



**CITY OF McCLEARY**

**CIVIL SERVICE RULES**

**As Amended**

**[TBD XXX 2025]**

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## **CHAPTER 1**

### **GENERAL PROVISIONS**

#### **1.01 AUTHORITY**

In accordance with the provisions of Chapter 41.06 and Chapter 41.12 of the Revised Code of the State of Washington, the Civil Service Commission of the City of McCleary, an Optional Municipal Code City in said State, hereby adopts the following rules and regulations for carrying out the purposes of said acts and which shall have the force and effect of law.

#### **1.02 PURPOSE**

These Rules are prescribed for the purpose of carrying out the provisions of the law, of assuring the continuance of the civil service system, of promoting efficiency in the dispatch of public business, of selection and promotion of employees on the basis of merit, and of assuring all employees in the classified civil service of fair and impartial treatment at all times. To these ends the Rules shall be liberally construed.

#### **1.03 EQUAL EMPLOYMENT OPPORTUNITY**

No person in the classified civil service, or seeking admission thereto, shall be appointed, reduced, or removed, or in any way favored or discriminated against in his/her employment or opportunity for employment because of his/her race, color, religious or political opinions or affiliations, union affiliation, national origin, sex, age, disability, sexual orientation, gender identity, or any other protected status under federal, state, or local law.

#### **1.04 SEVERABILITY**

If any chapter, section, paragraph, sentence, clause, or phrase of these Rules is declared unconstitutional, illegal, or void for any reason, such decision shall not affect the validity of the remaining portions of these Rules. The Commission hereby declares that it would have prescribed and adopted these Rules, and each chapter, section, paragraph, sentence, clause, and phrase hereof, irrespective of the fact that any one or more chapters, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional, illegal, or void.

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## **CHAPTER 2**

### **ADMINISTRATION AND OPERATIONS**

#### **2.01 MEETINGS**

The Commission shall hold regular meetings at least once every three months. Special meetings may be called by the Chair or by any two members of the Commission. All meetings shall comply with the Open Public Meetings Act.

#### **2.02 QUORUM**

Two members of the Commission shall constitute a quorum for the transaction of business.



### **2.03 OFFICIAL ACTIONS**

All official actions of the Commission shall require the affirmative vote of at least two members.

### **2.04 ELECTION OF CHAIR**

At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair and one member to serve as Chair Pro Tem. The individuals shall be elected to a term of one year or until his/her successor is duly elected and qualified.

### **2.05 DUTIES OF CHAIR**

The Chair shall preside at all meetings of the Commission and act as spokesperson for the Commission.

### **2.06 CHAIR PRO TEM**

In the absence of the Chair, the Chair Pro Tem shall have all the powers of the Chair. If no such designation has been made, the majority of the Commissioners present shall agree who shall act as Chair Pro Tem.

### **2.07 NOTICE OF MEETINGS**

Notice of all meetings shall be posted on the official bulletin board and provided in accordance with the Open Public Meetings Act.

### **2.08 RECORDS AND REPORTS**

The Commission shall maintain complete and accurate records of all proceedings, decisions, and actions. All records shall be maintained in accordance with state retention requirements.

### **2.09 OFFICIAL BULLETIN BOARD**

The official bulletin board of the Commission is located in the lobby of McCleary City Hall. All official notices shall be posted thereon.

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## **CHAPTER 3**

### **SECRETARY – CHIEF EXAMINER**

#### **3.01 APPOINTMENT**

The City Administrator shall serve as Secretary/Chief Examiner of the Commission. The City Administrator may designate a person chosen from among employees of the City to serve in his or her absence.

#### **3.02 RESPONSIBILITIES**

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

- a) Be responsible to the Commission;



- b) Delegate his/her duties where necessary and direct the work of all persons employed by the Commission;
- c) Keep the minutes and other records of the Commission and certify the same when required;
- d) Administer and make effective the provisions of these Rules;
- e) Make recommendations relative to matters of policy and for necessary amendments to the Rules;
- f) Report to the Commission from time to time as directed concerning the details of his/her work;
- g) Prepare the budget for the Commission;
- h) With the prior approval of the Commission, order and prepare all examinations in that he/she shall:
  - 1. Determine the examinations to be conducted;
  - 2. Determine the subjects to be covered in each examination, methods of testing, and the relative weights to be given each portion of the examination;
  - 3. Prepare and post bulletins announcing examinations;
  - 4. Make arrangements for the examinations, appointing such experts, special examiners, and other persons as he/she may deem necessary;
  - 5. Pass upon all questions relating to the eligibility of applicants, except the minimum requirements for those who have served in a McCleary Department, which requirements must be certified by the Department Head, the examination extensions of time and all questions arising during the course of an examination, subject to appeal to the Commission as provided in Chapter 5;
  - 6. Establish passing grades and grade the written examination papers and the qualification of applicants;
  - 7. Prepare a complete report of each examination for submission to the Commission, together with a report on all appeals from his/her ruling or appeals from any part of the examination;
- i) Certify in the name of the Commission payrolls or accounts in accordance with State laws, when such certification authority is exercised by the Commission;
- j) Perform all other functions necessary for the proper carrying out of these Rules and the provisions of the State law and City laws and ordinances relating to civil service and such additional duties as may be assigned by the Commission or required by law.

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## **CHAPTER 4**

### **DEFINITIONS**

Unless otherwise required by the context, words used in these Rules are understood to have the following special meanings:



#### **4.01 ACTUAL SERVICE**

Means time, under civil service appointment, engaged in the performance of the duties of a position or positions including absences with pay.

#### **4.02 ALLOCATE**

Means to locate or place a position in the appropriate class on the basis of similarity of duties and responsibilities or required qualifications.

#### **4.03 APPLICANT**

Means a person who has filed an application to take a civil service examination.

