CITY OF REDMOND

CIVIL SERVICE RULES

Ordinance 1964 adopted by Council whereas the rules have been adopted by the Civil Service Commission of the City of Redmond, Washington, at a regular meeting thereof and are effective the 29th day of January 1998.

Table of Contents

Page Number

Introduction **1**

Rule 1 - Definitions **2**
1.10 Interpretation of Terminology *2*
1.20 Definitions *2*

Rule 2 - Civil Service Commission **6**
2.10 Organization *6*
2.20 Quorum *6*
2.30 Minutes *6*
2.40 Date, Time and Place for Regular Meetings *6*
2.50 Date, Time and Place for Special Meetings *6*
2.60 Meetings: Public and Executive Sessions *7*
2.70 Powers and Duties of the Civil Service Commission *7*
2.80 Relationship with City Officials and Employees *9*
2.90 Quasi-Judicial Matters *9*
2.11 Qualifications and Selection *10*

Rule 3 - Secretary and Chief Examiner **11**
3.10 Appointment *11*
3.20 Duties *11*

Rule 4 - Application for Examinations **12**
4.10 Filling Positions *12*
4.20 Announcement of Examination *12*
4.21 Continuous Testing *12*
4.30 Lateral Entry Requirements - Fire Fighter *12*
4.40 Lateral Entry Requirements - Police Officer *13*
4.50 Equal Employment Opportunity/Fair Employment Practices *13*
4.60 Fire Department Capacity Assessment *14*
4.70 Rejection of Application *14*
4.80 Reapplication *14*
4.90 Withdrawal of Application *15*

Rule 5 - Examinations **16**
5.10 Conduct of Examinations *16*
5.20 Qualifying Grade *16*
5.30 Veterans Preference Points *16*
5.40 Returning Veterans *19*
5.50 Notification of Results *19*
5.60 Promotional Examinations *19*
5.70 Police Corps Program *20*

Rule 6 – Eligibility Lists **22**
6.10 Preparation of Eligibility Lists *22*
6.11 Certification of Continuous Eligibility List *22*
6.20 Certification and Duration of Lists *22*
6.30 Removal of Names from Lists *23*
6.40 Notice of Change of Address *24*
6.50 Revocation of List *24*
6.55 Revocation of Continuous Eligibility List *25*
6.60 Less Than Three (3) on Eligibility List *25*

Rule 7 - Appointment, Transfer, Promotion **26**
7.10 Procedure *26*
7.20 Emergency Appointment *28*
7.30 Provisional Appointment *28*
7.40 Probationary Appointment *29*
7.50 Voluntary Reductions in Rank and Appointments in the Fire Department *29*

Rule 8 - Probationary Period **31**
8.10 Length of Period *31*
8.20 Extension of Probation *31*
8.30 Notice of Regular Status *31*
8.40 Rejection of Probationer *31*
8.50 Rejection After Promotion *32*

Rule 9 - Transfers and Layoffs **33**
9.10 Transfers *33*
9.20 Layoff *33*

Rule 10 - Suspensions, Demotions, Discharges **34**
10.10 Authority to Suspend, Demote and Discharge *34*
10.20 Procedure for Suspension, Demotion or Discharge and Appeals *34*
10.30 Procedure for Appeals *34*
10.40 Cause of Discharge *35*
10.50 Court Appeal *36*

Rule 11 - Leaves and Resignations **37**
11.10 Vacation, Sick Leave and Leaves of Absence Without Pay *37*
11.20 Resignation *37*
11.30 Re-employment *37*

Rule 12 - Records and Reports **38**
12.10 Personnel Files *38*
12.20 Records Open to the Public *38*
12.30 Materials and Records Exempt from Public Inspection *38*
12.40 Copying Exempt Records *39*
12.50 Destruction of Records *39*

Rule 13 - Grievance Complaints and Procedure **40**
13.10 Complaints *40*
13.20 Notification of Affected Parties *40*
13.30 Investigation *40*
13.40 Procedures for Filing Objections to Examinations *40*
13.50 Procedures for Filing Objections to Eligibility List *41*
13.60 Hearings on Objections to Examinations and Eligibility Lists *42*
13.70 Participation in Testing Pending Decision on Objections *42*
13.80 Appeal of Rejection of Application for Examination *42*

Rule 14 - Hearings and Investigations **43**
14.10 Investigations *43*
14.20 Hearings *43*

Rule 15 – Application and Amendment of Rules, Waivers, Amendments and Repeal **45**
15.10 Official Copy; Distribution of Other Copies *45*
15.20 Relation to Other Documents and Policies *45*
15.30 Covered Positions *45*
15.40 Waiving of Time Limits *45*
15.50 Amendment Procedure *45*
15.60 Repeal *46*
15.70 Savings *46*

Introduction

Why do we have Civil Service?

State law requires that all cities provide a system of civil service for employees in the police and fire departments. RCW 41.08 is the reason we have a civil service system for fire personnel and RCW 41.12 is the reason we have a civil service system for police personnel.

State law allows cities to tailor their civil service systems to their individual needs as long as the systems substantially accomplish the purposes for which the state civil service laws were enacted. Those purposes are:

1. To ensure that all appointments and promotions to positions covered by civil service are made solely on the basis of merit, efficiency and fitness;

2. To provide tenure to police and fire personnel, i.e., to prevent dismissal and other discipline without cause; and

3. To provide for an impartial civil service commission to administer the system and to investigate removals, suspensions, demotions, and discharges in order to ensure that those actions are taken in good faith, for cause, and not for political or religious reasons.

Chapter 2.12 of the Redmond Municipal Code fulfills the purposes of the state civil service law by providing a civil service system for Redmond police and fire personnel which is tailored to Redmond's particular needs. These Civil Service Rules and Regulations have been adopted under the authority of and to implement RMC 2.12.

Rule 1 - Definitions

1.10 Interpretation of Terminology

Unless some other meaning shall be apparent from the context, plurals shall include the singular and vice versa, and masculine, feminine and neuter shall be used interchangeably, and words shall have the meanings defined below.

1.20 Definitions

(A) "Appointing Authority or Power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, mayor's designee, council or otherwise, is or are vested with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service. See also RMC 2.12.130(1).

(B) "Appointment" includes all means of selection, appointing, employing or promoting any person to hold any office, place, position or employment subject to civil service.

1. "Emergency Appointment" means an appointment to serve in a classified position under emergency conditions for the duration of the emergency, which usually should not exceed sixty days.

2. "Original Appointment" for the purpose of determining ranking of authority in a position within the classified service and for seniority for reduction in rank, means the date of hire or date of promotion to the Civil Service position.

3. "Regular Appointment" means the achievement of a regular status in position or rank commencing with the date of certification, by the appointing authority at the conclusion of the probationary period on the probationer's satisfactory performance of the duties of the position. The ranking of personnel within a class for the purposes of determining relative authority in command shall be determined by the priority of date of certification of an appointment to regular status following completion of the probationary period.

4. "Provisional Appointment" means an appointment of eligibles from any employment or promotional list, when one exists, with regard to willingness of the eligible to accept the employment rather than by following a strict order of position on the eligible list. A provisional appointment may also be made pending a list of eligibles.

(C) "Class" means a group of positions sufficiently similar with respect to duties and responsibilities so that the same title may be used reasonably for each, the same qualifications may be required, and the same salary range may be applied with equity.

