

# **Civil Service Commission Rules & Regulations**

as amended through the 8<sup>th</sup> day of November, 2016

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## 1. GENERAL PROVISIONS

### 1.01 **Authority and Application**

These rules are promulgated pursuant to the authority granted by Civil Service for City Police/Chapter 41.12 RCW, and Normandy Park Municipal Code 2.28. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of the referenced RCW chapter and City Code.

### 1.03 **Scope and Purpose**

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

### 1.05 **Presumption of Validity**

The Civil Service System implemented by these rules substantially accomplishes the purpose of RCW 41.12. Variation from state models are based on local conditions and are intended to maintain the purposes of civil service systems: open competitive hiring, promotion on the basis of merit and removal only for cause. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW 41.12.

### 1.07 **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.

### 1.08 **Collective Bargaining Unit**

These rules may be superseded by any specific contract with a recognized State sanctioned bargaining unit.

## **2. ADMINISTRATION AND OPERATIONS**

### **2.01 Organization**

#### **2.01.01 Regular Meetings**

Regular meetings shall be held once a month on the 3<sup>rd</sup> Tuesday unless no regular business is anticipated by the chair, the date to be posted at the City Hall.

#### **2.01.02 Special Meetings**

Special meetings may be called by the chair or by two members. Notice of special meetings shall be provided in accordance with the Open Public Meetings Act, RCW 42.30.

#### **2.01.03 Executive Session**

All meetings of the Civil Service Commission shall be public except that upon majority vote, the Commission may meet in executive session as authorized by the Open Public Meetings Act, RCW 42.30.

#### **2.01.04 Quorum**

Two members of the Commission shall constitute a quorum, and two affirmative votes shall be required for the transaction of any official business.

#### **2.01.05 Minutes**

The commission shall keep minutes of all meetings, and the minutes shall become a part of the permanent files of the Commission.

#### **2.01.6 Chair**

The Civil Service Commission, upon the appointment of a new member or re-appointment of an existing member, shall proceed to the election of a chair who shall continue in office until subsequent reorganization becomes necessary, either as aforesaid or by resignation of the chair.

### **2.02 Power and Duties of the Commission**

The Civil Service Commission shall:

**2.02.01** Adopt rules for the regulation of matters within the classified service. (Resolution 2016-B Section 1.1)

**2.02.02** Approve minutes of its own meetings and records of its procedure.

**2.02.03** Create, amend, and discontinue the classification plan, as required.

**2.02.04** Provide for the holding of competitive tests to determine the relative qualifications of persons for employment in the classified service.

**2.02.05** Receive from the secretary or chief examiner of the Commission lists of eligible candidates and certify each position on each register.

**2.02.06** Conduct all civil suits necessary for the proper enforcement of the Civil Service Act and these rules.

**2.02.07** Hear and determine appeals arising from the administration of the Civil Service Act and these rules.

**2.02.08** Investigate and report on all matters touching the enforcement and effect of the Civil Service Act and these rules.

**2.05 Rules of Order**

Robert's Rules of Order 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.

**2.07 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 Commissioner shall respond to 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.

**2.08 Commissioners - Challenge Necessity**

If, as a result of disqualification(s) pursuant to Rule 2.07, 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.

**2.09 Office Hours**

The office address of the Normandy Park Civil Service Commission is 801 SW 174th Street, Normandy Park, WA 98166-3679. The regular office hours of the Commission shall be identical to those of the City's Administration offices.

**2.11 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 resolution.

These rules shall be printed for free public distribution.

**2.12 Record of Proceedings**

The Commission shall keep a copy 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 or her own expense, may have a court reporter record all or part of a proceeding. On appeal or review, the appellant is responsible for costs of transcription. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the secretary /chief examiner.

**2.13 Retention of Records**

All records of the Civil Service Commission shall be retained and destroyed in accordance with the provisions of RCW 40.14.070.

**2.15 Reports - Applicants, Eligibles**

**2.15.01 Removal of Names From Eligible Registers**

The name of any person appearing on an eligible register may be removed by the Civil Service Commission if the candidate fails to respond to a notice of certification, if he or she declines an appointment without reason satisfactory to the Commission, or if he or she cannot be located by postal authorities. In case of such removal, the secretary and chief examiner shall notify the so affected candidate in writing at his or her last known address. The name of the person so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission or Civil Service Secretary as authorized by the Commission.

The names of persons on promotional employment eligible registers who resign from the service shall automatically be dropped from such registers.

**2.15.02 Notice of Address Change**

Each person on an eligible register shall file with the Commission written notice of any change of his or her name or address, and failure to do so may cause removal of his/her name from the register.

**2.15.03 Notice of Availability**

Each person on an eligible register shall keep the Secretary informed, in writing, regarding availability and of any refusal to accept appointment or promotion and the reasons therefore.

**2.17 Reports From Department Head(s)**

A department head of any Civil Service employees shall immediately report to the Secretary in such detail and on such forms as the Secretary may prescribe the following:

**2.17.01** 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:

**2.17.02** Every separation from the service with the reasons therefore;

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

### **3. SECRETARY-CHIEF EXAMINER**

#### **3.01 Secretary-Chief Examiner - Appointment**

A Secretary- Chief Examiner shall be appointed by the Civil Service Commission. The Secretary shall be appointed as a result of competitive examination. Such examination may be either original and open to all properly qualified residents of the City of Normandy Park, or be promotional and limited to persons already in the service of the police department or other City department as the Commission shall decide.

#### **3.05 Secretary- Discipline of**

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.

#### **3.07 Secretary - Authority**

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

**3.07.01** Be the general manager and executive officer of the Civil Service Department, responsible to the Commission.

**3.07.02** 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;

**3.07.03** Report to the Commission from time to time as directed concerning the details of the work of the Department;

**3.07.04** Prepare the budget for the Department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Department;

**3.07.05** 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;

**3.07.06** 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;

**3.07.07** 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.

#### **3.09 Review of and Appeal From Actions or Decisions of the Secretary**

**3.09.01** The Commission on the motion of an applicant or on its own motion may review or modify any action or decision of the Secretary.

## 4. DEFINITIONS

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

### 4.01 Academy Graduate Entry

Academy Graduate Entry means and refers to the employment of an applicant who has successfully completed the Washington State Criminal Justice Training Academy (WSCJT) and who holds a current and valid certification as a Police Officer through the Washington State Criminal Justice Commission as of the date of their employment.

### 4.02 Academy Graduate Entry Eligibility List

Academy Graduate Entry Eligibility List means and refers to a list consisting of applicants who are either a) graduates of the WSCJT Academy; or b) trainees attending the WSCJT Academy who have successfully completed the Academy mid-term examination and are scheduled for graduation from the Academy within sixty (60) days of applying to be placed on the Academy Graduate Entry Eligibility List.

### 4.03 Actual Service

Time in which a given employee has been engaged under Civil Service appointment in the performance of the duties of a position or positions and shall include absences with pay.

### 4.04 Administrative Leave

The temporary removal of an employee from employment with pay, without cause, during an investigation and pending a determination of charges against the employee which could result in demotion or discharge.

### 4.05 Advancement

Movement from one class to a higher class as established in the class series. (Resolution 2016-B Section 1.2)

### 4.06 Allocation

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

### 4.07 Appointee

Appointee means an individual in the Classified Service serving his or her probationary period. (Same as "probationer").

### 4.08 Applicant

Anyone who has filed an application to participate in a Civil Service examination.

### 4.09 Appointing Authority

The person or persons authorized to hire, promote or discharge employees on behalf of the City by the Normandy Park is the City Manager or his designee, the Chief of Police. (Resolution 2016-A Section 1)

### 4.10 Appointment - Emergency

An appointment to serve in a classified position under emergency conditions for a period of not more than six months.

### 4.11 Appointment, Provisional

A limited appointment of certified; non-certified; or Reserve Police Officer to a classified position which is not currently filled.

### 4.12 Appointment, Regular

The appointment of a certified eligible to a Civil Service position.

**4.13 Appointment - Temporary**

A limited term appointment, other than from an eligible register, for the purpose of performing work belonging in the classified service. Temporary appointment includes emergency appointment.

**4.14 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.

**4.15 Background Investigation**

Background investigation means and includes, but is not limited to, a credit and reference check, a review of driving record, polygraph and Psych examination, a record check of local, county, state, and federal agencies, and work history with prior employers or agencies where the applicant performed voluntary services.

**4.16 Break In Service**

A separation from Civil service status with a loss of accumulated service credit as occasioned by a "quit", "resignation", "discharge" or "retirement".

**4.17 Candidate**

Any applicant who has completed, or is in the process of completing, a Civil Service examination to establish an eligible register.