#### **4.04 APPOINTING AUTHORITY**

Means the person, board, or commission having authority to make appointments to and separations from a position.

#### **4.05 APPOINTMENT, PROVISIONAL**

Means the appointment of a person to a position in the absence of an appropriate eligible list for the class.

#### **4.06 APPOINTMENT, REGULAR**

Means the offer to and acceptance by a person on an eligible list of a position either on a permanent or temporary basis.

#### **4.07 BREAK IN SERVICE**

Means any interruption in continuous service, except for absences on approved leave or absence to service in the Armed Forces of the United States. Re-employment does not make the service continuous.

#### **4.08 BUSINESS DAYS**

Means calendar days exclusive of Saturdays, Sundays, and legal holidays.

#### **4.09 CANDIDATE**

Means a person who has completed a civil service examination or is in the process of doing so.

#### **4.10 CLASS**

Means a group of positions sufficiently similar in respect to duties and responsibilities so that the same title may be applied to each position, substantially the same qualification may be required, and approximately the same salary range may be applied with equity.

#### **4.11 CLASS SERIES**

Means a unity of position classification comprising all classes of the same general character of work, but differing as to level of difficulty and responsibility, such as Police Series and Fire Series.



#### **4.12 CLASSIFIED CIVIL SERVICE**

Means all offices and positions in the service of the City under civil service.

#### **4.13 COMMISSION**

Means the McCleary Civil Service Commission.

#### **4.14 CONTINUOUS SERVICE**

Means employment without absence of a person who is already appointed to the position on a permanent basis or to serve in the Armed Forces of the United States.

#### **4.15 CITY**

Means City of McCleary.

#### **4.16 DEMOTION**

Means the removal of an employee from a higher to lower class because of incapacity, inefficiency, misconduct, or other similar causes.

#### **4.17 DEPARTMENT**

Means a major functional unit of the government of the City of McCleary. By way of example, the Police Department is such a department.

#### **4.18 DISCHARGE**

Means separation from service for cause.

#### **4.19 ELIGIBLE**

Refers to the status of a person qualified by reason of having passed an appropriate civil service examination.

#### **4.20 ELIGIBLE LIST**

Means a list of names of persons who have passed a civil service examination for a specific class.

#### **4.21 ENTRY LEVEL**

Means employment at the lowest of the four Civil Service classes of Police and Fire Service.

#### **4.22 EQUAL OPPORTUNITY EMPLOYER**

The City is an employer which hires without regard to race, creed, color, sex, age, disability, national origin, sexual orientation, gender identity, or any other protected status.

#### **4.23 EXAMINATION**

Means the process of testing the fitness and qualification of applicants for positions in a specific class.



#### **4.24 LATERAL ENTRY**

Means the employment at the same grade level of a commissioned law enforcement officer who has been employed on a full-time basis for a period of time exceeding twelve (12) consecutive months and not had a lapse of employment as a law enforcement officer for a period exceeding the previous twelve (12) months, calculated from the day of appointment but does not include a promotional transfer of such uniformed personnel.

#### **4.25 LAYOFF**

Means separation from a permanent position because of economy, lack of funds, lack of work, or because the position has been abolished.

#### **4.26 OFFICIAL BULLETIN BOARD**

Is the bulletin board upon which all official notices of the Commission shall be posted and which is located in the lobby of the McCleary City Hall.

#### **4.27 OPEN EXAMINATION**

Means an examination open to the public and not limited to applicants from among regular employees in city service.

#### **4.28 PARENTAL LEAVE**

Means leave granted for purposes related to pregnancy, childbirth, adoption, or foster care placement.

#### **4.29 PERFORMANCE RATING**

Means the rating given an employee on his/her work performance by his/her department head.

#### **4.30 PERMANENT**

Means continuing and indefinite duration. In reference to employment status, it means that the employee has successfully completed a probationary period for a specific class.

#### **4.31 POSITION**

Means any group of duties and responsibilities in the classified civil service of the City requiring the full or part-time employment of one person.

#### **4.32 PROBATION OR PROBATIONARY**

Means the status of an employee during a trial period following an appointment from an eligible list. This trial period is a working test during which an employee is required to demonstrate by actual performance of the duties his/her fitness for the position to which he/she has been certified and appointed. The actual time period contained within a position's probationary period shall be as set forth in the provisions of these rules.

#### **4.33 PROBATIONER**

Means an employee who has probationary status.



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#### **4.34 QUALIFIED FEDERAL, STATE, OR MUNICIPAL LAW ENFORCEMENT AGENCY**

Shall include the Federal Bureau of Investigation, the United States Treasury Department, State Highway Patrol, a law enforcement agency of a Class A County or larger, or such other agencies as the Commission may deem appropriate.

#### **4.35 REDUCTION**

Means the removal of an employee from a higher to a lower class in lieu of layoff or for other reasons not associated with demotion. Such reduction may be at the employee's request with the concurrence of the appointing authority and the Commission.

#### **4.36 RE-EMPLOYMENT**

Means reappointment after a break in service to a position in a class in which status was formerly held.

#### **4.37 RE-EMPLOYMENT LIST**

Means a list of names of persons laid off from permanent positions arranged in order of the right to re-employment.

#### **4.38 SEASONAL AND INTERMITTENT POSITIONS**

Means positions so designated by the Commission, comprising duties which occur, terminate, and recur according to the needs of the City.

#### **4.39 SENIORITY**

Means the total amount of continuous actual service in position or positions of a specific class or total amount of actual service in the class if pre-employed. For purpose of layoff in a lower class, seniority in such class shall include any service in a higher class.

#### **4.40 SEPARATION**

Means leaving a position and includes resignation, discharge, and layoff; in referring to separation from a position in a particular class to accept another position, it also includes transfer, promotion, demotion, and reduction.

#### **4.41 TEMPORARY**

Means employment on a basis other than permanent, probationary, or seasonal or intermittent.

