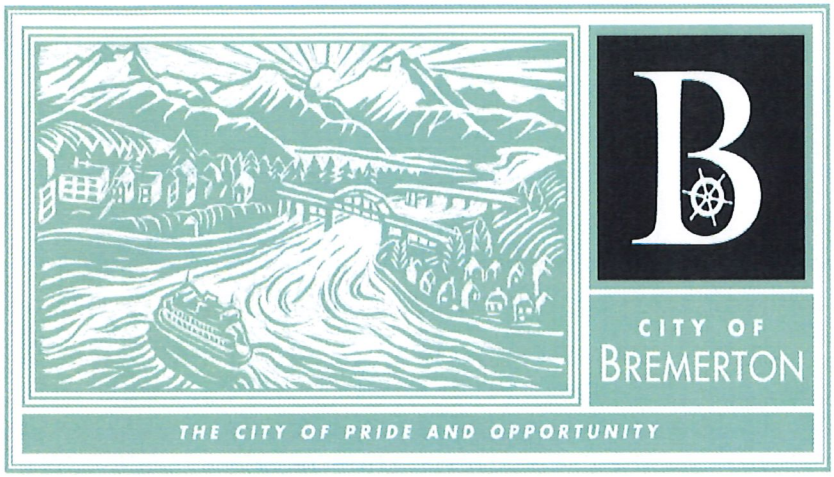

CIVIL SERVICE RULES

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1. GENERAL PROVISIONS

1.01 **AUTHORITY AND APPLICATION**. These Rules are to be followed by the Civil Service Officer when administering the Personnel System applicable to Civil Service employees. These Rules will also be followed by the Civil Service Commission when hearing appeals and when making initial administrative decisions.

1.03 **PURPOSE**. These rules govern the continuing administration of the Civil Service System of the City of Bremerton. The purpose of these rules is to assure that the Civil Service System in Bremerton is administered in accordance with the Bremerton Charter and ordinances of Bremerton, and that all proceedings before the Commission are conducted within 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 41.08 & 41.12. Variation from state models are based on local conditions and are intended to maintain the purposes of Civil Service Systems: merit selection, tenure, and an independent Civil Service Commission. These Rules are presumed to be valid and shall be upheld unless they do not substantially accomplish the purpose of the state law as it applies to Civil Service.

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.

1.09 A. **EMPLOYEES COVERED BY THESE RULES.** All positions in municipal government except for positions exempted by the City Charter (see Appendix A), positions designated as partially exempt pursuant to Rule 1.09C, and positions classified as exempt pursuant to the Commission's authority set forth in Section 31 of the Charter are subject to these Rules and the jurisdiction of the Commission; provided, however, that certain employees in exempt positions may be subject to Rule 1.09C and 1.09D and if at the time the current employee was hired to fill the position the position was a Civil Service position, and the individual holding the position was a regular employee, the position will not be exempt until a vacancy occurs in said position.

B. **TYPES OF POSITIONS EXEMPT FROM CIVIL SERVICE PURSUANT TO THE COMMISSION'S AUTHORITY CONTAINED IN SECTION 31 OF THE CITY CHARTER**. The following types of positions are exempt from Civil Service;

(1) Temporary positions which have a duration of not more than one (1) year or a position which occurs, terminates and recurs periodically.

(2) All positions in the Teamster's Bargaining Unit except those in the Police or Fire Department.

C. **TYPES OF POSITIONS PARTIALLY EXEMPT FROM CIVIL SERVICE.** Employees separated from City employment due to an on-the-job industrial injury or occupational disease who cannot be placed in a limited duty position and who have been retrained under the industrial insurance statute may be assigned work in a position utilizing their available skills. Such a position shall be considered partially exempt in that, with the exception of Rules #9, #10, and #11 during the hiring process, all other Civil Service Rules shall apply to the position.

Any such proposed position shall be reviewed by the Civil Service Officer, who shall certify to the Commission the necessity and appropriate classification for the position. The Department Head may appoint the employee to the position following Commission approval of the exemption.

The Civil Service Officer shall annually certify to the Commission the continuing need for the position. Should the need for the position cease to exist, the Civil Service Officer shall report to the Commission and recommend the abolition of the position.

D. **RETREAT RIGHTS OF CERTAIN EXEMPT EMPLOYEES.** Any regular non-uniform employee who accepts an appointment to an exempt position shall, upon being terminated or asked to resign within five (5) years from the date of appointment be afforded options, if any are applicable, contained in Rule 15.07. These options will not be afforded if the employee was terminated from the exempt position for reasons contained in Rule 19.05 or the employee fails to notify the Civil Service Officer in writing within thirty (30) days of separation of his or her desire to exercise these rights. Any regular uniformed employee who accepts an appointment to an exempt position or waives the right under these rules to be terminated for just cause, shall, upon being terminated or asked to resign within five (5) years from the date of appointment, be

afforded options, if any are applicable, contained in Rule 15.03 and 15.05. These options will not be afforded if the uniformed employee was terminated from the exempt position for reasons contained in Rule 19.05 or the employee fails to notify the Civil Service Officer in writing within thirty (30) days of separation of his or her desire to exercise these rights. *(Revised 06/19/19)*

Nothing in this rule shall be construed to limit the power of the Department Head to terminate an exempt employee without cause, except exempt employees who are part of a bargaining unit which has secured the right of employees covered by said unit to represent them in "for cause" terminations.

E. **EFFECT OF RULE ON UNION MEMBERSHIP.** A position which is exempted under this Rule is not necessarily excluded from a bargaining unit. This Rule has no effect on a determination of whether a position should be in a bargaining unit.

2. ADMINISTRATION AND OPERATIONS

2.01 **COMMISSION-MEETINGS-QUORUM**. In the necessary conduct of its work, the commission shall meet on the fourth Tuesday of each month at 5:30 p.m. unless there is no pending business requiring commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless a majority of those commissioners present at the meeting concur. In the event of a tie, an absent member shall review the record and at a subsequent meeting, cast the deciding vote. All Commission meetings shall be open and public; provided, (1) at the option of the grievant in a disciplinary hearing, the hearing may be closed to the public, (2) the Commission may meet in the Executive Session as authorized by the Open Public Meeting Act (Chapter 42.30 RCW, as amended).

2.03 **COMMISSIONERS--COMMUNICATIONS**. During any pending quasi-judicial proceeding, no Commissioner shall engage in ex-parte communication with opponents or proponents with respect to the proposal which is the subject of the proceeding.

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

2.07 **RULES OF ORDER**. Roberts Rules of Order shall be the 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 and/or modified.

2.09 **COMMISSIONERS--CHALLENGE**. Any challenge to a commissioner sitting at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged commissioner shall review and rule on the challenge prior to proceeding with the hearing. Upon a commissioner's finding of cause for disqualification, the commissioner shall take no part in the hearing.

Failure to timely raise a challenge prior to the commencement of a hearing shall constitute a waiver of the challenge by the party unless, in the exercise of

reasonable diligence, a basis for challenge is unknown to a party prior to the commencement of a hearing.

2.11 **COMMISSIONERS--CHALLENGE--NECESSITY**. If, as a result of disqualification(s) pursuant to Rule 2.09, 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.

2.13 **OFFICE—HOURS**. The office address of the Commission is Norm Dicks Government Center, 345 Sixth St. Suite 600, Bremerton, WA 98337-1873. The regular office hours shall be 8:00 am – 5:00 pm, Monday through Thursday.

2.15 **PUBLIC RECORDS**. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Civil Service Officer. Pursuant to RCW Chapter 42.56 and City Ordinance, no fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the Civil Service Officer; under his/her supervision, and must be accomplished without excessive interference with the essential functions of the Civil Service Officer. Copies will be made available at actual cost established by City Ordinance.

2.17 **RECORD OF PROCEEDINGS**. The Commission shall keep a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his/her own expense, may have a court reporter record all or part of a proceeding. Upon appeal to a court, the costs of transcription shall be borne by the appealing party unless a court of competent jurisdiction determines otherwise.

Upon appeal or review, transcription and certification of a record of proceedings shall be coordinated by the Civil Service Officer.

2.19 **AVAILABILITY OF APPLICANTS, ELIGIBLES, EMPLOYEES**.

A. Each applicant, eligible and employee shall keep the Commission informed, by written notice to the Civil Service Officer, of current address and telephone number, and shall report any change of name through marriage or otherwise.

B. Each eligible shall keep the Civil Service Officer informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefore.

2.21 **COMMISSION AGENDA**. Seven (7) days prior to any Civil Service Commission regular meeting, the Civil Service Officer shall distribute written agendas to each of the Commissioners and also distribute a sufficient number of copies to appropriate Department Heads. Department Heads are responsible for ensuring one copy is posted in each location seven (7) calendar days preceding the next Commission meeting.

2.23 **REPORTS--DEPARTMENT HEADS**. A Department Head shall report to the Civil Service Officer in such detail and on such forms as the Civil Service Officer may prescribe:

A. Every appointment, transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, assignment, changes of position within a class or within an assignment title, change of title, change of compensation;

B. Every separation from the service with the reasons therefore;

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

2.25 **PERSONNEL RECORDS**. The Civil Service Officer shall have access to all personnel records for employees covered by these rules. The personnel records for Civil Service employees shall contain the names of each person employed in the classified service, the classification of any position occupied, salary received, length of service, any changes in employment, and other pertinent information in regard to his/her record.

3. CIVIL SERVICE OFFICER

3.01 **APPOINTMENT**. The Civil Service Officer shall be appointed by the Mayor and confirmed by City Council. The Civil Service Officer shall be appointed as a result of competitive examination, which examination may be either open to all qualified applicants, or promotional and limited to persons already in the service of the police, fire or other city departments as the Commission may decide.

3.05 **CIVIL SERVICE STANDING**. The Civil Service Officer 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 **DUTIES AND AUTHORITY OF THE CIVIL SERVICE OFFICER**. In addition to acting as the Secretary and Chief Examiner of the Commission, the Civil Service Officer shall administer the Civil Service System on a daily basis in accordance with the Civil Service Rules. The Civil Service Officer may, at his/her discretion request that the Commission make the initial administrative decision in any matter. The Civil Service Officer's duties shall include but are not limited to:

A. Coordinating Commission activities;

B. Reporting to the Commission, as the Commission deems necessary, to ascertain whether Article VI Section 29 of the Bremerton City Charter and these Rules are being obeyed;

C. Classifying all Civil Service positions in the classified service, maintaining a schematic list of all such classes in the classification plan, and preparing and maintaining specifications for each class;

D. Communicating with employees concerning their rights and responsibilities under these Rules;

E. Conducting examinations as necessary, determining 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; appointing such experts, special examiners, and other persons he or she may deem necessary; deciding all questions relating to the eligibility of applicants, review application packets to determine eligibility of applicants, respond to 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;

F. Asking, at the Civil Service Officer's discretion, that the Civil Service Commission approve the use of a testing agency to formulate and administer certain tests in accordance with these rules;

G. Controlling position selection procedures to provide the greatest efficiency consistent with open and competitive appointment;

H. Keeping the records of the Commission and its proceedings, and making such records available pursuant to Rules 2.15 and 2.17;

I. Providing proper notice of regular and special meetings of the Commission;

J. Reporting to the Commission as directed concerning the details of the work of the Civil Service Officer;

K. Scheduling hearings and notifying all parties of hearing schedules;

L. Issuing subpoenas on behalf of the Commission and the parties appearing before the Commission;

M. Maintain records of Civil Service employees relating to selection, tenure and termination;

N. Perform such other duties as the Commission may direct;

O. The Civil Service Officer, as an administrative function, shall update and publish new appendices on an as needed basis.

3.08 **PUBLICATION OF CERTAIN RECORDS.**

A. The following administrative decisions made by the Civil Service Officer pertaining to Civil Service employees shall be put in writing and shall contain the date the decision was put in final written form (hereinafter called the decision date). The written decision shall also include a date fifteen (15) days from the decision date (hereinafter called the "terminal appeal date"):

(1) classification of positions;

(2) new or revised position descriptions;
(3) examination announcements containing minimum qualifications, designating the hiring process as promotional or open to outside candidates, examination components and test weights;
(4) provisional appointments;
(5) transfers;
(6) names of individuals in alphabetical order without scores on the register and duration of the register;
(7) rejection of an applicant or eligible, or debarment from employment, or certification out of order in accordance with Rule 11.05;
(8) the exemption of a position from Civil Service;
(9) reversion rights of exempt employees;
(10) reduction in force decisions.

