



City of  
**MOUNT  
VERNON**

# **CIVIL SERVICE RULES**

**Revised July 2021**

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## **RULE 1 GENERAL PROVISIONS**

### **1.1 AUTHORITY AND APPLICATION.**

These rules are promulgated pursuant to the authority granted under Title 41, specifically RCW 41.08 et seq., Civil Service for City Firefighter, and RCW 41.12 et seq. Civil Service for City Police Officers. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of the referenced RCW chapters.

### **1.2 SCOPE AND PURPOSE.**

These rules govern the continuing administration of the Civil Service System of the City of Mount Vernon. These rules are to satisfy the statutory responsibility of the Civil Service Commission to make suitable rules and regulations not inconsistent with State law, and to provide the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and provide for other matters connected with the general subject of personnel administration, and which are considered desirable to further carry out the general purpose of State law, or which are found to be in the interest of good personnel administration.

### **1.3 PRESUMPTION AND VALIDITY.**

The Civil Service Rules and Regulations, implemented herein, substantially accomplish the purposes of RCW 41.08, et seq., and RCW 41.12 et seq. Variations from state models are based on local conditions and are intended to maintain the purposes of Civil Service systems: merit selection, tenure, and an independent Civil Service Commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW 41.08, et seq., and/or RCW 41.12, et seq.

### **1.4 SEVERABILITY.**

If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.

### **1.5 AMENDMENTS TO RULES AND PROCEDURES.**

The Commission may amend these rules and procedures by introducing any proposed amendment hereto at a regular public meeting and thereafter place the adopting of the proposed amendment on the agenda of the next regular public meeting.

### **1.6 EFFECTIVE DATE OF RULES AND PROCEDURES.**

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

## **RULE 2 DEFINITIONS**

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

### **2.1 ACTUAL SERVICE.**

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

### **2.2 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.

### **2.3 APPLICANT.**

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

### **2.4 APPOINTING AUTHORITY.**

The person or persons authorized to hire, promote or discharge employees.

### **2.5 APPOINTMENT**

A. Appointment - Regular.

The appointment of a certified eligible.

B. Appointment - Provisional.

A limited appointment of (a) certified non-certified person to a classified position which is not vacant, but is currently unfilled due to an authorized leave of absence; or (b) a non-certified person to a classified position for which there is no current eligible register.

C. Appointment - Temporary.

A limited appointment other than from an eligible register for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment.

### **2.6 ASSIGNMENT.**

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

### **2.7 BREAK IN SERVICE.**

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

**2.8 CANDIDATE.**

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

**2.9 CAUSE.**

Cause shall mean good, sufficient or just cause as determined by the Commission; exercised by the appointing authority in good faith and without discrimination on the basis of religion, politics or other protected classification; and, in consideration of the total context of a disciplinary action, including procedural fairness and consideration of an employee's work record.

**2.10 CERTIFICATION.**

[Certified Eligible List] A list of names from an eligible register transmitted by the Civil Service Commission through its duly appointed officials to an appointing authority from which such appointing authority may fill a vacancy.

**2.11 CERTIFY.**

Verification to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.

**2.12 CIVIL SERVICE EMPLOYEE.**

Any employee who has Civil Service status.

**2.13 CIVIL SERVICE REGISTER.**

See Eligible Register.

**2.14 CLASS.**

A position or group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.

**2.15 CLASSIFIED SERVICE:**

All city employees that are under the jurisdiction of the Civil Service Commission.

**2.16 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].

**2.17 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.

**2.18 COMMISSION.**

The Civil Service Commission. "Commissioner" means any one member of the Commission.

**2.19 CONTINUOUS SERVICE.**

Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.

**2.20 DEMOTION.**

Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.

**2.21 DEPARTMENT.**

Any department of the City subject to Civil Service as established by ordinance. The legal head of any such department is the "Department Head" or Department Head's designee.

**2.22 DISCHARGE.**

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

**2.23 ELIGIBLE.**

Anyone qualified for a given class through examination and placed on the proper eligible register; also, "Certified Eligible."

**2.24 ELIGIBLE REGISTER.**

A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, "Register of Eligible Candidates."

**2.25 EMPLOYEE.**

Anyone holding a position in the Civil Service System of the City.

A. Employee - Regular.

Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.

B. Employee - Temporary.

Any employee appointed to fill an emergency, temporary or short-term need [or to fill a position for which no register is available].

C. Employee - Exempt.

Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority.

D. Employee - Probationary.

A person appointed from a certification who has not yet completed the specified trial period of employment.

- E. **Employee Provisional.**  
Any employee appointed provisionally to a position. Note: A regular employee is the only employee with rights under Rule 19.01.

**2.26 EXAMINATION.**

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

- A. **Examination - Entrance.**  
An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.
- B. **Examination – Promotional.**  
An examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.

**2.27 EXAMINATION BULLETIN.**

An Examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and the other pertinent information. The examination announcement shall be posted in the Human Resources Department/Commission Office and in other suitable locations.

**2.28 FINAL EXAMINATION SCORE.**

Total of earned exam score plus additional veteran's preference or service credit points for which an applicant is eligible.

**2.29 IN-HOUSE REGISTER.**

A list of the names of Civil Service employees, in the order of final examination rating, who have passed an examination for an entrance position or class.

**2.30 LAYOFF.**

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

**2.31 POSITION.**

Any group of duties and responsibilities in the service of the City which one person is required to perform as full or part-time employment, and which is included in the City budget.

- A. **Position - Regular.**  
A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position established during a given budget year, unless the Department Head certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
- B. **Position – Permanent Part Time.**  
Employment in a permanent position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.

**2.32 PROBATION OR PROBATIONARY.**

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

**2.33 PROMOTION.**

The appointment of an employee to a higher class or to a position of higher skill or responsibility level. Any change in employment other than by a temporary or provisional appointment (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute a promotion.

**2.34 QUIT.**

Any voluntary separation of an employee from the City service without acceptance of a resignation by the appointing authority.

**2.35 REALLOCATION.**

The allocation of a position to a different class in the Classification Plan.

**2.36 REDUCTION.**

The removal of an employee from a higher class to a lower class of employment for reasons other than cause.

**2.37 REGISTER.**

A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission through its duly appointed officials pursuant to Section 10 of these Rules for submission to the appointing authority for consideration for employment. See 10.03.01, "Eligible Register."

**2.38 REINSTATEMENT.**

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

**2.39 REINSTATEMENT REGISTER.**

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

**2.40 RESIGNATION.**

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

**2.41 RETENTION CREDIT.**

The employee's service credit in a given class or position and any higher position in a series or any other credit used by the Commission to determine order of lay-off.

**2.42 RETIREMENT.**

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

**2.43 SECRETARY/CHIEF EXAMINER.**

Secretary-Chief Examiner as defined in Chapter 4.

**2.44 STANDING - REGULAR.**

The full Civil Service status of a regular employee.

**2.45 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.

**2.46 UNCLASSIFIED SERVICE.**

The positions in City that are not subject to Civil Service and are identified as exempt positions, assignment levels, or other position authorized by law.

**2.47 VETERANS' PREFERENCE.**

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

## **RULE 3 ADMINISTRATION AND OPERATIONS**

### **3.01 COMMISSION - MEETINGS—QUORUM.**

In the necessary conduct of its work, the Commission's "Regular Meeting" shall meet on the third Wednesday of each month, at 4:00 p.m., in the Mayor's Conference Room in City Hall, unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act, (RCW 42.30, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum.

No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open to the public provided, however, that the Commission may meet in executive session as authorized by the open Public Meetings Act (RCW 42.30, as amended).

#### **3.01.01 REGULAR MEETINGS.**

Regular meetings shall be held on the third Wednesday of each month at 11:00 a.m., Mayor's Conference Room in City Hall. When the regular meeting day falls on a legal holiday, the Commission shall meet on the fourth Wednesday of the same month at the same time and place as established for regular meetings.

#### **3.01.02 ADJOURNED REGULAR MEETINGS.**

The Commission may adjourn any regular, adjourned regular or special meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting shall be considered to be a regular meeting for all purposes.

When an order of adjournment of a regular or adjourned regular meeting fails to set the hour at which the adjourned meeting is to be held, it shall be held at the hour specified by rule for regular meetings.

