

CIVIL SERVICE RULES

For

THE CITY OF MEDINA WASHINGTON

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CIVIL SERVICE RULES

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1. GENERAL PROVISIONS.

- 1.01 **AUTHORITY AND APPLICATION.** These rules are promulgated pursuant to the authority granted by Chapter 41.12 RCW, Civil Service for City Police. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of RCW 41.12.
- 1.03 **SCOPE AND PURPOSE.** These rules govern the continuing administration of the Civil Service System of the City of Medina. The purpose of these rules is to assure that the Civil Service System in the City of Medina is administered in accordance with the ordinances of the City of Medina 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 41.12. These rules are presumed to be valid and shall be upheld unless in direct conflict with RCW 41.12.
- 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 in effect without the invalid provision or applications, 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 meet on the first Tuesday of each month at 7:00 p.m. at Medina City Hall unless there is no 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 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.
- 2.05 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.
- 2.07 COMMISSION ROLE IN ASSESSMENT CENTER, WRITTEN, PHYSICAL AGILITY AND ORAL EXAMINATIONS. The Commission shall review, validate and approve all examination formats, test source and scoring methods before administration. The Commission may observe the testing process; however, there shall be no Commission participation during oral board interviews.
- 2.09 COMMISSIONERS—CHALLENGE. Any challenge to a Commissioner sitting at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged

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Commissioner shall review and rule on the challenge prior to proceeding with the hearing. Upon a Commissioner's finding of cause of disqualification, the Commission shall take no part in 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 to a party prior to commencement of a hearing.

- 2.11 **COMMISSIONERS—CHALLENGE NECESSITY.** If, as a result of disqualification(s) pursuant to Rule 2.07, there is no longer a lawfully constituted quorum available, the Mayor shall appoint a Commissioner pro tem to the Commission.
- 2.13 **OFFICE—HOURS.** The office address of the Civil Service Commission is 501 Evergreen Point Road (P.O. Box 144), Medina, WA 98039. The regular hours of the Commission secretary shall be 8:30 AM to 5:00 PM.
- 2.15 **PUBLIC RECORDS.** Public records of the Commission shall be available for inspection and copying during the regular office hours of the City of Medina. No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the Commission staff, 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 ordinance. These rules shall be printed for free public distribution.
- 2.17 **RECORDS 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. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary and Chief Examiner.

2.19 REPORTS—APPLICANTS, ELIGIBLES, EMPLOYEES.

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

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

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

3. SECRETARY AND CHIEF EXAMINER.

3.01 SECRETARY AND CHIEF EXAMINER—APPOINTMENT. The City Manager of the City of Medina, or his/her designee, shall be the Secretary and Chief Examiner.

3.05 SECRETARY—DISCIPLINE. The Commission shall notify the City Council and request an investigation of the Secretary concerning misconduct.

3.07 SECRETARY—AUTHORITY. In addition to acting as Secretary of the Commission, the Secretary shall:

- a. Delegate duties where necessary and supervise the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;
- b. Report to the Commission from time to time as directed.
- c. Prepare the budget for the Commission, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Commission;
- d. Classify all civil service commissions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
- e. Assist the Commission in determining which examinations shall be conducted, the minimum qualifications 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;
- f. Supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he/she may deem necessary; decide all questions relating to the eligibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination; and (Note: See Rule 8.01 “Ordering Examinations.”)

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- g. Perform all other functions necessary for the proper carrying out of these rules and the provisions of law relating to the civil service system and such additional duties as may be assigned to him/her from time to time by the Commission.

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

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

4. DEFINITIONS.

- 4.01 ACTUAL SERVICE. Time in which a given employee has been engaged under civil service appointment in the performance of the duties of a position or positions and shall include absences with pay.
- 4.02 ALLOCATION. The locating or placing in the classified service of a position in the class appropriate to it on basis of duties and responsibilities and required qualifications of such position.
- 4.03 APPLICANT. Anyone who has filed an application to take a civil service examination.
- 4.04 APPOINTING AUTHORITY. The Police Chief shall be the appointing authority for Police Department personnel.
- 4.05 APPOINTMENT—REGULAR. The appointment of a certified eligible.
- 4.06 APPOINTMENT—TEMPORARY. An appointment other than from an eligible register for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment.
- 4.07 ASSIGNMENT. An employee may be assigned to a position which carries additional salary and additional limited responsibilities and is within the scope of the specifications for the class from which assignment is made.
- 4.08 BREAK IN SERVICE. A separation from civil service status with a loss of accumulated service credit as occasioned by a “quit,” “resignation,” “discharge,” or “service retirement.”
- 4.09 CANDIDATE. Any applicant who has completed, or is in the process of completing, a civil service examination.
- 4.10 CERTIFICATION. A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.