B. The Civil Service Officer shall post decisions made pursuant to 3.08A (1) - (6), and (8) above on a board in the Civil Service Office and distribute a sufficient number of copies to appropriate Department Heads who are responsible for ensuring that one copy is posted in each work location. A current list of work locations shall be maintained in the Civil Service Office. The following individuals shall also receive a copy of decisions (1) - (6) and (8):

(1) Shop Steward as designated by each bargaining unit;

(2) Business Representative or individual designee for each bargaining unit;

(3) Individual employee who is personally, or whose job, is the subject of the decision.

Each Department Head, upon receiving decisions 3.08A (1) - (6) and (8), shall stamp the day it is received and by the end of the next work day following receipt, prominently display the decision on a bulletin board located in each work location. The decision shall remain posted until the terminal appeal date.

C. The Civil Service Officer shall distribute decisions 3.08A (7) - (9), and (10) to the individual who is personally the subject of the decision.

3.09 **APPEALS FROM DECISIONS SET FORTH IN CIVIL SERVICE RULE 3.08.**

A. Any Civil Service employee adversely affected by any decision made by the Civil Service Officer pursuant to Rule 3.08 of the Civil Service Rules may appeal to the Commission. Any appeal must be filed with the Civil Service Officer by 5:00 p.m. on the terminal appeal date. Such notice shall contain a statement of 1) the specific rule(s) alleged to have been violated; and 2) a statement of the relief sought.

B. The Commission shall not hear an appeal filed after the terminal appeal date unless (1) the decision was posted in his/her work location less than fifteen (15) days and the employee did not learn of the decision until after the terminal appeal date; (2) the employee was on vacation or sick leave or was temporarily assigned to a work place outside of the department, did not have a reasonable opportunity to see the posted decision and did not learn of the decision until after the terminal appeal date; or, (3) the Civil Service Officer failed to send an individual who is or whose job is personally the subject of the decision a written notice, or, though the individual was mailed a copy of the decision, he/she did not reasonably learn of the decision until after the terminal appeal date. If the Civil Service Officer denies the appeal, the issue whether or not an exception above applies shall be placed on the Commission agenda.

3.11 **EFFECTIVE DATE OF DECISIONS MADE BY THE CIVIL SERVICE OFFICER**. Decisions (2), (4), (5), (6), (8) and (9) set forth in 3.08 and all other decisions made by the Civil Service Officer affecting a Civil Service employee shall be effective on the decision date and shall continue in force until and unless the Civil Service Commission reverses the decision of the Civil Service Officer pursuant to an appeal. Decisions (1), (3), (7), (10), (11) and (12) set forth in 3.08 above shall become effective on the terminal appeal date unless there is an appeal filed on or before the terminal appeal date in which case the decision will not be in force unless and until the Commission hears the appeal and approves the decision of the Civil Service Officer.

3.13 **REVIEW OF ACTIONS OR DECISIONS OF THE CIVIL SERVICE OFFICER.** The Civil Service Commission may review or modify any action or decision of the Civil Service Officer. There is no other appeal or review of actions or decisions of the Civil Service Officer except as specifically provided in Rule 5.

Civil Service employees covered by a collective bargaining agreement may also have access to contractually defined remedies in lieu of the Civil Service Appeal process.

4. DEFINITIONS

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

4.01 **ADVERSELY AFFECTED**. A showing by an employee, applicant or eligible that a personnel action or other action directly and negatively affected his/her job status adversely.

4.03 **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.

4.05 **APPLICANT**. Anyone who has filed an application to take a Civil Service examination.

4.09 **APPOINTMENT--REGULAR**. The appointment of a certified eligible.

4.11 **APPOINTMENT--TEMPORARY**. An exempt limited appointment, other than from a register, to a temporary position.

4.13 **APPOINTMENT--PROVISIONAL**. The limited appointment other than from a register of a regular employee to a regular position when there is no suitable register or there are less than three (3) names available for certification.

4.15 **APPOINTMENT--INTERIM**. The limited appointment other than from a register, of an individual who is not a regular employee to a regular position when there is no suitable register or there are less than three (3) names available for certification.

4.17 **ASSIGNMENT**. In order to accomplish the necessary duties of a position when the individual normally performing the duties of the position is absent, an employee in another position may be assigned some or all of the duties of the temporarily vacant position. An assignment is not an appointment to a position unless otherwise stipulated in the labor agreement.

4.19 **CANDIDATE**. Any applicant who has completed, or is in the process of completing a Civil Service examination.

4.21 **CERTIFICATION**. A list of names from appropriate registers transmitted by the Civil Service Officer to a Department Head from which such Department Head may fill a vacancy.

4.23 **CERTIFY**. Verification to the Department Head that a list of names of individuals for employment has been selected from the registers and are eligible for employment.

4.25 **CITY**. The City of Bremerton.

4.27 **CLASS**. A group of positions sufficiently similar with respect to duties and responsibilities so that the same title may be applied to each position, substantially the same qualifications may be required, and approximately the same salary range 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, Police Lieutenant]. Refer to Appendix B.

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.

4.33 **COMMISSION**. The Civil Service Commission. The term Commissioner means any one member of said Commission.

4.35 **DAYS**. Means calendar days unless otherwise specified.

4.37 **DEMOTION**. Removal of an employee from a higher to a lower class of employment or salary step within a class as a disciplinary measure.

4.39 **DEPARTMENT HEAD**. Appointing authority (or his/her designee). A person who is authorized to employ others on behalf of the City.

4.41 **DISCHARGE**. Termination, separation, dismissal, or removal from the service for cause.

4.43 **DIVERSITY GUIDELINES.** See Initiative 200.

4.45 **ELIGIBLE**. Anyone qualified for a given class through examination and placed on the proper eligible register.

4.47 **ELIGIBLE REGISTER**. A list of successful examinees for a given class from which certification may be made to fill vacancies in such class.

4.49 **EMPLOYEE--REGULAR**. Any employee who has received a regular appointment to a position, has been transferred to the position or has been

demoted or reduced to the position; provided that one is not a regular employee until any probationary period required by these Rules has been completed.

4.51 **EMPLOYEE--TEMPORARY**. An employee appointed to fill a temporary position which has a duration of not more than one (1) year or a position which occurs, terminates and recurs periodically.

4.53 **EMPLOYEE--EXEMPT**. Any employee in a position of employment which is not subject to the Civil Service Rules, and who serves at the discretion of the Department Head.

4.55 **EMPLOYEE--PROBATIONARY**. A person appointed from a certification who has not yet completed the specified trial period of employment.

4.57 **EMPLOYEE--PROVISIONAL**. A regular employee who is appointed to a classified position for which no register is available or for which three (3) names are not available for certification.

4.59 **EMPLOYEE--INTERIM**. An individual who is not a regular employee who is appointed to a regular position for which no register is available or for which three (3) names are not available for certification.

4.61 **EXAMINATION**. The process of testing the fitness and qualifications of applicants for positions in a specific class. Testing may be written, oral, physical, or performance based or any combination as determined by the Civil Service Officer.

A. **EXAMINATION--OPEN**. An examination open to any member of the public who meets the requirements as stated in the Examination Announcement announcing such examination.

B. **EXAMINATION--PROMOTIONAL**. An examination limited to regular employees meeting the requirements stated in the Examination Announcement announcing such examination.

4.63 **EXAMINATION ANNOUNCEMENT**. The Examination Announcement containing basic information about the class of positions, the requirements for filing, how to apply, and the other pertinent information which is posted in the Civil Service Officer's office and in other locations as shown on list maintained in the Civil Service Office.

4.65 **IMMEDIATE FAMILY**. Immediate family means spouse, child, brother, sister, parents, grandparents, step relations as defined herein, in-laws, dependents and anyone residing in the employee's household.

4.67 **KEYED COPY.** A copy of an examination that includes the answers.

4.68 **LAYOFF**. The termination of service and pay of any regular, probationary or temporary employee because of reorganization, lack of work or funds, except that this term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.

4.67 **POSITION--REGULAR**. A full-time position funded in the official annual budget that is not specified as temporary employment, and is subject to Civil Service Rules.

4.69 **POSITION—REGULAR PART-TIME**. Employment in a regular budgeted position funded at less than eight hours a day or less than forty hours a week, but on a regular schedule.

4.71 **POSITION--TEMPORARY**. A position which has a duration of not more than one (1) year or a position which occurs, terminates and recurs periodically.

4.73 **POSITION--EXEMPT**. A position not subject to the Civil Service Rules by virtue of the City's Charter and/or the application of Rule 1.09 B.

4.75 **PROBATION OR PROBATIONARY**. The status of an employee during a trial period following a regular appointment from an eligible register. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed.

4.77 **QUIT**. Any voluntary separation of an employee from the City service without acceptance of a resignation by the Department Head.

4.79 **REDUCTION**. The removal of an employee from a higher class to a lower class of employment for reasons other than disciplinary reasons.

4.81 **REGISTER**. A list of candidates for employment who have passed an employment examination.

A. **ELIGIBLE REGISTER**. As defined in Section 4.47 "Eligible Register."

B. **RESIGNATION REINSTATEMENT REGISTER**. A list of former Civil Service employees who have resigned voluntarily.

C. **LAYOFF REINSTATEMENT REGISTER**. A list of names of persons who were regular employees in a given class who were laid off or reduced to a lower classification and are entitled to reinstatement.

4.83 **REINSTATEMENT**. Reappointment of a regular employee to a position in a class in which the employee was a regular employee.

4.85 **RESIGNATION**. A written request by an employee for a separation from a class or from the City service. To be valid, such request must show written approval of the Department Head.

4.87 **STANDING--REGULAR**. The full Civil Service status of a regular employee.

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

4.91 **VETERANS' PREFERENCE**. Preference in examinations and employment, based on military service, as provided and defined by applicable laws.

5. APPEALS

5.01 **APPEAL PROCEDURE REFERENCES.**

A. Appeals of decisions made pursuant to Rule 3.08 are governed by Rule 3.09

B. Examination protests are governed by Rule 9.23.

C. Appeals of discharge or discipline of a regular employee are governed by Rule 22.

D. Appeals from Performance Evaluation Reports are governed by Rule 23.

E. Appeals from discharged or reduced probationary employees are governed by Rule 12.07.

5.03 **APPEALS OF OTHER ALLEGED RULE VIOLATIONS.** Any Civil Service employee who is adversely affected and feels that a Civil Service Rule or practice under the jurisdiction of the Commission has been violated in conjunction with a decision, other than those decisions set forth in 5.01 above, may appeal to the Commission.

To appeal "other" violations, the employee must comply with the following rules:

(1) File with the Civil Service Officer, in writing:

(a) the decision(s) made which violates the Civil Service Rule(s) and why;
(b) the Rule(s) alleged to have been violated;
(c) indicate the relief sought;

(2) Attempts to resolve the appeal with the Civil Service Officer and;

(3) If the appeal cannot be resolved by the Civil Service Officer within ten (10) days of filing the appeal, the appellant shall request in writing that the issue be resolved by the Commission. The decision of the Civil Service Officer shall remain in effect until, and unless, reversed by the Civil Service Commission.

5.05 **RESOLUTION OF APPEAL BY CIVIL SERVICE OFFICER.** Nothing in these rules shall limit the Civil Service Officer's ability to resolve appeals prior to the hearing, provided that, if a hearing has been scheduled the Civil Service Officer shall report to the Commission regarding the resolution of the appeal.

5.07 **SCHEDULING APPEALS AND CONTINUANCES.**

A. Appeals from discharge or discipline of a regular employee shall be scheduled for hearing before the Commission pursuant to Rule 22.07 and 22.11.

B. For decisions that have a terminal appeal date a hearing shall be set by the Civil Service Officer no later than fifteen (15) working days from the terminal appeal date.

C. All other appeals shall be scheduled as follows: Appeals filed prior to the close of business seven (7) days prior to the next Commission meeting will be heard at the next regular meeting. Appeals filed later than seven (7) days prior to the Commission meeting will be heard at a special session of the Commission or at the next month's regular meeting.

