Article I. RESOLUTION OF THE FERRY COUNTY CIVIL SERVICE COMMISSION

TO ADOPT THE MODEL CIVIL SERVICE RULES FOR WASHINGTON STATE LOCAL GOVERNMENTS

WHEREAS, on October 15, 1987 the Ferry County Civil Service Commission adopted revised Rules and Regulations of the Ferry County Civil Service Commission for the Ferry County Sheriffs Department; and

WHEREAS, Model Civil Service Rules for Washington State Local Governments were developed and last revised in 1992 by the law firm of Foster Pepper & Shefelman of Seattle, Washington; and

WHEREAS, Model Civil Service Rules for Washington State Local Governments were adopted on December 14, 1995; and

WHEREAS, the Ferry County Civil Service Commission adopted the Ferry County Civil Service Rules May of 2005; and

WHEREAS, the Ferry County Civil Service Commission further revised said rules to create a fluid and functional set of rules to better serve Ferry County Civil Service in a regularly scheduled meeting March 10, 2016; and

WHEREAS, the above referenced model civil service rules include references to legal authority and provide documentation for legal research on various issues that may arise in the Sheriff s Department; and

WHEREAS, the Ferry County Civil Service Commission desires to adopt the most effective and comprehensive rules for regulation of the Ferry County Sheriff's Department; and

WHEREAS, it has been determined that there is a need to modify the aforementioned rules to better serve the specific needs of the Ferry County Civil Service System.

NOW THEREFORE BE IT RESOLVED by the Ferry County Civil Service Commission that Model Civil Service Rules for Washington State Local Governments, as revised by the Ferry County Civil Service Commission, is hereby adopted and shall take effect upon execution.

ADOPTED this 10th day of March, 2016

FERRY COUNTY CIVIL SERVICE COMMISSION
FERRY COUNTY WASHINGTON

C. M. Sam Jenkins

C. M. SAM JENKINS, COMMISSION CHAIRMAN

ATTEST:

RON BACON, COMMISSION VICE CHAIRMAN

Jill Gates

Jill Gates
Chief Examiner

Steve Anthes

STEVE ANTHES, COMMISSION MEMBER

FERRY COUNTY CIVIL SERVICE RULES

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(Any exclusion of a rule number is intended for future use)

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 RCW 41.14.

1.03 SCOPE AND PURPOSE. These rules govern the continuing administration of the Civil Service System of Ferry County. The purpose of these rules is to assure that the Civil Service System in Ferry County is administered appropriately, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

1.05 PRESUMPTION OF VALIDITY. The Civil Service System implemented by these rules substantially accomplishes the purpose of RCW 41.14. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW 41.14.

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

2 . ADMINISTRATION AND OPERATIONS

2.01 COMMISSION--MEETINGS--QUORUM. In the necessary conduct of its work, the Commission shall normally meet on the 2nd Thursday of each month, at 11 AM, in the Meeting Room in the Ferry County Courthouse unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open 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).

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

2.04 COMMISSION ACTIONS. Due to the advent of new electronic technology, such as email, FAX, etc., the Commissioners may conduct actions electronically, such as certifying registers, reviewing determinations of the Secretary and any other business that is in the best interest of the County. A quorum must review and certify or approve any action and, in the case of email or FAX, the Secretary shall print the final action indicating the Commissioners response and file with other records of Commission actions and business.

2.05 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 two 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 Commissioners(s) shall return and proceed with the hearing.

2.09 OFFICE HOURS. The office and postal address of the Civil Service Commission is 350 E. Delaware Ave #15 Republic, Washington 99166. The regular office hours of the Chief Examiner/Secretary shall be Monday thru Friday 8 a.m. to 4 p.m. The email and phone number of the Chief Examiner shall be posted on the County web page.

2.11 PUBLIC RECORDS. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Ferry County Civil Service Commission Secretary. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the Civil Service Commission Secretary, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by Ferry County ordinance. These rules shall be printed and distributed for free public distribution.

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

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

2.17 REPORTS--DEPARTMENT HEADS. A department head shall immediately report to the Secretary in such detail and on such forms as the Secretary may prescribe:

2.17.01 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;

2.17.02 Every separation from the service with the reasons therefore;

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

2.17.04 Department Heads shall route all reports as indicated above through the Sheriff (Appointing Authority) and obtain the Sheriff's signature prior to transmitting such reports to the Commission.

3. CHIEF EXAMINER - SECRETARY

3.01 CHIEF EXAMINER – SECRETARY -APPOINTMENT. A Chief Examiner - Secretary (Or assistants as needed.) shall be appointed by the Commission as a result of a competitive examination.

3.03 CHIEF EXAMINER SECRETARY--AUTHORITY. The authority of the Chief Examiner - Secretary shall be pursuant to RCW 41.14.050

3.05 CHIEF EXAMINER – SECRETARY --DISCIPLINE. Although not a union member, the Chief Examiner -Secretary shall be subject to a progressive disciplinary system in the same manner as outlined in the Collective Bargaining Agreement for the Sheriff's department.

3.07 CHIEF EXAMINER – SECRETARY --DUTIES

3.07.01 The general manager and executive officer, responsible to the Commission.

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

3.07.04 Assist in preparing the budget for the Commission;

3.07.05 Classify all Civil Service positions in the classified service, maintain a list of all such classes in the classification plan, and 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 to the various parts of the examination; supervise the conduct of the examinations, 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 after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination; and

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 or her from time to time by the Commission.

3.07.08 Supervise and assign tasks to assistants, when assistants are needed.

3.09 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY.

3.09.01 The Commission on its own motion may review or modify any action or decision of the Chief Examiner -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 pursuant to Rule 19.03 on appeals time and form.

4 . DEFINITIONS

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

4.01 ACTUAL SERVICE. An employee's continued length of service within a specific job classification from the last date of hire or from the date of transfer to such job classification, whichever is later. See Union Contract for definition of Seniority.

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 and/or Personal History Statement to take a Civil Service examination.

