City of Longview

Civil Service Commission

General Rules & Regulations of the Police & Fire Departments

November, 2018

GENERAL RULES & REGULATIONS

In accordance with the provisions of the Laws of the State of Washington pertaining to Civil Service in Fire Departments and in Police Departments of cities, the Civil Service Commission of the City of Longview, an optional code city in said State, hereby adopts the following rules for carrying out the purpose of said laws.

In the application of the following rules and procedures, there shall be no discrimination toward any applicant or employee on the basis of age, race, color, creed, religion, national origin, sex, or any other legally protected status. All references to applicants or employees covered by these rules and regulations designate both sexes, and wherever the male gender may be used and not denoted as he/she, his/her, etc. shall be construed to include both male and female employees/applicants.

These rules shall be subject to change or amendment by the Commission from time to time.

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Section 1. Definitions.

Section 1.1 ***Appoint*:** The naming of a person to a position.

Section 1.2 ***Appointing Authority***: The delegated authority that is empowered to appoint employees subject to these rules. See Section 10.1.

Section 1.3 ***Assembled Examination*:** An examination in which two or more candidates are called together to take the same tests or series of tests in a designated location and at an appointed time.

Section 1.4 ***Certify*:** To confirm formally.

Section 1.5 ***Civil Service Status*:** Legal entitlement to the rights and responsibilities of employees in the classified service.

Section 1.6 ***College Degree: –*** For the purposes of these rules, acceptable college education and higher educational degrees such as an Associate or Bachelor degree shall be from a college or university program that has been accredited by an accrediting agency recognized by the US Department of Education and shall not include degrees granted in whole or part based upon "life experience".

Section 1.7 ***Commission*:** Civil Service Commission, of and for the Longview Fire Department and/or the Longview Police Department.

Section 1.8 ***Demotion*:** The removal of an employee from a higher to a lower class.

Section 1.9 ***Department*:** The Longview Fire Department and/or the Longview Police Department.

Section 1.10 ***Eligible*:** Any person qualified for appointment as provided by these rules.

Section 1.11 ***Eligibility List*:** The ranking of eligible applicants for a position or class of positions.

Section 1.12 ***Executive Session*:** Civil Service Commission meeting, closed to the public, for study purposes or deliberations. See Section 2.3.4(d)

Section 1.13 ***Interested Party*:** Any person who is directly interested in the subject matter or issue who has a right to make a defense or appeal from the judgment of the proceedings.

Section 1.14 ***Lateral Entry*:**
Police - An applicant who is serving as a full time sworn law enforcement officer for at least one year in one of the following capacities: State, County, Municipal or University Police Officers who have completed a basic State Academy; and Federal

Officers who have completed a basic law enforcement academy at Glencoe, Georgia or Quantico, Virginia.
Fire – An applicant who has served as full-time professional fire fighter or fire fighter/paramedic for at least 36 months with no breaks in continuous employment in the fire service, within the last 12 months prior to appointment.

Section 1.15 ***Layoff:*** Means termination based on elimination of a position due to budgetary limitations, reorganization or other changes not relating to the performance of the employee.

Section 1.16 ***Position*:** A civil service classified job that has a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the services of an employee and which is included in the City budget.

Section 1.17 ***Posting*:** Placement of a written notice on a bulletin board that may be seen in the public corridors of City Hall or in the appropriate department and/or other published advertisement or electronic notice that may be available for use by the Secretary/Examiner.

Section 1.18 ***Promotion*:** The assignment of an employee to a position in a higher class than the position from which assignment is made.

Section 1.19 ***Qualified*:** Satisfies the requirements for appointment and complies with the rules and regulations.

Section 1.20 ***Rating*:** The composite score on a competitive examination.

Section 1.21 ***Regular Meeting*:** Scheduled monthly Civil Service Commission meeting. See Section 2.3.4

Section 1.22 ***Reinstatement*:** Re-appointment from a re-employment list to a position in a class in which Civil Service status was held.

Section 1.23 ***Removal*:** Termination according to the rules and regulations.

Section 1.24 ***Secretary*:** Civil Service Secretary and Chief Examiner of the Longview Fire Department and/or the Longview Police Department.

Section 1.25 ***Special Meeting*:** Extra Civil Service Commission meeting, other than those regularly scheduled. See Section 2.3.4(b)

Section 1.26 ***Suspension*:** The temporary and involuntary separation of an employee from the classified service for disciplinary reasons.

Section 1.27 ***Temporary Vacancy*:** A position that is temporarily vacant for not more than 12 consecutive months.

Section 1.28 ***Vacancy*:** A position existing or newly created, which is not occupied, and for which funds are available, and for the filling of which a valid requisition has been received by the Civil Service Commission.

Section 2. General Provisions.

Section 2.1 Scope and Purpose: These rules and regulations govern the continuing administration of the Civil Service System of the City of Longview. The purpose of these rules is to assure that the Civil Service System in the City is administered in accordance with the City of Longview ordinances, and that all proceedings, before the Commission are conducted in an orderly, fair and timely manner. These rules and regulations shall apply to all positions and employees in the classified service of the Longview Fire Department and/or the Longview Police Department.

Section 2.2 Presumption of Validity. The Civil Service System implemented by these rules substantially accomplishes the purpose of chapters 41.08 and 41.12 of the Revised Code of Washington. These rules are presumed to be valid and shall be upheld unless in direct conflict with chapters 41.08 and 41.12 R.C.W.

Section 2.3 Administration & Operations

2.3.1 Commissioners. Commissioners shall be appointed in accordance with Longview Municipal Code. The term of office of such commissioners shall be six years.

a. A Commissioner may resign for any reason or be removed from office for cause as provided for under Longview Municipal Code.
b. There is no maximum term limit. A Commissioner is eligible for reappointment upon the expiration of each term.

2.3.2 Chair. The Commission shall elect one of its members as Chair. Should a Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall elect a new Chair.

2.3.3 Commission Address and Hours. The office and address of the Civil Service Commission is City of Longview Human Resources, P.O. Box 128, Longview, WA 98632. The regular office hours and address for receipt of Commission correspondence and notices shall be 7:00 AM to 6:00 PM, Monday through Thursday (excluding city holidays) at the offices of Human Resources.

2.3.4 Commission Meetings: The Commission shall schedule a regular monthly meeting time and place. The meeting time and/or place may change at the discretion of the Commission. Any meeting may be canceled and/or re-scheduled if there is no pending business requiring Commission action or if necessary for other reasons in the best interest of the Commission.

a. At the time of the adoption of these revised rules the Commission meeting schedule is the first Tuesday of each month at 4:00 p.m. in the Small Conference Room of Longview City Hall.

b. The Commission may schedule additional meetings as necessary. Notice of these special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 R.C.W., as amended.)
c. The Commission shall also schedule and conduct hearings as required. Notice of hearings shall be provided as required by these rules.
d. All Commission meetings or hearings, regular or special, shall be open and public. However the Commission may meet in executive session as authorized by the Open Public Meeting Act.

Section 2.4 Secretary/Chief Examiner. The Secretary/Chief Examiner shall be an employee of the City of Longview and shall be appointed by the City Manager. The appointment is subject to approval by the Commission.

a. The Commission may require the Secretary/Examiner to be assigned from a list of qualified candidates.
b. Qualifications. If the Commission requires a list, the Commission with the assistance of the Human Resources Director shall provide minimum qualifications that are to be examined and the circumstances in which a test will be required.
c. Term of Office. The secretary/Chief Examiner shall serve indefinitely at the pleasure of the Commission.

