provided by

the court upon order of the court and in accordance with RCW 3.50.110. (Ord. 325 § 14, 1984)

2.12.070 Seal.

The municipal court may have a seal as prescribed in RCW 3.50.115. (Ord. 325 § 15, 1984)

2.12.080 Sentencing and imposition of jail time.

Sentence and imposition of jail time in lieu of fine and costs shall be as provided in RCW 3.50.300. (Ord. 325 § 17, 1984)

2.12.090 Deferral of sentence – Change of plea – Dismissal of action.

Deferral of sentences, entry of changes of plea, and dismissal of actions shall be in accordance with RCW 3.50.320. (Ord. 325 § 18, 1984)

2.12.100 Notification of deferred or suspended sentence – Termination of probation.

Deferral or suspension of sentence, time limitations therefor, and termination of probation shall be in accordance with RCW 3.50.340. (Ord. 325 § 20, 1984)

2.12.110 Continuation of jurisdiction.

Continuation of jurisdiction of the court after sentencing shall be in accordance with RCW 3.50.330. (Ord. 325 § 19, 1984)

2.12.120 Issuance of criminal process.

All issuance of criminal process shall be in accordance with RCW 3.50.425. (Ord. 325 § 21, 1984)

2.12.130 Court costs.

A. Court costs shall be as provided in RCW 3.50.100 as presently existing and as amended.

B. The costs imposed in subsection A of this section shall be imposed as additional costs and charges as part of the judgment against any defendant found guilty by the court or where the court adjudicates an infraction has been committed and this portion of the judgment and sentence shall not be suspended, reduced or waived.

C. The city treasurer shall remit the moneys collected from the costs imposed in this section as required by law. (Ord. 787 § 2, 1999; Ord. 438 § 1, 1990; Ord. 342 §§ 1 – 3, 1985)

2.12.140 Revenue disposition.

Fees, costs, fines, forfeitures and other money judgment imposed shall be collected, deposited, and remitted, in accordance with RCW 3.50.100. (Ord. 325 § 13, 1984)

2.12.150 Jury trials – Juror fees and compensation.

Jury trials shall be as provided in RCW 3.50.135. Jury fees shall be at the minimum rate provided by law unless the city council by ordinance establishes a higher rate. Failure to properly prepare and plead after demanding a jury trial shall constitute a waiver of a demand for jury. (Ord. 325 § 16, 1984)

2.12.160 Salaries – Operating costs – Employees.

A. Salaries of municipal court judges shall be as fixed by ordinance.

B. All costs of operating the municipal court, including, but not limited to salaries for judges and court employees, dockets, books of records, forms, furnishings, and supplies, shall be paid wholly out of the funds of the city.

C. The city shall provide a suitable place for holding court and pay all expenses of maintaining it.

D. All employees of the municipal court shall, for all purposes, be deemed employees of the city. They shall be appointed by and serve at the pleasure of the court; provided, however, personnel provided by the city shall serve the court unless and until the court directs otherwise. (Ord. 325 § 8, 1984)

2.12.170 Judges – Appointment, term, qualifications.

A. Municipal judges serving upon the effective date of the ordinance codified in this chapter shall continue to serve their terms until such terms expire. The terms of their successors shall commence and continue for a period of each fourth year thereafter pursuant to appointment made by the mayor and confirmed by the city council.

B. A person appointed judge of municipal court shall be an attorney admitted to practice law before the courts of record of the state. Additional judges may be appointed when the public interest and administration of justice makes such additional judges or judges necessary.

C. The municipal court judge shall receive such compensation as shall be fixed by ordinance. Other terms and conditions of employment shall be estab-

2.12.180

lished by a professional services agreement between the city and the judge. (Ord. 860 § 1, 2001; Ord. 325 § 7, 1984)

2.12.180 Judges pro tempore.

The presiding judge of the municipal court shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge or judges. The judges pro tem shall be qualified to hold the position of judge of the municipal court as provided in this chapter. The municipal court judge pro tem shall receive such compensation as shall be fixed by ordinance. The term of appointment for a pro tem judge shall be specified in writing, but in any event shall not extend beyond the term of the appointing municipal court judge. (Ord. 826 § 1, 2000; Ord. 325 § 9, 1984)

2.12.190 Judges – Vacancy – Appointment.

Any vacancy in the municipal court due to a death, disability, or resignation shall be filled by the mayor for the remainder of the unexpired term. The appointment shall be subject to confirmation by the city council. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this chapter. (Ord. 325 § 10, 1984)

2.12.200 Judges – Removal from office.

A municipal court judge shall be removed by majority vote of the city council only upon the conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of office. (Ord. 325 § 11, 1984)

2.12.210 Judges – Oath – Bond.

Every judge, before entering upon the duties of office shall take and subscribe an oath and file a bond as required by RCW 3.50.097. (Ord. 325 § 12, 1984)

2.12.220 Warrants – Fees.

The fee for service of warrants issued under authority of the city municipal court shall be as established by the city's fee schedule resolution and not to exceed limits established by state law. (Ord. 787 § 3, 1999)

2.12.230 Payment of fines and fees.

A. In accordance with RCW 46.64.035, the city municipal court may accept, in lieu of bonds or cash security, valid major credit cards for payment, where cards have been issued by recognized finan-

cial institutions, or automobile club cards guaranteed by an insurance company.

B. The city municipal court shall assess, in addition to any other fine, penalty or forfeiture, an amount equal to the charge to the court for accepting payment pursuant to subsection A of this section.

C. Whenever any unpaid fine, penalty, forfeiture, cost or fee is submitted to an agency for collection, all costs of collection including reasonable attorneys' fees, reasonable collection costs, collection company payment including payment based upon a percentage of recovery, shall also be due from the defendant and shall be, by virtue of this section, added to and part of the judgment against a defendant. (Ord. 450 §§ 1 – 3, 1990)

2.12.240 Severability.

If any sentence, clause, or phrase of this chapter should be held to be invalid or unconstitutional by a court, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause, or phrase of this chapter. (Ord. 860 § 2, 2001)

Chapter 2.16

POLICE DEPARTMENT

Sections:

- 2.16.010 Established.
- 2.16.020 Chief.
- 2.16.030 Appointments and commissions.
- 2.16.040 Powers.
- 2.16.050 Authorized personnel.
- 2.16.060 Officer grades.
- 2.16.070 Advancement.
- 2.16.080 Lateral transfer.
- 2.16.090 Reserves.
- 2.16.100 Discipline.
- 2.16.110 Fingerprinting fee.

2.16.010 Established.

There is established and created a department of police to be operated under the direction and control of a chief of police, subject to the supervision of the mayor. (Ord. 299 § 1, 1983)

2.16.020 Chief.

The position of chief of police shall be filled by appointment by the mayor with confirmation by the city council, and shall be exempt as allowed by RCW 41.12.050 from the benefits and requirements of any applicable civil service law, rule, regulation or requirement. (Ord. 588 § 1, 1994; Ord. 299 § 2, 1983)

2.16.030 Appointments and commissions.

All personnel below the rank of chief shall be appointed and commissioned by the mayor and chief of police in accordance with the applicable law, ordinance, rule or regulation relating to civil service then in force and effect. (Ord. 299 § 3, 1983)

2.16.040 Powers.

The chief of police and all commissioned police personnel shall have the powers granted, with the duties imposed, by the laws of the state relating to chiefs of police and law enforcement personnel of cities of the class to which Lake Forest Park belongs and, in addition thereto, the chief and all other commissioned police personnel of the police department shall have the power and duty to enforce the ordinances of the city and to perform such other services as the laws of the state or the ordinances of the city require. (Ord. 299 § 4, 1983)

2.16.050 Authorized personnel.

A. The police department shall consist of such positions as are funded in the city's budget, to include, subject to such funding, the following regular commissioned personnel: one chief of police, and police officers as authorized by the mayor and city council.

B. The department may be augmented by commissioned and clerical personnel as the city council from time to time provides. Clerical personnel shall not be commissioned police officers nor shall they be subject to or be under any of the civil service regulations in force or effect. (Ord. 299 § 5, 1983)

2.16.060 Officer grades.

The classification of police officers shall consist of the following grades:

- A. Probationary;
- B. Grade 3;
- C. Grade 2;
- D. Grade 1. (Ord. 299 § 6, 1983)

2.16.070 Advancement.

Upon recommendation of the chief of police and with approval of the mayor, police officers shall be eligible for consideration for advancement to the next higher grade in accordance with the following schedule:

A. A probationary officer must serve a minimum of nine months satisfactory active duty to become eligible for consideration to officer grade 3.

B. A grade 3 officer must serve a minimum of one year satisfactory active duty to become eligible for consideration for officer grade 2.

C. A grade 2 officer must serve a minimum of one year satisfactory active duty to become eligible for consideration for officer grade 1.

D. A grade 1 officer must serve a minimum of two-and-one-half years satisfactory active duty to become eligible for the rank of sergeant.

E. All officers are required to devote a minimum of 15 hours per year to maintain their professional competence. All competence activities must be approved by the chief of police prior to entering into the activities. Time devoted to these activities is not subject to compensation.

F. All officers will receive an annual performance review conducted by the chief of police.

G. All candidates for advancement must have an annual performance review of satisfactory or higher.

2.16.080

H. Advancement shall not be automatic. (Ord. 299 § 7, 1983)

2.16.080 Lateral transfer.

Notwithstanding anything in this chapter or in any rule or regulation of the civil service commission, experienced officers from other jurisdictions may be employed by the city at appropriate entry grade levels without first completing eligibility requirements; provided, however, that such officers shall be subject to the then applicable probationary period. (Ord. 299 § 8, 1983)

2.16.090 Reserves.

The chief of police, subject to the approval of the mayor, may appoint as many reserve officers as necessary to assist full-time members in carrying out the functions of the police department. Reserve officers shall at all times be under the control of the chief of police and may be discharged at the pleasure of the chief of police. Reserve officers shall be compensated for shifts assigned as per budget provisions, not to exceed 35 hours per week. The chief of police shall be responsible for the training, discipline and control of all reserve officers and shall promulgate reasonable rules and regulations to effect those purposes. (Ord. 299 § 9, 1983)

2.16.100 Discipline.

The mayor and chief of police shall have the power to exercise such disciplinary powers as otherwise provided by state law and city ordinances, subject to review as provided by the city civil service commission. (Ord. 299 § 10, 1983)

2.16.110 Fingerprinting fee.

The fingerprinting fee shall be as established periodically by city council resolution. (Ord. 787 § 1, 1999; Ord. 326 § 4, 1984)

Chapter 2.20

FIRE PROTECTION

Sections:

2.20.010 Agreement approved.

2.20.010 Agreement approved.

The agreement which has been filed with the city clerk concerning the furnishing of firefighting and controlling equipment by King County Fire Protection District No. 16 to the city and its citizens is approved, and the mayor and the clerk are authorized to execute the agreement on behalf of the city. (Ord. 19 § 3, 1961)

Chapter 2.22

VOLUNTEER COMMISSION SYSTEM

Sections:

- 2.22.010 Title.
- 2.22.020 Commission role and duties.
- 2.22.030 Commissions established.
- 2.22.040 Staffing.
- 2.22.050 Annual commission work cycle.
- 2.22.060 Commission chair.
- 2.22.070 Commission membership – Terms and nominations.
- 2.22.080 Attendance.
- 2.22.090 Commission term staggering.
- 2.22.100 Rules.
- 2.22.110 Quorum – Deciding majority.
- 2.22.120 Meeting summary.
- 2.22.130 Compensation.
- 2.22.140 Political affiliation.

2.22.010 Title.

This chapter shall be titled as the “volunteer commission system” and this chapter shall be known as the new commission code. (Ord. 848 § 1, 2001; Ord. 701 § 1, 1997)

2.22.020 Commission role and duties.

- A. Duties of commissions shall include:
 - 1. Review and recommend policies;
 - 2. Provide program evaluation;
 - 3. Provide budget input during the budget building process;
 - 4. Serve as a forum of community input for specific program areas; and
 - 5. Provide program management or development and assistance for projects that do not have adequate city staff with the permission of the mayor. These duties shall be performed for their related program area responsibility specified in this chapter or as referred to the commission by the city council. The city council may also specify additional duties for a commission to perform by motion or resolution.
- B. Commissions may be created when mandated by state law or when long term planning of five or more years is necessary to implement the comprehensive plan’s policy area as determined by the city council.
- C. Task forces or committees may be created on a temporary or indefinite basis to deal with a specific policy area or issue. Such task forces may be created by the mayor or the council and shall be disbanded by their creator.

D. City services and departments are to be related to an appropriate commission for citizen input and program evaluation related to citizen comments.

E. The mayor shall ensure the production and implementation of a commissioner’s manual establishing standards, procedures, rules and guidance for adoption by the city council by resolution.