#### **4.42 TEMPORARY EMPLOYMENT**

Single or multiple periods of employment during the authorized absence of a permanent employee or during a workload peak when there is a need to fill a position for an anticipated period of not more than 6 months or 960 non-overtime hours.

#### **4.43 TRANSFER**

Refers to the change of an employee from one position to a similar position in the same class in another department without examination.



#### **4.44 VETERAN'S CREDIT**

Means preference in examinations, based upon military service, as provided and defined by Laws of the State of Washington.

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### **CHAPTER 5**

#### **APPEALS AND HEARINGS**

##### **5.01 RIGHT TO HEARING**

Any person may request a hearing before the Commission on any matter over which it has jurisdiction as provided in these Rules or by law.

##### **5.02 REQUEST FOR HEARING**

A request for a hearing must be in writing, signed by the person requesting the hearing, and filed with the Secretary/Chief Examiner. The request must state specific facts and reasons supporting the appeal or petition.

A hearing may be denied if the appeal/petition fails to state specific facts and reasons, or if, in the opinion of the Commission, the facts or reasons stated, if true, would not entitle the appellant/petitioner to any relief; PROVIDED, HOWEVER, such denial shall be without prejudice to the filing of an amended appeal/petition if the time for requesting a hearing has not expired.

##### **5.03 TIME LIMITS FOR FILING**

Unless otherwise provided in these Rules, an appeal/petition for hearing before the Commission must be filed with the Secretary/Chief Examiner at his/her office in the McCleary City Hall within the following time limits:

- a) In a discharge or reduction matter, ten (10) business days after mailing of notice of discharge or reduction;
- b) In an appeal from any ruling of the Secretary/Chief Examiner concerning any aspect of an examination, five (5) business days after notice of such ruling; or, if no notice of ruling is given, five (5) business days after receipt by the Commission of the report of examination pursuant to Chapter 8;
- c) In all other matters, no later than ten (10) business days after the ruling or order which is the subject of the complaint.

##### **5.04 HEARING BOARD OR OFFICER**

On receiving an appeal/petition for hearing which complies with the applicable Rules, the Commission shall determine whether the matter will be heard before the entire Commission or one or more named members of the Commission or a hearing board or officer appointed by the Commission.

The term "Hearing Board" shall mean any board, Commissioner, or other person named or appointed under this Chapter to hear any appeal/petition for hearing and shall include the individual who serves as the Hearing Examiner for the City



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upon other matters. The Hearing Board shall not consist of any individual under the jurisdiction of the McCleary Civil Service Commission.

#### **5.05 NOTICE OF HEARING**

Upon receiving a request for hearing, the Secretary/Chief Examiner shall set a time and place for hearing and shall mail written notice thereof to the appellant/petitioner and to all other persons who have or may have a direct interest in the subject matter of the hearing. Such notice shall be mailed at least ten (10) business days before the date set for hearing.

#### **5.06 CONDUCT OF HEARING**

Hearings shall be conducted in an orderly manner. The Hearing Board may make such rules for the conduct of the hearing as it deems necessary. Technical rules of evidence need not be applied, but the hearing shall be conducted so as to ascertain the facts.

#### **5.07 CONTINUANCES**

The Hearing Board may grant continuances for good cause shown.

#### **5.08 REPRESENTATION**

Any party to a hearing may be represented by legal counsel or other representative.

#### **5.09 EVIDENCE**

The Hearing Board may receive any evidence that it deems relevant, whether or not such evidence would be admissible in a court of law.

#### **5.10 BURDEN OF PROOF**

In discharge, demotion, or other disciplinary proceedings, the burden of proof shall be on the appointing authority. In other proceedings, the burden of proof shall be on the appellant/petitioner.

#### **5.11 DECISION**

The Hearing Board shall prepare written findings, conclusions, and a decision. If the hearing is conducted by a Hearing Board other than the full Commission, such findings, conclusions, and decision shall be submitted to the Commission for its approval.

The Commission shall announce its decision as soon as possible after the hearing and enter the same in its minutes. Unless the decision provides otherwise, it shall be effective immediately. Notice of the decision shall be mailed promptly to the appellant/petitioner and to all interested parties. Except for the correction of clerical error, such decision shall be final and conclusive.

#### **5.12 RECORD OF PROCEEDINGS**



Appeals/hearings shall be conducted with a recording machine capable of making and preserving an audio record of the proceedings. Copies of such recordings shall be available to any person on paying the usual and reasonable charge therefor.

### **5.13 TRANSCRIPTS**

When hearings are reported or recorded, a transcript of the testimony shall be furnished to any person requesting the same on the payment of costs for preparation of each copy of such transcript.

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## **CHAPTER 6**

### **CLASSIFICATION**

#### **6.01 CLASSIFICATION PLAN**

The Commission shall adopt and maintain a classification plan for all positions in the classified service.

#### **6.02 CLASS SPECIFICATIONS**

Each class in the classification plan shall be defined by a class specification which shall include the class title, a general description of the work, examples of typical duties, and the minimum qualifications required.

#### **6.03 ALLOCATION OF POSITIONS**

Each position shall be allocated to the appropriate class based upon the duties and responsibilities of the position.

#### **6.04 RECLASSIFICATION**

- A. Whenever a position is reclassified from one class to a higher class, and if the incumbent meets the minimum qualifications for the higher class, he/she may be appointed to the position in the higher class without examination as approved by the Commission.
- B. Whenever a position is reclassified from one class to a lower class, the incumbent may elect to retain the position in the lower class. If the incumbent declines to retain the position in the lower class, a layoff list shall be created and the position filled by reduction in lieu of layoff in accordance with the provisions of the Chapter for layoff.
- C. 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 he/she held in the former class.