2.4.1 Duties/Authority of Secretary/Examiner. In addition to acting as the Secretary of the Commission the Secretary/Examiner shall:

a. Keep the minutes and other records of the Commission;
b. Provide proper notice of regular and special meetings of the Commission;
c. Schedule hearings and notify all parties of hearing schedules;
d. Make recommendations regarding policy and amendments to these rules;
e. Report as necessary to the Commission at each regular Commission meeting;
f. Prepare and conduct all examinations or authorize an approved agency to do so which shall include the following:
   (i) Determine the examination to be conducted;
   (ii) Prepare and post examination announcements;
   (iii) Plan and prepare, in conjunction with the appointing authority the examination components to be used in each examination;
   (iv) Determine that minimum qualifications are met by the applicants, answer all questions relating to the eligibility of applicants, the examination, extensions of time and all questions arising during the course of an examination;
   (v) Score the examination papers and establish a list of those who have passing scores;
   (vi) Preserve and maintain proper records of Commission examinations;
   (vii) Prepare a report of each examination for submission to the Commission, together with a report on all appeals from any part of the examination;
g. Facilitate correspondence and questions to the Commission;
h. Issue subpoenas on behalf of the Commission and parties appearing before the Commission;

i. Remove names from a lateral or entry level eligibility list as provide for in these Rules with an advisory report to the Commission;
j. In performing any of his/her duties the Secretary may use the service and advice of a qualified professional consultant as approved by the Commission;
k. Conduct investigations and inspections as the Commission deems necessary to ascertain whether these rules are being obeyed;
l. Perform all other functions and duties necessary for the proper carrying out of these rules and the provisions of law relating to the Civil Service System and such additional duties as may be assigned from time to time by the Commission.

Section 2.5. - Conduct of Commission Meetings. Applicable provisions of Roberts Rules of Order, Newly Revised (most recent edition), shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules.

a. By agreement of two commissioners, the rules may be waived or modified for a particular meeting.
b. Two members of the Commission shall constitute a quorum.
c. No action of the Commission shall be effective unless two members concur. If only two commissioners are present at a meeting, action will be taken as follows:
    - If both commissioners vote yes or both commissioners vote no, the decision is effective and final
    - If the commissioners vote differently, the issue will be tabled until the next meeting when all three commissioners are present.
d. Action taken at any regularly scheduled meeting, special meeting or hearing shall not be voided for the sole reason that the procedures outlined in Roberts Rules of Order were not followed.

Section 2.6 Record of Commission Meetings. The Commission shall keep a record of its proceedings and prepare written minutes of action taken in all meetings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition a party to a proceeding, at such party's own expense, may have a court reporter record all or part of a proceeding.

Section 2.7 The Commission may inspect all offices, places, positions, and employments of both the departments affected by these rules and regulations to ascertain whether these rules and regulations are obeyed. The Commission or designated Commissioner or Chief Examiner, may administer oaths, subpoenas and require the attendance of witnesses and the production by them of books, papers, documents and accounts pertaining to any investigation of the Commission.

Section 2.8 If the Commission finds that the administration of the rules and regulations has not been according to the rules and regulations, the Commission may direct that such appropriate action be taken to comply with the rules and regulations of the Commission.

Section 2.9 The Commission shall hear and determine appeals; appeals upon the appointing of positions; the rejection of an examination; and such other matters as may be referred to the Commission except as outlined in Section 11.3.

Section 2.10 Hearings and investigations may be conducted by the Commission as a whole or by a Commissioner delegated by the Chair of the Commission as an examiner, but no official decision of the Commission shall be rendered until at least two members have reviewed the evidence and concurred in an opinion at a regular or special meeting.

Section 2.11 The procedure of any hearing or investigation shall be informal, and shall be conducted in a fair, impartial manner. Any member of the Commission shall be able to ask questions and solicit evidence. Any interested party shall have the right to submit a question to the commission for their consideration for the purpose of cross-examination of a witness.

Section 2.12 All persons presenting claims or complaints and all persons defending shall present a list of witnesses. The Commission must subpoena any witness listed by the parties, and may subpoena any other person. Any subpoena issued by the Commission shall be served by the Longview Police Department or the Cowlitz County Sheriff's Office forthwith.

Section 2.13 The Commission shall require the administration of an oath to all witnesses.

Section 2.14 Inspection of Commission Records. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission.

a. Inspection will be permitted during office hours in a space provided by the Commission and shall be supervised by the Secretary.
b. Inspection must be accomplished without excessive interference with the essential functions of the Commission.
c. Copies of public records and/or Rules and Regulations will be made available at actual cost or as provided by law.

Section 3. Classification.

Section 3.1 FIRE DEPARTMENT

In making examinations, certifying for appointments and promotions, making suspensions and removals, and otherwise carrying out said laws, the work of the Fire Department shall be classified in accordance with the character of the various services to be performed. Classified job positions shall be all full-time, fully paid employees of the city's fire department to include but not limited to:

Deputy Chief	Battalion Chief
Captain	Lieutenant
Fire Marshal	Fire Inspector
Administrative Assistant *(Civilian)*	Firefighter (All Classes)
Paramedic/Firefighter	

Section 3.2 POLICE DEPARTMENT

In making examinations, certifying for appointments and promotions, making suspensions and removals, and otherwise carrying out said laws, the work of the Police Department shall be classified in accordance with the character of the various services to be performed. Classified job positions shall be all full-time, fully paid employees of the city's police department to include but not limited to:

Captain
Sergeant
Corporal
Police Officer

Civilian Employees:

Civilian Investigator
Police Services Technician
Information Technology Specialist
Administrative Manager
Administrative Assistant
Fiscal Analyst
Police Services Assistant
Office Assistant

3.2.1 State and/or Federally Funded Employees: All personnel whose salaries are paid by State and/or Federal funds and who perform duties not of an actual field police nature may be classified as State and Federally funded employees and may be employed upon meeting the qualifications necessary for each position determined by the State or Federal funding regulations. All State or Federally funded employees shall not be used to replace regular personnel assigned to the Police Department. No such person shall be employed without Civil Service certification. Persons may be certified by the Commission upon request by the Chief of Police. This certification will remain in effect only as long as the State or Federally funded moneys are used for payroll purposes.

Section 4. Temporary Vacancies and Appointments.

Section 4.1 Appointments to Temporary Vacancies:

Fire Department – When a temporary vacancy results due to an officially approved leave of absence (i.e. Family Medical Leave, Occupational Disability etc.), which at the onset is anticipated to be not more than 12 consecutive months, the Department may fill the temporary vacancy with qualified personnel as deemed appropriate by the Fire Chief and Human Resources Director.

Police Department –When a temporary vacancy occurs that is anticipated to be not more than 12 consecutive months, the Department may fill the temporary vacancy with qualified personnel as deemed appropriate by the Police Chief and Human Resources Director. This section is not applicable to Commissioned Officers.

Section 4.2 Temporary Appointments to Vacant Positions. When a regular full-time vacancy exists, and no names remain on the proper reinstatement register nor on the eligible list for the position requested, the Commission shall authorize a

temporary appointment list of such class, from which temporary appointment may then be made. No person may be employed temporarily in a regular full time or recurrent position except as a substitute for a regular employee who is absent from his/her position; when it is anticipated that the work of the position will soon cease or that the position soon will be abolished; when a state of disaster is declared, or such conditions exist which seriously endanger the health, welfare and safety of the community; or such other circumstances as deemed by the Commission to be in the interest of the service.

Section 4.3 All temporary appointments to a regularly budgeted vacant position shall be for a period not exceeding six (6) months from the first day of employment, but only until a regular appointment can be made or until the vacancy can be otherwise regularly filled.

Section 4.4 No person shall receive more than one temporary appointment, or serve more than twelve (12) months as a temporary appointee, in any consecutive twelve (12) month period.

