

Civil Service Rules

For

Grant County Sheriff's Office

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Grant County Civil Service Rules

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1. General Provisions

- 1.01 Authority and Application.** These rules are promulgated pursuant to the authority granted by Chapter 41.14 RCW, Civil Service for Sheriff's Office. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of Chapter 41.14 RCW.
- 1.03 Scope and Purpose.** These rules govern the continuing administration of the Civil Service System of Grant County. The purpose of these rules is to assure that the Civil Service System in Grant County is administered in accordance with the ordinances and resolutions of Grant County, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.
- 1.05 Presumption of Validity.** This Civil Service System implements these rules to maintain the purpose of civil service systems: merit selection, tenure, and an independent civil service commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with Chapter 41.14 RCW.
- 1.07 Severability.** If any provisions of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.

2. Administration and Operations

Commission – Meetings – Quorum. In the necessary conduct of its work, the Commission shall meet quarterly unless there is no pending business requiring Commission action. The Commission shall conduct hearings as required. Notice of hearings to the public shall be provided as required by these rules. Three members of the Commission shall constitute as a quorum. No action of the Commission shall be effective unless three members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public. PROVIDED, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act. (Chapter 42.30 RCW, as amended).

2.15 **Chair – Vice Chair.** The commission shall elect one of its members as Chair and another member to serve as Vice-Chair for a term of three years or for such term determined by the majority of the commissioners, any person may be elected Chair or Vice-Chair for successive terms. Should a Chair and/or Vice-Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair and/or Vice-Chair.

a. **Rules of Order.** Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of three commissioners such rules may be waived or modified.

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

- 2.08 Commissioners — Challenge – Necessity.** If, as a result of disqualification(s) pursuant to rule 2.07, there is no longer a lawfully constituted quorum available, then by reason of necessity, the disqualified Commissioner(s) shall return and proceed with the hearing.
- 2.09 Office Hours.** The office (and post office) address of the Civil Service Commission is 35 C Street N.W. , P. O. Box 37, Ephrata, WA 98823. The office hours of the Commission will be posted by the Secretary/Examiner.
- 2.11 Public Records.** All requests for Civil Service Records shall be made through the office of Grant County Public Records, per Grant County Resolution 01-75-CC.
- 2.13 Record of Proceedings.** The commission shall keep a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his/her own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission, or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary.
- 2.15 Reports – Applicants, Eligibles, Employees.**
- 2.15.01.1** Each applicant, eligible and employee shall keep the Commission informed, by written notice to the Secretary, of current address, telephone number, or email address and shall report any change of name through marriage or otherwise.

1. Each eligible shall keep the Secretary informed, in writing, regarding availability and any refusal to accept appointment or promotion, questions, and the reasons therefore.

2.17 Reports – Appointing Authority. The appointing Authority shall immediately report in writing to the Secretary in detail:

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

2.17.01.2 Every separation from the service with the reasons therefore;

2.17.01.3 Every refusal and reasoning following the rules of 7.09, or failure to accept appointment by a person whose name has been certified.

2.19 Outside Counsel. The commission may retain outside legal counsel when it deems such action necessary to preserve an appearance of fairness, or for any other valid reason.

3. Secretary – Chief Examiner

3.01 Secretary-Chief Examiner – Appointment. A Secretary-Chief Examiner (hereafter, “Secretary”) shall be appointed by the Commission.

3.03 The Secretary-Chief Examiner shall be appointed as a result of a competitive examination, which examination must be open to all properly qualified citizens of the County, 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.

3.05 Secretary – Discipline. The Secretary may be subject to suspension, reduction, or discharge at the Civil Commission’s discretion.

3.07 Secretary –Authority. In addition to acting as Secretary of the Commission, the Secretary shall:

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

3.07.02 Delegate duties where necessary and supervise the work of all persons employed in the Department, including the preparation, conduct, and scoring of examination, and maintenance of the classification plans;

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

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

3.07.05 Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare an maintain specifications for each class;

3.07.06 Determine which examinations shall be conducted, the minimum qualification of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given the various parts of the examination; supervise the conduct of the examination, appointing such experts, special examiners, and other persons he or she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report of all appeals from rulings or appeals from any part of the examination; and (Note: see Rule 8.01, "Ordering Examinations.")

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

3.09 Review of and appeal from actions or decisions of the Secretary.

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

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

4. Definitions

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

- 4.01 Actual Service.** Time in which a given employee, employed by law enforcement, has been engaged under Civil Service appointment, exclusive of probationary period, in the performance of the duties of a position or positions. Actual service includes absences with pay.
- 4.03 Allocation.** The locating or placing in the classified service of a position in the class appropriate to it on the basis of duties and responsibilities and required qualifications of such position.
- 4.05 Applicant.** Anyone who has filed an application to take a Civil Service examination.
- 4.07 Appointing Authority.** The person or persons authorized to hire, promote or discharge employees.
- 4.09 Appointment.**
- 4.09.01 Appointment – Regular.** The appointment of a certified eligible.
- 4.09.02 Appointment – Provisional.** A limited appointment of (a) certified (or non-certified) person to a classified position which is not vacant, but is currently unfilled due to a authorized leave of absence; or (b) a non-certified person to a classified position for which there is no current eligible register.
- 4.09.03 Appointment – Temporary.** A limited appointment other than from an eligible register for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment.

- 4.11 Assignment.** An employee may be assigned to a position which carries additional salary and additional limited responsibilities and is within the scope of the specification for the class from which assignment is made.
- 4.13 Break In Service.** A separation from civil service status with loss of accumulated service credit as occasioned by a “quit”, “resignation”, “discharge”, “service retirement”, or “disability retirement”.
- 4.15 Candidate.** Any applicant who has completed, or is in the process of completing, a Civil Service examination.
- 4.17 Certification.** (Certified Eligible List) A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.
- 4.19 Certify.** Verification to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.
- 4.23 Civil Service Employee.** Any employee who has Civil Service status.
- 4.25 Civil Service Register.** See Eligible Register.
- 4.27 Class.** A position or group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.
- 4.29 Class Series.** Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as (Sheriff's Deputy, Detective).
- 4.31 Class Specification.** A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.
- 4.33 Commission.** The civil Service Commission. “Commissioner” means any one member of said Commission.
- 4.35 Continuous Service.** Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.

