

CITY OF SHELTON CIVIL SERVICE RULES AND REGULATIONS

1. SECTION ONE - GENERAL PROVISIONS

- 1.1. Authority and Application: These Rules are promulgated pursuant to the authority granted by Chapter 41.12 RCW, Civil Service for City Police.
- 1.2. Scope and Purpose: These Rules govern the administration of the City of Shelton Civil Service System. These Rules provide for the selection, promotion, and Discipline of positions within the Police Department on the basis of merit; provide for the Civil Service Commission to oversee the merit system and hear appeals; and provide for investigation of matters relating to appeals of Disciplinary Actions or matters concerning the selection process.
- 1.3. Copies of Rules: Copies of these Rules will be available upon request.
- 1.4. Severability: If any provision of these Rules, or the application thereof to any person or circumstance, is held invalid by a court of proper jurisdiction, such invalid portions do not affect any other provision or application of these Rules.
- 1.5. State Law Governs: The Commission will organize itself, hold meetings, adopt rules and regulations, perform the duties and exercise the powers of the Commission to substantially accomplish the purpose of 41.12 RCW.

2. SECTION TWO - DEFINITIONS

2.1. As used in these Rules, the words and terms set forth have the following meanings:

"Applicant" means a person who has filed the necessary documents, as prescribed by the Examiner, to take a Civil Service Examination.

"Appointing Authority" means the City Manager or the Chief of Police, as applicable.

"Appointment" means the hiring by the Appointing Authority of a regular full-time position subject to the Civil Service System.

"Board" means the qualifications appraisal panel, also known as the "Interview Board" or "Oral Board".
"Break in Service" means loss of service credit resulting from resignation, discharge, retirement, leave without pay, or other similar actions.

"Certification" means a list of names from the City's Certified Hiring Eligibility Register transmitted by the Examiner to the affected Department Head from which an Appointment may be made to fill a vacant position.

"Examiner" means the Secretary/Examiner of the Civil Service Commission.

"City" means the City of Shelton.

"City Service" means time in which an employee has been employed in a Civil Service position for the City of Shelton, excluding any leaves of absence without pay, or other Break in Service. A Break in

Service for more than any 12 consecutive months eliminates any prior City Service, and upon rehire, the employee is deemed a new hire.

"Class" means a group of positions designated as having similar duties and responsibilities, the same salary range, and qualifications to be grouped into a single classification for Examination purposes.

"Classified Position" means a position subject to the Civil Service System including regular, full-time budgeted positions of the Shelton Police Department in the following classifications, or as amended from time-to-time:

- Police Officer
- Police Detective
- Police Sergeant
- Community Service Officer
- Police Records/Evidence Clerk
- Police Records/Evidence Clerk II

"Commission" means the Civil Service Commission of the City of Shelton and "Commissioners" means any one of the three Commissioners appointed to that Commission by the City Manager.

"Continuous Initial Testing List" (CITL) – a list of entry-level or reserve applicants who have passed the written examination and the physical agility testing (if required) and are therefore eligible to be on the Continuous Initial Testing List, unless there are changes to an Applicant's physical agility abilities. An Applicant is eligible to participate when the department head schedules an Oral Board event to complete the testing process.

"City's Certified Hiring Eligibility Register" (CHER) – a list of Applicants on the Certified Hiring Eligibility List who have completed the Oral Boards and whose score earns such Applicant's placement on the hiring list/register which the Civil Service Commission has approved as certified. There may be up to two active certified list/registers: one Entry-Level Certified Hiring Eligibility Register and one Lateral-Entry Certified Hiring Eligibility List/Register.

"Department Head" means the Police Chief.

"Discipline" or "Disciplinary Action" means personnel action by the Appointing Authority that is administered in good faith, that directly or adversely affects the employee's compensation, and that is appealable to the Civil Service Commission, including the following:

- Discharge: Involuntary termination, also known as a dismissal, fired, or removed from employment for just cause.
- Demotion: Involuntary moving of an employee from a higher classification to a classification having a lower salary range.
- Suspension without pay: Involuntary temporary removal of an employee without pay from employment for cause.
- Transfer: Involuntary transfer from one position to another position within the same classification which negatively affects the employee's compensation or benefits. Not all transfers are for Disciplinary Action purposes, and those transfers are not subject to Civil Service appeal.

- Other similar action imposed for discipline purposes that results in loss of benefits.