(D) "Classified Service" means the full-time and part-time positions in the City service which are subject to the provisions of these Rules including all full paid members of the fire and police departments, except those excluded by chapter 2.12 of the Redmond Municipal Code (RMC).

(E) "Commission" means the Civil Service Commission appointed for the City of Redmond. See also RMC 2.12.130(3).

(F) "Compensation" means the allowance, fee, salary or wage paid to an employee or officer in the classified service for performing the duties and responsibilities in the classified service.

(G) "Competitive Process" is a process in which two or more candidates participate.

(H) "Continuous Testing" means a competitive process including but not limited to a written examination, standardized physical agility/ability test, and oral interview and conducted on a periodic or ongoing basis. The examinations shall be conducted pursuant to established and commonly applied standards whose results shall be certified to a Continuous Testing Eligibility List. Continuous testing may, at the discretion of the Commission, be offered through the Chief Examiner or pursuant to a subscription testing agreement. Continuous testing will be used only for Police and Fire entry level and Police lateral entry recruitments.

Amended 5/15/02

(I) "Demotion" means a reduction in employment status to a class of positions having a lower scale of pay.

(J) "Discharge" means the separation of a regular employee from the classified service for cause.

(K) "Eligible" means the condition of being qualified by examination or prior service to serve in a position without regard to ranking for an employment or promotion list.

(L) "Eligibility List" or "Employment List" or "Promotion List" means a list of eligible person(s) arranged in order of qualification for appointment, or promotion to a position in the classified service.

(M) "Employee" means a person who is legally employed in the classified service of the City or who is on authorized leave of absence and whose position is held for him/her upon his/her return.

(N) "Full Paid Police Department employees (excluding the Police Chief)" means that the officers and employees employed in such are paid regularly by the City and devote their whole time to police duty, except for those employees excluded by Chapter 2.12 of the RMC.

(O) "Full Paid Fire Department employees (excluding the Fire Chief)" means that the officers and employees employed in such are paid regularly by the City and devote their whole time to fire fighting and fire prevention activities and emergency medical services, except for those employees excluded by Chapter 2.12 of the RMC.

(P) "Lateral Entry" means transfer of a police officer or uniformed fire fighter or other employee from another jurisdiction to probation level.

(Q) "Layoff" means the termination of employment because of lack of funds or work or because of a material change in organization.

(R) "Public Notice" means giving notice by posting in at least three conspicuous places in a public office or building within the City or by publication in a newspaper circulated within the City or by both.

(S) "Service of Written Notice" as required under these Rules and Regulations means the service of notice in writing as follows:

1. Upon regular employees by personal or substituted services as provided by RCW 4.28.080(13) and 4.28.100(2).

2. Upon the appointing authority by delivery in person or by registered mail to the appointing authority or his or her aide at the appointing authority's office.

3. Upon the Commission or members thereof by personal or substituted service upon the Chairperson at his or her usual abode or upon the Secretary and Chief Examiner of the Commission at the Secretary's office.

(T) "Regular Employee" means an employee who has attained regular status.

(U) "Regular Status" means the status of an employee who has acquired tenure under these Rules and by successful completion of his or her probationary period. Employees who have achieved regular status are entitled to written notice pending removal, suspension, demotion or discharge, and to demand a hearing thereon.

(V) "Position" means employment or office acquired or held subject to these Civil Service Rules.

(W) "Probation" means the period of conditional employment or the period of trial service which an employee works prior to attaining regular appointment into a classified position and during which period such employee may be restored to the prior position held without a right to Civil Service hearing.

(X) "Promotion" means a change in employment status in accordance with these Rules from a lower to higher position in the classified service.

(Y) "Rejection" means the separation of a probationary employee from the service**,** or a reduction in employment status.

(Z) "RMC" means Redmond Municipal Code.

(AA) "Seniority" for employees represented by a labor union shall have the same meaning as in the applicable collective bargaining agreement. For non-represented employees, "seniority" shall have the same meaning as in the City's adopted Personnel Manual.

(BB) "Suspension" means temporary separation of an employee from the service, with or without pay, for disciplinary or investigative purposes.

(CC) Transfers. A transfer consists of the change of an employee from one position to another position in the same or comparable class.

Amended 7/11/01

Rule 2 - Civil Service Commission

2.10 Organization

The Civil Service Commission shall at the first meeting of each calendar year elect a Chairperson. The Chairperson shall preside at all meetings of the Commission, sign necessary papers as Chairperson, and carry out the usual duties assigned to a Chairperson. In the temporary absence of the Chairperson, one of the members of the Commission may be selected to serve as temporary Chairperson.

2.20 Quorum

Two members of the Commission shall constitute a quorum thereof and two affirmative votes shall be required for the transaction of any official business of the Commission.

2.30 Minutes

Minutes of the meetings of the commissioners shall be recorded by the Secretary and Chief Examiner and presented for approval at the next regular meeting. Upon approval, the minutes of meetings shall be signed by the Chairperson and countersigned by the Secretary/Chief Examiner and shall become a part of the permanent files of the Commission. Robert's Rules of Order shall control on questions of procedure except as otherwise provided by these Rules.

2.40 Date, Time and Place for Regular Meetings

Regular meetings of the Redmond Civil Service Commission shall be held on the third Wednesday of each calendar month at 5:30 p.m. at Redmond, Washington at a location from time to time designated by the Commission. Notice will be given as to location according to the provisions of RCW 42.30.080.

2.50 Date, Time and Place for Special Meetings

Special meetings of the Commission may be held within the City upon call of the Chairperson or any two members of said Commission at a time and place for which notice has been given according to the provisions of RCW 42.30.080 and written notice of which shall be given to the Commission members at least 24 hours in advance of said meetings unless a waiver thereof is received from such members.

2.60 Meetings: Public and Executive Sessions

(A) All regular meetings of the Commission shall be open to the public, and no resolution, rule, regulation, order or directive shall be adopted by the Commission except in a regular or special meeting open to the public, the date of which is fixed by law or rule or notice of which has been given according to the provisions of RCW 42.30.080.

(B) Executive sessions of the Commission may be held:

1. To conduct investigations and hearings and to receive and evaluate complaints or charges brought against a city official or an employee. However, upon the request of such official or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge.

2. To discuss with legal counsel representing the commission matters relating to commission enforcement actions, or to discuss with legal counsel representing the commission litigation or potential litigation to which the commission, the city, or a civil service commissioner acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the city.

3. To deliberate on testimony or exhibits presented at an appeal hearing.

4. As otherwise permitted by the State Open Public Meeting Act, RCW Ch. 42.30.

(C) Before convening in executive session, the Chairperson of the commission shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Chairperson.

2.70 Powers and Duties of the Civil Service Commission

(A) Make suitable rules and regulations to implement Chapter 2.12 of the RMC which are not inconsistent with the provisions thereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made. The rules and regulations and any amendments thereof shall be made available for free public distribution. Such rules and regulations may be changed from time to time.

(B) Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed thereunder; inspect all institutions, departments, offices, places, positions and employments affected by Chapter 2.12 of the RMC, and ascertain whether said chapter and all such rules and regulations are being obeyed.

(C) Hear and determine appeals or complaints respecting the administrative work of the Secretary and Chief Examiner, the rejection of an examination and such other matters as may be referred to the Commission pursuant to the duties outlined in subsection (A) of this section.