F. The mayor shall transmit commission reports and policy memorandum to the city council no later than at its next regular meeting with or without executive comment or recommendation. (Ord. 978 § 1, 2008; Ord. 848 § 1, 2001; Ord. 701 § 2, 1997)

2.22.030 Commissions established.

The following commissions are established that meet the requirements of LFPMC 2.22.020(B) and their associated and assigned program area responsibilities as follows:

A. Planning Commission. The planning commission shall develop the city’s comprehensive plan and updates for recommendation to the mayor and city council and perform other duties as required by state law.

B. Community Services Commission. Social and health services and related programs; criminal justice, police and emergency services; active and passive parks, recreational programs, arts and other cultural activities, recreational facilities.

C. Environmental Quality Commission. Waters and wetlands, open space, riparian zones, other environmentally sensitive areas and other issues affecting the ecosystem of the city.

D. Transportation Commission. Roads, multi-modal transportation and transit.

E. Economic Development Commission. Business and development of economic sustainability.

F. Civil Service Commission. Police personnel as required by state law. The additional duties of this commission shall be defined in the civil service code of the city. (Ord. 978 § 2, 2008; Ord. 848 § 1, 2001; Ord. 837 § 1, 2000; Ord. 701 § 3, 1997)

2.22.040 Staffing.

At the direction of the mayor, the city administrator shall have oversight for staffing of the commissions. Utilization of the city staff will be as defined in the approved commission work plan and as time to time specified in the city budget. Other work requests of designated city staff are to be made by the commission chair or vice-chair to the mayor. The mayor shall forward such request to the city council with a recommended response within

2.22.050

three weeks of receiving the written request. City staff will provide professional support which may include writing drafts of findings and recommendations on matters where appropriate. (Ord. 978 § 3, 2008; Ord. 848 § 1, 2001; Ord. 701 § 4, 1997)

2.22.050 Annual commission work cycle.

A. Annual work plans, coordinated with the budget process, are required from each commission. Work plans are to be provided to and reviewed by the mayor and the city council and approved by the council as noted in a proviso to the budget in accordance with the city budget cycle.

B. Each commission will provide the mayor and the city council a written annual report by February 28th of its work during the preceding calendar year. (Ord. 978 § 4, 2008; Ord. 848 § 1, 2001; Ord. 701 § 5, 1997)

2.22.060 Commission chair.

A. During the month of March each commission shall nominate at least one, preferably two candidates for the mayor to consider for appointment as chair. The mayor may appoint either nominee or will meet with the commission to discuss other nominees. If, after meeting with the commission, the mayor and the commission are unable to reach an agreement on the selection of a chair, then the mayor shall select and appoint the chair from any commissioner serving on the commission. This process shall also be used should a vacancy occur in the position of chair. The appointment shall be completed by April 10th of each year.

B. The chair shall serve a one-year term and may be reappointed using the process described in subsection A of this section. A commissioner shall only serve as chair 36 months out of any 48-consecutive-month period. Chair terms will begin upon appointment and end upon appointment of a new chair or not later than May 10th of each year. Holdover appointments past April 10th are not authorized.

C. Each commission shall elect its own vice chair in accordance with the commissioner's manual. (Ord. 978 § 5, 2008; Ord. 913 § 1, 2005; Ord. 848 § 1, 2001; Ord. 701 § 6, 1997)

2.22.070 Commission membership – Terms and nominations.

A. The city shall create an annual commission appointment cycle in accordance with the commissioner's manual, beginning with the appointment of all new commissioners on March 1st of each year.

B. Nominations by the mayor for commission vacancies are only to be made to the council within 60 days of the projected vacancy(ies). Projected vacancies due to resignation require written notice from the commissioner to the mayor stating the date of resignation. All commissioners shall be confirmed by no less than four members of the city council prior to taking office except for civil service commissioners who do not require confirmation in accordance with state law.

C. All commissioner terms shall be three years except for civil service which shall be six years.

D. Commissioners are limited to two consecutive full-term appointments. A one-year break in service must occur before a new appointment is made to the same commission after the expiration of two consecutive full-term appointments. This subsection shall only apply to appointments confirmed in 1997 and thereafter.

E. It is council policy that reappointment will not be considered automatic in the confirmation process. Reappointment is based solely on the needs of the city and is to be a competitive process.

F. 1. Commissioners shall be:

a. Residents of the city; or

b. Business owners or employees of businesses located in the city except that only one employee or business owner who does not concurrently meet the requirements of subsection (F)(1)(a) of this section may be a member of any one commission at one time with the exception of the economic development commission which may have three who do not concurrently meet the requirements of subsection (F)(1)(a) of this section. All planning and civil service commissioners must be residents.

2. A change of residency to outside of the city by a commissioner shall cause the mayor to immediately declare the position vacated; except, if the commissioner meets the requirements of subsection (F)(1)(b) of this section and no other commissioner currently qualifies for the nonresident exception, then the commissioner may continue to serve. A commissioner serving who qualifies for the nonresident exception and who has a change of employment or ownership to outside of the city shall cause the mayor to immediately declare the position vacated.

G. Balanced geographic representation of the city, consumer/citizen interests and professional expertise on a commission should be a consideration for appointment to commission vacancies.

H. Commissions shall consist of nine members except that the civil service commission shall have

three members and the community services commission shall have 11 members.

I. The commissioner’s manual shall establish an application process for consideration of qualified applicants.

J. The mayor may request removal of a commissioner for actions of malfeasance, neglect of duty, inefficiency, misfeasance, or criminal conviction while in office. A hearing before the city council on a request for removal shall be required. The commissioner shall be notified by certified mail 14 days in advance of such hearing and will be provided an opportunity to speak according to the rules of the council. Proof of mailing to the commissioner’s residence shall constitute notice. The commissioner may be removed by vote of no less than four members of the city council. (Ord. 978 § 6, 2008; Ord. 848 § 1, 2001; Ord. 701 § 7, 1997)

2.22.080 Attendance.

A. Commissions, except the civil service commission, are expected to schedule meetings as required to meet their work plan or consider issues referred to the commission as specified by the referral. Each commission is required to meet no less than once per quarter. Commissions may choose to have a joint meeting with another commission as appropriate.

B. The commissioner’s manual shall provide for attendance standards that at a minimum meet the following: Attendance will be monitored and assessed in six-month periods (whether or not such absence is excused) from March 1st to August 31st and September 1st to February 28th. This section does not apply to the civil service commission.

1. In the event a commissioner is absent 50 percent or more of no less than three scheduled meetings in a six-month period or in the case where there were less than three scheduled in a six-month period, a one-year period, the mayor will contact the commissioner and encourage more active participation. The mayor will communicate to the commissioner the requirements of the code should the commissioner continue to not attend meetings.

2. When a commissioner is absent for 50 percent or more of the meetings in a 12-month period or missing the next meeting following a 12-month period where the commissioner attended less than 50 percent of scheduled meetings during the commissioner’s term, the mayor will declare that there is a vacancy on the commission, and a new appointment process will begin. (Ord. 978 § 7, 2008; Ord. 848 § 1, 2001)

2.22.090 Commission term staggering.

A. The following table shall set the terms for all commissions established by position number, number of commissioners and length of term. Holdover appointments are not allowed except by consent of the city council for a specified period. Effective January 2009, all terms expire on February 28th of the designated year.

Position Number		Term Ending (3 yr.)	Term Ending (6 yr.)
(11)	(3)		
1 & 10	1	March 31, 2010	March 31, 2012
2		March 31, 2010	
3		March 31, 2010	
4 & 11	2	March 31, 2011	March 31, 2013
5		March 31, 2011	
6		March 31, 2011	
7	3	March 31, 2012	March 31, 2014
8		March 31, 2012	
9		March 31, 2012	

B. The mayor may assign existing commissioners of the former human services, public safety and parks and recreation commissions to positions on the newly created community services commission without requirement for city council confirmation. The current term of service on the former commissions of these commissioners shall not be counted toward maximum term length on the community service commission. The mayor shall announce these assignments and the new chair by August 2, 2008. (Ord. 978 § 8, 2008; Ord. 848 § 1, 2001; Ord. 701 § 8, 1997. Formerly 2.22.080.)

2.22.100 Rules.

Commissions shall abide by rules of procedure consistent with state law, the LFPMP, the commissioner’s manual, and city council rules to guide their activities. (Ord. 848 § 1, 2001; Ord. 701 § 9, 1997. Formerly 2.22.090.)

2.22.110 Quorum – Deciding majority.

A majority of the membership of a commission of no less than five commissioners, and for the community services commission, no less than six commissioners, except for the civil service commission, shall constitute a quorum for the transaction of business. A commission may meet with less than a quorum; however, no official recommenda-

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tions or actions may be made with the exception of those related to filling vacancies on the commission. Any action taken by the majority of those present, when those present constitute a quorum at any regular or special meeting of a commission, shall be deemed and taken as the action of the commission. All commissioners in attendance must vote on all motions placed before the commission and each commissioner's vote shall be recorded. (Ord. 978 § 9, 2008; Ord. 848 § 1, 2001; Ord. 701 § 10, 1997. Formerly 2.22.100.)

2.22.120 Meeting summary.

A summary will be made of each commission meeting and copies distributed in accordance with the commissioner's manual including posting a copy of the minutes on the city's website and e-mailing a copy of the link to all council members. (Ord. 978 § 10, 2008; Ord. 848 § 1, 2001; Ord. 701 § 11, 1997. Formerly 2.22.110.)

2.22.130 Compensation.

Members of a commission shall serve without compensation except for authorized expenses. (Ord. 848 § 1, 2001; Ord. 701 § 12, 1997. Formerly 2.22.120.)

2.22.140 Political affiliation.

Members of commissions shall be selected without respect to political affiliation. (Ord. 848 § 1, 2001)

Chapter 2.24

PLANNING COMMISSION

(Repealed by Ord. 701)

Chapter 2.26

BOARD OF ADJUSTMENT

(Repealed by Ord. 837)

Chapter 2.28

BOARD OF PARK COMMISSIONERS

(Repealed by Ord. 701)

Chapter 2.32

**ENVIRONMENTAL
QUALITY COMMISSION**

(Repealed by Ord. 701)

Chapter 2.34

HUMAN SERVICES COMMISSION

(Repealed by Ord. 701)

Chapter 2.36

EMERGENCY SERVICES

(Repealed by Ord. 701)

Chapter 2.38

APPEALS TO SUPERIOR COURT

(Repealed by Ord. 768)

Chapter 2.39

**APPEALS FROM
ADMINISTRATIVE DECISIONS**

Sections:

- 2.39.010 Administrative decisions – Appeals.
- 2.39.020 Judicial review.

2.39.010 Administrative decisions – Appeals.

A. Any administrative decision for which an appeal is not otherwise provided may be appealed to the city council as provided in this chapter. The city council may refer any appeal to it to the hearing examiner for decision.

B. Any person aggrieved by an administrative decision of a city official may appeal such decision by filing a written notice with the city clerk, within 10 days of the decision.

C. The notice of appeal shall be filed on a form provided by the city and shall specify the error(s) claimed.

D. Upon receipt of the notice of appeal and the required fee, the city clerk shall:

1. File a copy of the notice with the city attorney and with the administrative official whose decision is subject to appeal;
2. File a copy of the notice of appeal with the hearing examiner when the hearing examiner is authorized by ordinance to decide the appeal;
3. Place the notice on the city council’s next consent calendar, whenever the city council has reserved to itself decision making authority;
4. File a copy of the notice of appeal with the hearing examiner whenever the city council refers a decision to that official.

E. Each notice of appeal shall be accompanied by the fee established by city council resolution. (Ord. 900 § 1, 2003; Ord. 832 § 1, 2000; Ord. 787 § 1, 1999; Ord. 571 § 2, 1994)

2.39.020 Judicial review.

Unless city ordinance or state law provides otherwise, a decision on an appeal is final unless within 10 days after entry of the decision an appeal is filed with the superior court of King County. (Ord. 900 § 1, 2003; Ord. 832 § 1, 2000; Ord. 571 § 4, 1994. Formerly 2.39.030.)