4.07 APPOINTING AUTHORITY. The person or persons authorized to hire, promote or discharge employees. The County Sheriff is vested by law with power and authority to select, appoint, or employ any deputy, deputies or other employees included in this system.

4.09 APPOINTMENT

4.09.01 APPOINTMENT--REGULAR. The appointment of a certified eligible.

4.09.02 APPOINTMENT--PROVISIONAL. A limited-time appointment of certified [or non-certified] person to a classified position which is not vacant, but is currently unfilled due to an authorized leave of absence and for the duration thereof;

4.09.03 APPOINTMENT--TEMPORARY. A limited appointment other than from a certified 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. Temporary (Emergency) appointments will be made from an existing temporary register of applicants.

4.09.04 APPOINTMENT – EMERGENCY. See APPOINTMENT—TEMPORARY

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 a loss of accumulated service credit as occasioned by a "quit," "resignation," "discharge" or "retirement."

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

4.16 CAUSE. Any unfavorable event, occurrence or condition upon which an applicant, eligible or employee may be subject to discipline or removal. For example, removal from a register, "for cause."

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 passed the Civil Service Examination.

4.23 CIVIL SERVICE EMPLOYEE. Any employee who has Civil Service status.

4.25 CIVIL SERVICE REGISTER. See Eligible Register Rule 4.75.02

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 [Corrections Officer, Lead Corrections Officer].

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. Ferry 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. Any department of the County subject to civil service as established by ordinance. The legal head of any such department is the "Department Head," or Department Head's designee.

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. See Rule 4.75.02 Registers

4.49 EMPLOYEE. Anyone holding a position in the Ferry County Sheriff's Department.

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 from a temporary register.

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 certified register who has not yet completed the specified probationary period of employment. See Rule 11.03 for periods.

4.49.09 EMPLOYEE--PROVISIONAL. Any employee appointed to fill a non-vacant position for the duration of a leave of absence of the employee holding the permanent position. A Provisional Employee is serving at the pleasure of the Appointing Authority and has no rights under Rule 19.01 upon removal from the provisional position.

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

a. EXAMINATION--OPEN [or ENTRANCE]. An examination open to any member of the public meeting the requirements as stated in the examination bulletin announcing the examination.

b. EXAMINATION--PROMOTIONAL. An examination limited to employees meeting the requirements stated in the examination bulletin announcing the examination.

4.53. EXAMINATION BULLETIN. An examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and the other pertinent information. The examination announcement shall be posted in the Ferry County Sheriffs Department and the Ferry County Courthouse Bulletin Board and in other suitable locations.

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

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 term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.

4.61 OFFICIAL NEWSPAPER. The newspaper designated as official by the County, or as otherwise designated by the Commission.

4.63 POSITION. Any group of duties and responsibilities in a Civil Service classification, that one person is required to perform as an employee, 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 Sheriff certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.

b. POSITION--REGULAR PART-TIME. Employment in a regular position for work on a basis of less than eight hours a day or less than forty hours a week.

4.65 PROBATION OR PROBATIONARY. The status of an employee during a 12 month period following an appointment from a certified register. This period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed.

4.67 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.

4.68 PROVISIONAL. See rule 4.49.09

4.69 QUIT. Any voluntary separation of an employee from the County service 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.

4.75.01 CERTIFIED REGISTER. A list of at least three names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy. However, after continuous testing for a twelve month period, the Certified Eligible list may contain less than three names.

4.75.02 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.

4.75.03 PROMOTIONAL REGISTER. A register or list of names of those regular employees who are qualified and are seeking promotion to a higher class or position.

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

4.75.05 TEMPORARY REGISTER. A register containing all those persons who have applications for employment on file with the commission and who are awaiting the next test or whose name remained on the certified register at the time of its expiration. These applicants may be considered for a temporary / emergency appointment.

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

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.

4.86. RULE OF THREE. RCW 41.14.130 - The commission shall certify no more than the names of the three persons highest on the eligible list for the class to which the vacant position has been allocated, who are willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the names of the three persons standing highest on the list held appropriate for such class. The Appointing Authority may make appointments from a certified list containing less than three names in the event that the circumstances in 4.75.01 apply.

4.87 SECRETARY. Chief Examiner-Secretary as defined in Chapter 3.

4.88 SENIORITY – See Rule 4.01 Actual Service.

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.

4.92 TRIAL PERIOD – A designated time in which an employee who has been either promoted or demoted must serve for the sole purpose of determining that he or she is capable of satisfactorily performing the functions and duties of the position.

4.93 VACANT/VACANCY– A classified position is vacant when it has no permanent employee appointed due to a resignation, retirement, demotion, loss of life, permanent disqualifying disability, disciplinary discharge or an increase in the number of budgeted positions.

4.95 VETERANS PREFERENCE. Preference in examinations and employment, based on military service, as provided and defined by applicable laws. Veterans who served during a period of war or armed conflict and do not receive military retirement benefits are entitled to have 10% added to their passing scores for their first civil service appointment. Veterans who did not serve during a period of war or armed conflict or who are receiving military retirement benefits are entitled to have 5% added.

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, provided that a discussion of the new/amended rules has occurred in at least one previous meeting.

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 sent as soon as practicable after adoption to the County Auditor, the County Commissioners, the Prosecuting Attorney and the Sheriff. A copy shall be maintained in the office of the Commission for public inspection, and upon request, copies shall be available for free 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.

5.08 NUMBERING OF RULES.

5.08.01 Rules shall be included in their related section numbers by subject and relation to each other where possible.

5.08.02 Normally, the second two-digits of a rule will be an odd number, I.E., 5.07, except when the Ferry County Commission determines that a new rule is to be added when an even number will be used. An even number may also be used to signify a rule that has been extensively modified, which meets specific needs of the Ferry County Civil Service System.

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.

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 reviewed within the last 12 months.

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 organizational 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 position 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 for

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 It shall be the duty of the appointing authority to supply to the Secretary, in writing, all necessary information to enable the Civil Service Department to maintain records as necessary, 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 Sheriff and to the County Commissioners. The Sheriff 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 retitled 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, elect to take a voluntary reduction to the lower class or, at the employee's option and 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 (Not to exceed 12 months) 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 All applicants for examinations for positions in the classified Civil Service must file a written application on a form prescribed by the Secretary; 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.