#### **3.01.03 SPECIAL MEETINGS.**

A special meeting may be ordered at any time by the Chairperson, by any two Commissioners, or by the Chief Examiner by giving written notice thereof to all news media who have filed a request to receive such notice with the City of Mount Vernon and by delivering personally or by mail such written notice to each member of the Commission, and by posting notice of such special meeting on the official bulletin board at least twenty-four (24) hours prior to the commencement of the meeting.

#### **3.01.04 PUBLIC MEETINGS.**

All meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any meeting of the Commission except as provided for in Rule 3.01.05, or as so authorized under the Open Public Meetings Act (RCW 42.30, as amended).



**3.01.05 EXECUTIVE SESSIONS.**

The Commission may hold executive sessions from which the public may be excluded for all purposes other than the final adoption of any resolution, rule, regulation, order, or any other directive.

**3.03 CHAIR.**

At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair for a term of one year, or until the successor is selected the following year. Should the 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.

**3.04 RULES OF ORDER.**

The Robert's Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two Commissioners such rules may be waived or modified.

**3.05 COMMISSIONERS - CHALLENGE.**

Any challenge to a Commissioner's sitting at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged Commissioner(s) shall review and rule on the challenge prior to proceeding with the hearing. Failure to timely raise the challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to the commencement of a hearing.

**3.06 COMMISSIONERS – CHALLENGE - NECESSITY.**

If, as a result of disqualification(s) pursuant to Rule 3.05, there is no longer a lawfully constituted quorum, OR, Commissioners hearing the matter at hand fail to come to a resolution, the disqualified Commissioner(s) shall return and proceed with the hearing per a Doctrine of Necessity.

**3.07 PUBLIC RECORDS.**

Public records of the Commission shall be available for inspection and copying during the regular office hours of the Human Resources Director of the City of Mount Vernon. No fee will be charged for inspection of public records. Inspection will be permitted in a space provided by the Human Resources Director, and under the Directors supervision, and must be accomplished without excessive interference with the essential functions of the Human Resources Director's office. Copies will be made available at actual cost or as provided by City of Mount Vernon's ordinance. These rules shall be printed for free public distribution.

### **3.08 RECORD OF PROCEEDINGS.**

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

## **RULE 4 CHIEF EXAMINER**

### **4.01 CHIEF EXAMINER—APPOINTMENT.**

A Chief Examiner (hereinafter, "Chief Examiner") shall be appointed by the Commission.

### **4.02 CHIEF EXAMINER—DISCIPLINE.**

The Chief Examiner 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.

### **4.03 CHIEF EXAMINER—AUTHORITY.**

In addition to acting as Chief Examiner of the Commission, the Chief Examiner shall:

- 4.03.01 Be the general manager of the Civil Service Division within the Human Resources Department, responsible to the Commission, and shall direct the activities of all personnel in the Civil Service Division, including their appointments and removals;
- 4.03.02 Delegate duties where necessary and supervise the work of all persons employed in the Division, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;
- 4.03.03 Report to the Commission from time to time as directed concerning the details of the work of the Division;
- 4.03.04 Prepare the budget for the Division, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Division;
- 4.03.05 Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
- 4.03.06 Recommendations to the Commission shall be conducted to include: the minimum qualification of applicants, the subjects to be covered in each examination, and methods of testing. In addition the Chief Examiner shall supervise the content of the examinations, appointing experts, special examiners, and other persons the Commission may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; report prior to and after each examination to the Commission, and report on all appeals from rulings or appeals from any part of the examination; and [Note: see Rule 8.01, "Ordering Examinations."]

4.03.07 Perform all other functions necessary for the proper carrying-out of these rules and the provisions of law relating to the Civil Service System, and such additional duties as may be assigned to the Chief Examiner from time to time by the Commission.

**4.04 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE CHIEF EXAMINER.**

4.04.01 The Commission on its own motion may review or modify any action or decision of the Chief Examiner.

4.04.02 Any person adversely affected by any action or decision of the Chief Examiner may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the date of notice of such action unless established otherwise in these Rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

**4.05 CHIEF EXAMINER PRO-TEM**

In the absence of the Chief Examiner, the Commission shall appoint a Chief Examiner Pro-Tem to act as the Chief Examiner to the Commission until the return of the Chief Examiner.

## **RULE 5 RULE-MAKING**

### **5.01 AMENDMENTS OF RULES.**

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

### **5.02 EFFECTIVE DATE OF RULES.**

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

### **5.03 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 the city clerk or other central government record center and to each affected department of the City. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available for free public distribution as required by state law.

### **5.04 EFFECT OF RULES.**

The terms and conditions of Civil Service employment are governed by these rules, and applicable statute and ordinance. No employee shall have a property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

## **RULE 6 CLASSIFICATION**

### **6.01 CLASSIFICATION PLAN.**

A class specification shall be prepared and maintained for each class in the Civil Service System. Such specifications shall describe generally the class, distinguish it from other classes, give examples of typical duties of the class, and contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.

### **6.02 ADMINISTRATION OF POSITION CLASSIFICATION.**

The Chief Examiner will make or request position classification studies of individual positions or groups of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council; or upon request of an appointing authority or an affected employee if title classification of such position has not been reviewed within the last 12 months.

### **6.03 CLASSIFICATION OF POSITIONS**

6.03.01 Each position in the classified service shall be classified at the direction of the Chief Examiner and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:

- (a) The same descriptive title may be used to designate each position in the class;
- (b) The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and
- (c) Similar tests may be used to select incumbents.

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

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

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

## **6.04 RECORDS**

- 6.04.01 Separate records of each position in the classified Civil Service shall be maintained by the Civil Service in the following manner:
- (a) Each position record shall include a notation of the authority for establishing the position, the name of each successive incumbent, all classification actions relating to it, its organizational and physical location in the department, and a current description of its duties.
  - (b) A personnel record for each employee shall be kept with a record of the position occupied by the incumbent.
  - (c) It shall be the duty of each appointing authority to supply to the Chief Examiner, in writing, all necessary information to enable the Civil Service Commission to maintain such records described in (1) and (2) above, including any significant change in the duties of the position to another position in the same or to a different class.
- 6.04.02 The Chief Examiner shall report any classification action to the department head concerned and to the City Council. The department head shall be responsible for notifying subordinates of any classification action affecting status or allocation of positions.

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

- 6.05.01 **TITLE CHANGE.**  
Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as held in the former class.
- 6.05.02 **UPGRADING OF POSITION.**  
Whenever a position is reclassified from one class to a higher class, the incumbent may continue in the same position temporarily but must gain eligibility for the new class by examination and receipt of an appointment thereto in accordance with these rules. Provided, that the Commission may authorize the appointment of the incumbent to the new position without examination after considering the particular facts involved. A regular employee shall be qualified to take the examination for the higher class regardless of an existing eligible register for that class. A regular employee who fails the examination or is not appointed shall have tenured status in the lower class and may be appointed to another position, transferred or voluntarily reduced according to these rules. A probationary employee may be permitted, upon approval of the Commission, to qualify for the higher class in the same manner as a regular employee. A probationary employee who is not permitted to take the examination or who is not appointed to the position, may be

appointed to another position, transferred, or enrolled on an appropriate eligible register for the lower class.

**6.05.03 DOWNGRADING OF POSITION.**

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

**6.06 REVIEW AND APPEALS.**

Any employee, appointing authority or department head affected by any classification action may petition the Commission to review and set aside or modify such action. Such appeal shall be made no later than thirty (30) days after notification of such action.



## **RULE 7 APPLICATIONS AND APPLICANTS**

### **7.01 ANNOUNCEMENT OF VACANCY.**

Whenever there is a need, the Secretary and Chief Examiner shall invite, by giving public notice, qualified persons to apply for employment in the classified service and for admission to the examination scheduled to select the most competent. Public announcement of the examination shall specify the title and salary range of the position, a brief outline of the duties of the position; the minimum qualifications required; and the final date upon which applications will be received. Alternatively, if a continuous testing process is utilized for entry or lateral-entry level positions, the duration of the recruitment is open-ended, and applications shall be accepted at any time. Persons desiring to compete for positions in the classified service shall file signed applications with the Secretary/Chief Examiner on forms approved by the Secretary/Chief Examiner.

### **7.02 ENTRY LEVEL MINIMUM REQUIREMENTS.**

All applicants shall be citizens of the United States of America or a lawful permanent resident, who can read and write the English language, in ordinary good health and good moral character and of temperate and industrious habits.