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- 4.11 **CERTIFY.** Verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.
- 4.12 **CITY.** The City of Medina.
- 4.13 **CLASS.** A 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.
- 4.14 **CLASS SERIES.** Two or more classes which are similar as to line of work but which differ as to degree or responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as Police Officer, Police Corporal, or Police Sergeant.
- 4.15 **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.
- 4.16 **COMMISSION.** The Civil Service Commission. The term Commissioner means any one member of said Commission.
- 4.17 **CONTINUOUS SERVICE.** Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.
- 4.18 **DEMOTION.** Removal of an employee from a higher to a lower class of employment.
- 4.19 **DEPARTMENT HEAD.** Appointing authority.
- 4.20 **DISCHARGE.** Termination, separation, dismissal, or removal from the service for cause.
- 4.21 **ELIGIBLE.** Anyone qualified for a given class through examination and placed on the proper eligible register, also "certified eligible."
- 4.22 **ELIGIBLE REGISTER.** A list of successful examinees for a given class from which certification may be made to fill vacancies in such class.
- 4.23 **EMPLOYEE.** Anyone holding a position in the civil service system of the City of Medina.

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- a. EMPLOYEE—REGULAR. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.
- b. EMPLOYEE—TEMPORRY/PROVISIONAL. Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available (provisional).
- c. 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.
- d. EMPLOYEE—PROBATIONARY. A person appointed from a certification who has not yet completed one year of employment.
- d. A regular employee is the only employee with rights under Rule 19.01.

4.24 EXAMINATION.

- a. EXAMINATION—OPEN GRADED. An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing such examination.
- b. EXAMINATION—PROMOTIONAL. An examination limited to employees meeting the requirements stated in the official bulletin announcing such examination.

4.25. 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.

4.26 OFFICIAL BULLETIN. The examination announcement containing basic information about the class of positions, the requirements for filling, how to apply and the other pertinent information which is posted in suitable locations.

4.27 OFFICIAL NEWSPAPER. The newspaper designated as official by the City of Medina, or as otherwise designated by the Commission.

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- 4.28 **PERSONAL PRONOUN.** The personal pronoun of the masculine gender shall apply equally to the feminine gender when appropriate.
- 4.29 **POSITION.** Any group of duties and responsibilities in the service of the City of Medina which one person is required to perform as full or part time employment.
- a. **POSITION—PERMANENT.** 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 appointing authority certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
- b. **POSITION—PERMANENT PART TIME.** Employment in a permanent position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.
- 4.30 **PROBATION OR PROBATIONARY.** The status of an employee during a trial period following a permanent appointment from an eligible register. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed.
- 4.31 **QUIT.** Any voluntary separation of an employee from the City of Medina service without acceptance of a resignation by the appointing authority.
- 4.32 **REDUCTION.** The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 4.33 **REGISTER.** A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment. See 4.22, "Eligible Register."

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- 4.34 REINSTATEMENT. Reappointment of a regular employee to a position in a class in which he/she was a regular employee.
- 4.35 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.
- 4.36 RESIGNATION. A written request by an employee for separation from a class or from the City of Medina service. To be valid, such request must show written approval of the appointing authority.
- 4.37 SECRETARY. The Secretary and Chief Examiner as defined in Chapter 3.
- 4.38 STANDING—REGULAR. The full service status of a regular employee.
- 4.39 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.
- 4.40 VETERAN'S PREFERENCE. Preference in examinations and employment, based on military service, as provided and defined by applicable law.

5. RULE-MAKING.

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

5.03 EFFECTIVE DATE OF RULES. All rules and amendments 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 of each affected department of the city. A copy shall be maintained in the office of the Secretary for public inspection and copies shall be available for free public distribution as required by state law.

5.07 EFFECT OF RULES. The terms and conditions of civil service employment are governed by these rules. 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 and amendments thereto.

6. CLASSIFICATION.

6.01 CLASSIFICATION PLAN. A class specification shall be prepared and maintained for each class in the classified civil service system. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall contain, when applicable, a statement of those qualifications for applicants for positions in 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 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 City Council; or may do so upon request of an appointing authority or an affected employee in the classification of such position has not been reviewed within the last 12 months.

