

# **CITY OF SEDRO-WOOLLEY**

## **CIVIL SERVICE RULES**

Adopted December 13, 2018

### **RULE I - DEFINITIONS**

The following definitions shall govern the terms used in these rules and regulations.

- (1) "Commission" means the City Civil Service Commission, or combined City Civil Service Commission, as provided in these rules.
- (2) "Commissioner" means any one of the three members of such commission.
- (3) "Appointment" includes all means of selecting, appointing or employing any person to any office, place, position, or employment subject to civil service.
- (4) "Appointing power" means the Sedro-Woolley Mayor who is invested by law with power and authority to select, appoint, or employ any necessary police employees subject to civil service.
- (5) "Employee" means all persons regularly employed in the Sedro-Woolley Police Department / Sedro-Woolley Fire Department either on a part-time or full-time basis.
- (6) "Allocate" shall mean the act of assigning each position to its proper class.
- (7) "Certify" shall mean the act of the commission in supplying an appointing power with the names of applicants who are eligible for appointment to the class and positions in the classified service for which certification is requested.
- (8) "Class" shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.
- (9) "Continuous service" shall mean employment in the classified service as a regular or probationary employee which is uninterrupted except for authorized leave of absence or separation due to layoff; however, time lost due to layoff shall not be included in the determination of length of continuous service.

(10) "Demotion" shall mean the assignment of an employee to a position in a lower class having a lower minimum and maximum salary than the position from which the assignment is made.

(11) "Eligible" shall mean a person listed on an active employment list and who has rights under these rules to be certified for appointment.

(12) "Eligible list" shall mean an employment list designating the names of persons who are on the eligible list for appointment.

(13) "Emergency employee" shall mean any employee whose services are required in case of an emergency for a period not to exceed thirty days.

(14) "Employment list" shall mean a list of all persons who have qualified for appointment to positions within a certain class under the provisions of these rules, and who have not yet been appointed to such class and who have not been removed from such list in accordance with these rules.

(15) "Original appointment" shall mean regular appointment from an eligible list to a position in the classified service.

(16) "Probationary employee" shall mean any employee who is serving his probationary period prior to being permanently appointed to a position.

(17) "Probationary period" shall mean that period during which an appraisal of an employee's skills, aptitudes and adjustments are made prior to his permanent appointment in that position.

(18) "Promotion" shall mean an employment list established by a promotional examination.

(19) "Promotional list" shall mean an employment list established by a promotional examination.

(20) "Provisional employee" shall mean any employee filling a position without competition pending the establishment of an employment list.

(21) "Re-employment list" shall mean an employment list established by listing former regular or probationary employees who have been separated from the classified service by layoff.

(22) "Regular employee" shall mean any employee in the classified service who has been permanently appointed after serving a probationary period to a position established by appropriate legislative action and normally involving continuous year around service.

(23) "Seniority" shall mean that period from the employee's hire date/time for the City in a position (classified or unclassified) covered by these rules. An employee's seniority can be broken so that no prior period of employment is counted. The

employee's seniority shall cease upon: Justifiable discharge; Voluntary quit; Failure of the employee to return to work after expiration of a temporary disability leave; Failure of the employee to notify the City of his/her willingness to return to work upon recall from an indefinite layoff within seven (7) calendar days after receipt of written notice from the City at his/her last known address appearing on the City's records; and Layoff (a reduction – in – force) exceeding twelve (12) months.

## RULE II - ORGANIZATION

Section 1. Quorum Requirements - Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission.

Section 2. Compensation - Duties - The members of the commission shall serve without compensation.

Section 3. Expenses - The members of the civil service commission shall be reimbursed for necessary expenses incurred while actually engaged in the performance of their official duties in like manner as is provided by the law for other city officers.

Section 4. Chairman - Immediately after appointment the commission shall elect one of its member's chairman who shall hold such position for the remainder of his term or until his successor is appointed.

Whenever a vacancy exists in the position of chairman the commission shall elect a new chairman who shall hold such position for the remainder of his term as commissioner or until his successor is appointed.