"Eligible" means an Applicant qualified for a given classification through proper Examination including successful completion of written examination, physical ability testing (not required for lateral candidates) and oral interview Board process and placed on the City's Certified Hiring Eligibility Register.

"Examination" means the process of testing the fitness and qualifications of Applicants, including the following:

- Open Examination: A written and physical examination process open to any member of the public who meets the qualifications as stated in the recruitment Examination Announcement.
- Promotional Examination: An examination that may be open only to City of Shelton Police Department employees in a specified classification, or to outside applicants meeting the requirements as stated in the recruitment examination announcement.
- Lateral Entry Examination: An examination open only to experienced persons who possess special skills and abilities listed on the Class specification needed to fill a vacancy within the Department:

"Examination Announcement" means the official job recruitment bulletin prepared by the Examiner or designee indicating the recruitment period, qualifications, summary of job description, closing date, Examination procedures if applicable, type of Examination, or other relevant information as determined by the Examiner.

"Probationary Employee" means an employee, while employed from date of hire through the first twelve (12) months of employment after completion of the academy, if a newly commissioned Officer; or twelve (12) months from date of hire for a lateral hire; or twelve (12) months from date of promotion for an internally promoted Sergeant.

"Probationary Period" means the status of an employee during the periods described in 2.20. The "Probationary Period" is to determine fitness by performance for the position appointed.

"Reinstatement" means re-appointment of an employee to a position in a classification that the employee previously held regular status and meets the necessary qualifications for the classification.

"Resignation" means a written request by an employee for separation of City Service. A Resignation in good standing requires a minimum of fourteen (14) calendar days' advance notice from the employee.

"Secretary" means the Examiner or such other person as the Commission may designate.

"Veteran's Preference" means preference in Examination based upon prior military service, as provided for in the applicable State Law. See RCW 41.04.010.

3. SECTION THREE - CIVIL SERVICE COMMISSION DUTIES AND PROCEDURES

3.1. Duties of the Commission: The Commission's duties include the following:

- To promulgate, necessary rules to carry out and enforce the provisions of the City of Shelton Civil

Service System and 41.12 RCW.

- To provide for investigation concerning all matters under the authority of the Civil Service System.
 - To hold fair and impartial hearings concerning appeals of Disciplinary Action or appeals of matters with respect to the administration of the selection procedures, or other such matters governed by the Civil Service Ordinance, including administering oaths, issuing subpoenas requiring the attendance of witnesses or documents needed for evidence, taking testimony of witnesses, and reviewing any documents relative to matters before the Commission.
 - To perform other duties as may be prescribed or authorized by the Civil Service System of the City of Shelton.
- 3.2. Meetings of the Commission: The Civil Service Commission, ("Commission") will meet on a monthly basis or more often, if there is business to conduct, as determined by the Commission, to carry out the business of the Civil Service System. The monthly meetings will be regular meetings of the Commission and held on the third Thursday of each month. The Commission may schedule special meetings on an as needed basis, as determined by the Commission.
- 3.3. Notice of regular or special meetings of the Commission will be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW).
- 3.4. The Commission will be composed of three (3) members, and two (2) members constitute a quorum to conduct Commission business.
- 3.5. All such Commission meetings or hearings will 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).
- 3.6. Chairperson and Vice-Chairperson: At the first monthly meeting held in January of each year, the Commission will select one of its members to be Chairperson and another member to be Vice-Chairperson for a one year term of office. Should the Chairperson or Vice-Chairperson of the Commission resign or be removed from their position on the Commission, the Commission, upon Appointment of a new member by the City Council, will proceed to elect a new Chairperson and/or Vice-Chairperson to fill the vacant position, for the remaining term of office.
- 3.7. Rules of Order: Robert's Rules of Order are the procedural authority on the questions of parliamentary law not otherwise provided for in these rules.
- 3.8. Business of the Commission: The Examiner will publish proper notice of Commission meetings. Any matters that the public wishes the Commission to address will be submitted to the Examiner, together with any pertinent information, for the Commission to consider. The Examiner will place them on the Commission's agenda, provided that upon motion of the Commission, additional items may be placed on the agenda.
- 3.9. Investigations by the Commission: The Commission may conduct, on its own or with available and/or budgeted resources, the necessary investigations relative to an appeal before the Commission. The Commission may also investigate other matters properly brought before the Commission. Such investigations must be commenced by a person stating a complaint of a rule violation, and the investigation must be carried out in an open public hearing process.