D. Continuances: Upon written request, the appellant or the employer may request a continuance of an appeal. The Civil Service Officer may, in his or her discretion, if good cause is shown, grant the continuance or, may allow the Commission to rule on the continuance request; provided, however, that the Civil Service Officer may not grant a continuance of a hearing involving more than one appellant unless the appellant seeking the continuance secures the written approval of other appellants. If written approval of other appellants is not forthcoming, the Commission must resolve the continuance request.

5.09 **HEARING PROCEDURES FOR APPEAL BROUGHT BY REGULAR EMPLOYEES.** The following procedures shall govern hearings for appeals, other than discharge or disciplinary appeals, brought by a regular employee:

A. The appellant may withdraw his/her appeal or the Department Head may alter his/her decision to the satisfaction of the appellant; except that any alteration of a decision must be in writing and posted pursuant to Rule 3. The Commission shall be advised of the resolution of the appeal, but shall take no action on the resolution.

B. Notice of hearing date shall be mailed to the appellant at least five (5) days prior to the hearing.

C. The Discovery, Subpoena and Evidence procedures of Rules 22.15, 22.17 and 22.21 shall be followed.

D. The Commission shall deliberate in open session unless an executive session is allowed by RCW 42.30. The Commission shall state its reasons for going into executive session.

E. If an appellant fails to appear at a hearing, the appeal shall be denied.

F. The Commission shall issue a decision in open session and sign a form order granting or denying the appeal at the time the oral decision is rendered. A copy of the order shall be mailed to appellant(s) and is effective on the date the order is signed.

G. The Commission shall not reconsider its decisions.

6. RULE MAKING

6.01 **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 provided the amendment is posted in work locations seven (7) days prior to the meeting and noted on the agenda.

6.03 **EFFECTIVE DATE OF RULES**. All rules and amendments shall become effective upon adoption by the Commission.

6.05 **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 each work location of the City. A copy shall be maintained in the office of the Civil Service Officer and on the City's website for public inspection and copies shall be available for free public distribution as required by State Law.

6.07 **EFFECT OF RULES**. The terms and conditions of civil service employment are governed by these Rules. 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 of appointment and tenure in the Civil Service, and employees are subject to these Rules and amendments thereto.

7. CLASSIFICATION

7.01 **CLASSIFICATION PLAN**. A class specification shall be prepared and maintained for each class in the classified Civil Service System. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall set forth the necessary knowledge, skills and abilities needed for positions within the class.

7.03 **ADMINISTRATION OF POSITION CLASSIFICATION**. The Civil Service Officer will make, or cause to be made, position classification studies of individual positions or groups of positions in the classified Civil Service whenever:

a. The duties or responsibilities of existing positions have undergone significant changes;
b. Notification is received that new positions are to be established by the City Council;
c. Requested to do so by a Department Head or an affected employee if the classification of such position has not been reviewed within the last twelve (12) months.

7.05 **CLASSIFICATION OF POSITIONS**

A. Each position in the classified service shall be classified or reclassified at the direction of the Civil Service Officer and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated given class when:

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

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

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

B. All classes which involve the same character of work but differ as to level of difficulty and responsibility shall be assembled into a class series.

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

D. In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the representative essential duties and responsibilities, the required and desirable qualifications for such position, and the relationship of that position 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.

E. Except as set forth in G below or in the case of a provisional appointment, no one whose position has been allocated to its appropriate class shall be required to perform duties generally performed by persons holding positions in other classes; provided, the language in the job description "and to perform related work as required" shall be liberally construed.

F. In case of emergency or for limited periods of time, an employee may be assigned some or all of the duties of a higher or different class for relief periods not to exceed one (1) month if approved by the Civil Service Officer; provided, that the inability of the employee to perform duties of the different class may not be grounds for discipline. If the employee cannot perform the assigned duties, he/she will simply be relieved of those duties.

G. The Department Head will report to the Civil Service Officer any and all organization changes which will abolish or affect changes in existing regular positions or establish new regular positions.

When a Department Head requests the establishment of any new or additional regular position, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Civil Service Officer accompanied by a statement of the duties, responsibilities and qualification requirements of the position.

In those instances in which the duties of a position are materially changed, the Civil Service Officer shall be notified in writing immediately and not later than ten (10) days from the date of such change.

H. Whenever an employee believes he/she is being required to perform duties beyond his/her classification and he/she has not been provisionally appointed to the class, he/she shall report such fact to the Civil Service Officer.

7.07 **EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT.**

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

B. Whenever a position is reclassified from one class to higher class, lower or different class, the incumbent shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment in accordance with these Rules.

C. Whenever a position is reclassified from one class to a lower class, the regular incumbent may accept a voluntary reduction to the lower class.

If the incumbent does not receive a regular appointment or he/she does not accept a voluntary reduction he will be afforded the options and rights set forth in Rule 15.

7.09 **TRAINEE CLASSIFICATIONS -- NON UNIFORM.**

A. Trainee Classifications may be established for any non-uniform classification covered by these Rules. The intent of trainee classifications is to enable a diverse range of individuals the opportunity for employment and career advancement.

B. Trainee classifications will be used in a manner consistent with the best interests and the efficient operations of the City.

C. The maximum amount of time that an employee may be in a Trainee class will be set by the Civil Service Officer, not to exceed 24 months. The training period will be stated on the job announcement.

D. Employees in a Trainee classification will be considered to be in a probationary period as long as they remain in the Trainee classification.

E. An employee in a Trainee classification may appeal termination solely on the issue that she or he was not provided an opportunity to meet the training requirements.

F. Upon successfully completing all requirements for promotion to the regular classification the employee will be automatically promoted.

G. The remainder of the Civil Service Rules will apply in all respects to employees in Trainee classifications except any portion that is in conflict with this Rule.

8. APPOINTMENTS AND APPLICANTS

8.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS

A. All applicants for examinations for regular positions in the classified Civil Service must file an application on-line or in a format otherwise authorized by the Civil Service Officer. No one shall be admitted to any examination without having first filed an application giving fully, truthfully, and accurately all information required.
(Revised 09/24/13)

B. In order to file an application for examination, the applicant must:

(1) Meet the requirements specified in these Rules and in the official examination announcement as of the closing day of the official filing period;

(2) Produce evidence of education, training, experience, or any lawful requirement for the class, as directed by the Civil Service Officer.

C. Time for filing applications:

(1) All applications for examination shall be filed with the Civil Service Officer during office hours and within the time limit fixed in the official announcement of examination. It is the applicant's responsibility to submit their application within the time limit fixed in the official announcement. No exceptions will be made for applications received after the closing date unless required by law. Applications received by mail in the office of the Civil Service Officer must be postmarked on or before the closing date. ***(Revised 3/01/17)***

(2) The time for filing applications may be extended by the Civil Service Officer only when the number of qualified applications received is below three (3). Requests to extend a closing date for any other reason must be approved by the Civil Service Commission; provided, that the examination shall then be re-advertised and posted per Rule 9.03. ***(Revised 3/01/17)***

8.03 **APPLICATIONS FOR PROMOTIONAL EXAMINATIONS**

A. An application shall be accepted from any regularly appointed employee who, in addition to meeting the total requirements of Rule 8.01, has the requisite total service credit, class series service credit or class service credit as designated in the official examination announcement.

8.05 **SPECIAL REQUIREMENTS**

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

B. When designated on the official examination announcement, the Civil Service Officer may permit filing by an applicant who is not more than one (1) year under the specified minimum age on an examination, and not more than one (1) year under the specified experience or minimum service credit requirements. A successful candidate will have delayed eligibility until the required minimum age, experience or service credit is attained.

8.07 **REJECTION OF APPLICATION OR ELIGIBLE**. The Civil Service Officer may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

A. Does not meet the requirements set forth in these Rules or in the official announcement announcing the examination;

B. Is not a citizen of the United States;

C. Cannot read and write the English language;

D. Is physically or mentally unfit to perform the duties of the position sought;

E. Has been convicted of any felony that gravely violates the moral sentiment or accepted moral standards of the community (moral turpitude) in the last ten years. However, employment may be denied for certain convictions involving sexual exploitation of a child even if the time elapsed since the guilty plea or conviction is ten or more years.

F. Has an unsatisfactory record of employment in the City service, or with any other agency or firm;

G. Has made any materially false statement(s) or has attempted any deception or fraud in connection with this or any other Civil Service examination;

H. Fails to appear for examination as required;

I. 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 him/her an unfair advantage over other applicants in the examination;

J. After proper notification, did not properly appear at the time and place designated for the examination(s);

K. Has been released from active military service for which an undesirable, bad conduct or dishonorable discharge was given.

L. For just cause.

8.09 **DEBARMENT FROM EMPLOYMENT**

A. No one who has been dismissed from City service for cause including but not limited to reasons stated in section 19.05 shall be allowed to again enter the service.

B. Anyone dismissed for other good cause shall be allowed to again enter the service only by express consent of the Commission.

C. Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.

8.11 **MEMBERS OF IMMEDIATE FAMILY EMPLOYMENT RESTRICTION**. Consistent with applicable laws, the employment of immediate family members will not be allowed if one member would have practical authority, on a regular basis, to appoint, supervise, evaluate, direct, discipline or audit the work of another member.

This rule will not affect the current status of regular employees, at the time of adoption by the commission. It will apply to all appointments after the date of adoption by the commission. (Adopted by the Commission 2/25/97)

8.13 **NOTICE OF NON-ACCEPTANCE**. Anyone against whom action is taken under Rule 8.07, 8.09 and 8.11 shall be notified in writing promptly by the Civil Service Officer of the reasons therefore at time of filing the application. Notice will be sent via regular U.S. Mail or e-mail.

8.15 **ADMISSION TO EXAMINATION PENDING APPEAL**. The Civil Service Officer 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.

8.17 **AMENDMENT OF APPLICATION**. The Civil Service Officer may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application before the application deadline.

8.19 **APPLICATIONS NOT RETURNED**. All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

8.21 All applications for public safety positions shall be accompanied by the appropriate testing fee as determined by the testing agency.

9. EXAMINATIONS

9.01 **ORDERING EXAMINATIONS.** The Civil Service Officer shall order an examination whenever it is deemed to be in the best interest of the City and shall administer examinations as provided by these Rules. (See Appendix C.)

9.03 **EXAMINATION ANNOUNCEMENT.** Public notice of non-promotional examinations shall be given by the Civil Service Officer in the official newspaper at least fifteen (15) business days preceding such examination and in any other publications which the Civil Service Commission may direct. The official examination announcement shall be posted in the Civil Service Officer's office and in department offices not fewer than fifteen (15) business days preceding the examination.

The examination announcement shall contain minimum qualifications, designate the hiring process as promotional for city employees or open to outside candidates, examination components, and test weights.

9.05 **AMENDMENTS TO ANNOUNCEMENTS.** The Civil Service Officer may amend or reopen any published announcement with appropriate public notice.

9.07 **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 classification 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.

Appointing Authorities shall <u>not</u> participate in the administration of the examination process after the official examination announcement is published. Appointing Authorities <u>may</u> be included in establishing the content of the exam and the examination (position) announcement (see CONTENT OF EXAMINATIONS 9.11).

9.09 **LIMITATION OF NUMBER OF APPLICANTS.** The Civil Service Officer may restrict the number of qualified applicants to be examined at any one time whenever an open examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants.

A. The Civil Service Officer may provide for a random sample of qualified applicants to be drawn for an open examination by so stating in the job announcement. In addition, all applicants who are currently employed by the City and have been so for the

equivalent to six (6) months of full time service will be included. Those applicants whose names are not drawn for the initial group to be examined will be held on file. Should the initial group examined fail to yield a sufficient register to meet the City's needs, a sample from the remaining qualified applicants will be drawn and the examination process repeated.

B. The Civil Service Officer may also determine an applicant limit for continued testing which shall be included in the examination announcement.

9.11 **CONTENT OF EXAMINATIONS**. Examinations may include, but are not limited to, written tests, personal qualifications, physical or performance tests, evaluations of training and experience, interviews, or any other suitable evaluation of knowledge, skills and abilities, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other accomplishments to determine the relative qualifications of the candidates.