**4.18 Certified Register**

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.

**4.19 Certify**

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.

**4.20 Chief Examiner**

Secretary/Chief Examiner is the general manager and executive officer of the Civil Service Department, responsible to the Commission.

**4.21 City**

The City of Normandy Park

**4.23 Civil Service**

This is a system or method of appointing government employees on the basis of competitive examination, rather than by political patronage or random or arbitrary selection.

**4.23.01 Civil Service Commission**

The commission is responsible for substantially accomplishing the purpose of Revised Code of Washington (RCW 41.12) and Normandy Park Municipal Code (NPMC 2.28).

**4.23.03 Civil Service Employee**

All full paid employees of the Police Department except the Director of Public Safety. Part time employees are not included.

**4.27 Civil Service Register**

See Eligible Register.

- 4.28 Class**  
A group of positions sufficiently similar with respect to duties and responsibilities so that the same examination may reasonably be used for each, the same qualifications may be required and the same salary may be applied with equity.
- 4.29 Class Series**  
Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as Police Officer, Police Sergeant, Assistant Chief of Police.
- 4.31 Class Specification**  
A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.
- 4.32 Classified Service.**  
Classified Service means all positions in the City service as defined by state law which are subject to the provisions of these rules and regulations and including all full-paid members of the Police Department.
- 4.33 Commission**  
The Civil Service Commission appointed for the City of Normandy Park.
- 4.34 Commissioner**  
One member of the Civil Service Commission.
- 4.35 Compensation**  
Any allowance, fee, salary, or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of the given position or office.
- 4.36 Continuous Testing**  
Continuous Testing means a written examination or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards, or a combination of both, the results of which shall be certified to a Continuous Testing Initial Candidate List prior to being forwarded to the Civil Service Commission. Continuous Testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a Subscription Testing Service Agreement.
- 4.37 Continuous Testing Initial Candidate List**  
Continuous Testing Initial Candidate List means a list of successful eligible examinees for a given class that has been certified by the Testing Service Examiner or Secretary/Chief Examiner and forwarded to the Civil Service Commission for optional additional testing and certification to a Continuous Testing Eligibility List. The Initial Candidate List names shall remain eligible for a maximum of twelve (12) months from the date of Subscription Service testing.
- 4.38 Continuous Testing Eligibility List**  
Continuous Testing Eligibility List means a list of successful Continuous Testing examinees for a given class that have been certified by the Secretary/Chief Examiner which shall be forwarded to the Appointing Authority and used to fill vacancies in such class. A Continuous Testing Eligibility List shall remain effective for a maximum of twelve (12) months from date of certification by the Commission.
- 4.39 Continuous Service**  
Employment without interruption, except for approved absences or absence to serve in the Armed Forces of the United States.

- 4.40 County**  
King County.
- 4.41 Demotion**  
Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.
- 4.42 Department**  
Any department of the City subject to civil service as established by ordinance in the City Normandy Park. The legal head of any such department is the "Department Head," or Department Head's designee.
- 4.43 Discharge**  
Termination, separation, dismissal, or removal from the service for cause.
- 4.45 Eligible**  
Eligible means the meeting of all standards set for qualification for a position in the Classified Service.; also, "Certified Eligible."
- 4.47 Eligible Register (Eligibility List)**  
A register or list of successful examinees, arranged in rank order, for a given class from which certification may be made to fill vacancies in such class.
- 4.49 Emergency Appointment**  
Emergency appointment means appointment to serve in a position covered by these rules under emergency conditions for the duration of the emergency.
- 4.51 Employee**  
A person who is legally employed in a Civil Service position of the City or one who is on authorized leave of absence and whose position is being held for him until he or she returns to work.
- 4.51.04 Employee-Exempt**  
Any employee in a position of employment in the Police Dept. which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority.
- 4.51.05 Employee-Full Paid**  
Any Police Department employee hired by the City for an indefinite period of time, and who works at least a full time (40 hours/week) schedule for compensation.
- 4.51.07 Employee-Probationary**  
A Civil Service employee appointed from a certification register who has not yet completed the specified probationary period of employment.
- 4.51.09 Employee-Provisional**  
A non-competitive appointment to a position in the classified service made in the absence of eligibles pending the establishment of an employment register of the class; or for short term manpower replacement.

**4.51.10 Employee-Regular**

Any full paid (40 hrs/wk) Civil Service covered employee who has been appointed from a certified register and who has satisfactorily served the full probationary period.

**4.51.11 Employee-Temporary**

Any employee appointed to fill a position as a Provisional or during an emergency.

**4.53 Examination**

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

**4.53.01 Examination-Entrance**

An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.

**4.53.02 Examination-Promotional**

An examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.

**4.54 Emergency Appointment**

An appointment to serve in a classified position under emergency conditions for the duration of the emergency, but not more than six months.

**4.55 Examination Announcement aka 'Official bulletin'**

An examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and the other pertinent information.

**4.57 Final Examination Score Adjustments before Veteran Scoring (see 4.100)**

Additional points, to be added at the end of the testing process before the application of Veteran Scoring, as follows:

**4.57.01 Reserve Police Officers**

Ten percent (10%) of the final score for those meeting the definition of Normandy Park Reserve Police Officer Eligible as defined in this chapter. This credit shall be applicable only on the initial hire of an individual into the system. (Resolution 2016-C Section 1)

**4.58 Gender, Number, and Tenses**

The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular. The present tense includes the past and future tenses, and the future tense includes the present tense.

**4.59 Lateral Entry**

Lateral entry means entry into the Police Department by an applicant already trained and experienced in law enforcement.

**4.60 Layoff**

The termination of employment because of lack of funds or work, or because of material change in organization, or to the separation of temporary employees (emergency, provisional and Temporary) who have completed the stipulated period of employment.

**4.61 Normandy Park Civil Service Employee**

As defined in Normandy Park Municipal Code 2.28.030.

- 4.62 Official Bulletin aka 'Examination Announcement'**  
The examination announcement containing basic information about the class of positions, the requirements for filing, how to apply, and other pertinent information which is posted in the Commission's office and in other suitable locations.
- 4.63 Official Newspaper**  
The newspaper designated as official by the City.
- 4.64 Regular Employee**  
"Regular employee" means an employee who has passed probation and meets the definition of Civil Service "employee full paid." (Resolution 2016-D Section 1)
- 4.65 Police Officer**  
Any fully commissioned Police Department employee hired by the City for an indefinite period of time, who works at least a full schedule for compensation.
- 4.66 Position**  
As referenced in the current City of Normandy Park Personnel Policy and Procedures manual.
- 4.67 Probation or Probationary**  
As referenced in the current City of Normandy Park Personnel Policy and Procedures manual.
- 4.68 Promotion**  
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 (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute a promotion.
- 4.69 Provisional Police Officer**  
*See Employee, Provisional*
- 4.70 Public Notice**  
Giving notice by posting in at least three conspicuous places in a public office or building or by publication in a newspaper or both.
- 4.76 Quit**  
Any voluntary separation of an employee from the City service without acceptance of a resignation by the appointing authority.
- 4.77 Reallocation**  
The allocation of a position to a different class in the Classification Plan.
- 4.78 Reduction**  
The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 4.79 Register**  
A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.
- 4.81 Regular Police Officer aka 'Permanent Employee' & 'Employee Regular'**  
Meets the definition of Normandy Park Civil Service Commission Rules 4.51.10.
- 4.82 Reinstatement**

Re appointment of a regular employee to a position in a class in which the employee was a regular employee.

**4.83 Reinstatement Register**

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

**4.84 Rejection**

The separation of a probationary employee from service.

**4.85 Reserve Academy Candidate**

Reserve Academy Candidate means an applicant who has graduated from a Reserve Academy approved by the Appointing Authority and recognized by the state Criminal Justice Training Commission.

**4.86 Reserve Academy Eligibility List**

Reserve Academy Eligibility List means a list of examinees who have graduated from a Reserve Academy approved by the Appointing Authority and recognized by the state Criminal Justice Training Commission, and who have been screened and successfully tested using the same criteria as an Entry Level Candidate. After certification by the Secretary/Chief Examiner, this List may be forwarded to the Appointing Authority to fill vacancies in such class.

**4.87 Reserve Police Officer, Eligible**

Any Normandy Park volunteer Reserve Police Officer who has met all of the following and can be certified as a Solo Reserve Police Officer and authorized for solo patrol duty:

**4.87.01 Minimum Hours**

Successfully completed a minimum of 400 hours of police experience, of which a total of 200 hours may consist of experience in another police department as approved by the Director of Public **Safety and or police academy training;**

**4.87.02 Academy**

Must successfully complete a City approved Police Officer Reserve training academy.