Section 5. (1) Regular Meetings - The commission shall meet on the third Thursday of January, April, July and October at 4:00 p.m. and such additional meetings as may be required for the proper discharge of its duties. The official meeting place shall be the Sedro-Woolley Municipal Building in the Skagit Conference room. Said meetings may be dispensed with if there is no official business pending.

(2) Special Meetings – Special meetings may be called by the Chairman, with 24 hours notice, as required by RCW 42.30.080.

Section 6. Chief Examiner -

(1) The commission shall appoint a chief examiner who may also serve as secretary of the commission and render such assistance as may be necessary.

(2) The chief examiner may be compensated for all regular meetings and may also be compensated for administering examinations as approved by the commission.

(3) The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under his direction, and perform such other duties as the commission may prescribe.

(4) The chief examiner may be subject to suspension, or reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of employees in the classified service.

### RULE III - GENERAL PROVISIONS

Section 1. Appointments To Be Based Upon Merit - All appointments to and promotions to positions in the classified civil service shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation, R.C.W. 41.12.

Section 2. Authority To Fix Salaries Retained - All offices, places, positions, and employment coming within the purview of this act, shall be filled by the appointing power, and nothing herein contained shall infringe upon such authority that the city council may have to fix the salaries and compensation of all employees employed hereunder.

Section 3. Enforcement - The commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of the civil service act and rules of the commission. The city attorney shall represent the commission in such suits but said commission may in any case be represented by special counsel that they appoint.

Section 4. Prohibited Practices - No commissioner or any other person, shall, by himself or in cooperation with others, defect, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulation, or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to this act, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examinations or registration of application or request to be examined or registered.

Section 5. Discrimination - The right of any person to an appointment or promotion to any position in the police or fire department shall not be withheld because of his race, color, creed national origin, political affiliation or belief, nor shall any person be dismissed, demoted, or reduced in grade for such reasons.

Section 6. Political Contributions and Services - No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose.

Section 7. Funds May Be Provided - The City Council of Sedro-Woolley may provide in the city budget for each fiscal year a sum equal to one-half of one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this act. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the city, according to the ratio of contribution, on the first day of January following the close of such fiscal year.

Section 8. Where an applicant or employee of the city shall be reported by the examining physician to be physically or mentally unfit to perform work in the position to which appointment is to be made or in which he is employed, such applicant or employee shall have a period of three working days from the date of his notification of such determination by the examining physician to indicate, in writing to the commission, his intention to submit the question of his physical or mental unfitness to a physician of his own choice. In the event there is a difference of opinion between the examining and the chosen by the applicant or employee, then a physician shall be mutually designated by the examining physician and the physician chosen by the applicant or employee whose decision shall be final and binding as to the physical or mental fitness of the applicant or employee to perform the work of the position to which appointment is to be made or in which he is employed.

An applicant finally determined to be physically or mentally unfit shall not be considered for appointment. When an employee is finally determined to be physically or mentally unfit for service, such employee shall be demoted in accordance with these rules or separated from the city service. Such demotion or separation shall be within five days

from the date of final determination of the physical or mental unfitness of the employee, subject, however, to the provisions of Rule XI.

Section 9. Separability - If any section, sentence, clause, or phrase of these rules should be held to be invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of these rules.

#### RULE IV – CLASSIFICATION

Section 1. Classified Service Defined - Employment in the Sedro-Woolley Police Department / Sedro-Woolley Fire Department is divided into the classified and the unclassified service. The unclassified service shall consist of:

(1) Any employee, other than those set forth below, on a part-time or temporary basis who is employed less than 100 hours per month or 1,000 hours per year.

(2) Part or full-time police cadets and/or volunteer personnel assigned to telephone or desk duties, (to include college interns & senior citizen program assistants).

(3) Administrative Secretary which is a non-union, confidential position.