- 4.37 **County.** Grant County.
- 4.39 **Demotion.** Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.
- 4.41 **Department.** Grant County Sheriff's Office.
- 4.42 **Department Head.** Appointing Authority (Sheriff).
- 4.43 **Discharge.** Termination, separation, dismissal, or removal from the service for cause.
- 4.45 **Eligible.** Anyone qualified for a given class through examination and placed on the proper eligible register; also, "Certified Eligible".
- 4.47 **Eligible Register.** A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, "Register of Eligibles."
- 4.49 **Employee.** Anyone holding a position in the Civil Service System of the County.
- 4.49.01 **Employee – Regular.** Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.
- 4.49.03 **Employee – Temporary.** Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available.
- 4.49.05 **Employee – Exempt.** Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority.
- 4.49.07 **Employee – Probationary.** A person appointed from a certification who has not yet completed twelve to eighteen months of employment.

4.49.09 Employee – Provisional. Any employee appointed provisionally to a position.

Note: A regular employee is the only employee with rights under rule 19.01.

4.51 Examination. The process of testing the fitness and qualifications of applicants for positions in a specific class of service in the Grant County Sheriff's Office.

a. Examination -- Open (or Entrance). An examination open to any member of the public meeting the requirements as stated on the job description at <http://agency.governmentjobs.com/grantwa/default.cfm>.

b. Examination – Promotional. An examination limited to employees (unless the Commission for good cause shall otherwise direct) meeting the requirements stated in the official bulletin announcing such examination.

4.53 Official Bulletin. The examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and other pertinent information which is posted in places or published in newspapers and/or publications determined by the Chief Examiner to be appropriate.

4.55 Final Examination Score. Total of earned exam score plus additional veteran's preference points for which an applicant is eligible.

4.57 In-House Register. A list of names of civil service employees, in the order of final examination rating, who have passed an examination for an entrance position or class.

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

4.61 Official Newspaper. The Grant County Journal or such other newspaper designated by the Commission.

- 4.63 Position.** Any group of duties and responsibilities in the service of the Grant County Sheriff's Office which one person is required to perform as full (or part-time) employment, and which is included in the County budget.
- a. Position – Regular.** A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position established during a given budget year, unless the Department Head certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
 - b. Position – Permanent Part-Time.** Employment in a position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.
- 4.65 Probation or Probationary.** The status of an employee during a trial period following a permanent appointment from an eligible register. Twelve month probationary period for lateral hires and eighteen month probationary period for new hires requiring academy training. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed. Except for brief periods of earned sick or annual leave; leaves of absence will not count toward the one year trial period.
- 4.67 Promotion.** The appointment of an employee to a higher class or to a position of higher skill or responsibility level. Any change in employment other than by a temporary or provisional appointment (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute a promotion.
- 4.69 Quit.** Any voluntary separation by an employee from the service of the Department without acceptance of a resignation by the appointing authority.
- 4.71 Reallocation.** The allocation of a position to a different class in the Classification Plan.
- 4.73 Reduction.** The removal of an employee from a higher class to a lower class of employment for reasons other than cause.

- 4.75 Register.** A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment. See 4.47, “Eligible Register”.
- 4.77 Reinstatement.** Reappointment of a regular employee to a position in a class in which the employee was a regular employee.
- 4.79 Reinstatement Register.** A list of names of persons who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class. A reinstatement register may also include former employees who are capable mentally and physically for reinstatement.
- 4.81 Resignation.** A written request by an employee for separation from a class or from the County service. To be valid, such request must show written approval of the appointing authority.
- 4.83 Retention Credit.** The employee’s service credit in a given class or position and any higher position in a series or any other credit used by the Commission to determine order of lay-off.
- 4.85 Retirement.** The termination of employment for service or disability pursuant to applicable retirement laws.
- 4.87 Secretary.** Secretary-Chief Examiner as defined in Chapter 3.
- 4.89 Standing – Regular.** The full Civil Service status of a regular employee.
- 4.91 Suspension.** Temporary removal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in demotion or discharge.
- 4.93 Veteran’s Preference.** Preference in examinations and employment, based on military service, as provided and defined by applicable laws.

5. Rule-Making

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

Unless upon emergency declared by all Commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.

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

5.05 Copies of Rules. A copy of these rules and a copy of all subsequent rules or amendments shall be posted on the Intranet as soon as practicable after adoption. A copy shall be maintained in the office of the Commission for public inspection and copies shall be available for free public distribution as required by state law.

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

6. **Classification**

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

a. Entry Level classes in the Civil Service System are Deputy Sheriff, Animal Control Officer, Civil Specialist, Records Specialist, Corrections Officer, Control Room Operator and Correction Cook.

b. Promotional Classes in the Civil Service System are:

Sergeant – after six years continuous service* as a Commissioned Law Enforcement Officer and having successfully completed their probationary period with the Grant County Sheriff's Office or serving as a Corporal or Detective with the Grant County Sheriff's Office.

Corporal – after three years continuous service* as a Commissioned Law Enforcement Officer and having successfully completed their probationary period with the Grant County Sheriff's Office.

Detective – after three years continuous service* as a Commissioned Law Enforcement Officer and having successfully completed their probationary period with the Grant County Sheriff's Office.

Corrections Lieutenant – after two years of continuous service* as a Corrections Sergeant and having successfully completed their probationary period with the Grant County Sheriff's Office.

