

City of Fife

Civil Service Commission Rules

Rule 1.

DEFINITION OF TERMS

- 1.01 Advancement. A salary increase with in an arranged rate-of-pay schedule for a class or position made without examination.
- 1.02 Appointing Authority. The officer, person, commission, body or agency empowered separately or jointly to make employments within the classified service of the city. The words appointing authority, appointing officer, or appointing power shall be construed to be synonymous.
- 1.03 Certification. A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.
- 1.04 Certify. Verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.
- 1.05 Class. A group of positions designated by the Commission as being sufficiently similar in duties and responsibilities so that the same title may reasonably be used for each, the same qualifications may be required , and the same salary range, may be applied with equity.
- 1.06 Classified Service. All positions in the City Service which are subject to the provisions of these Rules as defined by State law, and includes specifically full paid, full time members of the police department, except the Chief of Police.
- 1.07 Commission. The Civil Service Commission appointed for the City of Fife. The tem commissioner means any one member of said commission.
- 1.08 Compensation. Any allowance, fee, salary, or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of his position or office.
- 1.09 Demotion. Removal of an employee from a higher to a lower class of employment.
- 1.10 Discharge. Termination, separation, dismissal, or removal from the service for just cause.
- 1.11 Eligible. Qualified for a given class through examination and placed on the proper eligible register, also “certified eligible”.
- 1.12 Eligibility List or Employment List. A list of names of persons arranged in order of preference who are eligible for appointment to a position in the classified service.
- 1.13 Emergency Appointment. An appointment to serve in a classified position under emergency conditions for not more than four months.
- 1.14 Employee. Any person holding a position in the Civil Service System of the City.
- 1.14.1 Employee – Regular. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period. An employee with rights under Rule 4.

- 1.14.2 Employee – Exempt. Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority.
- 1.14.3 Employee – Probationary. A person appointed from a certification who has not yet completed twelve (12) months employment.
- 1.14.4 Employee – Temporary. Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.
- 1.15 Experience. Experience as herein used shall mean experience as a regular employee, under Civil Service appointment, but shall include trial service time.
- 1.16 Full – Paid. Full-paid officer or employee means that person or those persons receiving compensation from the City in return for services devoted to Police duties which occupy undivided attention and activity other than ordinary off-duty time allowances.
- 1.17 Lay – Off. The termination of employment because of lack of funds or work or because of material change in organization.
- 1.18 Personal Pronoun. The personal pronoun of the masculine gender shall apply equally to the feminine gender when appropriate.
- 1.19 Position. Any employment or office in the classified service.
- 1.20 Promotion. A change in employment in accordance with these rules from a position in the classified service with a lower to a position with a higher maximum rate of pay.
- 1.21 Provisional /Temporary Appointment. Provisional appointment means a noncompetitive appointment to a position in the classified service made in the absence of a Civil Service register pending the establishment of a Civil Service register for the class. No provisional appointment shall exceed four months in any given calendar year.
- 1.22 Public Notice. Public notice means giving notice by publication in the official publication of the city.
- 1.23 Reduction. The removal of an employee who has been from a higher class to a lower class of employment for reasons other than just cause.
- 1.24 Regular Status Employee. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period. An employee with rights under Rule 4.
- 1.25 Reinstatement. Reappointment of regular employee to a class in which he was a regular employee.
- 1.26 Reinstatement. A written request by an employee for separation from the City service.
- 1.28 Secretary. Secretary as defined in Rule 3.

1.29 Suspension. The temporary removal of an employee from employment with or without pay, for just cause, or pending determination of charges against the employee which could result in demotion or discharge.

1.30 Trail Service. The initial period after appointment either entry-level or promotional, until regular status is obtained. Also, Probationary Period.

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

Rule 2.

