



Civil Service Rules

February 21, 2023

**CITY OF TUMWATER
CIVIL SERVICE RULES**

**CIVIL SERVICE COMMISSION
RULES AND REGULATIONS
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RULE 1 - AUTHORITY AND PURPOSE

- 1.01 Rules Prescribed
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- 1.03 Employment Practices
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1.01 RULES PRESCRIBED. In accordance with the provisions of RCW 41.08, the Civil Service Commission of the City of Tumwater in the State of Washington 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, or 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 EMPLOYMENT PRACTICES. No person in the classified civil service, or seeking admission thereto, shall be appointed, promoted, reduced, or removed, or in any way favored or discriminated against in their employment or opportunity for employment because of their race, color, age, sexual orientation, religious or political opinions or affiliations, union affiliation or national origin, or other basis prohibited by state or federal law except as specifically authorized by statute, ordinance or these civil service rules regarding the selective certification process.

1.04 EXISTING EMPLOYEES. All persons holding a position in the Fire Department or Police Department of the City of Tumwater, and who are not on probationary status when these Rules take effect, and who have served in such positions continuously for the last 12 months, or any existing employee who has been determined by motion of the Commission to qualify for Civil Services coverage under state law, are hereby declared permanently appointed to the offices, positions or employment's which they shall then hold, respectively, without examination or other act on their part.

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- 1.05 SEVERABILITY.** If any rule, section, paragraph, sentence, clause or phrase of these Rules is declared unconstitutional, 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 rule, section, paragraph, sentence, clause, and phrase hereof, irrespective of the fact that any one or more rules, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional, illegal or void.
- 1.06 ABBREVIATIONS.** These Civil Service Rules and Regulations may be cited as CSR's.
- 1.07 COMMISSION AUTHORITY.** Notwithstanding the provisions of any rule or regulation adopted by the Commission, the Commission shall have at all times the full power and authority to do any act or perform any function allowed the Commission by State law.

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RULE 2 - DEFINITIONS

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

- 2.01 ACTUAL SERVICE** means time served under civil service appointment with the City of Tumwater and within the department employed, engaged in the performance of the duties of a position or positions including absences with pay.
- 2.02 ALLOCATE** means to locate or place a position in the appropriate class on the basis of similarity of duties and responsibilities or required qualifications.
- 2.03 APPLICANT** means a person who has filed an application to take a civil service examination.
- 2.04 APPOINTING AUTHORITY** means the Mayor for the City of Tumwater, or their designee.
- 2.05 APPOINTMENT, PROVISIONAL** means the temporary employment of a candidate to meet an emergent need when the candidate is not on a current eligibility-for-hire list, but otherwise meets the qualifications for the job class to which he/she is provisionally appointed.
- 2.06 APPOINTMENT, REGULAR** means the offer to, and acceptance by, a person on an eligibility list of a position on a regular as opposed to a temporary or provisional basis.
- 2.07 APPOINTMENT, TEMPORARY** means the temporary employment of a candidate currently on an appropriate eligibility list that has been verified by the Commission to include the names and rankings of candidates for employment who have been tested and found eligible for employment.
- 2.08 BREAK IN SERVICE** means any interruption in continuous service, except for absences on approved leave, or absences to serve in the Armed Forces of the United States. Re-employment does not make the service continuous.
- 2.09 BUSINESS DAYS** means calendar days exclusive of Saturdays, Sundays and legal holidays.
- 2.10 CANDIDATE** means a person who has completed a civil service examination, or is in the process of doing so.

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- 2.11 CERTIFIED ELIGIBILITY LIST** means an eligibility list that has been verified by the commission to include the names and ranking of candidates for employment who have been tested and found eligible for employment.
- 2.12 CITY** means City of Tumwater.
- 2.13 CLASS** means a group of positions sufficiently similar in respect to duties and responsibilities so that the same title may be applied to each person, substantially the same qualifications may be required, and approximately the same salary range may be applied with equity.
- 2.14 CLASS SERIES** means a group of job classes comprising all classifications of the same general character of work, but differing as to level of difficulty and responsibility such as Police Series and Fire Series.
- 2.15 CLASS SPECIFICATIONS** means a description of the essential characteristics of a job class and factors and conditions that separate it from other classes in terms of duties responsibilities and qualifications.
- 2.16 CLASSIFIED CIVIL SERVICE** means all offices and positions in the service of the City under civil service.
- 2.17 COMMISSION** means the Tumwater Civil Service Commission.
- 2.18 CONTINUOUS SERVICE** means employment without interruption, except for absences on approved leave, or absences to serve in the Armed Forces of the United States.
- 2.19 CONTINUOUS TESTING** shall mean a method of recruiting for a civil service position in which the duration of the recruitment is open-ended and applications are accepted at any time. During a continuous testing period, examinations are scheduled by the Secretary/Chief Examiner as needed or according to a procedure established by the Civil Service Commission.
- 2.20 DEMOTION** means the removal of an employee from a higher to a lower class having a lower maximum salary because of incapacity, inefficiency, misconduct, or other similar causes.
- 2.21 DEPARTMENT** refers to the Police or Fire Departments of the City of Tumwater.
- 2.22 DISCHARGE** means separation from service for cause.

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- 2.23 EMPLOYEE** means any person holding a position in the classified service within the Tumwater Police or Fire Department who is subject to civil service coverage under state law.
- 2.24 EMPLOYEE EXEMPT** means any employee in a position of employment which is not subject to Civil Service coverage.
- 2.25 EMPLOYEE, REGULAR (OR FULLY APPOINTED)** means any person who has been appointed from a certified eligibility list to an established, regularly budgeted position, who has satisfactorily served the full probationary period, and who has a right to a hearing under Civil Service Rules.
- 2.26 EMPLOYEE, PROBATIONARY** means any person appointed or promoted from a certified eligibility list who has not completed the probationary period specified by Civil Service Rules.
- 2.27 EMPLOYEE, PROVISIONAL** means any person appointed without examination to fill an emergent need, as determined by the Commission, for a period of no more than four months in any one fiscal year.
- 2.28 EMPLOYEE, TEMPORARY** means any person appointed from a certified eligibility list to fill an emergency need, as determined by the Commission, for a period of no more than four months in any one fiscal year.
- 2.29 EXAMINATION** means the process of testing the fitness and qualifications of applicants for positions in a specific class.
- 2.30 EXAMINATION, OPEN** means any examination process that is open to applicants from the public and not limited to city employees.
- 2.31 PROMOTIONAL EXAMINATION** means any examination process that is limited to applicants currently employed by the City in positions covered by Civil Service Regulations.
- 2.32 THEY/THEM/THEIR** refers to any gender.
- 2.33 LAYOFF** means separation from a regular position because of economy, lack of funds, lack of work, or because the position has been abolished. This shall not constitute a break in service.
- 2.34 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 Tumwater City Hall.

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- 2.35 OFFICIAL PUBLICATION** means that publication designated as official by the City of Tumwater.
- 2.36 PERFORMANCE RATING** means the rating given an employee on their work performance by his/her department head.
- 2.37 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.
- 2.38 PROBATION OR PROBATIONARY** means the status of an employee during a trial period following an appointment from an eligibility list. This trial period is a working test during which an employee is required to demonstrate, by actual performance of the duties, their fitness for the position to which the employee has been certified and appointed.
- 2.39 PROBATIONER** means an employee who has probationary status.
- 2.40 PROMOTION** means the reassignment of a regular employee from a position in one class to a position in a class having a higher maximum salary.
- 2.41 REDUCTION** means the reassignment of any 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.
- 2.42 RE-EMPLOYMENT** means reappointment after layoff to a position in a class in which status was formerly held.
- 2.43 RE-EMPLOYMENT LIST** means a list of names of persons laid off from a regular position arranged in order of their right to re-employment.
- 2.44 SENIORITY** means the total amount of continuous actual service in a position or positions of a specific class series or total amount of actual service, including actual time worked preceding a break in service due to layoff and certification from the reemployment list. For purposes of layoff in a lower class, seniority in such class shall include any service in a higher class in the same class series.
- 2.45 SEPARATION** means leaving a position and includes resignation, discharge and layoff. Where it refers to separation from a position in a particular class to accept another position, it also includes transfer, promotion, demotion and reduction.
- 2.46 VETERAN'S CREDIT** means preference in examinations, based on military service, as provided and defined by laws of the State of Washington.

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RULE 3 - ADMINISTRATION

- 3.01 Election of Chair
- 3.02 Duties of Chair and Vice Chair
- 3.03 Secretary/Chief Examiner
- 3.04 Duties of Secretary/ Chief Examiner
- 3.05 Secretary Pro Tem
- 3.06 Amendments of Rules
- 3.07 Effective Date of Rules
- 3.08 Copies of Rules

3.01 ELECTION OF CHAIR AND VICE CHAIR. At the first regular meeting in January of each year, the Commission shall elect a Chair and Vice Chair to serve for a term of one year. Should a Chair and/or Vice Chair resign, be removed, or otherwise become unable to fulfill the duties of 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.