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## **CHAPTER 7**

### **APPLICATION AND APPLICANTS**

#### **7.01 QUALIFICATIONS OF APPLICANTS**



In order to apply for examination at the time of filing applications:

- a) An applicant must be a citizen of the United States and must be able to read and write the English language;
- b) An applicant must possess a high school diploma or equivalent;
- c) Applicants for entrance level police officer examinations shall be not less than 20½ years of age at the time of closing date for filing applications, unless applicant is already qualified by the L.E.O.F.F. System;
- d) An applicant must meet all requirements of physical condition, health, behavioral characteristics assessment, and any other requirements specified in the official bulletin announcing the examination and as set forth in this and other applicable Chapters, including those containing class specifications;
- e) An applicant must file a completed application form prescribed by the Commission, giving fully, truthfully, and accurately all information required.

## **7.02 APPLICATION FORMS**

Application forms shall be prescribed by the Secretary/Chief Examiner and shall require such information as is necessary to determine the qualifications of the applicant.

## **7.03 REJECTION OF APPLICATION**

The Secretary/Chief Examiner may refuse to examine an applicant or may withhold the name of an eligible from certification or may remove the name of an eligible from an eligible list for any of the following reasons:

- a) Lacks any of the preliminary requirements for admission to the examination;
- b) Is so disabled as to be rendered unfit for the performance of the duties of the position;
- c) Has committed such an act as would disqualify her or him from submitting an application to serve as a commissioned officer with the Washington State Patrol;
- d) Has been convicted of any felony or a misdemeanor involving moral turpitude;
- e) Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from City service, or whose record of employment has not been satisfactory in the City service or with any other employer;
- f) Has abandoned any position in the City service or been absent from duty without leave of absence duly granted;
- g) Has made any material false statement or who has attempted any deception or fraud in connection with this or any other civil service examination;
- h) Refuses to execute any oath as prescribed by law;
- i) Fails to appear for fingerprinting or other investigation as required;



- j) Has assisted in preparing, conducting, or scoring the examination for which he/she applied or who has in any other manner secured confidential information concerning such examination which might give him/her an unfair advantage over other applicants in the examination;
- k) Fails to present self for or fails to pass the medical examination prescribed by the Commission;
- l) Refuses to furnish all information required to complete the application;
- m) Who has been discharged from the armed forces under dishonorable conditions;
- n) Fails to satisfactorily pass a comprehensive background investigation which may include, but shall not be limited to, polygraph and psychological screening;
- o) For other material reasons.

#### **7.04 NOTICE OF NON-ACCEPTANCE**

The person against whom action is taken under Section 7.03 shall be notified promptly of any reasons therefore. Oral notice at the time of filing the application shall be sufficient. Written notice to the address shown on the application shall be effective on mailing.

#### **7.05 APPEALS**

Any applicant aggrieved by any ruling of the Secretary/Chief Examiner concerning a refusal to accept his/her application or to examine him/her or the eligibility of him/her or the disqualification of him/her or the withholding of his/her name from certification may file an appeal to the Commission within five (5) business days after notice of such ruling in accordance with the provisions of Chapter 5.

#### **7.06 REAPPLICATION PROCESS**

Individuals may apply for entry level positions during any open application period regardless of previous application.

Individuals may apply for lateral positions only once in a twelve-month period.

Individuals may apply for promotional positions during any open application period regardless of previous application.

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### **CHAPTER 8**

#### **EXAMINATIONS**

##### **8.01 TYPES OF EXAMINATIONS**

Examinations may be competitive or non-competitive and may be written, oral, physical, practical, or any combination thereof as determined by the Secretary/Chief Examiner with approval of the Commission.

##### **8.02 ORDERING EXAMINATIONS**



The Secretary/Chief Examiner shall order an examination whenever necessary. Such order shall specify the class for which the examination is ordered and shall be reported to the Commission.

### **8.03 NOTICE OF EXAMINATION**

A written notice of each examination shall be posted on the official bulletin board and advertised as the Secretary/Chief Examiner deems necessary.

### **8.04 TIME AND PLACE OF EXAMINATIONS**

The time and place of examinations shall be designated in the official bulletin or applicants shall be notified in person, by mail, or by telephone.

### **8.05 POSTPONEMENT OR CANCELLATION**

The administration of an examination or any part thereof may be postponed or canceled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board and mailed or telephoned to the applicants.

### **8.06 PARTS AND WEIGHTS**

Each examination shall embrace one or more parts and shall be in such form and shall be graded in the manner prescribed by the Secretary/Chief Examiner. The percentage, if any, for veteran's credit shall be added, where applicable, to any passing score.

### **8.07 PASSING GRADES**

A. A passing grade on any examination will be such as shall be prescribed by the Commission for that testing period.

B. 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.

### **8.08 VETERAN'S CREDIT**

In all competitive examinations for entrance to the City service, in addition to all other credits, a credit of up to 10 percent of the final earned score in such examination shall be given to all persons passing the examination who have and who qualify for Veteran's credit for such service as provided for and defined by the Laws of the State of Washington.

### **8.09 PROMULGATION OF RESULTS**

After all the parts of an examination have been completed and scored, upon the approval of the Commission, the Secretary/Chief Examiner shall promulgate an eligible list.

### **8.10 INSPECTION AND PROTESTS**

An applicant shall be allowed a period of five (5) business days following notification of results in which to inspect his/her scored answer sheets and file any protests. Each protest shall give specific facts and reasons to support the protest.



### **8.11 EXAMINATIONS TO BE IMPARTIAL**

All examinations shall be fair and impartial. Written examinations shall be conducted so that the identity of applicants will not be known to the examiners or other persons scoring the answers when practicable.

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## **CHAPTER 9**

### **MEDICAL STANDARDS**

#### **9.01 MEDICAL EXAMINATION REQUIRED**

The Secretary/Chief Examiner shall require each eligible in an examination who is to be employed for 60 days or longer to meet the general medical standards of the City. A complete medical examination by an examining physician acceptable to the Commission shall be required.