### **7.03 LATERAL ENTRY.**

In accordance with the needs of the Police or Fire Department, a lateral entry eligibility list may be requested by the department chief. All applicants shall be citizens of the United States of America or a lawful permanent resident, who can read and write the English language, in ordinary good health and good moral character and of temperate and industrious habits.

### **7.04 ACADEMY GRADUATE ENTRY.**

In accordance with the needs of the Police Department, an Academy Graduate Entry Eligibility List may be requested by the Police Chief. All applicants shall be citizens of the United States of America or a lawful permanent resident, who can read and write the English language, in ordinary good health and good moral character and of temperate and industrious habits and meet the following minimum requirements:

7.04.01 Applicants for Academy Graduate Entry into the Police Department shall be either a) graduates of the WSCJTC Basic Academy holding a current and valid certification through the WSCJTC; or b) trainees attending the WSCJTC Basic Academy who have successfully completed the mid-term examination and are scheduled for graduation from the Academy within sixty (60) days of applying to be placed on the Academy Graduate Eligibility List. All candidates must successfully pass an entrance interview and examination conducted by the Civil Service Examiner in accordance with Chapter 8 of these rules (Amended 07/2021)

## **7.05 APPLICANT REQUIREMENTS:**

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

- (a) Meet the requirements specified in these rules and in the official examination bulletin as of the closing day of the official filing period.
- (b) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Chief Examiner.
- (c) The time for filing applications may be extended by the Chief Examiner as the needs of the service require, provided that the examination shall then be re-advertised.

## **7.06 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS**

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

7.06.02 When designated in the official bulletin, the Chief Examiner may permit regular employees and probationers to file for and take a promotional examination for delayed eligibility if on the last day of accepting applications, they meet lower specified minimum service requirements in the classes from which promotion is allowed.

## **7.07 CONDITIONAL ADMISSION.**

If there is reasonable doubt as to whether the applicant meets the minimum requirements, the Chief Examiner may order that the applicant be admitted to the examination on the condition that the particular requirements are met to the satisfaction of the Chief Examiner before the applicant is enrolled on an eligible register.

## **7.08 REJECTION OF APPLICANT OR ELIGIBLE CANDIDATE.**

The Chief Examiner 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:

- 7.08.01 Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
- 7.08.02 Is physically or mentally unfit to perform the duties of the position sought;
- 7.08.03 Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);

- 7.08.04 Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from City service or has an unsatisfactory record of employment in the City service or with any other agency or firm;
- 7.08.05 Has made any material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination;
- 7.08.06 Fails to appear for fingerprinting or other investigation as required;
- 7.08.07 Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- 7.08.08 After notification, did not promptly appear at the time and place designated for the examination;
- 7.08.09 Has been discharged from the armed forces under dishonorable conditions;
- 7.08.10 For other material reasons.

#### **7.09 DEBARMENT FROM EMPLOYMENT.**

- 7.09.01 No one who has been dismissed from the Service for cause involving moral turpitude shall be allowed to again enter the Service, and anyone dismissed for other good cause shall be allowed to again enter the Service only by express consent of the Chief Examiner;
- 7.09.02 Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.

#### **7.10 NOTICE OF NON-ACCEPTANCE.**

Anyone against whom action is taken under Rule 7.05 shall be notified promptly by the Civil Service Commission of the reasons therefor by either oral notice at the time of filing the application and/or written notice mailed to the applicant.

#### **7.11 ADMISSION TO EXAMINATION PENDING APPEAL.**

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

**7.12 AMENDMENT OF APPLICATION.**

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

**7.13 APPLICATIONS NOT RETURNED.**

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

**7.14 APPLICATION FEE.**

Applications may include payment of a non-refundable, application fee to be established by the Chief Examiner. In lieu of payment of the standard application fee, an applicant may file a Letter of Indigence.

## **RULE 8 EXAMINATIONS**

### **8.01 ORDERING EXAMINATIONS.**

An examination shall be ordered whenever it is deemed to be in the best interest of the City. The Chief Examiner shall administer examinations as provided by these rules. There are two types of examinations, Entrance and Promotional.

### **8.02 EXAMINATION ANNOUNCEMENT.**

Public notice of examinations shall be given by the Chief Examiner on the City Website and/or an internal announcement at least ten (10) business days preceding such examination and in any other publications which the Chief Examiner may direct. The official bulletin shall be posted on the bulletin board at City Hall, on the city's website, and at the Police and Fire Departments. Additional notices will be published as the Commission deems it necessary in order to have a sufficient number of qualified applicants. Promotional examination notices shall be posted in the Police and Fire Departments not less than thirty (30) calendar days preceding the examination. The Chief Examiner may amend any published announcement with appropriate public notice.

### **8.03 CONTINUOUS EXAMINATIONS.**

A continuous or periodic examining program may be ordered and administered by the Chief Examiner for any class of positions other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The weight of any oral part of a continuous examination shall not exceed sixty percent (60%) of the total grade for the examination. The names of qualified eligible candidates resulting from such examinations shall be entered on the eligible register, and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligible candidates from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

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

8.03.02 SUBSCRIPTION TESTING SERVICES AUTHORIZED.

The Chief Examiner, following approval by the Commission, may authorize the City to enter into contracts with one or more Subscription Testing Services.

8.03.03 DURATION AND CLOSING.

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

(a) on the City's Website

(b) posting a copy on the Civil Service Bulletin Board at least seven (7) days prior to the date of closing.

8.03.04 The eligible register may be announced immediately after the results are obtained.

8.03.05 Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations.

**8.04 CHARACTER OF EXAMINATIONS.**

All examinations shall be competitive, impartial and practical in their character. The examinations shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class or position for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

**8.05 CONTENT OF EXAMINATIONS.**

Examinations may include written tests, personal qualifications, physical agility or performance tests, evaluations of training and experience, interviews, any other suitable evaluation of ability to perform the job, or any combination of such tests. Such tests may evaluate education, training, experience, performance, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative qualifications and abilities of the candidates. The Commission will assure that the examinations conform to the regulations of the Equal Employment Opportunity Commission in that they are job related and that they do not screen out any qualified applicants.

**8.06 PARTS AND WEIGHTS.**

Each examination shall embrace one or more parts to which percentage weight shall be assigned, which weights shall total 100%. Each part shall be graded independently. This grade shall be multiplied by the percentage of the weighted average. In accordance with Section 8.03, the weight of any oral examination for continuous examinations shall not exceed sixty percent (60%) of the total grade of the examination.

**8.07 PASSING GRADES.**

The name of an examinee shall not be entered on an eligible register without the examinee having attained a passing grade in the examination as established by the Chief Examiner. Where any part or parts of an examination relate to qualifications deemed essential to the proper performance of the duties of the class, the Chief Examiner may determine the minimum qualifying grade for each such part or parts. The minimum score required and the part of the examination to which it is applicable shall be stated at the time of the examination or so stated in the official bulletin. Failure to attain such grade shall be considered as having failed the entire exam and examinee shall not be entitled to take the balance of the exam.

**8.08 PROMOTIONAL EXAMINATIONS.**

Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the Commission. Upon showing from a department that special training and knowledge gained within a department is essential to the proper filling of the vacancy; the Commission may limit an examination to a promotion within a department only.

**8.09 VETERANS' CREDIT.**

Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW, or other law. It is the responsibility of the applicant to submit appropriate documentation to receive veteran's preference points. Veteran preference points will be applied towards the total earned examination score. Any correction made for veterans preference points shall not affect an appointment made from a certified eligibility list, prior to the correction.

**8.10 SERVICE CREDITS.**

Regular employees in the classified service who receive a passing grade on a promotional examination shall have a credit for continuous service added to such grade. Such service credit shall be computed by adding to the total examination score (1) point for each full year of continuous service as a regular employee in the classified service, up to a maximum of twenty (20) years. In addition,

8.10.01 Experience Credits. Those applicants who qualify for, take and pass an entrance test for firefighter shall be entitled to credits for experience as hereinafter provided, by adding the credits to the written examination score as follows: PROVIDED, that said percentage shall not be utilized in any promotional examination;

(1) Those applicants with experience as a full time paid firefighter shall receive two percent (2%) credit for each year of service up to a maximum of ten percent (10%) added to their written examination score.