- 3.10. Legal Counsel of the Commission: The Commission's legal counsel is the City Attorney or his/her designee, unless circumstances, such as a conflict of interest, require the Commission to retain outside counsel. Legal counsel will be available at the Commission's request to advise and represent the Commission, if matters require possible legal action or legal opinions for the Commission. Retaining outside counsel is subject to budgetary authorization by the City Council.
- 3.11. Address of the Commission: The official address of the Civil Service Commission is the City of Shelton, 525 W. Cota Street, Shelton, WA 98584.
- 3.12. Record of Commission Proceedings: The Commission's official record is the minutes of Commission meetings. As approved by the Commission, the Examiner will keep public records of the Commission meetings and actions. A party to a proceeding may have a court reporter record all or part of a hearing. The cost of the court reporter and preparation of a transcript will be borne by the appealing party, unless otherwise determined by the Commission.
- 3.13. Removal of a Commission Member: Members of the Civil Service Commission may be removed from office for the following reasons: incompetency, dereliction of duty, or malfeasance. The Appointing Authority has the power to remove the member, subject to the member's right to appeal the decision in a public hearing before the City Council. The appeal must be filed within 10 calendar days after the member's receipt of the notice of removal. The City Council may affirm or reverse the Appointing Authority's decision upon majority vote.

4. SECTION FOUR - EXAMINER DUTIES AND PROCEDURES

4.1. Duties/Authority: The duties of the Examiner include the following:

- Serve as Secretary to the Civil Service Commission, as directed by the Commission, and perform such duties, as the Commission may direct under the authority of these rules, the Shelton Municipal Code and State law.
- Prepare Examinations, recruitment announcements, schedule Examinations, score exams, or coordinate with a testing service and maintain the classification plan (job description for each classification) of the Civil Service system, all to be done in a fair and impartial manner and to be based solely on merit and fitness.
- Report to the Commission from time-to-time concerning the Examiner's work relative to the Civil Service System.
- Classify Civil Service position and prepare and maintain job descriptions for each classification.

5. SECTION FIVE – SUBSCRIPTION TESTING SERVICES (Applies only to entry-level commissioned positions, and reserve officers)

- 5.1. Subscription Testing Services Authorized. The Examiner, following approval by the Commission, may enter into contracts with one or more Subscription Testing Services.
- 5.2. Subscription Testing Service defined. "Subscription Testing Service" means a person, vendor, or organization offering a service that tests and maintains lists of candidates for employment who

have successfully completed the Subscription Testing Service process.

- 5.3. Process Verification. The Secretary will verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.
- 5.4. Certification. All Applicants reported as a qualified candidate by the Subscription Testing Service may be placed on the City's CITL (entry-level) by date of testing. The Appointing Authority may request the Examiner or the Commission to determine if and when the City needs to conduct the second part of Applicant testing process, which is the oral board examination process.
- 5.5. By motion or other approval, the Commission may delegate to the Examiner the review and approval of candidates. Upon such delegation, the Examiner will verify that candidates for placement on the CITLs meet the minimum eligibility requirements for employment.
- 5.6. Additional Testing. Candidates qualified to be placed on the CHER(s) are subject to such additional testing as may be required by the Commission or the Appointing Authority. Such testing includes, but is not limited to, background investigation, polygraph, psychological, physical agility testing (in the case of entry-level Applicants), drug screening and medical examination.

6. SECTION SIX. CONTINUOUS TESTING (Applies only to lateral and entry-level commissioned positions)

- 6.1. Continuous Initial Testing List(s). The Secretary/Examiner, following approval by the Commission, may establish an entry-level CITL for use by Applicants tested through the Subscription Testing Service (STS).
- 6.2. Continuous Testing. Continuous testing means that a written examination and/or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards are offered and accepted on a continuous basis. An Applicant's placement on the CITL is valid for a period of one calendar year from the date of certification to the City's CITL. For the purposes of this section, Certification to the CITL occurs when an Applicant passes the written and physical testing and is added to the CITL by the STS. As new Applicants are placed on the CITL, the placement of all others on the list will be adjusted according to his/her score, as necessary. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Examiner or pursuant to a subscription testing agreement.
- 6.3. Certification. Applicants drawn from a CITL as a part of the continuous testing process will be placed on the appropriate CHER upon successfully passing the Oral Board interview. After combining the Applicant's scores from the written examination and the Oral Board interview, the Applicant will be placed on the CHER according to his/her score. The placement of others on the CHER will be adjusted accordingly. The CHER will then be certified in accordance with the rules and regulations of the Commission. Such adjustment to the CHER and subsequent Certification by the Commission may occur as often as requested by the Examiner.
- 6.4. Removal of Names. The names of candidates certified to the CHER will remain on the list until the expiration of one year from the date of Certification or until the candidate has been hired by another public safety organization. Names may be removed upon notification by the candidate, upon the notification of another public safety employer or an entity providing subscription testing. Names will also be removed from the CHER if a candidate fails any portion of the pre-employment testing.

