

GENERAL RULES AND REGULATIONS
of the
CLALLAM COUNTY CIVIL SERVICE COMMISSION
Pertaining to Civil Service in the
CLALLAM COUNTY SHERIFF'S OFFICE
Revised September 2013

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GENERAL RULES AND REGULATIONS
of the
CLALLAM COUNTY CIVIL SERVICE COMMISSION
Pertaining to Civil Service in the
CLALLAM COUNTY SHERIFF'S OFFICE

In accordance with the provisions of RCW 41.14 pertaining to Civil Service in the Sheriff's Office, the Clallam County Civil Service Commission hereby adopts the following revised Rules:

These Rules may be changed or amended by the Commission periodically as necessary to remain consistent with the RCW, County Resolutions, or other applicable laws, or as determined in the best interests of the County, the Sheriff's Office, or personnel affected by the rules.

RULE 1. - DEFINITIONS

The following definitions shall govern the terms used in these Rules.

- 1.1 **ALLOCATE**
shall mean the act of assigning each position to its proper class.
- 1.2 **APPOINTING AUTHORITY**
means the County Sheriff who is vested by law with power and authority to select, appoint, or employ any deputy, deputies, or other necessary employees subject to Civil Service.
- 1.3 **APPOINTMENT**
means all methods of selection of a candidate for a position.
- 1.4 **CAREER TRACK**
means a grouping of classifications that are determined to be in the same career field.
- 1.5 **CERTIFY**
shall mean the act of the Commission in supplying an Appointing Authority with the names of candidates who are eligible for appointment to the class and positions in the classified service for which certification is requested.
- 1.6 **CLASS OR CLASSIFICATION**
means a systematic arrangement of a position or group of positions that have duties, authority, responsibilities and requirements for education and/or experience sufficiently alike to assign to a single description and pay grade. A particular classification may have multiple position descriptions.
- 1.7 **COMMISSION**
means the Clallam County Civil Service Commission as provided in these Rules and RCW 41.14.
- 1.8 **COMMISSIONER**
means any one of three members of such Commission.
- 1.9 **CONTINUOUS SERVICE or CONTINUOUS MONTH**
means employment in the classified services from the date of employment, unbroken by leave without pay or separation, except that time spent on military leave, Peace Corps duty, leave resulting from a job incurred injury, paid FMLA, or authorized educational leave, all of which shall be included as continuous service for purposes of benefit accrual only. Time spent on all other types of authorized unpaid leave shall not count as part of continuous service; however, employees returning from being laid off shall be entitled to credit for service prior to such leave.

- 1.10 **COUNTY**
means Clallam County, in the State of Washington.
- 1.11 **DATE OF HIRE**
means the actual date an employee first renders paid service in a regular position.
- 1.12 **DAY**
means calendar day unless otherwise indicated.
- 1.13 **DEMOTION**
shall mean the assignment of an employee from a position in one class to a position in a lower class within the same career track, having a lower maximum salary rate, or a reduction in salary to a lower step in the same salary range.
- 1.14 **ELIGIBLE**
shall mean a person listed on an active employment list after satisfactorily passing duty related examination(s).
- 1.15 **EMERGENCY EMPLOYEE**
shall mean any employee whose services are required to meet the immediate requirements of emergency conditions whenever, due to lack of time or otherwise, it is impossible to secure the services of persons through the Civil Service Commission.
- 1.16 **EMPLOYEE**
means any classified person regularly employed in the office of the Clallam County Sheriff, either on a part-time or full-time basis.
- 1.17 **EMPLOYMENT LIST**
shall mean a list of all persons who have qualified for a conditional job offer to positions within a certain class under the provisions of these Rules, and who have not yet been appointed to such class and who have not been removed from such list in accordance with these Rules.
- 1.18 **JOB SHARE**
means a regular, full-time position that is held by two individuals on an interdependent, shared-time basis. The duties and responsibilities of the single position are divided so as to provide total coverage by two partners. Hours of work and benefits are shared by the employees according to the procedures established in Clallam County Administrative Policy.
- 1.19 **LATERAL EMPLOYMENT LIST**
The Lateral employment list shall consist of persons who have taken and passed a Lateral Entry test given by the Commission.
- 1.20 **LAY-OFF**
means a separation from classified service because of a reduction in work force, shortage of funds or materials, abolishment of position, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control. The period of layoff is defined in the labor agreement or Civil Service rules.
- 1.21 **LEAVE OF ABSENCE**
Leave of absence, without pay, may be granted by the Appointing Authority to any person under civil service, PROVIDED that the Appointing Authority gives notice of the leave to the Commission. All temporary employment caused by leaves of absence shall be made from the employment list of the classified civil service. [RCW 41.14.160]

- 1.22 **ORIGINAL APPOINTMENT**
shall mean regular appointment from an employment list to a position in the classified service.
- 1.23 **POSITION**
means a job assigned to a particular classification accompanied by a position description. Positions within the same or different departments that have similar duties requiring similar education and/or experience may be assigned to a single classification.
- 1.24 **POSITION DESCRIPTION**
means a statement of duties required of the individual positions that compose a classification and provides information about position duties, responsibilities, skills and relationships with other positions.
- 1.25 **PROBATION**
shall mean a one-year period during which an appraisal of an employee's skills, aptitudes, and adjustments are made prior to regular appointment in that position [RCW 41.14.130], subject to the provisions of Section 8.3 of this document.
- 1.26 **PROBATIONARY EMPLOYEE**
shall mean any employee who is serving a one-year probationary period prior to being approved for retention as a regular employee upon satisfactory completion of probation. Part-time employees shall serve a period equivalent to one year of service.
- 1.27 **PROMOTION**
shall mean the assignment of an employee to a position in a higher class within the same career track having a higher maximum salary than the position from which the assignment is made.
- 1.28 **PROMOTIONAL LIST**
shall mean an employment list established by a promotional examination.
- 1.29 **PROVISIONAL APPOINTMENT**
means a non-competitive appointment made for a period of not more than four months in any consecutive 12-month period, which shall commence on the date of hire, to fill a classified position pending the establishment of an employment list for the class.
- 1.30 **PROVISIONAL EMPLOYEE**
shall mean any employee filling a provisional appointment position having met the full recruitment requirements of the position.
- 1.31 **QUALIFICATION**
shall consist of meeting the requirements of these rules as well as specific requirements for any position as identified by the Appointing Authority and approved by the Commission.
- 1.32 **REGULAR EMPLOYEE**
means an employee who has satisfactorily completed his/her probationary period and who is employed to fill a regular position.
- 1.33 **RESIGNATION**
means a voluntary termination by an employee including:
- a. Resignation, verbal or written, with or without notice.
 - b. An unauthorized absence of three or more consecutive working days from County employment; unless such absence is due to a major incident which makes it impossible for the employee to

report to work or appropriately notify his/her supervisor of the absence. Examples include but are not limited to failure to return from leave of absence as arranged and failure to return from layoff upon recall.

1.34 **TEMPORARY APPOINTMENT**

means an appointment made to fill a position authorized for up to one year. All temporary appointments shall be made from the employment list of the classified civil service. If no employment list exists, a provisional appointment may be made in accordance with Section 1.29, pending the establishment of an employment list for the class.

1.35 **TRANSFER**

shall mean the assignment of an employee from one position to another within the same class when prior eligibility has been established.

1.36 **VACANCY**

shall mean a position existing or newly created, which is not occupied, and for which funds are available and which is declared a vacancy by the appointing authority.

RULE 2. - ORGANIZATION

2.1 **Commission Created.**

There is hereby created a Civil Service Commission composed of three members who shall be appointed by the Board of County Commissioners. [RCW 41.14.030]

2.2 **Qualifications.**

No person shall be appointed to the Commission who is not a citizen of the United States, a resident of the County for at least two years immediately preceding appointment, and an elector of the County.

2.3 **Term of Office**

The Commissioners appointed shall serve for six years, except that the first three members of the Commission shall be appointed for different terms as follows: one to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed.

2.4 **Removal**

Any member of the Commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance in office, or conflict of interest, or other good cause. Incompatibility as used in this section and in RCW 41.14.030 means holding beliefs or taking actions which are incompatible with merit system principles or the general purposes of Civil Service, or contrary to the interest of good personnel administration. No Commissioner shall be removed unless charges have been preferred in writing and due notice given. A full hearing shall be held before the County Commissioners if the Commissioner contests the charges and requests a hearing in writing directed to the Board of Clallam County Commissioners.

2.5 **Vacancies**

Any vacancy in the Commission shall be filled by the County Commissioners for the unexpired term. Confirmation of the appointment of Commissioners by any legislative body shall not be required.

2.6 **Quorum Requirements**

Two members of the Commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission. The chairman may vote on all matters.

2.7 **Compensation - Duties**

The members of the Commission shall have clearly demonstrated an interest and belief in the merit principles, shall serve without compensation, shall not hold any salaried public office or engage in regular County employment other than Commission duties, shall not have been an officer of a political party for a period of one year immediately prior to such appointment and shall not serve in a partisan elective office during the term to which they are appointed. Any Commissioner who elects to perform an act contrary to this section shall be deemed to have resigned from office as a Commissioner, and to have engaged in conduct which is incompatible under RCW 41.14.030 and these rules.

2.8 **Expenses**

The members of the Civil Service Commission shall be reimbursed for necessary expenses incurred while actually engaged in the performance of their official duties in like manner as is provided by law for County officers.

2.9 **Political Affiliation**

At the time of appointment, not more than two Commissioners shall be adherents of the same political party.

2.10 **Election of Chairman**

Within 30 days of commencement of the full term of a newly appointed member or the vacancy of the office of chairman or vice-chairman, the Commission shall elect a chairman and vice-chairman. Thereafter, the Commission shall elect a chairman and vice-chairman at the regular February meeting in each odd-numbered year. The chairman may rotate every two years.