(2) Those applicants with experience as a volunteer firefighter in an organized fire department shall receive one percent (1%) credit

for each year of service up to a maximum of five percent (5%) added to their written examination score.

- (3) Volunteer firefighters with two (2) years' experience with the Mount Vernon Fire Department who receive a passing grade on a Fire Department entrance examination shall have a credit for continuous service added to such grade. Such service credit shall be calculated by adding five percent (5%) to his/her written score.

## **8.11 KEYED COPY INSPECTION AND EXAMINATION PROTEST.**

- 8.11.01 Written Test Inspection. Following the written examination posting of results, the Chief Examiner may provide a key copy inspection period, not exceeding seven (7) City business days, during which examinees may inspect a copy of the questions and the key answers and other factors to be considered in scoring that specific test. During the inspection of materials, candidates will not be allowed to remove items from the inspection sight for the purpose of preparing protests. There shall be no key copy inspection of copyrighted or standardized tests.
- 8.11.02 Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Chief Examiner within five (5) City business days immediately following the administration of such part or within the time limit specified on the examination instruction sheet.
- 8.11.03 When a keyed copy is provided, protests against the proposed keyed answers must be filed in writing within five (5) City business days or the time limitation specified on the examination instruction sheet. No keyed copy will be provided for inspection on copyrighted or standardized tests or on continuous or periodic examinations.
- 8.11.04 When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified, and any protest or appeal must be filed in writing within five (5) City business days after the notices of results have been mailed.
- 8.11.05 Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within five (5) City business days after the notices of results have been mailed.
- 8.11.06 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.



**8.12 CORRECTION OF CLERICAL ERRORS.**

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

**8.13 EFFECTIVE DATE OF EXAMINATION RESULTS.**

Results of an examination shall become effective on the date official notice thereof is posted on the City's website or official bulletin board.

**8.14 REEXAMINATION.**

8.14.01 No one shall be reexamined for the same class within six months of the effective date of such examination, unless authorized by the Chief Examiner upon determination that it would be in the best interest of the City.

8.14.02 If an eligible candidate takes a succeeding examination for the same class, the result of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the register, and the eligibility that will provide the greatest advantage to the eligible candidate shall be used.

**8.15 EXAMINATION PAPERS.**

Examination papers of each eligible candidate shall be kept on file in the office of the Commission until the expiration of eligibility.

**8.16 ADDITIONAL EXAMINATION.**

8.16.01 Eligible candidates certified pursuant to Rule 9 shall be subject to medical, physical, or psychological examination and to such other examinations administered by the Chief Examiner as authorized and approved by the Commission. Such other examinations include, but are not limited to, background examination and polygraph, provided, however, polygraph examination shall be allowed only for entry-level applicants under RCW 49.44.120. Reports of such examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Chief Examiner shall consider such recommendation, may require further examination, and may order the eligible candidates name dropped from the eligible register.

8.16.02 The Chief Examiner may designate a limited number of certified eligible candidates for additional Examination as provided in Rule 8.16.01, in order to maintain an ability to certify registers pursuant to Rule 10.

8.16.03 Before the Appointing Authority refers a candidate for medical examination, a conditional offer of employment must be made.

**8.17 NUMBER OF APPLICANTS—LIMITATIONS.**

The Chief Examiner may restrict the number of qualified applicants to be examined whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups.

**8.17.01 MULTI-PART EXAMINATIONS.**

The Chief Examiner may limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of tests; provided, however, the number of examinees shall be established before administration of preliminary tests.

## **RULE 9 REGISTERS AND ELIGIBILITY**

### **9.01 ESTABLISHMENT OF ELIGIBLE REGISTERS.**

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

- 9.01.01 On a Promotional Examination Register: relative rank shall be determined by the examination rating or grade plus any additional points for service credit plus percentage allowed by law for veterans' preference.
- 9.01.02 On an Entrance Examination Register, relative rank shall be determined by the examination grade, plus percentage allowed by law for veterans' preference, or other credits earned under Rule 8.
- 9.01.03 Priority of time of examination shall not give any preference in rank on the register.
- 9.01.04 The preference in rank of eligible candidates having equal final general averages shall be determined by the time and date of receipt of application.
- 9.01.05 If an applicant is permitted to file for and take an examination for delayed eligibility, and if such applicant is successful in the examination, eligibility shall be held in abeyance until the candidate meets the requirements for eligibility, which must be reported in writing. If otherwise eligible, the candidate's name shall be placed on the register in accordance with the final examination grade. Any such eligibility shall expire with that of other eligible candidates from the same examination.

### **9.02 CANCELLATION OF REGISTER:**

An entry or promotional register may be cancelled:

- (1) By the Human Resources Director when it contains two (2) or fewer eligibles;  
or
- (2) By the Commission, for good cause, when it contains three (3) or more eligibles. Notice of cancellation shall be provided to the remaining eligibles.

### **9.03 RETURN TO REGISTER FOLLOWING LAYOFF.**

On layoff, an employee's name shall be placed on the proper eligible register for the class ranked by seniority for one year from the date of such layoff.

**9.04 RETURN TO REGISTER AFTER RESIGNATION OR RETIREMENT.**

Upon the written petition of a former permanent, or probationary, employee who has resigned in good standing pursuant to this rule, if filed with the Commission within one (1) year from the effective date of his/her resignation and if supported by the written recommendation of the head of his/her former department, the Commission may by its appropriate order in the best interests of the service and the City, depending upon all of the pertinent factors and circumstances involved, enroll or re-enroll the petitioner's name on a departmental reinstatement list for his/her former class and department. (Amended March 2021)

If the petition is granted, the reinstated eligibility of the petitioner shall be the same as that of any other eligible on the particular eligibility list to which he/she is assigned. The Commission shall set the length of time that the name of the reinstated eligible shall remain on such eligibility list, but not to exceed two (2) years. Any such person who may subsequently be appointed or reappointed shall be subject to the requisite probationary period, and any seniority and service credit shall begin anew and be computed without benefit or credit of any prior service.

**9.05 APPOINTMENT WITHOUT EXAMINATION.**

Except as provided in 9.03, 9.04, and 9.06, any return to the Civil Service shall be by examination only.

**9.06 ESTABLISHMENT OF REINSTATEMENT REGISTERS.**

9.06.01 The names of regular employees who have been laid off or, when requested in writing by the appointing authority, probationary employees who have been laid off shall be placed upon a reinstatement register for the same class and for the department from which laid off, for a period of one year from the date of layoff;

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

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

9.06.04 Anyone accepting a permanent appointment in the class from which laid off and in a department other than that from which laid off is not to be certified to the former department unless eligibility for that department is restored.

## **9.07 AVAILABILITY OF ELIGIBLE CANDIDATES.**

- 9.07.01 It shall be the responsibility of an eligible candidate to notify the Chief Examiner in writing immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment.
- 9.07.02 The name of an eligible candidate who submits a written statement restricting the eligibility for employment shall be withheld from certifications if the restrictions do not meet the conditions specified for appointment. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.

## **9.08 CANCELLATION OF ELIGIBILITY.**

- 9.08.01 Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of bad character or other unfitness; fraudulent conduct; false statements by the candidate or by others with the eligible candidate's collusion; material physical or mental disability; or, other disqualifying factor in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the City or dismissal from the service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from City service shall be deemed cause for cancellation of eligibility;
- 9.08.02 Separation from the service will terminate any promotional eligibility;
- 9.08.03 Upon report of an appointing authority that an eligible candidate has failed to respond to call or has refused to accept employment, the Chief Examiner may strike the eligible candidates name from the register;
- 9.08.04 Failure to respond to the canvass (announcement) of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible candidate from the register;
- 9.08.05 Refusal to accept reemployment in a permanent position shall constitute separation from the service except as provided in Rule 9.06;
- 9.08.06 Such action contemplated by this rule may also be taken for other material reasons.

#### **9.09 RESTORATION OF NAMES TO ELIGIBLE REGISTERS.**

The name of an eligible candidate which has been removed from a register may be restored upon written request to the Civil Service Chief Examiner for such restoration. The request must specify the reasons for the requested restoration. The Chief Examiner will submit requests to the Commission who may approve the request if it is deemed that the evidence submitted justifies such approval.

## **RULE 10 CERTIFICATIONS AND APPOINTMENT**

### **10.01 GENERAL PROVISIONS.**

Vacancies in the classified Civil Service shall be filled by reinstatement, promotional appointment, assignment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate register, the Chief Examiner may authorize a temporary or provisional appointment.