#### **9.02 MEDICAL STANDARDS**

The Commission shall establish medical standards appropriate for each class of position. Such standards shall be job-related and consistent with business necessity.

#### **9.03 ACCOMMODATION**

The City shall provide reasonable accommodation for qualified individuals with disabilities in accordance with federal and state law.

#### **9.04 FITNESS FOR DUTY**

When an employee's physical or mental condition raises a question as to his/her ability to perform the duties of the position:

- a) The appointing authority or department head may require the employee to submit to a medical examination by a physician designated by the City;
  - b) If the examination shows the employee is temporarily unable to perform the duties but has the potential to recover the qualifications, the employee may be granted a leave of absence;
  - c) The appointing authority or department head may re-assign the employee to another position for which the employee is qualified; or may reduce the employee to a lower level position for which he/she is qualified;
  - d) If there is no suitable position in which the employee can perform satisfactorily, the appointing authority or department head may discharge the employee, said discharge to be without prejudice as to re-employment should his/her condition improve, or the employee may be retired on disability as provided by the applicable retirement program.
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## **CHAPTER 10**

### **REGISTERS AND ELIGIBILITY**

#### **10.01 ELIGIBLE LISTS CREATED**

After approval by the Commission, the Secretary/Chief Examiner shall promulgate lists resulting from examinations as provided for in Chapter 8.

#### **10.02 ORDER OF NAMES**

The names of applicants who pass an examination shall be entered upon the eligible list for the class in order of their grades including veteran's credit or other applicable credits.

#### **10.03 TIE SCORES**

The preference in rank of applicants on an eligibility list who have the same final grade shall be determined by which applicant had the highest grade on the most heavily weighted part of the examination.

#### **10.04 DISCLOSURE**

The eligible list, including the names of all those who passed the examinations, shall be open to public inspection.

#### **10.05 DURATION OF ELIGIBILITY LISTS**

Any eligibility list created shall be in effect for 12 months from the date of promulgation. The Commission may extend the period of eligibility for six months at a time for entry level lists, or one year for promotional lists. No list shall exceed two years in total duration.

#### **10.06 REMOVAL FROM ELIGIBLE LIST**

A name may be removed from an eligible list for any of the following reasons:

- a) At the request of the eligible;
- b) Upon the appointment of the eligible to a regular position in the same class;
- c) Refusal of appointment to a regular position or failure to respond to an inquiry as to availability;
- d) Upon the expiration of the eligible list;
- e) Upon certification that the person declines to accept appointment to three (3) positions;
- f) Upon the death of the eligible;
- g) Failure to maintain a current address with the Commission;
- h) Upon a finding by the Commission that the eligible is not qualified to perform the duties of the class;
- i) Willful violation of any provisions of these Rules or any applicable law;



j) For any reason enumerated in Section 7.03.

#### **10.07 RESTORATION TO ELIGIBLE LIST**

When the name of a person has been withheld or removed from an eligible list, he/she may be restored to his/her original position by the Secretary/Chief Examiner, or by the Commission upon decision on an appeal, under specified circumstances where good cause is shown.

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### **CHAPTER 11**

#### **CERTIFICATION OF APPOINTMENT**

##### **11.01 REQUEST FOR CERTIFICATION**

When a vacancy is to be filled, the appointing authority shall request certification of eligibles from the Secretary/Chief Examiner.

##### **11.02 CERTIFICATION**

In filling vacancies by appointment from an eligible list, the three applicants standing highest on the appropriate list willing to accept the position, or such less number as may then be remaining upon the list, shall be certified to the appointing authority. The appointing authority shall have discretion to appoint any of the individuals from said eligible list.

##### **11.03 PROVISIONAL APPOINTMENT**

In the absence of an eligible list, a provisional appointment may be made with the approval of the Commission. Such appointment shall not exceed six months and shall terminate when an eligible list is established.

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### **CHAPTER 12**

#### **PROBATION**

##### **12.01 PROBATIONARY PERIOD REQUIRED**

After each permanent appointment from an eligible list, an employee shall serve a complete period of probation before appointment or promotion is complete. No new probationary period results from a transfer or reduction of an employee who previously completed a probationary period.

##### **12.02 LENGTH OF PROBATIONARY PERIOD**

The period of probation shall be a period which commences upon the date of appointment to a permanent position and ends twelve months from the date of successful completion of any state-mandated training program required to hold



**City of McCleary**

such position. By way of example, for police officers that shall be the program leading to appropriate certification provided by the Criminal Justice Training Commission.

If an employee is absent from duty for a prolonged period while on approved leave during a probationary period, and the appointing authority or department head does not have a reasonable opportunity to evaluate the performance of the employee, the appointing authority or department head may, with the approval of the Commission, calculate the probationary period on the basis of actual days worked.

### **12.03 EVALUATION DURING PROBATION**

During the probationary period, the appointing authority or department head shall evaluate the employee's performance and fitness for the position.

### **12.04 COMPLETION OF PROBATION**

Upon satisfactory completion of the probationary period, the employee shall attain permanent status in the class.

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## **CHAPTER 13**

### **EMERGENCY AND TEMPORARY APPOINTMENTS**

#### **13.01 TEMPORARY APPOINTMENTS**

A. Temporary appointments may be made to fill positions during the authorized absence of a permanent employee or during a workload peak when there is a need to fill a position for an anticipated period of not more than 6 months or 960 non-overtime hours.

B. Temporary appointments shall be made from an eligible list when available. In the absence of an eligible list, temporary appointments may be made with the approval of the Secretary/Chief Examiner.

#### **13.02 EMERGENCY APPOINTMENTS**

A. An emergency appointment may be made when the appointing authority or department head certifies and supports with adequate facts that an emergency exists.

B. An emergency exists when:

1. Life, health, or property is in jeopardy;
2. The immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties;
3. The work program of a city department will be impaired if the position is left vacant and the work cannot be deferred or reassigned;
4. A vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.