6.06 CLASSIFICATION POSITIONS.

a. 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:

- (1) The same descriptive title may be used to designate each position in the class;
- (2) The same level of education, experience, knowledge, ability and other qualifications may be required of incumbents, and
- (3) Similar tests may be used to select incumbents.

b. All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.

c. Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.

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- d. 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 set forth in such specifications shall not be construed as all inclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without the relation to all parts of the specification, as determining that a position should be included within a class.
- e. It shall be the duty of responsible administrative officers in the various departments to report to the Secretary any and all organization changes which will abolish or affect changes in existing positions or establish new positions. When an appointing authority requests the establishment of any new or additional positions of more than 60 days' duration, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Secretary, accompanied by a statement of the duties, responsibilities and qualification requirements of the position. In those instances where gradual shifts in work emphasis or changing work conditions have affected material changes in existing positions, the Secretary shall be notified in writing by the affected 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.
- f. 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.

- a. The Commission shall have access to department personnel files and department personnel procedures.
 - (1) A personnel record for each employee shall be kept with a record of the position occupied by the incumbent.
 - (2) It shall be the duty of each appointing authority to supply to the Civil Service Secretary, in writing, all necessary information to enable the Secretary to maintain such records described in (1) above, and including any significant change in the duties of the position to another position in the same or to a different class.
- b. 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 thereto in accordance with these rules.
- c. 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 his/her 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 only until transfer can be made to another position in the class in which he/she has regular standing if such a position is available.

7. APPLICATIONS AND APPLICANTS.

7.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS.

- a. All applicants for examinations for positions in the classified civil service must file written application on a form prescribed by the Secretary; and no one shall be admitted to any examination without having first filed an application on the proper form, giving fully, truthfully, and accurately all information required.
- b. In order to file an application for examination, the applicant must:
 - (1) Meet the requirements specified in these rules and in the official examination bulletin as of the closing day of the official filing period;
 - (2) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.
- c. TIME FOR FILING APPLICATIONS:
 - (1) All applications for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of 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 Secretary must be postmarked on or before the closing date.
 - (2) The time for filing applications may be extended by the Secretary as the needs of the service require, provided that the examination shall then be re-advertised in the official newspaper of the City.

7.03 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS.

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

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- b. When designated in the official bulletin, the Secretary may permit regular employees and probationers to file for and take a promotional examination for delayed eligibility if on the last day for accepting applications they have met lower specified minimum service requirements in the classes from which promotion is allowed.

7.05 SPECIAL REQUIREMENTS.

- a. The Secretary may prescribe such limits and such other specific requirements, physical or otherwise, as in the Secretary's judgment are required by and related to the work to be performed.
- b. When designated on the official bulletins, the Secretary may permit filing by an applicant not more than one year under the specified minimum age on an open graded/entrance examination, and not more than two years under the specified experience on a promotional examination. A successful candidate will have delayed eligibility until the required minimum age or experience is attained.

7.07 REJECTION OF AN APPLICATION 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:

- a. Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
- b. Is physically or mentally unfit to perform the duties of the position sought;
- c. Has been convicted of any felony or a misdemeanor involving moral turpitude; (See Chapter 9.96A RCW.)
- d. 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 has an unsatisfactory record of employment in the City service, or with any other agency or firm.

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- e. Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;
 - f. Fails to appear for fingerprinting or other investigations as required;
 - g. 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.
 - h. After notification, did not promptly appear at the time and place designated for the examination;
 - i. Has been discharged from the Armed Forces under dishonorable conditions, and
 - j. Such actions contemplated by this rule may also be taken for other material reasons. See Rule 3.09, Review and Appeal from Actions or Decisions of the Secretary.
 - k. No one who has been dismissed from the service for cause involving moral turpitude shall be allowed to again enter the service, and anyone dismissed for other good cause shall be allowed to again enter the service only by express consent of the Police Chief and the City Manager.
 - l. Any applicant for appointment, promotion, re-employment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the civil service.
- 7.09 NOTICE OF NON-ACCEPTANCE. Anyone against whom action is taken under rule 7.09.a shall be notified promptly by either oral notice at time of filing the application and/or written notice mailed to the applicant or eligible.

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- 7.11 **ADMISSION TO EXAMINATION PENDING APPEAL.** The Secretary may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal, such admission to be without prejudice to either the City or the applicant.
- 7.13 **ADMENDMENT OF APPLICATION.** The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.
- 7.15 **APPLICATION NOT RETURNED.** All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.
- 7.17 **APPLICATION FEE.** Set by Secretary.