3.02 DUTIES OF CHAIR AND VICE CHAIR. The chair shall preside at all meetings of the Commission and act as spokesperson for the Commission. The Vice Chair shall preside when the Chair is not in attendance.

3.03 SECRETARY/CHIEF EXAMINER. The Commission shall appoint a Secretary/Chief Examiner, who shall be appointed as a result of competitive examination. In the absence of a list from which the appointment may be legally made, and upon vacancy in position, the Chair of the Commission, or on his/her request the City Clerk, shall announce the vacancy and shall invite all properly qualified citizens of the City of Tumwater and persons already in the service of the police and fire departments or other departments of the City meeting the minimum qualifications for the position, established from time to time by the Commission, to make application therefore. Appointments to the position shall be made by the Commission from a list resulting from a competitive examination.

The Commission shall reject all deficient applications. Acceptable applicants shall be subject to open competitive examinations by the Commission or an agent designated by it. Appointments to the position of Secretary/Chief Examiner shall be made by the Commission from a list resulting from this examination subject to the provisions of the rules for appointment in the classified service.

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- 3.04 DUTIES OF THE SECRETARY/CHIEF EXAMINER.** The Secretary/Chief Examiner shall attend the meetings of the Commission and shall administer personnel functions of the classified service, enforce the provisions of the Civil Service Acts and these Rules except those functions and the duties reserved to the Civil Service Commission, and shall perform all lawful and necessary duties delegated by the Commission, and all functions essential to the effective administration of the civil service system.
- 3.05 SECRETARY PRO TEM.** In the absence of the Secretary/Chief Examiner, the Commission shall appoint a Secretary Pro Tem to act as secretary of the Commission until the return of the Secretary/Chief Examiner.
- 3.06 AMENDMENTS OF RULES.** The Commission may amend these Rules or adopt new Rules by majority vote of the Commission at any regular or special meeting of the Commission.
- 3.07 EFFECTIVE DATE OF RULES.** All Rules and amendments shall become effective immediately upon their adoption by the Commission unless some later date is specified therein.
- 3.08 COPIES OF RULES.** A copy of these Rules and a copy of all subsequent Rules or amendments shall be sent as soon as practicable after adoption to each affected department of the City. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available for public distribution as required by State law.

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RULE 4 - MEETINGS OF THE COMMISSION

- 4.01 Regular Meetings
- 4.02 Adjourned Regular Meetings
- 4.03 Special Meetings
- 4.04 Place of Meetings
- 4.05 Public Meetings
- 4.06 Executive Sessions
- 4.07 Rules of Order
- 4.08 Quorum
- 4.09 Communications
- 4.10 Minutes

4.01 REGULAR MEETINGS. Regular meetings shall be held the second Thursday of each month at 5:30 P.M., or at such other day or time as the Commission, at a prior meeting, may designate. When the regular meeting day falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting, it designates some other day for its meeting.

4.02 ADJOURNED REGULAR MEETINGS. The Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified by rule for regular meetings.

4.03 SPECIAL MEETINGS. A special meeting may be ordered at any time by the Chair or by any two Commissioners by delivering personally, or by mail, written notice to each member of the Commission, and by properly advising the public of the purpose, time and place of such meeting by notifying press, radio and television in the County.

4.04 PLACE OF MEETING. All meetings shall be held at Tumwater City Hall, Tumwater, Washington, unless the notice of a special meeting, or the order of adjournment of a regular or adjourned meeting, specifies some other place, or unless the Commission determines at a prior meeting to meet at some other place. A notice stating where the meeting will be held shall be posted on the Commission's official bulletin board at least 24 hours before the time set for a meeting, stating where the place of meeting is to be if other than at the place set forth in these Rules.

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- 4.05 PUBLIC MEETINGS.** All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission, except as otherwise provided in Rule 4.06.
- 4.06 EXECUTIVE SESSIONS.** The Commission may hold executive sessions to consider the employment or dismissal of a public officer or employee in a civil service position; to discuss with the Commission's attorney matters regarding potential litigation; or to discuss documents, such as test questions, which are not subject to public scrutiny. The Commission may also hold an executive session to discuss matters of employee discipline but the results of the discussion, if any, must be announced in an open meeting. All investigations made by the Commission pursuant to RCW 41.12.090 and RCW 41.08.090 shall be made by public hearing. The Commission may also exclude witnesses and others as provided in Rule 5.09.
- 4.07 RULES OF ORDER.** Except as otherwise provided herein, Robert's Rules of Order shall guide the Commission in its proceedings.
- 4.08 QUORUM.** Two members of the Commission shall constitute a quorum, and the concurrence of two members shall be necessary to any action.
- 4.09 COMMUNICATIONS.** Communications and requests to the Commission, in so far as practicable, shall be in writing. The substance of each request and the action of the Commission thereon shall be noted in the minutes.
- 4.10 MINUTES.** The Secretary/Chief Examiner, or the Secretary Pro Tem, shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners except when the action is unanimous. When requested by him, a Commissioner's dissent or approval, with their reasons, shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes, or a true copy thereof, certified by the Chair or Chair Pro Tem, and by the Secretary/Chief Examiner, or the Secretary Pro Tem, shall be open to public inspection.

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RULE 5 - HEARINGS

- 5.01 Right to a Hearing
- 5.02 Petition for Hearing
- 5.03 Time Within Which Petition Must be Filed
- 5.04 Presence of Commissioners at Hearings
- 5.05 Notice
- 5.06 Rights of Petitioner
- 5.07 Failure of Petitioner to Appear
- 5.08 Evidence
- 5.09 Exclusion of Witnesses
- 5.10 Testimony of Petitioner
- 5.11 Burden of Proof
- 5.12 Findings and Decisions
- 5.13 Report of Hearing
- 5.14 Transcript of Hearings
- 5.15 Judicial Review
- 5.16 Challenges to Commissioners
- 5.17 Effect of Commissioner Challenge on Quorum

5.01 RIGHT TO A HEARING. No person in the classified civil service who shall have been fully appointed or inducted into civil service under provisions of these Rules shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the Commission.

5.02 PETITION FOR A HEARING. Such petition shall be in writing signed by the petitioner, giving their mailing address, the ruling from which they appeal, and in plain language and in detail the facts and the reasons upon which their case is based. Any grounds or objections not specifically stated in such request shall be deemed waived. A hearing on the merits may be denied if the petition fails to state specific facts or reasons, or if in the opinion of the Commission the facts and reasons stated, if true, would not entitle the petitioner to any relief, but such denial shall be without prejudice to the filing of an amended petition, if the time for requesting a hearing has not expired.

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5.03 TIME WITHIN WHICH PETITION MUST BE FILED.

5.03.01 Unless otherwise provided in these Rules, a petition for hearing before the Commission must be filed within the following time limits:

- 1) In a discharge or reduction matter, ten business days after mailing of notice of discharge or reduction.
- 2) In an appeal from any ruling of the Secretary/Chief Examiner concerning any aspect of an examination, five business days after receipt by the Commission of the report of examination under Rule 8.
- 3) In all other matters, not later than ten business days after the ruling or order complained of.

5.03.02 The Secretary/Chief Examiner, or the Commission, may extend the time for filing a petition where good cause for the delay is shown and it is shown that other parties are not likely to suffer substantial hardship from such delay.

5.04 PRESENCE OF COMMISSIONERS AT HEARINGS. All hearings shall be held before the Civil Service Commission, and all Commissioners shall be present.

5.05 NOTICE. The Commission shall set the matter for hearing and shall give a petitioner at least five business days notice in writing of the date and place of such hearing. In discharge or reduction hearings, similar notice shall be given to the appointing authority and department head.

5.06 RIGHTS OF PETITIONER. When a hearing is granted, the petitioner shall attend, unless excused by the Commission under Rule 5.07, and shall be entitled to:

- (a) Be represented by counsel at such hearings;
- (b) Testify under oath;
- (c) Bring witnesses with him to testify for him;

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- (d) Cross-examine all witnesses appearing against him and all employees of the Commission whose actions are in question, or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the Commission;
- (e) Impeach any witness before the Commission for cause;
- (f) Present such affidavits, exhibits and other evidence as the Commission deems pertinent to the inquiry;
- (g) Argue the case.

The appointing authority and department head, the Secretary/Chief Examiner and other members of the Commission's staff, and any other person whom the Commission finds to be interested in the matter, shall be entitled to the same privileges.

5.07 FAILURE OF PETITIONER TO APPEAR. In all hearings before the Commission, the failure of the petitioning party to appear at the time and place set for hearing without good cause therefore being given to the Commission in advance, shall be deemed a withdrawal of their petition and consent to the action or ruling from which their appeal was taken.