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

(a) Meet the requirements specified in these rules and in the official examination bulletin as of the closing day of the official filing period,

(b) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

7.01.03 Time for filing applications:

(a) All applications for examination shall be filed with the Secretary at any time during and within the time limit fixed in the official announcement of the examination, 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 must be postmarked on or before the closing date. Applications for temporary/emergency appointments may be accepted anytime during the period of need.

(b) The time for filing applications may be extended by the Secretary as the needs of the service require.

7.03 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS

7.03.01 An application shall be accepted from any regular employee in the classes from which promotion is allowed who, in addition to meeting the requirements of Rule 7.01, meets the requirements designated in the examination bulletin.

7.03.02 The Secretary may permit regular employees and probationers to file for and take a promotional examination for delayed eligibility if they meet the lower specified minimum service requirements in the classes from which promotion is allowed by the time the promotional position will be assumed.

7 .05 SPECIAL REQUIREMENTS.

7.05.01 The Chief Examiner may prescribe additional specific requirements, physical or otherwise, if, in the Appointing Authority's judgment and the Chief Examiner concurrence, the requirements are related to the work to be performed.

7.05.02 The Secretary may permit filing by an applicant not more than three months under the specified minimum age on an open graded/entrance examination and not more than three months under the specified experience on a promotional examination. A successful candidate will have delayed eligibility until the required minimum age or experience is attained.

7.05.03 An application must be submitted to the Civil Service Commission prior to the applicant's appointment for any temporary or emergency position. This will allow for candidates to be placed on a register and to be scheduled for examination in a timely manner.

7.07 CONDITIONAL ADMISSION. If there is reasonable doubt as to whether the applicant meets the minimum requirements, the Secretary may 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 a misdemeanor involving moral turpitude.

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 previous employer;

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 or application for examination;

7.09.06 Fails to appear for fingerprinting, lie detector testing, 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 For other material reasons.
(See Rule 3.09. "Review and Appeal From Actions or Decisions of the Secretary.")

7.11 DEBARMENT FROM EMPLOYMENT.

7.11.01 No one who has been dismissed from a Civil Service position for cause involving moral turpitude shall be allowed to again enter the Civil Service. Anyone dismissed for other good cause may be allowed to reapply for the Civil Service only by written approval of the Commission and on a "case-by-case" basis only. Any such decision by the Commission shall not be considered as setting precedence.

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 Ferry County 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 Commission of the reasons therefore by written notice mailed to the applicant or eligible. When an eligible is removed from a register for cause, the Secretary will prepare a letter to the person indicating the reason. The letter will be mailed, certified - return receipt requested.

7.15 ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary shall admit to the examination anyone whose application was not accepted, pending final disposition of an appeal. Such admission will be without prejudice to either the County or the applicant. See Rule 19.01.04

7.17 AMENDMENT OF APPLICATION. The Secretary may permit any applicant to amend the application or to file an amended application 90 days after acceptance of the application form.

7.19 APPLICATIONS NOT RETURNED. All applications, when completed and filed, become the property of the Commission and will not be returned to the applicant.

7.21 APPLICATION FEE. A FEE MAY BE CHARGED, IF NEEDED.

8. EXAMINATIONS

8.01 SCHEDULING EXAMINATIONS. An examination shall be scheduled whenever it is deemed to be in the best interest of the County. Examinations are currently administered by Public Safety Testing. http://www.publicsafetytesting.com/ Examinations are a continuous process.

8.02 ADMINISTRATION OF EXAMINATION. The Chief Examiner shall administer examinations as provided by these rules.

8.03 EXAMINATION ANNOUNCEMENT. Public notice of examinations may be given by the Chief Examiner/Secretary in the official county paper of record and in any other publications, which the Chief Examiner/Secretary may direct, at least fifteen (15) days preceding such examination. The examination bulletin shall be distributed to appropriate departments for posting on bulletin boards. In addition to the public notice, promotional examination notices shall be posted on the Ferry County Courthouse Bulletin Board and in department offices not fewer than fifteen [15] days preceding the examination. Please refer to Public notice on the Ferry County website http://www.ferry-county.com/ as well as Public Safety Testing http://www.publicsafetytesting.com/

8.05 AMENDMENTS TO ANNOUNCEMENTS. The Secretary may amend any published examination announcement with a public notice in the official county paper of record.

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

8.07.02 DURATION AND CLOSING. Any open filing and examination period may be closed by order of the Chief Examiner upon giving notice of the order by:

(a) Publication at least once in the official county paper of record; and

(b) Posting a copy in the Ferry County Sheriff's Department at least five (5) working days prior to the date of closing.

8.07.03 To maintain security of examination material, no keyed copy of the Written test will be provided to any person other than the Commission and Chief Examiner-Secretary.

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.

8.09.01 The qualifying examination process in Ferry County will include a written test, a typing test and a physical test (for Law Enforcement Deputies and Corrections Officers only), according to academy standards and administered by Public Safety Testing. An oral interview will be administered by the Chief Examiner with a board consisting of three persons. (See Rule 8.44)

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.

8.13 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 questions answered correctly) shall be the sole indicator of final score of a written examination, unless otherwise determined by the Commission prior to exam administration. The Commission defers to the Public Safety Testing process.

8.13.02 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."

8.13.03 A physical agility test will be administered for Law Enforcement Deputies using the Washington State Criminal Justice Basic Law Enforcement Training Academy criteria and for Corrections Officers using the Washington State Corrections Officer Academy criteria.

8.15 PASSING GRADES.

8.15.01 A final minimum passing score required shall be determined 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. An applicant who has failed any portion may retake that portion on the next scheduled examination date. The minimum score required and the part of the exam to which it is applicable shall be stated in the examination bulletin or announced at the time of the examination.