THE CIVIL SERVICE COMMISSION

2.1 Chair – Vice Chair. At the first regular meeting in January of each year, the Commission shall elect one of the Chair for a term of one year and another member to serve as Vice Chair for a term of one year. Should a chair and /or Vice Chair resign or be removed from the position prior to the expiration of his/her term, the Commission , upon appointment of a new member shall proceed to the election of a new Chair and/ or Vice Chair.

2.2 Commission – Meeting –Quorum. In the necessary conduct of its work the commission shall meet on the second Tuesday of each month at 1:00 p.m., in the Fife City hall, unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meeting Act. (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by their rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless a majority of the members concur. All commission meetings or hearings, regular or as required, shall be open and public. Provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The members of the Commission shall be appointed pursuant to RCW 41.12.030. The terms of Office of the Commissioner shall be fixed for six (6) years. In the event a Commissioner is not appointed to fill a vacancy, the Commissioner whose term has expired shall continue to serve until a successor is appointed.

2.3 Record of Proceedings. The Commission shall record it's hearings. Either party may arrange for stenographic reporting of the proceedings at its own expense. Upon appeal of a Commission proceeding to the court, the Secretary/Chief Examiner shall arrange for transcription of all or a relevant part of the record at the direction and expense of the appealing party. The appealing party shall pay the transcription cost before a transcript will be released to the court.

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

2.5 Powers and Duties. The Civil Service Commission shall:

2.5.1 Adopt rules in conformance with the regulation of personnel matters within the classified service.

2.5.1(A) Amendment of Rules. The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission. Unless upon emergency declared by all Commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting prior to adoption. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.

2.5.1(B) 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.

2.5.1(C) Copies of Rules. A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to each affected department of the city. A copy shall be maintained in the office of the Commission for public distribution as required by state law.

2.5.1(D) Effect of Rules. The terms and conditions of Civil Service employment are governed by these rules and applicable statute and ordinance. No employee shall have a property of interest in or as a result of these rules. These rules, and rules of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

2.5.2 Appoint, whenever necessary, a Secretary in conformity with Rule 3.

2.5.3 Approve minutes of its own meetings and records of its procedure.

2.5.4 Provide for the holding of competitive tests, or the determination of the relative qualification of persons for employment in the classified service either by the Secretary or by any other agency designated by the Commission.

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

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

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

2.5.8 Approve names to be reinstated to the Reinstatement Eligibility List.

2.5.9 Have said powers and duties as are imposed upon the Commission by virtue of F.M.C. Chapter 2.52 and RCW 41.21.040.

Rule 3.

THE SECRETARY

3.1 Selection. In the absence of a list from which appointment may be legally made and upon vacancy, the Secretary shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the City, or promotional and limited to persons already in the service of the City departments as the Commission may decide.

3.2 Duties. In addition to acting as Secretary of the Commission the Secretary shall:

3.2.1 Be the general manager and executive officer of the Civil Service Department, responsible to the Commission, and shall direct the activities of all personnel in the Civil Service Department, including their appointments and removals;

3.2.2 Delegate duties where necessary and supervise and direct the work of all persons employed in said Department, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;

3.2.3 Report to the Commission from time to time as directed concerning the details of the work of the Department.

3.2.4 Prepare budget for the Department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Department.

3.2.5 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;

3.2.6 Determine which examinations shall be conducted, the minimum qualifications 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, approve such experts, special examiners, and other person she may deem necessary; decided 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; and

3.2.7 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/her from time to time by the Commission.

3.3 Independent Investigation. The Commission may, when it appears in the best interest of the Civil Service System, retain the services of an investigator separate from the Secretary. Any person so retained will be paid from the funds of the Commission and shall report either directly to the Commission or to such other persons as the Commission may designate.

Rule 4.

HEARING AND INVESTIGATIONS

4.1 Hearings.

4.1.1 Hearings – Appeals.

4.1.1(A) Any regular employee who is demoted, suspended, or terminated may appeal such action to the Commission.

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

4.1.1(C) Any employee who is adversely affected by an alleged violation of Civil Service rules or City ordinances may appeal such violation to the Commission.