5.08 EVIDENCE. Hearings shall be informal and need not be conducted according to the technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted regardless of its source and the Commissioners themselves shall decide the weight and the sufficiency of the evidence presented. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Oral evidence shall be taken only under oath or affirmation.

5.09 EXCLUSION OF WITNESSES. The Commission may, at its discretion, exclude witnesses not under examination, except the Secretary/Chief Examiner, the petitioner or person to be discharged or reduced, the appointing authority and department head, and counsel.

5.10 TESTIMONY OF PETITIONER. In discharge or reduction hearings, the petitioning employee may be required to testify and may be cross-examined as to any matter relevant to the hearing. In any other type of hearing, the petitioner, if they are not required to testify in their own behalf, may be called and examined as if under cross-examination.

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- 5.11 BURDEN OF PROOF.** In hearings regarding removal, suspension, demotion or discharge, the burden of proof shall be on the appointing authority. In all other types of hearings, the burden of proof shall be on the petitioner.
- 5.12 FINDINGS AND DECISIONS.** Following each investigation by the Commission concerning removal, suspension, demotion or discharge, the Commission shall make formal findings of fact. Findings of the Commission shall be certified by the Secretary/Examiner, in writing to the City Administrator, with a copy to the appropriate department head. The Commission shall announce its decision immediately following the conclusion of the evidence, or the Commission may take the question under advisement. In the event the Commission does take the question under advisement, it shall give its decision within five (5) working days thereafter and the same shall be entered in its minutes. Unless the decision provides otherwise, it shall be effective immediately. Notice of the decision shall be mailed promptly to the petitioner and to any interested party. Except for the correction of clerical errors, such decision shall be final and conclusive.
- 5.13 REPORT OF HEARING.** Hearings may be conducted without a stenographic reporter provided, however, that either the Commission or the petitioning party may provide its own stenographic reporter if such is felt advisable and the party requiring the presence of the stenographic reporter shall pay the cost or fee for such reporting.
- 5.14 TRANSCRIPT OF HEARINGS.** When hearings are reported or recorded by employees of the Commission, 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.

When hearings are reported or recorded by independent contractors, the transcript shall be available to any person on paying to the contractor the usual and reasonable charge for such service.

- 5.15 JUDICIAL REVIEW.** Any person aggrieved by a final decision of the Commission after a hearing as provided in this rule may make an appeal of the decision to the Superior Court of Thurston County, Washington, by following the procedures set forth in RCW 41.08.090 or RCW 41.12.090.

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5.16 CHALLENGES TO COMMISSIONERS. 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 Commissioner shall review and rule on the challenge prior to proceeding with the hearing. Upon a Commissioner's findings of cause for disqualification, the Commissioner 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.

5.17 EFFECT OF COMMISSIONER CHALLENGE ON QUORUM. If, as a result of disqualification(s) pursuant to Rule 5.16, there is no longer a lawfully constituted quorum available, then by reason of necessity, the disqualified Commissioner(s) shall return and proceed with the hearing.

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RULE 6 - CLASSIFICATION

- 6.01 Procedure and Effect
- 6.02 New Positions and a Classification Plan
- 6.03 Reclassification

6.01 PROCEDURE AND EFFECT. The appointing authority shall classify all positions in the classified service, assigning to each class or position the appropriate title and the experience, knowledge, capacity, skill, education and other qualifications, including the minimum prerequisites to be required for appointment. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities and authority and character of work are included within the same class and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions within the class. The classification plan so developed shall be transmitted to the Civil Service Commission for adoption. The Secretary/Chief Examiner shall allocate every position in the classified service to one of the classes established in the plan. Thereafter, the class titles so established shall be used in all personnel budget, accounting and other financial documents and communications of the City. Additional classes may be established and existing classes may be divided, combined or abolished in the same manner as originally adopted.

6.02 NEW POSITIONS AND A CLASSIFICATION PLAN. If the appointing authority intends to establish a new position or positions, they shall notify the Secretary/Chief Examiner and, except as otherwise provided by law or by these rules, no person shall be appointed or employed for any such position until it has been properly classified as herein provided and an appropriate eligibility list established therefore.

6.03 RECLASSIFICATION. Positions whose duties have changed materially so as to necessitate reclassification shall be allocated to a more appropriate class whether new or already created in the same manner as originally classified. No reclassification to a class having either a greater or lower maximum salary range shall be effective, however, unless recommended by the appointing authority and approved by the Commission, nor shall reclassification be used for the purpose of avoiding the restrictions surrounding demotions and promotions.

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RULE 7 - APPLICATIONS AND APPLICANTS

- 7.01 Qualification of Applicants
- 7.02 Filing Time for Applicants
- 7.03 Repeated Application
- 7.04 Non-Acceptance of Applicant
- 7.04 Notice of Non-Acceptance
- 7.05 Appeals
- 7.06 Admission to Examination Pending Appeal
- 7.07 Amendment of Applicants
- 7.08 Applications Not Returned

7.01 QUALIFICATION OF APPLICANTS. In order to apply for examinations, at the time of filing application:

- (a) An applicant for any position under Civil Service in the City of Tumwater must be a citizen of the United States of America, who can read and write the English language, who possesses an educational training equivalent to four years high school course, of an age suitable for the position applied for, of good moral character, and meet the minimal medical/physical standards for the position approved by the appointing authority.

The Commission may establish prior to any examination additional qualifications for applicants which shall be included in the Call for Examination.

When designated in the official bulletin, the Secretary/Chief Examiner may permit regular employees and probationers to file for and take promotional examinations for delayed eligibility if on the last day for accepting applications they meet lower specified minimum service requirements in the classes from which promotion is allowed.

- (b) An applicant must meet all of the requirements specified in the official bulletin announcing the examination as set forth in this or other applicable rules, including those containing class specifications.
- (c) An applicant must file a completed application form prescribed by the Commission giving fully, truthfully and accurately all information required. A certification as to the truth and completeness of the information contained in the application and the applicant's signature shall be required on each application.

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- (d) Successful candidates must meet background standards which have been adopted by the Commission. The background investigation may include the administration of a polygraph examination for Police Department applicants and a psychological evaluation by a licensed psychologist for all applicants.

- (h) When designated in the official bulletin, the Secretary/Chief Examiner may permit filing by an applicant no more than one year under the specified minimum age on an open graded/entrance examination. A successful candidate will have delayed eligibility until the required minimum age or experience is attained.

7.02 FILING TIME FOR APPLICATIONS.

- 7.02.01** No application will be accepted for an examination until an examination for the class has been announced, except that any person accepting a provisional appointment pending examination must, before commencing work, file an application with the Commission as provided in Rule 12. Applications must be received at the office of the Commission not later than 5:00 P.M. of the last day for filing as posted on the official bulletin board of the Commission.

- 7.02.02** Applications will be subject to amendment not later than 5:00 p.m. of the last day for filing. The burden of proof of meeting requirements shall lie with the applicant.

- 7.02.03** In case of any dispute as to the time of filing, the Commission's official time recorded on the application shall be conclusive.

- 7.02.04** The time for filing applications may be extended or reopened by the Secretary/Chief Examiner as the needs of the service require, provided notice is immediately posted on the official bulletin board.

7.03 REPEATED APPLICATION. An applicant for a continuous recruitment may make up to two applications during a twelve month period. Candidates who chose to apply and repeat an examination given as part of the continuous recruitment process will be subject to their more recent score.

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7.04 NON-ACCEPTANCE OF APPLICANT. The Secretary/Chief Examiner, subject to the right of any person aggrieved to appeal to the Commission as provided in Rule 5, may refuse to accept an application or to examine an applicant, or may withhold the name of a person from the eligibility list or an eligible candidate from certification, or the Commission, after notice, may remove the name of an eligible from the eligibility list who:

- (a) Does not meet the requirements set forth in these Rules or in the bulletin announcing the examination;
- (b) With or without accommodation, cannot participate in the examination process without posing a safety and health threat to the applicant or to others or who requires an accommodation that creates an undue hardship in administering the examination;
- (c) Is, at the time of the application, an unlawful user of drugs;
- (d) Is addicted to gambling or immoral practices or habits;
- (e) Is guilty of conduct not compatible with City employment, whether or not it amounts to a crime;
- (f) Has been convicted of a crime of violence;
- (g) 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;
- (h) Has abandoned any position in the City service or has been absent from duty without leave of absence duly granted;
- (i) Has made any material false statement or who has attempted any deception or fraud in connection with this or any other civil service examination;
- (j) Refuses to execute any oath as prescribed by law;
- (k) Fails to appear for fingerprinting as required by the Commission;

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- (l) Has assisted in preparing, conducting or scoring the examination applied for, or who has in any other manner secured confidential information concerning such examination which might provide unfair advantage over other applicants in the examination;
- (m) Fails to appear for or fails to pass any of the required examinations prescribed by the Commission;
- (n) Refuses to furnish all information required to complete the application;
- (o) Is knowingly a member of any organization which is included in the official list of subversive organizations; or who is knowingly a member of any organization which now advocates the overthrow of the Government of the United States or of this State by force or violence or other unlawful means, or who now advocates the support of a foreign government against the United States in the event of hostilities;
- (p) Has been discharged from the armed forces under conditions other than honorable;
- (q) With or without accommodation, cannot perform the work without posing a safety and health threat to the applicant or to other or who requires an accommodation that creates undue hardship for the appointing authority.