Chapter 2.40

POLICE CIVIL SERVICE

Sections:

	Article I. General Provisions		
2.40.010	Purpose.	2.40.200	Special requirements.
2.40.020	Definitions.	2.40.205	Conditional admission.
	Article II. Commission	2.40.210	Rejection of applicant or eligible.
2.40.030	Established – Appointments.	2.40.215	Debarment from employment.
2.40.040	Qualifications.	2.40.220	Notice of nonacceptance.
	Article III. Civil Service Rules	2.40.225	Admission to examination pending appeal.
2.40.050	Authority and application.	2.40.230	Application – Amendment.
2.40.055	Scope and purpose.	2.40.235	Application – Not returned.
2.40.060	Presumption of validity.	2.40.240	Application fee.
2.40.065	Severability.	2.40.245	Examinations – Ordering.
2.40.070	Commission – Meetings – Quorum.	2.40.250	Examinations – Announcement.
2.40.075	Commission – Chair – Vice chair.	2.40.255	Continuous examinations.
2.40.080	Commission – Rules of order.	2.40.260	Examinations – Character.
2.40.085	Commissioners – Challenge.	2.40.265	Examinations – Contents.
2.40.090	Commissioners – Challenge – Necessity.	2.40.270	Examinations – Grading.
2.40.095	Office hours.	2.40.275	Promotional examinations.
2.40.100	Public records.	2.40.280	Open graded examinations.
2.40.105	Commission – Record of proceedings.	2.40.285	Veterans' credit.
2.40.110	Reports – Applicants, eligibles, employees.	2.40.290	Service credit in promotional examinations.
2.40.115	Reports – Department heads.	2.40.295	Keyed copy inspection and examination protest.
2.40.120	Secretary – Appointment.	2.40.300	Correction of clerical errors.
2.40.125	Secretary – Discipline.	2.40.305	Effective date of examination results.
2.40.130	Secretary – Authority.	2.40.310	Reexamination.
2.40.135	Secretary – Review of and appeal from actions or decisions.	2.40.315	Examination papers.
2.40.140	Definitions.	2.40.320	Examinations – Additional.
2.40.145	Rules – Amendments.	2.40.325	Multipart examinations.
2.40.150	Rules – Effective date.	2.40.330	Number of applicants – Limitations.
2.40.155	Rules – Copies.	2.40.335	Eligible registers – Establishment.
2.40.160	Rules – Effect.	2.40.340	Return to eligible registers.
2.40.165	Classification plan.	2.40.345	Appointment without examination.
2.40.170	Administration of position classification.	2.40.350	Establishment of reinstatement registers.
2.40.175	Classification of positions.	2.40.355	Availability of eligibles.
2.40.180	Effect of classification changes on incumbent.	2.40.360	Cancellation of eligibility.
2.40.185	Application – Filing.	2.40.365	Eligible registers – Restoration of names.
2.40.190	Application – Promotional examinations.	2.40.370	Appointments generally.
2.40.195	Lateral entry.	2.40.375	Certification – Request.
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		2.40.405	Probationary period – Required.
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- 2.40.425 Probationer – Removal.
- 2.40.430 Probationer – Demotion.
- 2.40.435 Probationer – Protests.
- 2.40.440 Service credit – Generally.
- 2.40.445 Service credit – Determination.
- 2.40.450 Service credit – Requests for confirmation.
- 2.40.455 Service credit – Service covered.
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- 2.40.465 Service credit – Computation.
- 2.40.470 Service credit – Upon separation from service.
- 2.40.475 Transfer.
- 2.40.480 Reduction.
- 2.40.485 Layoff.
- 2.40.490 Leaves of absence – Duration.
- 2.40.495 Leaves of absence – Cancellation/revocation.
- 2.40.500 Leaves of absence – Return from leave.
- 2.40.505 Leaves of absence – Filling vacancy.
- 2.40.510 Leaves of absence – Protests.
- 2.40.515 Resignations – Submittal.
- 2.40.520 Resignations – Withdrawal.
- 2.40.525 Resignations – Involuntary.
- 2.40.530 Resignations – Implied.
- 2.40.535 Return to eligible register following resignation.
- 2.40.540 Suspension.
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- 2.40.560 Appeals – Authorized.
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- 2.40.580 Appeals – Initial review.
- 2.40.585 Appeals – Notice of hearing.
- 2.40.590 Appeals – Authority of department.
- 2.40.595 Appeal hearings – Service of process – Papers.
- 2.40.600 Appeal hearings – Discovery.
- 2.40.605 Appeal hearings – Subpoenas.
- 2.40.610 Appeal hearings – Burden of proof.
- 2.40.615 Appeal hearings – Evidence.
- 2.40.620 Appeal hearings – Deliberation.
- 2.40.625 Appeals – Decision.
- 2.40.630 Appeals – Remedies.
- 2.40.635 Appeals – Reconsideration.
- 2.40.640 Appeals – Waiver of rules.
- 2.40.645 Retirement.

- 2.40.650 Reinstatement after disability retirement.
- 2.40.655 Computation of time.
- 2.40.660 Investigative responsibility.
- 2.40.665 Citizen complaints.

Article I. General Provisions

2.40.010 Purpose.

This chapter establishes a civil service system for the police department of the city which shall govern the method of appointment, promotion and discipline of employees of that department. The purpose of this chapter is:

A. To provide for the appointment, promotion and discipline of officers solely on the basis of merit and fitness for office;

B. To confer tenure on police officers qualifying for such under its terms;

C. To provide methods of appeal by citizens (LFPMC 2.40.280) and police officers (LFPMC 2.40.250) from the decisions of the mayor with reference to allegations of misconduct of police officers. (Ord. 284 § 1, 1982)

2.40.020 Definitions.

For the purposes of this chapter, the following terms have the indicated meanings:

A. “Commission” means the civil service commission created by this chapter and “commissioner” means any member of the commission.

B. “Discipline” means any change in the employment status of an officer which is in the nature of a punishment or a response to inadequate performance and includes, by way of illustration and not limitation, discharge, suspension, demotion, fine and decrease in salary. It does not include oral or written reprimands except as provided in LFPMC 2.40.270. The term does not include actions, not in the nature of a punishment or response to inadequate performance, taken by the city council because of changes in the financial circumstances of the city or reorganization of the police force.

C. “Eligibility list” means a list of names for a particular position compiled by the commission as a result of an examination and interview process, arranged in order of scores.

D. “Mayor” means the mayor of the city. As to those functions contained in LFPMC 2.40.070 through 2.40.140 and 2.40.190 through 2.40.270, the term also includes the chief of police except as to those functions which the mayor reserves to himself.

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E. "Police officer" means any regularly paid full-time or part-time employee of the department performing police functions, but does not include reserve officers of the department regardless of whether such officers are compensated for some of their services.

F. "Tenure" means that status conferred on a police officer according to the provisions of this chapter which prevents the mayor from imposing discipline on a police officer except in accord with the provisions of this chapter. (Ord. 284 § 2, 1982)

Article II. Commission

2.40.030 Established – Appointments.

There shall be a civil service commission composed of three persons appointed by the mayor. Confirmation of the appointments by the city council is not required. The members of the commission shall serve without compensation for terms of six years. Such terms shall be staggered so that a vacancy occurs every two years. Appointments due to resignation shall be for the unexpired term of the departing commissioners. (Ord. 284 § 3(A), 1982)

2.40.040 Qualifications.

No person shall be appointed a member of the civil service commission who has not been a resident of the city for at least three years immediately preceding such appointment and is at least 25 years old. Elected officials of the city are ineligible for service. (Ord. 701 § 14, 1997; Ord. 284 § 3(B), 1982)

Article III. Civil Service Rules

2.40.050 Authority and application.

These rules are promulgated pursuant to the authority granted by Chapter 41.14 RCW, Civil Service for City Police. These rules are applicable to proceedings before the civil service commission and should be read in conjunction with the specific provisions of Chapter 41.14 RCW. (Ord. 618 § 1(1.01), 1995)

2.40.055 Scope and purpose.

These rules govern the continuing administration of the civil service system of the city of Lake Forest Park. The purpose of these rules is to assure that the civil service system in the city of Lake Forest Park is administered in accordance with the ordinances of the city of Lake Forest Park, and that all proceedings before the commission are con-

ducted in an orderly, fair and timely manner. (Ord. 618 § 1(1.03), 1995)

2.40.060 Presumption of validity.

The civil service system implemented by these rules substantially accomplishes the purpose of Chapter 41.14 RCW. Variation from state models are based on local conditions and are intended to maintain the purposes of civil service systems: merit selection, tenure, and an independent civil service commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of Chapter 41.14 RCW. (Ord. 618 § 1(1.05), 1995)

2.40.065 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 which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable. (Ord. 618 § 1(1.07), 1995)

2.40.070 Commission – Meetings – Quorum.

In the necessary conduct of its work, the commission shall meet on the third Wednesday of each month, at 7:30 p.m., at the Lake Forest Park City Hall, unless there is no pending business requiring commission action. 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 42.30 RCW, as amended). (Ord. 618 § 1(2.01), 1995)

2.40.075 Commission – 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/her term, the commission, upon appointment of a new member, shall proceed to the election of a new chair and/or vice chair. (Ord. 618 § 1(2.03), 1995)

2.40.080 Commission – Rules of order.

Roberts Rules of Order Revised shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two commissioners such rules may be waived or modified. (Ord. 618 § 1(2.05), 1995)

2.40.085 Commissioners – Challenge.

Any challenge to a commissioner's sitting at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged commissioners shall review and rule on the challenge prior to proceeding with 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 by a party prior to commencement of a hearing. (Ord. 618 § 1(2.07), 1995)

2.40.090 Commissioners – Challenge – Necessity.

If, as a result of disqualification(s) pursuant to Rule 2.07 (LFPMC 2.40.085), 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. (Ord. 618 § 1(2.08), 1995)

2.40.095 Office hours.

The office and address of the civil service commission is Lake Forest Park City Hall, 17711 Ballinger Way NE, Lake Forest Park, Washington, 98155. The regular office hours of the Commission, secretary/staff shall be Monday through Friday, 9:00 a.m. to 5:00 p.m. (Ord. 618 § 1(2.09), 1995)

2.40.100 Public records.

Public records of the commission shall be available for inspection and copying during the regular office hours of the commission staff. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the commission staff, and under its 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 printed for free public distribution. (Ord. 618 § 1(2.11), 1995)

2.40.105 Commission – Record of proceedings.

The commission shall keep a record of its proceedings. The record of the commission shall not include a written verbatim report of proceedings unless ordered. The commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his/her own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the commission, or a prevailing party, at the discretion of the reviewing court or the commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the secretary. (Ord. 618 § 1(2.13), 1995)

2.40.110 Reports – Applicants, eligibles, employees.

A. Each applicant, eligible and employee shall keep the commission informed, by written notice to the secretary, of 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. (Ord. 618 § 1(2.15), 1995)

2.40.115 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 therefor;

C. Every refusal or failure to accept appointment by a person whose name has been certified. (Ord. 618 § 1(2.17), 1995)

2.40.120 Secretary – Appointment.

A. Secretary-Chief Examiner. A secretary-chief examiner (hereinafter, "secretary") shall be appointed by the commission.

B. The secretary shall be appointed as a result of a competitive examination, which examination may be either original and open to all properly qualified citizens of the city, or promotional and limited to persons already in the service of the

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police, fire or other city department as the commission may decide. (Ord. 618 § 1(3.01, 3.03), 1995)

2.40.125 Secretary – Discipline.

The secretary may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service. (Ord. 618 § 1(3.05), 1995)

2.40.130 Secretary – Authority.

In addition to acting as secretary of the commission, the secretary shall:

A. Be the general manager and executive officer of the civil service department, responsible to the commission, and shall direct the activities of all personnel in the civil service department, including their appointments and removals;

B. Delegate duties where necessary and supervise the work of all persons employed in the department, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;

C. Report to the commission from time to time as directed concerning the details of the work of the department;

D. Prepare the budget for the department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the department;

E. Classify all civil service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;

F. Determine which examinations shall be conducted, the minimum qualification of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he or she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the commission, together with a report on all appeals from rulings or appeals from any part of the examination;

G. 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 to him

from time to time by the commission. (Ord. 618 § 1(3.07), 1995)

2.40.135 Secretary – Review of and appeal from actions or decisions.

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 10 days from the date of notice of such action unless established otherwise in these rules. The commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon. (Ord. 618 § 1(3.09), 1995)

2.40.140 Definitions.

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

1. “Actual service” means the 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. “Allocation” means 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.

3. “Applicant” means anyone who has filed an application to take a civil service examination.

4. “Appointing authority” means the mayor or his or her designee.

5. Appointments.

a. “Appointment, regular” means the appointment of a certified eligible.

b. “Appointment, provisional” means a limited appointment of (i) certified person to a classified position which is not vacant, but is currently unfilled due to an authorized leave of absence; or (ii) a noncertified person to a classified position for which there is no current eligible register.

c. “Appointment, temporary” means a limited 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.”

6. Assignment. An employee may be “assigned” to a position which carries additional salary and additional limited responsibilities and is within the scope of the specification for the class from which assignment is made.

7. “Break in service” means a separation from civil service status with a loss of accumulated service credit as occasioned by a “quit,” “resignation,” “discharge” or “retirement.”

8. “Candidate” means any applicant who has completed, or is in the process of completing, a civil service examination.

9. “Certified eligible list” means 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.

10. “Certify” means verification 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.

11. “City” means the city of Lake Forest Park.

12. “Civil service employee” means any employee who has civil service status.

13. Civil Service Register. See “eligible register.”

14. “Class” means a position or 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.

15. “Class series” means 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 patrol officer, sergeant, lieutenant.

16. “Class specification” means 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.

17. “Commission” means the civil service commission. “Commissioner” means any one member of said commission.

18. “Continuous service” means employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.

19. “County” means King County.

20. “Demotion” means removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.