2.11 **Meetings**

The Commission shall hold regular meetings at least once a month, and such additional meetings as may be required of the Commission for the proper discharge of its duties. [RCW 41.14.050]. Lacking agenda or a quorum, the meeting shall be postponed to the next monthly meeting.

The regular meetings of the Commission shall be held on the second Friday of the month, at 9:00 AM. Additional meetings required to properly discharge Commission duties may be called with proper public notice, on the call of the chairman. A written public record shall be kept by the Commission of all actions of the Commission. The Chief Examiner shall serve as Secretary.

2.12 **Chief Examiner**

[RCW 41.14.050]

- (1) The Commission shall appoint a Chief Examiner, who shall also serve as secretary of the Commission, and such assistants as may be necessary. The Chief Examiner shall keep the records for the Commission, preserve all reports made to it, supervise and keep a record of all examinations held under its direction and perform such other duties as the Commission may prescribe.
- (2) The Chief Examiner shall be appointed as a result of competitive examination, which examination must be open to all properly qualified citizens: PROVIDED, that no appointee of the Commission either as Chief Examiner or as an assistant to the Chief Examiner, shall be an employee of the Sheriff's Office.
- (3) The Human Resources Director of Clallam County is designated as the Chief Examiner for the Civil Service Commission; therefore, the Civil Service Commission recognizes and accepts the testing process used by Clallam County to hire the Human Resources Director.
- (4) 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.

2.13 **Commission - Duties**

It shall be the duty of the Civil Service Commission [RCW 41.14.060]:

- (1) To make suitable Rules not inconsistent with the provisions of the Sheriff's Civil Service Act. Such Rules shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements and demotions, shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this Act, or which may be found to be in the interest of good personnel administration. The Rules and regulations and any amendments thereof shall be reproduced for public distribution. The Commission may amend these Rules, adopt supplemental Rules, and hold such hearings as it finds necessary to perform the duties and responsibilities vested in it.
- (2) To give practical tests which shall consist of subjects which in the judgment of the Commission will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of knowledge, physical fitness and manual skill, endurance, and psychological fitness and suitability.
- (3) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this Act, and the Rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by the Civil Service Act and ascertain whether the Civil Service Act and all such Rules and regulations are being obeyed.
- (4) To conduct hearings and investigations in accordance with RCW 41.14 and by the Rules of practice and procedure adopted by the Commission.
- (5) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee and such other matters as may be referred to the Commission.
- (6) To provide, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish employment lists for the various classes of positions, and provide that persons laid off, or who have accepted voluntary demotion in lieu of layoff, because of curtailment of expenditures, reduction in force, and for like causes, head the employment list in the order of their seniority, to the end that they shall be the first to be re-employed or reinstated in their former job class.
- (7) To certify to the Appointing Authority, when a vacant position is to be filled, on written request, the names of the three persons highest on the Employment List for the class. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year.
- (8) To keep such records as may be necessary for the proper administration of this Act.
- (9) The Commission may submit periodic reports and/or recommendations regarding the activities of the Commission pertaining to the application of merit principles in personnel administration with the Sheriff's Office.

2.14 **Commission Authority**

The Commission has all powers vested in it under Washington law, which shall be executed in a manner consistent with this section.

- (1) The Commission shall afford all parties appearing before it in a contested hearing full opportunity to examine and cross-examine all witnesses and to present any evidence pertinent to the dispute.

- (2) In the course of an investigation or hearing, the presiding officer shall administer oaths, compel attendance of witnesses, and compel production of and examine documents pertaining to the hearing.
- (3) The Commission is not bound by the rules of evidence, and proceedings may be conducted with informality. All relevant evidence is admissible which, in the opinion of the chairman, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. Specific rules are contained in Section 10.10 of this document.
- (4) The decisions of the Commission shall be based solely on the record as presented in the hearing; shall be issued within ten (10) days of the conclusion of the hearing unless extended by stipulation of the parties or on a written order of the Chairman; and shall be final and binding upon all parties to the dispute, subject only to appeal as provided by law.

2.15 **County Assistance**

All employees of the Sheriff's Office and other County Officials shall aid in all proper ways in carrying out these Rules and related Rules as may be adopted and amended periodically, and shall afford the Commission all reasonable facilities and assistance in inspecting all public records related to civil service and by offering testimony and documentary evidence whenever required to do so by the Commission or any Commissioner, or by the Chief Examiner acting on behalf of the Commission. The Commission may utilize the County Human Resources Department to assist in personnel administration, testing, or other matters as directed by the Commission.

- (1) If the Commission finds that a personnel action was discriminatory, the Commission may order appropriate relief, including but not limited to:
 - a. Cease and desist;
 - b. Corrective action such as referral for employment; training; immediate reinstatement or reemployment; restoration of lost wages; restoration of lost service time; and expungement and sealing of records. The sealing of records shall be done in a manner consistent with RCW 42.17.
- (2) Nothing herein shall prohibit the County and an employee or applicant from negotiating and reaching a mutual settlement prior to Commission action.
- (3) Appeals must be filed in accordance with these Rules and Washington law, and shall not be considered filed until received in writing by the Chief Examiner in the capacity as Secretary to the Commission.

RULE 3. - GENERAL PROVISIONS

3.1 **Appointments to be Based Upon Merit**

All appointments and promotions to positions in the classified service shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person in the classified service shall be reinstated, transferred, demoted or removed from any position of employment contrary to the provisions of the Sheriff's Civil Service Act.

3.2 **Authority to Fix Salaries Retained**

All employment within the purview of Chapter 41.14 RCW shall be filled by the Appointing Authority with the consent of the Board of County Commissioners. These Rules shall not infringe upon or diminish such authority that an Appointing Authority may have to fix the salaries and compensation of all employees subject to these Rules. [RCW 41.14.140]

3.3 **Payroll Certification by Commission**

The Commission reserves the authority granted under RCW 41.14.150 to certify the payroll of any employee or officer under the administration of civil service rules, and shall refuse to certify the pay of any officer or employee deemed to have been improperly hired or who willfully or through culpable negligence violates or fails to comply with the rules of the Commission. The Commission designates the County Human Resources Director as its duly authorized agent for purposes of compliance with this provision.

3.4 **Enforcement**

The Commission may begin and conduct civil suits which may be necessary for the proper enforcement of the Civil Service Act and Rules of the Commission. The Commission shall be represented in such suits by the Prosecuting Attorney of the County, or in the case of conflict, independent counsel retained by the Commission.

3.5 **Prohibited Practices**

No Commissioner or any other person, shall, by himself or in cooperation with others, defeat, deceive, or obstruct any applicant or employee in respect of rights of examination or registration according to the Rules and regulations, or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to these Rules and Chapter 41.14 RCW, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered, or certified, to be examined, registered, or certified, or persuade any other person, or permit or aid in any manner any other person to personate another in connection with any examination or registration or application or request to be examined or registered.

The right of any person to an appointment or promotion to any position in a Sheriff's Office shall not be withheld because of race, color, creed, national origin, sex, sexual orientation, marital status, age, political affiliation or belief, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability which is subject to reasonable accommodation, nor shall any person be dismissed, demoted, or reduced in grade for such reason. [RCW 41.14.180]

3.6 **Political Activity**

No public officer whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person in the classified service or promise or threaten to do so for giving or withholding, or neglecting to make any contribution of money, or service, or support, or any other valuable thing, for any political purpose. [RCW 41.14.190] Running for partisan elected office shall be subject to federal law.

3.7 **Violations**

Any person who willfully violates any of the provisions of Chapter 41.14 RCW shall be guilty of a misdemeanor, and upon conviction thereof, may be punished in accordance with and under state law by a fine of not more than \$100 and by imprisonment in the County jail for not longer than 30 days or by both such fine and imprisonment. The Superior Court shall have jurisdiction of all such offenses. [RCW 41.14.220]

3.8 **Severability and Relationship to County and Sheriff's Office Rules and Policies**

If any section, sentence, clause, or phrase of these Rules shall be held to be invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of these Rules. [RCW 41.14.900] These Rules shall take precedence over any conflicting County or Sheriff's Office policy which relates directly to and is inconsistent with these Rules or the proper administration of the civil service system under the jurisdiction of the Commission. Nothing in these Rules shall be construed as limiting the ability of the County and the Sheriff's Office from adopting Rules, policies, or regulations which are not inconsistent with RCW 41.14 and these Rules.

RULE 4. - CLASSIFICATION

4.1 **Classified Service Defined**

The classified service shall include all full-time and part-time employees of the Sheriff's Office, but shall not include emergency employees, grant employees, provisional employees, temporary employees, Emergency Management employees, County Code Enforcement employees, or Reserves and other volunteers.

The unclassified position appointments authorized by RCW 41.14.070 must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, Inspector, Chief Criminal Deputy, Chief Civil Deputy, Jail Superintendent, and Administrative Assistant or Administrative Secretary. The initial selection of specific positions to be exempt shall be made by the Sheriff, who shall notify the Civil Service Commission of his selection. Subsequent changes in the designation of exempt positions may be made only with the concurrence of the Sheriff and the Civil Service Commission, and then only after the Civil Service Commission has heard the issue in open meeting. Should the position or positions initially selected by the Sheriff to be exempt and unclassified pursuant to this section be occupied and covered by these Rules under the classified service at the time of such selection, an employee occupying any such position shall have the right to return to the next highest position or a like position under the classified service. [RCW 41.14.070]

4.2 **Classification Schedule**

The Commission shall provide and maintain a detailed schedule of the classification of positions in the classified service in the form of job descriptions. Such schedule shall be comprised of:

- (1) A grouping of all the classifications by class series or career track under the Clallam County Civil Service Commission.