Section 4.5 No temporary appointee assigned to a temporary or regular full time vacancy shall acquire any civil service status in the position or class to which s/he is appointed by virtue of any temporary appointment, but such status may be acquired only by regular appointment, or other regular procedure as prescribed by these rules. Temporary appointees may compete in examinations and be regularly appointed on the same basis and in the same manner as other applicants, if they have the requisite qualifications.

Section 5. Applications.

Section 5.1 Application Requirements: Every person desiring employment with the Fire Department or the Police Department must file an application by mail, electronically or in person with the Civil Service Secretary/Examiner of the appropriate department, who shall establish the forms required for each position. All applications filed shall become the property of the City and shall not be returned to the applicant.

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

a. Sign the application certifying the truth of all statements contained therein. Applications received electronically will be accepted as a hard copy application, with the provision that the applicant's signature shall be obtained prior to entrance to formal examination.
b. Meet the requirements specified in these rules and in the official examination announcement as of the applicant's examination date.
c. Produce evidence of the required education, training, experience or any other lawful requirement for a job position.

Time for filing applications:

a. All applications for examination must be received by the Secretary/ Examiner's office or other identified location, along with any required fee, by the date fixed in the official position announcement.
b. The time for filing applications may be extended by the Secretary as required to meet the needs of the Commission, provided that the new date for filing shall be posted and/or advertised.

The Secretary/Examiner may permit any applicant, before or after acceptance of the application form to amend the application or to file an amended application at any time for good cause shown as long as it is prior to the date fixed in the official position announcement.

The Commission may charge an application/testing fee to offset the cost of purchase and administration of examinations. The fee will be published in the official announcement of the examination.

5.1.1 Applicant Information. Such information may be required as is deemed necessary by the Secretary and Examiner in order to judge the applicant's fitness. No question in any application form shall be so framed as to elicit any information concerning race, color, religion, ancestry, sex, marital status, political affiliation, or any other factor that an employer is prohibited by law from considering when making employment decisions. The Secretary/Examiner may require such proof of experience, veteran's preference and other claims, as he/she deems appropriate.

5.1.2 The Secretary may reject an application for examination or withhold an applicant's name from a list for certification for one or more of the following reasons:

a. The individual does not meet the requirements set forth in these rules or in the examination announcement, including but not limited to completing the general requirements for filing applications as outlined in this section;
b. The individual is unable to perform the essential duties of the position sought;
c. The individual has been convicted of any felony or a misdemeanor involving moral turpitude;
d. The individual 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 discharge from City service or has an unsatisfactory record of employment;
e. The individual has made false statements or has attempted any deception or fraud in connection with this or any other Civil Service examination;
f. The individual fails to appear for, or complete in a timely manner, any portion of the application and/or examination process;
g. The individual assisted in preparing the examination for which application is sought or obtained confidential information concerning such examination which might give him or her an unfair advantage over other applicants;
h. The individual promises to pay any money or other valuable thing to anyone for an actual or prospective advantage in the examination process;
i. For failing to meet any other minimum requirement set forth by law;
j. For other material reasons.

5.1.3 A false statement knowingly made by any person in an application or complicity in any fraud touching the same shall be regarded as good cause for disqualification, or for discharge from probationary or other employment.

5.1.4 If there is a reasonable doubt as to whether an applicant meets the requirements outlined in the Rules, the Secretary/Examiner may admit the applicant to the examination on the condition that the particular requirements are met to the satisfaction of the Secretary/Examiner prior to certification of the eligibility list. If the requirements are not met to the satisfaction of the Secretary/Examiner in a timely manner, the individual's name will not be included on the eligibility list.

Section 6. Qualifications of Applicants - Fire Department.

Section 6.1 An applicant for initial appointment in any position must be a citizen of the United States of America or a lawful permanent resident; who can read and write the English language; who is a graduate of a high school or has attained a GED; and can meet the established physical, mental, and sensory standards needed to perform the essential job duties and must possess an acceptable personal background and work history and other requirements as referenced in these Rules.

Section 6.2 No person will be admitted to any entrance examination who is less than eighteen years of age.

Section 6.3 Each applicant must possess a valid driver's license and possess an acceptable five-year driving record. Acceptable to be determined by the appointing authority, but generally to mean without reference to severe traffic infractions i.e. DUI, suspended license, multiple recent speeding tickets etc.

Section 6.4 Higher educational degrees shall be from a college or university that has been regionally accredited by an accrediting agency recognized by the US Department of Education and shall not include degrees granted in whole or part based upon "life experience".

Section 6.5 When vacancies occur in any grade, they shall, whenever practical, be filled by promotion from the next lower grade; provided, however, that applicants for the positions of Deputy Fire Chief, Fire Marshal, and Battalion Chief may be accepted from employees of state, county, municipal, or college or university fire departments, in accordance with Section 6.7.1 and 6.7.2 below.

6.5.1 Deputy Fire Chief. All appointments to the grade of Deputy Fire Chief shall be made upon examination. Such examination shall be open to qualified department members in lower applicable officer ranks, and may be open to qualified applicants from state, county, municipal, and college or university fire departments.

An examination for Deputy Fire Chief shall be open to persons who have a minimum of six years experience as a full-paid firefighter with at least three years consecutive service, prior to the examination, at rank of Lieutenant or

higher in the Longview Fire Department, or as a member of a state, county, or college or university fire department; provided that applicants from state, county, or college or university fire departments shall also have at least four additional, consecutive years of service as a Battalion Chief, or higher rank. All applicants must possess, at a minimum a Bachelor's Degree from a regionally accredited college or university.

6.5.2 Fire Marshal or Battalion Chief. Appointments to the grade of Fire Marshal and Battalion Chief shall be made upon examination. Such examination shall be open to qualified department members in applicable grades and subject to the approval of the Human Resources Director, Fire Chief and Civil Service Commission may be opened to qualified applicants from state, county, municipal and college or university fire departments.

Examination for these positions shall be open to persons who have a minimum of five years experience as a full-paid firefighter with an additional two years consecutive service prior to the examination at rank of Lieutenant or higher with Longview Fire Department. Applicants from a state, county, college or university fire department shall also have at least three additional consecutive years of service at a rank of Captain, Lieutenant, Fire Marshal or Deputy Fire Marshal. All applicants must possess an acceptable Bachelor's degree from regionally accredited university or college.

6.5.3 Captain. An examination for Captain shall be open to any employee who has qualified for the position of Master Firefighter with the department, has completed seven or more year's consecutive service with the department, and two years continuous service as a Lieutenant or Fire Inspector. Should an adequate pool of internal candidates not be available, such examination shall be open to qualified external candidates in applicable grades and subject to the approval of the Human Resources Director, Fire Chief and Civil Service Commission. All applicants must possess, at a minimum an AA/S Degree from a regionally accredited college or university per Civil Service Rules Definitions Section 1.6.

6.5.4 Lieutenant. An examination for Lieutenant shall be open to any employee who has qualified for the position of Master Firefighter with the department, has completed five or more year's consecutive service with the department. Should an adequate pool of internal candidates not be available, such examination shall be open to qualified external candidates in applicable grades and subject to the approval of the Human Resources Director, Fire Chief and Civil Service Commission. All applicants must possess, at a minimum an AA/S Degree from a regionally accredited college or university per Civil Service Rules Definitions Section 1.6.

6.5.5 Fire Inspector. An examination for Fire Inspector shall be open to any employee who has completed five or more year's consecutive service with the department. Should an adequate pool of internal candidates not be available, such examination shall be open to qualified external candidates in applicable grades and subject to the approval of the Human Resources Director, Fire Chief and Civil Service Commission. All applicants must possess, at a minimum an

AA/S Degree from a regionally accredited college or university per Civil Service Rules Definitions Section 1.6.