C. Emergency appointments shall not exceed six months without Commission approval.

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## **CHAPTER 14**

### **ASSIGNMENTS, TRANSFERS AND REASSIGNMENTS**

#### **14.01 ASSIGNMENTS**

The assignment of an eligible to a position or of an employee from one position to another position within the class and department for which he/she has been certified by the Secretary/Chief Examiner pursuant to these Rules is a matter of departmental administration, except as provided in Chapter 16, but such assignment or reassignment must be reported to the Commission promptly and in writing.

#### **14.02 TRANSFERS**

On request of the department head, the Secretary/Chief Examiner may authorize the transfer of an employee for a limited period of time from one position to another similar position of the same class in another department and permanently if with the consent of the employee concerned and approval by the Commission.

#### **14.03 WHEN REFUSED OR REVOKED**

The Secretary/Chief Examiner shall refuse to authorize the transfer or reassignment of an employee, may revoke a previous authorization, or may order the assignment of an employee changed if upon investigation he/she finds that the assignment, transfer, or reassignment is proposed or made:

- a) With the intent of forcing or causing an employee to resign;
- b) Because of political, racial, or religious discrimination, organized labor membership, or other improper influence;
- c) In violation of these Rules;
- d) To inflict undue hardship on the employee.

#### **14.04 DECISION AND APPEAL**

The Secretary/Chief Examiner shall file his/her decision pursuant to Section 14.03 with the Commission. A department head or employee aggrieved by the decision may file an appeal to the Commission within ten (10) business days of the Commission's decision in accordance with the provisions of Chapter 5.

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## **CHAPTER 15**

### **LEAVES OF ABSENCE**

#### **15.01 LEAVES OF ABSENCE WITH PAY**



**City of McCleary**

Leaves of absence from regular duties with pay may be granted by the appointing authority or department head only under such conditions and for such periods as may be authorized by the Mayor.

#### **15.02 LEAVES OF ABSENCE WITHOUT PAY**

Leaves of absence from regular duties without pay for such purposes as recovery from a prolonged illness or injury or to restore health, or for military service, parental leave, education or training, or assisting another public agency, may be granted by the appointing authority or department head when such leave is in the best interests of the City.

#### **15.03 MILITARY LEAVES OF ABSENCE**

Military leaves of absence shall be granted by the appointing authority or department head in accordance with provisions of the applicable sections of the state law.

#### **15.04 PARENTAL LEAVE**

a) Parental leave for pregnancy, childbirth, adoption, or foster care placement shall be granted in accordance with applicable federal and state law.

b) Any decision regarding parental leave shall be made in accordance with applicable law, taking into consideration all relevant factors including the health and welfare of the individual employee and the requirements of the position.

#### **15.05 FAMILY AND MEDICAL LEAVE**

Family and medical leave shall be granted in accordance with the Family and Medical Leave Act and applicable state law.

#### **15.06 EXPIRATION OR TERMINATION OF LEAVES**

The appointing authority or department head may terminate any leave of absence by written notice to the employee concerned whenever the conditions or reasons justifying the leave no longer exist. Upon termination or expiration of leave, the employee shall return to duty forthwith. An employee who fails to return to duty upon termination or expiration of leave shall be considered as absent without leave and subject to disciplinary action.

#### **15.07 REPORTS OF LEAVES**

All leaves of absence granted shall be reported to the Commission promptly and in writing.

#### **15.08 APPEALS TO COMMISSION**

In the event the appointing authority or department head terminates an employee's leave of absence pursuant to Section 15.06, the employee may file an appeal of such termination to the Commission within five (5) business days of the written notice of such termination in accordance with the provisions of Chapter 5.

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## **CHAPTER 16**

### **DISCIPLINE, DISCHARGE, DEMOTION AND RESIGNATION**



### **16.01 SUSPENSION – DISCHARGE – DEMOTION**

- a) A department head may suspend a subordinate, with or without pay, for a period not to exceed thirty (30) days for good cause.
- b) A department head may discharge a subordinate for good cause.
- c) A department head may demote an employee to a lower class for good cause.

### **16.02 CAUSES FOR DISCIPLINE**

An employee may be discharged, suspended without pay, demoted, or deprived of vacation or other privileges for any of the following reasons:

- a) Who is physically or mentally unfit to perform the duties of the position which he/she holds;
- b) Who is addicted to the use of intoxicating liquors, narcotics, or habit-forming drugs;
- c) Who is addicted to gambling or immoral practices or habits;
- d) Who is guilty of conduct not compatible with City employment, whether or not it amounts to a crime;
- e) Who has been convicted of a crime;
- f) For incompetence, inefficiency, or inattention to or dereliction of duty;
- g) For dishonesty, insubordination, discourteous treatment of the public or of a fellow employee, or any other act of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself/herself, or any willful violation of the provisions of the applicable State laws or these rules, or for violation of the rules of conduct for uniformed personnel as promulgated by the Department Head, which rules are adopted as rules of the Commission;
- h) For any willful or inexcusable failure to pay any just debt or obligation;
- i) For directly or indirectly receiving or soliciting political contributions for any party or political purpose, to the extent that any such activity would be prohibited by applicable law, taking into consideration the individual's constitutional rights;
- j) For improper or unauthorized use of City equipment.

### **16.03 DISCIPLINE – GOOD CAUSE – ILLUSTRATED**

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

- a) Incompetency, inefficiency, or inattention to, or dereliction of duty;
- b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct him / herself;



- c) Mental or physical unfitness for the position which the employee holds;
- d) Dishonest, disgraceful, or prejudicial conduct;
- e) 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;
- f) Conviction of a felony, or a misdemeanor involving moral turpitude;
- g) Any other act which constitutes grounds for discipline under these rules or applicable law.