Corrections Sergeant – after three years of continuous service* as a Corrections Officer and having successfully completed their probationary period with the Grant County Sheriff's Office.

Corrections Corporal – after two years of continuous service* as a Corrections Officer and having successfully completed their probationary period with the Grant County Sheriff's Office.

Records Supervisor –after five years as a Records, Evidence, or Civil Specialist and having successfully completed their probationary period with the Grant County Sheriff’s Office.

Evidence Specialist – after two years as a Records Specialist and having successfully completed their probation with the Grant County Sheriff’s Office.

Lateral Entry classes in the Civil Service System are Deputy Sheriff and Correction Officer – applicants must be currently employed as a full-time employee of a public law enforcement agency/corrections facility or employed within the past twenty four (24) months having a current law enforcement certificate. Applicants must have completed a Washington State Basic Law Enforcement Academy/Correction Academy or it’s equivalency in another state

Other equivalent experience may be substituted with prior Commission approval.

*Break in continuous service may be reviewed on an individual basis by the Civil Service Commission.

6.03 Administration of Position Classification. The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the County Commissioners; or upon request of an appointing authority or an affected employee if title classification of such position has not been reviews within the last 12 months.

6.04 Creation of New Classifications. An employee within a specific class who is raised to a higher pay scale or given additional limited responsibility by some authority other than the appointing authority or the Commission, shall not be considered to have received a promotion, and shall be considered to have been “grandfathered” into the position; except that when a vacancy occurs in the same position, it shall be filled by establishing through the examination process, an eligible register and such position shall then become a new class.

6.05 Classification of Positions

- 6.05.01** Each position in the classified service shall be classified at the direction of the Secretary and allocated to its appropriate class in accordance with the character, difficulty and responsibility of its designated duties. Positions shall be allocated to a given class when:
- a. The same descriptive title may be used to designate each position in the class;
 - b. The same level of education , experience knowledge, ability, and other qualifications may be required of incumbents; and
 - c. Similar tests may be used to select incumbents.
- 6.05.02** All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.
- 6.05.03** Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.
- 6.05.04** In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationship to other classes. The examples of duties in a specification shall not be construed as exclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.
- a. It shall be the duty of responsible administrative officers in the various departments to report to the Secretary any and all organized changes which will abolish or effect changes in existing positions or establish new positions. When an appointing authority requests the establishment of any new or additional positions of

more than 60 days' duration, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Secretary, accompanied by a statement of the duties, responsibilities and qualification requirements of the position. In those instances where gradual shifts in work emphasis or changing work conditions have effected material changes in existing positions, the Secretary shall be notified in writing by the Department before the end of the budget year. In those instances in which the duties of a position are materially changed for other reasons, the Secretary shall be notified immediately and not later than ten (10) days from the date of such change.

- b. Assignment. An employee may be assigned to a position which carries additional salary and limited additional duties and responsibilities and is within the scope of the specification for the class from which assignment is made. If the duties of the position from which an assignment is proposed are beyond the scope of the official specification for the base class, such position must be separately classified and eligibility established by examination. No permanent or vested rights shall be acquired by reason of such assignment, and such assignments shall be subject to review and change by the appointing authority at any time.

6.07 Records

6.07.01 Separate records of each position in the Civil Service shall be maintained by the Civil Service in the following manner:

- a. A personnel record for each employee shall be kept with a record of the position occupied by the incumbent.
- b. It shall be the duty of the appointing authority to supply to the Secretary, in writing, all necessary information to enable the Civil Service Commission to maintain such records described above, and including any significant change in the duties of the position to another position in the same or to a different class.

6.07.02 The Secretary shall report any classification action to the department head concerned and to the County Commissioners. The department head shall be responsible for notifying subordinates of any classification action affecting status or allocation of positions.

6.09 Effect of Classification Changes on Incumbent

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

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

6.09.03 Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the appointing authority and the Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which the employee has regular standing.

7. Applications and Applicants

7.01 General Requirements for Filing Applications.

7.01.01 Filing an application procedure:

- a.** All applicants-for Animal Control Officer, Civil Specialist, Records Specialist, Control Room Operator and Corrections Cook positions in the classified Civil Service positions must file a digital application when the position is open through the County website at: <http://agency.governmentjobs.com/grantwa/default.cfm>; no one shall be admitted to any examination without having first filed an application on the proper form, giving fully, truthfully, and accurately all information required.
- b.** All applicants for Entry Level Deputy, Entry Level Corrections Officer in the classified Civil Service positions must first complete and pass Public Safety Testing requirements. Lateral Deputy/Corrections Civil Service positions must pass a physical with Public Safety Testing at their own cost. After which is completed and officially posted to the Grant County Civil Service Commission, the applicant must also complete a digital application when the position is open through the County website at: <http://agency.governmentjobs.com/grantwa/default.cfm> no one shall be admitted as an applicant for potential oral board interview without following the steps above.

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

- c.** Meet the requirement specified in these rules and in the official job description on the Grant County website as of the closing day of the official filing period;
- d.** Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

7.01.03 Time for filing applications:

- a. All applications shall be filed through the Grant County Website job posting and within the time limit fixed on the job posting, provided that upon written evidence of extenuating circumstances acceptable to the Secretary, late applications may be accepted. Applications received by mail in the office of the Commission will not be accepted.
- b. The time for filing applications may be extended by the Secretary as the needs of the service require; provided that the examination shall then be re-advertised in all places and publication in which the original announcement appeared.

7.03 Applications for Promotional Examinations

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

7.03.02 When designated in the official bulletin, the Secretary may permit regular employees and probationers to file for and take a promotional examination for delayed eligibility if within six months of accepting applications; they meet lower specified minimum service requirements in the classes from which promotion is allowed.