<u>Support Services</u>	<u>Operations</u>	<u>Corrections</u>
Property & Evidence Manager	Deputy*	Corrections Deputy*
	Sergeant	Corrections Sergeant
		Control Room Technician*
		Food Services Worker*
		Food Service/Laundry Supervisor

*Entry Level Position

- (2) For County payroll purposes, the classified service positions below are designated by the County classification followed by the Civil Service class title in parenthesis:

Support Services
 Administrative Specialist II (Records Specialist)*
 Administrative Specialist IV (Administrative Coordinator)
 Administrative Specialist IV (Civil Deputy)
 Fiscal Specialist III (Jail Medical)
 Fiscal Specialist IV (Senior Account Technician)

*Entry Level Position

- (3) A class title (e.g., Sergeant) shall identify each class; in some cases, a working title may further clarify various position descriptions within each class (e.g., Sergeant assigned to Field Operations).
- (4) Job descriptions setting forth the sum and substance of the duties of the positions within each class including the essential job functions, responsibilities, the activities of the classification, and the levels of education and experience necessary for success on the job.

4.3 **Class Specifications**

The job descriptions of the various positions in the classification schedule shall be used as a guide in the classification of positions and have the following force and effect:

- (1) The job descriptions are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities. Job descriptions are to be interpreted in their entirety and in relation to others in the classification

schedule. Particular phrases or examples are not to be isolated and treated as a full definition of the class.

- (2) In determining the class to which any position should be allocated, the various descriptions of duties in each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualification requirements and relationships to other classes, as together affording a statement of the employment that the class is intended to embrace.
- (3) Described qualifications commonly required of all incumbents of the different classes such as ability to perform essential job functions, United States citizenship, suitable age, honesty, sobriety and industry, shall be deemed to be implied as qualification requirements for entrance to each class even though they may not be specifically mentioned in the specification.

4.4 **Employees to Perform Duties of Their Proper Class**

No Appointing Authority shall require or permit an employee to perform duties outside of the proper class, except for limited periods of time and only in emergencies promptly reported to the Commission. However, these rules shall not preclude an appointing authority from assigning an employee with a disability to perform work in another class during the period of disability, subject to the provisions of Section 8.12 of these Rules.

4.5 **Reporting Violations of Classification Regulations**

Any employee who believes that the duties assigned and being performed are outside the proper scope of the class, shall report the facts to the Commission. The Commission shall investigate fully and shall report its findings to the Appointing Authority and the employee involved.

4.6 **Reallocation**

Whenever it becomes necessary in the administration of the Sheriff's Office to change, add, or take from a position any duty or duties which may change the allocation of the position, the Appointing Authority shall revise the job description to reflect the change, and shall submit the job description to the Commission with a request to determine its proper class.

4.7 **Time for Filing Requests for Reallocation**

Requests for reallocation of a position should be made, whenever possible, before the budget estimate is submitted for the succeeding budget period.

4.8 **Maintenance of Classification Schedule/Job Descriptions**

The Commission shall be responsible for the proper maintenance of the classification plan so that it will reflect continuously on a current basis, the duties being performed by each employee in the classified service, the class to which each position is allocated and the career track to which each class is allocated.

The Commission shall make necessary amendments to the classification schedule including the addition of required new classes, revision of existing classes and deletion of obsolete classes. Changes and reallocations within the classification schedule shall be made as follows:

- (1) The Commission shall analyze the duties and responsibilities as provided in the job description of proposed new positions and using such appraisal as a basis, assign the position to the appropriate class within the classification schedule and the appropriate career track. The Commission shall also determine, after hearing the recommendations of the Appointing Authority, the appropriate minimum qualifications in order to be considered for the classification.
- (2) Changes in the duties and responsibilities of a position involving the addition, reduction, or modification of assignments shall be reported to the Commission by the Chief Examiner. Determination of the nature of work, the general duties, the supervisory responsibility, and selection criteria are the responsibility of the Appointing Authority. If the changes are determined to be permanent and are sufficiently significant to justify reallocation to a different classification,

the Commission shall assign the position to the class which is appropriate under the modified circumstances.

- (3) The Commission may periodically review the classification of positions and audit duties and responsibilities and, on the basis of this reappraisal, make such changes as are necessary to keep the classification schedule up to date and in step with current conditions.

Reallocations of positions under the provisions of this section shall be the responsibility of the Commission. In exercising this responsibility, the Commission shall give due consideration to the recommendations of the Appointing Authority.

4.9 **Status of Employees Affected by Reclassification**

The status of regular or probationary employees affected by reclassification or reallocation occurring in the administration of the classification schedule shall be resolved in the following manner:

- (1) Any employee with regular status in the classified service whose position is allocated to a class in the classification plan which is of a higher level than the class in which the employee has civil service status shall be considered to be a provisional appointee to the higher class. As such, the employee shall be eligible to compete on a promotional basis for the reallocated position notwithstanding existing employment lists for the higher class; provided, however, that such promotional examinations shall be given, or notice of such examinations shall be published, within sixty (60) calendar days of the effective date of the allocation. The names of such employees who successfully pass the examination for the position shall be placed, in accordance with their rank, on the promotional list which exists for that class, if any. No employee shall be promoted or advanced to a higher class by such a change without being eligible for appointment to such higher class by reason of the employee's position on the appropriate employment list. Employees so appointed shall have probationary status in the class. If the employee is not appointed as a result of the examination, the employee shall be assigned or, upon the approval of the Appointing Authority, be transferred to a vacant position having the same classification as that in which the employee has regular civil service status, or, if no vacancy exists the employee shall be placed in the same or lower classification in the same career track, for which the employee is qualified according to seniority. If the employee is placed in a lower class, the employee shall be granted status in the lower class without further examination or loss in pay, and the employee's name shall be placed on the appropriate employment list for the higher class in which the employee hold regular status.
- (2) Incumbents of positions which are reallocated to a class which the commission determines to be substantially equivalent to the positions occupied by such personnel at the time reallocation is taken, shall be given regular status in the positions to which they are allocated.

4.10 **Classification Status of Employees Resulting from Consolidation of Classes**

When the class of work of an employee is consolidated with another class, the employee shall retain the classification status possessed in the former class prior to the consolidation. The employee's name shall automatically be placed on the appropriate employment lists for the former class and the employee shall be reinstated to a position in the former class should such class be re-established.

4.1 **Job-Share at County Discretion**

A position within the classified service may be designated as job-share eligible per Clallam County Administrative Policy at the discretion of the Sheriff.

RULE 5. - APPLICATIONS FOR POSITIONS

5.1 **Announcement of Examinations**

- (1) Public notice of examinations shall be given at least ten (10) days in advance of the last date for filing of

applications by publication in one or more newspapers of general circulation published in the County, by posting announcements on bulletin boards in the corridors of the County courthouse and in such other places and in such other manner at the Commission may deem advisable. A copy of promotional examination announcements shall be provided to each classified employee and posted on official bulletin boards of the department and need not be published in newspapers.

- (2) The County may subscribe to testing services to create testing opportunities throughout the State of Washington. For so long as the County uses subscriber services, it is adopting the testing services policy, attached as Addendum A and B to this policy. Addendum A defines testing for entry level and B identifies continuous testing. (Rev'd 6/10/2005)

5.2 **Content of Announcements**

The examination or promotional announcement shall contain:

- (1) Identification and description of the position or job classification which is intended to be filled through examination or promotion;
- (2) The pay of the positions in the classes for which the examinations are to be held;
- (3) The time, place and manner of making application to admission to such examination;
- (4) A schedule of dates, times, locations and relative weights for all elements of the examination or promotional process;
- (5) Specification of the requirements for participation in the examination process including closing dates for filing applications; and
- (6) Description of the process to be used for the testing, evaluation, and selection of personnel within the selection process.

At the request of the Appointing Authority, or on its own motion, the Commission may require qualifications for lateral entry, including but not limited to Washington certification as a police officer or corrections officer, out of state certification as a police officer or corrections officer, years of service as an officer, or other special skills, experience, or qualifications.

5.3 **Filing of Applications**

All applications must be made upon the application form prescribed by the Commission, filled out completely as directed, and filed with the Chief Examiner on or before the closing date specified in the examination announcement. Each application must be signed by the applicant. Such signature constitutes a certification that all information contained therein is true and complete to the best of the knowledge of the applicant. The Commission may conduct pre-employment investigations to verify the past employment record and to obtain other information relating to the qualifications of the applicant. The Commission may require an applicant to provide substantiation of statements or qualifications.

5.4 **General Requirements for Filing Applications**

- (1) No person shall be admitted to any examination for a position in the classified service until they shall have filed a properly completed application upon the form provided by the Commission.
- (2) Every person making application must meet the requirements as shown in the announcement of examination for the particular position for which the applicant is applying.
- (3) The Commission, after securing the recommendations of the Appointing Authority, may prescribe limits of minimum age and such other specific requirements, physical or otherwise, as in its judgment are required by a bonafide occupational qualification.

- (4) An applicant for a position of any kind in the classified service must be a citizen of the United States who can read and write the English language. [RCW 41.14.100]

5.5 **Rejection of Application**

The Chief Examiner may reject any application or applicant for cause, among which the following shall be sufficient:

- (1) That the applicant fails to meet any of the published requirements for the class for which application is made.
- (2) That the applicant does not meet a bonafide occupational qualification.
- (3) For any of the causes enumerated in Section 9.4.
- (4) That the applicant has made false statement in the application with regard to any material fact, or failed to furnish true and complete statements in the application or in an interview. That the applicant failed to properly complete the application form provided by the Commission.
- (5) That the applicant, after notification, did not promptly appear at the proper time and place designated for any portion of the examination.
- (6) That the applicant practiced or attempted to practice fraud or deception in connection with the filing of an application.
- (7) That the applicant used or attempted to use political pressure or bribery to secure an advantage in testing or appointment.