4.1.2 Appeals – Time – Form.

A notice of appeal shall be filed at the Commission offices and also with the appointing authority within ten (10) calendar days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include a mailing address and a street address where service of process and other papers may be served 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.

4.1.3 Exhaustion of Administrative Remedies.

4.1.3(A) The Secretary may, when not inconsistent with the terms of a collective bargaining agreement, direct the employees to exhaust available administrative procedures regarding a disciplinary matter, before hearing the matter.

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

4.1.4 Authority of Secretary/Staff.

4.1.4(A) The Secretary to the Commission shall have the authority to make orders on preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Secretary may also conduct prehearing settlement conferences in order to encourage resolution of contested matters, issue subpoenas, and note dispositions.

4.1.4(B) The Commission may authorize the commission staff to investigate any reports or appeals related to the enforcement or application of the civil service or those rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for full hearing.

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

4.1.5 Appeals initial Review.

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

4.1.6 Appeals – Notice of Hearing.

Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) calendar days, a hearing before the Commission shall be set, with each party to be afforded not less than twenty (20) calendar days notice of such hearing. Subsequent hearings on the same appeal shall have one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section.

4.1.7 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.

4.1.8 Service of Process – Papers.

4.1.8(A) The Commission staff shall cause to be served all orders, notices, and other papers that the commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, documents or paper.

4.1.8(B) All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written

acknowledgement shall be by affidavit of the person who mailed the papers, or by certified of any attorney or Secretary.

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

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

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

4.1.9 Discovery.

4.1.9(A) Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Secretary with assistance from the Commission's legal counsel.

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

4.1.10 Subpoenas.

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

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

4.1.10(C) Service of a subpoenas shall be made by serving a copy of the subpoena on the person named therein.

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

4.1.10(E) Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may: (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) Condition denial of a motion to quash or modify upon just and reasonable conditions.

4.1.11 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 just cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

4.1.11(A) Counsel at Hearing. An appellant is entitled to counsel at hearing at his or her own expense. Counsel may include an attorney or a union representative, for example.

4.1.12 Evidence.

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

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

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

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

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

4.1.13 Deliberation.

The Commission may deliberate in closed (executive) session when taking a disciplinary case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Secretary 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.

4.1.14 Decision.

In any appeal the Commission shall issue a decision, including findings of fact, conclusion of law, and an order to each party or counsel of record for each party a decision shall be issued within fifteen (15) business days of the close of the hearing of an appeal or other proceeding heard only by the Commission.

4.1.15 Remedies. The Commission may issue remedial orders as deemed appropriate.

4.1.16 Reconsideration. A party may move for reconsideration by the Commission only on the basis of fraud, mistake, newly discovered evidence, 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.

4.1.17 Waiver.

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

Rule 5.

CLASSIFICATIONS

5.1 Classifications.

5.1.1 The Civil Service Commission shall keep a list of classes and a specification of each, as prepared by the city administration. The Commission will consider appeals from employees who contend that their positions have been erroneously classified. The burden of proof in such appeal shall be upon the employee/appellant. In considering whether or not to grant the appeal, the Commission shall consider whether the employee has been allocated to an 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 maybe required of incumbents; and

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

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

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

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

5.3 Re-classifications. Positions whose duties have changed materially so as to necessitate reclassification shall be allocated to a more appropriate class, whether new or already created, in the same manner as originally classified. No reclassification to a class having either a greater or a lower maximum salary range shall be effective, however, unless recommended jointly by the appointing authority and the Secretary and unanimously approved by the Commission. Nor shall reclassification be used for the purpose of avoiding the restrictions surrounding demotions and promotions.

RULE 6.

APPLICATIONS

6.1 Announcement of Vacancy. Whenever there is need, the Secretary/Chief Examiner shall invited, by giving public notice, qualified persons to apply for employment in the classified service and for admission to the examination schedule to select the most competent. Public announcement of the examination shall specify the title and salary range of the position, a brief outline of the requirements of the position, the minimum qualifications required, and the final date upon which applications will be received. Persons desiring to compete for positions in the classified service shall file applications with the secretary and chief examiner on forms supplied by the Civil Service Commission. An active list of candidates for each classification shall be on file.