9.13 **PARTS, MINIMUM PASSING SCORE, GRADING AND WEIGHTS OF EXAMINATION.** Each examination shall contain one or more parts to which percentage weights shall be assigned, which weights shall total 100%. Each part shall be graded independently. This earned grade shall be multiplied by the percentage weight assigned to each part and the sum of the resulting products shall be called the Examination Grade, provided the following rules shall be adhered to in making these determinations:

A. Tests consisting of interviews and evaluation of experience records shall be graded with 100% as the maximum and with 70% to represent the passing grade for such tests.

B. In a written examination the test shall be graded by measuring the total number of questions answered correctly and applying the minimum passing score.

C. Where an examination consists of two (2) or more parts and there is a minimum score required in any part, any applicant who fails to attain such minimum score shall be considered as having failed the entire examination and shall not be entitled to take the balance of the examination.

D. The Civil Service Officer may request proposed examination questions from departments, provided that individuals currently working in that department who are applicants for the test may not submit questions.

Drafts of proposed questions shall be confidentially forwarded from the Department Head to the Civil Service Officer in a sealed confidential envelope and shall not be disclosed to anyone else. Evidence of the Department Head or designee breaking confidentiality shall lead to the invalidation of all relevant test results and a new examination will be initiated.

E. The Civil Service Officer shall determine and be satisfied with qualifications of any and all examiners prior to conducting the examination.

F. After the administration of the examination and before identification of the test papers, the Civil Service Officer may request that the Commission lower the passing score contained on the examination announcement.

9.15 **PROMOTIONAL EXAMINATIONS.** Vacancies in the higher positions of a class series shall be filled by promotion, unless the Department Head requests the Civil Service Officer to approve otherwise. All requests shall be based on the best interests of the City. Upon a showing from a department that special training and knowledge gained within a department is essential to the proper filling of the vacancy; the Civil Service Officer may **limit** an examination to a promotional within that department only.

9.17 **TEST EXAMINATION.** All examination results will be maintained in the Civil Service Officer's Office.

9.19 **OPEN EXAMINATIONS.** An examination may be advertised as open when, in the judgment of the Civil Service Officer, it is in the best interest of the City.

A. **CONTINUOUS OPEN EXAMS**. A Continuous open examination may be authorized by the Civil Service Officer. Filing will be open, applications received and the examinations administered according to the needs of the City. The dates of examination will be published as per Rule 3.08 (A). The names of qualified applicants will be entered on the eligible register and certifications will be in the same manner as from any eligible register. Names of applicants from successive examinations will be entered on registers determined by their grades. Names will be removed from such eligible registers in the same manner and for the same reasons as any eligible register. Applicants who take a succeeding examination must choose which grade remains on the register.

B. **EMPLOYEE PREFERENCE.** Regular City employees applying for and passing an Open Examination will have seven point five (7.5) percent of their PASSING score added to establish their final score.

C. **LAYOFF PREFERENCE:** Qualified applicants who have been laid off or received notice of layoff from a position from outside the City of Bremerton within twelve (12) months of the date of the Civil Service recruitment announcement, will have five (5) percent of their PASSING score added to their examination score to establish their final score for the eligibility register.

9.21 **VETERANS' PREFERENCE.** Veterans, who have passed an examination, shall be entitled to preference pursuant to Chapter 41.04 RCW.

9.22 **MINIMUM AGE: POLICE DEPARTMENT**. The minimum age requirement for police positions shall be 21 years of age.

9.23 **KEYED COPY INSPECTION AND PROTEST OF EXAMINATION**

A. Protests against the scope, content, or practicality of any part of an examination shall only be allowed by those who participated in the exam and shall be filed in writing with the Civil Service Officer **within five (5) working days** immediately following the administration of such part, or within the time limit specified on the examination instruction sheet. In order to facilitate this protest, applicants may view unscored examination questions at the Civil Service Officer's office. They may take away hand written notes concerning those examination questions they wish to protest. Examination scores shall be provided to candidates at the conclusion of the five-day appeal period immediately following administration of the test.

B. When a qualifying grade is required on any part of an examination, any protest or appeal by those who are affected by any **clerical error** in scoring or as to the published correct answer must be filed in writing within five (5) working days after notice of results of that part or parts have been mailed.

In order to facilitate this protest, no keyed copy will be provided for inspection, however, applicants will be advised of the correct answer of any questions they missed and they may review their individual scored examination in the Civil Service Officer's office. They may take hand written notes concerning those examination questions they consider incorrectly graded.

C. Any clerical error may be corrected by the Civil Service Officer 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.

D. All protests filed in accordance with this rule shall be considered and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

E. Applicants will not have access to any part of an examination that would violate any test security agreement.

9.25 **REEXAMINATION**

A. No one shall be reexamined for the same class within six (6) months of the effective date of such examination, unless authorized by the Commission upon its determination that it would be in the best interest of the City.

B. If an eligible takes a succeeding examination for the same class within twelve months, the result of such examination shall not invalidate eligibility already established. Eligibility attained by the second examination shall be entered on the register and the eligibility that will provide the greatest advantage to the eligible shall be used.

9.27 **EXAMINATION PAPERS**. All examination results and examination papers of each eligible shall be kept on file in the Civil Service Office until the expiration of eligibility.

9.29 **ADDITIONAL EXAMINATION**

A. Eligibles certified pursuant to Rule 11 shall be subject to medical, physical, or psychological examination and to such other examinations administered by the Civil Service Officer as authorized prior to appointment of the eligible. Such other examinations include, but are not limited to, background examination and polygraph (RCW 49.44.120). Reports of such examination shall be filed with the Civil Service Officer. In the event the findings of the examination recommend that the eligible not be considered for employment, the Civil Service Officer shall consider such recommendation, may require further examination, and may order the eligible's name removed from the eligible register. *(Revised 06/19/19)*

B. The Civil Service Officer may designate a limited number of additional certified eligibles for examination as provided in Rule 9.09.

9.31 **INTER-LOCAL AGREEMENT FOR A JOINT TESTING PROCESS**. When an Inter-local Agreement for a joint testing process is established, the provisions of the Agreement shall be approved by the Civil Service Officer and the Bremerton City Council prior to implementation. The applicable Civil Service Rules will apply to all candidates for the City of Bremerton, except as modified by the Agreement.

10. REGISTERS AND ELIGIBILITY

10.01 **A. ESTABLISHMENT OF NON-CONTINUOUS ELIGIBLE REGISTERS.** After each examination, an eligible register for the class shall be prepared on which the names of successful candidates shall be ranked as follows:

1. On a promotional register: relative rank shall be determined by the examination rating or grade, plus any percentage allowed by Law for Veteran's Preference. [RCW 41.04.].

2. On an open competitive register: relative rank shall be determined by the examination grade, plus percentage allowed by law for Veteran's Preference. [RCW 41.04].

3. The preference in rank of eligibles having equal final general averages shall be determined as follows, in the order stated:

   (a.) When the examination is composed of two or more parts with separate grades, the one who has:

      (i.) The highest grade on the most heavily weighted part of the examination; if a tie still exists, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains.

      (ii.) The highest grade on the written test if all parts are weighted equally.

   (b.) When the examination has only one part, or the candidates have the same standing under (a.) above:

      (i.) As between examinees who are City employees, the one having the greatest total service credit.

      (ii.) If one is a regular or probationary City employee and the others are not, the regular or probationary City employee has preference.

   (c.) By lot.

4. 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 by the applicant. If otherwise eligible, the candidate's name shall be placed on the register in accordance with the final examination grade. Any such eligibility shall expire with that of other eligibles from the same examination.

10.03 **ESTABLISHMENT OF CONTINUOUS ELIGIBLE REGISTER.**

1. **Continuous Examinations**: The filing of applications shall be open, and the examinations shall be periodically administered, according to the needs of the service. Continuous testing may, at the discretion of the Commission, be offered through the Civil Service Officer or pursuant to a subscription testing agreement. Continuous testing shall be administered in accordance with Civil Service Rule 9.19A. The names of qualified candidates, who complete the examination and meet the standards established, shall be registered into a candidate pool according to grade/rank, for a period of one calendar year, beginning with the date the candidate is placed on the register. Names of candidates from successive examinations shall be included in the same candidate pool in order of grade/rank. Continuous testing examinations must have public notice, stating the examination is open and providing information on the examination schedule.

10.05 **RETURN TO REGISTER FOLLOWING LAYOFF OR REINSTATEMENT**. On layoff or reduction, an employee's name shall be placed upon the layoff reinstatement register as set forth in Rule 15 and certified as set forth in Rule 11.

10.07 **RETURN TO RESIGNATION-REINSTATEMENT REGISTER AFTER RESIGNATION OR RETIREMENT**.

A. A former employee who resigned or retired may request return of his/her name to the resignation reinstatement register for the class. Such request must be made within one (1) year from date of resignation or retirement;

B. Any request for return to the resignation reinstatement register following resignation or retirement must be supported by written recommendation of the current Department Head of the department where last employed.

C. A former employee whose eligibility is reinstated under this rule shall be certified according to Rule 11.

10.09 **APPOINTMENT WITHOUT EXAMINATION**. Except as provided in 10.05 and 10.07, any return to the Civil Service register shall be by examination only.

10.11 **DURATION OF REGISTERS**

A. All promotional registers shall remain in force and effect for a period of two (2) years from the date of approval; provided, however, the Civil Service Officer may request that the Commission set a period of less than two (2) years. Registers originally given a duration of less than one (1) year may be extended for good cause by the Commission, if the extension is requested prior to the expiration of the register. Non-promotional eligible registers shall remain in force and effect for a period of one (1) year from the date of approval. No register shall ever have a duration of more than two (2) years except as expressly provided by these rules.

B. No eligible register shall remain in effect after promulgation of an eligible register from a subsequent examination, except as set forth in Rule 10.11 C and 11.05 I and as set forth below.

C. An eligible in the military service of the United States shall be entitled to extended eligibility equivalent to the period to which he was entitled at the time of entering the military service; provided, written request for extended eligibility is filed with the Civil Service Officer within ninety (90) days of the termination of active military service.

D. Eligibility upon return of a name to a resignation reinstatement register following resignation shall be for one (1) year from such return.

E. Duration of layoff reinstatement register for non-uniform employees shall be for a period of one (1) year; the duration of layoff reinstatement registers for uniform employees shall be for a period of two (2) years.

10.13 **AVAILABILITY OF ELIGIBLES**

A. It shall be the responsibility of an eligible to notify the Civil Service Officer 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 (applies to all registers).

B. The name of an eligible who submits a written statement restricting the conditions under which he/she is available for employment, shall be withheld from certifications which do not meet the conditions specified. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.

10.15 REMOVAL OF NAMES FROM REGISTERS

A. As set forth in Rule 8.07 and in addition thereto, a name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible's collusion in connection with any application, examination for, or securing of an appointment or failure to comply with Rule 10.13 A. A previous unsatisfactory work record with the City or dismissal from the service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from City service shall be deemed cause for cancellation of eligibility.

B. A name may be removed from a layoff reinstatement register or a resignation reinstatement register upon proof of material physical or mental disability, bad character or other unfitness, failure to comply with Rule 10.13 A, or for reasons set forth in Rule 8.07.

C. Separation from the service will terminate any promotional eligibility.

D. Upon written notification by a Department Head that an individual on any eligible register has failed to respond to a call or has refused to accept employment, the Civil Service Officer may strike the individual's name from all eligibles registers.

10.17 **RESTORATION OF NAMES TO ELIGIBLE REGISTERS**. The name of an eligible which has been removed from a register may be restored upon written request to the Civil Service Officer for such restoration. The request must specify the reasons for the requested restoration. The Civil Service Commission may approve the request if it is deemed that the evidence submitted justifies such approval.

11. CERTIFICATION AND APPOINTMENT

11.01 **GENERAL PROVISIONS**. Vacancies in the classified Civil Service shall be filled by layoff reinstatement, resignation reinstatement, promotional appointment, assignment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate register, the Civil Service Officer may authorize an interim or provisional appointment.

11.03 **REQUEST FOR CERTIFICATION**. Whenever a Department Head wishes to fill a vacancy, a request for certification shall be submitted to the Civil Service Officer. 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 full description of the position to be filled.