5.6 **Postponement and Cancellation of Examinations**

Any examination may be postponed or canceled at the discretion of the Commission. In either case, each applicant shall be notified of the postponement or cancellation. The Chief Examiner or Commission may postpone an examination or an individuals taking of an examination if the best interests of the county will be served.

5.7 **Rejected Applications**

Whenever an application is rejected, a timely notice of such rejection shall be forwarded to the applicant which shall set forth the reason for such rejection. Any application which is rejected because of defects or omissions may be corrected by the applicant at the Commission office at any time prior to the date of examination. Any person whose application has been rejected by the Chief Examiner may appeal such action to the Commission subject to the rules and procedures contained in Section 11.3.

5.8 **Freedom From Bias**

The application form shall contain no question so formed as to elicit any information concerning political affiliation, sexual orientation, marital status, race, the presence of a sensory, mental or physical disability, or religious affiliations of the applicant.

RULE 6. - EXAMINATIONS

6.1 **Examinations shall be Impartial**

All examinations shall be impartial and shall relate to those matters which test fairly the capacity and fitness of the candidate to discharge efficiently the duties of the position to be filled. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests or any combination of these.

6.2 **Examination Process**

- (1) The Chief Examiner shall formulate, validate and conduct competitive examinations for entrance and promotion in accordance with the principles and requirements of Equal Employment Opportunity laws. The goal of recruitment and all steps of the examination process shall be to serve the dual purpose of providing the best possible candidates for positions while ensuring that the Affirmative Action goals for the County are met.
- (2) Upon request and confirmation of the need from a medical provider, examination procedures will be modified to accommodate disabled persons.
- (3) Tests shall be open to all persons whose applications demonstrate the required qualifications and who may be appointed to a position in the class for which a list is to be established, except as otherwise provided in these Rules. The Commission shall approve such requirements as the Appointing Authority may establish as minimum qualifications and requirements for each classification. These may relate to experience, training, physical condition and health, and other factors which relate to the ability of a candidate to perform effectively the duties of a classification.
 - a. Who May Compete. Examinations designed to establish entrance lists shall be open to all persons who appear to meet minimum qualifications and other requirements for the class as stated in the class specification and as set forth in the announcement.
 - b. Competition in Promotional Examinations. Promotional examinations shall be open to current employees who have acquired regular status, meet the minimum qualifications and tenure as stated in the job description and as set forth in the announcement.
- (4) Continuous Testing – Candidates for Entry Level Corrections Deputy and/or Entry Level Deputy Sheriff may retest for the same position after at least six months has passed from the date of their last test. If the resulting final score is higher than their previous score, the candidate shall be placed according to that score on the applicable employment list.

6.3 Examination Administration

- (1) Scheduling of Examinations. Examinations shall be scheduled at such time or times as the Chief Examiner or the Commission may approve.
- (2) Preparing and Conducting Examinations. The Chief Examiner shall obtain from an appropriate source, prepare or cause to be prepared all examinations, and the testing process shall be approved by the Commission prior to the holding of the examination.

6.4 Character of Examinations

Tests shall be job related and competitive, and must be designed to determine the qualifications, fitness, competence and ability of candidates to perform the duties of the class for which a list is to be established. They may be written, oral or physical in the form of a demonstration of skill, and evaluation of training and experience, or any combination of such types. They may take into consideration education, experience, aptitude, capacity, knowledge, character, physical fitness, length and quality of service, and other qualifications to determine the relative fitness of the candidates. Candidates may be required to pass a background investigation. Once conditionally offered employment, candidates may be required to pass a pre-employment medical examination, a psychological exam, drug test and/or polygraph exam.

6.5 Medical Examinations

Following initial selection from a list, and as one of the post-offer conditions to employment, candidates for positions in the classified service shall be required to undergo and successfully pass psychological and/or medical examinations prior to employment, the purpose of which is to determine the candidate's physical and mental ability to perform the essential duties of the position with or without accommodation, and/or the candidate's ability to perform such duties without posing a direct threat to self or others. Such exams shall be job-related and consistent with business necessity and paid for by the Commission and

shall remain in the custody of the Commission.

6.6 **Rating of Examinations**

The Chief Examiner shall determine a final score for each applicant's examinations. Any physical agility exam will be graded pass/fail. The weight given to any portion of the selection process shall be determined by the Commission prior to announcing the test. The Commission may determine the minimum passing grade on any portion of the test and/or the final combined test score to ensure obtaining the best qualified candidates. The Commission may also elect to determine the final passing score based upon the number of candidates necessary on an employment list to provide the Appointing Authority sufficient eligibles for a period of at least one year or as determined by the Commission. Any candidate who fails to attain at least this minimum grade shall be considered to have failed the examination and shall not be examined on any further parts.

- (1) **Method of Rating.** In all tests, a minimum rating shall be established which is required to achieve eligibility. Such minimum ratings may also apply to the rating on any parts of the test, and candidates may be required to obtain minimum ratings on separate parts in order to receive passing grades, or to be rated on the remaining parts of the tests. The final earned rating of each competitor shall be determined by adding the earned rating on each part of the test in accordance with weights established prior to the date of the test.
- (2) **Rating of Experience and Training.** When a rating of experience and training forms a part of a test, the examiner shall develop procedures for the evaluation of those factors that will serve to assist in the selection of the best qualified candidates. Procedures that are adopted shall give due regard to quality, recency, and amount of experience, and to the pertinency and amount of training. In establishing the value that a rating of experience and training shall bear to the total test, and in determining the length of time for which experience credit shall be awarded, consideration shall be given to the amount of learning time required to perform efficiently the duties of the position.

6.7 **Preference**

(1) **Veterans' Preference.** The Commission shall give a preference status to all veterans as defined in RCW 41.04.005, by adding to the final passing mark, grade, or rating only, a percentage in accordance with RCW 41.04.010. Veteran's Preference points shall only be added to the final passing exam score for the first civil service appointment, and shall not be applied to promotional exam scores, except for the five (5) percent preference awarded to a veteran who was called to active military service from employment with the County, which shall be applied to promotional examinations until the first promotion only. [RCW 41.04.010 (3)]

(2) **Current Service Preference.** Current Clallam County Sheriff Office employees applying for entry level classified positions are eligible for a five (5) percent preference status for current service, which shall be added to the final passing overall score, provided they have served twenty-four (24) consecutive months in their current position, have met all training requirements for their current position, are off probation and have received satisfactory or better written evaluation(s) in their current assignment. This preference shall not be awarded in conjunction with any other preference entitlement.

6.8 **Establishing Answer Key/Challenge to Test Answers**

Where the nature of the examination permits, the Commission may provide for a review by the candidate of the questions and the answers key. Such review shall be for the period of seven (7) days immediately following the examination. During this period, any candidate may review the answer key in the presence of the Commission or its authorized representative, and discuss the answers to which candidate takes exception. No notes shall be made by the candidate. Should a candidate, after such review and discussion, wish to challenge any answer contained in this key, the candidate shall submit to the Commission in writing authoritative proof of the invalidity of the answer the Commission regards as most correct. Any such written challenges must be received by the Chief Examiner within fifteen (15) days of the date of the exam, and shall be considered by the Commission. If the Commission is satisfied as to the validity the candidate's point of view, the proposed changes shall be made a part of the examination answer key. When the correct

answer to any question is changed, all candidates shall be notified of the change and shall be notified of any change to their test score. The Chief Examiner shall re-open the appeal period for appeals to those questions for which the correct answer was changed and all candidates shall be so notified. The original examination answer key, together with any changes, shall constitute the final answer key for the exam. The final examination answer key shall be used in scoring all examination papers.

6.9 **Notification of Results/Errors in Scoring**

Each applicant taking the examination shall be given written notice of the results thereof, and, if applicable, of the final earned rating and relative position on the employment list. Any applicant shall have the right to personally inspect the applicant's written examination papers within seven (7) calendar days after the posting of the employment list resulting from the examination. The purpose of such examination shall be to check for errors in grading or rating and shall not include an inspection of the test questions or answers. Such personal inspection shall be made in the presence of the Chief Examiner or an authorized representative the Commission, and no notes shall be made by the applicant. An error in grading or rating, if called to the attention of the Commission within the inspection period, shall be corrected. Corrections shall not, however, invalidate an appointment previously made, except that, in the case of a promotional examinee, any error discovered within seven (7) calendar days after the posting of the promotional list shall be corrected, and any promotions made on the basis of the error shall be adjusted accordingly.

6.10 **Time Interval**

Any person who competes in an examination for a particular class shall not be eligible to compete in another examination for the same class within six (6) months of the first examination unless otherwise authorized by the Civil Service Commission.

6.11 **Retention**

Examination material shall be retained for six (6) years. Any release of the examination or results of the examination shall be consistent with RCW 42.17.

RULE 7. - EMPLOYMENT LISTS

7.1 **Establishment of Lists**

The Commission shall establish and maintain lists of eligibles necessary to provide an adequate supply of qualified candidates for positions in the classified service. Lists shall be established by class of employment.

- (1) **Employment Lists**. An employment list shall be established and maintained for each class of positions to be filled on an entrance basis and shall consist of the names of all persons who have passed the examinations for that class. At the request of the Appointing Authority, subject to the provisions of the Commission may also establish and maintain lateral employment lists for each class of positions to be filled on an entrance basis.
 - a. **Laid-off Employees**. Each employment list shall be headed by the names of persons who have been classified employees and who were laid off from a position in that class because of shortage of funds, lack of work, abolishment of position, or for other reasons beyond the control and through no fault of the employee.
 - b. **Employees Returning from Leaves of Absence**. Following the names of employees described in sub-paragraph (1) a. above, names of employees returning from a one year leave of absence as established in Rule 8.15 (1) shall be placed on the list in order of the date of their request to return.
 - c. Following the names of employees described in (1) a. and (1) b. above, names of employees laid off from other classes who have been found qualified for the class for which the list exists. The names of these employees shall be placed in order of seniority in the classified service.