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

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

- 7.09.01 Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
- 7.09.02 Is physically or mentally unfit to perform the duties of the position sought;
- 7.09.03 Has been convicted of any felony or misdemeanor involving moral turpitude (See Chapter 9.96A RCW).
- 7.09.04 Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from County service or has an unsatisfactory record of employment in the County service or with any other agency or firm;
- 7.09.05 Has made any material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination;
- 7.09.06 Fails to appear for interview, fingerprinting or other investigation as required;
- 7.09.07 Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination.
- 7.09.08 After notification, did not promptly appear at the time and place designated for the examination;
- 7.09.09 Has been discharged from the armed forces under dishonorable conditions;
- 7.09.10 Such actions contemplated by this rule may also be taken for other material reasons.

7.11 Debarment from Employment.

- 7.11.01 No one who has been dismissed from the service for cause involving moral turpitude shall be allowed to again enter the service, and anyone dismissed for other good cause

shall be allowed to again enter the service only by express consent of the Commission, whose decision shall be final.

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

- 7.13 Notice of Non-acceptance.** Anyone against whom action is taken under Rule 7.09 shall be notified promptly by the Civil Service Department of the reasons therefore by either oral notice at the time of filing the application and/or written notice mailed to the applicant or eligible.
- 7.15 Admission to Examination Pending Appeal.** The Secretary may admit to the examination anyone whose application was not accepted, pending final disposition of the appeal, such admission to be without prejudice to either the County or the applicant.
- 7.17 Amendment of Application.** The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.
- 7.19 Applications Not Returned.** All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.
- 7.21 Application Fee.** A fee for an examination may be required by the Commission, the amount and method of payment to be stated in the official application information stated on the Grant County website.

8. Examinations

8.01 Ordering Examinations. An examination shall be ordered whenever it is deemed to be in the best interest of the County/ The Secretary shall administer examinations as provided by these rules.

8.07 Examination Announcement.

1. Public notice of entry level examination shall be posted on the Grant County website at:

<http://agency.governmentjobs.com/grantwa/default.cfm>

as well as on the Public Safety Testing website at:

<http://www.publicsafetytesting.com/event/events>

At least thirty (30) days preceding the closing date of the filing period, and in any other publication which the Secretary may direct.

b. Promotional examination notices shall be posted in the Sheriff's Office not less than thirty (30) days preceding the examination. If the Commission elects to open a promotional examination to the applicants outside the Department, public notice shall be given the same as for entry level.

c. Lateral entry examination information shall be posted on the Grant County website as well as the Public Safety Testing website as stated above, and/or where deemed suitable by the Commission. Lateral entry examination scores shall be accepted on a continuous basis through Public Safety Testing.

8.05 Amendments to Announcements. The Secretary may amend any published announcement with appropriate public notice.

8.07 Continuous Examinations. A continuous or periodic examining program may be ordered and administered by the Secretary for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register, and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from

such eligible registers in the same manner and for the same reasons as from any eligible register.

8.07.01 Notice. Public notice of continuous examinations shall that the period for filing applications and taking examinations shall remain open until further order and notice. Qualified applicants may take the examination at such times and places as specified in announced schedules which shall be posted on the Public Safety Testing website or Grant County website and/or where deemed suitable by the Commission.

8.07.02 Duration and Closing. Any open filing and examination period maybe closed by order of the Examiner upon giving notice of the order by:

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

8.19.01 To expedite certification and appointment and to maintain security of examination material, no keyed copy of the written test will be provided at any time. The eligible register may be promulgated immediately after the results are obtained.

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

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

8.11 Content of Examinations. Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.

8.23 Parts and Weights. Each examination shall contain one or more parts to which a raw score, rank order, or percentage weight shall be assigned. One or more of the following options shall be utilized in scoring an examination.

8.13.01 A raw score (actual number of question answered correctly) shall be the sole indicator of final score of a written examination, unless otherwise determined by the Commission prior to exam administration.

8.13.02 A rank order list shall be the final result of an assessment center or other type of examination approved by the Secretary and/or Commission. The rank ordering shall be determined by the number of points earned in an assessment center. Assessors retained by the Commission shall have the latitude and flexibility of recommending individuals for the promotion, thus not including those individuals on the eligibility list who do not receive recommendations.

8.13.03 A percentage weight shall be determined by multiplying the weight assigned to one or more parts of an examination and the sum of the resulting products, to be called the “weighted average”.

8.15 Passing Grades.

8.15.01 A final minimum passing score of 70% shall be required unless changed by the Commission prior to any examination in which a raw score is utilized.

8.15.02 Where an examination consists of two or more parts, the Commission may set a minimum score to be required in any part of such examination, and any applicant who fails to attain such minimum score shall be considered as having failed the entire exam and shall not be entitled to take the balance of the exam. The minimum score required and the part of the exam to which it is applicable shall be stated in the official bulletin or announced at the time of the examination.

(See also separate rule 8.42 for optional procedures regarding multi-part examinations.)

8.29 Promotional Examinations. Vacancies in higher positions shall be filled, whenever practicable, from qualified members of the department. Such promotion shall be upon examination of those members of the department meeting the qualifications stated in the official examination announcement. The Commission for good cause may open the examination to applicants outside the department.

8.21 Entry Level Examinations. An examination may be advertised as entry level when, in the judgment of the Commission, it is in the best interest of the service.

8.33 Veteran's Credit. Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW.

8.34 Sheriff's Office Employee Credit. Current employees of the Sheriff's Office, who are off of probation, shall receive 12% of their total score (written and oral).

8.25 Reserve Officer Credit. Reserve Officers who have been with the Sheriff's Office for one year and are in good standing, shall receive 10% of their total score (written and oral).