(D) Provide for and authorize competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligibility lists for the various classes of positions as established by the City, and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(E) Provide for a credit for all veterans passing an entrance examination in accord with RCW 41.04.005 and .010, as those statutes now exist or may be hereafter amended.

(F) When an entry level or lateral position is to be filled, certify to the appointing authority, the name(s) according to the procedure outlined in Rule 7 herein. If there are fewer than three names on the entry level or lateral list, the appointing authority will have the option of calling for a new list or appoint based on those remaining on the list. If there are no such lists, the Commission shall make provision in their rules for provisional or temporary appointments for such positions.

(G) Record and approve minutes of the Commission's meetings and keep such records as may be necessary for the proper administration of Chapter 2.12 of the RMC.

(H) Appoint a Secretary and Chief Examiner in conformity with Rule 3.

(I) Be informed of the classification plan prepared by the appointing authority.

(J) Begin and conduct all civil suits which may be necessary for the proper enforcement of Chapter 2.12 of the RMC and of the Rules of the Commission. The Commission shall be represented in such suits by the chief legal officer of the City, or his/her designee, but said Commission may in any case be represented by special counsel appointed by it.

(K) Employ independent counsel or appoint a special examiner to assist the Commission in the conduct of a hearing or an investigation.

(L) Exercise such other powers and perform such other duties as may be imposed by virtue of the provisions of Chapter 2.12 of the RMC.

2.80 Relationship with City Officials and Employees

(A) General. The Commission shall serve as an administrative body to promulgate rules and regulations in furtherance of the ordinances and laws governing civil service in the City of Redmond. Such rules and regulations of the Commission shall be developed through consultation and other communications from the Mayor and/or the appointing authority of the respective departments, their employees and interested citizens.

(B) With City Council. The Commission shall meet with the City Council or duly appointed committees thereof, on request of the Council, committee, Mayor or commissioners, to discuss and clarify the policies expressed or administered under the Commission's Rules and the RMC.

(C) With Employees. The Commission as a whole, or the duly designated members thereof, may meet to discuss the purpose and effect of regulations, or the observance thereof, with employees of the classified service.

(D) Power to Create Offices, Make Appointments and Fix Salaries Not Infringed. All offices, places, classifications, job descriptions, positions and employments coming within the purview of Chapter 2.12 of the RMC shall be created by the Mayor and City Council or Mayor or whomever otherwise is vested with power and authority to select, appoint, or employ any person coming within the purview of Chapter 2.12 of the RMC and the Commission shall not infringe upon the power and authority of any such person or group of persons or appointing authority to fix the salaries and compensation of all employees employed thereunder.

2.90 Quasi-Judicial Matters

(A) The Commission and its members shall not discuss any of the alleged facts relating to any disciplinary actions then pending except as part of a due process hearing. In addition, the commissioners shall not discuss with the appointing authority facts relevant to possible disciplinary actions.

(B) Deceptive practices, false marks, etc. prohibited. Refer to Chapter 2.12.110 of the RMC.

2.11 Qualifications and Selection

No person shall be appointed a member of the Civil Service Commission who is not a citizen of the United States, a resident of the City for at least three years immediately preceding such an appointment and an elector of the County wherein they reside.

Members shall hold office for a term of six years.

Civil Service Commissioners are selected by the Mayor.

Rule 3 - Secretary and Chief Examiner

3.10 Appointment

A Secretary and Chief Examiner shall be appointed as provided for in RMC 2.12.020. The Secretary and Chief Examiner shall be referred to as the Chief Examiner throughout this document.

3.20 Duties

The Chief Examiner shall perform the following duties, provided, that other personnel within the Office of the Chief Examiner may perform such duties under the Chief Examiner's supervision:

Amended 1/17/07

(A) Keep the records for the Commission.

(B) Preserve all reports made to the Commission.

(C) Keep minutes of the Commission's meetings, hearings and other activities.

(D) Be responsible for the correspondence of the Commission.

(E) Superintend and keep a record of all examinations held under the direction of the Commission.

(F) Establish and maintain eligibility lists and give notice of examination for renewing or revising said lists.

(G) Maintain a record of regular and temporary positions.

(H) Make investigations and reports to the Commission as required.

(I) Administer oaths, subpoena and require the attendance of witnesses and the production by them of books, documents and accounts pertaining to an investigation or hearing and cause the deposition of witnesses as provided for in these Rules.

(J) Perform such other duties as the Commission may require.

Rule 4 - Application for Examinations

4.10 Filling Positions

The Chief Examiner, upon being notified of the vacancy in an established position or of the establishment of a new position, shall certify no eligibles to such position unless or until an appropriate eligibility list is established therefore.

4.20 Announcement of Examination

Whenever there is need for a current and adequate list of eligible candidates for position or promotion, the Chief Examiner shall make an announcement thereof and give public notice inviting qualified persons to apply for admission to the examination scheduled to select the most competent persons for employment in the classified service.

Public notice of the examination shall specify the title and salary range of the position, a brief outline of the requirements of the position and the final date upon which applications therefor will be received.

Persons desiring to compete for positions in the competitive examination shall file applications with the Chief Examiner on forms supplied by the City.

A non-refundable reasonable application fee may be charged to each entry level applicant for Fire and Police at the time the application is submitted.

4.21 Continuous Testing

Advertising will be ongoing for continuous testing processes.

4.30 Lateral Entry Requirements - Fire Fighter

1. The applicant shall have an aggregate of no less than two (2) years of full-time experience with an agency or organization providing emergency medical and fire protection services and meet all other minimum requirements as specified by the City. As a minimum, candidates shall be required to successfully pass a job related performance aptitude test, physical agility test, and oral interview.

   In addition to the above, prior to confirming the conditional job offer, the candidate shall successfully complete a medical examination, psychological examination, and reference/background check.

Amended 07/11/01

Applicants not currently employed who have attended a training academy which meets Firefighter I recommendations, as evaluated by the Training Department officer, may be hired within one year of graduation as long as all minimum requirements as specified by the City are met.

2. Upon written application of the appointing authority, the Commission may by temporary order waive the requirements of Section 4.30 1. Applicants with experience in emergency and/or fire services as specified by the Commission in its temporary order shall meet such standards (including testing) approved by the Commission. Eligibles under this process shall be placed on a temporary lateral entry eligibility list. Eligibles on such an eligibility list shall be certified to the appointing authority, with any entry level eligibility list that may be current and available. For employees of Northeast King County Consortium (NEKCC) ALS partner agencies who apply for lateral entry as a Fire Fighter Paramedic, the medical examination, psychological examination, and reference check provided for in Rule 4.30(1) will not be required, provided that the candidate provides a letter of reference from the candidate's fire chief indicating that the candidate passed the medical examination and psychological examination of the NEKCC ALS partner agency and recommending the candidate for the position. The appointing authority will conduct a criminal history and Department of Motor Vehicles record check on Fire Fighter Paramedic candidates from NEKCC ALS partner agencies prior to sending the candidate to Harborview paramedic classes.

Amended 6/21/06

4.40 Lateral Entry Requirements - Police Officer

The applicant meets the educational standard of a minimum of two years of college credits at an accredited institution (60 semester hours or 90 quarter hours). The applicant shall have the necessary experience and training that would allow certification with the Washington State Training Commission. The applicant must have been employed as a full-time sworn officer within the last year for a period of at least two years. Testing to include: oral interview, polygraph, psychological, medical exam and background investigation.