- d. Eligibles. Following the names of employees described in subparagraph (1) a., b. and c., names of eligibles shall be placed on lists in the order of their final earned ratings plus any preference credits to which they may be entitled. Where ties exist, names shall be arranged in order of the candidate whose application was received first.
- e. Part-Time Employees. Upon establishment of a new employment list, currently employed part-time employees hired from an expired employment list for the same classification will be placed on the new list with the numeric score from the list being replaced. Part-time employees may choose to retake the examination and will be placed on the new employment list according to the higher of the two most recent scores for that classification. Part-time employees may choose to retake the examination and will be placed on the new employment list according to the higher of the two most recent scores for that classification. Part-time employees who fail a subsequent test for that classification for full-time employment shall not be removed from their part-time position as a result of their test score. (Revised 11/12/99)

Part-time employees in a classification that requires a Basic Corrections Academy Certification shall be removed from the full-time employment list for the classification in which they are employed in a part-time capacity upon appointment to that position. (Added 11/9/2007)

- (2) Promotion Lists. A promotion list shall be established and maintained for each class of positions to be filled on a promotional basis and shall consist of the names of all employees who have passed a promotion test for the class. Where there are less than four positions in a promotive classification, a promotion list for such classification need not be established and maintained until such time as it is necessary to fill a vacancy therein by appointment in accordance with these Rules.
 - a. Demoted Employees. Each promotion list shall be headed by the names of persons who have been classified employees and who were demoted or reclassified to a lower class from a position in that class because of shortage of funds, lack of work, abolishment of positions, or for other reasons beyond the control and through no fault of their own. Any classified employees who are either demoted or reclassified to a lower class for the above reasons shall be appointed to any vacancy for which they are qualified prior to the selection of candidates from employment lists.
 - b. Employees Returning from Leaves of Absence. Following the names of employees described in subparagraph (2) a. above, names of employees returning from a one year leave of absence as established in 8.15 (1) shall be placed on the list in order of the date of their request to return.
 - c. Eligible Employees. Following the names of employees described in subparagraph (2) a. and b. above, names of eligibles shall be placed on lists in the order of their final earned ratings. Where ties exist, names shall be arranged in order of the candidate whose application was received first.

7.2 Duration of Lists

- (1) Employment Lists/Lateral Employment Lists. The duration of an employment list or lateral employment list is limited to twelve (12) months from the date the list was established. An employment list or lateral employment list may be extended not to exceed an additional twelve (12) months if, in the opinion of the Commission, the best interests of the classified service would be served thereby. An employment list or lateral employment list may also be canceled when it contains less than three. Except for individuals on lay-off status, or who are demoted, or returning from a one year leave of absence, or those who have qualified after lay-off from another class,

eligibles remaining on the employment list when the list expires or is cancelled shall be re-tested in order to be placed on the new employment list.

- (2) Promotion Lists. The duration of a promotional list is limited to twenty-four (24) months from the date the list was established. A promotion list may also be canceled when less than three eligibles remain on the list to be certified by the Commission for an existing vacancy. Except for individuals on lay-off status, or who are demoted, or returning from a one year leave of absence, eligibles remaining on the employment list when the list expires or is cancelled shall be re-tested in order to be placed on the new employment list.

7.3

Removal of Names

- (1) The Commission or Chief Examiner may remove a name from a list permanently or temporarily for any of the reasons set forth in Rule 5, and for the following reasons:
- a. Certification and appointment to fill a classified position.
 - b. Failure to respond within ten (10) days from the date of mailing to a written inquiry of the Chief Examiner or Appointing Authority relative to availability for appointment.
 - c. Failure to respond to notice to appear for employment interview within the time prescribed in the notice.
 - d. Refusal of offer of an appointment. The Commission may consider mitigating circumstances.
 - e. Failure to report for duty within the time specified by the Appointing Authority.
 - f. Expiration of the term of eligibility on the list.
 - g. Failure to maintain a record of his/her current address with the Commission as evidenced by the return of a properly addressed, unclaimed letter, or other evidence.
 - h. Willful violation of any of the Rules of the Commission.
 - i. In the case of promotion lists, separation from the classified service.
 - j. Upon a finding by the Chief Examiner or Commission that the person is not qualified to perform the duties of the class.
 - k. Upon written request of the eligible to have his/her name removed.
 - l. Making a false or misleading statement on an employment application, or for attempted deception or fraud in connection with any test.
 - m. Physical or mental inability to perform the essential duties of the job with or without reasonable accommodation and/or to perform such duties without presenting a direct threat to self or others.
 - n. Failure of any portion of an examination, including but not limited to polygraph or background.
- (2) Notification of those whose name is removed from a list shall be promptly made by the Chief Examiner in writing, and mailed to the address of record with the Civil Service Commission. The reason for such removal shall be given.

7.4 **Restoration of Names to Employment Lists**

An eligible whose name is removed from a list may make a written request to the Chief Examiner for restoration of the name to the list. The request must be postmarked within fifteen (15) days of mailing by the Commission of notice of removal. The request must specify the reasons advanced for the requested restoration. The Chief Examiner, subject to appeal to the Commission, shall determine whether evidence submitted justified approval of the request. The Commission may restore the name to the employment list.

7.5 **Availability of Eligibles**

It shall be the responsibility of the eligibles to notify the Commission in writing of changes in address, or other changes that may affect availability for employment. However, the Chief Examiner may periodically circulate lists or use other methods to determine current availability of eligibles.

RULE 8. - APPOINTMENTS, PROMOTIONS, AND TRANSFERS

8.1 **Appointment.**

- (1) The Appointing Authority has the right to not fill any subordinate position under his or her authority due to economy, lack of funds, operational efficiency, or other good cause. A vacancy shall not be authorized and shall not be filled until it is declared as a vacancy by the Appointing Authority.
- (2) All appointments to classified service shall be made in accordance with these Rules. When a classified position is to be filled, the names of the three highest ranking eligibles for the class of the position shall be considered by the Appointing Authority. If the employment list contains names of individuals either laid off or demoted through no fault of their own, or returning from leave of absence, the Appointing Authority shall reappoint these individuals, prior to the hiring of candidates from any list, in inverse order of seniority.

8.2 **Certification**

No person shall be appointed or promoted to a position in the classified service unless certified as eligible.

- (1) **Employment Lists.** Upon receipt of a request for certification of eligibles, the proper number of available eligibles from the appropriate list shall be certified by the Chief Examiner. If no appropriate list exists, the Commission shall determine the appropriateness of authorizing a provisional appointment as defined in Section 1.29 of these Rules. If no names of laid off or demoted employees exist for the class, at the election of the Appointing Authority, certification may be made from the promotion list for the position, or from the employment list or lateral employment list for the position.
- (2) **Order and Number of Names Certified.** Names shall be certified in order of standing on the list. The number of names certified from an employment or promotional list shall be three (3) plus one for each additional vacancy. If less than three (3) eligibles exist on the list, the number of names existing on the list shall be certified. (Revised 11/12/99)
- (3) **Certification and Appointment of Part-Time Employees for Full-Time Positions.** Employees hired from an employment list to fill part-time positions shall remain on the employment list and may be considered by the appointing authority for full-time vacancies only when their names are certified by the Commission as one of the top three (3) on the employment list. (Revised 11/12/99)

Those part-time employees filling positions that require Basic Corrections Academy Certification shall be removed from the employment list upon appointment and may be considered by the Appointing Authority for full-time vacancies before consideration from the most current employment list, providing they have completed the Basic Corrections Academy Certification. (Added 11/9/2007)

- (4) **Notification of Eligibles.** Whenever the name of an eligible is certified, the Commission shall

provide for appropriate notification to such candidate.

- (5) Action Required of Appointing Authority. Reports of actions taken on certified eligibles by the Appointing Authority shall be recorded in the records of the Commission. Fair consideration must be given to all names certified. The following actions by the Appointing Authority or his designees are allowed and/or required:
- a. Conduct a background investigation to determine the eligible's suitability for the position.
 - b. Personally interview each candidate utilizing job related criteria. Promotional examination interviews shall utilize an applicant's prior performance evaluations for the purpose of examining candidate background, professional development, knowledge, abilities and suitability for the position being tested.
 - c. If the Appointing Authority determines that candidates on a certified list are not suitable for the position to be filled based on any of the criteria listed in subsection (1) of this section, the Appointing Authority may request that the Chief Examiner supplement the list with additional names and strike from the list those candidates who have been deemed unsuitable. In addition, if the Appointing Authority determines in the course of an interview or other testing that one or more of the eligibles certified is unsuitable for the position to be filled, the Appointing Authority may request removal of the name from the list and certification of additional names.
 - d. Notify the Commission of each selected candidate and, after a conditional offer of employment, when applicable, conduct a pre-employment medical examination and/or drug screen to verify suitability for employment. Request a polygraph test and psychological testing conducted through the Commission.
 - e. Appoint a certified candidate following satisfactory completion of all testing and interviews.
- (6) Restoration of Names to List. The names of those persons certified but not appointed shall be restored to the lists unless disqualified or rejected.

8.3 Probation.

- (1) All classified positions shall include a probationary period to determine the employee's merit and fitness for the job. Probation is considered as part of the regular examination process, and shall be in effect for twelve (12) months, or its equivalent for part-time employees, and shall extend until the Appointing Authority releases the probationer from probation based upon a favorable written performance evaluation which shall be issued at the end of the twelfth month of service. (Rev'd 2/7/2003) For the classification of Deputy Sheriff, the probationary period shall begin one day after graduation from the Basic Law Enforcement Academy. (Rev'd 8/17/2007)
- (2) A probationary employee in an initial appointment within any career track may be dismissed at any time during probation if, in the opinion of the Appointing Authority, continuance in service is not in the best interest of the Sheriff's Office because the Appointing Authority, in its sole discretion, determines whether the person is unfit or unsatisfactory for further service in the position.
- (3) A probationary employee in a promoted position who does not fulfill the requirements of the position shall have rights to return to the former classification.