6.2 General Requirements for Filing Applications.

6.2.1 In order to file an application for examination, the application must:

(a) Meet the requirements specified in these rules and in the official examination bulletin as of the closing day of the official filling period, and

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

(c) An applicant must be 21 years of age, a citizen of the United States, who speaks the English Language, who holds a high school diploma or high school education degree, and whose weight is proportionate to his or her height sufficiently for the applicant to demonstrate the physical agility reasonably necessary to perform police duties. These minimum requirements may be waived for good cause by the Commission.

6.2.2 Time for Filing Applications.

6.2.2(A) All applicants for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of examination; provided, that upon written evidence of extenuating circumstances acceptable to the Secretary, late applications may be accepted. Applications received by mail in the office of the Commission must be postmarked on or before the closing date,

6.2.2(B) The time for filing applications may be extended by the Secretary as the needs of service require; provided, that the examination shall then be re-advertised in the official newspaper of the City.

6.3 Special Requirements.

6.3.1

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

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

6.4 Rejection of Application or Eligible. The Secretary may reject an applicant for examination, withhold from a register or form certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

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

- (b) Is physically or mentally unfit to perform the duties of the position sought;
- (c) Has been convicted of any felony or a misdemeanor involving moral turpitude (See Chapter 9.96A RCW);
- (d) Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from city service; or has an unsatisfactory record of employment in the city service, or with any other agency or firm;
- (e) Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;

- (f) Fails to appear for fingerprinting or other investigation as required;
- (g) Has assisted in preparing the examination for which application is sought, or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over the other applicants in the examination;
- (h) After notification, did not promptly appear at the time and place designated for the examination.
- (i) Has been discharged from the Armed Forces under dishonorable conditions;
- (j) Is addicted to the use of intoxicants, illegal drugs, or prescription or over-the-counter drugs to the extent that his or her work performance will be adversely affected.
- (k) Has used or attempted to use any political pressure to further his eligibility or appointment or promotion.
- (l) Has admitted to criminal activity determined to have a direct relationship to the position for which application is made, considering the seriousness of the offense, its recency, and the age of the applicant at the time of the occurrence.
- (m) Has refused to furnish all information required to complete the application.
- (n) Such actions contemplated by his rule may also be taken for other material reasons.

- 6.5 Debarment from Employment. Any applicant for appointment, promoting, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.
- 6.6 Notice of Non-Acceptance. Anyone against whom action is taken under Section 7.4 above shall be notified promptly by the Civil Service Department of the reasons therefore by either oral notice at time of filing the application and/or written notice mailed to the applicant or eligible.
- 6.7 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.
- 6.8 Applications Not Returned. All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.
- 6.9 Application Fee. For any position in the classified service which shall be vacant and an application process therefore commenced, the Commission, at its discretion, may determine an appropriate application fee. Nothing contained herein shall require the commission to charge an application fee. The Commission at its discretion may waive application for applicants who are indigent.

RULE 7

EXAMINATION

- 7.1 Examinations. Authority for the responsibility for the conduct of all examinations may be delegated. The Secretary and Chief Examiner shall arrange for the use of public buildings and equipment for the conduction of examinations. The Commission shall designate the person or agency who shall conduct and score the examination.
- 7.2 Qualifying Grade. In all open examinations the minimum grade or standing for which eligibility may be earned is 70% unless otherwise established by the Commission.
- 7.3 Identity of Examinees. The identity of persons taking competitive written tests shall be concealed from the examiners by the use of an identification number which shall be used on all test papers. Any paper bearing the name of the applicant or any other identifying mark other than the number may be rejected by the examiner and the candidate so notified.
- 7.4 Rating and Preparation of Lists. The names of persons successful in all parts of an examination shall be arranged in order of their earned rating, except that a preference status shall be accorded to all honorably discharged veterans of any military service of the United States of America, all veterans of the American Red Cross, and to all current Reserve officers of the Fife

Police Departments. Preference status shall be accorded to veterans as defined in RCW 41.04.010. Proof of honorable discharge or certificate of honorable active service shall be submitted at the time of making application.