8. EXAMINATIONS.

8.01 ORDERING EXAMINATIONS. The Commission shall order an examination whenever it is deemed to be in the best interest of the City. The Secretary or designee shall administer examinations as provided by these rules.

8.03 EXAMINATION ANNOUNCEMENT. Public notice of examinations shall be given by the Secretary in the official newspaper at least ten (10) days preceding such examination and in any other publications which the Secretary may direct. The official bulletin shall be posted at official locations in the City of Medina and distributed to appropriate departments for posting at all employment centers. In addition to the public notice, entry level and lateral entry examination notices shall be posted in the department offices not less than fourteen (14) days preceding the examination, and promotional examination notices shall be posted in department offices not less than thirty (30) days preceding the examination.

8.05 AMENDMENTS TO ANOUNCEMENTS. The Secretary may amend any published announcement with appropriate public notice.

8.07 CONTINUOUS EXAMINATIONS.

- a. 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 centered on the eligible register and certification 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 as determined by final grades. Names may be withheld from certification or removal

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

- b. To expedite certification and appointment and to maintain security of examination material, no keyed copy of the written tests will be provided at any time. The eligible register may be promulgated immediately after the results are obtained.
- c. Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations.

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

8.11 CONTENT OF EXAMINATIONS. Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, or 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 embrace 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.

- a. 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.

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- b. A rank order list shall be the final result of an assessment center type of examination. The rank ordering shall be determined by the number of points earned in an assessment center. Assessors retained by the Secretary/Chief Examiner shall have the latitude and flexibility of recommending individuals for promotion in addition to not recommending individuals for promotion, thus not including those individuals on the eligibility list who do not receive recommendations.
- c. A percentage weight shall be determined by multiplying the weight assigned to one or more parts of any examination and the sum of the resulting products, to be called the “weighted average.”

8.15 PASSING GRADES.

- a. A final minimum passing score required shall be determined by the Commission.
- 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, 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.

8.21 OPEN GRADED EXAMINATIONS. An examination may be advertised as open graded when, in the judgment of the Commission, it is in the best interest of the service.

8.23 VETERAN’S CREDIT. Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW. (A copy of pertinent provisions of Washington State law relating to veteran’s preference is attached as Appendix B to these rules.)

8.25 SERVICE CREDIT IN PROMOTIONAL EXAMINATIONS.

- a. Service credit in any promotional examination shall be given for a maximum of 20 years service with a maximum of ten (10) points computed in the following manner:

Revised September 18, 2006

1 to 3 years of service:	no points
After 3 years:	¼ point for the next 4 years
Next 8 years:	½ point per year
Each year beyond:	1 point per year

- b. No points will be given for a fractional part of a year. Anyone who attains the required minimum grade on a promotional exam will be entitled to the applicable points. Service points will not be awarded to any person not attaining the minimum grade.

8.27 KEYED COPY INSPECTION AND EXAMINATION PROTEST/CHALLENGE.

- a. Applicants have a right to examine any part of the testing process. Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Secretary within three (3) working days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.
- b. When a keyed copy is provided, protests against the proposed keyed answers must be filed in writing within three (3) working days or the time limitation specified on the examination instruction sheet. No keyed copy will be provided for inspection on standardized tests or continuous or periodic examinations.
- c. When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest or appeal must be filed in writing within seven (7) working days after the notices of results have been mailed.
- d. Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within seven (7) working days after the notices of results have been mailed.

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- e. All protests filed in accordance with this rule shall be considered and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.
- 8.29 CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected by the Secretary upon discovery at any time during the life of the eligible register, but no such correction shall affect an appointment made from a certification made prior to the correction.
- 8.31 EFFECTIVE DATE OF EXAMINATION RESULTS. Results of an examination shall become effective on the date official notice thereof is mailed to each candidate.
- 8.33 REEXAMINATION.
- a. No one shall be reexamined for the same class within six months of the effective date of such examination, unless authorized by the Secretary upon determination that it would be in the best interest of the City of Medina.
 - b. 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.
- 8.36 EXAMINATION PAPERS. Examination papers of each eligible shall be kept on file in the office of the City of Medina until the expiration of eligibility of the current list.
- 8.37 ADDITIONAL EXAMINATION.
- a. ELIGIBLES certified pursuant to Rule 9 shall be subject to medical, physical, swimming or psychological examination and to such other examinations administered by the department as authorized and approved by the Commission. Such other examinations

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include, but are not limited to, background examination and polygraph. Reports of such examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Secretary/Commission shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the eligible register.

- b. The Secretary may designate a limited number of certified eligibles for additional examination as provided in Rule 8.39.a, in order to maintain an ability to certify registers pursuant to Rule 10.