6.5.6 Firefighter. Applicants that do not possess an acceptable Associates Degree at the time of appointment shall achieve this degree within five (5) years of appointment (hire date).

6.5.7 Paramedic/Firefighter. Entry and lateral level applicants shall be in possession of Washington State or National Registry Paramedic certification, along with Advanced Cardiac Life Support (ACLS), Pediatric Advanced Life Support (PALS), and Prehospital Trauma Life Support (PHTLS) or equivalent certifications. Lateral entry Paramedic/Firefighter applicants will additionally possess IFSAC Firefighter I certification, or equivalent, and a minimum of three years of experience as a Paramedic Firefighter. Entry and lateral applicants that do not possess an acceptable Associates Degree at the time of appointment shall achieve this degree within five (5) years of appointment (hire date).

Section 6.6 The Commission may alter or waive any of the above qualifications of persons to be examined if less than two qualified persons make application to compete; or if, in their judgment, the best interest of the Department would be served in doing so. The burden of proof shall be upon the applicant to satisfactorily show the Commission that he/she possesses the qualifications prescribed for eligibility to the position for which he/she applies.

Section 6.7 Any Civil Service classified employee with the Longview Fire Department may accept appointment to the positions of Fire Chief or Deputy Fire Chief with the Department and maintain the right for a period of 12 months from date of appointment to return to his/her former classified position with the Department upon approval of the Commission.

6.7.1 All benefits of such employee reinstated to their formerly held classified position shall be computed on the same basis as though the service rendered as Chief or Deputy Chief had been rendered in the previously held classified position.

6.7.2 Should no vacancy exist in the classified position held at the time of appointment to Chief or Deputy Chief, one shall be created by laying off the incumbent with the lowest seniority standing from like position, grade and classification.

Section 7. Qualifications of Applicants--Police Department.

Section 7.1 An applicant for any position must be a citizen of the United States of America or a lawful permanent resident; who can read and write and effectively verbally communicate in the English language; who is a graduate of a high school or has attained a GED can meet the established physical, mental, and sensory standards needed to perform the essential job duties and possess an acceptable personal background and work history and other requirements outlined in these rules.

7.1.1 Lateral entry applicants for Police Officer are subject to the same minimum qualification requirements as entry level applicants as described herein except that, during a continuous lateral-only recruitment, law enforcement experience may be accepted in lieu of the one-year college education requirement if said work experience is determined to provide the necessary knowledge and abilities for the position. Lateral entry applicants shall be in possession of a basic law enforcement qualification certificate or equivalent, issued by the state in which he/she attended the basic law enforcement academy. Lateral entry applicants shall have no breaks in continuous law enforcement service of more than sixty (60) months. Lateral applicants will also be subject to the educational requirements as identified in Section 7.4

Applicants that possess a basic law enforcement qualification certificate or equivalent, issued by the state in which he/she attended the basic law enforcement but do not possess a law enforcement commission will be considered entry level applicants. These applicants are allowed to apply directly to human resources. If the time between obtaining a law enforcement qualification certificate or equivalent, issued by the state in which he/she attended the basic law enforcement and hiring is twelve (12) months or less than the applicant is eligible to attend the equivalency academy.

7.1.2 Required college degrees shall be considered acceptable if they are from a college or university that has been accredited by an accrediting agency recognized by the US department of Education and shall not include degrees granted in whole or part based on "life experience".

Section 7.2 Applicants testing for entry level police officer must be at least twenty and one half (20 ½) years of age.

Section 7.3 Each applicant must possess a valid driver's license and possess an acceptable five-year driving record. Acceptable to be determined by the appointing authority, but generally to mean without reference to severe traffic infractions i.e. DUI, suspended license, multiple recent speeding tickets etc.

Section 7.4 No applicant shall be appointed to the position of Police Officer who has not earned an Associate Degree from an acceptable college or university. A waiver of this requirement for appointment may be granted when an applicant has a high school diploma or its equivalent; and meets at least one of the following criteria:

1. Completed at least one (1) year (45 quarter hours or 30 semester units or equivalent) of college level course work from an acceptable college or university, or
2. A minimum of two (2) years of military service, or
3. At least twelve (12) months of law enforcement experience, or
4. At least twelve (12) months of public sector criminal justice corrections work experience.

Applicants who are appointed based on the waiver criteria identified above will be required to sign an agreement with the City of Longview to the effect that he/she will obtain an associate degree or more within a four-year study period

after the first day of completion of his/her probationary period with the Department. Any officer failing to complete the minimum educational standards in this section will be dismissed with no recourse. Failure to actively pursue a course of studies to obtain the above degree will be grounds for dismissal at any period of his/her employment. All responsibility for obtaining the above requirements will rest with the employee, and all studies will be at the employee's own time and expense.

Section 7.5 All applicants may be required to take psychological and polygraph/CVSA (Computerized Voice Stress Analysis) examinations as directed by the Commission prior to regular full time appointment to the Police Department.

Section 7.6 When vacancies occur in any grade, they shall, whenever practical, be filled from the next lower grade; provided however, that applications for the position of Police Captain may be accepted from employees of state, county, sheriff, municipal, or college or university police departments if such applicants otherwise qualify for lateral entry.

7.6.1 Police Corporal. No person shall be admitted to an examination for Police Corporal who has not served at least three (3) consecutive years of satisfactory service as a police officer with the department immediately prior to the examination.

7.6.2 Police Sergeant. No person shall be admitted to an examination for Police Sergeant who has not served at least five (5) years of police experience, with at least three (3) consecutive years of satisfactory service as a police officer with the department immediately prior to the examination.

7.6.3 Police Captain. No person shall be admitted to an examination for the position of Police Captain who has not completed a Bachelor's Degree from an acceptable college or university. All appointments to the grade of Police Captain shall be made upon examination. Such examinations shall be open to qualified department members in the next lower grade, and may be open to qualified applicants from state, county, sheriff, municipal, and college or university police departments.

The Police Chief shall, first, review the performance of existing, eligible employees in the Police Department. If it is determined by the Chief and Human Resources Director that these employees are sufficiently qualified for the position of Police Captain an in-house only recruitment shall be recommended to the Commission. If it is determined that there are not enough qualified, eligible employees on the department, a recruitment open to qualified applicants from state, county, sheriff, municipal, and college or university police departments shall be recommended.

No person shall be admitted to an examination for Police Captain who has not served at least two years as a Police Sergeant with the Longview Police Department, or has at least five years of law enforcement experience with another state, county, sheriff, municipal, or college or university police department, including two years experience as a Police Sergeant or higher rank.

Applicants for the position of Captain will be exempt from the physical agility test.

Lateral police officer examination requirements do not apply to applicants who are from external police departments for the Police Captain or Police Chief positions.

7.6.4 Administrative Assistant. No person shall be admitted to an examination for Administrative Assistant who has not served at least two years of satisfactory service at a position commensurate to that of Office Assistant.

7.6.5 Police Services Technician. No person shall be admitted to an examination for the position of Police Services Technician who has not completed at least two (2) years (90 quarter hours or 60 semester hours or equivalent) of college level coursework from an acceptable college or university, to include fields of study in police science, sociology, human services, or a related field, as well as two years experience working with the public, or any other combination of job experience and education which would provide the necessary knowledge, skills and abilities for the position.

7.6.6 Civilian Investigator. No person shall be admitted to an examination for the positions of Civilian Investigator who has not completed a Bachelor's Degree from an acceptable college or university, to include fields of study in police science, sociology, psychology, human services, or a related field,-as well as two years experience working with the public.

7.6.7 Information Technology Specialist. No person shall be admitted to an examination for the position of Information Technology Specialist who has not completed a Bachelor's Degree from an acceptable college or university, to include fields of study in information systems, computer science, or other closely related field.