Preference status of applicants for the position of police officer shall be accorded to City of Fife Reserve Police officers by adding to the mark, grade or rating, based upon a possible rating of one hundred percent as perfect, a maximum amount of ten percent to his final earned test grade according to the following formula: Reserve Police officers who have completed one full year of police reserve service shall have an additional three and one-half percent (3 ½%) added to their final earned test rating. Reserve police officers who have completed two full years of police reserve service shall have an additional three and one-half percent (3 ½%) added to their final earned test rating. Preference status shall be accorded only to officers who have received a minimum passing grade in the examination.

Preference status of applicants for the position of communication officer shall be accorded to City of Fife Reserve Communication officers by adding to the mark, grade or rating, based upon a possible rating of one hundred percent as perfect, a maximum amount of ten percent to his final earned test grade according to the following formula: Reserve Communication officers who have completed one full year of communication reserves service shall have an additional three and one-half percent (3 1/2%) added to their final earned test rating. Reserve communication officers who have completed two full years of communication reserve service shall have an additional three and one-half percent (3 1/2%) added to their final earned test rating. Reserve communication officers who have completed three full years of communication reserve service shall have an additional three percent (3%) added to their final earned test rating. Preference status shall be accorded only to officers who have received a minimum passing grade in the examination.

Time served in Fife Reserve Police service shall not count toward preference status of applicants for police communication position. Time served in Fife Reserve communication position shall not count toward preference status of applicants for police officer position.

In no event shall any combination of preference status percentages exceed ten percent (10%).

- 7.5 Notification of Results. Each competitor shall be notified by mail of the results of the examination and, if successful, of his final earned rating and his relative position on the eligible list. Any applicant shall have the right of inspecting his own test papers in the presence of the Secretary or his designee. Any personal shall have the right to file a complaint within one week of notification of results.
- 7.6 Promotional Examinations. Vacancies in classes higher than patrol officers shall be filled on the basis of a civil service test by promotion from within the ranks of the Fife Police Department.

Rule 8.

ELIGIBILITY LISTS

- 8.1 Order of Names on Lists. Names on eligibility lists for a class shall be in order of score according to final earned rating on the examination, including veterans preference credits, except the employees laid off from a position in that class shall be given preference over other applicants, in inverse order of lay-off. Where two or more persons have equal claim to a position on a list, their names shall be arranged according to the highest score on the written examination. If such applicants have received the same score on the written examination, their names shall be arranged according to the filing date of the application.
- 8.2 Effective Life of Lists. Eligibility of lists shall become effective upon the approved thereof by the secretary and Chief Examiner's signature to the effect that the list was legally prepared and represents the relative rating of the names appearing thereon. Eligibility lists, including promotional lists, shall remain in effect one year, and may be extended by action of the Civic Service Commission for not more than one year more. Names of employees laid off shall be carried on the eligibility list for at least two years.
- 8.3 Removal of Names From Lists. The name of any person appearing on an eligibility list who fails to respond to a notified of certification shall be reported to the Commission by the secretary and chief examiner and shall be removed from the eligibility list by the commission. If he declines an appointment without reason satisfactory to the Commission, or if he cannot be located by postal authorities, he shall be removed from the list by the Commission. In case of such removal the secretary and Chief Examiner shall notify the candidate affected, at last known address, in writing. The name of a person so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission. The names of classified employees on promotional employment lists who resign from the service shall be dropped from such lists.
- 8.4 Revocation of List. An employment or promotional list may be revoked and another examination ordered only when, upon recommendation of the secretary and Chief Examiner and approval of the Commission, such action is deemed advisable on account of fraud, errors, or of obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate results obtained there from. No lists 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.