8.43 Examination – Protest.

- 8.29.01** Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the examiner within ten (10) calendar days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.
- 8.29.02** When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest or appeal must be filed in writing within ten (10) calendar days after the notices of results have been mailed.
- 8.29.03** Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within ten (10) calendar days after the notices of results have been mailed.
- 8.29.04** All protests filed in accordance with this rule shall be considered by the Examiner and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made to all examination papers affected.
- 8.31 Correction of Clerical Errors.** Any clerical error may be corrected by the Secretary upon discovery at any time during the life of the eligible register, but no such correction shall affect an appointment made from a certification made prior to the correction.
- 9.01 Effective Date of Examination Results.** Results of an examination shall become effective on the date official notice thereof is certified by the Secretary.

8.35 Reexamination.

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

8.35.02 If an eligible applicant takes a succeeding examination for the same class, the result of such examination shall nullify any remaining eligibility already established and eligibility attained by the second examination shall be entered on the register.

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

8.39 Additional Examination.

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

8.39.02 The Secretary may designate a limited number of certified eligibles for additional Examination as provided in Rule 8.39.01, in order to maintain an ability to certify registers pursuant to Rule 10.

8.41 Multi-Part Examination. Where an examination consists of two or more parts, the Examiner may:

- 8.41.01** set a minimum score to be required in any part of such examination, and any applicant who fails to attain such minimum score shall be considered as having failed in the entire exam and shall not be entitled to take the balance of the exam;
- 8.41.03**
- a. limit the number to be further considered or tested to a group of the highest scoring applicants, depending on the number of applicants who meet the minimum requirements for a position;
 - b. allow candidates of protected groups which are under-represented in the jobs=classification or department, to continue in the testing process, even if their passing scores on each test are not the highest. This would pertain only to entry level tests and only to women, minority or handicapped candidates. Under-representation would be determined in the same manner as under rule 8.05.02; or
- 8.41.04** Employ all or any of the above options for multi-part examinations in any examination.

(Note, compare Rule 8.41 with alternatives set out in Rules 8.13 – 8.15)

8.43 Number of Applicants – Limitations. The Secretary may restrict the number of qualified applicants to be examined at any one time whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups.

- a. **Random Sample.** The Secretary may provide for a random sample of qualified applicants to be drawn for an entry level examination by so stating on the Grant County website. Those qualified applicants whose names are not drawn for the initial group to be examined shall be held on file. Should the initial group examined fail to yield an eligibility list of sufficient size to meet the needs for eligibles for that class, or should the list become exhausted before it expires, a sample from the remaining qualified applicants will again be drawn and the examination process repeated.

8.43.02 Affirmative Action – Entry Level Examinations. In testing for classes where the County’s affirmative action goals pursuant to Washington State Employment Security Department Metropolitan Statistical Area statistics are not met, a percentage of the total sample to be drawn for the examination will be drawn from the qualified protected group applicants; such percentage shall correspond to the protected group’s percentage distribution in the labor market area. The total sample shall be completed by drawing from the remaining pool of applicants.

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

9. Registers and Eligibility

9.05 **Establishment of Eligible Registers.** After each examination, an eligible register for the class shall be prepared on which the names of successful candidates shall be ranked as follows:

9.01.01 On a promotional register: relative rank shall be determined by the examination rating or grade.

9.01.02 On an entry level register: relative rank shall be determined by the examination grade, plus percentage allowed by law for veterans' preference.

9.01.03 On a lateral entry register: relative rank shall be determined by the examination rating or grade, plus percentage allowed by law for veterans' preference, at time of request, if not used to secure a prior law enforcement position.

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

9 The one who qualified for veterans' preference in accordance with Washington state law. Eligibles on a promotional register do not so qualify.

10 When the examination is composed of two or more parts with separate grades, the one who has:

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

10.14 The highest grade on the written test if all parts are weighted equally.

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

11.13 As between examinees who are County employees, the one having the greater service credit with the County, regardless of class or department;

11.14 If one is a regular or probationary County employee and the others are not, the regular County employee has the preference.

12 By lot.

- 9.01.05** If an applicant is permitted to file for and take an examination for delayed eligibility, and if such applicant is successful in the examination, eligibility shall be held in abeyance until the candidate meets the requirements for eligibility, which must be reported in writing. If otherwise eligible, the candidate's name shall be placed on the register in accordance with the final examination grade. Any such eligibility shall expire with that of other eligibles from the same examination. Such deferment will prevent certification of such an eligible until the next vacancy occurring after the eligible has given written notice of his desire to be returned to the register.
- 9.01.06** Following each examination, eligibles shall be informed in writing within ten (10) working days following computation of test scores of their relative rank on the register. Those candidates who do not achieve a passing grade shall be informed in writing, within ten working days following computation of test scores, that they will not be placed on the eligible register.
- 9.01.07** Eligible registers shall remain in force for a period of twelve (12) months; except that the Commission may, for sufficient reasons extend the period of time.
- 9.01.08** No register shall remain in force after promulgation of a register from a subsequent examination for the same class.
- 9.03 Return to Register Following a Layoff.** On layoff, an employee's name shall be placed upon the proper eligible register for the class, indefinitely, from the date of such layoff. Should the employee decline reappointment to their previous position, it shall be deemed as a quit, with removal from all eligibility lists.

9.05 Return to Eligible Register After Resignation or Retirement.

- 9.05.01** A former employee who resigned or retired may request return of his name to the proper open graded eligible register for the class. Such request must be made within one year from the date of resignation or retirement, provided, the Secretary may extend the above time limitation for not to exceed an additional four years upon satisfactory showing that such extension would be in the best interest of the county;
- 9.05.02** Any request for return to register following resignation or retirement must be supported by written recommendation of the former employing department;
- 9.05.03** A former employee whose eligibility is reinstated under this rule shall be certified according to Civil Service rules. However, the name of such an eligible need be considered only by the department which recommends the return of the name to the register.
- a.** The name of the former employee who resigned or retired may not be returned to a promotional register, unless recommended by the head of the former employing department and approved by the Civil Service Commission within one year from the date of resignation or retirement.

9.06 Appointment without examination. Except as provided in 9.03, 9.05, and 9.07, any return to the Civil Service shall be by examination only.