**4.87.03 Court Time**

Must complete five hours of court time, testifying, or observing.

**4.87.04 Written Test**

passed the department written test covering police department Rules and Regulations, Titles 9 and 9A RCW, and police procedures;

**4.87.05 Ride Time**

passed the departmental practical test consisting of eight(8) hours riding time with a supervisor;

**4.87.06 Performance**

performed all duties and functions of a Regular Police Officer;

**4.87.07 Radar Trained**

been certified on all types of radar equipment used by the department;

**4.87.08 City Location Skills**

passed the departmental test covering street names and addresses;

**4.87.09**

**Chief's Certification**

obtained a certification of completion of above by the Director of Public Safety.

**4.89 Resignation**

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

**4.90 Retention Credit**

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 lay-off.

**4.91 Retirement**

The termination of employment for service or disability, pursuant to applicable retirement laws.

**4.92 Rule of Five**

The five (5) names highest on any eligible register for the class to which the vacant position has been allocated, who are willing to accept employment authorized by the Normandy Park Municipal Code.

**4.93 Secretary/Chief Examiner**

Secretary-Chief Examiner is the general manager and executive officer of the Civil Service Department, responsible to the Commission.

**4.94 Service Credit, Employee**

Points added to a final grade for testing process awarded for being a full paid employee of the City of Normandy Park.

**4.95 Standing Regular**

See definition of Employee, Regular.

**4.96 Subscription Testing Service**

Subscription Testing Service means a person or organization offering a service that test and provides Initial Candidates for a Classified Service prior to forwarding to the Commission for optional additional testing and certification to an Eligibility List.

**4.97 Suspension**

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

**4.98 Temporary Appointment**

See 4.51.03 Appointment, Temporary.

**4.99 Veteran, Military**

Any person who meets the definition of "veteran" contained in RCW 41.04.

**4.100 Veteran's Scoring Criteria**

Preference in examinations and employment, based on military service, as provided and defined by applicable laws.

**4.101 Written Notice**

As required under these rules, means service of notice in writing, either to the person directly or by first class mail or electronic mail with the option to obtain proof of delivery if needed. If sent by mail, the service shall be deemed completed based on postmark date, except formal notices with adverse legal consequences to the recipient, in those situations the notice shall be deemed delivered on the 3<sup>rd</sup> day following deposit in the mail. (amended 02/12/13)

## **5. RULE-MAKING**

### **5.01 Amendments of Rules**

The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission.

### **5.03 Effective Date of Rules**

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

### **5.05 Copies of Rules**

A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to city clerk and to the Police Department. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available for free public distribution as required by state law.

### **5.07 Effect of Rules**

The terms and conditions of Civil Service employment are governed by these rules and applicable 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.

### **5.9 Complaints**

Any person may file with the Secretary and Chief Examiner of the Commission a complaint against any decision or action involving the administration of these rules and regulations, or a petition in support of any privilege or right involving personnel matters. The Commission may investigate or hold a hearing and may allow appeal from any party to the complaint. If a complaint to which the Secretary and Chief Examiner is a party is made, he or she shall file a statement of the facts and an explanation of his or her action with the Civil Service Commission which may investigate, grant hearing, and issue recommendations or, if authorized, a directing order.

## **6. CLASSIFICATION**

### **6.01 CLASSIFICATION PLAN**

A class specification shall be prepared and maintained by the Secretary/Chief Examiner 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.

### **6.03 ADMINISTRATION OF POSITION CLASSIFICATION.**

The Chief Examiner and/or Secretary may make, or cause to be made, position classification studies of individual positions or groups of positions (a) whenever it is deemed necessary; (b) whenever the duties or responsibilities of existing positions have undergone significant changes; (c) whenever notification is received that new positions are to be established by the City Council; or (d) upon request of an appointing authority if title classification of such position has not been reviewed within the last 12 months.

### **6.05 CLASSIFICATION OF POSITIONS**

#### **6.05.01**

Each position in the classified service shall be classified by the Commission with the recommendation of the Secretary/Chief Examiner 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:

(a) The same descriptive title may be used to designate each position in the class;

(b) The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and

(c) Similar tests may be used to select incumbents.

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

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

6.05.04 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, and 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.

### **6.09 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT**

6.09.01 TITLE CHANGE. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the re-titled class as held in the former class.

6.09.02 UPGRADING OF POSITION. Whenever a position is reclassified from one class to a higher class, the incumbent may continue in the same position temporarily but must gain eligibility for the new class by examination and receipt of an appointment thereto in accordance with these rules. Provided, that the Commission may authorize the appointment of the incumbent to the new position without

examination after considering the particular facts involved. A regular employee shall be qualified to take the examination for the higher class regardless of an existing eligible register for that class. A regular employee who fails the examination or is not appointed shall have tenured status in the lower class and may be appointed to another position, transferred or voluntarily reduced according to these rules. Layoffs are determined at the discretion of the Appointing Authority and reported to the Secretary/Chief Examiner. A probationary employee may be permitted, upon approval of the Commission, to qualify for the higher class in the same manner as a regular employee. A probationary employee who is not permitted to take the examination or who is not appointed to the position, may be appointed to another position, transferred, or enrolled on an appropriate eligible register for the lower class.

**DOWNGRADING OF POSITION.** Whenever a position is reclassified from one class to a lower class, the incumbent employee shall retain Civil Service status in the class from which the position is reallocated and shall, if practicable, be appointed to another position in that class or voluntarily transferred in accordance with these rules. Otherwise, the employee shall be granted full status in the lower class and placed on a reinstatement register for the higher class. The probationer's name shall be enrolled on an appropriate eligible register for the higher class with the same standing as at the time of original certification.

## **7. APPLICATIONS AND APPLICANTS**

### **7.01 General Requirements For Filing Applications**

#### **7.01.01 Application Form**

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. Persons desiring to compete for positions in the Classified Service shall file applications on forms supplied by the Commission; or, when using a Subscription Testing Service, applications shall be filed following the Subscription Testing Service procedure.

#### **7.01.02 Requirements**

(a) Applicants must meet the requirements specified in these rules and in the official examination bulletin.

(b) Applicants must produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

#### **7.01.03 Time for filing applications**

(a) All applications for examination shall be filed with the Secretary/Chief Examiner 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. All applications must be received in the office of the Commission and must be on or before the closing date.

(b) 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 City's official newspaper if previously so advertised.

### **7.03 Applications For Promotional Examinations**

**7.03.01** An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed who both meets the requirements and has the service credit designated in the official bulletin.

**7.03.02** 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 they meet specified minimum service requirements in the classes from which promotion is allowed by the expiration date of the Promotional Eligible Register.

### **7.04 Application For Lateral Entry**

In accordance with the needs of the Police Department, a lateral entry Eligible Register may be requested by that department head. The applicant must meet the requirements designated in the official bulletin for Lateral Entry application.

### **7.07 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.

### **7.09 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:

**7.09.01** Has been convicted of any felony or a misdemeanor, or has a conviction for "Domestic Violence" as defined at RCW 10.99.020, or has a court order that disqualifies the applicant from carrying a firearm;

**7.09.02** 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, or has been decertified by the CJTC and not reinstated;

**7.09.03** Has made any material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination;

**7.09.04** Fails to appear for fingerprinting or complete required examination materials as required;

**7.09.05** 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;

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

**7.09.07** Has been discharged from the armed forces under dishonorable conditions;

**7.09.10** Currently uses alcohol to a degree likely to adversely affect ability to perform as an officer.

**7.09.11** For other material reasons.

*See Rule 3.09, "Review and Appeal from Actions or Decisions of the Secretary"*

**7.11 Debarment from Employment**

**7.11.01** No one who has been dismissed from the Service for cause involving illegal conduct shall be allowed to again enter the Service, and anyone dismissed for other than good cause shall be allowed to again enter the Service only by express consent of the Commission.

**7.11.02** 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 whatsoever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.

**7.12 Continuous Testing. (see 7.22)**

Section 7.1, 7.21 & 8.3 need not be exercised if the Commission elects to participate in a Continuous Testing Program.

**7.13 Notice of Non-Acceptance**

Anyone against whom action is taken under Rule 7.09 shall be notified promptly by the Civil Service Commission of the reasons therefore by either oral notice at the time of filing the application and/or written notice mailed to the applicant or eligible.

**7.15 Admission To Examination Pending Appeal**

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

**7.17 Amendment of Application**

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

**7.19 Applications Not Returned**

All applications when completed and filed become the property of the Commission and will not be returned to the applicant.