7.05 NOTICE OF NON-ACCEPTANCE. The person against whom action is taken under Rule 7.04 shall be notified promptly of the reasons therefore. Oral notice at time of filing the application shall be sufficient.

7.06 APPEALS. Any person aggrieved by any ruling of the Secretary/Chief Examiner concerning an examination or the eligibility or disqualification of applicants, or the withholding of names from certification, may appeal to the Commission in writing within five business days after notice of such ruling as provided in Rule 5.

7.07 ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary/Chief Examiner may, at their discretion, admit to the examination any person whose application was not accepted, pending final disposition of their appeal, such admission to be without prejudice.

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7.08 AMENDMENT OF APPLICATIONS. The Secretary/Chief Examiner may permit any applicant, whether or not their application has been accepted, to amend their application or to file an amended application.

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

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RULE 8 - COMPETITIVE EXAMINATIONS

- 8.01 Examination to be Impartial
- 8.02 Notice of Examination
- 8.03 Competitive Examinations
- 8.04 Character of Examinations
- 8.05 Method of Testing
- 8.06 Time and Place of Examination
- 8.07 Postponement or Cancellation of Examinations
- 8.08 Late Applicants
- 8.09 Inability to Appear
- 8.10 Tumwater Reserve/Volunteer Service Preference
- 8.11 Veteran's Scoring Criteria
- 8.12 Promulgation and Notification of Test Results
- 8.13 Inspection of Rating Standards
- 8.14 Protests Against Ratings to the Secretary/Chief Examiner
- 8.15 Report on Examination
- 8.16 Appeal to Commission
- 8.17 Correction of Clerical Errors
- 8.18 Rules Peculiar to Written Examinations
- 8.19 Rules Peculiar to Oral Examinations
- 8.20 Permanent Record of Examinations
- 8.21 Promotional Examinations
- 8.22 Scope of Recruitment

8.01 EXAMINATION TO BE IMPARTIAL. All examinations shall be fair and impartial. So far as practicable, written examinations shall be so conducted that the identity of applicants will not be known to the examiners or other persons scoring the answers. So far as practicable, different parts of an examination shall be scored separately without the examiners, or other persons scoring a part of the examination, knowing the applicants scores in the other parts of the examination. No person shall reveal before the completion of an examination any information about such examination except in the official bulletin or by announcement to all applicants or candidates equally.

8.02 NOTICE OF EXAMINATION. A written notice of each examination shall be published in the official publication as designated by the City of Tumwater and posted on the official bulletin board at least one week prior to the date of the examination. Additional notice, such as paid advertising or publicity, shall be given when the Secretary/Chief Examiner deems it necessary in order to have a sufficient number of qualified applicants.

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8.03 COMPETITIVE EXAMINATIONS. All examinations shall be competitive. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when applicants are scored against a fixed standard.

8.04 CHARACTER OF EXAMINATIONS. The Commission shall by motion, prior to any examination, determine the method of testing pursuant to Rule 8.05, the procedure of the examination, the number of parts of each examination, the relative weight for scoring purposes of each part, and the minimum passing score. Provided, that the Commission may in its discretion, establish minimum passing scores for each part of the examination, and may refuse to allow any applicant not achieving a minimum passing score in one part of the examination from proceeding with subsequent parts of the examination.

8.05 METHOD OF TESTING.

- (1) The qualification and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:
 - (a) Written tests.
 - (b) Oral tests of knowledge or ability.
 - (c) Interviews covering general qualifications, education, training and/or experience.
 - (d) Performance/assessment center examinations (working tests).
 - (e) Physical tests of strength, stamina, agility or dexterity.
 - (f) Evaluation of education, training, experience or other qualifications as shown by the applications, or by other information submitted, or by the record.
 - (g) Any other appropriate measure of fitness.

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(2) The Commission may, at its discretion, contract with a company or agency to conduct testing on behalf of the Tumwater Civil Service Commission. The Commission shall review the content and procedures of any test conducted by the contractor to assure compliance with its standards and with civil service principles. The results of contracted testing may be combined with the results of other tests conducted by the Commission as specified in the recruitment announcement.

8.06 TIME AND PLACE OF EXAMINATION. Whenever applicants are required to appear for an examination, the time and place shall be designated in the official bulletin or the applicants shall be notified in person, by mail, or by telephone. Any examination under this rule held outside of the City of Tumwater may be administered by any person designated to give the examination by the Secretary/Chief Examiner.

8.07 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS. The administration of an examination, or any part thereof, may be postponed or cancelled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board and mailed or telephoned to the applicants. In an emergency, where time does not permit such notice, an examination may be postponed or cancelled or the place of examination changed by posting a notice on the official bulletin board as soon as possible and in a conspicuous location at the time and place originally set for the examination.

8.08 LATE APPLICANTS. Whenever applicants are required to assemble for a test, no applicant will be admitted after the designated time except at the discretion of the Secretary/Chief Examiner.

8.09 INABILITY TO APPEAR. If an applicant is unable to appear at the time or place designated, the Secretary/Chief Examiner may, at their discretion, arrange to give him the examination at another time or place, if the Secretary/Chief Examiner finds:

- (a) That substantial and sufficient reasons exist for the inability to appear;
- (b) that no fraud will be perpetrated; and
- (c) that no person taking the examination will be materially prejudiced or assisted in passing the examination by reason of such special privilege.

If such examination is administered, it will be conditional on the signing of an affidavit by the applicant to the effect that they have no prior knowledge of the examination content.

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8.10 TUMWATER RESERVE/VOLUNTEER SERVICE PREFERENCE. In a competitive examination for a Civil Service position, preference points may be provided to candidates with documented service as a Tumwater Police Reserve Officer or a Tumwater Volunteer Firefighter. The applicability of preference points and the method for determining the total number of points available for an examination shall be determined by the Commission in authorizing an examination.

8.11 VETERAN'S SCORING CRITERIA. (1) In all competitive examinations for entrance into the civil service, in addition to all other points, additional points derived from the following percentages shall be added to the passing mark, grade or rating, based upon a possible rating of one hundred points as perfect in accordance with the following:

- (a) Ten percent to a veteran who served during a period of war or in a hostile environment as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of each competitive examination until the veteran's first appointment within the State of Washington or its political subdivisions or municipal corporations. The percentage shall not be utilized in promotional examinations.
- (b) Five percent to a veteran who did not serve during a period of war or in a hostile environment as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment within the State of Washington or its political subdivisions or municipal corporations. The percentage shall not be utilized in promotional examinations.
- (c) Five percent to a veteran who was called to active military service for one or more years from employment with the State of Washington or any of its political subdivisions or municipal corporations. The percentage shall be added to the first promotional examination only.

PROVIDED, THAT all the following apply:

- (a) The applicant has received an honorable discharge; a discharge for physical reasons with an honorable record; or has been released from active military service with evidence of service other than that for which an undesirable, bad conduct or dishonorable discharge shall be given;
- (b) the applicant furnishes a Form DD214 as proof of active military service; and

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- (c) the applicant has not previously been awarded the veteran's scoring criteria under Washington state law to obtain a position.
- (2) For purposes of this civil service rule, a "period of war" includes World War II, the Korean conflict, the Viet Nam era (August 5, 1964 to May 7, 1975), the Persian Gulf War (beginning August 2, 1990) and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. A "hostile environment" shall include: the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; Bosnia, Operation Joint Endeavor; and any future similar armed conflicts recognized by the State of Washington as qualifying for the veteran's scoring criteria.

8.12 PROMULGATION AND NOTIFICATION OF TEST RESULTS. After all parts of an examination have been completed and scored, the Secretary/Chief Examiner shall promulgate an eligibility list, subject to approval by the Commission by motion, and an applicant shall be notified:

- (a) When passing, of their total score, including veteran's preference credit and relative standing where applicable, and the days during which they may inspect their papers.
- (b) When failing, of their failure to achieve a passing grade, and the days during which they may inspect their papers.

8.13 INSPECTION OF RATING STANDARDS. The applicants shall be allowed a period of five business days, following the mailing date of notification of examination results, in which each may inspect their answers and the rating standards by which they has been rated during any part of the examination, except that copyrighted or standardized tests shall not be subject to review.

During such inspection, the applicant shall not be allowed to remove copies of any of the test questions or answers from the inspection room where all protests must be completed.