11.05 **CERTIFICATION**

A. Certification to fill a vacancy shall be made by the Civil Service Officer from registers in the following order and as provided in this Rule:

(1) Layoff Reinstatement Registers
(2) Resignation Reinstatement Registers
(3) Eligible Registers

B. (1). **Promotional:** Whenever a promotional position becomes vacant, the Civil Service Officer shall certify the names of three applicants to the Department Head. The names of three (3) individuals **solely** from the layoff reinstatement register shall be used first. If there are less than three (3) names, he/she shall certify only the names from the Layoff reinstatement register; unless the Department Head satisfies the Commission that certification of three (3) names would better serve the best interests of the City. The balance of names shall then first be certified from the resignation reinstatement register then, if necessary, from the eligible register. If more than one vacancy for the same classification is to be filled one (1) additional name shall be certified for each additional vacancy.

(2). **Non-Promotional**: Whenever a non-promotional position becomes vacant, the Civil Service Officer shall certify the names of three applicants to the Department Head. The names of three (3) individuals **solely** from the layoff reinstatement register shall be used first. If there are less than three (3) names, he/she shall certify only the names from the Layoff reinstatement register; unless the Department Head satisfies the

Commission that certification of three (3) names would better serve the best interests of the City. The balance of names shall then first be certified from the resignation reinstatement register then, if necessary, from the eligible register. If more than one vacancy for the same classification is to be filled the Civil Service Officer will certify three (3) additional names for each additional vacancy.

C. If names are certified off the layoff reinstatement register or the resignation reinstatement register for uniform classifications, their names shall be certified in order of class series service credit. In the event of a tie, performance evaluations in the particular class affected will determine order of certification. In the event two (2) employees in the same classification have the same seniority date, seniority will be determined by going back to the original hiring register from which they were hired, and the employee with the highest overall score shall be considered to have the higher seniority.

D. If names are certified off the layoff reinstatement register or the resignation reinstatement register for non-uniform classifications, the names shall be certified in order of total service credit. In the event of a tie, performance evaluations in the particular class affected will determine order of certification. In the event two (2) employees in the same classification have the same seniority date, seniority will be determined by going back to the original hiring register from which they were hired, and the employee with the highest overall score shall be considered to have the higher seniority.

E. If names are certified off an open eligible register, the top 3 eligibles will be certified in accordance with Rule 11.05 B.

F. Upon the request of the department head, the Commission may certify out of the order set forth in A-E above, upon a showing by the Department Head that a bona fide need to deviate is based on the needs of an employee's special skills and qualifications that are vital to the best interest of the efficient operation of the City. Prior to the Commission approving the request to deviate, the affected individual(s) shall have the right to appear before the Commission to be heard.

G. The application and testing results of a certified individual shall be available for inspection by the Department Head.

H. If an Department Head makes an acceptable showing that any of the eligibles certified do not pass exams administered pursuant to Rule 9.29,

are not available or do not respond, sufficient additional names shall be furnished to complete the certification.

I. If a minimum of three (3) names, depending on the register used, are not available for certification at the time the Department Head makes a request for certification in accordance with Rule 11.03, he may request in writing the creation of a new eligible register. All individuals eligible for certification at the time the Department Head requests the creation of a new register shall be granted the same remaining time for certification that previously existed on the date of the Department Head's request for certification. Time resumes on the date of establishment of the new register. Following the establishment of the new register, the Department Head may make a new request for certification. Individuals on the old registers will be certified if their time on the old register has not expired as set forth above. If their time has not yet expired, the number of names certified off the new register shall be only equal to the number necessary to raise the number of names certified in combination with names off the old register(s) to three (3). Individuals on the old registers, in addition to retaining their status on such registers in accordance with this subsection, may compete and establish a rank on the new registers.

11.07 **DURATION OF CERTIFICATION**. Certification shall be in effect for thirty (30) days from its date of issuance. The Department Head must file a report of any appointment from such certification with the Civil Service Officer. Expiration of eligibility shall not cancel the validity of a certification.

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

11.11 **PROVISIONAL APPOINTMENT**. Where there is no suitable register from which certification can be made or there are less than three (3) names available for certification, pursuant to Rule 11.05B, the Civil Service Officer may allow a provisional appointment of a regular employee. A provisional appointment may be made for a period of up to four (4) months and may not be extended unless good cause is shown. Except where a provisional appointment is extended for good cause, no person shall receive more than one (1) provisional appointment in any twelve (12) month period. All provisional employment in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a proper eligible register for such class is available; and three (3)

names are available for certification; provided, an extension may be granted by the Civil Service Officer upon satisfactory written request from the Department Head, if such extension will not cause the provisional appointment to exceed the four (4) month limitation. The provisional appointee has no Civil Service rights to the position.

11.13 **INTERIM APPOINTMENT**. Where there is no suitable register from which certification can be made or there are less than three (3) names available for certification, pursuant to Rule 11.05B, the Civil Service Officer may allow an interim appointment of an individual who is not a regular employee chosen by the Department Head with the approval of the Civil Service Officer; provided that the interim appointments shall not be allowed to fill positions in the uniform classifications except the positions of Fire and Police Chiefs. This individual, although serving in a regular position shall be an at will employee with no Civil Service rights to the position and shall not receive any of the benefits afforded by these Rules. An interim appointment may be made for a period of up to four (4) months and may not be extended.

12. PROBATION

12.01 PROBATIONARY PERIOD

A. After each full-time or part-time regular appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete. Employees going from part time to full time in the same classification will be given credit for probationary time served in the part time position. The purpose of the probationary period is to provide a trial period during which the department may observe the performance of the probationary employee before Civil Service status is acquired.

B. If a probationer is transferred pursuant to Rule 14.01 B he shall complete a full probationary period in the new department.

12.03 **LENGTH OF PROBATIONARY PERIOD**. The period of probation for all Civil Service positions shall be one year following regular appointment from an eligible register or following transfer as set forth in Rule 12.01 B. Minor absences due to emergency causes, shall not be construed as interrupting the probationary period. However, an absence or absences exceeding thirty (30) days shall cause the probationary period to be extended by an amount equal to the number of days absent for all Civil Service employees except uniformed Fire Department personnel. Absences exceeding forty-five (45) days for uniformed Fire Department personnel shall cause the probationary period to be extended by an amount equal to the number of days absent. For the classification of Police Officer, the probationary period shall be extended for the like amount of time that the employee is in attendance at the Basic Law Enforcement Academy and/or any law enforcement equivalency academy(ies).

12.05 **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.

12.07 PROBATIONARY DISCHARGE OR DEMOTION

A. The Department Head, by notifying in writing to the Civil Service Officer the reasons therefore and serving a copy on the employee, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission except as provided in (C) below.

B. Promotional probationers may at the option of the Department Head be reduced to the next lower class in the series, provided the employee has

held the class he is reduced to. The promotional probationer shall not serve a probationary period in the class he/she is reduced to.

C. Any employee who is alleged to be probationary may appeal to the Commission within ten (10) days of written notice of his discharge or reduction; provided he/she may only appeal to the Commission the question of his/her probationary status.

13. SERVICE CREDIT

13.01 **GENERAL PROVISIONS**. The following provisions apply in computing class service credit, class series service credit and total service credit set forth in 13.03 - 13.07 below. Service credit is computed beginning with date of entry in a regular position, except regular part-time employees service credit will be determined on a pro-rata basis.

A. An employee accrues class service credit during the probationary period in the class he/she is serving in as a probationer.

B. If an employee receives a provisional appointment, time served in the provisional appointment is class service credit in the class he/she was appointed from.

C. If an employee is assigned duties of another class, time served performing duties of that class is class service credit in the class he held at the time of assignment.

D. Service Credit will be given for time lost during:
   (1) Jury Duty.
   (2) Disability incurred in line of service.
   (3) Illness or disability compensated for under any plan authorized and paid for by the City.
   (4) Service as a representative of a union affecting the welfare of City employees.
   (5) Active duty or training in the Washington National Guard, Armed Forces of the United States or U.S. Public Health, pursuant to applicable federal and state laws.
   (6) Leaves of absences with pay.

E. No service credit shall be given for:
   (1) Time served prior to a break in service. A break in service is a resignation which has not been withdrawn pursuant to Rule 17.03, a quitting, a termination, or a service retirement, but does not include a layoff, demotion or a resignation in lieu of reduction.
   (2) Period of suspension unless that suspension is overturned by the Commission.
   (3) Leaves of absences without pay.

13.03 **CLASS SERVICE CREDIT**. Class service credit is computed to cover:

A. All service in a particular class following a regular appointment, transfer from another class, reduction or demotion to the class.

B. All service in a higher class in the series.

13.05 **CLASS SERIES SERVICE CREDIT**. Class series service credit is computed to cover:

A. All service in classes in a series following a regular appointment, transfer from another class, reduction or demotion to the class.

13.07 **TOTAL SERVICE CREDIT**. Total service credit is computed to cover:

A. All service in classes in a series following a regular appointment, transfer from another class, reduction or demotion to the class.
B. Service in class(es) outside the series following a regular appointment, transfer, reduction or demotion.
C. Service in exempt position(s) held subsequent to a regular appointment.

14. TRANSFER

14.01 TRANSFER OF CIVIL SERVICE EMPLOYEES

A. The transfer of an employee shall not constitute a promotion in the service; nor will a transfer have the result of displacing a probationer or regular employee from their class.

B. **The Civil Service Officer shall coordinate all transfers.**

(1) **INTRA-DEPARTMENTAL TRANSFERS**. A Department Head may transfer an employee from one position to another position in the same class in his/her department.

(2) **INTER-DEPARTMENTAL TRANSFERS**. Transfers in the same class, from one department to another, may be made upon consent of the appointing authorities of the departments involved.

(3) **PARTIAL DISABILITY TRANSFER**. Transfer may be made to another class in the same or a different department in case of injury in line of duty either with the City service or with the Armed Forces in time of war, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position; upon consent of the appointing authorities of the departments involved.

(4) **LATERAL TRANSFERS**. Lateral transfers to another class in same pay grade in the same or different department may be made upon the consent of the appointing authorities of the department(s) involved, provided, all employees in that pay grade are given the opportunity to establish their qualifications for the position.

(5) TRANSFER IN LIEU OF LAYOFF. See Rule 15.

C. All transfers under (B) above shall be approved upon the consent of the Department Head of the receiving department upon a showing to the Civil Service Officer of the circumstances justifying such action.

15. LAYOFF AND REDUCTION

15.01 **CLASS SERIES.** The Class Series information contained in Appendix B shall be used during employee layoff and reduction in force actions.

15.02 **LAYOFF/REDUCTION OF UNIFORMED EMPLOYEES – WITH OPTION FOR REDUCTION INTO A LOWER CLASS POSITION WITHIN THEIR CLASS SERIES.** When it is necessary to reduce a regular employee's position because there has been a reduction in the total number of occupied regular position(s) and there is a lower class regular position(s) for the employee to be reduced to (commonly known as "bumped"), the following procedures will be followed:

A. The Civil Service Officer shall compare the class service credit of the employees occupying positions in the highest class where there exists more employees than budgeted positions.

B. The employee with the least class service credit will be given a reduction notice thirty (30) days prior to the effective date of the reduction advising the employee that he/she is being reduced to the next lower class provided he/she meets the minimum qualifications of the position. If the employee does not meet the minimum requirements of the lower position, the employee may be:

(1) reduced to a lower classification previously held, provided he/she meets the minimum qualifications of the position, or
(2) provided options pursuant to 15.03, if available.

The employee will also be advised of his/her reinstatement rights set forth in E below.

C. For the employee losing his/her position due to a reduction of position(s) pursuant to B above, the Civil Service Officer will compare the class service credit in the next highest class where the number of employees exceeds the number of budgeted positions. The employee with the least class service credit will be given a reduction notice thirty (30) days prior to the effective date of the reduction advising the employee that he/she is being reduced to the next lower class provided he/she meets the minimum qualifications of the position. If the employee does not meet the minimum requirements of the lower position, the options provided in B (1) and (2) above will be provided to the employee, if applicable. The employee will also be advised of his/her reinstatement rights set forth in E below. The reduction will

continue in this manner until the number of employees in each class is equal to the number of budgeted positions.