**7.22 Continuous Testing Process**

The purpose of this process is to provide the Civil Service Commission an optional process for screening and testing candidates for a specific class. Continuous Testing may be used in addition to, or in place of, standard testing as provided for in the preceding portions of Rule 7. Continuous Testing, at the discretion of the Civil Service Commission, shall be offered by a Subscription Testing Service or by the Secretary/Chief Examiner, and may include written examination and/or a standardized physical fitness/agility test approved by the Commission, or both, and conducted pursuant to set and commonly applied standards whose results shall be valid for a maximum of twelve (12) months from the date of testing of a Continuous Testing Initial Candidate.

**7.22.1 Continuous Testing Initial Candidate List Certification.**

(1) Applicants certified pursuant to a continuous testing process shall initially be placed on a Continuous Testing Initial Candidate List. Certification to the Continuous Testing Initial Candidate List shall be in accordance with the *Rules and Regulations* of this Commission. As each applicant is placed in accordance with his or her scores **and veteran's scoring** (if applicable), the placement of all others on the list shall be adjusted.

(2) Candidates qualified for appointment pursuant to the procedures established in this Rule shall be placed on a separate register, entitled Continuous Testing Eligibility List. Provided, however, that candidates rejected by the Commission for (1) not satisfying any test requirement; (2) not completing probation; or, (3) following certification, not responding to the Appointing Authority for consideration, shall be removed from the Eligibility List.

**7.22.2 Additional Testing.**

Candidates qualified pursuant to Continuous Testing and placed upon a Continuous Testing Initial Candidate List shall be subject to such additional testing as may be required by the Commission or the Appointing Authority.

**7.22.3 Removal from Continuous Testing Initial Candidate List.**

The names of candidates certified to the Continuous Testing Initial Candidate List shall remain on the List until either certified to a Continuous Testing Eligibility List following oral board or other testing as established by the Commission, the expiration of twelve (12) months from the date of the Subscription Testing Service test, or until the candidate has been hired by another public safety organization. Names may be removed upon notification by the candidate, upon the written notification of another public safety employer, or an entity providing subscription testing.

**7.22.4 Continuous Testing Eligibility List.**

(A) Applicants certified pursuant to the procedure set forth in the contract with the Subscription Testing Service or the Commission's *Rules and Regulations* and placed on a Continuous Testing Initial Candidate List shall be reviewed and approved by the Commission prior to placement on a Continuous Testing Eligibility List and prior to

referral to the Appointing Authority. Following qualification of candidates, candidates shall be placed on the Eligibility List.

(B) By motion or other approval, the Commission may delegate to the Secretary the review and approval of candidates. Upon such delegation, the Secretary shall verify that candidates for placement on the final Continuous Testing Eligibility List meet the minimum eligibility requirements for employment.

(C) Candidates qualified for appointment pursuant to the procedures established in this Rule shall be placed on the Continuous Testing Eligibility List in the same rank and order as maintained by the Subscription Testing Service, with Reserve Academy Graduates being placed on a separate Reserve Academy Eligibility List. Provided, however that candidates rejected by the Commission for (1) not satisfying any test requirement; (2) not completing probation; or, (3) following certification, not responding to the Appointing Authority for consideration, shall be removed from any Continuous Testing Eligibility List, pursuant to Sec. 7.22.3 and Sec. 9.3 of the *Rules*. As each applicant is placed, or removed, in accordance with his or her scores and veteran's scoring and/or reserve & city service credit (if applicable), the placement of all others on any Continuous Testing Eligibility List shall be adjusted.

**7.23      Application of all Rules and Regulations to 7.22**

Rules 1 through 20 and attached Appendices of the *Rules and Regulations* shall control any and all matters not specifically identified in section 7.22 or in the Subscription Testing Service Contract.

## **8. EXAMINATIONS**

### **8.01 Ordering Examinations**

An examination shall be ordered by the Commission whenever it is deemed to be in the best interest of the City. The Secretary shall administer examinations as provided by these rules including, if needed, arranging for use of a public building and equipment for the conduct of the examination. The Commission shall designate a qualified person, agency, or Subscription Testing Service who shall conduct and score the examination.

### **8.02 Qualifying Grade and Lateral Screening/Scoring**

In all physical agility tests, all portions must be passed. In all written examinations, the minimum grade or standing for which eligibility may be earned shall be 70%, or a passing score based on scoring criteria provided by a contract test provider when a contract testing provider is engaged. In all oral examinations, the minimum grade or standing for which eligibility may be earned shall be 70%. The cut-off point may be established at a higher score to meet other criteria. Failure in one part of the examination shall be grounds for declaring the applicant as failing the entire examination. Lateral entry candidates shall be screened in accordance with Appendix A for Police Officer, similar to Appendix B for Records Manager, or Appendix C for Community Service Officer, attached to these *Rules* and incorporated by reference. Notice of results of screening and acceptance or rejection for placement on the Lateral Eligibility List shall be sent to applicants. (Resolutions 2016-O, 2016-R)

### **8.03 Examination Announcement**

When a vacancy occurs and/or an appropriate eligible register has expired or is about to expire, it is the responsibility of the secretary/chief examiner to provide public notice of the position opening. Persons interested in participating in the competitive examination are so instructed in the vacancy announcement.

In addition to the public notice, promotional examination notices shall be posted in the Commission office and in Police department offices not fewer than 15 days preceding the examination.

### **8.05 Amendments to Announcements**

The Secretary may amend any published announcement with appropriate public notice.

### **8.06 Oral Examination Procedure**

Applicants obtaining a qualifying grade on the written examination may be notified to appear before an Oral Examination Board selected by the Commission.

### **8.07 Examinations**

A periodic examining program may be ordered by the Commission and administered by the Secretary for any class of positions. Applications will be received, and the examinations administered according to the needs of the service. The names of qualified eligible persons 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 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.

**8.07.01 Duration and Closing** Any open filing and examination period may be closed by order of the Examiner upon giving notice of the order by:

(a) publication at least once in the Official Newspaper;

and

(b) posting a copy in the Personnel Division Office at least seven (7) days prior to the date of closing.

**8.09 Character of Examinations**

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.

**8.11 Content of Examinations**

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.

**8.19 Promotional Examinations**

As the needs of the service may require, promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent tests. All candidates for promotion must be permanent employees of the City, covered by Civil Service, and must possess the minimum prerequisites as set forth in the specifications of the class to which promotion is sought. The appointing authority may select an employee for advancement from the top five names certified by the Commission.

**8.21 Open Graded Examinations**

An "Open Graded Exam" means a continuous testing exam. An examination may be advertised as open graded when, in the judgment of the Commission, it is in the best interest of the service.

**8.23 Veteran's Scoring Criteria**

Veterans who have passed an examination shall be entitled to credit pursuant to RCW 41.04. *Veteran's Scoring Criteria points* will be in accordance with RCW 41.01.010 and proof of honorable or general discharge shall be submitted at the time an offer of employment is made to the applicant.

**8.24 Veteran's Scoring Criteria Points**

Percentage of points added in all competitive examinations, except promotional, as provided by RCW 41.04.005, must be claimed by a qualifying veteran within *fifteen* years of the date of his release from active service. The points may be utilized in all examinations until one of such examinations results in said veteran's first appointment.

**8.25 Service Credit in Preparation of Eligible Roster**

Eligible Reserve Police Officers shall be granted an additional experience credit in the amount of ten percent based on the combined score before any preference points are added. This ten percent shall be added before the veteran's preference points are applied. (Resolution 2016-C Section 2)

**8.30 Review of Examination Papers and Challenges.**

Within seven (7) working days after notice of his or her final score has been mailed, any applicant may review his or her examination papers and have his or her score reviewed and corrected if an error is identified. Should an applicant wish to challenge any part of the examination, he or she shall submit to the Secretary, within fifteen (15) days after notice of his or her final score has been mailed, authoritative written proof of the validity of his or her claim. All such challenges shall be considered by the Commission. If the Commission is satisfied as to the validity of any such challenges, it shall order an appropriate revision of the examination scores, a restructuring of the Eligibility List, and the mailing of notices to candidates on the Eligibility List indicating the action ordered and its effect on their individual standing.

**8.31 Correction of Clerical Errors**

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

**8.33 Notification of Results**

Each competitor shall be notified by mail of the results of the examination and, if successful, of his or her final earning rating and relative position on the eligible register.

**8.37 Examination Papers**

Examination papers of each eligible shall be kept on file in the office of the Commission in accordance with *RCW 40.14 Preservation and Destruction of Public Records*.

**8.37.01** The Secretary and Chief Examiner shall maintain a file for every examination, giving the name, address, date and title of the examination, completed ratings earned, and the grade if successful or, if unsuccessful, mention of the fact.