(4) Chief of Police

(5) Fire Chief

(6) Part Time Firefighters (less than full paid) (added Sept. 25, 2008)

(7) Part Time Firefighter/Paramedics (less than full paid) (added Sept. 13, 2018)

(8) Part Time Paramedic (less than full paid) (added Sept. 13, 2018)

The classified service shall consist of the following job positions within the police department and/or fire department:

(1) Police Lieutenant

(2) Police Sergeant

(3) Police Officer

(4) Records Clerk

(5) Code Enforcement Officer

(6) Full Time Firefighters

(7) Assistant Fire Chief (added April 20, 2004)

(8) Data Entry/Transcriptionist (added August 9, 2005)

(9) Fire Captain

- (10) Police Records Supervisor
- (11) Public Safety Receptionist (added February 10, 2015)
- (12) Assistant Fire Chief-Operations and EMS (added May 31, 2017)
- (13) Full Time Firefighter/Paramedics (added Sept. 13, 2018)

Section 2. Classified Schedule - The commission shall provide and maintain a detailed schedule of the classification of positions in the classified service.

Such schedule shall be comprised of:

- (1) An assembly into classes of positions which are of approximately equivalent difficulty and responsibility, which may be appropriately filled with persons possessing the same general qualifications, and for which equitable compensation can be paid under similar working conditions from the same pay range.
- (2) A class title, descriptive of the work of each class, which shall identify each class.
- (3) Written class specifications for each class of position containing a description of the nature of the work and of the relative responsibility of the positions in the class, examples of work which are illustrative of the duties of the positions affected to the class, requirements of work in terms of knowledge, abilities and skills necessary for the performance of the work, and a statement of experience and training desirable for recruitment into the class.
- (4) An allocation list showing the class number and title of each position in the classified service and the name of the employee holding such position.

Section 3. Class Specifications - The specifications of the classes of positions in the classification schedule shall be used as a guide in the classification of positions and have the following force and effect:

- (1) The specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities. Specifications are to be interpreted in their entirety and in relation to others in the classification schedule. Particular phrases or examples are not to be isolated and treated as a full definition of the class.
- (2) In determining the class to which any position should be allocated, the specification of such class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualification requirements and relationships to other classes, as together affording a statement of the employments that the class is intended to embrace.
- (3) Describe qualifications commonly required of all incumbents of the different classes such as acceptable physical condition, freedom from disabling defects.

United States citizenship, suitable age, honesty, sobriety and industry, shall be deemed to be implied as qualifications requirements for entrance to each class even though they may not be specifically mentioned in the specifications.

Section 4. Employees To Perform Duties Of Their Proper Class - No appointing power shall require or permit an employee to perform duties outside of his proper class, except for limited periods of time and only in emergencies reported to and approved by the commission.

Section 5. Reporting Violations Of Classification Regulations - Whenever any employee believes he is being required to perform duties outside the proper of his class, he shall report the facts to the commission, which shall investigate fully the facts involved and shall report its findings to the appointing power and the employee involved.

Section 6. Reallocation - Whenever it becomes necessary in the administration of the police department and or fire department to change, add to, or take from a position duties which may change the allocation of the position, the appointing power shall report such fact to the commission with a request to make such reallocation.

Section 7. Time For Filing Requests For Reallocation - Requests for reallocation of a position shall be made, whenever possible, before the budget estimate is submitted for the succeeding budget period.

Section 8. Maintenance Of Classification Schedule - The commission shall be responsible for the proper maintenance of the classification plan so that it will reflect continuously on a current basis, the duties being performed by each employee in the classified service and the class to which each position is allocated.

## RULE V - APPLICATION FOR POSITIONS

Section 1. Announcement of Examination - Public notice of examinations shall be given at least ten days in advance of the last date for filing of applications by publication in one or more newspapers of general circulation published in Skagit County or by posting announcements on bulletins boards in the corridors of the Public Safety building, and placement on the City of Sedro-Woolley website and in such other places and in such other manner as the commission may deem advisable.

Section 2. Filing of Applications - All applicants for positions in the classified service must file written application on the form prescribed by the commission. All applications shall be filed with the secretary of the commission, or such other entity as the commission may designate, within the time limit fixed in the official announcement of the examination. Defective applications may be returned to the



applicant with a notice to amend the same. Amendments or corrections must be made within the time limit fixed in the official announcement of examination.

Section 3. General Requirements For Filing Applications -

(1) Every person making application must meet the requirements as shown in the announcement of examination for the particular position for which he is applying.

(2) An applicant for a position of any kind in the classified service must be a citizen of the United States who can read and write the English language, be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temporary and industrious habits.