8.15.03 Where an applicant fails to meet the minimum requirements for the physical agility portion of the exam, the applicant may continue to take the balance of the exam. The candidate is eligible to retest for the entire physical agility examination within 90 days through Public Safety Testing. Should the applicant fail the physical agility examination a second time (for reasons other than injury), the applicant shall be considered to have failed the examination.

8.15.04 Where an applicant has failed the written examination, they may reapply and retest with Public Safety Testing after a 90 day waiting period.

[See also separate rule 8.41 for optional procedures regarding multi-part examinations.]

8.17 QUALIFYING GRADE. Where any part or parts of an examination relate to qualifications deemed essential to the proper performance of the duties of the class, the Secretary may determine the minimum-qualifying grade for each such part or parts. Failure to attain such grade shall disqualify an examinee, without regard to overall examination grade, and shall disqualify the examinee from participation or rating on other parts of the examination.

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

8.23 VETERANS' CREDIT. Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW. To receive veteran's credit, the applicant must provide the Chief Examiner/Secretary a copy of their **DD 214 prior to the examination.** See Paragraph 4.95

8.24 VETERANS' CREDIT FOR SPOUSES. As per RCW 73.16.101 Veteran's credit for spouses could apply. Correct required documentation must be given to the Chief Examiner.

8.29 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 five (5) working 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 by a certified (with return receipt requested) letter. Any protest regarding test failure must be filed in writing within five (5) working days after signing the return receipt. The same time frame for filing applies when making an appeal to the Commission if the protest is denied by the Chief Examiner/Secretary.

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 five (5) working days after the notices of results have been received by the applicant and after signing the return receipt.

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 on all examination papers materially affected and the respective applicants notified of the results.

8.31 CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected by the Chief Examiner upon discovery at any time during the life of the eligible register. No such correction shall affect an appointment made from a certification made prior to the correction.

8.33 EFFECTIVE DATE OF EXAMINATION RESULTS. The results of an examination shall become effective when the official notice is certified by at least two members of the Ferry County Civil Service Commission and on the date the certified notice is returned to the Chief Examiner / Secretary.

8.35 RE-EXAMINATION.

8.35.01 No one shall be re-examined for the same class within three months of the effective date of such examination, as per Public Safety Testing guidelines.

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

8.37 EXAMINATION PAPERS. Examination papers of each eligible shall be kept on file in the office of the Commission until one year after 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 only for entry-level applicants under RCW 49.44.120. Reports of such examination shall be prepared by the Appointing Authority or his/her designated representative and filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Commission shall consider such recommendation and may require further examination. Or the Commission may order the eligible's name dropped from the eligible register.

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;

8.41.02 assign weights to each part of the examination, with the examinee's earned examination score equaling the weighted average of the scores on each part;

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 job 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 apply to women, minority or handicapped candidates. Under-representation would be determined in the same manner as under Rule 8.43.02: or

8.41.04 employ all or any of the above options for multi-part examinations in any examination.

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.

8.43.01 RANDOM SAMPLE. The Secretary may provide for a random sample of qualified applicants to be drawn for an entry-level examination by so stating in the Examination Bulletin. 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 County 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, if any, and such percentage shall correspond to the protected groups' 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.

8.44 COMPOSITION OF ORAL EXAMINATION BOARD.

8.44.01 Open Competitive boards. The Secretary shall compose a board of at least 3 individuals to conduct the board. The ideal composition will be at least two law enforcement officials (current or retired) or Civil Service employees invited from outside the County or a combination of law enforcement officials (current or retired) from within the county and a citizen of Ferry County. When law enforcement officials or Civil Service employees from within the county are used, no individual from within the hiring department will be used.

8.44.02 Promotional boards. The Secretary shall compose a board which will consist of two Sheriff designee's, and one Civil Service appointee. This is in accordance with the Union Agreement (Article XVII).

9. REGISTERS AND ELIGIBILITY

9.01 ESTABLISHMENT OF ELIGIBLE REGISTERS. After each examination, an eligible register for the class shall be prepared on which the 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, plus any additional points allowed for service credit plus percentage allowed by law for veterans' preference (first promotional exam only).

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

9.01.03 Priority of time of examination shall not give any preference in rank on the register.

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

(a) The one who qualifies for veterans' preference in accordance with Washington state law. Eligibles on a promotional register after their first time do not so qualify.

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

(1) 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.

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

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

(1) As between examinees who are County employees, the one having the greater longevity with the County, regardless of class or department.

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

(d) 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.

9.02 LATERAL HIRING REQUIREMENTS: (Adopted June 2006) The Appointing Authority will notify the Chief Examiner / Secretary in writing of the need for a Lateral appointment. The Chief Examiner / Secretary will then provide the Appointing Authority with a list of all applicants for the classification vacancy requested.
To take the appropriate examination and qualify for appointment as a DEPUTY SHERIFF or CORRECTIONS OFFICER (Lateral), the applicant must:

(a) Have successfully completed the Washington State Criminal Justice Training Commission's Basic Law Enforcement Academy (or equivalency) for Law Enforcement Officer(Corrections Officer Academy Training for CORRECTIONS OFFICER) and have been employed within the last two years, in good standing, as a commissioned law enforcement officer in Washington State, or is able to be commissioned in Washington State. The candidate must be able to complete the Washington State requirements within a specified amount of time at hire. Applicants who have successfully completed the Washington State Criminal Justice Training Commission's Basic Law Enforcement Academy (BLEA) (or equivalency) who are presently employed in good standing by a "limited authority Washington law enforcement agency", and whose peace officer certification will still be valid at

the time of appointment, may also be considered. (*Applicants on layoff status due to budgetary constraints are also eligible.)

(b) File with the Civil Service Commission a completed application and a resume prior to hiring.

(c) Be willing to accept an appointment for a temporary/emergency hire, which applications may be accepted anytime during a period of need.

(d) Be a citizen of the United States and be able to read and write the English language.

(e) Be at least 21 years old at time of appointment.

(f) Have uncorrected vision of at least 20-40 in each eye, OR corrected to 20-20 and normal color vision.

(g) Have graduated from high school or present a certificate of equivalency.

(h) Have a valid Washington State vehicle operator's license or must obtain a Washington State Vehicle operator's license within 60 days of hire.