RULE 9.

CERTIFICATIONS AND APPOINTMENTS

- 9.1 General Provisions. Vacancies in the classified civil service shall be filled by reinstatement, promotional appointment, assignment, and open graded appointment, transfer, reduction, demotion, or in the absence of an appropriate register, the Secretary may authorize a temporary appointment.
- 9.2 Request for Certification. Whenever an appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Secretary. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment, and any other details necessary for a full description of the position to be filled.
- 9.3 If a vacancy is to be filled from a promotional register, the secretary shall certify to the appointing authority the names of the three available eligible's who stand highest on the appropriate register, if there are three or more names on the register. If less than three eligible names, then the Mayor may consider from those names remaining on the list in his sole discretion.
- 9.4 If a vacancy is to be filled from an open graded register, the Secretary shall certify to the appointing authority the names of the three who stand highest on the appropriate register, if there are three or more names on the register. If there are less than three eligible names, then those names remaining on the list may be considered by the Mayor in his sole discretion.
- 9.5 If the appointing authority makes an acceptable showing to the commission that all of the eligible's certified to the appointing authority are not available or that they do not respond. Sufficient additional names shall be furnished, as provided for in 9.3 and 9.4 alone to complete the certification.
- 9.6 Temporary Appointment. In making such an appointment the appointing authority shall make 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 list, or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The Commission shall certify the names of the three (3) persons standing highest on such list or lists, who shall be called in order as furnished by the Secretary and chief Examiner. No temporary appointment shall be made for more than four months in any one fiscal year except by approval of the commission. Temporary service shall not be credited on any probationary period or be used in computing any privilege accruing under Civil Service Law or these regulations.
- 9.6.1 In case of a temporary vacancy in the rank of officer, a temporary appointment may be made from the ranks of reserves. If no reserves are available, then the appointing authority may consider appointment from a register. In the case of vacancy in the position of sergeant or above, a temporary appointment may be made from the ranks of regular officers in the next lower classification.

- 9.7 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 desire to be returned to the register, and such return as been approved by the Commission.

RULE 10

PROBATIONARY PERIOD

- 10.1 Length of Probationary Period. No person shall be permanently appointed to a positing until he has satisfactorily served a probationary period of one (1) year. Persons re-employed who have formerly acquired permanent status in the class shall not be subject to probation.
- 10.2 Termination of Probationer. During the probationary period the appointing authority at his discretion may terminate the employment of a probationary employee. Notice of such termination, with the reason therefore, shall be given the probationary, and a copy forwarded to the secretary and chief examiner.
- 10.3 Termination of Probationary Status. After one (1) year probation, the appointee shall be a regular employee.

RULE 11.

TRANSFERS, LAY-OFFS, AND REDUCTIONS

- 11.1 Transfers. Transfers consist of the change of an employee from one position to another position in the same or comparable class. The change of an employee from a position in a class with a higher maximum rate of pay should be deemed a promotion and may be accomplished only in the manner provided in these rules for making promotional appointments. A transfer of an employee from a position in a class with a higher, to a position in a class with a lower maximum rate of pay shall be deemed a demotion and may be accomplished only in the manner provided in these rules for making a demotional appointment. No increase or advance in salary shall be made upon transfer unless the rules governing salary advances are complied with and no decrease in salary shall be made unless the rules regarding reductions in salaries are complied with.
- 11.2 Lay-off. Whenever the appointing authority contemplates a reduction of staff because of shortage of funds, lack of work, or material reorganization of the department, notice thereof shall be sent by the appointing authority to the secretary and chief examiner. When it is decided which positions are to be vacated, employees holding positions within a class shall be

laid off in inverse order to their length of service. Any complaint by a permanent employee that the lay-off was not in conformity with these rules will be investigated by the Civil Service Commission.