21. “Department” means any department of the city subject to civil service as established by ordinance. The legal head of any such department is the “department head,” or department head’s designee.

22. “Discharge” means termination, separation, dismissal, or removal of a permanent employee from the classified service for cause.

23. “Eligible” means anyone qualified for a given class through examination and placed on the proper eligible register; also, “certified eligible.”

24. “Eligible register” means a register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, “register of eligibles.”

25. “Employee” means anyone holding a position in the civil service system of the city of Lake Forest Park.

a. “Employee, regular” means any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.

b. “Employee, temporary” means any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.

c. “Employee, exempt” means 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” means a person appointed from a certification who has not yet completed the specified trial period of employment.

e. “Employee, provisional” means any employee appointed provisionally to a position.

Note: A regular employee is the only employee with rights under Rule 19.01 (LFPMC 2.40.560).

26. “Examination” means the process of testing the fitness and qualifications of applicants for positions in a class.

a. “Examination, open” means an examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.

b. “Examination, promotional” means an examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.

27. “Examination bulletin” means an examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and the other pertinent information. The examination announcement shall be

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posted in the commission office and in other suitable locations.

28. "Final examination score" means total of earned exam score plus additional veteran's preference or service credit points for which an applicant is eligible.

29. "In-house register" means a list of the names of civil service employees, in the order of final examination rating, who have passed an examination for an entrance position or class.

30. "Layoff" means the interruption of service and pay of any regular or temporary employee because of lack of work or funds, except that the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.

31. "Official newspaper" means the newspaper designated as official by the city of Lake Forest Park, or as otherwise designated by the commission.

32. "Position" means any group of duties and responsibilities in the service of the city of Lake Forest Park which one person is required to perform as full-time employment, and which is included in the city budget.

a. "Position, regular" means 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 department head certifies to the civil service commission that such position will not be continued in the succeeding year's budget.

b. "Position, permanent part-time" means employment in a permanent position for work on a basis of less than eight hours a day or less than 40 hours a week, but on a regular schedule.

33. "Probation or probationary" means the status of an employee during a trial period following a permanent 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 to which certified and appointed.

34. "Promotion" means the appointment of an employee to a higher class or to a position of higher skill or responsibility level. Any change in employment other than by a temporary or provisional appointment (a) from a lower class to any position in any higher class in the same promotional series of classes as determined by the commission, or (b) to a position which although an entrance position is

of higher skill and/or responsibility, shall constitute a promotion.

35. "Quit" means any voluntary separation of an employee from the city service without acceptance of a resignation by the appointing authority.

36. "Reallocation" means the allocation of a position to a different class in the classification plan.

37. "Reduction" means the removal of an employee from a higher class to a lower class of employment for reasons other than cause.

38. "Register" means 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 "eligible register."

39. "Reinstatement" means reappointment of a regular employee to a position in a class in which the employee was a regular employee.

40. "Reinstatement register" means 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.

41. "Resignation" means 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.

42. "Retention credit" means the employee's service credit in a given class or position and any higher position in a series or any other credit used by the commission to determine order of layoff.

43. "Retirement" means the termination of employment for service or disability pursuant to applicable retirement laws.

44. "Secretary" means secretary-chief examiner as defined in Rule 3 (LFPMC 2.40.120 et seq.).

45. "Service credit" means the length of time an employee is employed by the city of Lake Forest Park as defined in Rule 12.05.01 (LFPMC 2.40.455 (A)).

46. "Standing, regular" means the full civil service status of a regular employee.

47. "Suspension" means 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.

48. "Veterans' preference" means preference in examinations and employment, based on military

service, as provided and defined by applicable laws. (Ord. 618 § 1(4), 1995)

2.40.145 Rules – Amendments.

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. (Ord. 618 § 1(5.01), 1995)

2.40.150 Rules – Effective date.

All rules and amendments shall become effective immediately upon their adoption by the commission, unless some later date is specified therein. (Ord. 618 § 1(5.03), 1995)

2.40.155 Rules – Copies.

A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to city clerk and to each affected department of the city. 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. (Ord. 618 § 1(5.05), 1995)

2.40.160 Rules – Effect.

The terms and conditions of civil service employment are governed by these rules, applicable statute, 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. (Ord. 618 § 1(5.07), 1995)

2.40.165 Classification plan.

A class specification shall be prepared and maintained for each class in the civil service system. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules. (Ord. 618 § 1(6.01), 1995)

2.40.170 Administration of position classification.

The secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant

changes; whenever notification is received that new positions are to be established by the city council/commissioners; or upon request of an appointing authority or an affected employee if title classification of such position has not been reviewed within the last 12 months. (Ord. 618 § 1(6.03), 1995)

2.40.175 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 to other classes. The examples of duties in a specification shall not be construed as exclusive 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. (Ord. 618 § 1(6.05), 1995)

2.40.180 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 in accordance with these rules.

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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 the employee's 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 the employee has regular standing. (Ord. 618 § 1(6.09), 1995)

2.40.185 Application – Filing.

A. All applicants for examinations for positions in the classified civil service must file a written application on a form prescribed by the secretary; 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 requirements specified in these rules and in the official examination bulletin as of the closing day of the official filing period;

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 within the time limit fixed in the official announcement of the examination; provided, that upon written evidence of extenuating circumstances acceptable to the secretary, late applications may be accepted, with review by the commission. 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. (Ord. 618 § 1(7.01), 1995)

2.40.190 Application – Promotional examinations.

A. An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed who, in addition to meeting the requirements of Rule 7.01 (LFPMC 2.40.185), has the requisite service credit designated in the official bulletin.

B. 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 if within 30 days of accepting applications, they meet lower specified minimum service requirements in the classes from which promotion is allowed. (Ord. 618 § 1(7.03), 1995)

2.40.195 Lateral entry.

In accordance with the needs of the police department, a lateral entry eligibility list may be requested of the commission by the department head. Lateral hires shall be hired at an entry level with the appropriate appointment above the minimum in Lake Forest Park. The following minimum requirements shall apply: applicants for lateral entry into the police department shall have served for a minimum of one out of the past three years in the capacity of a full-time police officer with basic certification from the Criminal Justice Training Commission (CJTC), which can be obtained by successfully completing the CJTC 440-hour Basic Law Enforcement Academy. Out-of-state candidates, who have been previously certified in another state, must pass the CJTC equivalency examination. All candidates must successfully pass an oral board examination and background investigation. (Ord. 647 § 1, 1995; Ord. 618 § 1(7.04), 1995)

2.40.200 Special requirements.

A. The secretary may prescribe such limits and such other specific requirements, physical or otherwise, as in the secretary's judgment are required by and related to the work to be performed.

B. When designated on the official bulletins, the secretary may permit filing by an applicant not more than one year under the specified minimum age on an open graded/entrance examination and not more than two years under the specified experience on a promotional examination. A successful candidate will have delayed eligibility until the required minimum age or experience is attained. (Ord. 618 § 1(7.05), 1995)

2.40.205 Conditional admission.

If there is reasonable doubt as to whether the applicant meets the minimum requirements, the secretary may order that the applicant be admitted to the examination on the condition that the particular requirements are met to the satisfaction of the secretary before the applicant is enrolled on an eligible register. (Ord. 618 § 1(7.07), 1995)

2.40.210 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 been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);

D. 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 dismissal from city service or has an unsatisfactory record of employment in the city service or with any other agency or firm;

E. Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;

F. Fails to appear for fingerprinting or other investigation as required;

G. 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;

H. After notification, did not promptly appear at the time and place designated for the examination;

I. Has been discharged from the armed forces under dishonorable conditions;

J. For other material reasons.

Such rejection must be done in writing to the applicant. See Rule 3.09, "Review and Appeal From Actions or Decisions of the Secretary" (LFPMC 2.40.135). (Ord. 618 § 1(7.09), 1995)

2.40.215 Debarment from employment.

A. No one who has been dismissed from the service for cause involving moral turpitude shall be allowed to again enter the service, and anyone dismissed for other good cause shall be allowed to again enter the service only by express consent of the secretary with notification to the commission.

B. 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 ineligible for any further employment in the civil service, with

the exception of unions and guilds. (Ord. 618 § 1(7.11), 1995)

2.40.220 Notice of nonacceptance.

Anyone against whom action is taken under Rule 7.09 (LFPMC 2.40.210) shall be notified promptly by the civil service department of the reasons therefor by oral notice at the time of filing the application and written notice mailed to the applicant or eligible. (Ord. 618 § 1(7.13), 1995)

2.40.225 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. (Ord. 618 § 1(7.15), 1995)

2.40.230 Application – Amendment.

The secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application. (Ord. 618 § 1(7.17), 1995)

2.40.235 Application – Not returned.

All applications when completed and filed become the property of the commission and thereafter may not be returned to the applicant. (Ord. 618 § 1(7.19), 1995)

2.40.240 Application fee.

The application fee shall be as established by the Lake Forest Park fee ordinance. (Ord. 618 § 1(7.21), 1995)

2.40.245 Examinations – Ordering.

An examination shall be ordered whenever it is deemed to be in the best interest of the city of Lake Forest Park. The secretary shall administer examinations as provided by these rules. (Ord. 618 § 1(8.01), 1995)

2.40.250 Examinations – Announcement.

A. Public notice of examinations shall be given by the secretary in the official newspaper and in any other publications which the secretary may direct at least 45 days preceding such examination. The official bulletin shall be posted in the commission's office and distributed to appropriate departments for posting at all employment centers. In addition to the public notice, promotional examination notices shall be posted in the commission

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office and in department offices not fewer than 45 days preceding the examination.

B. Amendments to Announcements. The secretary may amend any published announcement with appropriate public notice. (Ord. 618 § 1(8.03, 8.05), 1995)

2.40.255 Continuous examinations.

A continuous or periodic examining program may be ordered and administered by the secretary 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 and determined by final grades. 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.

A. Notice. Public notice of continuous examinations shall state that the period for filing applications and taking examinations shall remain open until further order and notice. Qualified applicants may take the examination at such times and places as specified in announced schedules which shall be posted in all places and departments where public notice of the examination is or should be posted and, to the extent practicable, shall be included in the examination bulletin.

B. Duration and Closing. Any open filing and examination period may be closed by order of the examiner upon giving notice of the order by:

1. Publication at least once in the official newspaper; and

2. Posting a copy in the personnel division office at least seven days prior to the date of closing.

C. To expedite certification and appointment and to maintain security of examination material, 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.

D. Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations. (Ord. 618 § 1(8.07), 1995)

2.40.260 Examinations – Character.

All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class 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. (Ord. 618 § 1(8.09), 1995)

2.40.265 Examinations – Contents.

Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, 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. (Ord. 618 § 1(8.11), 1995)

2.40.270 Examinations – Grading.

A. Parts and Weights. Each examination shall contain one or more parts to which percentage weights shall be assigned, which weights shall total 100 percent. Each part shall be graded independently. This earned grade shall be multiplied by the percentage weight assigned to such part, and the sum of the resulting products shall be called the examination grade.

B. Passing Grades.

1. The name of an examinee shall not be entered on an eligible register without the examinee having attained a passing grade in the examination as established by the secretary.

2. Tests consisting of interviews and evaluation of experience records shall be graded with 100 percent as the maximum and with 70 percent representing the passing grade for such tests.

3. The secretary shall, before identification of papers, authorize a grading schedule for tests with a minimum passing score which represents an acceptable degree of fitness on such subjects for the class of positions.

C. Qualifying Grade. Where any part or parts of an examination relate to qualifications deemed essential to the proper performance of the duties of the class, the secretary may determine the minimum qualifying grade for each such part or parts. Failure to attain such grade shall disqualify an examinee, without regard to overall examination

grade, and shall disqualify the examinee from participation or rating on other parts of the examination. (Ord. 618 § 1(8.13, 8.15, 8.17), 1995)

2.40.275 Promotional examinations.

Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the commission. (Ord. 618 § 1(8.19), 1995)

2.40.280 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. (Ord. 618 § 1(8.21), 1995)

2.40.285 Veterans' credit.

Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW. (Ord. 618 § 1(8.23), 1995)

2.40.290 Service credit in promotional examinations.

A. Service credit in any promotional examination shall be given for a maximum of 20 years' service with a maximum of 10 points computed in the following manner:

1 to 3 years of service	no points
After 3 years	1/4 point for the next 4 years
Next 8 years	1/2 point per year
Each year beyond, to a maximum of 20 years	1 point per year

B. No points will be given for a fractional part of a year. Anyone who attains the required minimum grade on a promotional exam will be entitled to the applicable points. Service points will not be awarded to any person not attaining the minimum grade. (Ord. 618 § 1(8.27), 1995)

2.40.295 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 working 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 keyed answers must be filed in writing within three working days or the time limitation specified on the examination instruction sheet. No keyed copy will be provided for inspection on stan-

dardized tests or on continuous or periodic examinations.