4.50 Equal Employment Opportunity/Fair Employment Practices

Examinations devised by the Chief Examiner shall avoid discriminatory qualifications for employment in the classified service based on race, color, national origin, religion, sex, marital status, age and physical characteristics or ability, except such as may be required upon demonstrable job-related factors. Examinations of applicant aptitude in training programs shall be evaluated on the basis of individual abilities and performance and not upon the basis of extraneous factors, such as race, religion, sex or age.

4.60 Fire Department Capacity Assessment

Where funding permits, departments may utilize a cadet program for the purpose of career exploration. This program will not substitute for or circumvent the normal civil service hiring process. The company officer/immediate supervisor will assign the cadet to duties commensurate with their ability level, as determined by the company officer/supervisor. A cadet's activities, during all emergency operations, shall be limited to an observer role. This program shall not be used to displace regular, full-time positions or supplement staffing levels. Applicants must be able to speak, read and write the English language, be a U.S. citizen, be of suitable age, good health, good moral character and temperament and industrious habits.

4.70 Rejection of Application

The Chief Examiner may refuse to accept an application or, after acceptance, may reject an application, or after examination, may disqualify a successful candidate or remove the name of a successful candidate from the eligibility list or refuse to certify the name of a successful candidate whenever the applicant or eligible candidate is **(a)** found to lack any of the minimum prerequisites established for the class or position, or **(b)** is addicted to the use of intoxicating liquors to excess, or drugs, subject to the City's obligation of reasonable accommodation under the Americans with Disabilities Act (the ADA); or **(c)** has been guilty of infamous or notoriously disgraceful conduct, or **(d)** has practiced deception or fraud in securing eligibility, or **(e)** has otherwise violated the provisions of law or these Rules. An applicant who has been rejected on the basis of either (a), (b), (c), (d) or (e) must show sufficient cause to the City before any subsequent applications, for any positions, will be considered. The applicant will be given prompt written notice of the cause for rejection and the commission shall be so notified.

4.80 Reapplication

No applicant who has failed an examination, or parts of an examination, consisting of a written test, simulated exercise, oral interview or non-physical testing component(s) may reapply within six (6) months from the date on which the examination was given.

An applicant who has failed a physical testing component consisting of evaluations of strength, endurance, flexibility, agility or similar exercises wherein motor function(s) are assessed may be eligible for re-testing, if such testing is provided for by the Chief Examiner. The Chief Examiner will notify those affected applicant(s) of the date to re-test that will usually commence within thirty (30) days.

An applicant who has failed a background investigation may reapply after 18 months from the date of Civil Service notification of disqualification.

Amended 06/18/14

4.90 Withdrawal of Application

Any applicant may withdraw his/her application at any time without prejudice against reapplication provided such withdrawal is made prior to any qualifying examination being administered to or participated in by the applicant. Failure to take or participate in qualifying examinations at the times the same are scheduled shall be deemed to constitute withdrawal of the application unless excused by the Chief Examiner.

Rule 5 - Examinations

5.10 Conduct of Examinations

The Chief Examiner shall arrange for the use of public facilities and for the conducting of examinations.

All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which appointment is to be made and may include but not be limited to physical fitness, manual skill, written, oral, psychological, or assessment center evaluations.

The Commission may designate a qualified person or agency to give and score an examination or examinations including but not limited to written examinations, physical agility testing, and oral board interview, which may be conducted on an ongoing, continuous basis.

5.20 Qualifying Grade

In all examinations the minimum grade or standing for which eligibility may be earned shall be seventy percent (70%), except for assessment center type examinations, for which a sixty percent (60%) minimum grade shall be established.

A candidate who fails to meet the minimum score on one complete component will be deemed to have failed the entire examination. Examples of components shall be: a written test, an entire assessment center, an oral interview, etc.

5.30 Veterans Preference Points

Veterans who have passed an examination shall be entitled to credit pursuant to relevant sections of Chapter 41.04 RCW (see attached; updated 4/18/03, please refer to Chapter 41.04 RCW for complete and current information).

Amended 5/21/03

RCW 41.04.005
"Veteran" defined for certain purposes.

(1) As used in RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, and *28B.15.380 "veteran" includes every person, who at the time he or she seeks the benefits of RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, or *28B.15.380 has received an honorable discharge, is actively serving honorably, or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:

(a) The person has served between World War I and World War II or during any period of war, as defined in subsection (2) of this section, as either:

(i) A member in any branch of the armed forces of the United States;

(ii) A member of the women's air forces service pilots;

(iii) A U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or

(iv) 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

(b) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:

(i) In any branch of the armed forces of the United States; or

(ii) As a member of the women's air forces service pilots.

(2) A "period of war" includes:

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) The Vietnam era, which means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;

(ii) The period beginning August 5, 1964, and ending on May 7, 1975;

(e) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law;

(f) 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; and

(g) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; Bosnia, Operation Joint Endeavor; Operation Noble Eagle; southern or central Asia, Operation Enduring Freedom; and Persian Gulf, Operation Iraqi Freedom.

RCW 41.04.007
"Veteran" defined for certain purposes.

*** CHANGE IN 2013 *** (SEE 1806-S.SL) ***

"Veteran" includes every person, who at the time he or she seeks the benefits of RCW 46.18.212, 46.18.235, 72.36.030, 41.04.010, 73.04.090, 73.08.010, 73.08.070, 73.08.080, or 43.180.250 has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women's air forces service pilots;

(3) As 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;

(4) As 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;

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or

(6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

RCW 41.04.010
Veterans' scoring criteria status in examinations.

*** CHANGE IN 2013 *** (SEE 1537-S.SL) ***

In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations shall give a scoring criteria status to all veterans as defined in RCW 41.04.007, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

(1) Ten percent to a veteran who served during a period of war or in an armed conflict 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 competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;

(2) Five percent to a veteran who did not serve during a period of war or in an armed conflict 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. The percentage shall not be utilized in promotional examinations;

(3) Five percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only;

(4) All veterans' scoring criteria may be claimed upon release from active military service.

5.40 Returning Veterans

Veterans who leave City employment to enter the military and who qualify for mandatory reemployment under the provisions of state or federal law, shall be reinstated to their prior position in the classified service or to a position of like seniority, rank, and pay as if their work with the City had not been interrupted by military service. Reinstatement shall occur notwithstanding any contrary provisions in these rules concerning appointments or promotions and a reinstated employee shall be entitled to all rights provided in state and federal law for returning veterans.

5.50 Notification of Results

All persons who take examinations for Civil Service Positions shall promptly be notified in writing after certification of the results of their examinations. All candidates shall be entitled to receive feedback relative to their performance on dimensions or criteria contained in the examination during a review period established by the Chief Examiner following conclusion of the examination.

5.60 Promotional Examinations

As the needs of the service may require, promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent test. All candidates for promotion must be regular employees in the classified service of the City and must possess the minimum prerequisites as set forth in the specifications of the class to which promotion is sought.