(i) Be willing to relocate anywhere within Ferry County at the Sheriff's request in accordance with departmental needs.

(j) Sign a waiver agreeing to a background investigation by the Civil Service Commission and/or the Ferry County Sheriff's Office.

(k) Pass the Washington State Basic Law Enforcement or Corrections Officer Physical Agility tests as directed by the Commission; successfully pass a background investigation and pre-employment drug screening; pass a medical examination at time of appointment as well as psychological and/or polygraph exam(s), if required, and other testing as determined necessary.

(l) Agree to accept seniority at an entry level Civil Service position regardless of the amount of seniority acquired at the former department.

(m) Provide documentation of Academy attendance and completion along with a letter from the applicant's current Civil Service Commission indicating a statement of current service.

(n) Successfully serve a 12 month probationary period to become a regular Civil Service Employee in the position appointed.

9.02.1 INTERVIEWS OF LATERAL CANDIDATES. The Appointing Authority will have the option of making an appointment from the list of lateral applicants without conducting a formal interview with the candidates based on the applicant's resume, application and references or if a formal interview is conducted for any applicant, the Appointing Authority must interview all applicants provided by the Chief Examiner / Secretary.

9.03 RETURN TO REGISTER FOLLOWING LAYOFF. On layoff, an employee's name shall be placed upon the proper eligible register for the class, according to the grade, for one year from the date of such layoff.

9.05 RETURN TO ELIGIBLE REGISTER AFTER RESIGNATION OR RETIREMENT.

9.05.01 A former regular 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.

9.05.04 The name of a former employee who resigned or retired may not be returned to a promotional register, unless recommended by the head of the former employing department or the appointing authority 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 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 reinstatement register for the same class and for the department from which laid off, for a period of one year from the date of layoff;

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

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

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

9.11 AVAILABILITY OF ELIGIBLES.

9.11.01 It shall be the responsibility of an eligible to notify the Civil Service Department in writing immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment.

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

9.13 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 by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the County or dismissal from a Civil Service position, 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 a Civil Service position will terminate any promotional eligibility;

9.13.03 Upon request of the appointing authority to remove an eligible from a register because 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 ten working (10) 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 (regular) position shall constitute separation from the service except as provided in Rule 9.07.03

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.

9.16 ESTABLISHMENT OF TEMPORARY / EMERGENCY REGISTER. Whenever there is less than three (3) certified eligibles on a register, the names of all applicants will constitute the Temporary / Emergency Register. This is the register that will be used by the Appointing Authority to make temporary and or emergency appointments.

10. CERTIFICATION AND APPOINTMENT

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

10.03 REQUEST FOR CERTIFICATION. Whenever the 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, using a form provided by the Civil Service Commission.

10.05 CERTIFICATION.

10.05.01 Eligible Register. Certification to fill a vacancy shall be made by the Civil Service Commission from registers in the following order and as provided in this rule:

(1) Reinstatement Register

(2) Promotional Register

(3) Eligible Register

10.05.02 Order of Reinstatement--Eligible.

(a) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:

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

(2) Probationers without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.

(b) Upon request from the appointing authority, the 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. Request for deviation from the regular order shall be in writing from the appropriate Department Head and routed to the Commission through the Appointing Authority.

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

10.05.03 If a vacancy is to be filled from a promotional register, the Secretary shall certify to the appointing authority the names of the top three [3] available eligibles or 100% of the total available eligibles, whichever is the lesser, and who stand highest on the appropriate register.

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, when there are more than three qualified applicants.

10.05.07 Additional Names. If the appointing authority provides notice in writing to the Secretary that any of the eligibles certified are not available, not acceptable through further examination, 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 who possess the special qualifications.

10.05.11 Prior Service. If a temporary vacancy is to be filled from a 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 seniority 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 Chief Examiner/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 1 year from its date of issuance. The appointing authority must file a report of any appointment from such certification with the Chief Examiner/Secretary upon request; the Chief Examiner/Secretary may extend such certification for an additional period for the good of the service. Expiration of eligibility of any applicant shall not cancel the validity of a certification.

10.10 RECERIFICATION OF LIST. Prior to expiration of a certified register the Chief Examiner/ Secretary shall reverify availability and eligibility of candidates on the register.

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 / EMERGENCY APPOINTMENT. Where there is no suitable eligible register from which certification can be made (e.g. The Rule of Three cannot be met), the Secretary may allow the appointing authority to make a temporary appointment from a list of applicants who will be scheduled for testing. A temporary appointment may be made for a period of up to 4 [four] months] and may be extended for a period not to exceed eight additional months. No person shall receive more than one temporary appointment during a calendar year. All temporary employments in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a CERTIFIED eligible register for such class is available. An extension may be granted by the Secretary upon satisfactory written notice by the Appointing Authority, if such extension will not cause the temporary appointment to exceed the initial 12 [twelve]-month total limitation.

10.14 TWELVE MONTH APPOINTMENT. If, after one year from the date the initial temporary appointment was first made, there are less than three persons on the ~~certified~~ eligible list for the class, then the appointing authority may fill the position with any person or persons on the eligible list. **RCW 41.14.060 (7)**

11. PROBATION

11.01 PROBATIONARY PERIOD.

11.01.01 After each full-time or part-time permanent appointment from a certified eligible register, the employee appointed shall serve a complete period of probation (see Rule 11.03) 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, conduct initial training as needed, conduct polygraph testing, conduct an additional physical agility test and attend the appropriate Academy, if required by classification, before civil service status is acquired.

11.01.02 If a probationer transfers in the same class from one department to another, the receiving department may, with the approval of the Secretary, require that a complete probationary period be served in that department. If no request is received within ten working days of the transfer, the original probation period will continue.

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 365 DAYS following permanent appointment from an eligible register as stipulated in the union contract. 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 MAY approve a departmental request for an extension of the probationary period.