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 three working 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 three working 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. (Ord. 618 § 1(8.29), 1995)

2.40.300 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. (Ord. 618 § 1(8.31), 1995)

2.40.305 Effective date of examination results.

Results of an examination shall become effective on the date official notice thereof is posted by the civil service commission. (Ord. 618 § 1(8.33), 1995)

2.40.310 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 secretary upon determination that it would be in the best interest of the city of Lake Forest Park.

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. (Ord. 618 § 1(8.35), 1995)

2.40.315 Examination papers.

Examination papers of each eligible shall be kept on file in the office of the commission until the expiration of eligibility. (Ord. 618 § 1(8.37), 1995)

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2.40.320 Examinations – Additional.

A. Eligibles certified pursuant to Rule 9 (LFPMC 2.40.335 et seq.) shall be subject to medical, physical, or psychological examination and to such other examinations administered by the secretary/commission as authorized and approved by the commission. Such other examinations include, but are not limited to, background examination and polygraph, provided, however, polygraph examination shall be allowed only for entry level applicants under RCW 49.44.120. Reports of such examination shall be filed with the commission in the event the findings of the examination recommend that the eligible be rejected. The secretary/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 in order to maintain an ability to certify registers pursuant to Rule 10 (LFPMC 2.40.370 et seq.). (Ord. 618 § 1(8.39), 1995)

2.40.325 Multipart examinations.

Where an examination consists of two or more parts, the examiner may:

A. Set a minimum score to be required in any part of such examination, and any applicant who fails to attain such minimum score shall be considered as having failed in the entire exam and shall not be entitled to take the balance of the exam;

B. Assign weights to each part of the examination, with the examinee's earned examination score equalling the weighted average of the scores on each part;

C. 1. Limit the number to be further considered or tested to a group of the highest scoring applicants, depending on the number of applicants who meet the minimum requirements for a position;

2. Allow candidates of protected groups which are under-represented in the job classification or department, to continue in the testing process, even if their passing scores on each test are not the highest. This would pertain only to entry level tests and only to women, minority or handicapped candidates.

D. Employ all or any of the above options for multipart examinations in any examination. (Ord. 618 § 1(8.41), 1995)

2.40.330 Number of applicants – Limitations.

The secretary may restrict the number of qualified applicants to be examined at any one time whenever an examination for a position is likely to

attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups.

A. Random Sample. The secretary may provide for a random sample of qualified applicants to be drawn for an entry level examination by so stating in the examination bulletin. Those qualified applicants whose names are not drawn for the initial group to be examined shall be held on file. Should the initial group examined fail to yield an eligibility list of sufficient size to meet the needs for eligibles for that class, or should the list become exhausted before it expires, a sample from the remaining qualified applicants will again be drawn and the examination process repeated.

B. Affirmative Action – Entry Level Examinations. The city of Lake Forest Park is an equal opportunity employer.

C. Multipart Examinations. The secretary may limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of tests; provided, however, the number of examinees shall be established before administration of preliminary tests. (Ord. 618 § 1(8.43), 1995)

2.40.335 Eligible registers – Establishment.

After each examination, an eligible register for the class shall be prepared on which the names of 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 for service credit plus 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. The one who qualifies for veterans' preference in accordance with Washington state law. Eligibles on a promotional register do not so qualify.

2. 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.

3. When the examination has only one part or the candidates have the same standing under subsections (D)(1) and (D)(2) of this section:

a. As between examinees who are city employees, the one having the greater service credit with the city, regardless of class or department;

b. If one is a regular or probationary city employee and the others are not, the regular city employee has preference.

4. 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. (Ord. 618 § 1(9.01), 1995)

2.40.340 Return to eligible registers.

A. Following Layoff. On layoff, 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 layoff.

B. After Resignation or Retirement.

1. A former employee who resigned or retired may request return of his/her 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; provided, the secretary may extend the above time limitation for not to exceed an additional four years upon satisfactory showing that such extension would be in the best interest of the city;

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

3. A former employee whose eligibility is reinstated under this rule shall be certified according to civil service rules. However, the name of such an eligible need be considered only by the department which recommends the return of the name to the register;

4. 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. (Ord. 618 § 1(9.03, 9.05), 1995)

2.40.345 Appointment without examination.

Except as provided in Rules 9.03, 9.05, and 9.07 (LFPMC 2.40.340 and 2.40.350), any return to the civil service shall be by examination only. (Ord. 618 § 1(9.06), 1995)

2.40.350 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 layoff.

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

C. Anyone on a reinstatement register who becomes a regular employee in another department shall lose reinstatement rights in the former department.

D. Anyone 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. (Ord. 618 § 1(9.07), 1995)

2.40.355 Availability of eligibles.

A. It shall be the responsibility of an eligible to notify the civil service department 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. (Ord. 618 § 1(9.11), 1995)

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2.40.360 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 or dismissal from the service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from city service 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 14 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.

F. Such action contemplated by this rule may also be taken for other material reasons. (Ord. 618 § 1(9.13), 1995)

2.40.365 Eligible registers – Restoration of names.

The name of an eligible which has been removed from a register may be restored upon written request to the secretary for such restoration. The request must specify the reasons for the requested restoration. The secretary may approve the request if it is deemed that the evidence submitted justifies such approval. (Ord. 618 § 1(9.15), 1995)

2.40.370 Appointments generally.

Vacancies in the classified civil service shall be filled by reinstatement, promotional appointment, assignment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate register, the secretary may authorize a temporary or provisional appointment. (Ord. 618 § 1(10.01), 1995)

2.40.375 Certification – Request.

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 for full description of the position to be filled. (Ord. 618 § 1(10.03), 1995)

2.40.380 Certification – Procedures.

A. Eligible Register. Certification to fill a vacancy shall be made by the civil service department from registers in the following order and as provided in this rule:

1. Reinstatement;
2. Promotional;
3. Original.

B. Order of Reinstatement – Eligible.

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 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 secretary may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

3. Nothing in this rule shall prevent the reinstatement of any regular or probationary employee for the purpose of transfer to another department, either for the same class or for voluntary reduction in class, as provided in these rules.

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

D. Multiple Vacancies. 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. Additional Names. 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. Special Skills. 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 secretary 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. Prior Service. If a temporary vacancy is to be filled from an open or a promotional register, those eligibles with three months of service who are shown on the register as having been laid off within the last 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. Application/Examination. The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.

I. Selective Certification. Where a certification of eligibles other than in the normal order is requested in writing by the appointing authority as being necessary to implement the affirmative action program of the city by achieving ratios of minority, female or handicapped employees in all classifications of city employment approximately equal to the ratios of these same groups in the community, and the secretary determines that the reasons given fully justify the request, a certification may be made of the highest ranking eligibles of minority, female, or handicapped eligibles, as designated in the request in accordance with the city's affirmative action program. (Ord. 618 § 1(10.05), 1995)

2.40.385 Certification – Deferment.

The secretary 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 or her desire to be returned to the register, and such return has been approved by the secretary. (Ord. 618 § 1(10.07), 1995)

2.40.390 Certification – Duration.

Certification shall be in effect for 30 days from its date of issuance. The appointing authority must file a report of any appointment from such certification with the secretary. Upon request, the secretary may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification. (Ord. 618 § 1(10.09), 1995)

2.40.395 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. (Ord. 618 § 1(10.11), 1995)

2.40.400 Temporary appointment.

Where there is no suitable eligible register from which certification can be made, the secretary may allow the appointing authority to make a temporary appointment. A temporary appointment may be made for a period of up to nine months and may be extended for a longer period of time. No person shall receive more than one temporary appointment in any 12-month period. All temporary employment in a class shall cease at the earliest possible date and shall not exceed 30 days from date of notice that a proper eligible register for such class is available, provided, an extension may be granted by the secretary upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the four-month limitation. (Ord. 618 § 1(10.13), 1995)

2.40.405 Probationary period – Required.

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. The purpose of the probationary period is to provide a trial period during which the department may observe the performance of the probationary employee before civil service status is acquired.

B. If a probationer transfers in the same class from one department to another, the receiving department may, with the approval of the secretary, require that a complete probationary period be served in that department.

C. A regular employee who has been reduced to a lower class in which he/she has not had regular standing shall have probationary status in the lower class for 12 months from the date of such reduction. (Ord. 618 § 1(11.01), 1995)

2.40.410 Probationary period – Length.

The period of probation shall be equivalent to nine months of full-time service following permanent appointment from an eligible register. Minor absences due to vacations, annual military leave, illnesses, etc. shall not be construed as interrupting

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the probationary period unless an absence or absences are considered to be excessive to the extent that the secretary will approve a departmental request for an extension of the probationary period. (Ord. 618 § 1(11.03), 1995)

2.40.415 Probationary period – Interruption by military service, pregnancy or disability.

A probationer who engages in active military service on an extended basis, pregnancy or disability, shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave, pregnancy or disability. (Ord. 618 § 1 (11.05), 1995)

2.40.420 Probationary period – 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 secretary 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. (Ord. 618 § 1(11.07), 1995)

2.40.425 Probationer – Removal.

A. Grounds. 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 19.01.02 (LFPMC 2.40.560(B)).

B. Procedure. The department head must file a prescribed form stating the reasons for the removal with the city administrator or his/her designee prior to the end of the probationary period. Notice must be mailed to or personally served on the employee and proof of notice filed with the city administrator or her/his designee.

C. Rights Retained. A promotional probationer, unless discharged for cause, retains all civil service rights to the position from which appointed. Such rights shall be retained whether promotion is to an entrance or promotional position. (Ord. 618 § 1 (11.09), 1995)

2.40.430 Probationer – Demotion.

A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he/she was appointed, in accordance with Rule 17.03 (LFPMC 2.40.545) on demotion, or

may be allowed eligibility for another position in the same class, for which he/she is deemed qualified by the appointing authority, subject to approval by the commission. A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation. (Ord. 618 § 1(11.11), 1995)

2.40.435 Probationer – Protests.

Any probationer may file a written protest with the Secretary protesting a termination of probationary status or demotion. All protests must be filed within 10 days of notice of the action taken. The secretary will give due consideration to and take appropriate action on all timely filed protests. Probationers may appeal a decision of the secretary to the commission under Rule 19.01.02 (LFPMC 2.40.560(B)). (Ord. 618 § 1(11.13), 1995)

2.40.440 Service credit – Generally.

Service credit in a class for a regular employee shall be computed to cover all service subsequent to regular appointment in that class and shall be applicable in the department in which employed. (Note: Refer to Rule 8.27 (LFPMC 2.40.290).) (Ord. 618 § 1(12.01), 1995)

2.40.445 Service credit – Determination.

A. The determination of a regular employee's earned service credit shall be made on the basis of the available payroll, personnel and other records. If payroll records are not available for any particular period, it shall be rebuttably presumed that each regular employee employed during such period, as shown by other records, earned full service credit in the particular class and department in which employed, for the entire length of such period.

B. Following the requisite probationary period and upon appointment or reappointment, the seniority and service credit of the employee shall begin anew and be computed without benefit or credit of any prior service except as the commission may otherwise authorize for the good of the service. (Ord. 618 § 1(12.03), 1995)

2.40.450 Service credit – Requests for confirmation.

A. Requests. Any regular employee, or an association or union on behalf of such employee, or the head of an employee's department may request a determination of the employee's earned service credit as of a designated date in any specified class and department in which he has served. If the request is made at a reasonable time and interval,

and subject to such directives as may be then in effect, the secretary shall as soon as practicable but within 10 days ascertain the requested computation, and shall so notify the requesting employee, association, union or department head in writing.

B. Protests. If any employee, association, union or department head has cause to object to the computation of the employee's service credit, written protest may be filed with the secretary setting forth with particularity the reason and basis for his objection. Such protests must be filed within 10 days. The secretary shall give due consideration to all timely filed protests and take such action as deemed appropriate. (Ord. 618 § 1(12.04), 1995)

2.40.455 Service credit – Service covered.

A. Generally. Once a regular employee acquires tenured civil service status and regular standing in any given class in a particular department, the employee shall receive full service credit for the entire length of time served in such class and department, whether such service is continuous or interrupted.

B. Probationary Period. After completion of an original or promotional probationary period, a regular employee shall receive credit for actual service during such period. If a probationer fails to complete satisfactorily the required probationary period and is returned to his/her former regular class, actual service during such period shall be credited to the former class.

C. Temporary or Provisional Appointment. If a temporary or provisional appointment is followed by a regular appointment to the same class, such employee shall receive credit in such class for actual, continuous service during the temporary or provisional appointment. A regular employee shall receive service credit in the regular class for the period after the regular appointment, served under a temporary or provisional appointment to another class or department or to an exempt position, if the employee returns to the regular class after the expiration or termination of such service.

D. On Assignment. A regular employee shall be credited to the regular class for the entire length of time served under an assignment.

E. Leaves with Pay. A regular employee shall receive full credit for any leave with pay.

F. Leaves without Pay. No service credit shall be allowed for any time that an employee is on any leave of absence without pay.