#### **16.04 CONDITIONS OF DISCHARGE, DEMOTION, SUSPENSION**

A regular employee may be discharged from City service or demoted or suspended without pay, only after he/she has been notified in writing of the reasons for such action. Such notice shall state:

- a) The specific grounds and the particular facts upon which the disciplinary action is based;
- b) The time allowed for answer and for requesting a hearing before the Commission.

A copy of such notice must be filed with the Commission. The appointing authority or department head shall submit to the Commission evidence showing the employee has been served with the notice of disciplinary action, either personally or by certified or registered mail, addressed to his/her last known address and the date of such service.

#### **16.05 HEARING ON DISCIPLINARY ACTION**

The regular employee to be discharged, demoted, suspended, or otherwise disciplined pursuant to Section 16.04 may file a written request for a hearing before the Commission within ten (10) business days from the date of service of the notice of discipline in accordance with the provisions of Chapter 5. A public hearing pursuant to Chapter 5 shall be held by the Commission or by the Hearing Board.

#### **16.06 CRIMINAL ACTS**

Where the facts alleged in the notice of disciplinary action constitute a crime and the employee has requested a hearing under Section 16.05 within the time allowed in Chapter 5, he/she may, at any time at least one day before the date of the hearing, request a continuance of his/her civil service hearing for a reasonable period to determine whether a criminal charge will be filed or until after termination of the criminal case. Such a request must be accompanied by a waiver of salary for the period of the continuance in case the employee is later reinstated.

#### **16.07 INSUFFICIENT FACTS**

The Commission may find in an appropriate case without a hearing that the specific facts alleged in the notice of disciplinary action, if true, are not sufficient under all the circumstances to justify the action.

#### **16.08 DECISION ON DISCIPLINARY ACTION**

After receiving evidence presented in hearings on disciplinary actions:



a) The Commission may affirm the disciplinary action;

b) If the Commission finds the disciplinary action was made for political, religious, or racial reasons or not in good faith for cause, or the reasons are otherwise not sufficient to justify such action, the Commission may order such relief it deems necessary and appropriate, including immediate reinstatement of the employee without any loss of pay;

c) The Commission, in lieu of affirming the disciplinary action, may modify the disciplinary action by directing such penalty as it deems appropriate taking into consideration all factors it deems relevant. The penalties available include a suspension without pay for a given period, and a subsequent restoration to duty or a demotion in classification or pay.

The findings of the Commission shall be certified in writing to the appointing authority or department head and shall be forthwith enforced by such official.

#### **16.09 PROBATIONARY PERIOD FOLLOWING FIRST APPOINTMENT**

An employee who has not yet completed his/her first probationary period may be discharged or demoted in accordance with Section 16.11 by appointing authority by written notice served on the employee and a copy filed with the Commission. Unless otherwise required by law, the notice need not state the grounds for the action. To the extent that then applicable law requires such information, the notice shall contain information specifying the grounds and the particular facts on which the discharge or demotion is based.

An employee shall be entitled to answer, explain, or deny the charges in writing within ten business days, but unless otherwise required by then applicable law shall not be entitled to a hearing except in case of fraud or of discrimination because of political or religious opinions, racial extraction, or union affiliation.

#### **16.10 PROBATIONARY PERIOD FOLLOWING SECOND APPOINTMENT**

Nothing in Section 16.09 or elsewhere in these Rules shall be construed to permit the discharge from City service without a hearing of an employee during his/her probationary period in a second appointment where before such appointment he/she had completed his/her probationary period in another class. Such employee shall be considered a permanent employee for such purposes and under such circumstances may be discharged from City service only pursuant to preceding applicable sections of this Chapter with the right to a hearing if requested.

#### **16.11 CONSENT OF COMMISSION**

In the case of a probationary employee, notice to the Commission must be given of a discharge or demotion under Section 16.09.

To the extent that the termination gives rise to a right for a review by the Commission under the law then applicable and there is filed an answer by the employee and such answer alleges fraud, or discrimination because of political or religious opinions, racial extraction, or union affiliation and requests a hearing, the Commission shall immediately set such a hearing.

No consent need be secured to the discharge or demotion of a temporary employee.

#### **16.12 TIME FOR DISCHARGE OF PROBATIONER**



To be effective, the written notice of discharge or demotion of a probationary employee must be served and become effective before midnight of the last day of his/her probationary period.

### **16.13 RESIGNATIONS**

Resignations shall be in writing and shall be directed to the appointing authority or department head. A resignation shall be effective on the date designated therein and if no date is designated, it shall be effective immediately.

A resignation, once it has become effective or has been accepted by the appointing authority or department head, may not be withdrawn without the consent of the appointing authority or department head and the Commission.

A resignation claimed to have been obtained by duress or fraud may be treated by the Commission as a notice of discharge, provided the employee notifies the Commission that such resignation was not voluntary and demands a hearing within ten (10) business days after the filing with the Secretary/Chief Examiner of a report showing such resignation.

### **16.14 CHARGES FILED BY A CITIZEN**

When written charges are filed by any citizens or taxpayers of the City against any person in the classified Civil Service pursuant to applicable state law, the Commission shall refer such charges to the appointing authority or department head for investigation and such action as he/she deems necessary.

No hearing on such charges shall be held, unless the appointing authority or department head discharges or demotes such employee for the reasons stated in the charges and the employee requests a hearing in accordance with the Rules applicable thereto, or unless the Commission finds the charges, if true, reflect on the integrity of the Civil Service System or show serious violations of the Civil Service provisions of the law or Rules and that a public hearing is desirable.

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## **CHAPTER 17**

### **LAYOFFS AND RE-EMPLOYMENT**

#### **17.01 LAYOFFS AUTHORIZED**

The department head may lay off or reduce an employee when necessary:

- a) For reasons of economy or lack of work;
- b) Where there are more employees than positions in any class within the Department;
- c) For such other reasons as may be required under the circumstances.