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- 8.14 PROTESTS AGAINST RATINGS TO THE SECRETARY/CHIEF EXAMINER.** If the applicant believes that an error has been made they may, during the final five-day period referred to in the preceding rule, make a protest in writing, stating specifically where they believe the error has been made. Each protest shall be in writing and shall give specific facts and reasons to support the protest. No protest may be made after the five-day period. Upon receipt of a written protest or request for re-rating, a review of the protest shall be made by the Secretary/Chief Examiner, who shall pass on all such protests or requests and make necessary correction in grades or rating.
- 8.15 REPORT ON EXAMINATION.** After the expiration of the five-day period and after the Secretary/Chief Examiner has passed on all protests and has corrected any errors, they shall submit a complete report on each examination to the Commission, including a report on all protests in connection with the examination and the disposition of such protests, and shall rank the applicants according to their relative scores.
- 8.16 APPEAL TO COMMISSION.** Any persons aggrieved may appeal to the Commission from the ruling of the Secretary/Chief Examiner pursuant to Rule 5.03 within five business days after the report of examination has been placed in the hands of the Civil Service Commission. No correction made by the Secretary/Chief Examiner or by the Commission shall effect any appointment made from a certification which occurred made prior to the correction.
- 8.17 CORRECTION OF CLERICAL ERRORS.** Any clerical error may be corrected by the Secretary/Chief Examiner upon discovery at any time during the life of the eligibility list, but no such correction shall affect an appointment made from a certification made prior to the correction.
- 8.18 RULES PECULIAR TO WRITTEN EXAMINATION.** Written examinations shall be copyrighted or standardized tests and shall be given, supervised and graded by the Secretary/Chief Examiner. Provided, that the Chief Examiner may appoint qualified Assistant Examiners to facilitate the conduct of any examination.
- 8.19 RULES PECULIAR TO ORAL EXAMINATION.** The Commission shall designate qualified and competent persons to serve as an oral examiner, or as an oral review board to conduct any oral examinations. If the selected examiner or examiners submit suggested questions to be asked, they shall submit recommended answers the Chief Examiner.
- 8.20 PERMANENT RECORD OF EXAMINATION.** The Commission shall preserve the following record of each examination for a period of five years from the date of examination:

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- (a) All copies of the written examination.
- (b) All questions submitted by the examiner for the oral examination and the answers thereto.
- (c) The explanatory statement concerning the standards and relative weights assigned to each examination.
- (d) The individual answers given by each applicant in those parts of the examination when answers on record thereto can be maintained.
- (e) A summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various parts, the time and place each part was given, the minimum scores required, if any, and the names of the examiners.

8.21 PROMOTIONAL EXAMINATIONS. Vacancies in job classes that represent promotional opportunities for covered employees may be filled by promotion, if in the judgement of the Commission it is practicable to do so. Upon showing from the appointing authority that special training and knowledge gained within a department is essential to the proper filling of the vacancy, the Commission may limit an examination to current eligible employees within the department.

8.22 SCOPE OF RECRUITMENT. The Commission, in reviewing requests for examinations, shall determine whether the recruitment for the examination shall be open to applicants who are not presently employed by the City or whether the recruitment shall be limited to current City employees - either civil service covered or non-civil service covered. In making this determination, the Commission will consider the recommendation of the appointing authority and comments by employees or interested members of the public. If the appointing authority establishes that the position requires special knowledge and training available only in one particular department, the recruitment may be limited by the Commission to a specific department.

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RULE 9 - ELIGIBILITY LISTS

- 9.01 Eligibility Lists Created
- 9.02 Order of Names on Eligibility lists
- 9.03 Tie Scores
- 9.04 Disclosure of Names of Eligible Candidates
- 9.05 Duration of Eligibility lists
- 9.06 Canvass of Eligibility lists
- 9.07 Rejection of Eligible Candidate - Dropped from List
- 9.08 Effect of Appeals
- 9.09 Approval of Eligibility Lists

9.01 ELIGIBILITY LISTS CREATED. The Secretary/Chief Examiner shall promulgate eligibility lists resulting from examinations as provided for in Rule 8.

9.02 ORDER OF ELIGIBILITY LISTS. The names of applicants who pass an examination shall be entered upon the eligibility list for the class in order of standing in a competitive examination, including veteran's credit or other applicable credits, and without preference as to priority of time of examination. The priority and order of referral of eligibility lists is as specified in Rule 10.02.

9.02.01 RE-EMPLOYMENT LIST. When a re-employment list exists for the class in which a vacancy exists, it shall be exhausted before any certification can be made from any other eligibility list. Placement on the re-employment list shall be in accordance with Rule 16, Layoffs and Re-employment Lists.

9.02.02 PROMOTIONAL LIST. The Commission may authorize the establishment of a promotional list as a result of an in-house promotional examination or from an open examination. To be entered on a promotional list, an employee must be a current non-probationary employee, apply for and take the next available examination for the desired higher classification, and

(a) must attain the minimum passing score as established by the Commission by motion to be placed on the promotional list resulting from an in-house promotional examination;

(b) will be referred in order of priority of eligibility lists in accordance with Rule 10.02. The physical agility examination requirement is waived for candidates for promotional lists. Eligible candidates will be ranked in order of total score.

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9.02.03 **REDUCTION LIST.** Should a current employee desire to be reassigned from a higher to a lower class, a reduction list may be established. To be entered on a reduction list, an employee must be a current non-probationary employee, apply for and take the next available examination for the desired lower classification and must attain a minimum score of 85% to be placed on the list. The physical agility examination requirement is waived for candidates on this list. Eligible candidates will be ranked in order to total score.

9.02.04 **TRANSFER FROM FIREFIGHTER/PARAMEDIC TO FIREFIGHTER.** An eligibility list for Firefighter may be established as provided for in Rule 21. This list shall contain the names of persons currently employed with the City of Tumwater as a Firefighter/Paramedic who wish to transfer to the classification of Firefighter, and who meet the qualifications as provided in Rule 21.

9.02.05 **REVERSION.** An eligibility list may be established for reversion from a current classification to a classification formerly held by the employee, provided the employee is currently employed by the City of Tumwater and has satisfactorily completed a probationary period in the former classification. Requests to be placed on the reversion eligibility list must be submitted in writing to the Civil Service Commission.

- a) Individuals who transferred from the classification of Firefighter/Paramedic to Firefighter and do not successfully complete the training and evaluation period may request placement on the reversion eligibility list. In the case of discharge, the employee must submit a request to be placed on the reversion eligibility list in writing to the Civil Service Commission prior to the effective date of discharge.

- b) Individuals on this eligibility list shall be ranked by seniority.

9.02.06 **OPEN COMPETITIVE LIST.** An open competitive list will contain the names of individuals achieving a passing score and will be ranked in order of score on all segments of an examination approved by the Commission.

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

9.03 TIE SCORES.

9.03.01 Whenever two or more applicants in a competitive examination have the same final grade, priority shall be determined by highest grade on most heavily weighted part of the examination.

9.03.02 Whenever two or more applicants in a competitive examination have the same final grade where there is only one portion of an examination, applicants will be listed on the eligibility list in last name alphabetical order within numerical rank, and noted as "a", "b", "c", etc. All names with the same numerical ranking shall be referred, including all names in the fifth referral position with the same numerical ranking.

9.04 DISCLOSURE OF NAMES OF ELIGIBLE CANDIDATES. The eligibility list, including the names and final ranking of all those who passed the examination, shall be open to public inspection.

9.05 DURATION OF ELIGIBILITY LIST. An eligibility list shall be in effect as follows:

- (a) for one year from the date of promulgation as determined by the Commission;
- (b) for eighteen (18) months for all promotional eligibility lists within the Fire Department; or
- (c) for an indefinite period for eligibility lists subject to continuous recruitment as determined by the Commission.

Before the expiration of an eligibility list, the Commission may extend the period of eligibility for one year at a time for all eligible candidates who still meet the announced qualifications for the position and who are available for employment.

9.05.01 An eligibility list which has been extended shall be terminated automatically upon promulgation of an eligibility list from a new

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examination for the class.

9.05.02 Upon approval by the Commission and administration of a new examination, an eligibility list based upon a prior exam shall terminate and have no further force and effect. The termination of a prior eligibility list shall not impact the right of a candidate placed on reinstatement or other eligibility list as a result of layoff or other practice subject to these rules.

9.05.03 An eligible who has been in the active service of the United States armed forces during part or all of the effective period of an eligibility list shall be entitled to extended eligibility provided that they file written request for such eligibility with the Commission within 90 days from termination of such service. Such extended eligibility shall be equal to the period to which they were entitled at the time of entering such service.

9.06 CANVASS OF ELIGIBILITY LISTS. Whenever they believe the needs of the service require, the Secretary/Chief examiner shall ascertain the availability for employment of persons whose names appear on an eligibility list.

9.07 REJECTION OF ELIGIBLE CANDIDATE - DROPPED FROM LIST. The name of any person may be withheld from certification or removed from the eligibility list for any of the reasons in Rule 10.03.