G. Suspension. No service credit shall be allowed while an employee is on a suspension without pay, unless the suspension is modified,

reversed or nullified on appeal. (Ord. 618 § 1(12.05), 1995)

2.40.460 Service credit – Change in class or department.

A. Generally. No service credit earned by a regular employee in any one class and department shall be carried over upon appointment, promotion, reinstatement, transfer, demotion or voluntary reduction to or from another class or department, but such service credit shall be permanently retained in and be credited to the class and department in which it was earned, unless expressly provided by these rules.

B. Abolition of Class. In the event that a regular employee's former class is abolished or changed, all service credit earned in such class prior to its abolition or change and not lost or forfeited shall be credited to another class in the same department which is substantially similar to, and is neither higher nor lower than, the abolished or changed class.

C. Combination – Computation. Whenever the service credit of a regular employee earned in two or more classes, or in the same class in different departments, is to be combined under these rules as hereinafter prescribed, the service credit earned and not lost or forfeited in each such class and department shall be computed separately and shall be added together, and the total sum shall represent the employee's service credit for the particular purpose in question. (Ord. 618 § 1(12.06), 1995)

2.40.465 Service credit – Computation.

A. Promotion. Upon completion of the probationary period for a promotional position, an employee shall receive credit for all service in the promotional class and particular department, which shall be credited to that class and department. All prior service credit earned in the lower class and department shall be retained by the employee, but such service credit shall be credited only to the latter class and department.

B. Transfer. A regular employee shall be entitled to retain all service credit earned in any class and department prior to an authorized transfer therefrom, which shall be credited to such former class and department. Service credit earned in the new class or department to which transferred shall be credited to such new class or department, from the effective date of the transfer. If the transfer becomes tenured, the required trial period, if any, shall be credited to the new class or department. Otherwise such trial period as served shall be credited to the former class or department.

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C. Demotion. Upon the involuntary demotion of an employee in accordance with these rules, all service credit earned in the class and department from which demoted, up to the effective date of the demotion shall be retained by the employee, unless otherwise provided in the demotion order and approved by the commission. From that time, the employee shall be entitled to such service credit earned in the lower class to which demoted, plus whatever service credit formerly earned in such class and department and not lost or forfeited. Any required trial period, if satisfactorily served, shall be credited to that lower class and department. If not satisfactorily served and demoted again, such trial period as actually served shall be credited to the next lower or other class in which the employee acquires regular standing or, in the event of a lay-off, to the class and department from which the employee is laid off.

D. Voluntary Reduction. Upon the voluntary reduction of a regular employee to a lower class in the same or different department as provided by these rules, such employee shall retain all earned retention credit in the higher class and department from which reduced, prior to such reduction, if not lost or forfeited.

E. Reallocation.

1. Similar Classes. If a regular employee's position is reallocated to a different class which is substantially equivalent to the former class, all the service credit previously earned in the former class and same department and not lost or forfeited shall be credited to the new class. In addition thereto, the employee shall receive all service credit subsequently earned in the new class and the same department.

2. Dissimilar Classes. If the position is reallocated to a class which is not substantially similar, the service credit earned in the former class shall be credited to such former class and department.

F. Layoff. No service credit shall accrue or be allowed during the period in which an employee is laid off, but all service credit earned and not lost or forfeited up to the effective date of the layoff shall be retained by the employee. (Ord. 618 § 1(12.07 – 12.12), 1995)

2.40.470 Service credit – Upon separation from service.

Upon separation from the service, no credit shall be given or allowed for any prior service or employment up to the time of such separation, and except as otherwise specifically provided by these rules, service credit shall be forfeited and not be

reinstated upon reemployment by the city. (Ord. 618 § 1(12.14), 1995)

2.40.475 Transfer.

A. The transfer of an employee shall not constitute a promotion in the service, except as provided in Rule 13.03.04 (subsection (C)(4) of this section).

B. Intradepartmental Transfers. An appointing authority may transfer an employee from one position to another position in the same class in his/her department without prior approval of the secretary but must report any such transfer to the civil service department within five days of its effective date.

C. Transfers may be made upon consent of the department head and with the secretary's approval as follows:

1. Transfer in the same class from one department to another; such a transfer may be made concurrent with the appointment of an employee to another class;

2. Transfer to another class in the same or a different department in case of injury in the line of duty either with the city service or with the armed forces in time of war, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;

3. Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department, upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment;

4. Transfer, in lieu of layoff, may be made with limited standing to a single position in another class when such transfer would constitute a promotion or advancement in the service provided a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced and when transfer in lieu of layoff under Rule 13.03.03 (subsection (C)(3) of this section) is not practicable. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment;

5. The secretary may approve a transfer under this Rule 13.03 (subsection (C) of this section) with the consent of the appointing authority of the receiving department only, upon a showing of circumstances justifying such action.

D. These rules have no authority or effect on positions or departments not subject to the civil service. Transfer to or from positions or departments not subject to the civil service are unaffected by these rules. (Ord. 618 § 1(13.01 – 13.04), 1995)

2.40.480 Reduction.

A. Authorized. As defined in Rule 4.73 (LFPMC 2.40.140(37)), a reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A reduction may be made only upon an employee's written request, and consistent with these rules.

B. Applicable Classes. A reduction may be approved for:

1. The next lower or any lower class in the class series containing the class from which reduced;
2. Any lower class in which the employee has acquired previously regular standing, provided there has been no intervening forfeiture; or
3. Any lower class which is substantially similar to any lower class (in the employee's current class series) in the position classification plan; or
4. For employees seeking return to employment or reemployment from a disability, to a vacant position in another permissible class or department for which the employee qualifies.

C. Procedure.

1. A request for reduction must be submitted in writing to the secretary. The request must include statement of justifiable or satisfactory reason, including a showing that the employee meets the qualifications of the lower class.

2. The reduction must be approved by the city administrator or her/his designee and the head of the department in which the lower class is located, and reported to the commission.

3. The reduction shall take effect on the date ordered by the commission.

D. Effect of Reduction.

1. Upon the effective date, or following satisfactory completion of any trial period, the reduction shall be complete and the employee shall have regular standing in the lower class and department to which reduced.

2. An employee reduced shall be able to return to the former position only by examination and regular appointment, or in the event of a recovery from disability, appointment from a reinstatement register.

E. Reduction Available.

1. By Employee. A voluntary reduction may be sought by an employee for any vacant position

in a class under Rule 13.05.02 (subsection (B) of this section).

2. By Department.

a. Employees with Standing. Reduction involuntarily of an employee from a higher civil service class to a lower civil service class is governed by Rule 14, Layoff (LFPMC 2.40.485). Return of an employee from an exempt position to a civil service position is governed by Rule 15, Leaves of Absence (LFPMC 2.40.490 et seq.).

b. Employees without Standing. When an employee is reduced from an exempt position, the employee may petition in writing the commission within 10 days of the end of employment in the exempt position for placement on a reinstatement register for a class for which the employee is deemed eligible. In considering the placement of the employee, the commission may consider the employee's experience, the record of city employment, or such other factors as deemed in the best interest of the system. The commission's decision shall be deemed permissive and discretionary, and an employee shall have no claim or cause for denial of placement on a reinstatement register.

E. The commission may, in its judgment and discretion, provide in the order granting or approving any reduction that the employee shall serve a designated trial period, not to exceed one month's service from the effective date of the reduction, in the position to which reduced for the sole purpose of satisfying the commission that employee is capable of satisfactorily performing the functions and duties of such position or class.

Provided, however, that the commission may by its order for cause, at any time during the running of a prescribed trial period, either extend, shorten, modify or waive in whole or in part the duration or balance of such period. (Ord. 618 § 1(13.05), 1995)

2.40.485 Layoff.

A. In a given class in a department, the following shall be the order of layoff:

1. Provisional appointees;
2. Temporary or intermittent employees not earning service credit;
3. Probationers (except as their layoff may be affected by military service during probation);
4. 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 secretary may grant permission for layoff out of the regular order, upon showing by the department head of a necessity therefor in the interest of efficient operation of the

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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 in a series of classes in his/her department, or he/she may be transferred as provided by Rule 13.03.03, Transfer in Lieu of Layoff (LFPMC 2.40.475(C)(3)). An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with the service credit Rule 12 (LFPMC 2.40.440 et seq.). (Ord. 618 § 1(14), 1995)

2.40.490 Leaves of absence – Duration.

A. A leave of absence without pay for a period not exceeding 30 consecutive days may be granted by the appointing authority of a department head, who shall give notice of such leave to the commission.

B. A request for a leave of absence longer than 30 days bearing the favorable recommendation of the employee's department head may be granted by the secretary, who shall give notice of such leave to the commission.

C. No employee shall be given leave to take a position outside the city service except where it appears in the best interest of the city. (Ord. 618 § 1(15.01), 1995)

2.40.495 Leaves of absence – Cancellation/revocation.

Any or all leaves of absence without pay within a department may be cancelled whenever any necessity arises in the good-faith judgment of the department head. A department head may revoke an individual employee's leave without pay if it is found that the employee is using the leave for purposes other than that for which it was granted. Employees may be ordered to return to work immediately or as soon as practicable on written notice from the department head of the cancellation or revocation of their leave. A copy of such notice shall be filed with the secretary immediately. (Ord. 618 § 1(15.02), 1995)

2.40.500 Leaves of absence – 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 standing and service credit as determined by these rules. (Ord. 618 § 1(15.04), 1995)

2.40.505 Leaves of absence – Filling vacancy.

All temporary employment caused by leave of absence shall be made pursuant to Rule 10 (LFPMC 2.40.400). (Ord. 618 § 1(15.05), 1995)

2.40.510 Leaves of absence – Protests.

All protests to any action pertaining to leaves of absence shall be filed with the secretary within 10 days of notice of such action. The secretary shall give due consideration to and take appropriate action on all timely filed protests. (Ord. 618 § 1(15.06), 1995)

2.40.515 Resignations – Submittal.

Resignation of any employee from the service shall be made in writing and filed with the secretary after approval by the department head. (Ord. 618 § 1(16.01), 1995)

2.40.520 Resignations – Withdrawal.

The secretary may permit the withdrawal of a resignation only upon a written request filed within 180 days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the appointing authority. (Ord. 618 § 1(16.02), 1995)

2.40.525 Resignations – Involuntary.

Any resignation may be voided and set aside and the employee reinstated or restored to active duty by order of the commission upon its determination that the resignation was made involuntarily or under duress or coercion, after giving the department head reasonable notice and an opportunity to be heard on the matter. Such action by the commission may only be taken upon the written petition of the resigned employee filed with the city administrator within 10 days from the effective date of the resignation. If no such petition is filed within the 10-day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion. (Ord. 618 § 1(16.03), 1995)

2.40.530 Resignations – Implied.

The department head may presumptively consider any employee to have impliedly resigned upon finding that such employee has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for five or more consecutive working days or has quit or "orally resigned" and has been absent from duty for three or more consecutive working days without leave or authorization. An employee will not be determined

to have resigned under this rule until five days after proof of service of a written notice by registered or certified mail to the employee's last known address as filed with the personnel manager. No resignation order shall take effect if, prior thereto, the employee reports for active duty, applies for restoration or reinstatement, or otherwise gives notice to the department head or the city administrator or her/his designee which, in the judgment of the commission, rebuts the presumption of resignation. (Ord. 618 § 1(16.04), 1995)

2.40.535 Return to eligible register following resignation.

See Rule 9.05 (LFPMC 2.40.340(B)). (Ord. 618 § 1(16.05), 1995)

2.40.540 Suspension.

A. A department head may suspend a subordinate, with or without pay, for a period not to exceed 30 days for good cause.

B. Any deprivation by a department head of any vacation or other paid leave, compensatory time off or other privilege involving pay or compensation either directly or indirectly, to which an employee is otherwise entitled under law and these rules shall be deemed to be a suspension without pay and shall be subject to the above provisions. (Ord. 618 § 1(17.01), 1995)

2.40.545 Demotion – Discharge.

A. The department head may discharge an employee or demote an employee to a lower class for cause. An employee so demoted shall lose all rights to the higher class. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer.

B. The secretary shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class. The demoted employee may be required to actually and actively serve a trial period in the class to which demoted, for such time and upon such terms and conditions as the head of the department may provide in the demotion order, for the sole purpose of determining that he/she is capable of satisfactorily performing the functions and duties of such class.

C. Upon the satisfactory completion of the prescribed trial period or upon the effective date of the demotion if no such period is required, the demoted employee shall have the status, rank and standing of the lower class to which demoted, and such class and department shall be deemed to be his/her regu-

lar class and department for purposes of these rules until an authorized change is made.