**8.39 Additional Examinations**

*Repealed (Resolution 2016-E Section 1)*

## **9. REGISTERS AND ELIGIBILITY**

### **9.01 Establishment of Eligible Registers**

After each oral board examination, an eligible register for the class shall be prepared on which the names of successful candidates shall be ranked as follows:

#### **9.01.01 Order of names on the Eligible Register**

Names on eligible register for a class shall be in order of score according to final earned rating in the testing procedure, including veteran's preference, eligible Normandy Park Reserve Officers and Normandy Park Civil Service Employees experience credits as of the closing date of the application process applied to the entrance examinations only and utilized only once except that employees laid off from a position in that class shall be given prior preference over original applicants in order of seniority. Whenever two or more persons have equal claim to a position on a register, their names shall be arranged according to the date of application and, if the same, based on the flip of a coin.

#### **9.01.03 Delayed Eligibility**

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 eligible persons from the same examination.

#### **9.01.04 Effective Life of Registers**

Eligibility Lists shall become effective upon attestation thereof by the Secretary that the list was legally prepared and represents the relative ratings of the names appearing thereon. The Continuous Testing Initial Candidate List is updated continually and individual names remain on it for 12 months from date of applicants PST testing. Eligible Registers for each class will remain certified for three (3) months.

Provided that any list may expire:

- (1) When the number of persons thereon still available for appointment is fewer than five (5); or,
- (2) When such list is revoked pursuant to Section 9.01.05.

Names appearing on such lists by virtue of lay-off shall remain eligible for two (2) years from the date of layoff and shall be listed on any replacement list for the preceding period of time.

#### **9.01.05 Revocation of register**

An employment or promotional register may be revoked and another examination ordered only when the Commission deems such action advisable on account of fraud, errors, or of obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate results obtained therefrom. No registers shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons in the minutes of the Commission. (Resolution 2016-R)

**9.05 Return to Eligible Register After Resignation or Retirement**

**9.05.01** A former employee who resigned or retired may request return of his name to the top of the proper current eligible register for the class. Such request must be made within one year from the date of resignation or retirement, provided, the Commission 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.

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

**9.05.03** 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.

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

**9.06 Appointment Without Examination**

Except as provided in sections 9.01, and 9.05, any return to the Civil Service shall be by examination only.

**9.11 Availability of Eligibles**

**9.11.01** 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.

**9.13 Cancellation of Eligibility**

**9.13.01** Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of, bad character or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible person'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;

**9.13.02** Separation from the service will terminate any promotional eligibility;

**9.13.03** Any person who declines certification or appointment or who fails to report shall be permanently dropped from the list on which his or her name appears unless he/she shows satisfactory cause to the Commission of his/her action.

**9.13.04** Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the secretary and chief examiner or of the appointing officer within ten business days succeeding the mailing of such notice of certification, or who fails to accept an appointment when offered it within the same period, or within the next succeeding business day, when notification is supplied verbally or by telephone he or she may be deemed to have declined appointment. If a candidate accepts appointment within the period outline and fails to present himself or herself for duty

within three days of the date specified in the notice, he or she may be deemed to have declined appointment.

**9.13.05** Refusal to accept re employment in a permanent position shall constitute separation from the service except as provided in Rule 9.01.01.

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

**9.14 Notice and Opportunity for Hearing**

Whenever the Civil Service Secretary or the Appointing Authority recommends to the Commission that a name be removed from the eligible roster or the Commission on its own authority deems that material reasons exist for such removal, the Secretary/Chief Examiner shall provide notice to the candidate of the removal at the Commission's next regularly scheduled meeting, in no event, less than twenty (20) business days notice of the intended action. The candidate may request a hearing before the Commission pursuant to the provisions of Rule 19. Failure of a candidate to request a hearing within ten (10) business days of the notification shall be deemed acquiescence to the removal of the candidate from the eligible list. (Resolution 2016-J Section 1)

**9.15 Restoring Names to Eligible Registers**

*(Repealed by Resolution 2016-J Section 2)*

## 10. CERTIFICATION AND APPOINTMENT

### 10.01 **Basis for Appointments.**

All appointments within the Classified Service shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation.

### 10.02 **Hiring Procedure.**

Whenever a vacancy exists, the Appointing Authority may (1) request the names of the top five (5) candidates on the Records Manager or CSO eligibility list; (2) request the names of the top five (5) candidates on the continuous testing eligibility list CTEL; (3) request the Lateral Eligibility list; (4) request the Academy Graduate Entry Eligibility List; and (5) request any combination of the above lists. The Commission, or Secretary/Chief Examiner if so authorized, shall thereupon certify the names of such persons in accordance with the Rule of Five. (Resolutions 2016-H Section 1 and 2016-Q Section 1)

When the request is for the Records Specialist, CSO, Continuous Testing, or Reserve Academy Eligibility Lists, the top five (5) candidates will be certified to the Appointing Authority on separate and respective Lists in accordance with the Rule of Five. The Commission, or CSS/Examiner if so authorized, shall thereupon certify the names of such persons highest on the Records Specialist, CSO, Continuous Testing, and Reserve Academy Eligibility Lists who are willing to accept employment.

When the request is for the Lateral Eligibility List, the entire list will be certified to the Appointing Authority.

When the request is for the Academy Graduate Entry Eligibility List, the entire list of applicants satisfying the definition of such term will be certified to the Appointing Authority.

In all circumstances, the Appointing Authority shall conduct an appropriate background investigation and consider the experience, training, education, and other relevant criteria regarding the various candidates.

With exception of Records Specialist Class, it shall be a mandatory prerequisite for employment for an applicant to:

- (1) Meet the LEOFF minimum medical health standards if the applicant is eligible for LEOFF I; or
- (2) Meet the Medical Selection Standards & Guidelines, developed by the Systems Design Group for the Washington State Criminal Justice Training Commission, which are adopted by reference; and
- (3) Meet the Pre-employment Physical Fitness Screening Test Standards, which are adopted by reference; and
- (4) Such other minimum requirements as stated in Section 7.2. Failure to meet such standards prior to an offer of appointment shall result in removal from the applicable Eligibility List.

**10.2.1.** *Repealed* by Resolution 2016-H Section 2)

### 10.03 **Failure to Respond**

Candidates failing to comply with pre-appointment investigations as requested by the Appointing Authority, or failing to answer a mailed notification of appointment within ten (10) business days, or within the next succeeding business day, when notification is supplied verbally or by telephone, or failing without due cause to accept appointment when offered,

excluding a provisional, emergency, or temporary appointment, shall be deemed to have declined appointment. If a candidate accepts appointment within the period outlined above and then fails without due cause to report for duty within one (1) day of the reporting date specified in the notice, he or she shall be deemed to have declined appointment. Any person so declining appointment shall also be permanently dropped from the Eligibility List on which his or her name appears unless he or she presents satisfactory cause to the Commission for his or her action or failure to act.

**10.07 Deferment of Certification**

The Commission may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefore. 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 Commission.

**10.11 Regular Appointment**

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

**10.13 Temporary Appointments**

Temporary appointments are appointment from an employment or promotional list in the usual manner, but to fill a position the duration of which does not exceed four (4) months in any one calendar year. In making such an appointment, the appointing authority shall make the requisition to the secretary and chief examiner in the manner provided for regular appointment but shall indicate the time at which it is estimated the position will terminate. The secretary and chief examiner shall notify the person or persons appearing on the appropriate eligible register, or registers, indicating the nature of the position and its duration, to learn who may be willing to accept provisional employment. The most qualified person or persons willing to accept shall be certified for the provisional appointment.

No temporary appointment shall be continued and no person shall be employed on a temporary basis for more than four (4) months unless the Commission finds good cause for extending the appointment. Temporary service shall not be credited on any probationary period or be used in computing any privilege accruing under Civil Service law or these rules.

**10.15 Emergency Appointment**

To meet the immediate requirements of an emergency condition which threatens life or property, the appointing authority may employ any person or persons whom they may be legally empowered to appoint without restriction of Civil Service laws and rules. The appointing authority shall notify Civil Service Commission at the first available opportunity to advise the Commission of this emergency appointment outside of the Service. Such employment shall be limited to the duration of the emergency period and shall in no event exceed six (6) months.

**10.17 Provisional Appointment Allowed**

Provisional appointment may be made only in the absence of registers appropriate for the position to be filled or as a temporary staffing replacement while the next regular appointee is in training or other vacancies such as a temporary leave of absence to fill the open position. Under either of these conditions if there is an absence of an acceptable candidate, the appointing authority may select a person meeting the minimum pre-requisites for the class to which the position is allocated using his Emergency Appointment authority. For appointments from a register the Commission shall interview, or use any other method, to determine whether or not the nominee possesses the necessary experience, training, and other prerequisites for the position. If satisfactory, his or her name shall be certified to the appointing authority for appointment. In the absence of an appropriate register, the Commission shall announce and conduct the examination and shall certify a name for regular appointment in the usual manner.