7. SECTION SEVEN - APPLICATIONS

7.1. General Requirements for Filing Applications: All applicants for examinations for positions under Civil Service or those certified for the CITLs must complete a City of Shelton application. No one will be admitted to any oral examination without having first completed and signed an application giving fully, truthfully, and accurately, all information required.

7.2. In order to be accepted for Examination, the Applicant must:

- Meet the educational and experience requirements specified in the job announcement.
- As requested in the Examination procedures, produce evidence of education, training, experience, or any other Examination requirements.

7.3. Time for filing applications: All Examination applications will be filed with the City of Shelton Human Resources Office within the time limit specified in the recruitment job announcement.

7.4. The Examiner may extend the deadline for filing applications if insufficient qualified Applicants exist in order to conduct an Examination. Public notice of such an extension will be made in the appropriate manner as determined by the Examiner.

7.5. Rejection of Applicant or Eligible: The Examiner may reject an Applicant for Examination, withhold an Eligible's name from a register or from Certification, or remove from a register the Eligible's name if the Applicant or Eligible:

- Does not meet the requirements set forth in the job announcement.
- Is found to be physically or mentally unfit to perform the duties of the position as determined by a licensed physician and/or psychologist.
- Has been convicted of any felony, or convicted of a misdemeanor involving moral turpitude, or other conviction which is job related.
- Has made any material false statement or has attempted any deception or fraud in connection with application to seek employment.
- Fails to appear for any stages or portions of the Examination process, or fails any pre-employment examination procedure.
- Has assisted in preparing any portion of the Examination or has in any other manner secured confidential information concerning such Examination that might give an unfair advantage over other Applicants in the Examination.
- After notification, did not promptly appear at the time and place designated for the Examination.
- Has been dishonorably discharged from military service for cause equivalent to conviction of a felony or misdemeanor involving moral turpitude or other job related.
- Has lost the ability to gain certification by the Washington State Criminal Justice Training Commission.
- Has lost the legal right to carry a firearm.
- Is not able to provide credible testimony in a court of law based on prior history of deception, bias, or criminal conduct as defined in case law.

7.6. Admission to Examination Pending appeal: The Examiner may admit to the Examination anyone

whose application was not accepted, pending final disposition of an appeal. Such admission will be without prejudice to the City or the Applicant.

7.7. Amendment of Application: The Examiner may permit an Applicant to amend the information on the application or file additional information as long as such amendment is prior to any phases of the testing process.

7.8. Applications Not Returned: All applications when filed become the City's property and thereafter will not be returned to the Applicant.

8. SECTION EIGHT - EXAMINATIONS

8.1. Examination Announcements: Public notice of Subscription Testing Service entrance Examination or other Examinations open to the public will be published as determined by the Examiner. The official job bulletin will be posted by the Human Resources Office and may be distributed to appropriate agencies for posting. Additionally, the Examiner will determine any other appropriate recruitment publications or venues to attract qualified Applicants.

8.2. Type of Examinations: All examinations will be competitive, impartial, and job related. They will be used to qualify and rank Applicants in terms of their relative fitness for the duties of the classification. Examinations may include written tests, assessment of education and training qualifications, physical or performance tests, background investigations, or any other suitable evaluation of fitness, or any combination of such tests. Such Examinations will evaluate education, experience, aptitude, knowledge, skill, physical condition, and other qualifications to determine the Applicants relative fitness.

8.3. Examination Exemption: Written examination and/or a standardized physical fitness/agility test Physical agility testing is not required of lateral applicants. Provided that they meet the eligibility requirements under RCW.... Lateral Applicants will be placed on a CHER which will then be certified in accordance with the rules and regulations of the Commission. Such adjustment to the CHER and subsequent Certification by the Commission may occur as often as requested by the Examiner.