Section 4. Rejection of Application - The commission may reject any application or applicant for cause, among which the following shall be sufficient:

(1) That the applicant lacks any of the minimum qualifications set forth in the examination announcement.

(2) That the applicant does not meet the qualifications herein set out.

(3) For any of the causes enumerated in Rule IX, section 4;

(4) That the applicant has been dismissed from previous employment in the classified service;

(5) That the applicant has made false statement in his application with regard to any material fact;

(6) That the applicant, after notification did not promptly present himself at the time and place designated for the examination.

Section 5. Notice - Accepted applicants shall receive at least 5 days notice of the date set for examination.

Section 6. Postponement and Cancellation of Examinations - Any examination may be postponed or cancelled at the discretion of the commission. In either case, each applicant shall be notified of the postponement or cancellation.

## RULE VI - EXAMINATIONS

Section 1. Examinations Shall Be Impartial - All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

Section 2. Identity Of Examinees Concealed - The identity of all persons taking a competitive written test shall be concealed from the examiners by the use of an

identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have all been rated. Any papers caring the name of the applicant, or any other identification mark, or any candidate who reveals his identification number to the commission or any member of its staff, or to any personnel of such entity as the commission may designate to administer the examinations, directly or indirectly, shall be disqualified and the candidate so notified.

Section 3. Rating of Entry Level Examinations - Appropriate scientific techniques and procedures shall be used in rating results of examinations and in determining the relative ratings of the competitors. The competitive examination shall consist of two parts, written and oral, of which each part will carry 50% of the total grade.

The oral testing will not be conducted by the Civil Service Commissioners, but instead by a three person board set up by the Civil Service Examiner, consisting of at least one law officer/firefighter and at least one non-law officer/firefighter person. The physical performance test and the written examination may be administered by such entity as the Commission may designate. (Passed and adopted January 18, 2005.)

Only those applicants who pass a physical performance test will progress to the written and oral tests. The physical performance test will be scored on a "pass/fail" basis, and the test to be administered and minimum performance standards applied similar to those used at the at the Washington State Criminal Justice Training Commission Police Academy.

Section 4. Minimum Grades on Each Section - The applicant must obtain a grade of at least 70% on each part of the examination. Any candidate who fails to attain at least this minimum grade shall be considered to have failed the examination and shall not be examined on any further parts, if any are planned.

Section 5. Notification Of Results - Each applicant taking the examination shall be given written notice of the results thereof, and if successful, of his final earned rating and his relative position on the employment list.

Section 6. Preference Points

(1) Veterans: Any applicant who is a veteran, as the term "veteran" is defined by applicable state statute, who has passed the written and oral tests, shall receive a credit on his final score, if eligible pursuant to RCW Chapter 41.04."

(2) Volunteer Firefighter Credit: Members of the Sedro-Woolley Volunteer Fire Department will receive 1 preference point for every year that they were a member, up to a maximum of 5 points.

Section 7. Time Interval - Any person who competes in an examination for a particular class shall not be eligible to compete in another examination for the same class within three months of the first examination unless otherwise authorized by the commission.

## RULE VII - EMPLOYMENT LISTS

Section 1. Posting of Employment Lists - The commission shall establish and maintain such employment lists for the various classes of positions in the classified service as are necessary to meet the needs of the service. Candidates receiving a passing grade in examinations shall be notified of their rank upon the proper employment list in the order of their relative grades. Ties in grades shall be resolved by priority in time of filing application.

Section 2. Effective Life of Lists - Eligibility lists shall become effective upon approval thereof by the Secretary and Chief Examiner's signature to the effect the list was legally prepared and represents the relative rating of the names appearing thereon. Eligibility lists, including promotional lists, shall remain in effect twelve (12) months and may be extended by action of the Civil Service Commission for not more than six (6) months for each extension to a maximum of three (3) years.