If calls for promotional examinations do not produce qualified applicants from within the City's classified service, or if a list of eligibles cannot be certified from such examinees, or if less than two qualified candidates apply for and take the first part of the examination, the examination may be opened to qualified persons outside the City's classified service. A candidate who fails a portion of the examination will be deemed to have taken the examination for the purposes of this section. The Chief Examiner may, with the consent of the Civil Service Commission and appointing authority, submit the examination to experienced applicants in such fire or police service from outside the classified service of the City.

5.70 Police Corps Program

(A) The Redmond City Council has, by ordinance, authorized participation in the Police Corps Program established under Title XX, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. §§ 14091 et seq. It is the purpose of this rule to authorize participation of the City Police Department as a sponsoring agency for Police Corps candidates and to provide for integration of the Police Corps Program into existing civil service and hiring programs.

(B) The Civil Service Commission hereby finds that the Police Corps Program is a qualified testing and eligibility program that provides a process equal to or greater than the existing examination processes used by the Commission in the evaluation of candidates for the Police Department. Based upon this finding, the Civil Service Commission recognizes and authorizes the Police Corps Program as a qualified testing and eligibility process for the Redmond Police Department.

(C) All applicants for sponsorship in the Police Corps Program by the City of Redmond shall be reviewed and approved by the Commission and the Appointing Authority. By motion or other approval, the Commission may delegate its review and approval authority of candidates to the Secretary and Chief Examiner. Upon such delegation, the Secretary and Chief Examiner shall verify that candidates for sponsorship meet the minimum eligibility requirements for City employment.

(D) Candidates for Police Corps sponsorship by the City shall be subject to initial testing in order to determine fitness for City employment. Such testing shall include, but not be limited to, background, polygraph, psychological, physical agility, and any other testing approved by the Commission. Upon satisfactory completion of such testing, the candidate may be sponsored by the City. Sponsorship shall be approved by the Appointing Authority and by the Commission, acting by motion or, if such power has been delegated under Subsection (C) of this Rule 5.70, by the Secretary and Chief Examiner.

(E) Following approval of sponsorship by the Appointing Authority and the Commission, the candidate may be admitted to the Police Corps Program as conducted by the Washington Criminal Justice Training Center (“CJTC”). Upon successful completion of the CJTC Program, and certification of the candidate for employment under the Program, the information shall be submitted to the Secretary and Chief Examiner. Additional administration of tests authorized in Subsection (D) of this Rule 5.70 in order to confirm the continuing eligibility of the candidate for employment may be administered by the Secretary and Chief Examiner. Following successful completion of such further testing, the Secretary and Chief Examiner shall place the name of the candidate on the Police Corps candidate eligibility list.

(F) The Police Corps candidate eligibility list shall be maintained as a separate list from any other eligibility list for entry level employment. Names on the Police Corps candidate eligibility list shall remain effective for a period of twelve months, unless sooner removed as provided elsewhere in these Rules.

(G) Candidates sponsored by the City and successfully completing the Police Corps Program shall be certified by the Secretary and Chief Examiner to the Appointing Authority for appointment. Candidates appointed shall be employed in a probationary status and subject to all policies, rules, regulations, and collective bargaining agreements applicable to other probationary employees of the City's Police Department.

(H) Any officer originally appointed from an eligibility list pursuant to the Police Corps Program shall serve no less than four (4) years of employment with the Redmond Police Department on community patrol, as that term is defined in the Police Corps program. Service in community patrol shall not preclude an employee from eligibility for testing or promotion, consistent with rules now or hereafter adopted by the Commission.

(I) This Rule 5.70 applies to Police Corps candidates only. In the event of any conflict between the provisions of this Rule 5.70 and any other Rule adopted by the Commission, the provisions of this Rule 5.70 shall control as to such Police Corps candidates.

Amended 5/15/02

Rule 6 – Eligibility Lists

6.10 Preparation of Eligibility Lists

The Chief Examiner is responsible for scoring, ranking of eligibles, and preparation of eligibility lists. Name(s) on eligibility lists for a class of service shall be listed in order of qualification according to final rating earned in the examination, including veteran preference credits where applicable except that employees laid off from a position in that class shall be given prior preference over original applicants in inverse order of layoff. Whenever two or more persons have the same score on a list, they shall both be given equal consideration as eligibles. Fire Department promotional lists will be consistent with Rule 7.10.

6.11 Certification of Continuous Eligibility List

Applicants certified pursuant to a continuous testing process shall be placed on a Continuous Testing Eligibility List. Certification shall be in accordance with the rules and regulations of the Commission. As each applicant is placed in accordance with his or her scores and veteran's preference (if applicable), or as any applicant is removed from the list as provided in these rules, the placement of all others on the list shall be adjusted.

Amended 9/20/06

6.20 Certification and Duration of Lists

Eligibility lists shall become effective upon the approval and certification by the Civil Service Commission. When testing is conducted on a continuous basis, the eligible candidates produced by any single test will be placed on and merged into the current list in rank order according to their overall score as compared to the scores of those already on the current list. The eligibility list will be continually updated as a result of the continuous testing.

Name(s) appearing on eligibility lists for positions in the police and fire services shall remain effective for the following periods:

		Fire	Police
(A)	Entry Level	6 months	12 months**
(B)	Promotional	18 months	12 months**
(C)	Lateral Entry	12 months	12 months**
(D)	Recall from Layoff	24 months 60 months*	24 months 60 months*
(E)	Reemployment	12 months	12 months

Amended 01/17/07

**Those employees covered by a collective bargaining agreement only.*

***Upon the request of the Police Chief, the Commission may extend the life of the list to eighteen (18) months. A decision to extend the life of the list shall be based upon consideration of the following:*

(1) whether there is sufficient number of eligibles to warrant continued use of the list;

(2) the timing of City authorization to hire and the projected actual date of commencement of employment as compared to the expiration date of the eligibility list;

(3) the cost and time required to conduct a new examination;

(4) any other relevant factors.

Entry level, promotional and lateral entry eligibility lists for positions in the Police Service shall remain in effect for not more than eighteen (18) months. Where continuous testing is used, the eligibility list shall remain in effect indefinitely, but names shall be dropped from the list as the above-referenced periods expire. For continuous testing lists, the effective period for any name shall commence when the eligible candidate is approved and certified for inclusion on the list by the Commission and shall expire 12 months after such approval and certification.

Amended 5/15/02

6.30 Removal of Names from Lists

A. The name of any person appearing on an eligibility list may be removed by the Chief Examiner for any of the following reasons:

1. If the person declines certification or appointment. A candidate who accepts appointment within the period specified by the appointing authority in a contingent job offer and who subsequently fails to present himself or herself for duty on the specified starting date shall be deemed to have declined appointment; or

2. If the person fails to answer any inquiry of the Chief Examiner or the appointing authority within ten (10) business days following the mailing of such inquiry; or

3. If, as the result of any required background investigation or post-conditional job offer medical examination, drug screening, psychological examination, or polygraph, the appointing authority notifies the Chief Examiner that the person does not satisfy the qualifications for employment in a covered position and provides the Chief Examiner with a statement in general terms of the appointing authority's reasons for such determination; or

4. If the person fails to respond to a contingent offer of employment; or

5. In the case of a promotional eligibility list, if the person has resigned or has been terminated from the classified civil service.

B. Whenever the name of any person is removed from an eligibility list as provided above in subsections (A)(1) - (A)(4), the Chief Examiner shall notify the person so removed in writing at his/her last known address. The person so removed may appeal the determination of the Chief Examiner to the Commission by filing an appeal in writing within ten (10) business days of the date the notice of removal is mailed.