8.4 Provisional Appointment

Whenever there are urgent reasons for filling a regular position in a class for which appropriate employment lists are not then available, the Appointing Authority may fill the vacancy by a provisional appointment. Provisional appointments shall be terminated at such time as an appointment can be made from an employment list and shall be for not longer than four (4) months. No person shall receive more

than one provisional appointment or serve more than four (4) months as provisional appointee in any consecutive 12-month period, which shall commence on the date of hire. Provisional appointees may be discharged at any time for any reason and shall have no appeal rights. [RCW 41.14.060 (7)]

8.5 **Appointments to Vacancies Resulting from Regular Employees on Indefinite Military Leave of Absence**

A position vacant as the result of a regular employee being on indefinite military leave of absence shall be considered as a regular position and shall be filled in the manner provided for in these Rules and consistent with USERRA regulations, US Code 4301-4335, as amended.

8.6 **Appointments to Vacancies Resulting from Regular Employees on Leave of Absence without Pay for One Year.**

A position vacant as a result of an employee being granted leave of absence without pay for a period of one year shall be considered as a regular position, and shall be filled in the manner provided for in these Rules. [RCW 41.14.160] Appointments to vacancies created as a result of an employee being granted a leave of absence for less than one year shall be temporary and shall be filled by the Appointing Authority from an employment list of the classified civil service.

8.7 **Transfers**

The Appointing Authority may transfer an employee within the same class after taking into consideration the affected employee's preference as far as is practicable. Requests for transfer made by an employee shall be submitted in writing prior to the proposed effective date of the transfer.

8.8 **Acceptance of Provisional Appointment**

A provisional appointment shall not be counted as part of the probationary period in the event of appointment to a regular position.

8.9 **Emergency Appointment**

Whenever an emergency is declared by the County Commissioners and it is impossible to secure the services of persons through the Civil Service Commission, the Appointing Authority may appoint an emergency employee, who may or may not be on any employment list, in order to meet the immediate requirements of emergency conditions such as riots, natural disasters, or search and rescue operations. Within 72 hours, all such appointments shall be reported to the Commission.

8.10 **Temporary Appointments**

Temporary appointments may be made to fill positions for a period of one year or less, and shall be made from an employment list of the classified civil service. The acceptance or refusal of a temporary appointment shall not affect an eligible's standing on an employment list. The period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments to the same position shall not be made so as to circumvent a probationary appointment of a qualified candidate.

8.11 **Disability Accommodation**

An employee temporarily disabled may be returned to duty and be assigned portions of the employee's regular duties or other duties either within the employee's job class or outside the employee's job class consistent with the physical ability and qualifications of the employee. Such temporary assignments may be made in lieu of regular Civil Service appointment procedures for permanent appointments and may be made at the discretion of the Appointing Authority. The employee shall be returned to a position in the employee's regular classification when physically able to perform the duties of the position. Decisions made relative to this section shall be based upon written recommendation of the employee's and/or County's physicians. Failure of the employee to obtain and cooperate with such medical evaluation shall be cause for discontinuing or declining a disability appointment.

8.12 **Appointment to Exempt Positions and Return to Classified Position**

Any classified employee may take an appointment in an exempt position in the same county and maintain the right to return to any previously held classified position at the conclusion of such appointment.

Previously held position shall mean any position for which the employee successfully completed probation. Such employees must apply to return to classified service within thirty (30) days of termination.

Upon his or her request for return to a classified position, the employee's seniority standing and benefits shall be computed on the same basis as though he or she had rendered continuous service in the classified position from which he or she was appointed during the time of exempt appointment, with a deduction of benefits, computed on the basis of service in a classified position, accrued during the time of exempt appointment.

8.13 **Appointment of Classified Employee to a Position Outside of the Employee's Present Career Track**

When a classified employee accepts a position in a class outside of his present career track due to eligibility on an employment list, the employee may return to his previous position only after he has successfully retested for his former position, is placed on the employment list for that position, is certified by the Commission, and is approved by the Appointing Authority to return to his former position.

An employee accepting a position outside his career track may, at the discretion of the Sheriff, be granted a one year leave of absence from his former position, pursuant to Section 8.15 (1). Any request by the employee to return to his/her former position must be made within one year. Reinstatement to the employee's former position will be subject to the provisions in these rules. (Rev'd 12/19/2003)

8.14 **Seniority**

Seniority as used in these rules shall be applied as follows:

- (1) Date of seniority shall mean the date of hiring in the classified service to a position within the employee's career track, as defined in Rule 4. Seniority shall not transfer between career tracks. Provisional, temporary or emergency appointments shall not be included when calculating the seniority date.
- (2) Classified employees promoted within career tracks shall continue to gain seniority within all subordinate classifications which the employee has held in that career track.

8.15 **Leaves of Absence**

Leaves of absence, with or without pay, may be approved by the Appointing Authority for any classified employee with the following restrictions:

- (1) Leaves of absence for one calendar year. An employee receiving a leave of absence for one calendar year shall be required to make a written request to the Appointing Authority to return to duty within one calendar year from the date the leave started. Failure to make a written request within one calendar year shall result in termination of the employee. Upon a request to return made by the employee, the Appointing Authority shall return the employee to his or her normal position, a similar position in the same classification, or a lower position for which the employee is qualified (within the same career track) when the first vacant position is filled by the Appointing Authority. The employee on leave shall not displace a current classified employee.
- (2) Return of employees granted one calendar year's leave of absence shall be subject to the provisions of Section 7.1 (1) b. of these Rules. Employees who have properly requested return to work and because of non-availability of vacant positions have been off the job for more than twelve (12) months, shall be required by the Appointing Authority to successfully complete a psychological, polygraph, medical, drug test, and physical fitness examination prior to returning to work.
- (3) Leaves of absence for less than one calendar year. An employee receiving a leave of absence for less than one calendar year shall be required to submit a written request for return to work to the Appointing Authority prior to the expiration of the leave period. Upon receipt of a written request, the Appointing Authority shall return the employee to his or her regular position or a similar position within the same classification. Failure to request return to work within the specified

period shall result in termination of the employee.

RULE 9. - TENURE, DEMOTION, SEPARATION, SUSPENSION

9.1 **Tenure of Office**

The tenure in office of every regular employee shall be conditional upon good behavior and satisfactory written performance evaluation. This provision, however, shall not be interpreted to prevent the separation of an employee for cause, because of lack of funds or curtailment of work, or the creation of a position for an employee in an exempt position returning to classified status, when such action is taken in accordance with these Rules.

If a position is created for the return of an exempt employee, then the order of lay-off shall be based on seniority.

9.2 **Employee Conduct Generally**

The expected standard of conduct for all employees in the civil service shall be consistent with and in the public's interest as opposed to individual interests. Therefore, in order to render the best possible service to the general public and to reflect credit on the Civil Service in the Sheriff's Office, high standards of conduct are deemed essential. The tenure of every employee shall be conditioned on good conduct and satisfactory performance of duties.

All employees in the classified service during their period of employment may be required by the Appointing Authority or the Commission, to undergo periodic medical, and/or mental examinations at the expense of the Appointing Authority or Commission to determine their continued physical or mental suitability and fitness to perform the work of the position in which they are employed. The Appointing Authority or Commission shall notify the employee in writing of the reasons for the examination. (Upheld by a 7/27/2010 Ninth Circuit Court ruling -- *Brownfield v. City of Yakima*)

9.3 **No Removal, Discharge, Suspension, or Demotion Except for Cause**

No person in the classified service who has been appointed to a position and who has successfully completed the probation period, or inducted into civil service under provisions of these Rules, shall be suspended, removed, discharged, or demoted except for cause, and only upon written accusation of the Appointing Authority or any citizen or taxpayer; which written petition shall be served on the accused and duplicate filed with the Civil Service Commission. Demotion and/or re-assignment will not be allowed between different classifications unless approved by the Commission. [RCW 41.14.120]

9.4 **Causes Enumerated**

Any person appointed to a position in the classified service may be removed or discharged, suspended without pay, demoted or reduced in pay, or be deprived of vacation privileges for any of the following reasons:

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

and duties of any position under civil service;

- (6) Conviction of a felony, or a misdemeanor involving moral turpitude;
- (7) Any other act or failure to act which in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service, including but not limited to:
 - a. Improper or unauthorized use of County vehicles, equipment, or supplies;
 - b. Claim of sick leave under false pretenses, misuse of sick leave or demonstrated inability to attend work regularly;
 - c. Absence from duty without authorized leave;
 - d. Violation of the safety rules;
 - e. Failure to obtain satisfactory performance reviews where failures of performance constitute cause for removal or demotion; and
 - f. Violation of any provision of work rules set forth in the policies and procedures of the Sheriff's Office.

9.5 **Reduction of Force**

The Appointing Authority may lay off any employee, after prior notice in writing, without prejudice, because of lack of funds or curtailment of work. No employee, however, shall be laid off while there are provisional or temporary employees or employees with less seniority serving in the same classification. The order of lay-off due to reduction of force shall be based upon seniority. [RCW 41.14.060 (6)]. Lay-off procedure shall be as follows:

- (1) Employees within the class shall be laid off in inverse order of seniority within the classification.
- (2) Any employee displaced from a class because of reduction in force may displace an employee with less seniority in an equal or lower paid classification which the laid off employee has previously held within the same career track.