7.6.8 Administrative Manager/Fiscal Analyst. No person shall be admitted to an examination for the position of Administrative Manager and/or Fiscal Analyst who has not completed a Bachelor's Degree from an acceptable college or university, in Public or Business Administration, or a related field with a minimum of three (3) years of administrative support work with increasing responsibility, to include budgeting, personnel supervision, government contract and grant experience, public speaking, office management, and information systems management or any other suitable combination of job experience and education which would provide the necessary knowledge, skills and abilities for the position.

Section 7.7 The Commission may alter or waive any of the above qualifications of persons to be examined if less than two qualified persons make application to compete; or if, in their judgment, the best interest of the department would be served in doing so. The burden of proof shall be upon the applicant to satisfactorily show the Commission that he/she possesses the qualifications prescribed for eligibility to the position for which he/she applies.

Section 7.8 Any Civil Service classified employee with the Longview Police Department may accept appointment to the position of Chief of Police with the department and maintain the right for a period of 12 months from date of appointment to return to his/her former classified position with the department upon approval of the Commission.

7.8.1 All benefits of such employee reinstated to a classified position shall be computed on the same basis as though the service rendered as Chief had been rendered in the classified position.

7.8.2 Should no vacancy exist in the classified position held at the time of appointment to Chief, one shall be created by laying off the incumbent with the lowest seniority standing from like position, grade and classification.

Section 8. Examinations

Section 8.1 Examinations may be initiated whenever it is deemed to be in the best interest of the department. Examinations shall be open to all qualified applicants. However, the Secretary/Examiner may limit the number of external applicants permitted to apply to take an examination if it is determined that applications from external candidates may exceed the number that can feasibly be processed and tested. Any limitation to the number of candidates to be processed and tested shall be included in the examination notice. Acceptance of applications for examinations may be limited to a specific time period or periodically as provided by a third party testing agency.

Section 8.2 Notice of Examination: Notice of the time and place, general scope of entry level and promotional examinations, and the required application process, to be conducted by the Secretary/Examiner for the City of Longview, shall be published in the department concerned and in other such places/mediums as deemed appropriate by the Civil Service Commission and/or Examiner/Secretary.

Notice of examinations conducted by a Commission approved third party recruiting agency (eg: Public Safety Testing) are not subject to these same publication and notification requirements. However, this information will be available to interested parties by contacting the Human Resources Department, Police or Fire departments and by providing testing information and information links on the City's internet website. Additionally, the Civil Service Commission will ensure that any agreement entered into with a third party recruiting agency will include a provision for public notification of testing opportunities using multiple media.

Section 8.3 Conduct and Content of Examination: The Secretary/Examiner, as authorized by the Commission, shall prepare and conduct recruitments and related examination processes. Persons possessing special qualifications may be authorized to prepare, assist, and/or conduct an examination with the administrative oversight of the Secretary/Examiner. Persons so authorized may be members of the Longview Police and/or Longview Fire Department. The Secretary/Examiner shall be responsible for compilation of final scores.

8.3.1 No person shall act as examiner in any examination when he/she is an applicant for a position for which the examination is being taken; when he/she has an apparent or perceived bias or conflict of interest with an applicant to include being a relation of the applicant either by blood or marriage; nor shall any examiner receive any salary or compensation as such. If the examiner anticipates an apparent or perceived conflict of interest with any applicant, it is the examiner's responsibility to disclose such conflict to the Human Resources Director who will ensure the Commission is informed. It is the Human Resources Director's responsibility to ensure that an alternative examiner is assigned.

8.3.2 All examinations shall be impartial, competitive, and practical in their character. They shall be designed to qualify and rank applicants in terms of their knowledge, skills, and ability to perform the duties of the classification for which the examination was ordered. All examinations shall include a review of a formal application and may also include written tests, evaluation of personal qualifications, physical or performance tests, psychological evaluation, evaluations of training and experience, interviews, other suitable evaluation of ability to perform the duties and essential functions of the job, or any combination of such tests. Tests and selection processes may take into consideration such factors as job knowledge, education, aptitude, motivation, attitude, appearance, bearing, emotional stability, integrity, physical fitness and condition, or any other qualifications or attributes which, in the judgment of the Commission, enter into the determination of the relative fitness of applicants.

The Commission and Secretary/Examiner will assure that the examinations conform to the regulations of the Equal Employment Opportunity Commission and other applicable employment laws to ensure examinations are job related and legally appropriate.

8.3.3 All examinations shall contain one or more parts to which a minimum passing score (which may include a pass/fail score), raw score, rank order or percentage weights shall be assigned.

a. A minimum passing score shall be determined by the Secretary/Examiner prior to any examination, if an exam relies upon testing scores from a third party recruiting agency in whole or in part, passing scores for that portion of the exam will be established and published prior to the administration of the exam; and
b. Where an examination consists of two or more parts, the Commission, Secretary/Examiner, or the third party recruiting agency as authorized, may set a minimum score to be required for any part of the examination. An applicant who fails to attain the minimum score for that part shall be considered as having failed the entire examination and shall not be entitled to take the balance of the examination or, when all parts of the examination have been completed, any remaining parts of the examination need not be scored.
c. Entry-level and Lateral Police officers must pass the physical ability test with the proficiency required by the Washington State Criminal Justice Training Commission

d. Entry-level Firefighters must pass the Candidate Physical Agility Test (CPAT) as licensed and in accordance with the International Association of Fire Fighters (IAFF) standards.

8.3.4 Examiners shall make to the whole class all explanations deemed necessary and must not explain any question to any individual competitor.

8.3.5 After an examination has begun; no communications will be permitted between competitors.

8.3.6 Examiners must take care that all question sheets, whether completed or not, are turned in by the competitors by the expiration of the time to which the examination is limited. Any competitor who has been permitted to commence the examination at an hour subsequent to that, at which the class commenced, shall stop at the expiration time for all competitors. If any competitor abandons his/her examination or fails to complete it within the time allowed, the examiner shall note the fact upon the last sheet had by such competitor.

8.3.7 During any examination no competitor shall leave the room without notice to and permission of the Examiner. If the competitor leaves the room without such notice before he/she has finished the sheet on which he/she is engaged, he/she shall not be permitted to finish it upon his/her return; it will be taken up and the next sheet given at the same time as the other competitors.

8.3.8 Applicants for all promotional positions will be required to achieve a score of 70% or better on a total of all components of the examination process and have his/her name placed on the eligibility list for the position.

8.3.9 Lateral Police Officer. In addition to the established standards for entry level police officers, lateral police officer-will be reviewed on the basis of years of law enforcement experience; formal educational achievements; law enforcement training accomplished and promotional positions held.

Lateral applicants for the position of Police Officer shall be subject to examination as indicated in section 8.3.2, which at a minimum shall include a physical ability test, oral interview and extensive background investigation.

Section 8.4 Grading Examinations: Prior to the examination, each individual taking the examination shall receive any minimum passing requirements and information about the examination components. Following the examination, all candidates completing the examination process shall be notified of their results and each individual who successfully completes the examination process shall receive notice of their final score and/or rank.

8.4.1 Third Party Exam Administration:
In the event the Civil Service Commission elects to use a third party recruiting agency, such agency will be authorized by written agreement to grade and rank candidates participating in said agency's testing process.

Such agencies will be responsible for validating any testing processes provided. A representative from the third party recruiting agency will appear in any administrative or Civil Service proceeding in order to testify to and provide any and all necessary information to document the validity of the testing process, to participate in the defense of any testing process and to otherwise provide any information necessary to the Commission to evaluate challenges to or appeals from the test administered by the third party recruiting agency. Third party exam administrators are required to comply with all federal, state, and local laws and policies pertaining to establishing and maintaining legally defensible, validated recruitment and selection processes.