1. Demotion of an employee to a lower class for good cause may be made by the department head.

2. An employee so demoted shall lose all rights to the higher class.

3. 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 secretary 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. (Ord. 618 § 1(17.03), 1995)

2.40.550 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, inattention to, or dereliction of duty;

B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, 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 efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

F. Conviction of a felony, or a misdemeanor involving moral turpitude;

G. 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;

J. Any other cause, act or failure to act which, under law or these rules, or the judgment of the commissioners, is grounds for or warrants dismissal, discharge, removal or separation from the

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service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action. (Ord. 618 § 1(17.05), 1995)

2.40.555 **Predisciplinary hearing.**

A. Required. A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate.

B. Standards/Notice of Discipline.

1. An employee shall be provided, in writing, with a notice of the charge and an explanation of the department's evidence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's proposed action should not be taken.

2. The employee may have legal counsel or union representation present at a predisciplinary hearing.

3. The department's explanation of the department's evidence at the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.

4. Should the appointing authority determine to discipline following the predisciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.

5. The commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee. (Ord. 618 § 1(18), 1995)

2.40.560 **Appeals – Authorized.**

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 of 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 or city ordinances/policy may appeal such violation to the commission. (Ord. 618 § 1(19.01), 1995)

2.40.565 **Appeals – Time – Form.**

A notice of appeal shall be filed at the commission offices within 10 days of the action that is the subject of the appeal. 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 made 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. (Ord. 618 § 1(19.03), 1995)

2.40.570 **Appeals – Exhaustion of administrative remedies.**

A. The secretary 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.

B. If the employee exhausts the available administrative procedures and continues to believe that good cause has not been shown, the employee may within 10 days after the final step of the procedure request the secretary to return the appeal to the commission for hearing. (Ord. 618 § 1(19.05), 1995)

2.40.575 **Appeals – Authority of secretary-chief examiner and staff.**

A. The secretary-chief examiner to the commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the commission. The secretary-chief examiner may also conduct prehearing settlement conferences (in order to encourage resolution of contested matters), issue subpoenas, and note depositions.

B. The commission may authorize the commission staff 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 staff 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-chief examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder of any person

who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the commission. (Ord. 618 § 1(19.07), 1995)

2.40.580 Appeals – Initial review.

The secretary-chief examiner shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the secretary-chief examiner 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. (Ord. 618 § 1(19.09), 1995)

2.40.585 Appeals – Notice of hearing.

Upon receipt of a notice of appeal, the commission staff shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within 10 days, a hearing before the commission shall be set, with each party to be afforded not fewer than 20 days' notice of such hearing. 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. (Ord. 618 § 1(19.11), 1995)

2.40.590 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. (Ord. 618 § 1(19.13), 1995)

2.40.595 Appeal hearings – Service of process – Papers.

A. The commission staff 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 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 papers shall be by personal service, by reg-

istered or certified mail, or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers or by certificate of any attorney or secretary-chief examiner.

C. Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or intercity), upon properly stamped and addressed deposit in the mail system.

D. Papers required to be filed with the commission shall be deemed filed upon actual receipt of the papers by the commission staff 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 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. (Ord. 618 § 1(19.15), 1995)

2.40.600 Appeal hearings – 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. (Ord. 618 § 1(19.17), 1995)

2.40.605 Appeal hearings – 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 proceeding. The party requesting the subpoena is responsible for having said subpoena properly

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served. Such requests for subpoenas shall be submitted to the commission offices at least three days prior to the hearing.

C. Service of subpoena shall be made by serving a copy of the subpoena on the person named 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. (Ord. 618 § 1(19.19), 1995)

2.40.610 Appeal hearings – Burden of proof.

At any hearing on appeal from a demotion, suspension or 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. (Ord. 618 § 1(19.21), 1995)

2.40.615 Appeal hearings – 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. A witness 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-chief examiner.

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 days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one day prior to the hearing.

F. An employee has the right to appear before the commission with or without counsel and to be heard in the employee's defense. (Ord. 618 § 1(19.23), 1995)

2.40.620 Appeal hearings – Deliberation.

The commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the secretary-chief examiner and legal counsel to the commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the commission concerning any matter on appeal, other than in open hearing. (Ord. 618 § 1(19.25), 1995)

2.40.625 Appeals – 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 be issued within 30 days of the close of the hearing of an appeal or other proceeding heard only by the commission. Absent the consent of an appellant to an extension of time, failure to issue a decision within the time prescribed shall result in an appeal being sustained. (Ord. 618 § 1(19.27), 1995)

2.40.630 Appeals – Remedies.

The commission may issue such remedial orders as deemed appropriate. (Ord. 618 § 1(19.29), 1995)

2.40.635 Appeals – 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 10 days of the decision

of the commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary. (Ord. 618 § 1(19.31), 1995)

2.40.640 Appeals – Waiver of rules.

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. (Ord. 618 § 1(19.33), 1995)

2.40.645 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. (Ord. 618 § 1(20.01), 1995)

2.40.650 Reinstatement after disability retirement.

A. Procedure. The secretary 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. Upon being satisfied that the employee is physically and mentally competent to perform the duties of the regular class, the secretary shall:

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

2. Place the name on the reinstatement register for an available class and department.

B. Effect. 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 secretary. If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of lay-off. Any reinstatement in a class other than that in which last employed shall not result in a promotion.

C. Discharge for Cause – Exception. The provisions of this rule shall not apply in the event an employee is discharged from the service, whether or not the employee receives a disability retirement. (Ord. 618 § 1(20.02), 1995)

2.40.655 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. When the period of time prescribed or allowed is 10 days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

B. Any period of time except for the stated period of time set forth in Rules 19.03 and 19.11 (LFPMC 2.40.565 and 2.40.585) may be extended by the secretary-chief examiner for no more than 14 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: (1) posted in the commission's office as provided in these rules; (2) mailed; or (3) delivered personally to a party to a proceeding. (Ord. 618 § 1(21.03), 1995)

2.40.660 Investigative responsibility.

The civil service commission shall make investigations as deemed necessary to insure that the intent of the city of Lake Forest Park Municipal Code and these rules and regulations are being adhered to. The commission shall have such necessary powers to enable it to conduct such investigations, including, but not limited to, the right of access to work sites, the power to administer oaths and subpoenas, and the ability to require the attendance of witnesses and/or the production of any pertinent documents. (Ord. 618 § 1(21.04), 1995)

2.40.665 Citizen complaints.

The commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, and setting forth in concise language, in writing, the necessity for such investigation. (Ord. 618 § 1(21.05), 1995)

2.42.010

Chapter 2.42

POLICE CORPS PROGRAM

Sections:

- 2.42.010 Recitals and findings.
- 2.42.020 Police corps authorized.
- 2.42.030 Civil service integration.

Police Corps Program, certification by the Washington Criminal Justice Training Commission, and successful completion of all testing, subject to 42 U.S.C. § 14096 and regulations applicable to all law enforcement officers of the city. (Ord. 812 § 3, 2000)

2.42.010 Recitals and findings.

The city council finds that:

A. The United States adopted the Police Corps Act, Title XX, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. §§ 14091 et seq., to:

1. Address violent crime by increasing the number of police with advanced education and training on community patrol; and
2. Provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

B. The state of Washington sponsors, through the Criminal Justice Training Commission, the Police Corps Program, a description of which is attached to the ordinance codified in this chapter as Appendix 1.

C. The city endorses the Police Corps Program and seeks to participate in the program through sponsorship of qualified candidates. (Ord. 812 § 1, 2000)

2.42.020 Police corps authorized.

The city council authorizes city participation in the Washington Police Corps Program, subject to the terms and conditions thereof. The mayor is authorized to enter into contracts necessary for the implementation of the Police Corps Program and sponsorship of police corps candidates. (Ord. 812 § 2, 2000)

2.42.030 Civil service integration.

Candidates for the Police Corps Program sponsored by the city:

A. Shall be reviewed and approved by the civil service commission and chief of police prior to sponsorship;

B. Shall be subject to all requirements of employment qualification, including, but not limited to, background testing, polygraph, and other evaluations (collectively, "testing") prior to sponsorship and following completion of the program;

C. Shall be employed as a probationary employee of the city upon graduation from the

Chapter 2.44

HOLIDAYS AND LEAVES

Sections:

- 2.44.010 Definitions.
- 2.44.020 Holidays.
- 2.44.030 Vacation – Earning.
- 2.44.040 Vacation – Taking.
- 2.44.050 Sick leave – Earning and use.
- 2.44.060 Sick leave – Deductions.
- 2.44.070 Sick leave – Termination of employment.
- 2.44.080 Military and jury duty leaves.
- 2.44.090 No credit for unpaid leaves.
- 2.44.100 Records.
- 2.44.110 Past service.

2.44.010 Definitions.

As used in this chapter:

A. “Continuous service” means regular service uninterrupted by periods of nonemployment with the city.

B. “Holiday,” “vacation” and “sick leave” mean excused absence from regular service without loss of pay.

C. “Regular service” means being present for and performing assigned duties on a 40-hour-per-week schedule for which time cards shall be kept, with salary rates computed on the basis of an established monthly salary.

D. “Regular service employee” means any employee who is performing “regular service,” other than an employee whose terms and conditions of employment are established by a written contract between the city and the employee. (Ord. 879 § 3, 2002; Ord. 262 § 1, 1980)

2.44.020 Holidays.

A. Regular service employees shall be entitled to holidays as established by state law on the following days:

1. New Year’s Day;
2. Martin Luther King Jr.’s Birthday;
3. Presidents’ Day;
4. Memorial Day;
5. Independence Day;
6. Labor Day;
7. Veterans Day;
8. Thanksgiving Day;
9. The day following Thanksgiving Day;
10. Christmas Day;
11. The employee’s birthday.

B. If an employee’s service is required on a holiday or if a holiday occurs on a scheduled day off, a regular service employee shall be given an alternate holiday which shall be added to unused vacation according to the requirements of subsection of LFPMC 2.44.040(B).

C. No employee shall be entitled to any holiday or compensation in lieu thereof unless he holds a regular service position on the day preceding and on the day following the holiday. (Ord. 348 § 1, 1986; Ord. 262 § 2, 1980)

2.44.030 Vacation – Earning.

Regular service employees shall earn vacation credit for service days as follows:

A. For their first six months of continuous service, ten-twelfths of a day for each month of service, upon completion of the sixth month;

B. For each month of their continuous service following the sixth month until completing nine years of continuous service, ten-twelfths of a day upon completion of each month;

C. For their tenth consecutive year of continuous service until completing 19 years of continuous service, fifteen-twelfths of a day for each month upon completion of the month;

D. For their twentieth consecutive year of continuous service and thereafter, twenty-twelfths of a day for each month upon completion of the month. (Ord. 262 § 3(1), 1980)

2.44.040 Vacation – Taking.

A. Vacation credit must be used prior to the end of the continuous service year following the continuous service year in which it was earned, except that from any one continuous service year a regular service employee may save not more than 10 days of vacation credit to a maximum cumulative total of 30 days (excluding credit being earned in the current continuous service year).

B. Vacation dates must be approved by the department head. Vacation dates for department heads or higher-grade employees must be approved by the mayor. Vacation dates should be requested a reasonable time in advance and the request should be approved or denied without undue delay. Vacations will not be approved for an employee returning from an unpaid leave of absence of two months or more until that employee has completed six months of continuous service after returning.

C. Upon termination of employment, compensation shall be given for unused vacation, as provided for in this chapter. For this purpose, each

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vacation day shall be considered to be one-twenty-first of a month. (Ord. 262 § 3(2, 3, 4), 1980)

2.44.050 Sick leave – Earning and use.

A. Regular service employees shall earn one day of sick leave credit per month of continuous service.

B. Sick leave shall be granted to regular service employees for the following reasons:

1. Illness of or injury to the employee;
2. Quarantine of the employee by a public health official;
3. Death of an immediate family member.

C. The employee shall, as soon as possible, inform his department head of the need to use sick leave. When requested for the reason provided for in subsection (B)(3) of this section, the length of leave shall be determined by the department head or mayor.

D. When for illness, quarantine or injury, the employee uses sick leave credit for three or more successive regular days of service, the employee shall have a licensed physician or dentist certify the cause of the absence, which certification must be accepted and approved by the department head.

E. Failure to comply with the provisions of subsections B, C and D of this section shall be cause to deny use of sick leave credit. (Ord. 262 § 4(1 – 5), 1980)

2.44.060 Sick leave – Deductions.

A. An employee using sick leave credit who simultaneously receives compensation for loss of income under the Workmen’s Compensation Law or other insurance paid for by the city shall be paid only that portion of his salary which, together with the compensation, would equal his regular salary; accumulated days of sick leave credit shall be reduced at the same rate as the portion of total sick leave salary is to his full salary.