9.6 **Qualification of Laid Off Employee for Other Classified Position**

Any individual on lay-off status because of reduction in force shall be allowed to test for any other classified position for which the individual otherwise meets minimum qualifications. The test shall be the same test administered for other candidates for the classification. Any individual passing all portions of the testing shall be placed on the employment list for that classification according to 7.1 (1) d. [RCW 41.14.130]

The Commission shall place the names of employees who are so separated on the top of employment lists by class in order of seniority. Lay-off procedures shall also apply to the situation of an exempt employee returning to a position in the classified service pursuant to RCW 41.14.290.

9.7 **Voluntary Demotion**

An employee may make a request in writing to the Appointing Authority for demotion from a position in one class to a position in a class of lower pay grades within the same career track if the employee meets the minimum qualifications for such classification. If the employee is qualified for a position in such classification, the Commission may approve the request.

9.8 **Dismissal**

The Appointing Authority may dismiss for cause any regular employee.

- (1) When an Appointing Authority believes cause for dismissal exists, the Appointing Authority shall give the employee, whose dismissal is under consideration, written notice containing:
 - a. A statement of improper conduct, inadequate performance, or other cause for discipline engaged in by the employee; and
 - b. A statement that dismissal is being considered as a possible sanction to the stated improper conduct, inadequate performance, or other cause; and
 - c. A statement of the time within which the employee may choose to respond to the statement of cause and discipline under consideration.
- (2) An employee who has been notified that dismissal is under consideration must be given at least five (5) days prior to the effective date of such dismissal, to respond to the statements in the notice. An employee may then be dismissed if:
 - a. The employee has responded to the statements in the notice that dismissal is under consideration and the employee's response has been received and reviewed by the Appointing Authority; or
 - b. The employee has not responded to the statements in the notice within the time stated in the notice that dismissal is under consideration.
 - c. The response provided for in this rule shall be voluntary and not compelled in any circumstance. If an extension of time is requested by the employee or the employee's representative, any such extension shall be without pay or charged to earned paid time off if a balance is available for the employee's use.
- (3) Dismissal shall be by written notice to the employee and the Commission setting forth the cause for dismissal. Dismissal may be effective upon delivery of notice of dismissal to the employee or upon any stated time thereafter.
- (4) The Appointing Authority may, as an alternative to electing to account for time pursuant to Rule 9 (2) (c), suspend an employee with or without pay during the time to respond to a notice that dismissal is under consideration if the Appointing Authority believes the good of the service requires the immediate separation of the employee from the employee's assignment. Such action shall not be deemed to constitute discipline. Prior to suspending an employee without pay, the Appointing Authority shall provide the employee notice that such action is under consideration and a statement of reasons, and afford the employee the opportunity to explain why the employee should not be suspended without pay, if such suspension will result in a loss of any prior to the time when the employee's response to the notice of dismissal would otherwise be due and responded to.

RULE 10. - APPEALS

10.1 Form and Content of Appeals

- (1) Appeals Must be in Writing. All appeals must be in writing, addressed to the Civil Service Commission and submitted through the Chief Examiner. They may be mailed, or hand-delivered to the Chief Examiner and date-stamped. They must be received in accordance with the time frame(s) set forth below. All appeals must contain a detailed statement specifying:
 - a. The action being appealed.
 - b. The reasons why the employee believes the action being appealed was not in good faith,

for cause.

c. The corrective action requested.

(2) Filing of Appeals. Filing of all appeals must be in accordance with this rule. Any appeal not filed in conformance with these Rules is null and void, and of no effect.

10.2 Allocation Appeals

(1) If an employee, by reason of reclassification, loses employment in the classified service, such employee shall have the right of appeal to the Civil Service Commission under the provision of and in accordance with the procedures of Section 2 of this Rule.

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

a. The appeal shall be received no later than fifteen (15) days after the allocation approval;

b. The appeal shall set forth the reasons therefore;

c. The appellant shall file the original of the appeal with the Chief Examiner and a copy with the Appointing Authority;

d. The Commission shall consider all such appeals and shall provide reasonable opportunity for each appellant and the Appointing Authority to be heard;

e. The Commission shall notify, in writing, the appellant and the Appointing Authority of its decision, which shall be final. Any decision of the Commission, under this provision, which allocates a position of an employee to a different class in the classification schedule shall be retroactive to the date the appeal was filed. [RCW 41.14.120]

10.3 Appeals from Examinations.

(1) Any candidate for appointment or promotion to a position in the classified service who is aggrieved by the examination process may appeal to the Commission. The appeal must be in writing and must contain a detailed statement specifying:

a. That the candidate had filed with the Chief Examiner a written appeal of examination results within ten (10) days after notice of the results of that portion of the test being appealed;

b. The date of the Chief Examiner's decision;

c. The reasons why the candidate believes that the decision by the Chief Examiner was contrary to the Rules promulgated for examinations, or that the decision was contrary to law, or for a political reason, the candidate was not treated in an equal and fair manner, or that the portion of the test being appealed was invalid;

d. The corrective action being requested.

(2) Such appeal must be received within fifteen (15) days from the date of the Chief Examiner's decision referred to in paragraph (1) b.

(3) The Commission may elect to halt or modify an examination or selection process if the Commission determines that the appeal raises a probability of questionable validity or integrity of the selection process. The Commission may elect to retest any or all portion(s) of the selection process if it determines that any portion of the test is invalid or a clear and material error has been

made.

- (4) A rating in any part of an examination shall not be changed unless compliance with the foregoing conditions has been made and unless it is found by the Commission that a clear and material error has been made. The Commission's decision with respect to a review or change shall be final and shall be entered in its minutes. A correction in the rating shall not affect a certification or appointment which may have already been made from the register. The Commission's decision with respect to any such appeal shall be final and conclusive.

10.4 **Appeal from Removal from Employment List**

A candidate whose name has been removed from an employment list may appeal to the Commission for reconsideration. Such appeal must be filed in writing and postmarked within fifteen (15) days after the date of removal. The Commission's decision with respect to any such appeal shall be final and conclusive.

10.5 **Appeal from Examination Rejection**

Any candidate whose application for admission to an entrance or promotional examination has been rejected may appeal to the Commission for consideration of his qualifications. The Commission shall consider such appeal, if filed in writing and received within ten (10) days after date on which notification was mailed to the applicant. The Commission's decision with respect to any such appeal shall be final and conclusive. Candidates may be admitted to an examination by the Commission pending consideration of a written appeal. Admission to an examination under such circumstances, however, shall not constitute the assurance of a passing grade or a successful appeal.

10.6 **Appeal from Psychological/Medical Examinations**

Where an applicant or employee of the County is determined to be unqualified or unable to perform the essential duties of the position sought or held because of a disability as defined by Washington law, or because the subject's physical or mental health presents a direct threat to the individual or others, and, no reasonable accommodation has been identified that would enable the individual to work in the position to which appointment is to be made or in which the employee is employed, such applicant or employee shall have a period of ten (10) days from the date of notification of such preliminary determination by the Appointing Authority, to appeal in writing to the Commission, the employee's or applicant's intention to challenge any portion of such determination.

The Civil Service Commission may, upon receipt of a timely appeal from an applicant/employee regarding the above determination, consider any additional evidence it deems relevant to the issue of the applicant/employee's disability and/or need for, or the existence of, a reasonable accommodation, on a case-by-case basis. The Commission may give weight to the additional evidence it concludes appropriate, and, in the case of medical or psychological opinions, should rely on such opinions that are based upon the most current medical knowledge and/or the best available objective evidence about the individual's disability and/or need for reasonable accommodation.

Upon a final determination by the Civil Service Commission that an employee is disabled and/or a direct threat in performing the essential duties of the position held or sought, with or without reasonable accommodation, such employee may be separated from County service.

10.7 **Single Commissioner May Investigate**

Any investigation provided by the Rules of the Commission may be made by the Commission or by any Commissioner(s) designated by the Commission for that purpose. No order, decision, Rule, or regulation made by any designated Commissioner conducting any investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members. [RCW 41.14.060 (4)] In appropriate cases, the Commission may retain an outside, neutral investigator to fulfill a particular investigative need, or delegate to the Chief Examiner tasks deemed necessary and appropriate by the Commission.

10.8 **Notice of Hearings**

- (1) Time and Place of Hearings. The time and place of hearing will be set by the Commission Chairman and notice thereof served by the Commission upon the employee affected, and the employee's representative. The Commission shall conduct a hearing within thirty (30) days following receipt of a notice of appeal. Upon a showing of reasonable cause, or upon stipulation by both parties, the hearing date may be extended by the Commission.
- (2) Postponements. Any party who desires a postponement shall promptly, upon receipt of notice of the hearing, make written request of the Commission for such postponement stating the reason. For reasonable cause shown, the Commission Chairman may grant such postponement and may, at any time, order a postponement upon its own motion, with good cause.

10.9 General Hearings Procedure

- (1) The Commission will open the hearing with a brief introduction of the parties and issues.
- (2) Hearings are public meetings open to the public under the Washington Public Meetings Law and RCW 41.14.120.
- (3) Hearings will be conducted in an informal manner, and except as provided in these Rules, shall not be subject to the rules of evidence.
- (4) The parties or their representatives may make opening statements.
- (5) The parties or their representatives may present evidence in support of their respective positions. Cross examination of witnesses will be allowed opposing parties.
- (6) The Commission may question any witnesses as to the facts presented or involved, and the Commission may call witnesses on its own motion to assist it in arriving at a determination.
- (7) Attorneys, representatives or the parties may be allowed time to present oral arguments on the issues to the Commission. The Commission may require written position papers to be submitted within a reasonable time after the hearing by the parties.
- (8) The Commission may impose time limits on questioning in the interest of orderly conduct of the hearing or fairness.