8.4. Interview/Assessment (Oral) Board: The Interview/Assessment Board must be composed of at least three (3) persons, approved by the Commission or the Examiner. One (1) member will be a lay person who is a citizen of the City of Shelton or who has a close working relationship with the City in a professional or volunteer basis. Two (2) members will be police professionals with experience and expertise with respect to the particular position for which the interviews are being conducted. However, City employees cannot be a police professional member for promotional exams. For entry level Examinations, the police professional may be a supervisory or line-level position within the Department or such police professional from another law enforcement agency.

8.5. Weighting of Examination Components: The written and Oral Board Examination will contain one or more parts to which percentage weights will be assigned that total 100%. Each part will be graded independently and then combined with other scores to arrive at a total score for placement on the Eligible list. Failing any component by a score of less than 70% will result in disqualification from further competition in the Examination process. The background investigation, polygraph, psychological and medical examinations, and the physical ability test are graded on a pass/fail basis. See Section 8.09.

8.6. Veterans' Credit: Veterans who have passed all required portions of an Examination, promotional

Examinations, are entitled to credit, as provided for in RCW 41.04 as now existing and as amended.

- 8.7. Local Reserve Credit: A bonus credit of up to 10% may be given to local reserve policemen when an affidavit is filed by the Police Chief with information as to the percentage. The recommendation will be based upon past experience, i.e.; years served, training received, drills attended, patrol experience and ability profile. Where veteran's preference also applies, no additional credit may be given for volunteer service.
- 8.8. Keyed Copy Inspection and Examination Protest: Any protest relative to the scope, content, or applicability of any specific question of the written examination must be filed with the Examiner within the time allotted for the examination. The protest must clearly identify the nature of the challenge, the correct answer if known, together with a possible source to verify the answer. No keyed copy of the examination will be provided for inspection. However, the Applicant may request the Examiner to verify the scoring for possible errors.
- 8.9. Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within three (3) working days after the notices of results have been mailed. When a qualifying grade or score is required on any part of an examination, those who fail will be notified and any protest or appeal must be filed within ten (10) working days after the notices of results have been mailed (excluding protest challenges to specific questions, which is noted above). All protests filed in accordance with this Rule will be reviewed and any proper corrections made, if clerical errors are found. If corrections are applicable to other examinations, the corrections will be made and proper notice provided to Applicants if their score is affected.
- 8.10. Correction of Clerical Errors: Any clerical error may be corrected by the Examiner upon discovery at any time during the life of the Eligible register, but such correction cannot affect an Appointment made from a Certification made prior to the correction.
- 8.11. Examination Papers: Examination papers of each candidate on the Eligible list will be kept on file in the City Clerk's Office until the expiration of the CHER.
- 8.12. Pre-Employment Testing: Candidates certified from the CHER are subject to pre-employment testing, including medical and psychological examinations (post offer), background investigation, and reference checks. Polygraphs will be administered as prescribed by state law (RCW 43.101.095 and WAC 139.07.040). If the candidate fails one or more of the pre-employment examinations as described in Section 8.04, the Examiner will schedule the matter to be heard before the Commission and recommend that the individual be removed from the Eligible list. Prior to the Commission's consideration the candidate will be provided with written notice stating the reason for such proposed removal.

9. SECTION NINE - CERTIFICATION AND APPOINTMENT

- 9.1. General Provision: Vacancies in the Police Department may be filled by Reinstatement, promotional Appointment, open Appointment, or in the absence of an appropriate register, the Examiner may authorize a temporary Appointment, consistent with Section 9.08.
- 9.2. Reports - Appointing Authority:
 - The Department Head shall immediately report to the Examiner in such detail and on such forms as the Examiner may prescribe:

- 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;
- Every separation from the service with the reasons therefore;
- Every refusal or failure to accept appointment by a person whose name has been certified.

9.3. Establishment of Eligible Registers: After each Examination, an Eligible register for the classification will be prepared with the names of candidates ranked.

9.4. On a promotional Examination register: relative rank will be determined by the examination final score, together with any applicable percentage allowed by law for Veteran's Preference for promotional positions.

9.5. On an open Examination register: relative rank will be determined by the total of all examination scores, together with applicable percentage allowed by law for Veteran's Preference.

9.6. If a tie exists on the final score, all candidates will be certified to the Department Head for consideration, consistent with Section 9.05(2).

9.7. The Eligibility List will show each candidate's name, score, ranking, and date in order of his/her final score with the highest composite score first on the list.

9.8. After the certification of the Eligibility List, the Examiner will, by mail, give written notice to each candidate of his/her individual examination results, showing the candidate's composite score and rank as computed in accordance with the final certification.