### **10.02 REQUEST FOR CERTIFICATION.**

Whenever an appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Chief Examiner. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment and any other details for full description of the position to be filled.

### **10.03 CERTIFICATION**

#### **10.03.01 ELIGIBLE REGISTER.**

If a vacancy is to be filled from an eligible register upon written request from the appointing authority, the Chief Examiner shall certify to the appointing authority from registers in the following order and as provided in this rule:

- (1) Reinstatement
- (2) Promotional
- (3) Original (including lateral entry register)

#### **10.03.02 ORDER OF REINSTATEMENT—ELIGIBLE.**

- (a) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:
  - (1) Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be first reinstated;
  - (2) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.
- (b) Upon request from the appointing authority, the Chief Examiner may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.
- (c) Nothing in this rule shall prevent the reinstatement of any regular or probationary employee for the purpose of transfer to another

department, either for the same class or for voluntary reduction in class, as provided in these rules.

**10.03.03 CERTIFICATION.**

If a vacancy is to be filled from a promotional or original register, the Chief Examiner shall certify to the appointing authority the names of the three (3) available eligible candidates, ten (10) in the case of entrance police officer, firefighter and firefighter/paramedic candidates that stand highest on the appropriate register.

**10.03.04 MULTIPLE VACANCIES.**

If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.

**10.03.05 ADDITIONAL NAMES.**

If an appointing authority makes an acceptable showing that any of the eligible candidates certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.

**10.03.06 SPECIAL SKILLS.**

Where a certification of eligible candidates with special experience, training, or skills is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position, and the Chief Examiner determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligible candidates who possess the special qualifications.

**10.03.07 PRIOR SERVICE.**

If a temporary vacancy is to be filled from an open or a promotional register, those eligible candidates with three (3) months of service who are shown on the register as having been laid off within the last twelve (12) months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligible candidates for certification according to rule.

**10.03.08 APPLICATION/EXAMINATION.**

The application and the examination papers of a certified eligible candidate shall be available for inspection by the appointing authority.

**10.04 DEFERMENT OF CERTIFICATION.**

The Chief Examiner may grant deferment of certification of an eligible candidate, upon receipt from the eligible candidate, of a written request with satisfactory reason therefor. Such deferment will thereafter prevent certification of such eligible candidate until the next vacancy occurring after the eligible candidate has given



written notice of his or her desire to be returned to the register, and such return has been approved by the Chief Examiner.

**10.05 DURATION OF CERTIFICATION.**

Certification shall be in effect for forty-five (45) days from its date of issuance. The appointing authority must file a report of any appointment from such certification with the Chief Examiner. Upon request, the Chief Examiner may extend such certification for an additional 30-day period. Expiration of eligibility shall not cancel the validity of a certification.

**10.06 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.

**10.07 PROVISIONAL APPOINTMENT.**

10.07.01 Where there is no suitable eligible register from which certification can be made, the Chief Examiner may allow the appointing authority to make a provisional appointment. A provisional appointment may be made for a period of up to six (6) months. No person shall receive more than one provisional appointment in any 12-month period, unless no register has been established and the Commission has extended the period for provisional service.

10.07.02 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; provided, an extension may be granted by the Chief Examiner upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the six (6) month limitation.

10.07.03 The acceptance by an eligible candidate for a provisional appointment shall not affect his or her standing on the eligibility list for permanent appointment. Such service shall not be counted as part of the probationary period if the candidate later fills a permanent position within the same class. Unless the service is continuous at the discretion of the appointing authority.

10.07.04 A provisional appointee shall not acquire any Civil Service status in the position or class to which appointed by provisional appointment.

10.07.05 A provisional employee shall not accrue any service credits in the position to which he/she has been appointed except those credits to which such employee would otherwise be entitled.

**10.08 TEMPORARY APPOINTMENT.**

- 10.08.01 Temporary appointment is appointment from an eligible or promotional list in the usual manner, but to fill a position the duration of which does not exceed six (6) months. In making such an appointment, the appointing authority shall make requisition to the Chief Examiner in the manner provided for regular appointment but shall indicate the time at which it is estimated the position terminates. The Chief Examiner shall notify the person or persons appearing on the appropriate list, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The names highest on the eligible register consistent with Rule 10.03.03 willing to accept shall be certified for appointment.
- 10.08.02 In the event of the need to fill a position for a limited duration not to exceed six (6) months, and there is either (1) no suitable eligible register from which certification can be made; or, (2) no eligible is willing to accept temporary appointment, the Chief Examiner may authorize the appointing authority to make a temporary appointment.
- 10.08.03 No temporary appointment shall be continued and no person shall be employed on a temporary basis for more than six (6) months in any one year. Temporary service shall not be credited to the probationary period or to calculation of service credit.

#### **10.09 EMERGENCY APPOINTMENT.**

To meet the immediate requirements of an emergency condition which threatens life or property, the appointing authority may employ any person or persons when they may be legally empowered to appoint. Such appointment shall be without restriction under these Rules. Emergency employment shall be limited to the duration of the emergency period and shall in no event exceed thirty (30) days without Commission approval.

#### **10.10 EXTENSION OF APPOINTMENTS.**

Notwithstanding the provisions of Sections 10.07 and 10.08 above, and in recognition of the staffing issues created by disability leave and retirement periods under Chapter 41.26 RCW, military service leaves, and other programs, the Commission may extend provisional and temporary appointment authority beyond six (6) months upon application of the appointing authority. Such an extension may be granted when a position is vacant as a result of a disability leave, active military service, or for such other reason as the Commission finds may preclude a timely and regular appointment.

#### **10.11 MODIFICATION OR APPEAL OF CERTIFICATIONS.**

The Commission may on its own motion review or modify any action or decision of the Chief Examiner to make certifications as permitted under rule 4.0488.01. Any person adversely affected by any action or decision of the Chief Examiner to make certifications may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the date of notice of such action unless established otherwise in these Rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

## **RULE 11 PROBATION**

### **11.01 PROBATIONARY PERIOD.**

11.01.01 After each full-time or part-time permanent appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete. The purpose of the probationary period is to provide a trial period during which the department may observe the performance of the probationary employee before Civil Service status is acquired.

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

### **11.02 LENGTH OF PROBATIONARY PERIOD.**

The period of probation for entrance level positions shall be equivalent to twelve (12) months of full-time service following permanent appointment from an eligible register. For entry-level police personnel, the probationary period shall commence upon certification from the Washington State Law Enforcement Academy. The period of probation for promotional appointments shall be equivalent to six (6) months. Minor absences due to vacations, annual military leave, illnesses, etc. shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Chief Examiner will approve a departmental request for an extension of the probationary period.

### **11.03 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE.**

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

### **11.04 SERVICE IN ANOTHER CLASS.**

Service in a class or office other than the one to which an eligible candidate is regularly appointed may be credited toward completion of a probationary period if the Chief Examiner has approved the written statement of the appointing authority to the effect that the probationary period may be properly judged on the basis of service in the other class or office.

### **11.05 REMOVAL OF PROBATIONER.**

#### **11.05.01 GROUND.**

The appointing authority, by assigning in writing to the Commission the reasons therefore, may discharge any probationer.

**11.05.02 PROCEDURE.**

The department head must send a letter to the Chief Examiner, which will be routed to the Mayor after review, stating the reasons for the removal two weeks prior to the end of the probationary period. Notice must be mailed to or personally served on the employee and proof of notice filed with the Chief Examiner.

**11.05.03 RIGHTS RETAINED.**

A promotional probationer, unless discharged for cause, retains all Civil Service rights to the position from which appointed.

**11.06 DEMOTION.**

A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, in accordance with Rule 17.03 on demotion, or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the appointing authority, subject to approval by the Commission.

**11.07 PROTESTS.**

Any probationer may file a written protest with the Chief Examiner protesting a termination of probationary status or demotion. All protests must be filed within ten (10) days of notice of the action taken. The Chief Examiner will give due consideration to and take appropriate action on all protests filed in a timely matter. Probationers may appeal a decision of the Chief Examiner to the Commission under Rule 18 and 19.

## **RULE 12 SERVICE CREDIT**

**12.01** Service credit in a class for a regular employee shall be computed to cover all continuous service subsequent to regular appointment in that class and shall be applicable in the department in which employed.