10.1 Specific Procedures

- (1) Oaths and Subpoenas.
 - a. In the course of any investigation or hearing, the Commission or Chief Examiner may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts pertaining to the investigation and also cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas issued by a Superior Court judge in his judicial capacity; and the failure of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this act, and punishable as such. [RCW 41.14.060 (3)]
 - b. If either party desires more than five (5) subpoenas, applications therefore shall be made to the Commission Chairman by written motion for an order allowing the issuance of more than five (5) subpoenas. The motion for additional subpoenas shall be supported by a statement of the party or the attorney seeking the subpoenas which shall set forth the names of such witnesses or documents and the facts expected to be proved by the additional subpoenas. The Commission Chairman shall order as many additional subpoenas for as many witnesses or documents as appear from such statements or

affidavits to be necessary and material to a fair, full and impartial hearing.

- c. Every person served with a subpoena by the Commission requiring his/her attendance before the Commission shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil proceedings pursuant to Washington law, except that no person shall be entitled to any fees or mileage who is employed by the County and is called as witness during the employee's normal working hours. Such costs shall be paid by the party seeking issuance of the subpoena.
- (2) Conference During and Prior to Hearings. During or prior to any proceeding, the Commission may, at its discretion, call the parties together for a conference prior to the taking of testimony or may recess the hearing for such conferences to resolve procedural matters. The results of such conferences shall be summarized on the record.
- (3) Stipulations of Facts and Issues. To expedite the proceedings, the parties shall be encouraged by the Commission in all cases to confer before the hearing for the purpose of stipulating to relevant facts and issues involved in the controversy. Such stipulations shall be binding upon the parties thereto and may be used as evidence in the case.
- (4) Continuances. If it appears on the motion of a party, or on the Commission's own motion, that further testimony or argument should be received, the Commission may in its discretion continue the hearing. The date of such continued hearing may be fixed at the time of hearing or by later written notice to the parties.
- (5) Burden of Proof. In appeals concerning classification actions and the examination process, the party filing the appeal shall have the burden of proof and the burden of going forward with the evidence.
- (6) Rules of Evidence. The rules of evidence at hearings shall be:
 - a. Evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of their serious affairs shall be admissible. Relevant hearsay is admissible provided that (a) the hearsay statement is more probative than other evidence than the proponent could obtain through reasonable efforts, and (b) notice of the intent to offer such hearsay evidence, including full detail of the statement and the declarant's name and address, is given by the proponent to the other party in advance of the hearing to provide a fair opportunity for preparation to meet such evidence.
 - b. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
 - c. All offered evidence, not objected to, may be received by the Commission subject to the Commission's discretion to exclude irrelevant, immaterial or unduly repetitious matter.
 - d. Evidence objected to may be received by the Commission, and in the discretion of the Commission, rulings on its admissibility of exclusion may be reserved until the time the order of the Commission is issued.
 - e. In considering the admissibility of evidence, the Commission may refer to, but is not bound by, the Washington Rules of Evidence.
 - f. The Commission shall take judicial notice of the Sheriff's Office and County Rules, all past and current labor contracts and other matters for which judicial notice is appropriate.
- (7) Conduct of Hearing. A hearing before the Commission is intended solely for the purpose of receiving evidence either to substantiate or refute specific charges relative to the action which the

Commission has been requested to examine. It shall not be an occasion for uttering irresponsible accusations, attacks upon the character or conduct of the employer or employee, or other derogatory matters having no bearing on the actions under consideration. All parties, their representatives, counsel and spectators shall conduct themselves in a respectful manner. Demonstrations of any kind will not be permitted. Failure to comply with this Rule shall be grounds for removal of the person from the hearing.

10.11 **Disposition**

- (1) **Commission Decisions.** Decisions of the Commission shall in all cases be based solely on the record made at the hearing and on legal authorities, including laws, relevant to the dispute. Decisions of the Commission shall be made in writing and in accordance with 41.14.120.
- (2) **Effect of Commission Decisions.** Subject to judicial review pursuant to Washington state law, Commission decisions are final and binding on the parties.

10.12 **Records**

The record of each Commission hearing shall include but not be limited to:

- (1) A statement identifying the dispute and papers related to the appeal;
- (2) All written materials offered to the Commission;
- (3) Evidence and testimony received and considered;
- (4) Matters officially noted;
- (5) Questions and offers of proof, objections and rulings thereon;
- (6) A statement of the final Commission decision;
- (7) The recording of the hearing which shall be either a verbatim written record or mechanical recording.

10.13 **Appeal from Commission Decision**

Upon filing of the appeal in the Superior Court, the employee shall serve the Commission, within thirty (30) days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all papers on file in the office of the Commission affecting or relating to its order, be filed by the Commission with the Court. The Commission shall, within ten (10) days after the filing of the notice, make, certify, and file such transcript with the court. The Commission shall maintain the original of the certified record. Unless earlier obtained by the Commission, the Commission's transcript shall be paid for by the party appealing the decision. Petitioner seeking judicial review shall bear the expense of furnishing the record to the Superior Court.

RULE 11. - INVESTIGATIONS

11.1 **Investigations**

The Commission shall make investigation upon its own motion or upon the petition of any citizen, duly verified and stating that irregularities or abuses exist in the administration of the Civil Service Act or setting forth in concise language in writing the necessity of such an investigation. [RCW 41.14.060 (3)]

11.2 **Investigations--Complaint--Answer**

Whenever such complaint is received by the Commission, the Commission shall provide a copy of the petition or complaint document to the Appointing Authority or other person against whom the complaint is made. Within twenty (20) days following service of the complaint on the Appointing Authority or any other person affected, the party against whom the complaint is directed may file with the Commission, in writing, an answer to the complaint or petition. [RCW 41.14.060] The Commission may determine, after receipt of

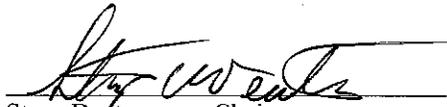
the Appointing Authority's response, that further investigation is necessary and may conduct an investigation of the complaint or direct such investigation be accomplished in whatever manner the Commission deems appropriate.

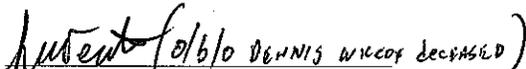
11.3 **Hearing on Complaint**

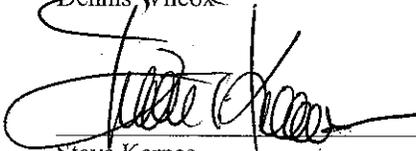
If, in the determination of the Commission, after considering the results of the Appointing Authority's response and any further investigation, a hearing is necessary, the Commission may within thirty (30) days after the date of such determination, conduct a public hearing. At the hearing, the Commission shall review the results of its investigation, and both the petitioner and party against whom the petition is directed shall be entitled to appear and present evidence in their behalf. The Commission shall proceed to hearing and dispose of the matter in a summary manner, and the decision of the Commission in the matter shall be conclusive. [RCW 41.14.060]

Passed and adopted this 13th day of September, 2013.

CLALLAM COUNTY CIVIL SERVICE COMMISSION


Steve Dentermann, Chairman


Dennis Wilcox (01/10 DENNIS WILCOX DECEASED)


Steve Kernes

ADDENDUM A
SUBSCRIPTION TESTING SERVICES
GENERAL RULES AND REGULATIONS
of the
CLALLAM COUNTY CIVIL SERVICE COMMISSION

1. SUBSCRIPTION TESTING SERVICES AUTHORIZED

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

2. PROCESS VERIFICATION

The Chief Examiner shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.

3. APPLICANT ELIGIBILITY

All applicants determined to be qualified by the Subscription Testing Service shall be reviewed and approved by the Chief Examiner. The Chief Examiner shall verify that such applicants meet the minimum qualifications for the position for which the applicant has applied.

4. ADDITIONAL TESTING

Applicants determined to be qualified by the Subscription Testing Service and the Chief Examiner shall be subject to such additional testing as the Commission and/or the Appointing Authority shall direct, including, but not limited to, oral boards, background, polygraph, psychological, physical agility, medical and drug testing.

5. REGISTER PLACEMENT

The names of applicants determined to be eligible pursuant to Subscription Testing Services, Chief Examiner review and additional testing shall be placed upon a register in accordance with his or her overall scores and Veterans' Preference. Such names shall be certified to the appointing authority in accordance with the rules and regulations of this Commission.

**ADDENDUM B
CONTINUOUS TESTING**

GENERAL RULES AND REGULATIONS
of the

CLALLAM COUNTY CIVIL SERVICE COMMISSION

1. CONTINUOUS TESTING ELIGIBILITY LIST

The Chief Examiner may establish a Continuous Testing Eligibility list for use by applicants tested and determined to be eligible through this continuing testing process. The names of applicants shall remain on this list for a period of one year unless removed as specified in Paragraph 5.

2. ADDITIONAL TESTING

Applicants placed upon the Continuous Testing Eligibility List shall be subject to such other testing processes as the Commission shall direct, including, but not limited to, oral boards or any other testing process conducted by the Commission or by a subscriber pursuant to rule. Additional Testing shall be conducted at the convenience of the Commission/Chief Examiner or when necessary to fill vacant positions as determined by the Appointing Authority.

3. CLALLAM COUNTY REGISTER

Applicants determined to be eligible through this continuous testing procedure and through the additional testing in Clallam County shall be placed on a register in accordance with his or her overall scores and Veterans' Preference.

4. CERTIFICATION

Eligible applicants placed upon this register shall be certified to the appointing authority in accordance with the rules and regulations of this Commission.

5. REMOVAL OF NAMES

Names of applicants placed upon either the Continuous Testing Eligibility List or the Clallam County Register may be removed upon acceptance of employment, upon the expiration of one year, upon notification by the applicant, upon acceptance of employment with another public safety employer, upon written notification of the Subscription Testing Agency that the eligible is no longer available or pursuant to Civil Service Rules and Regulations.