11.05 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE. A probationer who engages in active military service more than 30 (thirty) days, shall be considered as having an interrupted probationary period. Such employee will continue the probationary period following return from military leave. INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE does not include weekend drills or annual training. Generally, this is invoked upon a person being "mobilized/federalized" or "mobilized at the command of the Governor of Washington in the case of National Guard or Command Headquarters in the case of Reserves".

11.07 SERVICE IN ANOTHER CLASS. Service in a class or 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 may be properly judged on the basis of service in the other class or office.

11.09 REMOVAL OF PROBATIONER.

11.09.01 Grounds. During the twelve (12) month probation period, the appointing authority, by assigning in writing to the Commission the reasons therefore, may discharge 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 or .03.

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

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 entry level or promotional position.

11.11 DEMOTION. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he/she was appointed, in accordance with Rule 17.03 on demotion, or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the appointing authority, subject to approval by the Commission. A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

11.13 PROTESTS. Any probationer may file a written protest with the Secretary protesting a termination of probationary status or demotion. All protests must be filed within ten (10) working days of notice of the action taken. The Secretary will give due consideration to and take appropriate action on all protests filed within the ten working day period. Probationers may appeal a decision of the Secretary to the Commission under Rule 17.

12. SERVICE CREDIT

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

12.03 DETERMINATION.

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

12.03.02. Following the requisite probationary period and upon appointment or reappointment, the seniority and service credit of the employee shall begin anew and be computed without benefit or credit of any prior service except service credit may be restored as the Commission may otherwise authorize for the good of the service.

12.04 REQUESTS FOR CONFIRMATION.

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

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

12.05 SERVICE COVERED.

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

12.05.02 PROBATIONARY PERIOD. After completion of an original or promotional probationary period, a regular employee shall receive credit for actual service during such

period. If a probationer fails to satisfactorily complete the required probationary period and is returned to his former regular class, actual service during such period shall be credited to the former class.

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

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

12.05.05 LEAVES WITH PAY. A regular employee shall receive full credit for any leave with pay.

12.05.06 LEAVES WITHOUT PAY. No service credit shall be allowed for any time that an employee is in any leave of absence without pay status, unless otherwise stipulated in the Union Contract.

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

12.06 CHANGE IN CLASS OR DEPARTMENT.

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

12.06.02 ABOLITION OF CLASS. In the event that a regular employee's former class is abolished or changed, all service credit earned in such class prior to its abolition or change and not lost or forfeited shall be credited to another class in the same department which is substantially similar to, and is neither higher nor lower than, the abolished or changed class.

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

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

12.08 TRANSFER--COMPUTATION OF CREDIT. A regular employee shall be entitled to retain all service credit earned in any class and department prior to an authorized transfer therefrom, which

shall be credited to such former class and department. Service credit earned in the new class or department to which transferred shall be credited to such new class or department, from the effective date of the transfer. If the transfer becomes permanent, the required trial period, if any, shall be credited to the new class or department. Otherwise such trial period as served shall be credited to the former class or department.

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

12.10 VOLUNTARY REDUCTION--COMPUTATION OF CREDIT. Upon the voluntary reduction of a regular employee to a lower class in the same or different department as provided by these Rules, such employee shall retain all earned service credit in the higher class and department from which reduced, prior to such reduction, if not lost or forfeited.

12.11 REALLOCATION--COMPUTATION OF CREDIT.

12.11.01 SIMILAR CLASSES. If a regular employee's position is reallocated to a different class which is substantially equivalent to the former class, all the service credit previously earned in the former class and same department and not lost or forfeited shall be credited to the new class. In addition thereto, the employee shall receive all service credit subsequently earned in the new class and the same department. The Appointing Authority will notify the Secretary in writing if a different class is substantially equivalent to the former class.

12.11.02 DISSIMILAR CLASSES. If the position is reallocated to a class, which is not substantially similar, the service credit earned in the former class shall be credited to such former class and department. The Appointing Authority will notify the Secretary in writing if a different class is substantially dissimilar to the former class.

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

13. TRANSFER--REDUCTION

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

13.02 Intra-departmental transfers. The Appointing Authority may transfer an employee from one position to another position in the same class within a department without prior approval of the Secretary but must report any such transfer to the Civil Service Commission within ten [10] days of its effective date.

13.03 Transfers may be made upon consent of the Appointing Authority and with the Secretary's approval as follows:

13.03.01 Transfer in the same class from one department to another; such a transfer may be made concurrent with the appointment of an employee to another class;

13.03.02 Transfer to another class in the same or a different department in case of injury in line of duty either with the County service or with the armed forces in time of war, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;

13.03.03 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department, upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced.. Regular standing in the new class will be attained by the employee only through examination and permanent regular appointment.

13.03.04 Transfer, in lieu of layoff, may be made with limited standing to a single position in another class when such transfer would constitute a promotion or advancement in the service provided a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced and when transfer in lieu of layoff under Rule 13.03.03 is not practicable. Regular standing in the new class can be attained by the employee only through examination and permanent regular appointment.

13.03.05 The Secretary may approve a transfer under this Rule 13.03 with the consent of the appointing authority only, upon a showing of circumstances justifying such action.

13.04 These rules have no authority or effect on positions or departments not subject to the Civil Service. Transfer to or from positions or departments not subject to the Civil Service are unaffected by these rules.

13.05 REDUCTION.

13.05.01 AUTHORIZED. As defined in Rule 4.73, a reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A voluntary reduction may be made only upon an employee's written request, and consistent with these Rules. Departmental initiated reductions are addressed in Rule 13.05.05(b).

13.05.02 APPLICABLE CLASSES. A reduction may be approved for

(a) the next lower or any lower class in the Class Series containing the class from which reduced;

(b) any lower class in which the employee has acquired previously Regular Standing, provided there has been no intervening forfeiture [class]: or

(c) any lower class which is substantially similar to any lower class (in the employee's current class series) in the position classification plan; or

(d) for employees seeking return to employment or reemployment from a disability, to a vacant position in another permissible class or department for which the employee qualifies.

13.05.03 PROCEDURE.

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

(b) The reduction must be approved by the Appointing Authority, the head of the department in which the lower class is located, and reported to the Commission.