### **12.02 DETERMINATION.**

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

12.02.02 Following the requisite probationary period and upon appointment or reappointment, the service credit in the new position will begin anew. When calculating service credits for promotional exams, employees will receive service credits for all continuous service as a regular employee in the classified service (see 8.10).

### **12.03 REQUESTS FOR CONFIRMATION.**

12.03.01 REQUESTS. Any regular employee or the head of an employee's department may request a determination of the employee's earned service credit as of a designated date in any specified class and department in which he has served. If the request is made at a reasonable time and interval, and subject to such directives as may be then in effect, the Chief Examiner shall as soon as practicable but within ten (10) days ascertain the requested computation, and shall so notify the requesting employee, association, union or department head in writing.

12.03.02 PROTESTS. If any employee or department head has cause to object to the computation of the employee's service credit, written protest may be filed with the Chief Examiner setting forth with particularity the reason and basis for his objection. Such protests must be filed within ten (10) days. The Chief Examiner shall give due consideration to all timely-filed protests and take such action as deemed appropriate.

### **12.04 SERVICE COVERED.**

12.04.01 GENERALLY. Once a regular employee acquires regular Civil Service status and regular standing in any given class in a particular department, the employee shall receive full service credit for the entire length of time served in such class and department, whether such service is continuous or interrupted. For separation of service see 12.12.

**12.04.02 PROBATIONARY PERIOD.**

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

**12.04.03 TEMPORARY OR PROVISIONAL APPOINTMENT.**

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

**12.04.04 ON ASSIGNMENT.**

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

**12.04.05 LEAVES WITH PAY.**

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

**12.04.06 LEAVES WITHOUT PAY.**

No service credit shall be allowed for any time that an employee is on any leave of absence without pay with the exception of FMLA, Military Leave, or any other leave covered under State or Federal Law that does not allow employees to lose benefits while on leave.

**12.04.07 SUSPENSION.**

No service credit shall be allowed while an employee is on a suspension without pay, unless the suspension is modified, reversed or nullified on appeal.

**12.05 CHANGE IN CLASS OR DEPARTMENT.**

**12.05.01 GENERALLY.**

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

**12.05.02 ABOLITION OF CLASS.**

In the event that a regular employee's former class is abolished or changed, all service credit earned in such class prior to its abolition or

change and not lost or forfeited shall be credited to another class in the same department which is substantially similar to, and is neither higher nor lower than, the abolished or changed class.

**12.05.03 COMBINATION—COMPUTATION.**

Whenever the service credit of a regular employee earned in two or more classes, or in the same class in different departments, is to be combined under these Rules as hereinafter prescribed, the service credit earned and not lost or forfeited in each such class and department shall be computed separately and shall be added together, and the total sum shall represent the employee's service credit for the particular purpose in question.

**12.06 PROMOTION - COMPUTATION OF CREDIT.**

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

**12.07 TRANSFER - COMPUTATION OF CREDIT.**

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

**12.08 DEMOTION - COMPUTATION OF CREDIT.**

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

**12.09 VOLUNTARY DEMOTION - COMPUTATION OF CREDIT.**

Upon the voluntary demotion of a regular employee to a lower class in the same or different department as provided by these Rules, such employee shall retain all



earned retention credit in the higher class and department from which reduced, prior to such demotion , if not lost or forfeited.

**12.10 REALLOCATION - COMPUTATION OF CREDIT.**

**12.10.01 SIMILAR CLASSES.**

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

**12.10.02 DISSIMILAR CLASSES.**

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

**12.11 LAYOFF—COMPUTATION OF CREDIT.**

No service credit shall accrue or be allowed during the period in which an employee is laid off, but all service credit earned and not lost or forfeited up to the effective date of the layoff shall be retained by the employee.

**12.12 SERVICE CREDIT UPON SEPARATION FROM SERVICE.**

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

## **RULE 13 TRANSFER-REDUCTION**

### **13.01 GENERAL.**

The transfer of an employee shall not constitute a promotion in the service, except as provided in Rule 13.03.04, below.

### **13.02 INTRA-DEPARTMENTAL TRANSFERS.**

An appointing authority may transfer an employee from one position to another position in the same class in the same department without prior approval of the Chief Examiner but must report any such transfer to the Civil Service Commission within five (5) days of its effective date.

### **13.03 PROCESS.**

Transfers may be made upon consent of the department head and with the Chief Examiner's approval as follows:

- 13.03.01 Transfer in the same class from one department to another is permissible in order to carry out the functions and services of the particular departments;
- 13.03.02 Transfer to another class in the same or a different department (must be in same retirement system) 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;
- 13.03.03 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department, upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.
- 13.03.04 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class when such transfer would constitute a promotion or advancement in the service; provided, a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced and when transfer in lieu of layoff under Rule 13.03.03 is not practicable. Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.
- 13.03.05 The Chief Examiner may approve a transfer under this Rule 13.03 with the consent of the appointing authority of the receiving department only, upon a showing of circumstances justifying such action.

#### **13.04 COMMISSION REFUSAL.**

The Commission shall refuse to authorize the transfer reassignment of an employee, may revoke a previous authorization or may order the assignment of an employee changed, if upon investigation it finds that the assignment, transfer, or reassignment is proposed or made:

- A. With the intent of forcing or causing an employee to resign;
- B. Because of political, racial or religious discrimination, organized labor membership, or other improper influence;
- C. In violation of these Rules; or
- D. To inflict undue hardship on the employee.

#### **13.05 REDUCTION.**

13.05.01 An authorized reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A reduction may be made only upon an employee's written request, and consistent with these Rules.

##### **13.05.02 APPLICABLE CLASSES.**

A reduction may be approved for

- (a) The next lower or any lower class in the Class Series containing the class from which reduced;
- (b) Any lower class in which the employee has previously acquired Regular Standing, provided there has been no intervening forfeiture; or
- (c) Any lower class which is substantially similar to any lower class (in the employee's current class series) in the position classification plan; or
- (d) Employees seeking return to employment or reemployment from a disability, to a vacant position in another permissible class or department for which the employee qualifies.

##### **13.05.03 PROCEDURE.**

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

- (b) The reduction must be approved by the Chief Examiner and the Mayor and the head of the department in which the lower class is located, and reported to the Commission.
- (c) The reduction shall take effect on the date ordered by the Commission.

13.05.04 EFFECT OF REDUCTION.

- (a) Upon the effective date, or following satisfactory completion of any trial period, the reduction shall be complete and the employee shall have Regular Standing in the lower class and department to which reduced.
- (b) An employee reduced shall be able to return to the former position only by examination and regular appointment. In the event of a recovery from disability, an employee reduced in class may be eligible for appointment from a reinstatement register.

13.05.05 REDUCTION AVAILABLE.

- (a) By Employee. A voluntary reduction may be sought by an employee for any vacant position in a class under Section 13.03.02.
- (b) By Department.
  - (1) Employees with Civil Service Status.  
Reduction involuntarily of an employee from a higher Civil Service class to a lower Civil Service class is governed by Rule 14, Layoff.
  - (2) Employees without Civil Service Status.  
When an employee is reduced from an exempt position, the employee may petition in writing the Commission within 10 days of the end of employment in the exempt position for placement on a reinstatement register for a class for which the employee is deemed eligible. In considering the placement of the employee, the Commission may consider the employee's experience, the record of City employment, or such other factors as deemed in the best interest of the System. The Commission's decision shall be deemed permissive and discretionary, and an employee shall have no claim or cause for denial of placement on a reinstatement register.

13.05.06 The Commission may, in its judgment and discretion, provide in the order granting or approving any reduction that the employee shall serve a designated trial period, not to exceed one (1) month's service from the effective date of the reduction, in the position to which reduced for the

sole purpose of satisfying the Commission that employee is capable of satisfactorily performing the functions and duties of such position or class.

Provided, the Commission may for cause shown, at any time during the prescribed trial period, extend, shorten, modify or waive in whole or in part the duration or balance of such period.