9.08 EFFECT OF APPEALS. No appeal shall affect the eligibility list or an appointment made from a certification made during the pendency of the appeal. When the appeal is terminated, the Secretary/Chief Examiner shall add the name of the appellant to the eligibility list.

9.09 APPROVAL OF ELIGIBILITY LISTS. In addition, the Commission authorizes the Secretary/Chief Examiner to approve a provisional certification of eligibility lists in the following circumstances:

- (a) when business needs require timely action for recruitment;
- (b) or in the event that the Commission is unable to meet to certify eligibility;
- (c) or for continuous recruitment eligibility lists.

A report of provisional eligibility list certifications made by the Secretary/Chief Examiner shall be provided to the Commission in the next regular Commission meeting for official certification. No hire shall be completed without prior official approval of the eligibility list by the Commission.

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RULE 10 - CERTIFICATION AND APPOINTMENT

- 10.01 Certification from Eligibility List
- 10.02 Priority of Lists
- 10.03 Withholding Names from Certification or Removing Names from Eligibility Lists
- 10.04 Restoration to Certification
- 10.05 Effect of Removal, Withholding or Restoration
- 10.06 Appointment of Eligible Candidates

10.01 CERTIFICATION FROM ELIGIBILITY LIST. Upon request for certification of names to fill a vacancy, the Secretary/Chief Examiner shall certify to the Appointing Authority the names of persons standing highest on the appropriate eligibility list, in accordance with Rule 10.06, and willing to accept the position for which certification is made.

10.02 PRIORITY OF LISTS. Certification to fill a vacancy shall be made by the Civil Service Commission Secretary/Chief Examiner from eligibility lists in the following order:

- (a) Re-employment
- (b) Promotional
- (c) Reduction
- (d) Transfer from Firefighter/Paramedic to Firefighter
- (e) Reversion
- (f) Open Competitive/Lateral Entry

Certification from the lateral entry list will be as provided for in Rule 11.

10.03 WITHHOLDING NAMES FROM CERTIFICATION OR REMOVING NAMES FROM ELIGIBILITY LISTS. The name of an eligible shall be withheld from certification or removed from an eligibility list when the person:

- (a) Expresses unwillingness or inability to accept appointment, or refuses offer of an appointment without adequate explanation;
- (b) fails to respond within ten business days next succeeding the mailing of written inquiry regarding availability for regular employment or fails to respond within five business days of request to appear for interview regarding such employment;
- (c) fails to present himself for duty at the time agreed upon after having accepted an appointment

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- (d) cannot be reached in time for appointment when immediate temporary employment is required, but this shall apply only to such immediate temporary employment;
- (e) has accepted temporary appointment from the list and is so employed at time of certification for other temporary employment;
- (f) fails to present the license, registration, certificate or any other credentials required; the name of any such eligible may be restored for certification when the particular requirement has been met;
- (g) fails to maintain a record of current address with the Commission as evidenced by the return of a properly addressed unclaimed letter, or other evidence;
- (h) willfully violates any of the provisions of these Rules or any applicable law;
- (i) resigns from the service;
- (j) is appointed to a regular position from a certified list; or
- (k) for any reason enumerated in Rule 7.04.

10.04 RESTORATION TO CERTIFICATION. When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be restored thereto by the Secretary/Chief Examiner or by the Commission on appeal taken within five business days after notice of the decision, only under the following circumstances:

- (a) Where the withholding or removal was because of the unwillingness or inability of the employee to accept an appointment, or failure to respond to inquiry as to availability, to appear for interview, or to present themselves for duty, and the applicant presents a good and valid reason for such unwillingness, inability, or failure, and certifies to the Secretary/Chief Examiner that they are now willing and able to accept appointment;
- (b) where the withholding or removal was for a reason stated in Rule 7.04, and such reason no longer exists.

10.05 EFFECT OF REMOVAL, WITHHOLDING, OR RESTORATION. The removal or withholding of a name shall automatically advance all of the names below it on the eligibility list.

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10.05.01 Restoration of the name to an eligibility list under these Rules shall not affect an appointment from any certification made before such name was restored or added.

10.05.02 The acceptance or refusal by an eligible or temporary appointment shall not affect their certification from the eligibility list for regular appointment.

10.06 APPOINTMENT OF ELIGIBLE CANDIDATES. In filling vacancies by appointment from an eligibility list, the Secretary/Chief Examiner, pursuant to the request of the appointing authority, shall certify in writing to the appointing authority the names of the seven persons highest on the eligibility list for each vacancy. A copy of this certification shall be presented to the Commissioners at their next regular meeting.

10.06.01 The appointing authority shall attempt to appoint one of those certified persons to such vacant position. In the event the appointing authority for a good cause, cannot make an appointment of one of the persons on the certified list of names then the appointing authority shall request the submission of three additional names of persons next highest on the eligibility list, if such are available, whereupon the appointing authority shall effectuate an appointment of one of those additional certified persons to such vacant position. If the appointing authority finds good cause to reject each of the certified persons on the first list of seven, a report in writing from the appointing authority shall be provided to the Commission explaining the reasons why an appointment to the vacant position could not be made.

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RULE 11 - LATERAL ENTRY

- 11.01 Lateral Eligibility List Created
- 11.02 Qualifications
- 11.03 Method of Testing
- 11.04 Certification and Appointment

11.01 LATERAL ELIGIBILITY LIST CREATED. An eligibility list may be created from the names of persons who are qualified per section 11.02 below.

11.02 QUALIFICATIONS. In order to be considered for employment as lateral entry, an applicant must meet the following requirements:

- (a) At a minimum, applicants must have been employed and successfully completed probation within the last 36 months prior to application as a full-time, paid employee of a law enforcement/firefighting agency;
- (b) Law enforcement applicants must have satisfactorily completed the Washington State Criminal Justice Training Commission basic law enforcement academy or its equivalent.
- (c) Fire service applicants must have obtained IFSAC Firefighter I certification.
- (d) All applicants must meet physical, medical and background standards as provided by Civil Service Rules.

11.03 METHOD OF TESTING. Eligibility lists shall be promulgated as provided for in Rule 8.

11.04 CERTIFICATION AND APPOINTMENT. Upon request for certification of names to fill a vacancy, as provided for in Rule 10, the Secretary/Chief Examiner may certify names of persons standing highest on the lateral entry list. The Appointing Authority will provide the Commission with a written request and rationale for certification from the lateral entry list.

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RULE 12 – CERTIFIED POLICE OFFICER ELIGIBILITY LIST

- 12.01 Certified Police Officer Eligibility List Created
- 12.02 Qualifications
- 12.03 Method of Testing
- 12.04 Certification and Appointment

12.01 CERTIFIED POLICE OFFICER ELIGIBILITY LIST CREATED. An eligibility list may be created from the names of persons who are qualified per section 12.02 below.

12.02 QUALIFICATIONS. In order to be considered for employment as a Certified Police Officer, an applicant must meet the following requirements:

- (a) Applicants must be employed as a full-time paid employee by a law enforcement agency at the time of application and currently in a probationary status with the employing agency.
- (b) Law enforcement applicants must have satisfactorily completed the Washington State Criminal Justice Training Commission basic law enforcement academy or its equivalent.
- (c) All applicants must meet physical, medical and background standards as provided by Civil Service Rules.

12.03 METHOD OF TESTING. Eligibility lists shall be promulgated as provided for in Rule 8.

12.04 CERTIFICATION AND APPOINTMENT. Upon request for certification of names to fill a vacancy, as provided for in Rule 10, the Secretary/Chief Examiner may certify names of persons standing highest on the Certified Police Officer Eligibility list. The Appointing Authority will provide the Commission with a written request and rationale for certification from the Certified Police Officer Eligibility list.

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RULE 13 - PROBATION

- 13.01 Probationary Period
- 13.02 Length of Probationary Period
- 13.03 Interruption of Probationary Period
- 13.04 Rejection During Probationary Period

13.01 PROBATIONARY PERIOD. After appointment to a regular position from an eligibility 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.

13.02 LENGTH OF PROBATIONARY PERIOD. The period of probation shall be twelve (12) calendar months from the date of appointment to a regular position. If an employee is absent from duty for a prolonged period while on approved or mandated training leave during a probationary period, and the appointing authority does not have a reasonable opportunity to evaluate the performance of the employee, the appointing authority may, with the approval of the Commission, calculate the probationary period on the basis of twelve calendar months of actual service, exclusive of the time away.

Entry level police officers who are required to attend the basic law enforcement academy shall serve a probationary period of twelve months. The probationary period begins when the officer returns from successful completion of the training and reports for duty at the Tumwater Police Department.

The probationary period for uniformed fire department employees who have been re-hired after a break in service, promoted or voluntarily transferred to positions with different job duties (including transfer from Firefighter/Paramedic to Firefighter) shall be six (6) calendar months.