**10.18 Reserve Officers As Provisional or Emergency Officers**

If there is a need for a temporary staffing replacement while the next regular appointee is in training or other vacancies such as a temporary leave of absence, the appointing authority may use Normandy Park Reserve officers to fill the position or provide additional temporary staffing. If a Reserve Officer(s) cannot provisionally fill the open position or additional temporary staffing, the procedure to make an emergency appointment will be followed, except the employment will be terminated at the end of the regular appointee's basic law enforcement academy and the Normandy Park Police field training program, or the end of the Leave of Absence causing the staffing shortage.

**10.19 Provisional Appointments**

No provisional appointment, except as provided in 10.18, shall be continued for longer than four (4) months unless the Commission finds good cause for extending the appointment. No time spent as a provisional appointee shall be credited to the probationary Civil Service law or these rules

## **11. PROBATION**

### **11.01 Probationary Period**

**11.01.01** No person shall be finally appointed to a position until he or she has satisfactorily served a probationary period of one year. Civil Service status begins at the time probation is complete.

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

### **11.05 Interruption of Probationary Period By Military Service**

A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

### **11.09 Removal of Probationer**

#### **11.09.01 Grounds**

The Appointing Authority may discharge a probationer by written notification to the probationer and copy to the Commission. Removal of a probationer shall not be subject to review by the Commission. (Resolution 2016-G Section 1)

#### **11.09.02 Procedure**

A promotional probationer, unless discharged for cause, retains all civil service rights to a position in the civil service class from which the individual was promoted. Discharge from the underlying created civil service class shall only be for just cause and is subject to approval and review by the Commission. (Resolution 2016-G Section 1)

#### **11.09.03 Rights Retained**

A promotional employee who was reviewed during the probationary period from a promotional position by the Appointing Authority shall be restored to the civil service class from which he or she was promoted, unless discharged for just cause. (Resolution 2016-G Section 1)

#### **11.09.05 Rejection After Promotion**

A promotional appointee who is rejected during the probationary period from the position to which he or she was promoted shall be restored to the position from which he or she was promoted.

## **13. TRANSFER - REDUCTION**

### **13.01 Change in Positions**

The change of an employee from a position in a class to a position in a higher class in the class series is a promotion and may be accomplished only in the manner provided in these rules for making a promotional appointment. The downward movement of an employee, other than the voluntary reduction of an employee from one classification to a lower classification in the classified series shall be deemed a demotion and may be accomplished only in the manner provided for in these rules for a demotion. (Resolution 2016-B Section 1.4)

### **13.04 Departments Outside Police Department**

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.

**13.05** *Repealed.* (Resolution 2016-B Section 1.4)

## 14. LAYOFF

### 14.01 **Reduction by Layoff**

Whenever an appointing authority contemplates a reduction of staff because of shortage of funds, lack of work, or material reorganization of the department, notice shall be sent to the Commission which shall cooperate with the appointing authority in determining the most advisable procedure and readjustment as to which positions are to be abandoned. Employees holding positions within a class shall be laid off in inverse order of their length of service to the City. Any complaint by a permanent employee that layoff was in bad faith shall be investigated by the Civil Service Commission. If the Commission finds that the layoff was irregular, it may order the reinstatement of the permanent employee or employees.

Notice of layoff shall be given the employee concerned and the secretary and chief examiner at least one week before the effective date thereof. Employees laid off shall have their names placed on the eligible list of the class to which their position was allocated in accordance with these rules.

### 14.03 **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 department, or he may be transferred as provided by Rule 13.01, Transfer in Lieu of Layoff. An employee so reduced shall be entitled to credit for any previous regular service in the lower class. Such transfer can result in the displacement of a less senior member of the lower class to which the employee is being transferred to.

## **15. LEAVE OF ABSENCE**

### **15.01 Leave of Absence Without Pay**

The Appointing Authority may grant a regular employee a leave of absence without pay for a period not to exceed one (1) year. No leave without pay shall be granted except upon the written request of the employee. Whenever granted such leave shall be in writing and signed by the Appointing Authority. A copy of such leave of absence shall be filed with the Civil Service Commission and shall contain the specified term of leave and any reduction or extension of such leave shall not be granted without the express written consent of the Appointing Authority and employee. On expiration of a regularly approved leave without pay, the employee shall be reinstated to the position held at the time the leave was granted if the employee returns to work on or before the expiration of the leave. Failure of the employee to return on or before the date set shall be considered a resignation and the right of return waived. (Resolution 2016-I Section 1)

### **15.02 Military Leave**

See City ordinance/policy and Washington State law relating thereto.

### **15.03 Filling Vacancy**

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

## **16. RESIGNATION**

### **16.01 Notice**

An employee wishing to leave the classified service of the City in good standing shall file with the appointing authority at least one week before leaving a written resignation stating the effective date.

### **16.02 Withdrawal of Resignation**

The Secretary may permit the withdrawal of a resignation only upon a written request filed within 30 days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the appointing authority.

### **16.03 Involuntary Resignation**

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, but that mere intense pressure to quit or be fired is not "coercion or duress," and 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 appointing authority within ten (10) days from the effective date of the resignation. If no such petition is filed within the ten (10) day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.

### **16.04 Implied Quit**

The department head may preemptively consider any employee to have implicitly quit 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 (5) or more consecutive working days or has quit or "orally resigned" and has been absent from duty for three (3) or more consecutive working days without leave or authorization. An employee will not be determined to have resigned under this rule until five (5) 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 appointing authority. 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 appointing authority which, in the judgment of the Commission, rebuts the presumption of resignation.

### **16.05 Return to Eligible Register Following Resignation**

(See Rule 9.05).

## **17. DISCIPLINE AND DISCHARGE**

### **17.01 Suspension**

The Appointing Authority may suspend a regular employee without pay for a period of not to exceed thirty (30) days, and demote or discharge a regular employee for inefficiency or other just cause. In all such cases, the final Notice of Discipline, Demotion or Discharge shall be provided in writing to the employee and filed with the Civil Service Secretary of the Commission within five (5) days of the effective date of the personnel action. The employee may file a written appeal and request for hearing before the Civil Service Commission by filing a written notice with the Civil Service Secretary within ten (10) calendar days after the effective date of the personnel action.

### **17.02 Demotion - Discharge**

An appointing authority may demote or discharge a permanent employee for inefficiency or other just cause. In all such cases, written reason therefore shall be furnished the employee and secretary and chief examiner at least five days prior to the effective date of the demotion or dismissal. Within ten days after the effective date of the dismissal or demotion, the employee may file a written request for a hearing before the Civil Service Commission. The Commission at its next scheduled meeting shall hold a hearing to determine whether or not the demotion or discharge was made in good faith and for cause, with each party to be afforded not fewer than twenty (20) days notice of such hearing. (Resolution 2016-K Section 1)

### **17.03 Cause For Discharge**

As listed in the civil service law, the following are declared to illustrate adequate causes for discharge from the classified service, although charges may be based on causes other than those enumerated:

**17.03.01** Incompetence, inefficiency, inattention to, or dereliction of duty;

**17.03.02** Dishonesty, intemperance, immoral conduct, insubordination, unjustifiably 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;

**17.03.03** Mental or physical unfitness for the position which the employee holds;

**17.03.04** Dishonest, disgraceful, or prejudicial conduct;

**17.03.05** 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;

**17.03.06** Conviction of a felony, or a misdemeanor involving moral turpitude;

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

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

**17.03.09** Willful or intentional violation of any of the provisions of these rules.

**17.03.10** Any other cause, act or failure to act which, under law or these Rules, or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or

separation from the service, demotion, suspension, deprivation of privileges or other disciplinary action.

**17.04 Hearing Procedure**

Hearing shall be conducted in accordance with the provisions of Civil Service Rule 19. (Resolution 2016-K Section 1)

## **18. PRE DISCIPLINARY HEARING**

### **18.01 Pre-Disciplinary Hearing Required**

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

### **18.03 Pre-Disciplinary Hearing -**

**18.03.01** 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.

**18.03.02** The employee may have legal counsel or union representation present at a pre disciplinary hearing to assist him; however, the proceeding is an administrative process, not an advocacy proceeding, and interference, confrontation or cross-examination shall not be allowed.

**18.03.03** The department's explanation of the department's evidence at the pre-disciplinary 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 pre-disciplinary hearing.

**18.03.04** Should the appointing authority determine to discipline following the pre-disciplinary 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.