## **RULE 14 LAYOFFS**

### **14.01 LAYOFFS:**

The Appointing Authority may lay off or reduce an employee when necessary:

14.01.01 For reasons of economy or lack of work; or

14.01.02 Where there are more employees than positions in any class within the department.

### **14.02 LAY OFF ORDER:**

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

14.02.01 Provisional appointees;

14.02.02 Temporary or intermittent employees not earning service credit;

14.02.03 Probationers (except as their layoff may be affected by military service during probation);

14.02.04 Regular employees in the order of their length of service, the one with the least service being laid off first.

### **14.03 LAYOFF OUT OF ORDER.**

The Civil Service Commission may grant permission for layoff out of the regular order, upon showing by the department head of a necessity therefore in the interest of efficient operation of the department, after giving any affected employee or employees an opportunity to be heard.

### **14.04 REDUCTION IN LIEU OF LAYOFF.**

At the time of any layoff, a regular employee or a promotional probationer, shall be given an opportunity to accept reduction to the next lower class in a series of classes in his department, or he may be transferred as provided by Rule 13.03.03,

### **14.05 TRANSFER IN LIEU OF LAYOFF.**

An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with Service Credit Rule 12.

### **14.06 REEMPLOYMENT LIST:**

The names of persons laid off or reduced in accordance with these Rules shall be entered upon a re-employment list in inverse order of layoff. When a vacancy occurs the department head shall appoint the person highest on the reemployment list who is available.

**14.07 NAMES DROPPED:**

Names of persons laid off or reduced in lieu of layoff shall be carried on a reemployment list for two years, except that the names or persons appointed to permanent positions of the same level as that from which laid off shall, upon appointment, be dropped from the list. Persons reduced or reemployed on a temporary basis shall be continued on the list for the higher class for two years.

## **RULE 15 LEAVES OF ABSENCE**

### **15.01 DURATION OF LEAVES.**

15.01.01 Leaves of absence from regular duty without pay, may be granted by the Appointing Authority bearing favorable recommendation from the department head when such leave is in the best interest of the City of Mount Vernon. Whenever such leave is for longer than sixty (60) days, it must also be approved by the Commission.

15.01.02 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 in the best interest of the City.

### **15.02 CANCELLATION/REVOCAION.**

Any or all leaves of absence without pay within a department may be cancelled whenever any necessity arises in the good-faith judgment of the department head. Cancellation must be approved by the Appointing Authority. A department head may recommend that an individual employee's leave without pay be revoked if it is found that the employee is using the leave for purposes other than that for which it was granted. Employees may be ordered to return to work immediately or as soon as practicable on written notice from the department head of the cancellation or revocation of leave. A copy of such notice shall be filed with Chief Examiner.

### **15.03 OTHER OFFICES**

#### **15.03.01 LEAVE TO TAKE CITY OFFICES.**

Whenever a regular employee is appointed or elected to any office of the City which is exempt from Civil Service, including, but not limited to, an office which is the head of a department and the Appointing Authority approved such leave, the Commission shall grant the leave, and such employee must take a leave of absence from the Civil Service position, without pay thereof, for the entire length of time that the office is held. Original probationers so appointed may be granted such leaves, depending upon the circumstances of each particular case, or they may be dropped from the service upon assumption of office.

#### **15.03.02 LEAVE TO TAKE OTHER PUBLIC OFFICE.**

Whenever a regular employee is elected or appointed to a salaried elective office, or is appointed to a salaried appointive office of the State of Washington or of any of its political or municipal subdivisions or corporation other than the City or of the United States or any of its agencies, commissions, board or departments, and the Appointing Authority approved the leave, the Commission may grant such employee, upon written request a leave of absence without pay for the entire length of time that such office is held, or for such shorter, designated time, and upon such terms and conditions as the Commission may deem proper in the particular case, consistent with the best interests of the city and the Civil Service System. Original



probationers so elected or appointed shall not be granted such leaves, but shall be dropped from the service upon assumption of the office.

If a regular employee so elected or appointed fails to file a request for a leave of absence, or if such request is denied, the employee may be separated from the service upon assumption of the elective or appointive office.

**15.04 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.

**15.05 MILITARY LEAVE.**

See City Handbook – Military Leave Policy and state and federal law relating thereto.

**15.06 FILLING VACANCY.**

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

**15.07 PROTESTS.**

All protests to any action pertaining to leaves of absence shall be filed with the Chief Examiner within ten (10) days of notice of such action. The Chief Examiner shall give due consideration to and take appropriate action on all timely-filed protests and forward to the Commission for approval.

## **RULE 16 RESIGNATION**

### **16.01 HOW SUBMITTED.**

Resignation of any employee from the service shall be made in writing and filed with the Chief Examiner.

### **16.02 WITHDRAWAL OF RESIGNATION.**

The Chief Examiner may permit the withdrawal of a resignation only upon a written request filed within [three hundred sixty-five (365), (See Rule 9.04) days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the department head and approved by the appointing authority.

### **16.03 INVOLUNTARY RESIGNATION.**

Any resignation may be voided and set aside and the employee reinstated or restored to active duty by order of the Commission upon its determination that the resignation was made involuntarily or under duress or coercion, after giving the department head reasonable notice and an opportunity to be heard on the matter. Such action by the Commission may only be taken upon the written petition of the resigned employee filed with the Human Resources Director within thirty (13) calendar days from the effective date of the resignation. If no such petition is filed within the thirty (30) day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.

### **16.04 IMPLIED RESIGNATION.**

The department head may presumptively consider any employee to have impliedly resigned upon finding that such employee has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for five (5) or more consecutive working days for Police or two (2) consecutive 24-hour shifts for Fire Personnel or has quit or "orally resigned" and has been absent from duty for three (3) or more consecutive working days for Police or two (2) or more consecutive shifts for Fire shift personnel without leave or authorization. An employee will not be determined to have resigned under this rule until five (5) calendar days after proof of service of a written notice by delivery or by registered or certified mail to the employee's last known address as filed with the Human Resources Director. No resignation order shall take effect if, prior thereto, the employee reports for active duty, applies for restoration or reinstatement, or otherwise gives notice to the department head or the Human Resources Director which, in the judgment of the Commission, rebuts the presumption of resignation.

## **RULE 17 DISCIPLINE, SUSPENSION, DEMOTION & DISCIPLINARY ACTIONS**

### **17.01 DISCIPLINE – CAUSE - ILLUSTRATED.**

The following are declared to illustrate adequate causes for discipline; discipline may be made for any other cause:

- 17.01.01 Incompetency, inefficiency, inattention to, or dereliction of duty;
- 17.01.02 Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any other act of omission or Commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself;
- 17.01.03 Mental or physical unfitness for the position which the employee holds;
- 17.01.04 Dishonest, disgraceful, or prejudicial conduct;
- 17.01.05 Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service;
- 17.01.06 Conviction of a felony, or a misdemeanor involving moral turpitude;
- 17.01.07 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;
- 17.01.08 Willful or intentional violation of any lawful and reasonable regulation (including safety), order or direction made or given by a superior officer;
- 17.01.09 Willful or intentional violation of any of the provisions of these rules.
- 17.01.10 Any other cause, act or failure to act which, under law or these Rules, or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

### **17.02 SUSPENSION.**

- 17.02.01 A department head may suspend a subordinate with pay for cause.

17.02.02 A department head may recommend to the appointing authority a suspension of a subordinate without pay, for a period not to exceed thirty (30) days for cause.

17.02.03 Any deprivation by a department head of any vacation or other paid leave, compensatory time-off or other privilege involving pay or compensation either directly or indirectly, to which an employee is otherwise entitled under law and these Rules, shall be deemed to be a suspension without pay and shall be subject to the above provisions. All suspensions without pay must be approved by the appointing authority and are subject to the Pre-Disciplinary Hearing (see Chapter 18).

### **17.03 DEMOTION - DISCHARGE.**

17.03.01 The department head may recommend discharge of an employee or a demotion of an employee to a lower class for cause. If an employee is demoted, he or she shall lose all rights to the higher class. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer. All demotions and discharges are subject to the Pre-Disciplinary Hearing.

17.03.02 The Chief Examiner shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class. The demoted employee may be required to actually serve a trial period in the class to which demoted, for such time and upon such terms and conditions as the head of the department may provide in the demotion order, for the sole purpose of determining the capability to satisfactorily perform the functions and duties of such class.

17.03.03 Upon the satisfactory completion of the prescribed trial period or upon the effective date of the demotion if no such period is required, the demoted employee shall have the status, rank and standing of the lower class to which demoted, and such class and department shall be deemed to be the employee's regular class and department for purposes of these Rules until an authorized change is made.