9.9. Duration of an Eligible List/Register: Eligible list/register becomes effective on the date signed by the Examiner and remains valid for a period of twelve (12) months. Lateral Entry or Entry Level CHERs however, may be continuous as defined in Section 6.02, in which case the List/Register will not expire until so ordered by the Commission, upon request of the Examiner. While the continuous CHER list will not expire, a candidate's name will remain on the list for not longer than 12 months as defined in Section 6.05.

9.10. Upon application by the Police Chief, at the discretion of the Civil Service Commission, a certified promotional Examination register may be extended beyond the initial 12 month duration for a period approved by the Commission, not to exceed a total of 24 months.

9.11. An Eligible list will be declared canceled by the Commission and a new examination ordered in the event of (a) fraudulent conduct involved in the Examination by one or more of the candidates on the list resulting in the Examination being compromised; or (b) insufficient number of qualified candidates exist on the Eligible list.

9.12. Request for Certification: Whenever an Appointing Authority wishes to fill a vacancy, the Appointing Authority will submit a request for Certification to the Examiner. The request must show the number of positions to be filled, the classification title, and cause of the vacancy, or if a new position.

9.13. Certification: Certification to fill a vacancy is made by the Examiner from established registers. The Entry Level CHER, through the open Examination process, will be used (excluding promotional positions) unless the Department Head requests permission from the Commission

to fill the vacant position from a Lateral Entry CHER.

- 9.14. Rule of Five: The top five scores from each Eligible list (entry level, lateral entry and promotional) will be certified to the Department Head. Should any of the candidates from any list be removed from the list, or disqualified in some manner, an additional name from the same list will be certified to the Department Head so that five qualified are available to select for a hiring decision. The Department Head may select any of the five to proceed with the pre-employment testing as defined in Section 8.09.
- 9.15. Inactive Status: An Eligible may submit a written request for inactive status on an Eligible list to the Examiner. The Examiner may grant inactive status; however, Inactive status will prevent the Eligible's certification. An Eligible on inactive status cannot be certified until the next vacancy occurring after the Eligible has given written notice of his/her desire to be returned to the register. The Eligible must also remain otherwise qualified for the position.
- 9.16. Regular appointment: The Appointing Authority has the right to not fill any subordinate position under his or her authority due to economy, lack of funds, operational efficiency, or other good cause. A vacancy will not be authorized and will not be filled until it is declared as a vacancy by the Appointing Authority.
- 9.17. A regular Appointment to fill a vacancy must be made from the names contained on a valid Eligible list who have successfully completed the background investigation process, which includes the polygraph, psychological and medical examinations. The Department Head, after making the selection, will cause to be completed a Personnel Action Form (PAF) indicating the effective date of hire, the salary, and other pertinent information.
- 9.18. Temporary Appointment: Where there is no suitable Eligible register from which Certification can be made, the Examiner 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, unless the Commission grants special dispensation. No person may receive more than one temporary assignment in any twelve (12) month period without the Commission's specific authorization.
- 9.19. Availability of Eligible: The Eligible must notify the Examiner in writing immediately of any changes in address, telephone number, name change through marriage or otherwise, or any changes that may affect availability for employment. Failure to provide the City with proper notice will result in removal of his/her name from the Eligible list. The name of the next available Eligible certified will be placed on the list.
- 9.20. Cancellation of Eligibility: A candidate's name may be removed from an Eligible list for one of the following:
- Failure to pass a required examination
 - Upon receipt of proof that the candidate cannot perform the job because of physical or mental disability
 - Inability to provide credible testimony in a court of law
 - Failure to pass the background investigation, polygraph examination, psychological examination, or other unfitness, fraudulent conduct,
 - False statements by the Eligible or the Eligible's collusion with others in connection with any application, examination for, or securing of an Appointment.

- A previous unsatisfactory work record with or dismissal from the City of Shelton,
- Determination of non-certification or prior revocation of certification by the Washington State Criminal Justice Training Commission (RCW 43.101.105), is also cause for cancellation of eligibility.
- Separation from City Service will terminate any promotional eligibility.
- Failure to respond to a recall or refusal to accept employment within fourteen (14) calendar days of notice.

In any case, the Examiner will strike the Eligible's name from the applicable list and notify the Eligible in writing of the basis for such action.

10. SECTION TEN - REINSTATEMENT

Duration of Reinstatement List: Regular employees who have been granted a leave of absence without pay may be reinstated by the Appointing Authority prior to using the entry level or lateral entry eligible list.