9.07 Establishment of Layoff reinstatement registers.

9.07.01 The names of regular employees who have been laid off or, when requested in writing by the appointing authority, probationary employees who have been laid off shall be placed upon a layoff reinstatement register for the same class and for the department from which laid off, indefinitely, from the date of such layoff. Should the employee decline reappointment to their previous position, it shall be deemed as a quit, with removal from all eligibility lists;

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

1. Cancellation of Eligibility.

9.13.01 Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct, or false statements by the eligible or others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. Any rules stated in 7.09. A previous unsatisfactory work record with the County or dismissal from the service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from County service shall be deemed cause for cancellation of eligibility;

- 9.13.02** Separation from the service will terminate any promotional eligibility; subject to Civil Service appeal;
- 9.13.03** Upon request of an appointing authority that an eligible has failed to respond to call or has refused to accept employment, the Secretary may strike the eligible's name from the register;
- 9.13.04** Failure to respond to the canvass of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible from the register;
- 9.13.05** Refusal to accept reemployment in a permanent position shall constitute separation from the service except as provided in Rule 9.07e;
- 9.13.06** Such action contemplated by this rule may also be taken for other material reasons.
- 9.15 Restoration of Names to Eligible Registers.** The name of an eligible which has been removed from a register may be restored upon written request to the Secretary for such restoration. The request must specify the reasons for the requested restoration. The Secretary may approve the request if it is deemed that the evidence submitted justifies such approval.

10. Certification and Appointment

10.01 General Provisions. Vacancies in the classified civil service shall be filed by reinstatement, promotional appointment, entry level appointment, lateral entry appointment, lateral, reduction, demotion, or in the absence of an appropriate register, the Secretary may authorize a temporary appointment.

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

10.05 Certification. Certification to fill a vacancy shall be made by the Secretary from entry level, lateral entry, promotional, or reinstatement registers.

11 If a vacancy is to be filled from an entry level register, the Secretary shall certify to the appointing authority the names of the three available eligibles that stand highest on the appropriate register.

12 If a vacancy is to be filled from a lateral entry register, the Secretary shall certify to the appointing authority the names of the three available eligibles that stand highest on the appropriate register.

13 If a vacancy is to be filled from a promotional register, the Secretary shall certify to the appointing authority the names of the three available eligibles that stand highest on the appropriate register.

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

15 Certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed only by the sex specified.

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

10.05.02 Order of Reinstatement – Eligible.

- 11 The layoff reinstatement register shall supersede all other registers, until exhausted. If a vacancy is to be filled from the layoff reinstatement register, the following shall be the order of certification;

11.05 Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be first reinstated;

11.06 Probationers, with regard to length of service. The names of all probationers upon the layoff reinstatement register shall be certified together.

- 12 Upon request from the appointing authority, the Secretary may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

- 13 Nothing in this rule shall prevent the reinstatement of any regular employee or probationary employee for the purpose of transfer to another department, either for the same class or for voluntary reduction in class, as provided in these rules.

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

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

10.05.09 Special Skills. Where a certification of eligibles with special experience, training or skills is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position, and the

Secretary determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles that possess the special qualifications.

- 10.05.11 Prior Service.** If a temporary vacancy is to be filled from an open or promotional register, those eligibles with three months of service who are shown on the register as having been laid off within the last 12 months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligibles for certification according to rule.
- 10.05.13 Application/Examination.** The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.
- 10.05.15 Selective Certification.** Where a certification of eligibles other than in the normal order is requested in writing by the appointing authority as being necessary to implement the Affirmative Action Program of the County by achieving ratios of minority, female or handicapped employees in all classifications of county employment approximately equal to the ratios of these same groups in the community, and the Secretary determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles of minority, female, or handicapped eligibles, as designated in the request.
- 10.07 Deferment of Certification.** The Secretary may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefore. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his or her desire to be returned to the register, and such return has been approved by the Secretary.
- 10.09 Duration of Certification.** Certification shall be in effect for thirty (30) days from its date of issuance. The appointing authority must file a report of any appointment from such certification with the Secretary. Upon request, the Secretary may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification.

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

10.13 Temporary Appointment. Where there is no suitable eligible register from which certification can be made, the Secretary may allow the appointing authority to make a temporary appointment. A temporary appointment may be made for a period of up to four (4) months and may not be extended for a longer period of time. No person shall receive more than one temporary appointment in any 12-month period. All temporary employment in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a proper eligible register for such class is avoidable, provided, an extension may be granted by the Secretary upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the four-month limitation.

11. Probation

11.01 Probationary Period.

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

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

11.03 Length of Probationary Period. The period of probation shall be equivalent to twelve (12) months of full-time service following permanent appointment from an eligible register. Minor absences due to vacations, annual military leave, illnesses, etc. shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary will approve a departmental request for an extension of the probationary period.

a. **Interruption of Probationary Period by Military Service.** A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

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

11.09 Removal of Probationer.

13.01.01 **Grounds.** The appointing authority, by assigning in writing to the commission the reasons therefore, may remove any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission except as provided in Rule 11.01, .02 or .03.

11.09.02 **Procedure.** The department head must file a prescribed form stating the reasons for the removal with the Secretary prior to the end of the probationary period. Notice must be mailed or personally served on the employee and proof of notice filed with the Secretary.

11.09.03 **Rights Retained.** A promotional probationer, unless discharged for cause, retains all civil service rights to the position from which appointed. Such rights shall be retained whether promotion is to an entrance or promotional position.

11.11 **Demotion.** A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, in accordance with Rule 15.03 on demotion, or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the appointing authority, subject to approval of the Commission.

A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

13 Demotion of an employee to a lower class for good cause may be made by the appointing authority.

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

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

11.13 Protests. Any probationer may file a written protest with the Secretary protesting a termination of probationary status or demotion. All protest must be filed within ten (10) days of notice of the action taken. The Secretary will give due consideration to and take appropriate action on all timely-filed protests. Probationers may appeal a decision of the Secretary to the Commission under Rule 15.