Section 3. Removal From Employment List - The commission may at any time remove the name of an eligible from an employment list for any one or more of the following causes:

- (1) A written request from the eligible that his name be removed.
- (2) Failure to respond to notice to appear for employment interview within the time limited in such notice.
- (3) Declination of permanent appointment.
- (4) For attempted deception or fraud in connection with any application or test.
- (5) For willfully or corruptly making any false statement, certification, mark, grading, or report in regard to any test for appointment held or made under the provisions of these rules and the Civil Service Act.
- (6) In any case where the commission finds that an eligible is or has in any manner become disqualified for the position for which he is listed.
- (7) Failure to notify the commission of changes in address.
- (8) Appointment to a permanent position through certification from an employment list for another class at the same or higher salary. Any person whose name

is so removed may have his name restored for the duration of his eligibility to the list, or lists other than the one from which appointment was made, by making written application for such action to the commission within five working days from the date of removal.

Section 4. Restoration Of Names To Employment Lists - Whenever any person's name is removed from an employment list for any one or more of the causes mentioned in the preceding section, he shall immediately be notified thereof unless his whereabouts are unknown. Such person may, within five working days from date of removal, make a written request to the commission for restoration of his name to such list for the duration of his eligibility. The request shall set forth the reasons for the conduct resulting in removal of the name from the list, and shall further specify the reasons advanced for restoration of the name. The commission after full consideration of the request may restore the name to the employment list or may refuse such request. The person shall be notified of the commission's action and such decision shall be final.

Section 5. Lateral/Entry Level Police Trainee Entry: The Commission shall maintain two eligibility lists from which applicants may be selected. One list will be known as the Entry Level (Police Trainee and/or Firefighter) list and will be composed of those applicants selected by the procedures outlined in the pertinent sections. The second list will be compiled from those selecting Lateral Entry Status and who meet the below listed qualifications.

When a vacancy occurs, it will be filled from the list determined by the Chief of Police and/or the Fire Chief, the current staffing and personnel needs of the department being of primary consideration.

(1) Entry Level Qualifications for Police Officer : Applicants must be citizens of the United States; be able to read and write the English language; be a high school graduate or have a GED Certificate; be at least twenty-one (21) years of age by the date of appointment; be able to meet physical ability screening requirements prescribed by the Washington State Criminal Justice Training Commission (WSCJTC), Basic Law-Enforcement Training (BLET) Academy; possess a valid motor vehicle operator's license and no prior felony or other disqualifying criminal convictions.

(2) Lateral Entry Qualifications for Police Officer: Applicants must be citizens of the United States; be able to read and write the English language; be a high school graduate or have a GED Certificate, (an Associate degree and/or 60 semester/90 quarter units is highly desirable); be at least twenty-one (21) years of age by the date of employment; be able to meet physical ability screening requirements prescribed by the Washington State Criminal Justice Training Commission (WSCJTC), Basic Law Enforcement Training (BLET) Academy; possess a valid motor vehicle

operators license and no prior felony or other disqualifying criminal convictions; successfully completed the WSCJTC, BLET Academy and/or have a WSCJTC Equivalency Certificate; have a minimum of twelve (12) months full-time job experience as a sworn, fully paid Municipal County, State or Federal Police (military police experience does not qualify) within the past twenty-four (24) months; out-of-state applicants must be able to successfully complete the WSCJTC Equivalency Examination within one (1) year of employment; possess considerable experience performing patrol, traffic or investigation duties.

(3) Entry/Lateral Qualifications for Firefighter: Applicants must have a high school diploma, GED or equivalent; be at least twenty-one (21) years of age by the date the written exam is given; be in good physical condition, and able to pass the physical agility test; be able to pass a background investigation prior to being hired; must have a valid Washington State driver's license, and an acceptable driver's record for insurance purposes and no prior felony or other disqualifying criminal convictions; must currently hold certification as an EMT and must have held it for at least one (1) year; must demonstrate the ability deal with people in a friendly, compassionate, and effective manner under stressful and unpleasant conditions; must be willing to work in a team environment.

(4) Entry Level Qualifications for Firefighter/Paramedic: Applicants must have a high school diploma, GED or equivalent; be at least twenty-one (21) years of age by the date the written exam is given; be in good physical condition, and able to pass the physical agility test; be able to pass a background investigation prior to being hired; must have a valid Washington State driver's license, and an acceptable driver's record for insurance purposes and no prior felony or other disqualifying criminal convictions; must currently hold certification as an National Registered Emergency Medical Technician-Paramedic; must have Firefighter 1 certification or equivalency within 12 months of hire; must demonstrate the ability to deal with people in a friendly, compassionate, and effective manner under stressful and unpleasant conditions; must be willing to work in a team environment.