D. The option provided the employee, if any, must be accepted within five (5) working days of receipt of the layoff notice or the employee will be laid off at the end of the thirty (30) day notice.

E. Any employee sent a reduction notice in A above will be advised that he/she will be placed on a layoff reinstatement register for the class he/she was accruing service credit in at the time of reduction.

F. For purposes of this Section, a person meets the minimum qualifications of a position if he/she can immediately perform the duties of the position as required by any applicable law and obtains the necessary certifications and/or licenses as required in the job description within twelve (12) months of appointment, unless such time period is extended by the Commission.

15.03 **LAYOFF/REDUCTION OF UNIFORMED EMPLOYEES – WITH NO OPTION FOR REDUCTION INTO A LOWER CLASSIFICATION WITHIN THEIR CLASS SERIES.** When it is necessary to layoff regular employees from the uniformed service because there has been a reduction in the total number of occupied regular positions within the lowest class of a class, the following procedures will be followed:

A. The Civil Service Officer shall determine the class series service credit for employees in the class where positions are eliminated.

B. Employee(s) with the least class series service credit as determined in A above will receive a thirty (30) day notice of layoff from the uniformed services. The notice will explain their options in lieu of layoff as set forth in C below, if available, and their reinstatement rights set forth in E below.

C. The employees receiving the layoff notice set forth in B above will be given options in lieu of layoff in the following order:

(1) He/she may accept a transfer to any vacant position outside his/her class series in the classified Civil Service of the department he/she is assigned to at time of layoff, provided the position is not of higher class in the series than the class he/she was accruing class service credit in at the time of layoff and he/she meets the minimum qualifications of the position.

(2) He/she may bump a temporary employee in the City provided he/she meets the minimum qualifications of the position.

(3) For purposes of this Subsection, a person meets the minimum qualifications of a position if he/she meets the requirements set forth in Subsection 15.02 (F) above.

D. The option provided the employee, if any, must be accepted within five (5) working days of receipt of the layoff notice or the employee will be laid off at the end of the thirty (30) day notice.

E. Any employee sent a layoff notice in A above will be advised that he/she will be placed on a layoff reinstatement register for the class he/she was accruing service credit in at the time of reduction.

15.05 **LAYOFF/REDUCTION OF UNIFORMED EMPLOYEES – EQUAL SERVICE CREDIT**. Whenever computing class service credit or class series service credit as required in Rule 15.02 and 15.03 and the applicable class service credit or class series service credit of two (2) or more employees are equal, performance evaluations in the particular class affected will determine order of layoff or reduction. If a tie still exists seniority will be determined by going back to the original hiring register from which they were hired, and the employee with the highest overall score shall be considered to have the higher seniority.

15.07 **LAYOFF/REDUCTION OF NON-UNIFORMED EMPLOYEES**. The layoff of non-uniformed regular employees, covered by the Teamsters Collective Bargaining Agreement, shall follow any applicable layoff/reduction procedures set forth in the agreement.

15.09 **LAYOFF OR REDUCTION OUT OF ORDER OF UNIFORMED EMPLOYEES**. The Commission may approve a layoff or reduction in force of regular employees out of the established seniority order as prescribed in Rule 15, upon a showing by the Department Head that a bona fide need to deviate from the established order is based on the need of an employee's special skills and qualifications that are vital to the best interest of the efficient operation of the City. Prior to the Commission approving the request to deviate, the affected employee(s) shall have the right to appear before the Commission to be heard.

15.11 **REESTABLISHMENT OF ELIMINATED POSITIONS**. A position which has been eliminated in a Reduction in Force cannot be filled by a temporary employee should the position be subsequently reestablished. If a position is reestablished and no registers are available for selection, it may be filled by an interim or provisional employee while a register is being formed.

15.13 **VOLUNTARY REDUCTION: UNIFORMED AND NON-UNIFORMED EMPLOYEES**. A voluntary reduction is a change in Civil Service rank of a regular employee that is initiated by the employee, to a lower class. Voluntary reduction shall be governed by the following limitations and procedures:

A. A regular employee may be voluntarily reduced upon the employee's written request, to a vacant position in one of the following classes:

(1) The next lower or any lower class in the same class series from which he/she is reduced; or

(2) Any lower class in which the employee has previously held regular civil service status; or

(3) Any lower class which is substantially similar to any lower class within the purview of subsection (1) above, as determined by the Civil Service Commission.

B. An employee seeking reduction to a vacant position in a lower class shall file a written request to the Civil Service Officer. Upon receipt of the written request, the Civil Service Officer shall meet with the Department Head to obtain approval to fill the vacant position. Upon verification, the Civil Service Officer shall approve the appointment to classes under A(1) and A(2) or schedule the appointment for determination by the Commission if the reduction is to a proposed class under A(3).

(Revised 05/22/12)

16. LEAVES OF ABSENCE

16.01 DURATION OF LEAVES

A. A leave of absence without pay for a period not exceeding thirty (30) consecutive days may be granted by the Department Head, who shall give notice of such leave to the Civil Service Officer.

B. A request for a leave of absence longer than thirty (30) days bearing the favorable recommendation of the employee's Department Head may be granted by the Mayor.

C. No employee shall be given leave to take a position outside the City service for more than sixty (60) days in any calendar year, except where it appears to be in the best interest of the City.

D. If an employee desires to remain at home with a dependent child, the employee may request a leave of absence without pay. Such request will be determined as set forth in A or B above unless leave is covered under the Family Medical Leave Act.

16.03 **RETURN FROM LEAVE**. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit as determined by these rules.

16.05 **MILITARY LEAVE**. The Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable Washington State Law shall apply.

16.07 **FILLING A VACANCY**. A vacancy caused by a leave of absence shall be filled by provisional appointment or interim appointment or the duties may be assigned to another employee(s) in accordance with these rules.

17. RESIGNATION/RETIREMENT

17.01 **HOW SUBMITTED**. Resignation of any employee from the service shall be made in writing and filed with the Civil Service Officer after approval by the Department Head.

17.03 **WITHDRAWAL OF RESIGNATION**. The Civil Service Officer may permit the withdrawal of a resignation only upon a written request filed within ten (10) days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the Department Head.

18. RETIREMENT

18.01 RETIREMENT OF CIVIL SERVICE EMPLOYEES

A. Uniformed employees of the Police and Fire Department shall be retired in accordance with the provisions of the Law Enforcement Officers' and Fire Fighters' Retirement System regulations.

B. Retirement of non-uniformed Civil Service employees shall be made as provided by Public Employee's Retirement System or Public Safety Employee's Retirement System regulations.

18.03 RETURN TO RESIGNATION REINSTATEMENT REGISTER FOLLOWING RESIGNATION OR RETIREMENT.

See Rule 10.07.

19. DISCIPLINE AND DISCHARGE

19.01 Prior to the imposition of any discharge or discipline of a regular employee, the Department Head will consult and coordinate the action contemplated with the Civil Service Officer.

19.03 **TYPES OF DISCIPLINE.** Discipline shall be for just cause. The Department Head may administer the following types of discipline. However, the following list shall not be construed to set forth a necessary sequence of progressive discipline.

1. Written Reprimand
2. Suspension without pay not to exceed thirty (30) days.
3. An alternative for suspension without pay may be a:
   a. Reduction in Step for a specified period of time, not to exceed an amount equivalent to five (5) days suspension.
   b. Reduction of accrued vacation leave by a specific number of hours, not to exceed five (5) days suspension.
4. Demotion in Class.
   a. Demotion of a regular employee to a lower class for just cause may be made by the Department Head. If placed in another department, the receiving Department Head must give approval.
   b. A regular employee so demoted shall lose all rights to the position in the higher class without examination or a provisional appointment, and shall, in the event of a layoff or reduction, not be placed on a layoff reinstatement register for the higher class.
5. Discharge

19.05 **EXAMPLES OF JUST CAUSE.** Although discipline, up to and including termination of employment, may be based on other causes, any one of the following shall be sufficient.

A. Incompetency, inattention or dereliction in the performance of duties, or violation of departmental rules;
B. Dishonesty;
C. Conviction of a crime that is directly related to the position of employment;
D. Insubordination;
E. Drinking or otherwise ingesting intoxicating liquor or other controlled substances while on duty or being under the influence of intoxicating liquor or controlled substances while on duty;
F. Offensive conduct or language toward the public or fellow employees;
G. Carelessness or negligence in the use of City property;

H. Attempting to induce any employee of the City to commit an illegal act or act in violation of any lawful or reasonable department policy;
I. Conduct on or off duty which reflects discredit upon the City;
J. Abusing sick leave;
K. Being absent without approved leave or failing to report to work after leave of absence has expired;
L. Sleeping on duty except for Fire Department employees during established hours;
M. Unauthorized removal or willful damage to any property belonging to the City or another City employee;
N. Unauthorized duplication or use of keys or unauthorized use of entry codes or lock combinations;
O. Unauthorized entry to City premises at any time;
P. Threatening, interfering, coercing, or harassing employees while they are on the job;
Q. Possession of firearms, knives (excluding personal pocket knife with a blade of 3 inches or less), explosives, or any other lethal instrument or deadly weapon on City property without proper authorization;
R. Illegal gambling on City property at anytime;
S. Falsification or intentional omission of pertinent information on City records and/or giving false replies or testimony on any matter relating to City activities;
T. A documented breach of public trust or unethical conduct;
U. Any harassment, including that which is sexual in nature, pervasive, or creates a hostile work environment;
V. Bribery in any form;
W. Willful or intentional violation of any of the provisions of these Rules.
X. Creating or contributing to any unsafe or dangerous situation at the work site.

20. PREDISCIPLINARY HEARING

20.01 **PREDISCIPLINARY HEARING--REQUIRED**. A Department Head shall follow the procedure set forth in Rule 20.03 prior to demotion, suspension or discharge of a regular employee.

20.03 **PREDISCIPLINARY HEARING--NOTICE OF CHARGE.**

A. The Department Head shall serve a regular employee with a written "Notice of Charge" which shall contain the following:

1. The grounds for demotion;
2. The proposed discharge or discipline;
3. An explanation of the department's evidence;
4 A statement that the regular employee shall be given an opportunity to respond to the charges, orally and/or in writing, as to why the department's proposed action should not be taken, and
5. The date and time of the predisciplinary hearing.

The "Notice of Charge" and proof of service will be filed with the Civil Service Officer.

B. The Department Head shall schedule the predisciplinary hearing no sooner than two (2) working days and no later than seven (7) working days after service of the "Notice of Charge". A continuance of the hearing beyond the seven day period may be granted by the Civil Service Officer upon a showing of good cause by either the employee or the Department Head.

C. The Department Head shall conduct the hearing. The employee may have legal counsel, union representative, and/or witnesses present at the predisciplinary hearing. The employee does not have the right to confront or cross examine witnesses of the City; however, he may ask questions at the discretion of the Department Head.

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

E. The Department Head shall make a tape recording of the hearing which shall be filed in the Civil Service Officer's Office.

F. Should the Department Head determine to discipline the employee following the predisciplinary hearing, he shall file a "Notice of Discipline" in the Commission Office within five (5) working days following the hearing and attempt service of the employee promptly. This "Notice of Discipline" shall contain the information set forth in Rule 21.01 B.

21. NOTICE OF DISCIPLINE

21.01 NOTICE OF DISCHARGE OR DISCIPLINE

A. A Department Head who desires to discipline or discharge a regular employee following a pre-disciplinary hearing, or who wishes to impose discipline for which no pre-disciplinary hearing is required must serve on the employee a copy of a "Notice of Discipline" and proof of service shall be filed with the Civil Service Officer.

B. The "Notice of Discipline" shall contain:
1. The grounds for discharge or discipline;
2. A general statement of the evidence supporting the grounds;
3. The discharge or discipline imposed, and
4. The employee's appeal rights.

C. On Appeal, the Commission shall not consider any reason(s) for discharge or discipline that have not previously been presented to the employee in the "Notice of Charge".

22. DISCHARGE AND DISCIPLINARY HEARINGS OF REGULAR EMPLOYEES

22.01 **HEARINGS--APPEALS**. Any regular employee who is demoted, reprimanded, suspended, discharged or otherwise disciplined may appeal such action to the Commission.