#### **17.02 EMPLOYMENT STATUS AND ORDER OF LAYOFF**

Layoffs and reductions shall be made by class of position and by department. In each class of position in which there is to be layoff or reduction, employees shall be laid off according to employment status in the following order: Emergency, provisional, temporary, probationary, permanent.



Provisional and temporary employees shall be laid off according to the needs of the service as determined by the department head.

Probationary employees shall be laid off or reduced in inverse order of seniority in the class in the department.

Permanent employees shall be laid off or reduced as provided in Section 17.03 following.

#### **17.03 ORDER OF LAYOFF – PERMANENT EMPLOYEES**

Permanent employees within each category shall be laid off in reverse order of seniority in the class in the department.

#### **17.04 REDUCTION IN LIEU OF LAYOFF**

The department head may, if he/she deems it in the best interests of the City and with the approval of the Commission, make reductions in lieu of layoffs in higher classes and thereby cause layoffs in the lower classes. Such reductions shall be made in the same manner and subject to the same restrictions as provided for under Sections 17.02, 17.03, and 17.04.

#### **17.05 VOLUNTARY REDUCTION IN LIEU OF LAYOFF**

An employee who anticipates being laid off or who is so laid off may, not later than ten business days after notice of such layoff, request a reduction to a lower class in lieu of layoff. On receiving notice that such a request has been approved by the Commission, the department head must make such reduction, effective immediately, thus causing layoff only in the lower class.

#### **17.06 RE-EMPLOYMENT LIST**

**A. As the result of layoff or reduction in force:** The names of persons laid off or reduced in accordance with these rules shall be entered upon a re-employment list in inverse order of layoff. Lists from different departments or at different times for the same class of position shall be combined into a single list.

Such list shall be used by every department head when a vacancy arises in the same or lower class of position before certification is made from an eligible list. When a vacancy occurs, the department head shall appoint the person highest on the re-employment list who is available who was laid off from a position in the department. If no one was laid off from the department in which the appointment is to be made, then the department head shall appoint the person highest on such list among those laid off from other departments.

**B. As the result of desire to return to employment after voluntary separation:** Upon the written request of the former employee made within the time period set forth below, the name of any person who had obtained permanent status and then voluntarily left employment to assume a position with another comparable agency shall be entered upon a re-employment list in inverse order of date of separation from service; PROVIDED THAT, in the event that the request for reemployment is granted, the individual shall serve a probationary period of 6 months.

At such time as a vacancy occurs, the department head shall have the right to request names upon such list which may be used by the department head to fill a vacancy which has arisen in the same or lower class of position before certification is made from an eligible list; PROVIDED THAT, this list may not be utilized until the individuals qualified for



the open position whose names appear on the list established pursuant to sub-paragraph (A) of this section has been exhausted.

An individual's name shall remain upon this list for a period of 3 months from the date that the individual requests that her or his name be placed upon the list but in no event longer than 6 months after separation from employment.

#### **17.07 DURATION OF RE-EMPLOYMENT LIST**

Names of persons laid off or reduced in lieu of layoff shall be carried on a re-employment list for two years, except that the names of persons appointed to permanent positions of the same level as that from which laid off shall, upon such appointment, be dropped from the list.

Persons reduced or re-employed in a lower class or re-employed on a temporary basis shall be continued on the list for the higher class for two years.

#### **17.08 RESTORATION TO RE-EMPLOYMENT LIST**

The name of any person who has been appointed to a permanent position from a re-employment list and is subsequently separated from the service without delinquency or fault on his/her part shall be restored to the re-employment list. This restoration shall have the effect of extending the time the employee's name is carried on the re-employment list for two years from date of latest separation.

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### **CHAPTER 18**

#### **PERFORMANCE EVALUATIONS**

##### **18.01 PERFORMANCE EVALUATIONS AUTHORIZED**

Each department head of a department covered by Civil Service may evaluate the comparative efficiency and performance of each employee in his/her department in relation to standards for efficient performance of the work.

##### **18.02 MAINTENANCE OF RECORDS**

In the event such evaluations are performed, the department head shall maintain a file of such evaluations and to the extent allowed by laws governing the disclosure of such documents, make the same available for inspection by the Secretary/Chief Examiner and other members of the Commission when requested to do so, and available for examination by the employee when he/she shall reasonably request same.

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### **CHAPTER 19**

#### **CERTIFYING SALARY ACCOUNTS**

##### **19.01 CERTIFICATION OF ACCOUNTS**



**City of McCleary**

The Commission may certify the salary account for each employee in the classified service of the City when it is satisfied that the employee has been appointed and is performing service in accordance with the provisions of Chapter 41 of the State law and of these Rules. The authority may also be delegated to the Clerk-Treasurer of the City.

**19.02 BASIS FOR CERTIFICATION**

In making the certification required in Section 19.01, the Commission may rely on the reports submitted by the respective appointing authorities or department heads and may rely on the absence of a more recent report as showing that there has been no change in conditions since the submission of the last report on file with the Commission.

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**ADOPTION AND EFFECTIVE DATE**

These Civil Service Rules, as amended, are hereby adopted by the McCleary Civil Service Commission this \_\_\_\_ day of \_\_\_\_\_, **2025**.

**MCCLEARY CIVIL SERVICE COMMISSION**

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Chair

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Commissioner

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Commissioner

ATTEST:

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Secretary/Chief Examiner

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**REVISION HISTORY**

| <b>Date</b>  | <b>Description of Changes</b>                                                                                                       | <b>Authority</b>      |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| July 9, 2003 | Original adoption                                                                                                                   | Commission Resolution |
| [TBD]        | Complete reorganization incorporating best practices updated terminology; enhanced discipline provisions; modernized leave policies | Commission Resolution |



**City of McCleary**

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**END OF CIVIL SERVICE RULES**