B. An employee who is unable to work, for reasons of disability established under state pension plans, shall have sick leave credit reduced at the same rate as the portion of city paid salary is to the employee’s full salary. (Ord. 262 § 4(6, 7), 1980)

2.44.070 Sick leave – Termination of employment.

An employee who terminates his employment with the city, for any reason, shall forfeit all unused sick leave. (Ord. 262 § 4(8), 1980)

2.44.080 Military and jury duty leaves.

A. Leaves of absence without pay for six months or less may be granted by the mayor for military service.

B. Leaves of absence with pay for six months or less may be granted by the mayor for jury duty. (Ord. 262 § 5, 1980)

2.44.090 No credit for unpaid leaves.

For unpaid leaves of absence and suspensions of employees subject to civil service regulations, no holiday, vacation or sick leave credit shall be accumulated. (Ord. 262 § 6, 1980)

2.44.100 Records.

The department heads shall prepare appropriate record forms and make periodic entries thereon to enable the mayor to administer the provisions of this chapter. (Ord. 262 § 7, 1980)

2.44.110 Past service.

Vacation or sick leave credit shall be granted to all employees holding regular service positions at the time this chapter becomes effective as though this chapter had been in effect at the time such employee began his continuous service. (Ord. 262 § 8, 1980)

Chapter 2.48

CLAIMS FOR DAMAGES

Sections:

2.48.010 Filing with city clerk.

2.48.020 Review by city council.

2.48.010 Filing with city clerk.

No claim for damages shall be considered unless and until there first has been filed with the office of the city clerk and presented to the city council a claim sworn to under penalty of perjury by the claimant. A claim form shall be established by the clerk and shall require subscription under penalty of perjury; indicate the date, time and place damages were incurred; the nature of the damages; the amount claimed. (Ord. 356 § 1, 1986)

2.48.020 Review by city council.

Upon receipt of a claim for damages, the same shall be presented to the city council and reviewed in accordance with the then adopted claims adjustment procedure. (Ord. 356 § 2, 1986)

Chapter 2.50

DEFENSE AND INDEMNIFICATION OF CITY OFFICERS, EMPLOYEES AND VOLUNTEERS

Sections:

- 2.50.010 Definitions.
2.50.020 Legal representation.
2.50.030 Exclusions.
2.50.040 Determination of representation.
2.50.050 Representation of claims.
2.50.060 Payment of claims.
2.50.070 Failure to comply with conditions.
2.50.080 Reimbursement of incurred expenses.
2.50.090 Conflicts with insurance policies or union contracts.
2.50.100 Pending claims.

2.50.010 Definitions.

Unless the context requires otherwise, the words and phrases used in this chapter shall have the following meanings:

- A. 'Appointed' means formally appointed by the city council or as authorized by state law or city ordinance.
B. 'Claim' means a claim or lawsuit.
C. 'Employee' means any person who is or has been employed in the service of the city.
D. 'Officer' means any person who is serving or has served as an elected city official or an appointed member of any city board, commission, agency or committee.
E. 'Volunteer' means a volunteer as defined in RCW 51.12.035, as amended. (Ord. 750 § 1, 1998)

2.50.020 Legal representation.

A. Subject to the conditions and requirements of this chapter, the city shall provide to an officer, employee or volunteer, as a condition of service or employment, legal representation as may be reasonably necessary to defend a claim filed against the officer, employee or volunteer resulting from or arising out of the performance, alleged performance or failure to perform in good faith duties for or employment with the city. The legal representation required by this section shall be provided even if the officer, employee or volunteer has concluded service or employment with the city.

B. The legal representation shall be provided by the office of the city attorney, unless:

- 1. Any provision of an applicable insurance policy provides otherwise; or

2. A conflict of interest or ethical rule prevents the city attorney from providing the representation.

C. If outside counsel is retained under subsection B of this section, the city shall not indemnify the officer, employee or volunteer for attorneys' fees in excess of the hourly rates established by the city's contract with the city attorney. (Ord. 750 § 1, 1998)

2.50.030 Exclusions.

A. This chapter shall not apply to:

- 1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an officer, employee or volunteer;
2. Any act or course of conduct of an officer, employee or volunteer that is not performed on behalf of the city;
3. Any act or course of conduct that is outside the scope of an officer's, employee's or volunteer's service or employment with the city; and
4. Any claim brought against an officer, employee or volunteer by or on behalf of the city.

B. Nothing in this chapter shall be construed to waive or impair the city's right to institute suit or counterclaim against any officer, employee or volunteer nor to limit the city's right or ability to remove, discipline or terminate an officer, employee or volunteer.

C. This chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the officer, employee or volunteer is insured against loss or damages under the terms of any valid insurance policy; provided, that this chapter shall provide protection above any loss limit of such policy. This chapter is intended to be secondary to any contract or policy of insurance applicable to any officer, employee or volunteer. The city shall have the right to require an officer, employee or volunteer to utilize any such insurance policy prior to requesting the representation or indemnification under this chapter. (Ord. 750 § 1, 1998)

2.50.040 Determination of representation.

At the request of an officer, employee, or volunteer for legal representation under this chapter, the city council, on the recommendation of the city attorney, shall determine whether the officer, employee or volunteer is entitled to a defense by the city. The city council's decision shall be based on a finding that acts or omissions of the officer, employee or volunteer were, or were in good faith purported to be, within the scope of his or her offi-

cial duties, and that the request otherwise meets the criteria of this chapter. The city may undertake the defense of an officer, employee or volunteer subject to a reservation of rights. The determination as to whether to provide a defense to a member or members of the city council shall be made without the vote of such member or members of the city council unless the inclusion of such member or members is required for a quorum; provided, that if a claim affects a quorum or greater number of members of the city council, all such affected members shall retain their voting privileges under this section. (Ord. 750 § 1, 1998)

2.50.050 Representation of claims.

If the city council determines that an officer, employee or volunteer is entitled to legal representation under this chapter, the city attorney or the other attorney(s) designated by the city shall investigate and defend the claim, so long as the following conditions are met:

A. As soon as practical after receiving notice of a claim covered by this chapter, the officer, employee or volunteer shall give the city attorney written notice of the claim, demand, notice, summons or other process, identifying the officer, employee or volunteer involved, the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim, the names and addresses of all persons allegedly injured or damaged, and the names and addresses of all witnesses.

B. The officer, employee or volunteer involved shall cooperate with the city attorney or other attorney designated by the city, and on request, assist in settling the claim and enforcing any claim of right or subrogation against any persons or entities that may be liable to the city in connection with the incident or course of conduct, including but not limited to, rights of recovery for costs and attorneys' fees.

C. The officer, employee or volunteer shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses, all without any additional compensation to the officer, employee, or volunteer. If the officer, employee or volunteer has left the service or employment of the city, no compensation shall be provided.

D. The officer, employee or volunteer shall not accept or voluntarily make any payment, assume any obligation, or incur any expense relating to the claim, other than for first aid to others at the time of any incident or course of conduct. (Ord. 750 § 1, 1998)

2.50.060 Payment of claims.

If the city council determines that an officer, employee or volunteer is entitled to legal representation under this chapter, if the conditions of LFPMC 2.50.050 are met, and if a settlement is made or a judgment rendered against the officer, employee or volunteer, the city shall pay the settlement or judgment not otherwise covered by any insurance policy; provided, that the city may at its discretion appeal any judgment. (Ord. 750 § 1, 1998)

2.50.070 Failure to comply with conditions.

A. If an officer, employee or volunteer fails or refuses to comply with any of the conditions of this chapter, then the provisions for representation and indemnification in this chapter shall be inapplicable, and shall have no force or effect with respect to that claim.

B. If an officer, employee, or volunteer elects to provide for his or her own defense of any claim without first obtaining a determination as provided in LFPMC 2.50.040, the city council may determine that the provisions for representation and indemnification in this chapter shall be inapplicable and of no force and effect with respect to that claim. (Ord. 750 § 1, 1998)

2.50.080 Reimbursement of incurred expenses.

A. If the city determines that a claim against an officer, employee or volunteer is not covered by this chapter, and court of competent jurisdiction later determines that the claim is covered, the city shall pay any judgment rendered against the officer, employee or volunteer, the officer's, employee's or volunteer's reasonable attorneys' fees incurred in defending the claim, and the officer's, employee's or volunteer's costs, including reasonable attorneys' fees, incurred in obtaining the judicial determination that the claim is covered. If a court of competent jurisdiction determines that the claim is not covered by this chapter, the officer, employee or volunteer shall pay the city's costs, including reasonable attorneys' fees, incurred in obtaining the determination that the claim is not covered.

B. If the city determines that a claim against an officer, employee or volunteer is covered by this chapter, and a court of competent jurisdiction later finds that such claim is not covered, then the officer, employee or volunteer shall reimburse the city for all costs, including reasonable attorneys'

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fees, incurred in obtaining the determination that the claim is not covered. (Ord. 750 § 1, 1998)

2.50.090 Conflicts with insurance policies or union contracts.

A. The indemnification provisions in this chapter do not constitute a policy of insurance, and this chapter shall not be construed to modify or amend the provisions of any insurance policy where an officer, employee or volunteer is a named insured. If there is a conflict between this chapter and any such insurance policy, the insurance policy shall control; provided, that nothing contained in this section shall be deemed to limit or restrict any official's employee's or volunteer's right to full coverage under this chapter.

B. If a bargaining unit contract covers the subject of any of the provisions of this chapter, all employees subject to the contract shall be governed by the terms of the contract. If there is a conflict between the contract provisions and this chapter, the contract provisions shall control. (Ord. 750 § 1, 1998)

2.50.100 Pending claims.

This chapter shall apply to any claim against an officer, employee or volunteer pending on the effective date of the ordinance codified in this chapter, and to any claim made or filed after that date, without regard to the date on which the events or circumstances that are the basis of the claim occurred. (Ord. 750 § 1, 1998)

Chapter 2.52

CREDIT CARDS FOR CITY EXPENSES

(Repealed by Ord. 947)

Chapter 2.84

**REPORTING IMPROPER
GOVERNMENTAL ACTION
AND PROTECTING EMPLOYEES
AGAINST RETALIATION**

Sections:

- 2.84.010 Policy statement.
- 2.84.020 Definitions.
- 2.84.030 Procedures for reporting.
- 2.84.040 Protection against retaliatory actions.
- 2.84.050 Responsibilities.

2.84.010 Policy statement.

It is the policy of the city of Lake Forest Park:

- A. To encourage reporting by its employees of improper governmental action taken by city officers or employees; and
- B. To protect city employees who have reported improper actions in accordance with the city’s policies and procedures. (Ord. 518 § 2, 1993)

2.84.020 Definitions.

As used in this policy, the following terms shall have the meanings indicated:

- A. “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.
- B. “Employee” means any person appointed to any position with the city under any provision of the personnel ordinance of the city, whether part-time or full-time, temporary or contract hire.
- C. “Improper governmental action” means any action by a city officer or employee:
 - 1. That is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and
 - 2. That (a) is in violation of any federal, state or local law or rule, (b) is an abuse of authority, (c) is of substantial and specific danger to the public health or safety, or (d) is a gross waste of public funds.

Improper governmental action does not include proper personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

D. “Retaliatory action” means any adverse change in the terms and conditions of a city of Lake Forest Park employee’s employment. (Ord. 518 § 3, 1993)

2.84.030 Procedures for reporting.

A. City employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee’s belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the city administrator or such other person as may be designated by the mayor to receive reports of improper governmental action.

B. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

C. The supervisor, the city administrator or the mayor’s designee, as the case may be, shall take prompt action to assist the city in properly investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent reasonably possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be given a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

D. City employees may report information about improper governmental action directly to the appropriate government agency responsible for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the city to determine whether an improper governmental action occurred, or that insufficient action has been taken by the city to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.

E. City employees who fail to make a good faith attempt to follow the city of Lake Forest

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Park's procedures in reporting improper governmental action shall not receive the protections provided by the city of Lake Forest Park in these procedures. (Ord. 518 § 4, 1993)

2.84.040 Protection against retaliatory actions.

A. City officials and employees are prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

B. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the city administrator or the mayor's designee. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

C. If the employee's supervisor, the city administrator or the mayor's designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the city council that:

1. Specifies the alleged retaliatory action; and
2. Specifies the relief requested.

D. City employees shall provide a copy of their written charge to the city administrator no later than 30 days after the occurrence of the alleged retaliatory action. The city shall respond within 30 days to the charge of retaliatory action.

E. After receiving either the response of the city or 30 days after the delivery of the charge to the city, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the city manager within the earlier 15 days of delivery of the city's response to the charge of retaliatory action, or 45 days of delivery of the charge of retaliation to the city for response.

F. Upon receipt of request for hearing, the city shall apply within five working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
P.O. Box 42488, 4224 Sixth SE
Row Six, Bldg. 1
Lacey, WA 98504-2488
(206) 459-6353

or make arrangements for appointment of a private professional quasi-judicial hearings officer. The city will consider any recommendation provided by the hearings officer that the retaliatory individual be suspended with or without pay, or dismissed. (Ord. 518 § 5, 1993)

2.84.050 Responsibilities.

The mayor is responsible for implementing the city of Lake Forest Park's policies and procedures for reporting improper governmental action, and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (A) are permanently posted where all employees will have reasonable access to them, (B) are made available to any employee upon request, and (C) are provided to all newly hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal. (Ord. 518 § 6, 1993)