(c) The reduction shall take effect on the date ordered by the Civil Service Commission.

13.05.04 EFFECT OF REDUCTION.

(a) Upon the effective date, or following satisfactory completion of any trial period, the reduction shall be complete and the employee shall have Regular Standing In the lower class and department to wh1ch reduced.

(b) An employee reduced shall be able to return to the former position only by examination and regular appointment or in the event of a recovery from disability, appointment from a reinstatement register.

13.05.05 REDUCTION AVAILABLE.

(a) By Employee. A voluntary reduction may be requested by an employee for any vacant position in a class under Section 13.05.02.

(b) By Department.

(1) Employees with Standing. Involuntary reduction of an employee from a higher civil service class to a lower civil service class is governed by Rule 14, Layoff. Return of an employee from an exempt position to a civil service position is governed by Rule 15, Leaves of Absence.

(2) Employees without Standing. When an employee is reduced from an exempt position, the employee may petition, in writing, the Commission within 10 working days of the end of employment in the exempt position for placement on a reinstatement register for a class for which the employee is deemed eligible. In considering the placement of the employee, the Commission may consider the employee's experience, the record of county employment, or such other factors as deemed in the best interest of the Civil Service. The Commission's decision shall be deemed permissive and discretionary, and an employee shall have no claim or cause for denial of placement on a reinstatement register.

13.05.06 The Commission may, in its judgment and discretion, provide in the order granting or approving any reduction that the employee shall serve a designated trial period, not to exceed one month's service from the effective date of the reduction, in the position to which reduced for the sole purpose of satisfying the Commission that employee is capable of satisfactorily performing the functions and duties of such position or class. However, the Commission may, by its order for cause, at any time during the running of a prescribed trial period, either extend, shorten, modify or waive in whole or in part the duration or balance of such period.

14. LAYOFF

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

14.01.01 Temporary or intermittent employees not earning service credit;

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

14.01.03 Provisional appointees;

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

14.02 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.

14.03 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, or he may be transferred as provided by Rule 13.03.03 (or depending on circumstances Rule 13.03.04), Transfer in Lieu of Layoff. An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with the Service Credit Rule 12.

15. LEAVES OF ABSENCE

15.01 DURATION OF LEAVES.

15.01.01 A leave of absence without pay for a period not exceeding thirty [30] consecutive days may be granted by the appointing authority, who shall give notice of such leave to the Commission.

15.01.02 A request for a leave of absence longer than thirty [30] days bearing the favorable recommendation of the appointing authority may be granted by the Secretary, who shall give notice of such leave to the Commission.

15.01,03 No employee shall be given leave to take a position outside the County service for more than [sixty (60)] days in any calendar year, except where it appears in the best interest of the County.

15.02 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 department head. A department head 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 department head of the cancellation or revocation of their leave. A copy of such notice shall be filed with the Secretary within 10 working days of the written notice.

15.03 OTHER OFFICES

15.03.01 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 absence from the civil service position, without pay thereof, for the entire length of time that the office is held. Original probationers so appointed may be granted such leaves, depending upon the circumstances of each particular case, or they may be dropped from the service upon assumption of office.

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

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

15.04 RETURN FROM LEAVE. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit only after making a written request to the Civil Service Commission and approved by the Appointing Authority.

15.05 MILITARY LEAVE. See County policy and Washington law relating thereto.

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

15.07 PROTESTS. All protests to any action pertaining to leaves of absence shall be filed with the Secretary within fifteen (15) working days of written notice of such action. The Secretary shall give due consideration to and take appropriate action on all timely filed protests.

16. RESIGNATION

16.01 HOW SUBMITTED. Resignation of any employee from the service shall be made in writing and filed with the Secretary after approval by the Ferry County Sheriff.

16.02 WITHDRAWAL OF RESIGNATION. The Secretary may permit the withdrawal of a resignation only upon a written request filed within ninety (90)] days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the appointing authority.

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

16.04 IMPLIED RESIGNATION. The department head may presumptively consider any employee to have impliedly resigned upon finding that such employee has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for five (5) or more consecutive working days 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) working 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 Appointing Authority. No resignation order shall take effect if, prior thereto, the employee reports for active duty, applies for restoration or reinstatement, or otherwise gives notice to the department head or the Appointing Authority which, in the judgment of the Commission, rebuts the presumption of resignation.

16.05 RETURN TO ELIGIBLE REGISTER FOLLOWING RESIGNATION. (See Rule 9.05).

17. DISCIPLINE AND DISCHARGE The Union Agreement shall be used as a progressive discipline model for any discipline administered by the Sheriff's Department.

17.01 SUSPENSION.

17.01.01 A department head may recommend to the appointing authority to suspend a subordinate, with or without pay, for a period not to exceed thirty (30) days for good cause (as outlined in rule 16.2, PROGRESSIVE DISCIPLINE SYSTEM of the UNION AGREEMENT).

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

17.03 DEMOTION--DISCHARGE.

17.03.01 Only 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 in the lower class, such demotion shall not displace any other regular employee or any probationer.

17.03.02 The Secretary 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 Appointing Authority may provide in the demotion order, for the sole purpose of determining that he or she is capable of satisfactorily performing the functions and duties of such class. If the Appointing Authority does not list a trial period and nor measurable goals of a trial period in the demotion order, no trial period is necessary.

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

a. Demotion of an employee to a lower class for good cause may only be made by the Appointing Authority.

b. A demoted employee loses all rights to the higher class.

c. Such demotion shall not displace any other regular employee or any probationer. The Secretary 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.