11. SECTION ELEVEN - DISCIPLINARY ACTION

11.1. Causes for Disciplinary Action: Causes for Disciplinary Action include but are not limited to the following:

- Incompetence, inefficiency, or inattention to or dereliction of duty.
- Dishonest, intemperance, immoral conduct, insubordination, unjustified discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct him/herself; or any willful violation of the provisions of the City's Civil Service rules.
- Mental or physical unfitness for the position that the employee holds.
- Dishonest, disgraceful, immoral, or prejudicial conduct.
- 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 that precludes the employee from properly performing the function and duties of any position under Civil Service rules.
- Conviction of any felony or misdemeanor.
- Any other act or failure to act which, in the judgment of the Appointing Authority, is sufficient to show cause for Disciplinary Action, including but not limited to the following:
 - Absence without leave.
 - Harassment and/or discrimination.
 - Negligent or willful damage to public property or waste of public supplies or equipment.

- Fraud or dishonesty in securing Appointment or promotion.
- Failure to report an accident or falsely filing a report concerning an injury.
- Willful or intentional violation of the Department's Policy Manual.
- Insubordination or refusal to follow a supervisor's lawful order.
- Revocation of police officer certification by the Washington State Criminal Justice Training Commission.
- Legal loss of privilege to carry a firearm.

11.2. Types of Discipline: A regular employee may be disciplined for just cause, as set forth in Section 11.01. Disciplinary Actions include demotion, suspension without pay, discharge, or other such action resulting in the loss of compensation or benefits. Probationary employees do not have appeal rights under these Civil Service rules.

11.3. Notice of Disciplinary Action: The Department Head will provide a copy of all Disciplinary Actions to the Civil Service Commission.

12. SECTION TWELVE - APPEAL HEARINGS

12.1. Types of Appeals: Any regular employee may appeal Disciplinary Action to the Commission. Any employment Applicant may appeal any Examiner action or decision to the Commission. The Commission may designate a temporary Secretary for appeals of the Examiner's actions or decision.

12.2. Time and Notice: A Notice of Appeal must be filed with the Commission within fourteen (14) calendar days of the action or knowledge of the action that is the subject of the appeal. The notice of appeal must be in writing and include the appellant's mailing address. The notice must also contain a detailed description of the facts giving rise to the appeal, and concise statement of the reason for the appeal, and the requested remedy. Failure to submit an appeal within the time limits and in the manner specified results in a denial of the appeal. All notices must be delivered to the Human Resources office at City Hall.

12.3. Scheduling: Upon receipt of a Notice of Appeal, the Commission will forward a copy of the notice to affected parties. A special appeals hearing will be scheduled as a public hearing for the Commission to hear the matter, conduct any investigation as necessary, and rule relative to the appeal. The hearing will be set within thirty (30) calendar days of Notice of the Appeal. The parties may agree upon a one-time extension, not to exceed ninety (90) calendar days, unless approved in advance by the Commission. If the appeal is not heard within such time period at the fault of the Applicant, the Commission may dismiss the appeal.

12.4. Service and Filing: The Examiner will cause to be served all orders, notices, and other papers issued by the Commission, including subpoenas. All other paper must be served by the party filing the notice, document, or paper.

12.5. All notices, documents, or papers served by either the Commission or a party and must be served by each party upon all counsel of record at the time of such filing and upon parties

not represented by counsel. Service of the initial appeal to the Commission must be in person or by registered or certified mail, and all other correspondence may be by regular mail service.