12. Layoff

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

12.01.01 Provisional appointees;

12.01.02 Temporary or intermittent employees not earning service credit;

12.01.03 Probations (except as their layoff maybe affected by military service during probation);

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

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

12.03 Reduction in Lieu of Layoff. At the time of any layoff, a regular employee or a promotional probationer shall be given an opportunity to accept reduction to the next lower class in a series of classes in his department. An employee so reduced shall be entitled to credit for any previous regular service in the lower class.

13. Leaves of Absence

14.01 Duration of Leaves

- 13.01.01** A leave of absence without pay for a period not exceeding 60 consecutive days may be granted by the appointing authority, who shall give notice of such leave to the Commission.
- 13.01.02** A request for a leave of absence longer than 60 days bearing the favorable recommendation of the employee's appointing authority will be granted by the Secretary, who shall give notice of such leave to the Commission.
- 13.01.03** No employee shall be given leave to take a position outside the County service for more than 60 days in any calendar year, except where it appears in the best interest of the County.
- 13.02 Cancellation/Revocation.** Any or all leaves of absence without pay within a department may be cancelled whenever any necessity arises in the good-faith judgment of the appointing authority. The appointing authority may revoke an individual employee's leave without pay if it is found that the employee is using the leave for purposes other than that for which it was granted. Employees may be ordered to return to work immediately or as soon as practicable on written notice from the appointing authority of the cancellation or revocation of their leave. A copy of such notice shall be filed with the Secretary immediately.

13.03 Other Offices.

- 13.03.01** Leave to take County Offices. Whenever a regular employee is appointed or elected to any office of the County which is exempt from the Civil Service System, including, but not limited to, an office which is the head of a department subject to the System, the Commission shall grant, and such employee must take, a leave of pay thereof, for the entire length of time that the office is held. Original probationers so appointed maybe granted such leaves, depending upon the circumstances of each particular case, or they may be dropped from the service upon assumption of office.

13.03.02 Leave to take other Public Office. Whenever a regular employee is elected or appointed to a salaried elective office, or is appointed to a salaried appointive office of the State of Washington or of any of its political or municipal subdivisions or corporation other than the County or of the United States or any of its agencies, commission, board or department, the Commission may grant such employee, upon written requests, a leave of absence without pay for the entire length of time that such office is held, or for such shorter, designated time, and upon such terms and conditions as the Commission may deem proper in the particular case, consistent with the best interests of the county and the Civil Service System. Original probationers so elected or appointed shall not be granted such leaves, but shall be dropped from service upon assumption of the office.

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

13.04 Return from Leave. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing as determined by these rules.

15.03 **Military Leave.** See county policy and Washington law relating thereto.

13.06 Filling Vacancy. All temporary employment caused by leave of Absence shall be made pursuant to Rule 10.

13.07 Protests. All protests to any action pertaining to leaves of absence shall be filed with the Secretary within ten (10) days of notice of such action. The Secretary shall give due consideration to and take appropriate action on all timely-filed protests.

14. Resignation

- 15.05 **How submitted.** Resignation from the service by an employee shall be made in writing and submitted to the appointing authority for approval. The appointing authority shall file a copy of the resignation, if approved, with the Secretary within five (5) days.
- 15.06 **Withdrawal of Resignation.** Upon written request by the employee, the appointing authority may permit the withdrawal of a resignation within ten (10) days prior to the effective date of the resignation.
- 15.07 **Involuntary Resignation.** Any resignation may be voided and set aside and the employee reinstated or restored to active duty by order of the Commission upon its determination that the resignation was made involuntarily or under duress or coercion, after giving the appointing authority reasonable notice and an opportunity to be heard on the matter. Such action by the Commission may only be taken upon the written petition of the resigned employee filed with the Secretary ten (10) days from the effective date of the resignation. If no such petition is filed within the ten (10) day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.
- 15.08 **Implied Resignation.** The appointing authority may presumptively consider any employee to have impliedly resigned upon finding that such employee has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for five (5) or more consecutive working days or has quit or “orally resigned” and has been absent from duty for three (3) or more consecutive working days without leave or authorization. An employee will not be determined to have resigned under this rule until five (5) days after proof of service of a written notice by registered or certified mail to the employee’s last known address as filed with the Personnel Manager. No resignation order shall take effect if, prior thereto, the employee reports for active duty, applies for restoration or reinstatement, or otherwise gives notice to the appointing authority or the Personnel Manager which, in the judgment of the Commission, rebuts the presumption of resignation.
- 15.09 **Return to Eligible Register Following Resignation.** (See Rule 9.05).

15. Discipline and Discharge

15.01 Suspension.

15.01.01 The appointing authority may suspend a subordinate, with or without pay, for a period not to exceed 240 hours for good cause.

15.01.02 Any deprivation by the appointing authority of any vacation or other paid leave, compensatory time-off or other privilege involving pay or compensation either directly or indirectly, to which an employee is otherwise entitled under law and these Rules, shall be deemed to be a suspension without pay and shall be subject to the above provisions.

16.03 Demotion – Discharge.

15.03.01 The appointing authority may discharge an employee or demote an employee to a lower class for cause. An employee so demoted shall lose all rights to the higher class. If the employee has not had previous standing the lower class, such demotion shall not displace any other regular employee or any probationer.

15.03.02 The Secretary or Commission shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class. The demoted employee may be required to actually and serve actively a trial period in the class to which demoted, for such time and upon such terms and conditions as the head of the department may provide in the demotion order, for the sole purpose of determining that he is capable of satisfactorily performing the functions and duties of such class.