C. The Chief Examiner shall review the appeal and submit recommendations to the Commission within ten (10) business days of receipt of the appeal. The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its finding and decision within thirty (30) business days of receipt of the Chief Examiner's recommendation. The name of the person so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission.

D. The names of persons on promotional eligibility lists who resign from the service shall be automatically dropped from such lists as provided in subsection (A)(5) above without further notification or appeal rights.

Amended 9/20/06

6.40 Notice of Change of Address

Each person on an eligibility list shall file within fourteen (14) days with the Chief Examiner written notice of any change of address, and failure to do so may cause removal of his or her name from the list.

6.50 Revocation of List

An employment list or a promotional list may be revoked, and another examination be ordered only upon the recommendation of the Chief Examiner with the approval of the Commission, when such action is deemed advisable by the Chief Examiner on account of fraud, errors, or of inappropriate standards prescribed in connection with the examination which did or could have resulted in unfair or inaccurate grading of qualifications. No lists shall be altered or revoked except upon written notice to all persons whose eligibility or standing may be affected, and upon a statement of the reasons for the revocation or alteration being entered in the minutes of the Commission.

6.55 Revocation of Continuous Eligibility List

A continuous eligibility list may be revoked and another examination be ordered when there are significant changes in the examination process that make comparing the test results of current and past applicants and creating a merged list difficult. A list may be revoked only upon recommendation from the Chief Examiner with the approval of the Commission. No continuous eligibility lists shall be altered or revoked except upon written notice to all persons whose eligibility or standing may be affected, and upon a statement of the reasons for the revocation or alteration being entered into the minutes of the Commission.

Rule Added 1/16/13

6.60 Less Than Three (3) on Eligibility List

If there are less than three eligible candidates on the entry level or lateral list, the Chief Examiner may choose to call for a new list following consultation with approval of the appointing authority and Commission. Upon certification of the new list, the existing list with less than three eligibles will automatically expire.

Rule 7 - Appointment, Transfer, Promotion

7.10 Procedure

All positions in the classified service shall be filled by original appointment, provisional or emergency appointment, reemployment, promotion, transfer or demotion.

(1) Entry Level and Lateral Entry

A. Police

1. Whenever the appointing authority desires to fill a vacancy, the appointing authority shall obtain the most current eligibility list for the position from the Chief Examiner. The appointing authority may appoint one of the three persons whose names appear highest on the eligibility list to the vacant position. If, during the appointment process the name of any eligible is removed from the list for any reason provided in Rule 6.30, the appointing authority shall obtain from the Chief Examiner an updated eligibility list for the position as of the time of the removal, i.e., updated as the result of any continuous testing, and may thereafter appoint one of the three persons whose names appear highest on the updated eligibility list.

2. The appointing authority may request an updated list for each appointment to be made. The Chief Examiner shall, for each successive request, certify the three highest eligibles whose names appear on the list as of the date of the request.

Amended 9/20/06

B. Fire

1. Entry level and lateral entry recruitment processes shall be kept separate.

2. Upon receipt of a request from the appointing authority to fill a vacancy, the Chief Examiner shall certify the names of all persons achieving the top three scores on the examination, regardless of tie.

3. Final scores on entry level and lateral entry examinations shall be rounded to whole numbers.

4. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy.

5. The appointing authority may appoint one person from the top three scores on the list to fill each position.

(2) Promotionals

A. Police

1. Upon being advised by the appointing authority of a vacancy in a position, the Chief Examiner shall promptly certify the three highest ranking persons on the promotional eligibility list for such vacant positions, provided, that where two or more eligibles have the same score on the eligibility list, they shall both be certified and given equal consideration. Scores shall be rounded to the nearest whole number.

2. If there is no list of eligibles, the Chief Examiner shall call for examinations in accordance with RMC Chapter 2.12 and these Rules, or otherwise determine what lists shall be deemed appropriate for such class. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The authority for making the final decision as to the method of filling the position will be vested in the appointing authority as controlled by these Rules.

B. Fire

1. Upon being advised by the appointing authority of a vacancy in a position, the Chief Examiner shall promptly certify the three highest ranking persons on the promotional eligibility list for vacant positions. Where two or more persons have the same score on the eligibility list, the tie shall be broken using department seniority. If there is no list of eligibles, the Chief Examiner shall call for examinations in accordance with these rules.

2. Scores on promotional examinations shall be calculated and listed to hundredths of a point.

3. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy.

4. The appointing authority may appoint one of the top three persons to fill each position.

(3) Reclassification

Reclassification of positions or redescription of duties for an established position, or the creation of a new position or transfers between classifications shall not be used for the purpose of avoiding the provisions herein regarding promotions or demotions. Employees in a position which has been abolished or the duties of which have been changed materially may be reclassified to a position substantially similar to the prior position

without competition or examination, provided, however, no transfer or reclassification of an employee to a class or position having either a greater or lower maximum salary range shall be effective unless recommended jointly by the appointing authority and the Chief Examiner and unanimously approved by the Commission.

7.20 Emergency Appointment

To meet the immediate requirements of an emergency condition which threatens life or property, the appointing authority may employ any person or person whom they may be legally empowered to appoint without restriction of civil service law and rules. Such employment shall be limited to the duration of the emergency period, but which usually should not exceed sixty (60) days.

7.30 Provisional Appointment

A. Police

The appointing authority may make provisional appointments to fill temporary vacancies caused by disability, long term illness or injury, or other vacancies greater than four (4) months duration, without seeking a list of eligibles. The employee temporarily filling the position will be paid the compensation usually paid for such service. When possible, provisional appointments will be made from current eligibility lists when a list exists.

No provisional appointment shall be continued and no person shall be employed on a provisional basis for more than six months in any one year. Extensions for up to six months may be made for good cause, which in the discretion of the Commission warrants an extension. Any time served in an provisional capacity shall not be credited on any probationary period or be used in computing any privilege accruing under civil service law or these Rules.

B.* Fire

The appointing authority may make provisional appointments to fill temporary vacancies caused by disability, long term illness or injury, or other vacancies greater than four (4) months duration, without seeking a list of eligibles. The employee temporarily filling the position will be paid the compensation usually paid for such service. When possible, provisional appointments will be made from current eligibility lists when a list exists.

No provisional appointment shall be continued and no person shall be employed on a provisional basis for more than six months in any one year. Extensions for up to six months may be made for good cause, which in the discretion of the Civil Service Commission warrants an extension. Any time served in a provisional capacity within the twelve (12) months prior to promotion shall be credited to the employee's probationary period and will be used in computing any privilege accruing under civil service law or these Rules.

Amended 4/21/1999

7.40 Probationary Appointment

All promotions shall be subject to the probationary period as described in Rule 8.