## **RULE 18 PREDISCIPLINARY HEARING**

### **18.01 PREDISCIPLINARY HEARING - REQUIRED.**

A department head shall provide notice to the Human Resources Director and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate. The hearing under this Rule 18 is not subject to Rule 19, and does not require witnesses, presentation of evidence or other formalities. It is an opportunity for an employee to present to the appointing authority the employee's response prior to the decision on discipline.

### **18.02 PREDISCIPLINARY HEARING - STANDARDS/NOTICE OF DISCIPLINE.**

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

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

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

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

18.02.05 The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to an employee.

## **RULE 19 HEARINGS**

### **19.01 HEARINGS - APPEALS.**

- 19.01.01 Any regular employee who is demoted, suspended or terminated may appeal such action to the Commission.
- 19.01.02 Any employee who is alleged to be probationary by the disciplining department may only appeal to the Commission issues regarding probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.
- 19.01.03 Any employee, or department, who is adversely affected by an alleged violation of Civil Service or City ordinances/policy may appeal such violation to the Commission.

### **19.02 APPEALS – TIME - FORM.**

A notice of appeal shall be filed at the Commission offices within thirty (30) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal.

### **19.03 EXHAUSTION OF ADMINISTRATIVE REMEDIES.**

- 19.03.01 The Chief Examiner may direct the employee to exhaust available administrative procedures regarding a disciplinary matter before scheduling the matter for hearing before the Commission.
- 19.03.02 If the employee exhausts the available administrative procedures and continues to believe that cause has not been shown, the employee may within ten (10) days after the final step of the procedure request the Chief Examiner to return the appeal to the Commission for hearing.

### **19.04 AUTHORITY OF CHIEF EXAMINER AND STAFF.**

- 19.04.01 The Chief Examiner to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Chief Examiner may also conduct pre-hearing settlement conferences (in order to encourage resolution of contested matters), issue subpoenas for depositions and for hearings.
- 19.04.02 The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall

either dismiss the report or appeal as being without basis or set the matter for a full hearing.

19.04.03 As an aid to investigations authorized by the Commission, the Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder or otherwise of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

19.04.04 The Commission may direct a hearing officer of its selection to carry out the proceedings, including the activities of the Chief Examiner, under Rule 19.

#### **19.05 APPEALS - INITIAL REVIEW.**

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

#### **19.06 APPEALS - NOTICE OF HEARING.**

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

#### **19.07 APPEALS - AUTHORITY OF DEPARTMENT.**

The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

#### **19.08 SERVICE OF PROCESS - PAPERS.**

19.08.01 The Commission staff shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or paper.

19.08.02 All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, [electronic mail]

or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers or by certificate of any attorney or Chief Examiner.

- 19.08.03 Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or inter-city), upon properly stamped and addressed deposit in the mail system.
- 19.08.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the Commission office. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in such brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.
- 19.08.05 An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

#### **19.09 DISCOVERY.**

- 19.09.01 Parties to a proceeding are required to provide to each other reasonable access to and discovery of all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Chief Examiner.
- 19.09.02 Upon the failure of any party to comply with an order of the Chief Examiner compelling discovery, the Chief Examiner shall schedule the matter before the Commission for review and determination of appropriate sanctions.

#### **19.10 SUBPOENAS.**

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



- 19.10.02 Upon application of any party or his/her representative, the Chief Examiner shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having the subpoena properly served. Requests for subpoenas shall be submitted to the Commission offices at least three (3) days prior to the hearing.
- 19.10.03 Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.
- 19.10.04 The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office, and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.
- 19.10.05 Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:
- (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
  - (2) Condition denial of a motion to quash or modify upon just and reasonable conditions.

### **19.11 BURDEN OF PROOF.**

At any hearing on appeal from a demotion, suspension or termination, the disciplinary authority shall have the burden of showing by a preponderance of the evidence that its action was for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

### **19.12 EVIDENCE.**

- 19.12.01 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.
- 19.12.02 A witness in any hearing may be examined orally, under oath or affirmation and shall be subject to cross-examination by opposing parties and the Commission.

- 19.12.03 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- 19.12.04 At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Chief Examiner.
- 19.12.05 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.
- 19.12.06 An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.
- 19.12.07 **EXCLUSION OF WITNESSES**  
The Commission or Hearing Board may, at its discretion exclude witnesses not under examination, except the Chief Examiner, the petitioner, petitioner's legal counsel, the disciplinary authority, and legal counsel for the disciplinary authority.
- 19.12.08 **FAILURE OF PETITIONER TO APPEAR**  
In the case of hearings on a discharge, demotion, or reduction of an employee, the failure of the employee to appear in person or by legal counsel at the time and place set for such hearing without good cause therefor being given to the Commission in advance shall be deemed a withdrawal of this petition and consent to the action or ruling from which the appeal was taken. In hearings other than discharge, demotion, or reduction, appearance of the petitioner may be excused by the Commission.

### **19.13 DELIBERATION.**

The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the Commission shall otherwise be subject to Executive Session Rules under RCW 42.30. No person other than the Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

**19.14 DECISION.**

In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall be issued within sixty (60) days of the close of the hearing of an appeal or other proceeding heard only by the Commission. Absent the consent of an appellant to an extension of time, failure to issue a decision within the time prescribed shall result in an appeal being sustained.

**19.15 REMEDIES.**

The Commission may issue such remedial orders as deemed appropriate.

**19.16 RECONSIDERATION.**

A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

**19.17 WAIVER.**

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

## **RULE 20 RETIREMENT AND DISABILITY**

### **20.01 RETIREMENT.**

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

### **20.02 REINSTATEMENT AFTER DISABILITY RETIREMENT.**

#### **20.02.01 LEOFF I PROCEDURE.**

The Chief Examiner shall follow the rules of the pension system for returning a LEOFF I employee to active service. Upon the LEOFF Board approving the authorization for the employee to return to active service from disability, the Chief Examiner shall return the employee to former employment status or place the employee name on the reinstatement register for an available class.

#### **20.02.02 PERS AND LEOFF II.**

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

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

#### **20.02.03 EFFECT PERS and LEOFF II.**

The name of a employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement register for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Chief Examiner. If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff. Any reinstatement in a class other than that in which last employed shall not result in a promotion.

#### **20.02.04 DISCHARGE FOR CAUSE - EXCEPTION.**

The provisions of this rule shall not apply in the event an employee is discharged from the service, whether or not the employee receives a disability retirement.

## **RULE 21 MISCELLANEOUS**

### **21.01 REPEALS AND SAVINGS.**

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

### **21.02 COMPUTATION OF TIME.**

21.02.01 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a City legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a City legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

21.02.02 Any period of time except for the stated period of time set forth in Rules 19.02 and 19.07 may be extended by the Chief Examiner for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the end of the applicable time period.

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

Appendix A

City of Mount Vernon Civil Service – Classification Schedule

Revised April 2022

Class Code Number	Class Title
Police	
100.01	Assistant Chief
100.02	Police Lieutenant
100.03	Police Sergeant
100.04	Police Officer
100.05	Community Service Officer
100.07	Records Specialist
100.08	Administrative Assistant
100.09	Investigations Secretary
100.10	Police Receptionist
100.11	Animal Control Officer
100.13	Outreach Supervisor
100.14	Park Ranger
100.15	Outreach Specialist
100.15	Substance Abuse Case Manager
Fire	
200.01	Assistant Fire Chief
200.02	Battalion Chief
200.03	Battalion Chief/Fire Marshal
200.04	Fire Captain
200.05	Firefighter/Paramedic
200.06	Firefighter
200.07	Administrative Assistant
200.08	Office Assistant II
200.09	Fire Prevention Specialist
200.10	Deputy Fire Marshal
200.11	Nurse Educator

Revision Log

Date	Revision
11/2019	Updated Numbering
11/2019	Revised 2.10 Certification
11/2019	Revised 2.16 – add Classified Service
11/2019	Add 9.2 – Cancellation of Register
11/2019	Revised 10.3 Certification
03/17/2021	Revised 9.04 Rule
07/21/2021	Revised Rule 7 – Applications and Applicants; created Academy Graduate Entry; cleaned up language
04/20/2022	Reclassified the Outreach Coordinator to Outreach Supervisor and added Outreach Specialist and Substance Abuse Case Manager.
05/20/2022	Changed time of regularly scheduled meetings from 4:00 pm to 11:00 am.