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

16.01.01 Demotion of an employee to a lower class for good cause may be made by the appointing authority.

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

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

15.05 Discipline – Good Cause – Illustrated. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other good cause:

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

17.01.01 Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any other act of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself;

15.05.03 Mental or physical unfitness for the position which the employee holds;

15.05.04 Dishonest, disgraceful, or prejudicial conduct;

- 15.05.05** Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service;
- 15.05.06** Conviction of a felony, or a misdemeanor involving moral turpitude;
- 15.05.07** False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his her collusion;
- 15.05.08** Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;
- 15.05.09** Willful or intentional violation of any of the provisions of these rules.
- 15.05.10** Any other cause, act of failure to act which, under law or these Rules, or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, deprivation of privileges or other disciplinary action.

16. Pre-disciplinary Hearing

16.01 Pre-disciplinary Hearing – Required. The appointing authority shall provide and arrange for a pre-disciplinary hearing prior to demotion, suspension, or discharge of a subordinate.

17.05 Pre-disciplinary Hearing – Standards/Notice of Discipline.

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

16.03.02 The employee may have legal counsel or union representation present at a pre-disciplinary hearing, but such counsel or representation may not interfere with the actions of the appointing authority.

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

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

16.03.05 The commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee except the appointing authority may serve notice on the employee and inform the Commission of any subsequent violations as they become known.

17. Hearings

17.13 Hearings – Appeals.

- 17.01.01** Any regular employee who is disciplined, demoted, suspended or terminated may appeal such action to the Commission.
- 17.01.02** Any employee who is alleged to be probationary by the disciplining department may only appeal to the Commission the questions of probationary status and whether the procedures for discharge of probationers as found in these rules, were properly followed.
- 17.01.03** Any employee or Sheriff's Office, if adversely affected by an alleged violation of Civil Service rules or County policy, may appeal such violations to the Commission.
- 17.03 Appeals – Time – Form.** A notice of appeal shall be filed at the Commission offices within ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal. Forms provided by the Commission may be used for such notice but are not required.

17.17 Exhaustion of Administrative Remedies.

- 17.05.01** The Secretary may (when not inconsistent with the terms of a collective bargaining agreement) direct the employee to exhaust available administrative procedures regarding a disciplinary matter before hearing the matter.
- 17.05.02** If the employee exhausts the available administrative procedures and continues to believe that good cause has not been shown, the employee may within ten (10) days after the final step of the procedure request the Secretary to return the appeal to the Commission for hearing.

17.07 Authority of Secretary-Chief Examiner and Staff.

- 17.07.01** The Secretary-Chief Examiner to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Secretary-Chief Examiner may also conduct prehearing settlement conferences (in order to encourage resolution of contested matters), issue subpoenas, and note depositions.
- 17.07.02** The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.
- 17.07.03** As an aid to investigations authorized by the Commission, The Secretary-Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.
- 17.09 Appeals –Initial Review.** The Secretary-Chief Examiner shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the Secretary-Chief Examiner shall issue a written order of dismissal with prejudice, setting for the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.

17.11 Appeals – Notice of Hearing. Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) days, a hearing before the Commission shall be set, with each party afforded not fewer than twenty (20) day notice of such hearing. Subsequent hearings on the same appeal shall have one week’s notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section. (In counties subject to Chapter 41.14 RCW, the hearings must be held within thirty (30) days of Commission receipt of appeal.)

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

17.15 Service of Process – Papers.

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

17.15.02 All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service or papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers or by certificate of any attorney or Secretary-Chief Examiner.

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

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

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

17.21 Discovery.

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

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

17.19 Subpoenas.

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

17.19.02 Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly served. Such requests for subpoenas

shall be submitted to the Commission offices at least three (3) days prior to the hearing.

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

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

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

- a. Quash or modify the subpoena if it is reasonable or requires evidence not relevant to any matter in issue, or
- b. Condition denial of a motion to quash or modify upon just and reasonable conditions.

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

17.23 Evidence.

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

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

- 17.23.03** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- 17.23.04** At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Secretary-Chief Examiner.
- 17.23.05** Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make requests of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.
- 17.23.06** An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.
- 17.25 Deliberation.** The commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Secretary-Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.
- 17.27 Decision.** In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall be issued within ten (10) days of the close of the hearing of an appeal or other proceeding heard only by the Commission. Absent the consent of an appellant to an extension of time, failure to issue a decision within the time prescribed shall result in an appeal being sustained.

- 17.27.01** When a decision has been issued by the Commission, the appellant may not thereafter request arbitration of the same matter.
- 17.27.02** The appellant may appeal, to the superior court of the county wherein he resides, a decision of the Commission, according to the provisions of RCW 41.14.120.
- 17.29 Remedies.** The commission may issue such remedial orders as deemed Appropriate.
- 17.31 Reconsideration.** A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.
- 17.33 Waiver.** Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinances of the County would be better served, the Commission may waive the requirements of any of these rules.

18. Retirement and Disability.

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

18.02 Reinstatement after Disability Retirement.

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

18.01 Order return of the employee to former employment status as if a leave of absence had been granted; or

18.02 Place the name on the reinstatement register for an available class and department.

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

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

18.02.04 The provisions of this section 18 shall not apply in the event an employee is discharged from the service and concurrently given a disability retirement or discharge.

19. Miscellaneous

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

19.03 Computation of Time.

19.03.01 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included, unless it is a Saturday, a Sunday, or a County legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a County legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

19.03.02 Any period of time except for the stated period of time set forth rules 17.03 and 17.11 and 17.27 may be extended by the Secretary-Chief Examiner for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with The Commission offices prior to the running of the applicable time period.

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

20. Effective Date.

These Rules and Regulations of the Civil Service Commission for the Grant County Sheriff's Office shall become effective on the **31st** day of **December, 2013.**

Pat Lamphere, Chair

Robin Hickok, Vice Chair

Kim Allen, Member

Ed Owens, Member

Dean Bohnet, Member

Rachel Baxter, Secretary