9. RULES 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:

- a. On a promotional register: Relative rank shall be determined by the examination rating or grade, plus any additional points for service credit plus percentage allowed by law for veteran's preference.
- b. On an open graded register: Relative rank shall be determined by the examination grade, plus percentage allowed by law for veteran's preference.
- c. Priority of time of examination shall not give any preference in rank on the register.
- d. The preference in rank of eligibles having equal final general averages shall be determined as follows, in the order stated:
 - (1) When the examination is composed of two or more parts with separate grades, the one who has:
 - (a) 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.
 - (b) The highest grade on or oral test of all parts if all parts are weighted equally.
 - (2) When the examination has only one part, or the candidates have the same standing under (1) and (2) above:
 - (a) As between examinees who are City of Medina employees, the one having the greater service credit with the City of Medina, regardless of class or department;
 - (b) If one is a regular or probationary City of Medina employee and the others are not, the regular City of Medina employee has preference.

(3) By filing date and time of the selection process.

- e. If an applicant is permitted to file for and take an examination for delayed eligibility and if 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.

9.03 RETURN TO REGISTER FOLLOWING LAYOFF. Upon 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.

- a. A former employee who resigned or retired may request return of his name to the proper open graded eligible register for the class. Such request must be made within one year from 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 City;
- b. Any request for return to register following resignation or retirement must be supported by written recommendation of the former employing department;
- c. A former employee whose eligibility is reinstated under this rule shall be certified according to civil service rules. However, the names of such an eligible need to be considered only by the department which recommends the return of the name to the register;
- d. 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 and approved by the Civil Service Commission within one year from the date of resignation or retirement.

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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.

- a. 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 for a period of one year from the date of layoff;
- b. 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.
- c. Anyone on a reinstatement register who becomes a regular employee in another department shall lose reinstatement right in the former department.
- d. 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.
- e. Refusal to accept permanent work from a reinstatement register shall terminate all rights granted under this chapter; provided, no one shall lose reinstatement eligibility by refusing to accept appointment in a department other than the one from which laid off.

9.09 DURATION OF ELIGIBLE REGISTERS.

- a. If an applicant is permitted a delayed administration of an examination, and is successful in such examination, that applicant's eligibility shall expire with that of other eligibles from the same examination.
- b. In no event shall a register remain in force for longer than 12 months, unless specifically retired or extended by the Commission, but in any event no longer than 24 months. If a

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more comprehensive written testing process is deemed to be better suited for the Medina

Police Department, the Civil Service Commission shall retire a current or old eligibility list.

- c. If the register has less than three names, the Chief or Secretary can require the establishment of a new register.
- d. Eligibility upon return of a name to an eligible register following registration shall be for one year from such return.
- e. An employee who accepts a position in another class in the same department, or accepts an appointment in another department, or is laid off, shall retain all earned eligibility for the period provided for in Rule 14, except that if an appointment is accepted in another department (whether following a layoff or otherwise), continuation of the departmental promotional eligibility for the first department shall be at the option of that department.

9.11 AVAILABILITY OF ELIGIBLES.

- a. It shall be the responsibility of an eligible to notify the Civil Service Secretary and Chief Examiner 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.
- b. 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.

- a. Anyone's name may be removed from an eligible list 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

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eligible's collusion, in connection with any application, examination form, or securing of an appointment. A previous unsatisfactory work record with the City or dismissal from the service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from City service may be deemed cause for cancellation of eligibility.

- b. Separation from the service will terminate any promotional eligibility.
- c. Upon request of an appointing authority that an eligible has failed to respond to call, or has refused to accept employment, the Secretary may strike the eligible's name from the register.
- d. Failure to respond to the canvass of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible from the register.
- e. Refusal to accept re-employment in a permanent position shall constitute separation from the service except as provided in rule 9.07.e.
- f. Such action contemplated by this rule may also be taken for other material reasons.

9.15 RESTORATION OF NAMES TO ELIGIBLE. 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 Secretary may approve the request if it is deemed that the evidence submitted justifies such approval.

10. CERTIFICATION AND APPOINTMENT.

10.01 GENERAL PROVISIONS. Vacancies in the classified civil service shall be filled by reinstatement, promotional appointment, assignment, open graded appointment, transfer, reduction, demotion, or in the absence of an appropriate register, the Secretary may authorize a temporary appointment.