Section 8.5 Resolving Ties: Any ties, which may occur in the original examination, shall be broken by further written examination, prepared and given by the Examiner, and shall be similar in scope to the original examination and encompass similar subjects.

Section 8.6 Grade and Rank Appeal/Challenge: Within five (5) days after receiving notice of his/her final rating, any competitor may have his/her rating reviewed and corrected if an error is made. Should a candidate wish to challenge any questions, he/she shall submit to the Examiner within five (5) days authoritative, written proof of the validity of his/her claim. The Commission shall consider all such written challenges. If the Commission is satisfied as to the validity of such proposed changes, they shall be a part of the examination answer key. The original examination answer key, together with any changes, shall constitute the final answer key. The final examination answer key shall be used in scoring all examination papers.

Section 8.7 Re-examination:
Six (6) months waiting period – No entry-level candidate shall be reexamined for the same class within (6) months of the effective date of such examination.

Section 8.8 Preservation of Examination Papers: Examination papers of any examination shall be preserved for a period of thirty (30) days from the date of examination unless a complaint is made; they shall then be preserved as long as is necessary until complaint is resolved, and may be destroyed thereafter. Examination papers may be stored by the Civil Service Secretary/Examiner and/or the third party recruiting agency.

Section 8.9 Medical and Physical Fitness Examination: A medical and physical examination shall be administered by a licensed medical provider as designated by the City, for all appointees before entering upon their employment, and by all applicants for re-instatement prior to being re-instated. In addition, all probationary police officer appointees shall pass the physical fitness examination required by the Washington State Criminal Justice Training Commission of all basic academy entrants.

Section 8.10 Continuous Testing Process & Eligibility Lists: The Secretary/Chief Examiner, following approval of the Commission, may establish an eligibility list for use, from applicants tested through and certified for eligibility though the described continuous testing process.

8.10.1 Continuous Testing Defined: continuous testing shall mean a written examination and standardized physical ability test conducted pursuant to set and commonly applied testing standards whose results shall be valid for a period of one calendar year from the date of certification to a Continuous Testing Initial Eligibility list. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a subscription testing agreement with a testing service that would use the same testing standards as described in Section 8. The Commission may further authorize combining both an internally conducted recruitment and testing process with the names provided from an outside testing service (provided the same testing processes and standards are met) to create one continuous hiring eligibility list and/or using two separate hiring lists as described in this section.

8.10.2 Certification: Applicants certified pursuant to an outside testing process shall be placed on a Continuous Testing Eligibility list. Each applicant after meeting minimum qualifications and successful completion of the standard testing process shall have their name certified and will be placed in rank order based upon their total score. The names of certified applicants will remain on the list for a period of one year from the date certified. As names of additional certified candidates are received, the rank order of the list will be adjusted to reflect scores of all candidates in descending order (high to low).

8.103 Additional Testing: Applicants placed on the Continuous Eligibility List shall be subject to the same hiring and testing standards applicable to any other civil service position as authorized by the Civil Service Commission in the established Civil Service Rules & Regulations.

8.10.4 Removal of Names: The names of candidates certified to the Continuous Eligibility List shall remain on the list until either one year from the date of certification or until the candidate has been hired by another public safety organization. The Commission may agree to extend the certification period up to a maximum of an additional 12 months as recommended by the Fire or Police Chief and Human Resources Director. Applicant names may be removed upon notification and request by the candidate, or upon written notification of another public safety employer or the subscription testing service. Names may also be removed based upon the same criteria established in Section 9.7 of the Civil Service Rules & Regulations.

Section 9. Eligibility.

Section 9.1 Veteran's Scoring Criteria Status: There are four categories of veterans to which the scoring criteria status applies. A base requirement of each category is that the person has received from any branch of the armed forces an honorable discharge or a discharge for physical reasons with an honorable record. All veterans' scoring criteria may be claimed upon release from active military service or upon receipt of separation orders indicating honorable discharge, issued by the respective military department. The four categories are:

1. **Veterans who served during a period of war or in an armed conflict and do not receive military retirement**. Veterans who served during a "period of war," that are defined in RCW 41.04.005, need not have served in a combat zone or hostile environment to qualify; simply being in the armed forces during such a period, in addition to not receiving military retirement, is sufficient. Veterans who served in an "armed conflict," as defined by RCW 41.04.005, and received a campaign badge or medal, and who do not receive military retirement, also qualify in this category. A "period of war" is defined by RCW 41.04.005 to include, in addition to the two world wars, the following:

    - the Korean conflict;
    - the Vietnam era, which was the period beginning August 5, 1964, and ending on May 7, 1975;
    - the Persian Gulf War, which was the period beginning August 2, 1990, and ending on February 28, 1991 or ending on November 30, 1995, if the participant was awarded a campaign badge or medal for such period; and
    - the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of Congress.
    - the following armed conflicts, if the participant was awarded the respective campaign badge or medal, or if the service was such that a campaign badge or medal would have been awarded, except that the member already received a campaign badge or medal for a prior deployment during that same conflict:

    The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; Operation Noble Eagle; southern or central Asia, Operation Enduring Freedom; Persian Gulf, Operation Iraqi Freedom; Iraq and Syria, Operation Inherent Resolve; and Afghanistan, Operation Freedom's Sentinel.

    Veterans in this category receive a 10 percent scoring criteria added to passing mark, grade, or rating of competitive exams until their first appointment. This "first appointment" limitation means that, if a veteran has gotten a job with the 10 percent scoring criteria status, he or she may not use it to obtain another job, even with another agency. See AGO 1974 No. 22. Also, it may not be used in a promotional exam.

2. **Veterans who did not serve during a period of war or who are receiving military retirement**. This category of veterans, which includes any veteran not covered by the first category, is entitled to a five percent scoring criteria status. Like the first category, it may be used only until a veteran's first appointment and may not be used in any promotional exam.

3. **Peacetime veterans and others who have fulfilled their military service obligations.** Legislation was adopted in 2002 (chapter 292, Laws of 2002) expanding the list of veterans qualified for certain benefits. In addition to those veterans who have served during a period of war, qualifying veterans now include those who have served during peacetime, namely:

- A member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, who has fulfilled his or her initial military service obligation;
- A member of the women's air forces service pilots;
- A member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
- A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or
- A member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945.

4. **Veterans who were called to active military service from employment with a city or county**. This category receives a five percent scoring criteria status that applies until the first promotion only. (Note that this category of veterans is protected when returning to employment from military duty by the federal Uniformed Services Employment and Reemployment Rights Act.) Of course, veterans in this category could also qualify in any of the above two categories when seeking initial employment with another agency covered by RCW 41.04.010.

Section 9.2 Eligibility Lists: All applicants who shall attain the required passing grade for the class or position for which the examination was taken shall be eligible for appointment pending further action and evaluation by the appointing authority; and their names shall be entered on the eligible list under such class and/or for such position accordingly. The degree of excellence shown by examination, and such other credit as herein otherwise set forth in Section 9.1 shall be the basis for relative standing on the appropriate list.

9.2.1 A reinstatement register shall also be kept, which shall contain the names of those laid off or demoted because of curtailment of expenditures, reduction in force, and for like causes, who shall head the list on the basis of rank, and shall be the first to be re-employed.

Section 9.3 Basis of Rank: The relative positions of rank of all members of the department shall be determined by the position classification, within the applicable division, according to Section 3. Within each position, rank is determined by seniority relative to the date of appointment. Within each position, and where appointment dates are identical, rank shall be relative to the total scores achieved in the qualifying examination for that position.