(5) Lateral Level Qualifications for Firefighter/Paramedic: Applicants must have a high school diploma, GED or equivalent; be at least twenty-one (21) years of age by the date the written exam is given; be in good physical condition, and able to pass the physical agility test; be able to pass a background investigation prior to being hired; must have a valid Washington State driver's license, and an acceptable driver's record for insurance purposes and no prior felony or other disqualifying criminal convictions; must currently hold certification as an National Registered Emergency Medical Technician-

Paramedic and must have held it for at least one (1) years; must have Firefighter 1 certification at time of hire; must demonstrate the ability deal with people in a friendly, compassionate, and effective manner under stressful and unpleasant conditions; must be willing to work in a team environment.

## RULE VIII - APPOINTMENTS, PROMOTIONS, AND TRANSFERS

Section 1. General Provisions - Vacancies in the classified service shall be filled by re-employment, promotional appointment, original appointment, transfer or demotion. Whenever an appointing power wishes to fill a vacancy by other than demotion or transfer, a requisition for an employee shall be submitted to the commission. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the commission to determine who may be available for appointment or if necessary, to establish a class or list of eligibles.

When vacancies are to be filled by appointment from employment lists, the lists shall be used in the following order:

- (1) By appointment of eligibles from re-employment lists.
- (2) By appointment of eligibles from promotional lists.
- (3) By appointment of eligibles from eligible lists.

Section 2. Methods of Filling Vacancies - Upon receipt of a request for an employee, the commission shall certify the proper names from the appropriate employment list or authorize some other kind of appointment as provided in these rules. No appointment shall be made without such certification or prior authorization. If the position to be filled is a permanent one the commission shall certify the five (5) names highest on the re-employment list. If no re-employment list exists he shall certify the five (5) names highest on the appropriate promotional list according to the order in which they appear on said list. In the absence of either such list the commission shall certify the five (5) names highest on the appropriate eligible list according to the order in which they appear on said list.

Section 3. Certification Of Eligibles -

- (1) The five (5) names highest on the applicable employment list shall be certified for each vacancy.
- (2) If more than one vacancy is to be filled, the name of one (1) additional eligible for each additional vacancy shall be certified.

(3) When there are no names available for filling any vacancy, the appointing power may request that the vacancy be filled by provisional appointment or in any other manner provided by these rules.

Section 4. Notice of Certification - Eligibles certified shall be notified by the commission to appear for an interview with the appointing power within such time as may be designated by the commission.

Section 5. Provisional Appointment - Whenever there are urgent reasons for filling a permanent position in a class for which appropriate employment lists are not available, the commission may authorize the appointing power to fill the vacancy by a provisional appointment. In such case, the commission may recommend persons to the appointing power, or may approve the appointment of a person nominated by the appointing power provided that the person nominated possesses the qualifications essential to the performance of the work of the class. The commission shall, as soon as reasonably possible, take the necessary steps to establish an employment list, from which the vacant position will be filled.

Section 6. Appointments To Vacancies Resulting From Regular Employees On Leave Of Absence Without Pay For One Year - A position vacant as a result of a regular employee being granted leave of absence without pay for a period of one year may be considered as a permanent position, if requested by the appointing power and approved by the commission and be filled in the manner provided for in these rules.

Section 7. Acceptance Of Temporary Appointment - The acceptance by an eligible of a provisional appointment shall not affect his standing on the eligible list for permanent appointment. Such service shall not be counted as a part of the probationary period in case of such appointment to a permanent position, except any period of continuous temporary employment, at the discretion of the appointing power, may be counted on the probationary period if such employment is in the same position as the permanent appointment.

## RULE IX - TENURE, SEPARATION, SUSPENSION AND REINSTATEMENT

Section 1. Tenure Of Office - The tenure of office of every permanent employee shall be during good behavior and the satisfactory performance of his duties. This provision, however, shall not be interpreted to prevent the separation of an employee for cause, or because of lack of funds or curtailment of work, when made in accordance with this rule.