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

10.05 CERTIFICATION

- a. Certification to fill a vacancy shall be met by the Civil Service Secretary from registers in the following order and as provided in this rule:
 - (1) Reinstatement;
 - (2) Promotional, and
 - (3) Open Graded.
- b. Order of reinstatement:
 - (1) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:
 - (a) 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;
 - (b) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together

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- (2) 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.
 - (3) 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.
- c. (1) If a vacancy is to be filled from a promotional register, the Secretary shall certify to the appointing authority the names of the three available eligibles who stand highest on the appropriate register.
- (2) If a vacancy is to be filled from an open graded register, the Secretary shall certify to the appointing authority the names of the three who stand highest on the appropriate register.
- d. If two or more vacancies are to be filled from an open graded register, the Secretary shall certify to the appointing authority the names of the three available eligibles who stand highest on the appropriate register.
- e. If an appointing authority makes an acceptable showing that any of the eligibles certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.
- f. 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

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

- g. If a temporary vacancy is to be filled from an open or a promotional register, those eligibles with three months of service who are shown on the register as having been laid off within the last 12 months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligibles for certification according to rule.
- h. The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.
- i. 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 City of Medina by achieving ratios of minority, female or handicapped employees in all classifications of city employment approximately equal to the ratios of these same groups in the community, and the Secretary determines that the reasons given fully justify the request, a certification may be made of only the highest-ranking eligibles of minority, female, or handicapped eligibles, as designated in the request.

10.07 DEFERMENT OF CERTIFICATION. The Secretary may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefore. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his desire to be returned to the register, and such return has been approved by the Secretary.

10.09 DURATION OF CERTIFICATION. Certification shall be in effect for thirty (30) days from its date of issuance. The appointing authority must file a report of any appointment from such

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certification with the Secretary. Upon request, the Secretary may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification.

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

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

11. PROBATION.

11.01 PROBATIONARY PERIOD.

- a. After each full time or part time permanent appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete.
- b. 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.
- c. 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 12 months from the date of such reduction.

11.03 LENGTH OF PROBATIONARY PERIOD. The period of probation shall be 12 months of full time service from the date of graduation from the Washington State Criminal Justice Training Commission Academy. Minor absences due to vacations, annual military leave, illnesses, etc., shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary will approve a departmental request for an extension of probationary period not to exceed 18 months total.

11.05 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE. A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employees shall restart the probationary period following return from military leave at the point he/she left off.

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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 PROBATIONARY DISCHARGE OR DEMOTION.

- a. The appointing authority, by assigning in writing to the Commission for reasons therefore, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission.
- b. 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/she is deemed qualified by the appointing authority, subject to approval by the Commission.
- c. A probationer demoted to a class in which he/she has not held regular standing shall start a new period of probation.

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 to a permanent position in that class and shall be applicable in the department in which employed and specifically as follows:

a. General Provisions:

- (1) After completion of the probationary period, service credit shall be given for employment in the same, an equal or higher class, and shall include any temporary or intermittent employment served in the same class under a regular appointment prior to the permanent appointment;
- (2) Subject to approval by the Secretary, service credit shall be given for service in positions exempt from civil service or in positions in other departments;
- (3) Service credit will be given for previous regular employment of an incumbent in a position which has been reallocated and in which he/she has been reallocated and in which he/she has been continued with recognized standing;
- (4) Credit will be given for service prior to an authorized transfer;
- (5) Credit will be given for time lost during:
 - (a) Jury duty;
 - (b) Disability incurred in the line of service;
 - (c) Illness or disability compensated for under any plan authorized and paid for by the City of Medina;
 - (d) Service as a representative of a union affecting the welfare of City of Medina employees;
 - (e) Service with the armed forces of the United States, including but not exceeding

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twenty one (21) days prior to entry into active service and not to exceed ninety (90) days after separation from such service;

(f) Service with the armed forces during the annual leave for military training.

b. No service credit shall be given:

- (1) For service of a regular employee in a lower class to which he/she has been reduced and in which he/she has not had a regular standing, except from the time of such reduction.
- (2) For any employment prior to a separation from the service other than by a resignation which has been withdrawn as provided by Rule 16.02. (Layoff of a regular employee does not constitute a separation from the service.)

c. Service Credit for Promotion. Credit as specified in this rule shall be allowed for:

- (1) Recognized service in all the classes from which promotion is allowed;
- (2) Service in classified assignments and in higher positions in the same series of classes;
- (3) Time lost during military service as specified in Rule 12.01a(5)(e);
- (4) Time lost due to injury or disability incurred on the job; and
- (5) Time spent as a union representative of a union affecting the welfare of City employees.

d. Special Provisions for Service Credit in Layoff. In layoff, credit shall be given as specified in Rule 12.01a(1) through (5) inclusive.

e. Service Credit for Salary Increase. Service for salary increases shall be as prescribed by the legislative authority.