22.03 **TIME FOR APPEALS**. An employee who is the subject of a "Notice of Discipline" who desires to appeal the discipline shall file the appeal in writing at the Civil Service Officer's Office within ten (10) days of receiving the written notice "Notice of Discipline".

The notice of appeal shall 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 the following:

1. A brief description of the facts giving rise to the appeal; and
2. A clear statement of the reason for the appeal.

22.05 **NOTICE RECEIVED.** Upon receipt of a notice of appeal, the Civil Service Officer shall forward a copy of the notice to the Department Head, Human Resources Manager and City Attorney.

22.07 **SCHEDULING AND NOTICE OF HEARINGS.** A hearing shall be scheduled for a date to be heard no sooner than thirty (30) days and no longer than sixty (60) days from the date of appeal unless otherwise agreed to by mutual consent of the parties. Each party shall be notified of the hearing date a minimum of fourteen (14) days prior to the hearing. Not withstanding the above requirements, any party may petition the Commission for the continuance which may be granted upon showing good cause.

22.09 **RESOLUTION PRIOR TO HEARING**. The exercise of jurisdiction by the Commission over a matter does not preclude:

1. The Department Head from withdrawing the discipline or;
2. The employee from withdrawing his appeal;
3. A compromise, negotiated by the Civil Service Officer, from both parties.

Upon resolution of an appeal prior to hearing either by withdrawal of appeal, withdrawal of discipline, or compromise by the parties, the appellant must request in writing the dismissal of the matter. In the event of a compromise, a stipulation signed by both parties shall be submitted to the Commission prior to such dismissal.

22.11 **PRELIMINARY MATTERS.** If the parties have need of a pre-hearing decision including but not limited to decisions on requests for continuances, protective orders or compulsion of discovery, the following procedures will be followed:

A. Either party shall place their request in writing and state whether they desire a pre-hearing resolution of the request. The request will be addressed to the Civil Service Commission, filed with the Civil Service Officer and served on the other party.

B. The Civil Service Officer shall schedule a hearing of the Commission to rule on the request. This hearing may be conducted through conference call.

22.13 **SERVICE OF PROCESS PAPERS.**

A. The Civil Service Officer shall cause to be served on all parties all written orders or notices of the Commission. All other papers shall be served by the party filing the documents.

B. The "Notice of Charge" and "Notice of Discipline" shall be served by personal service or by certified mail return receipt required. Proof of service shall be by affidavit of the individual who performed the personal service, by a signed receipt, or by other adequate proof of service. Failure to file proof of service does not affect the validity of service.

C. Orders, notices or documents other than the "Notice of Charge", "Notice of Discipline", and subpoenas shall be served by personal service, by registered or certified mail, or by regular mail with adequate proof of service.

D. Service upon the employee or his/her legal representative and the Department Head or his/her legal representative is complete when personal service is accomplished or, in the case of regular mail, upon deposit in the mail properly stamped. Service upon a Department Head by the Commission may be by inter-office mail.

E. Papers required to be filed with the Commission, including but not limited to, the "Notice of Appeal" are deemed filed upon actual receipt in the Commission Office.

F. All notices, orders or documents served by the Civil Service Officer or the parties shall be served upon all counsel of record, upon all parties not represented by counsel and upon the Civil Service Officer.

22.15 DISCOVERY

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

B. Upon the failure of any party to comply with an order of the Commission compelling discovery, the Civil Service Officer, upon the written request of the Commission or a party, shall schedule the matter before the Commission for review and determination of appropriate sanctions.

22.17 SUBPOENAS

A. Upon application of any party or his/her representative, the Civil Service Officer shall issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for supplying correct information so the subpoena may be properly served. Such requests for subpoenas shall be submitted to the Civil Service Officer's Office at least three (3) working days prior to the hearing.

B. 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 items under that person's control.

C. The Civil Service Officer shall arrange for service of the subpoena. Service of the subpoena shall be made by serving a copy of the subpoena on the person named therein, or by certified mail.

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

E. Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:

(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(2) Condition denial of a motion to quash or modify upon just and reasonable conditions.

F. The Commission may issue subpoenas whenever deemed appropriate.

22.19 **BURDEN OF PROOF**. At any hearing on appeal from a demotion, suspension, termination or other discipline the disciplinary authority shall have the burden of proof showing that its action was made for just cause.

22.21 **EVIDENCE**

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

B. 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.

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

D. At any hearing before the Commission when documentary exhibits are to be offered into evidence or briefs are presented to the Commission, copies shall be furnished to the opposing party, to each Commission member and to the Civil Service Officer.

E. Parties are encouraged to stipulate to the admissibility of documentary exhibits prior to the hearing.

22.23 **DELIBERATION**. The Commission may deliberate in closed (executive) session when taking a discharge or disciplinary case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW.

No person other than the Civil Service Officer or legal counsel to the Commission shall be present during any closed legal deliberation. No person

shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

22.25 **DECISION**. In discharge or disciplinary appeals, the Commission shall issue a written decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party and for file with the Civil Service Officer. A decision shall be issued within ten (10) days of the close of the hearing.

22.27 **REMEDIES**. The Commission may issue such remedial orders as deemed appropriate.

22.29 **RECONSIDERATION**. A party may move for reconsideration by the Commission only on the basis that the decision of the Commission is based on fraud, mistake of law, 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.

23. PERFORMANCE EVALUATION REPORTS

23.01 PERFORMANCE EVALUATION RECORDS

A. **Performance evaluation record of non-probationary employees**: Performance evaluations of all employees in the classified Civil Service shall be kept in the Human Resources Department.

1. **Police Department Employees**: First level supervisor will have thirty (30) days in October to complete rough draft evaluations on each of their subordinate employees. A date(s) will be set in November for work performance review at which time supervisors can add additional comments. The performance evaluation will be completed on this day. The first line supervisor will then have thirty (30) days to meet with the employee, review and finalize the evaluation.
   (Revised 10/22/2019)

2. **Fire Department Employees:** Each supervisor shall conduct an evaluation annually for all Fire Department employees included in the classified Civil Service. The date for the evaluation is established by the date the employee initially began employment with the City or date of promotion. The supervisor should set a specific time to discuss the evaluation with the employee.
   (Revised 03/01/17)

B. **Evaluation during initial probation:**

1. **Fire Department and non-uniformed Police Department Employees**: Each supervisor shall conduct an evaluation for every newly hired employee at the end of the first three (3) months employment and again at the end of the first five (5) months of employment.

2. **For uniformed Police Department employees**: After each employee completes the Academy their supervisor shall conduct a probationary evaluation at the end of three (3) months, six (6) months and twelve (12).
   (Revised 08/18/14)

C. **Inspection of ratings**: The evaluation records shall be open for review by the employee, his or her immediate supervisor, the supervisor's superior (evaluation reviewer), the employee's Department Head and any Department Head who is considering a transfer of said employee to his/her department, or, whenever required by the Public Disclosure Act. (RCW 42.56).

D. **Review of the evaluation**: The completed evaluation form must be given to the evaluator's immediate supervisor for review. In the event the employee does not appeal the evaluation pursuant to E below, the reviewer's role is limited to examining the form to insure all steps are completed, a post evaluation interview has taken place and upgrading or downgrading the grades by initialing the appropriate block without altering the grades given by the supervisor. The reviewer may not downgrade the evaluation without first giving the employee an opportunity to discuss the evaluation with him/her. The reviewer may not erase or alter the supervisor's comments.

E. Appeals regarding performance evaluations that are below "meets expectations' shall be handled as follows:

(1) If an employee disagrees with the supervisor's judgment in evaluating his or her performance, the employee must request a follow-up meeting with the supervisor. If the employee is not satisfied after that meeting, he or she may file a written rebuttal within ten (10) days. This rebuttal must be attached to the evaluation and forwarded to the reviewer. The reviewer may adjust the report if the rebuttal is supportable and confirmed.

(2) In the event the employee wishes to appeal the decision of the reviewer who downgrades the evaluation pursuant to D above, or is dissatisfied with the decision made by the reviewer in Section E (1) above, he/she may request a review by the Civil Service Officer. The Civil Service Officer's review is limited to:

(a) Whether the evaluation is arbitrary or capricious; in other words whether there is substantial evidence to support the evaluation;
(b) Whether the proper steps were followed in completing the evaluation in accordance with the performance evaluation system;
(c) Whether the evaluation was conducted in an unlawfully discriminatory manner.

(3) Review by the Civil Service Officer shall consist of an interview with the employee and any further investigation he/she sees fit. The Civil Service Officer may, in his/her discretion, void the evaluation, adjust the overall rating or require that proper procedures be followed. The decision of the Civil Service Officer shall be in writing.

F. **Appeal to the Civil Service Commission for performance evaluations below "meets expectations"**: In the event the Civil Service Officer sustains the validity of the employee's evaluation and takes no remedial action as set forth in E(2) above, the employee may, within five (5) days of receipt of the decision, file a written appeal to the Civil Service Commission. Review by the Commission shall be limited to those issues set forth in E(2). If the Commission finds that the appeal has been sustained, the Commission may, in its discretion, void the evaluation, adjust the overall rating or require that proper procedures be followed.

24. RETRAINED LABOR AND INDUSTRY (L&I) INJURED EMPLOYEES

24.01 **PLACEMENT OF LABOR AND INDUSTRIES RETRAINED EMPLOYEES.** In the interest of creating a disabled workers program for rehabilitated City employees, displaced from employment by industrial injury or disease, who cannot be placed in a limited duty position under these Rules, and who have been retrained under the Labor and Industry Statutes, a displaced worker position for each such worker is created as follows:

The above employees may be assigned to a position classification without examination provided the employee is certified employable in that classification by an accredited vocational rehabilitation counselor, and provided that there is a vacant position available in that classification.

A. The employee shall serve a complete period of probation.

B. The incumbent in this position after successful completion of probation shall enjoy the right of Rule 14 to any vacant regular position within the same Civil Service classification in the same or a different department.

C. The placement shall not cause the displacement of any probationer or regular employee.

APPENDIX A
CITY OF BREMERTON
CIVIL SERVICE RULES

POSITION	CHARTER BASIS FOR EXEMPTION (See Code below)
City Attorney	A, B (Sec 23), C
Assistant City Attorney (I, II, III)	A, B (Sec 23)
City Auditor	B (Sec 18)
City Council	A, B (Sec 6)
Director of Parks and Recreation	B (Sec 21), C
Director of Public Works and Utilities	B (Sec 21), C
Director of Financial Services	B (Sec 21), C
Director of Community Development	B (Sec 21), C
Mayor	A, B (Sec 6)
Municipal Court Judge	A, B (Sec 6), C

MANAGEMENT AND PROFESSIONAL POSITIONS

Assistant Director Community Development	B
Assistant Director of Financial Services	B
Athletics/Recreation Manager	B
BKAT Production Administrator	B
Building Official	B
Budget Analyst	B
City Engineer	B
Civil Service Officer	D
Community Development Programs Administrator	B
Community Development Programs Coordinator	B
Council/Auditor Assistant	B
Legislative Assistant	B
Court Administrator	B
City Clerk	B
Executive Assistant	B
Forestry Manager	B
Human Resources Manager	B
Information Systems Manager	B
Legal Assistant I	B
Legal Assistant II	B
Managing Engineer	B
Parks Maintenance Manager	B
Park Redevelopment Planner	B
Prosecutor	B

Public Works Operations Manager	B
Public Works & Utilities Financial Manager	B
Public Access Manager	B
Risk Management Specialist	B
Utility Operations Manager	B
Wastewater Manager	B
Water Resources Manager	B

TEAMSTERS POSITIONS

Accountant	E
Accounting Assistant Senior	E
Accounting Assistant III	E
Accounting Assistant II	E
Accounting Assistant I	E
Automotive Equipment Technician Supervisor	E
Automotive Equipment Technician Lead	E
Automotive Equipment Technician	E
Automotive Technician Assistant	E
Application Support Analyst	E
Building & Development Specialist III	E
Building & Development Specialist II	E
Building & Development Specialist I	E
Civil Engineer III	E
Civil Engineer II	E
Civil Engineer I	E
Code Enforcement Officer	E
Cross Connection Control Specialist	E
Customer Service Representative	E
Electronics Technician	E
Engineering Technician Senior	E
Engineering Technician IV	E
Engineering Technician III	E
Engineering Technician II	E
Engineering Technician I	E
Environmental Technician	E
Facilities/Inventory Supervisor	E
Facilities Service Specialist Lead	E
Facilities Service Specialist Senior	E
Facilities Service Specialist	E
Forestry Service Specialist Supervisor	E
Forestry Service Specialist Senior	E
Human Resources Assistant	E
Journey Level Electrician	E
Lead Water Distribution Service Specialist	E