Section 2. Resignations - To resign in good standing an employee shall present the reasons therefore in writing to the appointing power at least two weeks before the effective date thereon. A copy of the resignation shall be forwarded to and recorded by the appointing power and the commission.

The commission may permit the withdrawal of a resignation only upon a written request filed within ten days from its effective date, provided such request for withdrawal bears the favorable recommendation of the appointing power.

Section 3. No Removal, Suspension Or Demotion Except For Cause - No person in the classified service who has been permanently appointed or inducted into civil service under provisions of these rules, shall be suspended, removed, or demoted except for cause, and only upon written petition of the appointing power.

Section 4. Causes Enumerated - Any person permanently appointed to the classified service may be removed or discharged, suspended without pay, demoted or reduced in rank or be deprived of vacation privileges or other special privileges for any of the following reasons:

- (1) Incompetence, inefficiency, or inattention to, or dereliction of duty;
- (2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this act or the rules and regulations to be adopted hereunder.
- (3) Mental or physical unfitness for the position which the employee holds;
- (4) Dishonest, disgraceful, or prejudicial conduct;
- (5) Drunkenness or use of intoxicating liquors, narcotics or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service.

Section 5. Reduction Of Force - The appointing power may lay off any employee, after prior notice in writing, without prejudice, because of lack of funds or curtailment of work. No permanent employee, however, shall be laid off while there are provisional, or probationary employees serving in the same class of position. The order of layoff due to reduction of force shall be based upon seniority.



The commission shall place the names of employees who are so separated on re-employment lists by class in inverse order seniority rating.

Section 6. Reinstatement - Any person who has received permanent appointment to a position in the classified service, and who has resigned there from without misconduct or inefficiency on his part, or is laid off because of curtailment of services or funds, or for any reason beyond his control, may be reinstated to a position with the same or similar duties to those he previously performed, provided he has been certified by the commission. Prior to making such certification the commission may require such employee to pass a qualifying examination.

## RULE X - PROBATION

Section 1. Probation Period - To enable the appointing power to exercise a choice in the filling of any position, no initial appointment or employment to any position in the classified service shall be deemed complete until:

- (1) The expiration of a probation period of twelve months.
- (2) In addition, for the position of police officer in the police department, the twelve (12) month probationary period will commence with the successful completion of the Basic Training Academy, or its equivalent.
- (3) In addition, for the position of entry level and lateral level Firefighter/Paramedic in the fire department, the twelve (12) month probationary period will commence with the successful completion of the fire fighter 1 training academy, or its equivalent.

No probationary period shall be deemed complete until the candidate has achieved successful completion of criteria for the position sought.

A candidate who is given a provisional appointment to fill a position for which there is an opening in the classified service shall, if appointed to said opening, receive credit toward probation for all continuous time spent in said position in a provisional status in excess of three months.

No transfer or promotion to a higher classified service shall be deemed complete until expiration of a probationary period of six months service in the new position.

Section 2. Separation Of Probationary Employee - During the period of probationary service the appointing power may terminate, without cause, the employment of any person certified to him, if the appointing power deems him unfit or unsatisfactory for service in the Police or Fire Departments. The termination notice shall be in writing.

## RULE XI - APPEALS

### Section 1. Allocation Appeals -

(1) If an employee, by reason of reclassification, loses his employment in the classified service, such employment shall have the right of appeal to the civil service commission under the provision of and in accordance with the procedures of section 2 of this rule.

(2) If an employee believes his position has been improperly allocated or reallocated to a class, he may appeal to the commission. The procedure for such appeals shall be as follows:

(a) A written appeal shall be prepared in duplicate.

(b) The appeal shall set forth the reasons therefore.

(c) The appellant shall file the original of the appeal with the commission and the copy with the appointing power.

(d) The commission shall consider all such appeals and shall provide reasonable opportunity for each appellant and the appointing power to be heard.

(e) The commission shall notify, in writing, the appellant and the appointing authority of its decision, which shall be final. Any decision of the commission, under this provision, which allocates a position of an employee to a different class in the classification schedule shall be retroactive to the date the appeal was filed.