If the commission finds that the lay-off was not made in accordance with these regulations, it may order the reinstatement of the permanent employee or employees. Notice of lay-off shall be given the employee concerned and the secretary and chief examiner at least two weeks before the effective date thereof. Employees laid off shall have their names placed on the top of the eligibility list of the class to which their position was allocated in accordance with these regulations.

RULE 12

DISCIPLINE AND DISCHARGES

12.1 Suspension and Discharge.

12.1.(A) A department head may suspend a subordinate, with or without pay, or a period not to exceed thirty (30) days for just cause.

12.2(B) A department head may discharge a subordinate for just cause.

12.2 Demotion.

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

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

12.2.3 If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer. The Secretary shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class and shall require the completion of a probationary period.

12.3 Discipline – Just Cause – Illustrated. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other just cause.

12.3.1 Incompetency, inefficiency, or inattention to, or dereliction of duty;

12.3.2 Dishonesty, insubordination, unjustified, discourteous treatment to the public, or of a fellow employee, or any other action of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself; or to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or various breach of discipline or any willful violations of the provisions of F.M.C. Chapter

2.53, RCW 21.12, these Regulations, other official orders, State Law or City Ordinance.

- 12.3.3 Mental or physical unfitness for the position which the employee holds.
- 12.3.4 Drunkenness or use of intoxicating liquors, narcotic, or any other habit forming drug, liquid, or preparation, to such extent that the use of 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.
- 12.3.5 Convictions of a crime.
- 12.3.6 Acceptance of a gift in violation of RCW 42.20.
- 12.3.7 Unjustified failure to pay just debts owed to persons or firms within the City of Fife
- 12.3.8 Conduct subversive of public order and discipline, and sustained conduct detrimental to the efficiency or morals of the service.
- 12.3.9 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee or such actions by others with his or her collusion.
- 12.3.10 Any other actor failure to act which, in the judgment of the Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

RULE 13.

PREDISCIPLINARY HEARING

- 13.1 Predisciplinary Hearing – Required. A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension without pay exceeding three (3) days, or discharge of a subordinate.
- 13.2 Predisciplinary Hearing Standards/Notice of Discipline.
 - 13.2(A) An employee shall be provided, in writing, with a notice of the charge and an explanation of the department’s evidence. If requested in writing within two (2) days the employee shall be given an opportunity to respond to the charges, orally or in writing, at the employees election as to why the department’s proposed action should not be taken.
 - 13.2(B) The employee may have legal counsel or union representation present as a witness at a presciiplinary hearing.

- 13.2(C) The department's explanation of the department's evidence of the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at a subsequent hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the presciplinary hearing.
- 13.2(D) Should the appointing authority determine to discipline the employee, following the predisciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.
- 13.2(E) The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee.

RULE 14

LEAVES AND RESIGNATION – SENIORITY

- 14.1 Calculation of Seniority. Seniority shall be calculated by including all methods of probationary and regular service, including military leave, but excluding periods of leaves or absence other than military. A leave of absence shall constitute a disruption in service for the purposes of accruing seniority, but does not cause forfeiture of seniority accrued prior to the leave.

RULE 15

RECORDS AND REPORTS

- 15.1 Access to Public Records. The secretary and chief examiner shall have access to all departmental and institutional documents and records, the examination of which will aid him in the discharge of his duties.
- 15.2 Records Open To The Public. The minutes of all Civil Service Commission meetings shall be open to the public during office hours of the city hall and may be inspected upon application to the Secretary and Chief Examiner.
- 15.3 Destruction of Records. The Fife Civil Service Commission shall maintain its records consistently with the city's retention schedule.

RULE 16

AMENDMENTS

- 16.1 Procedure. After adoption, these rules may be amended by submission and reading of the proposed amendment at any regular or special meeting of the Commission. Public notice of the proposal or any resolution order, or directive shall be given as required by law (RCW 42.30).

ADOPTED THIS 14 day of May, 1991.