- 12.6. Papers required to be filed with the Commission will be deemed filed upon actual receipt of the papers by the Clerk's office or three (3) days after mailing, whichever is earlier. Documentary evidence is not required to be filed, but, rather, provided at the hearing. However, a list of exhibits and stipulations must be provided for the Commission at least five (5) days prior to the hearing.
- 12.7. Discovery: 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 will be resolved by order of the Commission prior to the beginning of the hearing.
- 12.8. Evidence: Oral evidence must be under oath or affirmation. Only the evidence presented during the hearing or investigation may be considered. When determining the admissibility of evidence, the Commission will consider, but not be bound to follow, the Washington State Court Rules of Evidence. Subject to other provisions of these Rules, all complete and relevant evidence is admissible, as determined by the Commission. Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties seeking such stipulation from other parties must request any stipulations no later than three (3) business days in advance of the hearing, barring unusual circumstances. The party to whom the request is made must respond no later than one (1) business day prior to the hearing.
- 12.9. When objection is made to the admissibility of evidence, such evidence may be received, subject to a later ruling. The Commission may exclude inadmissible or hearsay evidence and may order cumulative evidence discontinued in its discretion, with or without objection. A party objecting to the introduction or exclusion of evidence must state the grounds of such objection at the time such evidence is offered or excluded. Further participation in the hearing does not waive any properly raised objections.
- 12.10. At any hearing before the Commission when documentary exhibits are to be offered into evidence, the original must be provided to the Commission and copies furnished to the opposing party and to each Commission member.
- 12.11. Witnesses in any hearing will be examined verbally, under oath or affirmation, and are subject to cross-examination by opposing parties and the Commission.
- 12.12. Burden of Proof: At any hearing on appeal from a Disciplinary Action, the Appointing Authority has the burden of showing that its action was for cause. At any other hearing, the petitioner or appellant has the burden of proof by a preponderance of the evidence.
- 12.13. Deliberation: The Commission may deliberate in executive session when considering a Discipline case. Deliberations by the Commission are otherwise subject to Chapter 42.30 RCW. No person, other than legal counsel, may attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing. The Commission may request each party to submit post hearing briefs and/or draft proposed findings of fact and conclusions of law for the Commission's consideration.
- 12.14. Decision: The Commission will issue a written decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record. A decision must be issued

by the Commission within ten (10) days of the close of the appeal hearing. If post- hearing briefs are filed, the close of the meeting is the time deadline specified by the Commission for submittal of the briefs.

- 12.15. Judicial Review: Any court action challenging a final action or decision taken by the Examiner or Commission must be commenced within fifteen (15) calendar days of such action or decision. The cost of preparing any transcript that may be necessary for the judicial review is borne by the party seeking such judicial review.

13. SECTION THIRTEEN - LAYOFFS AND REINSTATEMENT REGISTER

- 13.1. Layoffs: The Appointing Authority may reduce the hours of an employee, or employees, or layoff employee(s), when necessary due to lack of funds, lack of work, abolishment of position or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. The Appointing Authority must give at least two weeks' written notice specifying the reasons for the layoff or reduction to the affected employee, the employee's union representative, and to the Commission.
- 13.2. Employment Status and Order of Layoff: Whenever it becomes necessary or useful, through lack of finances or for any other reasonable and just cause, to reduce the number of employees of this unit, such reductions will be carried out in the following order:
- Provisional appointees.
 - Temporary appointees.
 - Probationers (first Appointment).
 - Permanent employees in the order of rank and length of City Service; the one with the least service being laid off first and the one with most rank being laid off last.
- 13.3. Layoff Out of Order: The Appointing Authority may lay-off out of the regular order, upon showing of necessity therefore, in the interest of the Department's efficient operation, after giving any affected employee or employees an opportunity to be heard by the Commission.
- 13.4. Reduction in Lieu of Layoff: At the time of any layoff, classified employees will be given an opportunity to accept reduction to the next lower Class in the Department; provided that any employee so reduced is entitled to credit for any previous regular service in the lower Class and to any other City Service time.
- 13.5. Transfer in Lieu of Layoff: Transfers in lieu of layoff may be made to a different position within the Department upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a classified employee or probationer is not displaced.

14. SECTION FOURTEEN - RETURN TO REGISTER FOLLOWING LAYOFF

- 14.1. On layoff, an employee's name will be placed upon the proper Eligible register for the Class, according to the grade, for one year from the date of such layoff.
- 14.2. The names of regular employees who have been laid off or, when requested in writing by the Appointing Authority, Probationary Employees who been laid off will be placed upon a Reinstatement register for the same Class from which they were laid off for a period of one year from the date of layoff.

14.3. Upon the request of the Appointing Authority, the Examiner may approve the Certification of anyone on such a Reinstatement register as eligible for Appointment on an open competitive basis.

14.4. It is the Eligible's responsibility to notify the Civil Service Commission in writing immediately of changes in address, telephone number, name change, or any changes which may affect availability for reemployment.

14.5. Any Eligible who submits a written statement restricting the conditions under which he/she is available for employment will be withheld from Certifications that do not meet the conditions specified. New written statements may be filed at any time within the duration of Eligible register modifying conditions under which reemployment would be accepted.

APPROVED AND ADOPTED by the City of Shelton Civil Service Commission on October 3, 2024.

Brian Lawson – Approved 10/07/2024

Civil Service Commissioner

Nichole Kerksieck – Approved 10/08/2024

Civil Service Commissioner

Civil Service Commissioner