13.03 INTERRUPTION OF PROBATIONARY PERIOD. Whenever the probationary period of an employee in a position in one class is interrupted due to appointment to a position in another class and the employee subsequently returns to a position in the first class during the second probationary period, the probationary period for the first appointment shall continue until completed.

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13.04 REJECTION DURING PROBATIONARY PERIOD. A promotional appointee whose performance in the higher-level position is unsatisfactory during the probationary period shall be returned to a position from which they were promoted, provided that they were previously certified for that position and meets current specifications and required qualifications for the position. This shall not be construed as a demotion.

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RULE 14 - TEMPORARY AND PROVISIONAL APPOINTMENTS

- 14.01 Temporary Appointments
- 14.02 Provisional Appointments

14.01 TEMPORARY APPOINTMENTS. A person may be employed in a temporary position only for the duration of the temporary work. If the position is made permanent, it must be filled by appointment on a permanent basis in accordance with Rule 10. A person given a temporary appointment may not be transferred or changed to any other position and shall never attain permanent status from such appointment. Such temporary employment may continue only so long as the facts justifying a temporary appointment exist, and in no event shall exceed a period of longer than four months. All temporary appointments shall be made from an eligible list for the position, following Rule 10.06 procedure, if such list exists, if not then a provisional appointment may be made.

14.01.01 If a temporary appointment is necessary to fill a position temporarily vacated by extended leave of an employee with rights of return to the regular position, and such extended leave is longer than for the period of four-months, a temporary appointment may be made from the eligibility list for the position, following Rule 10.06 procedure, for a period exceeding four months but not to exceed the length of the approved leave of absence. If an eligibility list does not exist for the position, a provisional appointment may be made.

14.02 PROVISIONAL APPOINTMENTS. Provisional appointment without examination may be made when there is no appropriate eligibility list, or persons on the list are not available or cannot be contacted, and when the Appointing Authority certifies and supports with adequate facts that an emergency exists. Such provisional appointment must be ratified by the commission, the provisional appointee must meet the requirements for and file application for examination for the class and such appointment may continue only until such time as the position can be filled from an eligibility list. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

An emergency exists when:

- (a) Life, health or property is in jeopardy;
- (b) the immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties;

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- (c) the work program of a City department will be impaired if the position is left vacant and the work cannot be deferred or reassigned; or
- (d) a vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.

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RULE 15 - LEAVES OF ABSENCE

- 15.01 Leaves of Absence With Pay
- 15.02 Leaves of Absence Without Pay
- 15.03 Military Leave of Absence
- 15.04 Expiration or Termination of Leaves of Absence
- 15.05 Report of Leaves of Absence

15.01 LEAVES OF ABSENCE WITH PAY. Leaves of absence from regular duties, with pay, may be granted by the Appointing Authority only under such conditions and for such periods as established by the Commission.

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, education or training, or assisting another public agency, may be granted by the Appointing Authority when such leave is in the best interests of the City. Whenever such leave is for longer than sixty days, it must be approved by the Commission.

15.03 MILITARY LEAVE OF ABSENCE. Military leave of absence shall be granted by the Appointing Authority in accordance with the provisions of the applicable sections of the State law.

15.04 EXPIRATION OR TERMINATION OF LEAVES OF ABSENCE. The Appointing Authority may terminate any leave of absence by written notice to the employee concerned whenever the conditions or reasons justifying the leave no longer exist, unless upon appeal of the employee to the Commission it is found that the termination is not justified. Upon termination or expiration of leave, the employee shall return to duty forthwith. The employee shall be returned to the same class of position as occupied when leave of absence was granted, or may be returned to such other position as may be authorized by these Rules. 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. No such disciplinary action may be taken by the Appointing Authority prior to a Commission decision if an appeal has been filed.

15.05 REPORTS OF LEAVES OF ABSENCE. All leaves of absence granted shall be reported to the Commission promptly and in writing.

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**RULE 16 DISCHARGE DEMOTION, SUSPENSION, OTHER
DISCIPLINARY ACTION, AND RESIGNATION.**

- 16.01 Causes for Discharge, Demotion, Suspension, and Other Disciplinary Actions.
- 16.02 Conditions of Discharge, Demotion, Suspension, and Other Disciplinary Actions.
- 16.03 Pre-disciplinary Hearing
- 16.04 Hearing on Reasons for Disciplinary Action.
- 16.05 Criminal Acts
- 16.06 Insufficient Facts
- 16.07 Decisions
- 16.08 Probationary Period
- 16.09 Time for Discharge or Demotion of Probationer
- 16.10 Resignations

16.01 CAUSES FOR DISCHARGE, DEMOTION, SUSPENSION, AND OTHER DISCIPLINARY ACTIONS. An employee may be discharged or suspended without pay from the City service or demoted or deprived of vacation or other privileges for any of the following reasons:

- (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; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;
- (c) mental or physical unfitness for the position which the employee holds;
- (d) dishonest, disgraceful, immoral 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 functions and duties of his/her position;
- (f) conviction of a felony, or a misdemeanor, involving moral turpitude;
- (g) any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

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16.02 CONDITIONS OF DISCHARGE, DEMOTION, SUSPENSION AND OTHER DISCIPLINARY ACTIONS. A regular employee may be discharged from Civil Service or demoted or suspended without pay, or deprived of vacation or other privileges, only after they have been notified in writing of the reasons for such action. Such notice shall state, in general terms, the accusations upon which the disciplinary action is based. The employee shall be allowed ten (10) business days from date of service of such notice to reply thereto in writing and request a hearing before the Commission. Such notice of disciplinary action shall state the time allowed for answer and for requesting a hearing before the Commission. A copy of such notice and a copy of the reply, if any, must be filed in duplicate with the Commission. The appointing authority shall submit to the Commission evidence showing that the employee has been served with the notice of disciplinary action.

16.03 PREDISCIPLINARY HEARING

- (a) An employee shall be provided with written notice of the charge and an explanation of the department's evidence forming the basis of the charge. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's proposed action should not be taken.
- (b) The employee may have legal counsel or union representation present at a predisciplinary hearing.
- (c) The department's explanation of the department's evidence at the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at a subsequent hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.
- (d) Should the appointing authority determine to discipline following the predisciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.
- (e) The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee.

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16.04 HEARING ON REASONS FOR DISCIPLINARY ACTION. If the regular employee to be discharged, demoted, suspended or otherwise disciplined pursuant to Rule 15.02 so requests, the Commission shall proceed in accordance with Rule 5. A public hearing pursuant to Rule 5 shall be held by the Commission.

16.05 CRIMINAL ACTS. Where the facts alleged in the notice of disciplinary action constitute a crime, and the employee has requested a hearing under Rule 15.04 within the time allowed in Rule 5, they may, at any time, at least one day before the date of the hearing, request a continuance of their 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 continuance, in case the employee is later reinstated.

16.06 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.

16.07 DECISION.

- (1) After its investigation the Commission may, if it finds that the disciplinary action of the appointing authority was made in good faith and for cause and not for improper reasons, either
 - (a) affirm the disciplinary action, or
 - (b) in lieu of affirming the disciplinary action, may modify the disciplinary action by ordering a suspension without pay, for a given period and subsequent restoration to duty, or demotion in classification, grade or pay, or order such other greater or lesser punishment as befits the conduct of the employee under investigation.

- (2) If, however, after its investigation the Commission shall find that the disciplinary action of the appointing authority was made for improper reasons, or not in good faith and for cause, the Commission shall order the immediate reinstatement or re-employment of such person in the office, place or position of employment from which the person was removed, suspended, demoted or discharged, which reinstatement shall, if the Commission so provides in its discretion, be retro-active and entitle such person to pay or compensation from the time of removal, suspension or discharge.

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- (3) In determining whether the disciplinary action of the appointing authority was made in good faith and for cause, the commission will assess whether principles of progressive discipline were applied. Absent evidence of prior discipline, the Commission will assess whether the facts of the particular case warranted the disciplinary action from the appointing authority.

16.08 PROBATIONARY PERIOD. Any entry-level employee who is serving a probationary period may be discharged or demoted by the appointing authority, and any promoted employee who is serving a probationary period may be demoted to his/her previously held position by the appointing authority, if during the probationary period the appointing power deems him/her unfit or unsatisfactory for service in the job classification.

16.09 TIME FOR DISCHARGE OR DEMOTION 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 the probationary period.

16.10 RESIGNATIONS. Resignations may be either oral or in writing and directed to either the appointing authority or the department head. A resignation shall be effective on the date designated therein, and if no date is designated it shall be effective immediately. All resignations must be accepted by the appointing authority and the appointing authority must notify the Commission in writing of such resignation. A resignation, once it has become effective or has been accepted by the appointing authority, may not be withdrawn without the consent of the appointing authority and the Commission. A resignation claimed to have been obtained by duress or fraud may, in the Commission's discretion, be treated as a notice of discharge, provided the employee notifies the Commission that such resignation was not voluntary and demands a hearing within ten business days after the filing with the Secretary/Chief Examiner of a report showing such resignation.