7.50 Voluntary Reductions in Rank and Appointments in the Fire Department

Any person holding a position within the City Fire Department who voluntarily requests to be reduced to a position of lower rank may be permanently appointed by the Appointing Authority, in the Appointing Authority's discretion, to any then-vacant position:

A. For which the individual meets the then-current qualifications; and

B. For which the individual has previously tested and received a passing score; and

C. To which the individual was previously appointed under these rules and successfully completed probation.

Voluntary reductions in rank and appointments under this Rule may be made without the need for further testing or the establishment of an eligibility list for the vacant position to be filled. Nothing in this Rule creates a right on the part of any individual requesting a voluntary reduction in rank and appointment to be appointed as provided herein and appointments shall be

within the discretion of the Appointing Authority. In the event that the Appointing Authority determines not to appoint an individual requesting voluntary reduction in rank to the then-vacant position, the then-vacant position shall be filled through the customary testing and appointment process established by these rules.

Rule added 6/21/06

Rule 8 - Probationary Period

8.10 Length of Period

No person shall be finally appointed to a regular status in a position in the classified service until he/she has satisfactorily served a probationary period of one year in the case of commissioned personnel, Police Support Officers and Communications Dispatchers, and six months of probationary service in the case of all other non-commissioned personnel.

With the concurrence of the Commission, the appointing authority may waive or modify the probationary period for persons re-employed who have formerly acquired regular status in the class.

8.20 Extension of Probation

The appointing authority may extend the probationary period up to six (6) months. The appointing authority shall notify the Commission of such extension and the general reason therefor.

8.30 Notice of Regular Status

Prior to the completion of the probationary period, the appointing authority shall report to the Commission on the probationer's service and if the probationer has been rejected. The appointing authority shall notify the commission of an employee's successful completion of the probationary period and assignment to regular status.

8.40 Rejection of Probationer

During the probationary period the appointing authority at his/her discretion may reject a probationary employee, if during the probationary period or upon observation or consideration of the performance of duty, or for any other non-discriminatory reason, the appointing authority deems him/her unfit or unsatisfactory for service in the department. The appointing authority shall notify the probationary employee in writing of the rejection. Notice of this rejection shall be given to the Commission.

8.50 Rejection After Promotion

A promotional appointee who is rejected during the probationary period from the position to which he/she was promoted shall be restored to the position from which he/she was promoted or appointed. Seniority and rank are calculated based on the date of the probationary appointment. Should an employee fail to successfully complete the probationary period in the higher rank, the period of time served in the higher rank applies to time in grade in the lower rank.

Rule 9 - Transfers and Layoffs

9.10 Transfers

Transfers of employees may be made with the approval of the appointing authority. No increase, decrease or advance in salary shall be made upon transfer unless required by contract or City policy.

9.20 Layoff

For employees who are represented by a labor union, layoffs shall be accomplished according to the collective bargaining agreement, governing the employee. For employees who are not covered by a collective bargaining agreement, layoffs shall be accomplished as provided in the then applicable provisions of the City's Personnel Manual. Employees who are laid off shall head any eligibility list for the position from which they are laid off in the order of their seniority at the time of layoff, to the end that they shall be the first to be reemployed.

Notice of layoff shall be given the employee concerned and the Chief Examiner at least two week(s) before the effective date thereof. Employees laid off shall have their names placed on the eligibility list of the class to which their position was allocated in accordance with these Rules, for a period specified in Rule 6.2 or until they refuse an offer of rehire.

Rule 10 - Suspensions, Demotions, Discharges

10.10 Authority to Suspend, Demote and Discharge

The appointing authority may suspend, demote or discharge a regular employee for just cause. Suspensions may not exceed thirty (30) days.

(1) Requirement

In cases of discharge, a pretermination conference is required. It is not elaborate nor does it need to definitely resolve the propriety of the discharge. The pretermination conference serves as an initial check against mistaken decisions and to determine whether the reasonable presumption charges against the employee are valid and support the discharge.

10.20 Procedure for Suspension, Demotion or Discharge and Appeals

No person in classified civil service, as a regular member thereof, shall be removed, suspended, demoted or discharged except for just cause and only upon written notice of the appointing authority served upon the employee.

10.30 Procedure for Appeals

Any employee so removed, suspended, demoted or discharged, within ten (10) days from the time thereof, may file with the Commission a written appeal, whereupon the Commission shall conduct an investigation. The investigation shall be confined to the determination of whether such action was or was not made for political or religious purposes or was or was not made in good faith for just cause.

The Commission, within thirty (30) days after the receipt of the notice of appeal, shall hold or provide for holding a hearing of which the employee and the appointing authority shall be given notice of the date, time and place of such hearing, and at which the employee and the appointing authority shall have the privilege to be heard either personally or through counsel. All hearings shall be informal and shall be conducted with the object of obtaining the facts in the matter. The deliberations of the Commission shall be confined to determining whether or not the suspension, demotion or discharge was made in good faith for just cause. Within thirty (30) days of the conclusion of the hearing the Commission shall render its decision.

The findings of the Commission shall be certified in writing to the appointing power. If the decision of the Commission orders a modification of the suspension, demotion or discharge, the findings shall state wherein the Commission finds that the order was not made in good faith for just cause.

The Commission may affirm, reverse or modify the order of the appointing authority as authorized by Chapter 2.12 of the RMC, and shall file a written statement of the commission's findings in support of its order with its records and serve a certified copy thereof on the appointing authority.

If the Commission shall find that the removal, suspension or demotion was not made in good faith for just cause, it shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment form which such person was removed, suspended, demoted or discharged; which reinstatement 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.

10.40 Cause of Discharge

In addition to those listed in the civil service law, the following are declared to be cause for discharge from the classified service:

(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 him/herself, or any willful violation of the provisions of RMC 2.12 or the Rules and Regulations adopted by the Commission.

(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 while on duty 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 function and duties of any position under civil service.

(F) Conviction for any felony crime or a misdemeanor involving moral turpitude.

(G) Acceptance for personal use of a fee, gift or other valuable thing.

(H) Misuse of position.

(I) Falsifying reports or records. Making false or fraudulent statements.

(J) Violation of law, of official rules or regulations, of orders, or failure to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or breach or discipline.

(K) Willful or repeated negligence in performing duties. Engaging in activities which interfere with the ability to perform the job effectively.

(L) Engages in conduct that is subversive of public order and discipline, and sustained conduct detrimental to the efficiency or morale of the service.

(M) Possession of explosives, firearms, weapons of any type or hazardous substances while on the job or City property unless specifically authorized.

(N) Failure to hold and maintain required licenses, certifications or endorsements.

(O) 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.

10.50 Court Appeal

The employee may appeal the Commission's decision according to the procedure provided by RMC 2.12.070. The costs of all transcripts and copies to be certified by the Commission shall be paid by the appellant pending final disposition of the case by the court.

Rule 11 - Leaves and Resignations

11.10 Vacation, Sick Leave and Leaves of Absence Without Pay

Vacation, sick leave and leaves of absence shall be governed by the appropriate collective bargaining agreement or City policy. Leaves of absence do not affect standing as a Civil Service employee.

11.20 Resignation

An employee wishing to leave the classified service of the City in good standing shall file a written resignation with the appointing authority at least two weeks before leaving, stating the effective date and reasons for leaving. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City.

11.30 Re-employment

An employee who has successfully completed the initial probationary period and who has resigned from the police or fire service may, within one year of the resignation, request in writing to be placed on a re-employment eligibility list for the classification from which the employee resigned or for any classification of a comparable or lower rank.

Upon the recommendation of the Chief Examiner, with consultation of appointing authority, the Commission may establish re-employment eligibility lists. The life of the re-employment list shall be as provided for in Rule 6.20.