Section 9.4 Filling Vacant Positions: When a vacant position is to be filled, the Commission shall certify to the appointing authority on written request the name from the proper reinstatement register. If no names remain on the proper reinstatement register, the Commission will then certify the names of the three persons highest on the eligible list for the position requested. If more than one vacancy is to be

filled, an additional name shall be certified for each additional vacancy. If there are no such lists, it shall authorize a temporary appointment list of such class, from which temporary appointment may then be made.

Section 9.5 Rank on Eligibility List According to Last Rating: Each person shall be ranked upon the appropriate eligibility list according to the last rating he/she shall have received, including the credits for veteran's preference.

Section 9.6 Term of Eligibility:
Entry Level Positions. The term of eligibility of each name on any entrance eligibility list shall be one year following the date of the examination.

Promotional Positions. The term of eligibility of each name on any promotional eligibility list shall be established by the Civil Service Commission upon recommendation of the Department. The length of time for the eligibility list shall be declared to applicants at the time of the exam notification. Promotional lists may be certified for a minimum of 6 months and not to exceed 24 months following the date of the examination. In the event that the length of time for the promotional eligibility list is not specified at the time of the exam notification, the effective length of the list is deemed as twenty-four (24) months.

Section 9.7 Removal from Eligibility List. Individuals that fail to comply with a pre-appointment investigation, or fail to answer a notification to participate in the hiring examination process within five (5) days of notification, or failing without due cause to accept appointment when offered, excluding temporary appointment, shall be permanently dropped from the eligibility list unless they provide satisfactory cause to the Commission for their failure to act.

9.7.1 An individual's name shall be removed from an eligibility list if it is determined through the pre-employment background investigation that a candidate possesses or has demonstrated during prior employment or in their personal life that they are unqualified, unsuitable, undesirable, or unfit person to be employed in a Civil Service position. Reasons for disqualification, in addition to those cited in the Rules, include:

a. Incompetence, inefficiency, or inattention to or dereliction of duty;
b. Insubordination; discourteous treatment of the public, or a fellow employee, or any other act of omission or commission that would tend to injure the public service; or any other willful failure on the part of the candidate to properly conduct themselves.
c. Mental or physical unfitness for the position;
d. Dishonest, disgraceful, immoral, or prejudicial conduct;
e. Use of narcotics or drugs not prescribed by a licensed medical practitioner;
f. Habitual use of intoxicating liquors to excess;
g. Or any other act or failure to act which, in the judgment of the Civil Service Commissioners, is sufficient to show the person is unfit for employment in a Civil Service Position.

9.7.2 Individuals on an eligibility list that violate any appointment standards, or who fail to maintain any certification, commission or license required by law or these rules as a condition of application, examination and/or employment for the position shall be removed from the eligibility list.

9.7.3 Additional causes for removal from an appointment eligibility list include the following:

a. Written request from the eligible that his/her name be removed.
b. Death of the eligible.
c. Failure to notify the Commission of changes in address in a timely manner or within 15 days of a change.
d. In the case of promotional lists, upon separation, other than layoff, from City service.
e. If not appointed from an eligible list, after the duration of eligibility has expired.

Section 9.8 Notification of Removal from Eligibility List--Appeal:

a. An eligible whose name is removed from an entry level or lateral entry level eligibility list by the commission prior to the background check process shall be notified of the removal of his/her name by a notice mailed by the Commission to his/her last known address. Such person may, within two weeks from the date of removal, make a written request to the Commission for restoration of his/her name to such list or lists for the remainder of the duration of his/her eligibility period. The request shall set forth the reasons for the conduct resulting in the removal of the name from the list or lists and shall further specify the reasons advanced for restoration of the name. The Commission, after full consideration of the request, may restore the name to the employment list or lists or may refuse such request. The person shall be notified of the Commission's action.
b. After the Civil Service Commission certifies a list for either the Police or Fire Department action (background process), an applicant will be advised of his/her removal from the entry level or lateral entry level eligibility list by the applicable department.
c. Any question, protest or appeal of the removal of a name from an entry level list or lateral entry list after the certification and as the result of the background and/or departmental related processes shall be the responsibility of the applicable department.

Section 9.9 Restoration to Rank After Cancellation of Disability Retirement.

9.9.1 When the Disability Board determines that a beneficiary is no longer incapacitated, his/her retirement allowance shall be cancelled and such person shall be restored to duty. (RCW 41.26.140.)

9.9.2 The returning employee shall be restored to duty in the same Civil Service rank and he/she shall retain the seniority, which existed at the time he/she went on disability retirement. Provided, however, if the returning employee is unable to perform the duties of said rank, then, he/she may be restored in such other like

or lesser rank as may be or become open and available, the duties of which he/she is then able to perform to the satisfaction of the Department.

9.9.3 In the event a reduction in force or demotion is requested to create the required vacancy for the returning formerly disabled employee, a two-week notice must be given to the effected employees in accordance with the rules in Section 14.

9.9.4 Employees laid off or demoted shall have their names placed on the appropriate reinstatement register in accordance with the rules in Section 9.2.1.

Section 10. Appointment.

Section 10.1 Appointing Authority: The appointing authority shall be the City Manager in the case of an appointment or removal of the Chief of the Department. The Civil Service Commission shall be the appointing authority in the case of an appointment or removal of the Civil Service Secretary and Chief Examiner. The Chief of the Department shall be the appointing authority for appointments and removals for all other positions within the Department.

In all circumstances, the Appointing Authority shall conduct a background investigation prior to extending an offer of employment.

10.1.1 In making his/her appointment of any of the five highest persons on the eligible list as certified by the Commission, the appointing authority, upon written request, will be furnished with the application, certificates and the examination record of the persons certified; and may also summon before him/her the certified persons for such verbal inquiries as he/she may deem proper. All such papers must be returned to the Secretary/Examiner.

Section 10.2 Appointment Accepted or Declined: The person accepting appointment shall present himself or herself to the appointing authority, or his/her designated representative for processing on the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time, as the appointing authority shall prescribe, he/she shall be deemed to be appointed; otherwise, he/she shall be deemed to have declined the appointment.

Section 10.3 Temporary Appointment: The acceptance of temporary appointment to any position in the Civil Service shall not cause an eligible to lose his/her standing on any eligibility list.

Section 10.4 Leave of Absence: Leave of absence not exceeding thirty days and without pay may be granted by the appointing authority to any person under Civil Service; provided that such appointing authority shall give notice of such leave to the Commission. All temporary employment caused by leaves of absences shall be in accordance with Civil Service rules longer leaves of absence may be approved by the Commission upon written request of the employee, and upon written endorsement by the appointing authority. Any person granted a leave of

absence shall be required to pass a medical and physical examination if the leave of absence has been for more than ninety (90) days before such person can return to regular duty. For periods less than 90 days, the employee may be required to pass a physical exam. Individuals that do not successfully pass the physical examination will be treated in accordance with applicable state and federal laws and related City policies.

Section 11. Probation Period.

Section 11.1 Purpose. The probation period is an integral part of the examination/selection process. It shall be utilized as an opportunity to observe the employee's work, to provide special training, to assist the employee in adjustment to his/her new position, and to reject any employee whose work performance or personal conduct is unsatisfactory.

Section 11.2 Duration. No appointment, whether for entrance employment or promotion to any position, shall be deemed a regular full time appointment until after the completion of probationary service.

Section 11.2.1 Entry-Level Positions.

A. The probationary period for all entry-level civilian positions is twelve (12) months.
B. The probationary period for entry-level police officer position is eighteen (18) months.
C. The probationary period for all lateral police officer positions is twelve (12) months.
D. The probationary period for all entry-level and lateral fire positions is (12) months.

Section 11.2.2 Promotional Positions. The probationary period for promotional positions is twelve (12) months.