13. TRANSFER.

- a. The transfer of an employee shall not constitute a promotion in the service, except as provided in (c)(4) below.
- b. Intra-departmental transfers: An appointing authority may transfer an employee from one position in the same class in his/her department without prior approval of the Secretary, but must report any such transfer to the Civil Service Secretary within five (5) days of its effective date.
- c. Other transfer may be made upon consent of the appointing authorities of the department involved and with the Secretary's approval as follows:
 - (1) 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;
 - (2) Transfer to another class in the same or a different department in case of injury in the line of duty either with the City service or with the armed forces in time of war or call up, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;
 - (3) 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 may be attained by the employee only through examination and permanent regular appointment.
 - (4) 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

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displaced and when transfer in lieu of layoff under Rule 13c(3) is not practicable.

Regular standing in the new class may be attained by the employee only through examination and permanent regular appointment.

- (5) The Secretary may approve a transfer under (1), (2), (3), or (4) above with the consent of the appointing authority of the receiving department only, upon a showing of circumstances justifying such action.

d. 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.

14. LAYOFF.

- a. In a given class in a department, the following shall be the order of layoff:
 - (1) Provisional appointees;
 - (2) Temporary or intermittent employees not earning service credit;
 - (3) Probationers (except as their layoff may be affected by military service during probation);
 - (4) Regular employees in the order of their length of service, the one with the least service being laid off first.
- b. Layoff Out of Order. The Secretary may grant permission for layoff out of the regular order, upon showing by the appointing authority of the department of a necessity therefore in the interest of efficient operation of his department, after giving any employee or employees affected an opportunity to be heard.
- c. 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/her department, or he/she may be transferred as provided by Rule 13c(3), 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.

- a. A leave of absence without pay for a period not exceeding fourteen (14) consecutive days may be granted by the appointing authority of a department, who shall give notice of such leave to the Commission.
- b. A request for a leave of absence longer than 14 days bearing the favorable recommendation of the employee's appointing authority may be granted by the Secretary, who shall give notice of such leave to the Commission.
- c. No employee shall be given leave to take a position outside the City of Medina service for more than sixty (60) days in any calendar year, except where it appears in the best interest of the City of Medina.

15.02 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 as determined by these rules.

15.03 MILITARY LEAVE. See City of Medina Personnel Rules and Washington State law relating thereto.

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

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 Appointing Authority.

16.02 WITHDRAWAL OF RESIGNATION. The Secretary may permit the withdrawal of a resignation only upon a written request filed within one hundred eighty (180) days from the effective day of the resignation and if such request for withdrawal bears the favorable recommendation of the appointing authority.

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

17. DISCIPLINE AND DISCHARGE.

17.01 SUSPENSION—DISCHARGE.

- 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, but in respect to discharge or suspension shall give at least one (1) warning letter of the complaint against such employee to the employee in writing and a copy of the same to the union, except that no warning need be given to an employee before he/she is discharged or suspended if the cause of such discharge or suspension is for theft, gross insubordination and/or drunkenness on duty, and/or issues of parallel magnitude. Warning letters to be considered as valid, shall be issued within thirty (30) days after the occurrence or knowledge of the occurrence of the violation claimed by the department head in such warning letter.
- c. Warning letters shall be immediately removed from the employee's personnel file in the event that the complaint is determined to be unfounded.
- d. Disputes regarding this section shall be handled through the union grievance procedure for employees who are union members and through the Civil Service Commission for non-union members.

17.03 DEMOTION.

- a. Demotion of an employee to a lower class for good cause may be made by the department head.
- b. An employee so demoted shall lose all rights to the higher class.

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- c. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer. The Secretary 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—JUST CAUSE—ILLUSTRATED. The following are declared to illustrate adequate cause for discipline; discipline may be made for any other good cause:

- a. Incompetence, 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 himself/herself;
- c. Dishonest, disgraceful, or prejudicial conduct;
- d. 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;
- e. Conviction of a felony, or a misdemeanor involving moral turpitude;]
- f. False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his/her collusion;
- g. Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;
- h. Willful or intentional violation of any of the provisions of these rules.

17.07 HEALTH AND FITNESS.

- a. Refusal to correct conditions that make the employee unfit for the position;

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- b. It shall be considered insubordination if and when the employee fails to keep appointments with professional doctors, psychiatrists and/or counselors as scheduled by the City of Medina.