**18.03.05** The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee.

## **19. HEARINGS**

### **19.01 Hearings - Appeals**

**19.01.01** Any regular employee who is demoted, suspended or terminated may appeal such action to the Commission. The burden of proof is on the city.

**19.01.02** 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.

**19.01.03** Any employee, or department, who is adversely affected by an alleged violation of Civil Service or City ordinances/policy not amounting to demotion, suspension or termination may appeal such violation to the Commission. The burden of proof is on the appellant.

### **19.02 Complaints**

The Commission may investigate or hold a hearing and may allow appeal from any party to the complaint. If a complaint is made to which the secretary and chief examiner is a party, he or she shall file a statement of the facts and an explanation of his or her action with the Civil Service Commission which may investigate, grant hearing, and issue recommendations or, if authorized, a directing order.

### **19.03 Appeals - Time/Form**

A notice of appeal shall be filed at the Commission offices within ten (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.

### **19.05 Exhaustion of Administrative Remedies**

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

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

### **19.09 Appeals - Initial Review**

The Commission shall review any appeal at its next regularly scheduled meeting to determine whether the employee has timely an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely or a personnel action not final, the Commission shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. If the Commission finds that the appeal has been timely perfected, the Commission, at its sole discretion, may appoint counsel and/or a hearing officer to assist the Commission in the conduct of the hearing. The hearing officer is not a voting member of the Commission. The hearing officer's duties shall be limited to conducting the hearing, prehearing conferences, if any, and resolving evidentiary and discovery disputes. All rulings of the hearing officer on preliminary matters are subject to Commission review and the determination of the Commission shall be final. The Commission shall not delegate its decision-making function. (Resolution 2016-K Section 2)

**19.11 Appeals - Notice of Hearing**

Following its initial review, Commission staff or hearing officer shall forward a copy of the Notice of Appeal and initial rulings of the Commission to the affected parties. Subject to the conduct of prehearing conference and any evidentiary rulings, the Commission shall hear the appeal at a date convenient to the parties and the Commission. The prehearing conference shall attempt to determine convenient dates for all parties but the request of the parties shall be advisory to the Commission. The Commission shall set a final hearing date which may be continued from time to time in accordance with the Washington Open Public Meetings Act. (Resolution 2016-K Section 2)

**19.13 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.

**19.15 Service of Process - Papers**

**19.15.01** 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.

**19.15.02** 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 registered or certified mail, or by regular mail with written acknowledgment of such mailing attached to the papers so served. Written acknowledgment shall be by affidavit of the person who mailed the papers or by certificate of any attorney or Secretary-Chief Examiner.

**19.15.03** Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or inter-city), upon three (3) days after properly stamped and addressed and deposited in the mail system.

**19.15.04** 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 with three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in said brief or memoranda, unless a different time is provided in a pre-hearing scheduling order. Documentary evidence is not required to be filed but, rather, provided at the hearing.

**19.15.05** 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.

**19.17 Discovery**

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

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

**19.19 Subpoenas**

**19.19.01** 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.

**19.19.02** 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 served. Such requests for subpoenas shall be submitted to the Commission offices at least three (3) days prior to the hearing.

**19.19.03** Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.

**19.19.04** 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.

**19.19.05** 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.

**19.21 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.

**19.23 Evidence**

**19.23.01** Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. Hearsay evidence may be admitted, and any objection to it shall go to its weight, not to its admissibility. 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.

**19.23.02** 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.

**19.23.03** 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.

**19.23.04** 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.

**19.23.05** Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing, unless a different schedule has been required by the Commission. .

**19.23.06** An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.

**19.25 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 RCW 42.30. 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.

**19.27 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 as soon as practical after the close of the hearing of an appeal or other proceeding heard only by the Commission. The date of the decision is the date that the findings, conclusion and order of the Commission are signed.

**19.29 Remedies**

The Commission may issue such remedial orders as deemed appropriate.

**19.31 Reconsideration**

A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary or upon newly discovered evidence, not available at the time of the hearing, may be allowed by the Commission as a basis for reconsideration.

**19.33 Waiver**

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

## **20. RETIREMENT AND DISABILITY**

### **20.01 Retirement**

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

### **20.02 Reinstatement After Disability Retirement**

**20.02.01 Procedure** The Commission shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his health to the extent employable. Upon being satisfied that the employee is physically and mentally competent to perform the duties of the regular class, the Commission shall:

- (a)** Order return of the employee to former employment status, if available, as if a leave of absence had been granted; or
- (b)** Place the name on the reinstatement register for an available class and department.

**20.02.02 Effect** See 9.05.

**20.02.03 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.

## **21. MISCELLANEOUS**

### **21.01 Repeals and Savings**

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

### **21.03 Computation of Time**

**21.03.01** 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 ten (10) or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**21.03.02** Any period of time except for the stated period of time set forth in Rules 19.03 and 19.11 may be extended by the Commission 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.

**21.03.03** The date of notice for purpose of these rules shall be the date on which notice of an action is posted in the Commission's office; (a) as provided in these Rules; (b) is mailed or (c) delivered personally to a party to a proceeding.

### **21.04 Vacation, Sick Leave, Holidays**

Vacations, legal holidays, and sick leave shall conform with the most current City of Normandy Park Policy and Procedures Manual, or current Collective Bargaining Agreement.

### **21.6 Amendments of These Rules and Regulations**

After adoption, these rules may be amended by submission and reading of the proposed amendment at any regular meeting. Public notice of the proposal shall be given and a vote thereon shall be taken at the next regular meeting. If approved by at least two members of the Commission, the amendment shall be adopted and shall be in immediate effect.

**Appendix A  
Lateral Entry Police Patrol Officer  
Normandy Park Police Department**

*Qualifications for Lateral Entry Applicants*

Minimum experience standards shall be at least 24 months of full-time commissioned police service within the last 36 months with a municipal, state or county law enforcement agency, or **be currently employed and** have successfully completed field training and probationary period with a law enforcement agency.

- Experienced Police Officers must have completed a police academy approved by the Washington State Criminal Justice Training Commission **and**
- Must have been employed as a full time commissioned Police Officer within last 24 months **or**
- Must successfully complete the Equivalency Test within twelve months of employment **or**
- Must be able to meet the requirements for certification as a Washington Peace Officer

Applicants who have completed a police academy approved by the Washington State Criminal Justice Training Commission **and** have at least 60 months of full-time commissioned police service with a municipal, state or county law enforcement agency shall also meet the minimum experience standards.

**Note: Other more restrictive minimum qualification standards may be established as determined to be appropriate by the appointing authority.**

**Special Requirements**

- Employment is conditional upon the completion of a background investigation, which shall include, yet not inclusive to, medical, polygraph and psychological testing, criminal history and driving record.
- Lateral Entry applicants must successfully complete the Department Field Training Officer Program.
- Lateral Entry applicants must successfully complete a probationary period of one year [after completing FTO, not to exceed 18 months].<sup>1</sup>

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<sup>1</sup> Added 02/19/14 to correctly list Guild Contract Rule

(Resolution 2016-M)



## Records Manager

### Job Description – Civil Service Rules – Appendix B

*The City of Normandy Park believes that each employee makes a significant contribution to our success. Each employee is expected to fulfill the mission, vision, and values of the city through ethical conduct, community stewardship, individual initiative, and responsive service. This job description is designed to outline primary duties, necessary knowledge, skills, abilities, qualifications, and job scope. The omission of specific statements does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

**Status:** Non-Exempt  
**Salary Level:** T04

**Department:** Police  
**Reports To:** Chief of Police

**General Position Summary:** Process reports and records of law enforcement activities. Coordinate court information related to police cases. Provide clerical support to the police department and backup support to other City Departments. Supervise and provide backup to the Police Records Specialist. Provide Information Technology support to all City Staff. Act as liaison to the Information Technology Contract Employee. Occasionally supervise community service volunteer, or temporary office workers. Perform other special projects and duties as required. The Police Records Manager is governed by the Normandy Park Civil Service Commission.