### Section 2. Appeal From Removal, Suspension And Demotion -

(1) Any permanent employee who has been removed, suspended, or demoted may within ten days from the time of his removal, suspension, or demotion, file with the commission a written appeal whereupon the commission shall conduct an investigation. The investigation shall be confined to the determination of the question of whether the removal, suspension, or demotion was made in good faith for cause.

(2) After investigation and hearing the commission may affirm the removal, or if it finds that removal, suspension, or demotion was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provided, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission upon such investigation, in lieu of affirming a removal, may modify the order by directing a suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings

of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such agency.

(3) If order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited Jurisdiction in Civil Suits of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify, and file such transcript with such court. The court shall thereupon proceed to hear and determine such appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, discharge, suspension, or demotion made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds.

Section 3. Appeal From Examination Rejection - Any applicant whose application for admission to an entrance or promotional examination has been rejected may appeal to the commission for consideration of his qualifications. The commission shall consider such appeal, if filed in writing at the office of the commission within ten days after date on which notification was mailed to the applicant. The commission's decision with respect to any such appeal shall be final and conclusive.

Applicants may be admitted to an examination by the commission pending consideration of a written appeal. Admission to a written examination under such circumstances, however, shall not constitute the assurance of a passing grade in training and experience.

Section 4. Appeal From Examination Results - Any applicant who has taken an examination may appeal to the commission for review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly. Such appeal must be filed in writing at the office of the commission within ten days after the date on which notification of the results of such examination was mailed to the applicant. There shall be no key copy inspection of copyrighted or standardized tests.

The commission's decision with respect to any such appeal shall be final and conclusive.

Section 5. Appeal From Removal From Employment List - An eligible whose name has been removed from an employment list may appeal to the commission for

reconsideration. Such appeal must be filed in writing in the office of the commission within fifteen days after the date on which notification was mailed to the applicant.

The commission's decision with respect to any such appeal shall be final and conclusive.

## RULE XII - HEARINGS AND INVESTIGATIONS

Section 1. Hearing Provided - In any case of appeal as provided for in these rules, the commission shall, within thirty days following receipt of a notice of appeal, conduct a public hearing, after reasonable notice to the appellant of the time and place thereof. At all such hearings the appellant shall be afforded an opportunity of appearing in person and by counsel and presenting testimony and other evidence in support of his appeal.

Section 2. Technical Rules Of Evidence Not Applicable - In the conduct of investigations in accordance with the rules of the commission neither the commission nor designated commissioner shall be bound by technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, approved or confirmed by the commission.

Section 3. Single Commissioner May Investigate or Conduct Hearing - Any investigation or hearing provided by the rules of the commission may be made by the commission or by any commissioner designated by the commission for that purpose, or a specially designated hearing examiner appointed by the commission. No order, decision, rule, or regulation made by any designated commissioner, conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

Section 4. Subpoena Powers Granted - In the course of any investigation or hearing the commission or designated commissioner, or chief examiner, or a specially designated hearing examiner appointed by the commission, may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts pertaining to the investigation and also cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas issued by a superior court judge in his judicial

capacity; and the failure of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this act, and punishable as such.

Section 5. Investigations - The commission shall make investigation upon its own motion or upon the petition of any citizen, duly verified and stating that irregularities or abuses exist in the of the Civil Service Act or setting forth in concise language in writing the necessity of such an investigation.

Section 6. Investigations, Complaint, Answer - Whenever such an investigation is conducted by the commission, upon the petition of a citizen as provided in Section 5 of this rule the commission shall provide a copy of the petition or complaining document to the appointing power or other person against whom the complaint is made. Within ten (10) days following service of the complaining document on the appointing power or any other person affected, the party against whom the complaint is directed may file with the commission, in writing , an answer to the complaint or petition.

Section 7. Hearing On Complaint - Upon the petition or complaint of a citizen as provided for in this rule, the commission shall within thirty (30) days after the date of filing of such petition or complaint, conduct a public hearing. At the hearing the commission shall review the results of its investigation and both the petitioner and party against whom the petition is directed shall be entitled to appear and present evidence in their behalf. At such hearing the commission shall proceed to hear and dispose of the matter in a summary manner and their decision in the matter shall be final and conclusive.