18. HEARINGS.

18.01 HEARINGS—APPEALS.

- a. Any union employee who is adversely affected by an alleged violation of Civil Service rules or City of Medina Personnel Rules may appeal such violation to the union, as prescribed by the union grievance procedure. Any non-union employee who may be adversely affected by an alleged violation of Civil Service rules or City of Medina personnel rules may appeal such violation to the Civil Service Commission.

18.03 AUTHORITY OF SECRETARY AND CHIEF EXAMINER/STAFF

- a. In the event of an applicant protest regarding the testing procedure, the Secretary and 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 and Chief Examiner may also conduct pre-hearing settlement hearing conferences in order to encourage resolution of contested matters, issue subpoenas, and note depositions.
- b. The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.
- c. As an aid to investigations authorized by the Commission, the Secretary and 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.

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18.09 APPEALS—INITIAL REVIEW. The Secretary and Chief Examiner shall review all applicant appeals to determine whether the candidate has timely filed an appeal and whether the action appealed from is a final action. Upon a determination that the appeal is not timely, the Secretary and 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.

18.11 APPEALS—NOTICE OF HEARING. Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) days, a date of hearing before the Commission shall be set, with each party to be afforded not less than twenty (20) days notice of such hearing. Subsequent hearings on the same appeal shall have one week's notice unless waived by all parties. All parties may agree to waive the notice provisions and time limits provided by this section.

18.13 APPEALS—AUTHORITY OF DEPARTMENT. The exercise of jurisdiction by the Commission over a matter does not preclude the applicant from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any candidate may request the dismissal of the matter. A stipulation signed by the applicant should be submitted to the commission prior to such dismissal.

18.15 SERVICE OF PROCESS—PAPERS.

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

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counsel. Service of appeals shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers, or by certificate of any attorney or Secretary and Chief Examiner.

- c. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail (U.S. or inter-city), upon deposit in the mail properly stamped and addressed.
- d. Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the Commission office. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed, but, rather, provided at the hearing.
- e. 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.

18.17 DISCOVERY.

- a. 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 question concerning relevancy or access shall be resolved by order of the Secretary.
- b. Upon failure of any party to comply with an order of the Secretary shall schedule the matter before the Commission for review and determination of appropriate sanctions.

18.19 SUBPOENAS.

- a. 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 the person's control.
- b. 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 the subpoena properly served. Such requests for subpoenas shall be submitted to the Commission office at least three (3) days prior to the hearing.
- c. Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.
- d. 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.
- e. Upon a motion promptly made by a candidate 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) Quash or modify a motion upon just and reasonable conditions.

18.21 BURDEN OF PROOF. At any hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

18.23 EVIDENCE.

- a. 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.
- b. Witnesses in any hearing may be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.
- c. 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 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.
- d. 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 and Chief Examiner.
- e. 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 three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.

18.25 DELIBERATIONS. Deliberations by the Commission shall be subject to Chapter 42.30 RCW.

No person other than the Secretary and Chief Examiner and legal counsel to the Commission shall be present during deliberations. No person shall attempt to convey any matter on appeal, other than in open hearing.

ATTACHMENT 3

18.27 DECISION. In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to the appellant or counsel of record for the appellant. 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.

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

18.31 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.

18.33 WAIVER. Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinances of the City of Medina would be better served, the Commission may waive the requirements of any of these rules.

19. RETIREMENT AND DISABILITY.

19.01 RETIREMENT. Employees of the City 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.

19.03 REINSTATEMENT AFTER DISABILITY RETIREMENT.

- a. The Secretary shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his/her health to the extent he/she is employable.
 - (1) 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.
 - (2) The name of an employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement register for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Secretary;
 - (3) If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff.
- b. Any reinstatement in a class other than that in which last employed shall not result in a promotion.

ATTACHMENT 3

- c. The provisions of these rules shall not apply in the event an employee is discharged from the service and concurrently given a disability retirement.

20. MISCELLANEOUS.

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

20.03 COMPUTATION OF TIME

- a. 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 City of Medina legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a City of Medina legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- b. Any period of time except for the stated period of time set forth in Rule 18.11 may be extended by the Secretary and Chief Examiner for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the running of the applicable time period.
- c. 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 or is mailed to a party to a proceeding.

Updated this 6th day of December, 2012

Peter E. Jorgensen, Chairman

Anthony D. Shapiro, Vice-Chairman

Roger F. Ngouenet, Commissioner