#### Essential Functions:

- Process police reports. May involve typing reports, charge sheets, court paperwork, or fingerprint cards; setting up and maintaining Normandy Park identification files entering computer information, and/or filing cases.
- Supervise assigned employees. Train, motivate and evaluate staff. Review progress and direct changes to the Chief of Police.
- Serve as the Terminal Agency Coordinator for Washington State computer system.
- Reconcile dispatch logs with cases taken. Ensure that all incidents are entered into the computer.
- Arrange court arraignments for those in custody. Ensure that officers have cases and subpoenas for court and that the City Attorney is copied on all court cases. Process warrants issued by the court. Record case dispositions following court.
- Provide in-person customer service, high volume telephone reception and payment receipts for the police department and city hall when administrative staff person is unavailable.
- Prepare and forward crime prevention form letters such as alarm notice and house check letters. Arrange for house/business checks and extra patrols when necessary.
- Process applications and take fingerprints for concealed weapons permits. Issue permits upon state acceptance. Take fingerprints of those needing them for licenses, citizenship, etc.
- Provide a moderate level of IT support to all City Staff in conjunction with nonrepresented employees, and act as liaison with IT Contract Employee.
- Proofread documents for completeness and accuracy.
- Act as the main point of dissemination for public disclosure requests.
- Exercise individual initiative and work independently with little direction.
- Work in a rapid pace work environment on several projects concurrently.
- Compose, proofread, and edit general correspondence, reports, and other documents.
- Interact effectively with the public, agencies, and staff at all levels.
- Familiarity with and ability to apply records dissemination laws.
- Ability to work under pressure in emergency situations.
- Operate a personal computer, miscellaneous software, including MS Office Suite Applications and especially basic Excel functions.

**Knowledge:**

- General understanding of the City's political environment and sensitivities.
- Record keeping systems and best practices.

**Skills:**

- Effective communication, both in writing and orally.
- Planning, organizing, prioritizing, and time management.
- Teamwork.
- Use of discretion and confidentiality.
- Ability to read, write, speak, and understand English.
- Outstanding Customer service.
- Strong attention to detail.

**Education and Experience:**

- Associate of Arts degree with major course work in office occupations or criminal justice desirable. At least four years employment in progressively responsible clerical or secretarial position preferred, with at least two years of which have preferably been in the law enforcement field. OR
- Level II Access Certification preferred or must have the ability to obtain Certification through the Washington State Patrol within the first six- (6) months of employment.
- Experience serving as coordinator for Washington State computer system is preferred.
- Combination of equivalent education and experience may be substituted.

**Special Requirements**

- Employment is conditional upon the completion of a background investigation, which could include, yet not inclusive, polygraph and psychological testing, criminal history and driving record.
- Must possess, or have the ability to secure, a valid State of Washington Driver's License and a driving record free of significant moving violations
- Must possess, or have the ability to obtain, a valid first aid card.
- Full-time salaried position in the Teamsters Union Local 763.

The statements contained herein reflect the general details as necessary to describe the principal functions of the job, the level of knowledge and skill typically required, and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absences or relief, to equalize peak periods, or otherwise balance the workload. Reasonable accommodations may be made to enable qualified individuals with disabilities to perform essential functions.

**The City of Normandy Park is an Equal Opportunity Employer and does not unlawfully discriminate on the basis of race, sex, age, color, sexual orientation, religion, national origin, marital status, genetic information, veteran's status, disability, or any other basis prohibited by federal, state, or local law.**

Note: In accordance with the Immigration Reform and Control Act of 1986, employment of persons hired by the City will be contingent upon presentation of acceptable documents verifying the authorization of employment in the United States.

//signed by Police Chief Chris Gaddis and City Manager Mark Hoppen, 6-17-2015 (Resolution 2016-M)



## Community Service Officer Job Description – Civil Service Rules – Appendix C

*The City of Normandy Park believes that each employee makes a significant contribution to our success. Each employee is expected to fulfill the mission, vision, and values of the city through ethical conduct, community stewardship, individual initiative, and responsive service. This job description is designed to outline primary duties, necessary knowledge, skills, abilities, qualifications, and job scope. The omission of specific statements does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

**Status:** Non-Exempt  
**Salary Level:** T05

**Department:** Police  
**Reports To:** Chief of Police, through the available 1<sup>st</sup> line Supervisor

**General Position Summary:** Provide a variety of community services related to law enforcement, such as non-violent conflict mediation, victim referral, and relief to commissioned law enforcement personnel in transporting prisoners. Process reports and records. Respond to animal control calls for service. Assist in providing clerical support to the police department and backup support to other departments, both in person and on the telephone. Perform other special projects and duties as required or directed. The Normandy Park Civil Service Commission governs the Community Service Officer.

### Essential Functions:

- Enforce Animal Control Codes, including impoundment of animals, and removing deceased, injured, vicious and/or stray animals within the boundaries of the City of Normandy Park.
- Mediate verbal disputes among family members, citizens, neighbors, landlords and tenants, merchants and customers in situations that do not involve physical violence. Seek assistance of appropriate law enforcement officers if situations should escalate to include physical violence.
- Assist Police Officers with the investigation of reported incidents of child abuse, neglect and abandonment and take children into protective custody at the direction of a Police Officer; conduct follow-up investigations of lost and runaway children.
- As assigned, interview complainants; provide information on laws and ordinances; and resolve problems within scope of knowledge, or refer to appropriate agencies or individuals.
- Take reports on found or missing property and property damage.
- Conduct physical/visual house and business checks when required to ensure building is secure.
- Conduct crime prevention activities such as home security inspections, assisting senior citizens in obtaining locks for their homes; may conduct crime prevention educational programs for neighborhoods and local businesses; may assist with block watches.
- Provide follow-up assistance to victims of crisis situations, and to individuals with serious personal, social or law enforcement problems.
- Deliver court documents, City Council, Board and Commission packets upon request.
- Perform clerical duties, utilizing word processing and database computer applications as required by supervisor, collect information, compile and file reports.
- Exercise individual initiative and work independently with little direction.
- Work in a rapid pace work environment on several projects concurrently.
- Compose, proofread and edit general correspondence, reports, and other documents.
- Interact effectively with the public, agencies, and staff at all levels.
- Able to attend evening meetings.
- Able to lift at least 100 lbs.
- Operate a personal computer, miscellaneous software, including MS Office Suite Applications and especially basic Excel functions.

**Knowledge:**

- General understanding of the City's political environment and sensitivities.
- Record keeping systems and best practices.

**Skills:**

- Effective communication, both in writing and orally.
- Planning, organizing, prioritizing, and time management.
- Teamwork.
- Use of discretion and confidentiality.
- Ability to read, write, speak, and understand English.
- Outstanding Customer service.
- Strong attention to detail.

**Education and Experience:**

- Must have graduated from high school or attained GED.
- Requires possession of a graduation certificate from a Washington State Criminal Justice Training Commission, certified Reserve Police Officer Academy, or a Reserve Police Officer Commission with the City of Normandy Park.

**Special Requirements**

- Must possess, or have the ability to secure, a valid State of Washington Driver's License and a driving record free of significant moving violations.
- Progressive experience in law enforcement, animal control and/or social services desires.
- Employment is conditional upon the completion of a background investigation, which could include, yet not inclusive, polygraph and psychological testing, criminal history and driving record.
- Must possess, or have the ability, to obtain a valid first aid card and a Cardiopulmonary Resuscitation (CPR) certificate.
- Must be a citizen of the United States of America.
- Recommended completion of animal control academy, within the first year of employment. This requirement may be waived by the Chief of Police depending on qualifications of the employee.
- Full-time salaried position in the Teamsters Union Local 763.

The statements contained herein reflect the general details as necessary to describe the principal functions of the job, the level of knowledge and skill typically required, and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absences or relief, to equalize peak periods, or otherwise balance the workload. Reasonable accommodations may be made to enable qualified individuals with disabilities to perform essential functions.

**The City of Normandy Park is an Equal Opportunity Employer and does not unlawfully discriminate on the basis of race, sex, age, color, sexual orientation, religion, national origin, marital status, genetic information, veteran's status, disability, or any other basis prohibited by federal, state, or local law.**

Note: In accordance with the Immigration Reform and Control Act of 1986, employment of persons hired by the City will be contingent upon presentation of acceptable documents verifying the authorization of employment in the United States.

//signed by Police Chief Chris Gaddis and City Manager Mark Hoppen, 6-17-2015 (Resolution 2016-N)

## Appendix D

### BLEA Police Patrol Officer Normandy Park Police Department

#### Qualifications For BLEA Applicants

Minimum experience standards shall be applicants who have successfully completed the Washington State Criminal Justice Training Academy (WSCJT) or who have completed a police academy approved by the Washington State Criminal Justice Training Commission, AND

- Must have been employed as a full time commissioned Police Officer within last 24 months **or**
- Must successfully complete the Equivalency Test within twelve months of employment **or**
- Must be able to meet the requirements for certification as a Washington Peace Officer

**Note: Other minimum qualification standards may be established as determined to be appropriate by the appointing authority.**

#### Special Requirements

- Employment is conditional upon the completion of a background investigation, which shall include, yet not inclusive to, medical, polygraph and psychological testing, criminal history and driving record.
- BLEA Entry applicants must successfully complete the Department Field Training Officer Program.
- BLEA Entry applicants must successfully complete a probationary period of one year after completing FTO, not to exceed 18 months.

*Commission reviewed and approved 02/19/15*