17.05 DISCIPLINE--GOOD CAUSE--ILLUSTRATED. The following are declared to illustrate adequate causes for discipline (Refer to Article 16, Union Agreement for a comprehensive list of "good cause"): discipline may be made for any other good cause:

17.05.0 I Incompetency, inefficiency, inattention to, or dereliction of duty:

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

17.05.03 Mental or physical unfitness for the position, which the employee holds;

17.05.04 Drunkenness or use of intoxicating liquors, narcotics, or any other habit- forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee. or which precludes the employee from properly performing the function and duties of any position under Civil Service;

17.05.05 Conviction of a felony, or a misdemeanor involving moral turpitude;

17.05.06 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;

17.05.07 Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;

17.05.08 Willful or intentional violation of any of the provisions of these rules.

17.05.09 Any other cause, act or failure to act which, under law or these Rules. or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

18. PREDISCIPLINARY HEARING

18.01 PREDISCIPLINARY HEARING--REQUIRED. A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate.

18.03 PREDISCIPLINARY HEARING--STANDARDS/NOTICE OF DISCIPLINE.

18.03.01 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.

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

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

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

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

19. HEARINGS/GRIEVANCE PROCEDURES

19.01 HEARINGS/GRIEVANCES--APPEALS.

19.01.01 Any regular employee who is disciplined, demoted, suspended or terminated may elect to appeal such action to the Commission using the grievance procedures and timelines outlined in the Union Contract.

19.01.02 An employee who is on a probationary status (Rule 11.01.03) 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.

19.01.03 Any Civil Service employee, or department that is governed by Civil Service Rule, who is adversely affected by an alleged violation of Civil Service or County policy may appeal such violation to the Commission.

19.01.04 Any applicant or eligible, whose name has been rejected or removed under Rule 7.09 by the Chief Examiner/Secretary may elect to appeal to the Commission.

19.02 REPRESENTATION. In the case of legal review or attorney representation during any grievance/appeal or hearing, the Ferry County Prosecutor will represent the Civil Service Commission. In the event of a conflict of interest, an attorney knowledgeable in Civil Service law will be retained.

19.03 APPEALS-- TIME--FORM. A notice of intent to appeal to the Civil Service Commission shall be filed with the Civil Service Commission within fifteen [15] calendar 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.

19.05 EXHAUSTION OF ADMINISTRATIVE REMEDIES.

19.05.01 The Civil Service Commission 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.

19.05.02 If the employee exhausts the available administrative procedures and continues to believe that good cause has not been shown, the employee may within thirty [30] days after

the final step of the procedure request the Secretary to return the appeal to the Commission for hearing.

19.07 AUTHORITY OF SECRETARY-CHIEF EXAMINER

19.07.01 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 pre-hearing settlement conferences (in order to encourage resolution of contested matters), issue subpoenas, and note depositions.

19.07.02 The Commission may authorize the Commission Secretary 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 Secretary shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.

19.07.03 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.

19.09 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 forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.

19.11 APPEALS--NOTICE OF HEARING. Upon receipt of a notice of appeal, the Secretary shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within thirty [30] days, a hearing before the Commission shall be held, with each Party to be afforded not fewer than fifteen (15) days 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.

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

19.15 SERVICE OF PROCESS--PAPERS.

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

19.15.02 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 of papers shall be by certified mail with return receipt requested, or regular mail with a 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.

19.15.03 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.

19.15.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Secretary 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 ten [10] days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed but, rather, may be provided at the hearing.

19.15.05 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.

19.17 DISCOVERY.

19.17.01 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.

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

19.19 SUBPOENAS.

19.19.01 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 specified time and place, and give testimony or produce designated books, documents, or things under that person's control.

19.19.02 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 ten [10] days prior to the hearing.

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

19.19.04 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.

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

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

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

19.21 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 a preponderance of the evidence.

19.23 EVIDENCE.

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

19.23.02 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.

19.23.03 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.

19.23.04 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.

19.23.05 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than ten [10] days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than five [5] days prior to the hearing.

19.23.06 An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.

19.25 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.

19.27 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 thirty [30] days of the close of the hearing of an appeal or other proceeding heard only by the Commission. Absent the consent of an appellant to an extension of time, failure to issue a decision within the time prescribed shall result in an appeal being sustained.

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

19.31 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.

19.33 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.

19.34 JUDICIAL REVIEW. Any party wishing to have a judicial review of the Commissions' decision shall file, in Superior Court. A petition for review. This petition shall be filed no later than thirty (30) days after the Commissions' final decision.

20. RETIREMENT AND DISABILITY

20.01 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.

20.02 REINSTATEMENT AFTER DISABILITY RETIREMENT.

20.02.01 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 and mentally competent to perform the duties of the regular class, the Secretary shall:

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

(b) Place the name on the reinstatement register for an available class and department.

20.02.02 EFFECT. The name of an employee who is employable but not fully recovered shall be placed on the 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. If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued, once reinstatement has been made. The employee shall be reinstated from such register and transferred or reduced in grade according to applicable civil service rules. Eligibility rights shall not expire as prescribed in case of layoff. Any reinstatement in a class other than that in which last employed shall not result in a promotion.

20.02.03 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 unless an appeal of such discharge is upheld by the Commission.

21. MISCELLANEOUS

21.01 REPEALS AND SAVINGS. All present and subsequent matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

21.03 COMPUTATION OF TIME.

21.03.01 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. The last day of the period so computed shall 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] or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

21.03.02 Any period of time except for the stated period of time set forth in Rules 19.93 and 19.11 [and 19.27 in Counties] may be extended by the Secretary-Chief Examiner for no more than thirty [30] 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.

21.03.03 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.

21.04 PROCEDURAL INVESTIGATIONS

21.04.01 Citizen Complaints: Citizens who have a grievance against an employee may petition the commission for a hearing concerning the grievance. Such grievances involving conduct of the employee must be directly related to specific circumstances, which are covered under the rules of the Ferry County Civil Service System.

21.04.02 Citizen Petition: The citizen shall submit a petition to the commission within thirty (30) days of the occurrence which states in detail the irregularities or abuses claimed to exist.

21.04.03 Citizen Petition Verification. The Secretary will verify the petition by determining which civil service rule(s) the grievance pertains to and will include the rule number(s)/section(s) in the petition. The Commission will then review the verified petition. Upon verification, and after review by the commission, notice of the petition and copy of the petition shall be provided to the complainant and the appointing authority.

21.04.03 Hearing: The commission may investigate the petition as allowed in RCW 41.14.06. The commission may thereafter take an action authorized by RCW 41.14.