16.10.01 An employee who is absent from his/her position for three (3) consecutive workdays without notice to the Department may be considered, at the Appointing Authority's discretion, to have resigned the position. If the employee is considered to have resigned under these circumstances, notice shall be sent by certified mail to the last known address of the employee within seven (7) calendar days of the consecutive days of absence. A copy of the letter shall be sent to the Commission. The resignation may be made effective one (1) day after mailing the notice.

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RULE 17 - LAYOFFS AND RE-EMPLOYMENT LISTS

- 17.01 Layoffs
- 17.02 Employment Status and Order of Layoff
- 17.03 Order of layoff
- 17.04 Ties in Seniority - Performance Rating
- 17.05 Reduction
- 17.06 Voluntary Reduction in Lieu of Layoff
- 17.07 Re-Employment List
- 17.08 Name Dropped

17.01 LAYOFFS. The appointing authority may lay off or reduce an employee when necessary:

- (a) For reasons of economy or lack of work; or
- (b) where there are more employees than positions in any class within the department.

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: provisional, temporary, probationary, regular.

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.

Regular employees shall be laid off or reduced as provided in Rule 16.03.

17.03 ORDER OF LAYOFF. In case there are two or more regular employees in the class from which layoff or reduction is to be made, such employees shall be laid off or reduced on the basis of seniority.

17.04 TIES IN SENIORITY - PERFORMANCE RATINGS. In case two or more persons have the same seniority, layoff or reduction shall be made on the basis of the employees' last performance evaluation.

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17.05 REDUCTION. The appointing authority may, if they deem it for 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 only in the lower classes. An employee may not be reduced to a position for which they have not been appointed from a certified eligibility list. Such reductions shall be made in the same manner and subject to the same restrictions as provided for under Rules 16.02, 16.03 and 16.04.

17.06 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. Voluntary reduction in lieu of layoff shall be in accordance with the provisions of Rules 16.02, 16.03, 16.04 and 16.05.

17.07 RE-EMPLOYMENT LIST. 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.

17.08 NAME DROPPED. 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 regular 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. Any person on a re-employment list who refuses to be considered, or to accept a position for which he/she has been determined qualified, may be dropped from the re-employment list by the Chief Examiner.

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RULE 18 - CERTIFYING SALARY ACCOUNTS

18.01 Certifying Salary Accounts

18.02 Basis for Certification

18.01 CERTIFYING SALARY ACCOUNTS. The Commission, or the Secretary/Chief Examiner, shall 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 these Rules.

18.02 BASIS FOR CERTIFICATION. In making the Certification required in Rule 16.01, the Commission, or the Secretary/Chief Examiner, may rely on the report submitted by the appointing authority and may rely on the absence of a more recent report 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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RULE 19 - REPORTS REQUIRED

19.01 Reports from Appointing Authority

19.02 Other Reports

19.01 REPORTS FROM APPOINTING AUTHORITY. The appointing authority shall report immediately to the Secretary/Chief Examiner in such detail and on such forms as the Secretary/Chief Examiner may prescribe; every appointment, suspension, separation, reinstatement, layoff, transfer, demotion, reduction, reassignment, absence, refusal or failure to accept an appointment on the part of an eligible certified for appointment and changes of duties or compensation.

19.02 OTHER REPORTS. The Secretary/Chief Examiner may require such other information as they believe necessary for the proper administration of the Civil Service System.

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RULE 20 - CLASS SPECIFICATIONS FOR POLICE DEPARTMENT

20.01 CLASS SPECIFICATIONS. As prescribed in Rule 6, all full paid positions of the Police Department shall be allocated to classifications established herein on the basis of level of responsibility, authority assigned, and qualifications required. The Class Specifications for the Police Department may include the following:

- 20.01.01** Police Commander
- 20.01.02** Police Lieutenant
- 20.01.03** Police Officer
- 20.01.04** Department Assistant II
- 20.01.05** Police Services Specialist I
- 20.01.06** Police Records Clerk
- 20.01.07** Police Administrative Manager
- 20.01.08** Community Services Officer
- 20.01.09** Police Services Specialist II
- 20.01.10** Police Sergeant
- 20.01.11** Police Management Analyst

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RULE 21 - CLASS SPECIFICATIONS FOR FIRE DEPARTMENT

21.01 CLASS SPECIFICATIONS. As prescribed in Rule 6, all full paid positions of the Fire Department shall be allocated to classifications established herein on the basis of level of responsibility, authority assigned and qualifications required. The Class Specifications for the Fire Department may include the following:

- 21.01.01** Assistant Fire Chief
- 21.01.02** Battalion Chief
- 21.01.04** Fire Lieutenant
- 21.01.05** Firefighter
- 21.01.06** Paramedic Lieutenant
- 21.01.07** Firefighter/Paramedic
- 21.01.08** Administrative Assistant
- 21.01.09** Department Assistant II
- 21.01.10** Department Assistant III
- 21.01.11** Medical Services Officer
- 21.01.12** Fire Prevention Officer I
- 21.01.13** Fire Prevention Officer II

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**RULE 22. VOLUNTARY TRANSFER OF FIREFIGHTER/PARAMEDIC TO
FIREFIGHTER**

- 22.01 Eligibility List Created
- 22.02 Qualifications
- 22.03 Method of Testing
- 22.04 Training and Evaluation Period
- 22.05 Seniority

22.01 ELIGIBILITY LIST CREATED. An eligibility list for the classification of Firefighter may be created from the names of persons currently employed in the classification of Firefighter/Paramedic, subject to the qualifications and conditions stated in this Rule.

22.02 QUALIFICATIONS. In order to be considered for placement on the eligibility list, an applicant must meet the following minimum qualifications:

- (a) Must be currently employed by the City of Tumwater as a Firefighter/Paramedic and have successfully completed the probationary period within that classification.
- (b) Must have been employed in a full-time paid position in the Tumwater Fire Department for at least three years.

22.03 METHOD OF TESTING. The eligibility list for transfer from Firefighter/Paramedic may be established and candidates shall be ranked as a result of an examination of total seniority within the Tumwater Fire Department by the Chief Examiner. Candidates with equal seniority will be ranked per the provisions of CSR #9.03.02.

21.03.01 The physical agility examination requirement is waived for candidates for this eligibility list.

22.04 TRAINING AND EVALUATION PERIOD. Individuals appointed to the classification of Firefighter from the voluntary transfer eligibility list shall be required to serve and successfully complete a training and evaluation period of 12 months. This training and evaluation period is separate from and not subject to the rules of probation. Evaluation of performance in the classification of Firefighter will be completed by the appointing authority or their designee, in accordance with City and departmental operating procedures.

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22.04.01 If the employee does not successfully complete the training and evaluation period, the Department may take appropriate action as provided in Rule 15, including discharge. Employees serving this training and evaluation period retain the right of appeal and may appeal to the Commission for review of the action taken. If performance in the classification of Firefighter is evaluated as unsatisfactory, the employee may request their name be placed on an eligibility list for reversion to the former classification of Firefighter/Paramedic. Referral of names from this eligibility list will be as provided in Rule 10.02, Priority of Lists.

22.05 SENIORITY. An employee appointed to the classification of Firefighter under the provisions of this rule will retain seniority in the classification of Firefighter, equal to time served in the classification of Firefighter/Paramedic.

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RULE 23 - REINSTATEMENT

- 23.01 Purpose
- 23.02 Eligibility for Reinstatement
- 23.03 Effects of Reinstatement

23.01 PURPOSE. The purpose of this rule is, under specific, limited circumstances, to afford the appointing authority the flexibility to reappoint a former employee or an employee in a non-civil service covered position within the City to a job class previously held by the employee to which he/she was appointed from an approved eligibility for hire list. This flexibility is provided in recognition that within a highly skilled workforce, employees will, from time to time, leave the City's employment or pursue other job opportunities within the City. If the employee determines that the decision to leave was not beneficial, this rule allows the employee to petition the Commission for reinstatement without re-examination.

23.02 ELIGIBILITY FOR REINSTATEMENT. A petitioner who has been previously employed by the City of Tumwater in a job class covered by civil service rules, may, within twenty-four (24) months of having left employment in a civil service covered position, petition the commission for reappointment to the same job class previously held without re-examination provided that:

- a) The Commission has received and reviewed a written petition for reinstatement.
- b) The appointing authority certifies to the Commission that a background check has confirmed that the petitioner meets all standards and requirements for the job class.
- c) The appointing authority has briefed the Commission on the impact of the reinstatement on other candidates currently ranked on eligibility for hire lists.
- d) The appointing authority supports the petition to the Commission.

23.03 EFFECTS OF REINSTATEMENT. For purposes of seniority under civil service rules, a reinstated employee's seniority will begin on the effective date of the reinstatement. A reinstated employee will serve a full probationary period subject to civil service rules if, during the initial employment period, a probationary period was not completed.