Legal Technician Senior	E
Legal Technician	E
Network Administrator	E
** Office Assistant Senior Specialist	E or D
**Office Assistant Senior	E or D
Office Assistant III	E
Office Assistant II	E
Office Assistant I	E
Parks Maintenance Supervisor	E
Parks Service Specialist Lead	E
Parks Service Specialist Senior	E
Parks Service Specialist	E
Parks Laborer	E
Payroll Specialist	E
PC Technician Lead	E
PC Technician	E
Planner II	E
Planner I	E
Probation Officer	E
Project Assistant	E
Recreation Program Coordinator III	E
Recreation Program Coordinator II	E
Recreation Program Coordinator I	E
Sewer/Storm Collection Supervisor	E
Sign Shop Service Specialist Senior	E
Sign Shop Service Specialist	E
Street Service Specialist Supervisor	E
Street Service Specialist Senior	E
Street Service Specialist	E
Utilities Customer Service Representative	E
Utilities Service Specialist Supervisor	E
Utilities Service Specialist Lead	E
Utilities Service Specialist Senior	E
Utilities Service Specialist	E
Utility Accounts Supervisor	E
Water Distribution Specialist Lead	E
Water Resources Operations Supervisor	E
Water Operator Lead	E
Water Operator Senior	E
Water Operator	E
Water Resources Assistant	E
Water Distribution Supervisor	E
WWTP CMMS Technician	E
WWTP Lab Technician	E
WWTP Instrumentation and Controls Specialist	E
WWTP Maintenance Supervisor	E
WWTP Maintenance Technician	E
WWTP Maintenance Technician Trainee	E
WWTP Operations Supervisor	E

WWTP Operator II	E
WWTP Operator I	E
WWTP Operator Trainee	E
Web Support Specialist	E

**** Indicates positions that are in the Police or Fire Department are covered by the Civil Service Rules.**

- **"A"** means that the position is specifically exempted by Bremerton City Charter.

- **"B"** means that the position is exempted because Section 31 (2) provides that appointive officers, management and professional employees and elective officers not previously mentioned in the Charter are exempt. Section of Charter where officer is referenced is indicated.

- **"C"** means that the position is a Department Head position.

- **"D"** means that the position shall be subject to the jurisdiction of the Civil Service Commission to the extent required by City Charter and State Law.

- "**E**" Excluded From Civil Service Pursuant to BMC 2.30.020 All full time paid employees of the Police Department and the Fire Department are included in and covered by the City's Civil Service System. As authorized pursuant to Section 31 of the City Charter, all other employees of the City are exempt from the City's Civil Service System. (Ord. 5003 §3 (part), 2007)

APPENDIX B
CLASS SERIES
CITY OF BREMERTON
CIVIL SERVICE

For administration of a Reduction in Force, the following class series are established:

FIRE FIGHTING CLASS

Fire Chief
Assistant Fire Chief
Battalion Chief
Fire Captain
Fire Lieutenant
Fire Fighter/Paramedic
Fire Fighter

Fire Captain/Deputy Fire Marshall

Medical Officer/Captain

POLICE

Police Chief
Police Captain
Police Lieutenant
Police Sergeant
Police Officer

TEAMSTERS POSITIONS

Community Relations & Information Specialist

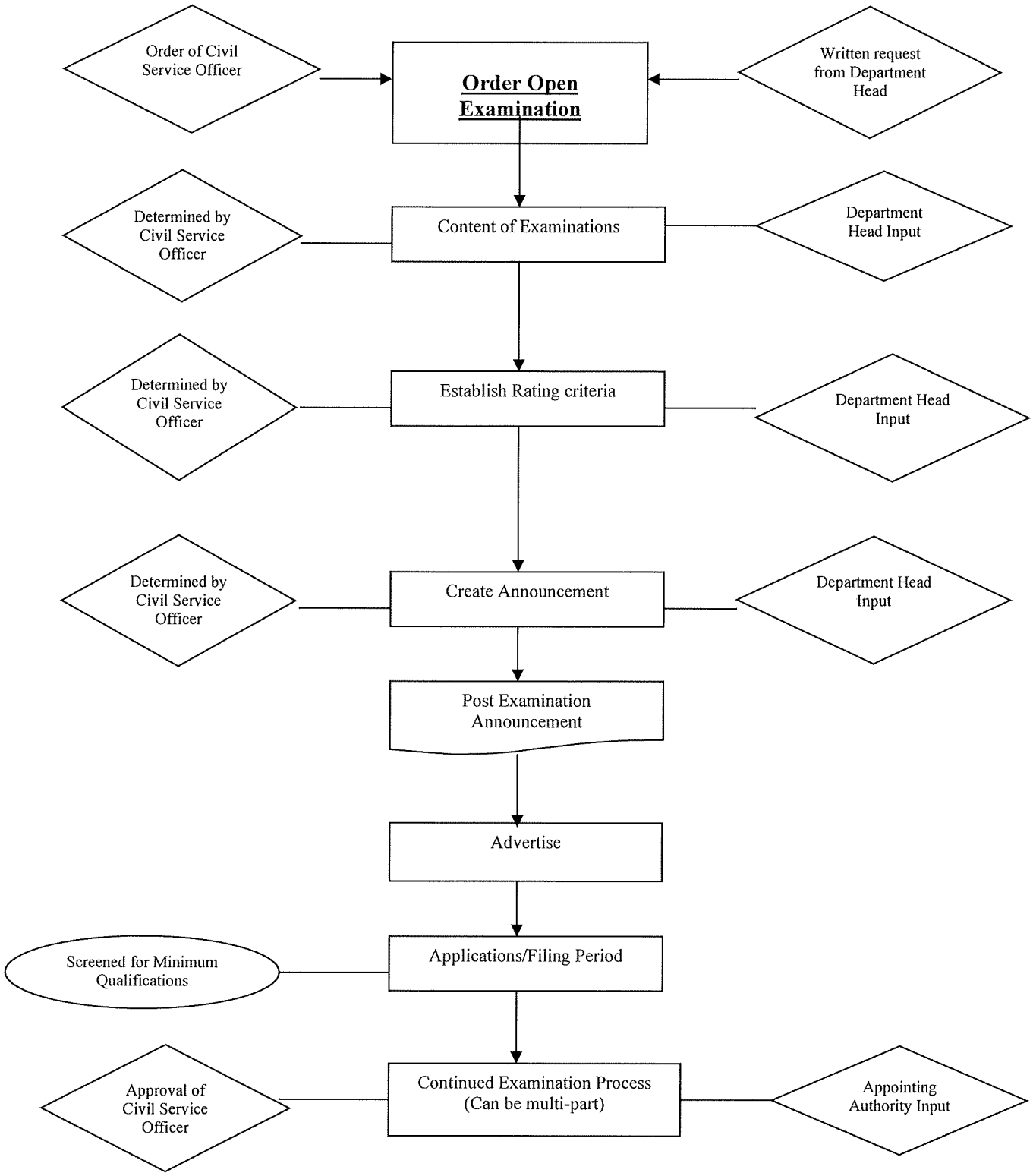
Court Security/Home Detention Specialist

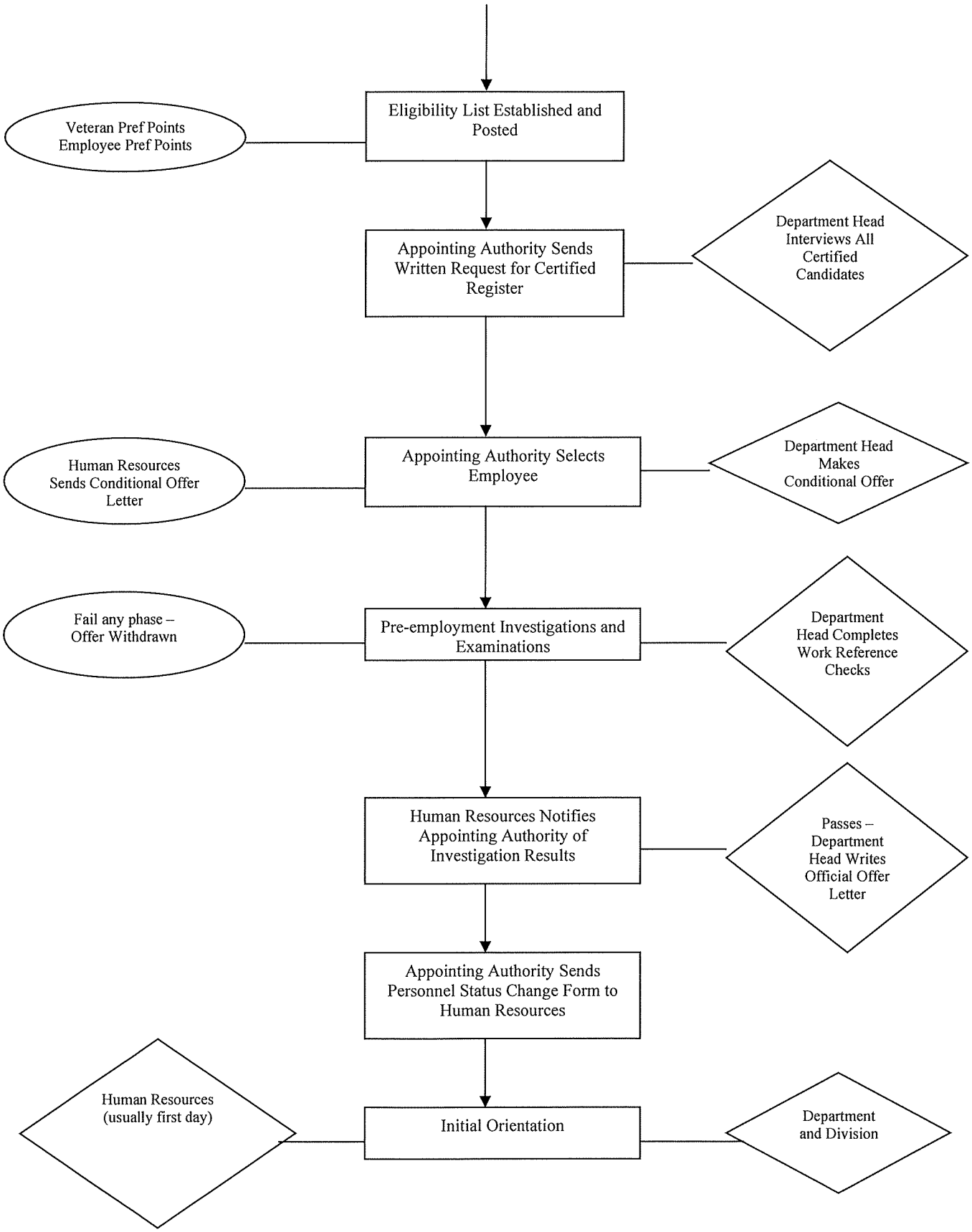
Evidence Property Control Specialist
Evidence Property Control Specialist Lead

Police Records Specialist II
Police Records Specialist I

Warrant Server

APPENDIX C
OPEN EXAMINATION PROCESS
(Refer to CS Rules 8, 9, 10 & 11)




Eligibility List Established and Posted
Veteran Pref Points
Employee Pref Points
Appointing Authority Sends Written Request for Certified Register
Department Head Interviews All Certified Candidates
Appointing Authority Selects Employee
Human Resources Sends Conditional Offer Letter
Department Head Makes Conditional Offer
Pre-employment Investigations and Examinations
Fail any phase – Offer Withdrawn
Department Head Completes Work Reference Checks
Human Resources Notifies Appointing Authority of Investigation Results
Passes – Department Head Writes Official Offer Letter
Appointing Authority Sends Personnel Status Change Form to Human Resources
Initial Orientation
Human Resources (usually first day)
Department and Division