Section 11.3 Dismissal During Probation Period. During this probationary service period the appointing authority may terminate the appointment of the person certified to him/her if, during the performance test thus afforded, upon observation or consideration of the performance of duty, he/she is found unfit or unsatisfactory. Provided, however, that the appointing authority shall forthwith notify the Commission in writing of any such termination of employment and/or designation of other person next highest on such list. During the probationary period of a promotional appointment, the appointee has the privilege of transferring back to the position held at the time of his/her appointment.

Section 12. Employee Development.

Section 12.1 Personnel File. The Human Resources Department shall be responsible for the establishment and maintenance of appropriate personnel files for each civil service employee including therein the details of:

a. Every temporary, probationary, or permanent appointment received.
b. Every change in salary rate.
c. Performance evaluations.
d. Extra service related schooling attended.
e. Extraordinary service or other grounds for commendation.
f. Every injury received (in a separate confidential file).
g. Every unpaid leave of absence extending beyond 30 consecutive days, together with reasons for each.
h. Conduct serving as grounds for disciplinary action, and all disciplinary action taken.
i. Separation from the service; whether caused by death, dismissal, or resignation.
j. Such other employment data as the Chief or Human Resources Director deems pertinent.

12.1.1 An employee's personnel files may be inspected by the Civil Service Commission, any member thereof, or person authorized by the Civil Service Commission; the Chief; the employee's supervisors; the employee concerned; and/or such person as the employee may authorize to inspect his/her personnel file.

Section 12.2 Performance Evaluations. The City shall maintain a program to rate the service and annual performance of employees in the classified service. The ratings shall give consideration to the ability, conduct, attitude, initiative, dependability, physical condition, appearance, and/or such other traits as, in the opinion of the Chief or Human Resources Director, will measure employee performance.

Section 12.3 Evaluation Required—Frequency. Performance evaluations shall be in writing and such form as the City may provide. Performance evaluations may be as frequent as the Chief authorizes and no less frequent than annually.

Section 12.4 Review by Employee and Supervisor. Each employee shall be shown a copy of the appraisal of his/her performance, which shall be discussed with him/her by his/her superior. The purpose of such a review is to afford the employee an opportunity to know how his/her work is evaluated, and to enable him/her to correct any weakness. The employee must sign the evaluation, indicating thereby that he/she has reviewed the evaluation with his/her supervisor. Such signature does not necessarily mean that the employee is in agreement with the ratings given.

Section 12.5 Performance Rating on File. A signed copy of the employee's performance evaluation shall be placed into the employee's personnel file.

Section 12.6 Use of Performance Evaluation. A performance evaluation may be used as a factor in examinations for promotions; as a means to identify necessary training activities; and/or outstanding service rewards.

Section 13. Employee Conduct, Disciplinary Action, Appeals.

Section 13.1 In addition to these stated rules; Civil Service employees shall be governed by Citywide and department specific employee conduct rules and expectations.

Section 13.2 Fraud Prohibited. No person shall make any false statement, certificate, mark, rating or report with regard to any application, test, or appointment made under any provision of these rules and regulations, or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules and regulations.

Section 13.3 Gratuities and Favors Prohibited. No person seeking appointment to or promotion in the department shall give, render or pay any money, service or any other valuable thing to any person in connection with his/her test, appointment or promotion.

Section 13.4 Additional Prohibitions. No person shall defeat, deceive or obstruct any person in his/her right to his/her application, examination, eligibility or appointment under these rules and regulations or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment.

Section 13.5 Causes for Suspension, Removal, Disciplinary Action, or Discharge. The tenure of everyone holding any position under the provisions of these rules and regulations shall be only during good behavior and any such person may be discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

13.5.1 Use or attempts to use political influence in securing promotion, or leave of absence.

13.5.2 Taking or receiving of any fee, gift or other valuable thing in the course of his/her work in connection with it for personal gain from any person when such a fee or gift is given by such person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons.

13.5.3 Employment in gainful occupations for profit in addition to regular service duties which conflicts with or in any way interferes with the performance of such service duties.

13.5.4 Incompetency, inefficiency, inattention to or dereliction of duty.

13.5.5 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 his/her self; or any willful violation of the provisions of the law or these rules and regulations.

13.5.6 Mental or physical unfitness for the position, which the employee holds.

13.5.7 Tardiness or absenteeism.

13.5.8 Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation on the job or 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 any position under Civil Service.

13.5.9 Conviction of a felony; or a misdemeanor, involving moral turpitude.

13.5.10 Dishonest, disgraceful, immoral or prejudicial conduct.

13.5.11 Conduct unbecoming an officer or the service.

13.5.12 Any other act or failure to act which in the judgment of the Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the department.

Section 13.6 Recorded in Personnel File. Evidence of grounds for disciplinary action shall be recorded in the employee's personnel file. All disciplinary action taken against an employee shall be recorded in the employee's personnel file.

Section 13.7 Actions only for Cause. No person who has completed their probationary period to any position under the provisions of these rules and regulations shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing authority which may be based upon written complaint of 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.

Section 13.8 Appeals and Investigations. Any person so removed, suspended, demoted, or discharged may within ten days from the time of his/her removal, suspension, demotion or discharge file with the Commission a written demand for an investigation; whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the questions of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons, or any other legally prohibited reason, or was or was not made in good faith or for cause. After such investigation, the Commission may affirm the action, or if it shall find that the removal, suspension, demotion or discharge was made for political or religious reasons, or was not made in good faith or for cause, it shall order the immediate reinstatement or re-employment of such person in the position from which such person was removed, suspended, demoted, or discharged; which shall, if the Commission so provides in its discretion, be retroactive and entitle such person to pay or compensation from the time of such removal, suspension, demotion, or discharge. In lieu of affirming the removal, suspension, demotion, or discharge, the Commission may direct a suspension without pay for a given period and subsequent restoration to duty; or demotion in classification grade or pay. The findings of the Commission shall be certified in writing to the appointing authority, and shall be forthwith enforced by him. All such investigations made by the Commission shall be by public hearing after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his/her defense. If such judgment or order be concurred in by the Commission or a majority thereof, the accused may appeal there from to the Superior Court of Cowlitz County, as provided by law.

Section 14. Reduction in Personnel.

Section 14.1 Reduction in Force. The Chief, with the concurrence of the City Manager, may lay off or reduce the position of any employee in the classified service when he/she deems it necessary by reason of shortage of funds or work, the abolishment of position, or other material changes in the duties or organization or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. Persons who are in a temporary capacity in the division to be reduced shall first be laid off; next, those still serving their probationary period; next, among those whose appointments are complete, demotions and/or lay-offs shall be according to the least in rank, as defined in Section 9.3.

14.1.1 The Chief shall give a two-week notice to the effected employee and shall submit written reasons therefore to such employee, and to the Commission.

14.1.2 The names of regular full time appointed employees who have been laid off or demoted due to reduction in force shall be placed on an appropriate re-employment list.

Section 14.2 Resignation. An employee may resign from the service by presenting his/her resignation in writing to his/her appointing authority. To resign in good standing, an employee shall give at least two calendar weeks' notice, unless, because of extenuating circumstances, the appointing authority and/or Chief permits a shorter period of notice. The appointing authority may make or cause to be made such investigation, as he/she deems warranted, for the purpose of verifying reasons for each resignation. An employee's resignation and the circumstances pertinent to it shall be recorded in his/her personnel file.

Section 14.3 Disability. An employee may be separated for disability when he/she cannot perform the required duties because of a physical or mental impairment.

Section 15. Severability.

Section 15.1 If any section or portion thereof of these rules and regulations is held to be invalid, such decision shall not affect the validity of the remaining portions.