A rehire eligible who declines an appointment to a full-time Civil Service position in the classification from which he/she resigned or in a lower classification for which he/she has requested re-employment shall be removed from all re-employment eligibility list(s).

Rule 12 - Records and Reports

12.10 Personnel Files

Refer to the City policy governing personnel records and reports, City of Redmond Personnel Manual.

12.20 Records Open to the Public

The minutes of all Civil Service Commission meetings shall be open to the public during office hours of the City Hall and may be inspected upon application to the Chief Examiner in a manner reasonably prescribed to protect said public records from damage or disorganization and to prevent excessive interference with the essential function of the Civil Service Commission. The Chief Examiner shall provide the fullest assistance to those individuals requesting information, provided that the Chief Examiner shall impose a reasonable charge to cover the cost of time and materials in providing copies of such records as are not exempt from public inspection...all other requests for examination of Civil Service records shall conform to the State Open Public Meeting Act, RCW Chapter 42.30.

12.30 Materials and Records Exempt from Public Inspection

The following shall be exempt from public inspection and copying:

(A) Personal information relating to the employees in the classified service to the extent that disclosure thereof would violate such employees' right to privacy.

(B) Specific intelligence information and specific investigative files compiled by the Chief Examiner or provided by informants under a promise of non-disclosure or compiled by any law enforcement agency vested with responsibility to discipline members of the classified service the non-disclosure of which is essential to effective law enforcement and for the protection of the employees' and officers' right to privacy.

(C) Information revealing the identity of persons who file complaints with the investigative agency except as the complainant may authorize.

(D) Test questions, scoring keys, and other examination data used to qualify candidates for employment or promotion.

(E) Records which are relevant to a controversy or litigation involving the City which would not be available to another party under the rules of pre-trial discovery for causes pending in the superior courts.

12.40 Copying Exempt Records

If the Chief Examiner or other person having custody of the records of the Commission refuses to allow inspection or copying of any record, he/she shall provide the inquirer with a statement of the specific exemption authorizing the withholding of the records, or part thereof, and a brief explanation of how the exemption applies to the record withheld.

12.50 Destruction of Records

Civil Service records must be maintained for a period that is consistent with the records retention schedule adopted by the City of Redmond or, in the event that the City has not adopted such a schedule, for a period that is consistent with the local government records retention schedule adopted by the Office of the State Archivist.

Amended 7/20/05

Rule 13 - Grievance Complaints and Procedure

13.10 Complaints

Any citizen or employee of a covered department may make and file a written complaint of lack of enforcement or non-compliance with the provisions of Redmond Municipal Code 2.12 and the Rules of the Redmond Civil Service Commission. The Chief Examiner shall take and file said complaint or petition. The complaint shall set forth in detail the facts constituting the alleged lack of enforcement or noncompliance, specify the time or times of occurrence and the department and names of officials accused thereof. Every complaint shall be signed by the complainant verifying the matters stated in said complaint to be true to the complainant's knowledge or belief.

13.20 Notification of Affected Parties

The Chief Examiner shall submit a copy of the complaint or petition to the head of the affected department and each official or employee named in the complaint.

13.30 Investigation

The Chief Examiner, if he/she is not directly a party, shall investigate and make recommendations to the Civil Service Commission, which may include an agreement or adjustment of the complaint by the City or affected department. Refer to Rule 14.10 if the Chief Examiner is a party to the complaint. If the investigation reveals probable cause for the complaint, and the complaint is not otherwise remedied, the Commission shall call for a hearing on the complaint to be conducted as provided in Rule 14, Section 14, "Hearings and Investigations."

13.40 Procedures for Filing Objections to Examinations

(A) Objections to Question or Answer

(1) An objection to a question or answer must be in writing and must identify by number the question(s) or answer(s) at issue, and explain in detail the reasons for the objection. A dated copy of the objection will be given to the employee filing the objection.

(2) The objection must be filed with the Chief Examiner of the Commission within ten (10) business days following the date of the examination.

(3) The Chief Examiner shall review the objection and submit recommendations to the Commission within ten (10) business days of receipt of the objection.

(4) The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its findings and decision within thirty (30) calendar days of receipt of the Chief Examiner's recommendation.

(B) Objections to Scoring

(1) Unofficial scores will be posted within ten (10) business days after the examination.

(2) Objections to scoring of the examination must be in writing and must explain in detail the reasons for the objection.

(3) The objection must be filed with the Chief Examiner within ten (10) business days following the posting of the examination results.

(4) The Chief Examiner shall review the objection and if the objection cites a clerical or calculation error the Chief Examiner shall make the necessary correction. If the objection raises issues other than clerical or calculation errors, the Chief Examiner shall, within ten (10) business days, forward the objection, along with recommendations to the Commission.

(5) The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its findings and decision within thirty (30) calendar days of receipt of the Chief Examiner's recommendations.

13.50 Procedures for Filing Objections to Eligibility List

Objections to an eligibility list must be in writing and must explain in detail the reasons for the objection. The objection must be filed with the Chief Examiner of the Commission within ten (10) business days of the posting of the eligibility list. If the objection concerns a clerical error, the Chief Examiner shall make any correction which may be in order. If the objection concerns a matter other than a clerical error, the Chief Examiner shall review the objection and make recommendations to the Commission within ten (10) business days. The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its findings and decision within thirty (30) calendar days of receipt of the Chief Examiner's recommendation.

13.60 Hearings on Objections to Examinations and Eligibility Lists

The Commission may, if it deems it necessary in the conduct of its investigation of an objection, conduct a hearing on the objection at which interested parties may appear and be heard. Any person filing an objection, or any other person who took the examination, may request the Commission to conduct a public hearing, which shall be held upon approval of two members of the Commission. All interested parties may appear and be heard at such a hearing. In the event a public hearing is held, the time period for the Commission to complete its findings and decision shall be extended an additional ten (10) business days.

13.70 Participation in Testing Pending Decision on Objections

In the event that a subsequent phase of the examination is scheduled to occur during the period between filing of an objection to a question, answer or to scoring and issuance of findings and a decision by the commission, the person filing the objection shall be permitted to participate in the subsequent phase of the examination pending the outcome of consideration of the objection.

13.80 Appeal of Rejection of Application for Examination

Any party whose application for an examination has been rejected shall have the right to appeal. The appeal must state the reason, in writing, upon which the appeal is based. The appeal must be filed with the Chief Examiner of the Commission within ten (10) business days of receipt of the notice of disqualification. The Chief Examiner shall review the objection and submit recommendations to the Commission within ten (10) business days of receipt of the objection. The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its finding and decision within thirty (30) business days of receipt of the Chief Examiner's recommendation.

Rule 14 - Hearings and Investigations

14.10 Investigations

Investigations may be made by the Commission, by any commissioner designated by the Commission for that purpose, or by the Chief Examiner as the Commission may direct.

Not only must these investigations be made by the Commission as aforesaid, but the Commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigating.

In the course of such investigation the Commission, designated commissioner, or Chief Examiner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts pertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered by a superior court judge in his/her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of Chapter 2.12 of the RMC and punishable as such.

14.20 Hearings

The procedure of any hearing or investigation may be informal and shall not be restricted so as to deny the introduction of any evidence that the Commission may deem pertinent. In the conduct of hearings neither the Commission nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony before the Commission or designated commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission, provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

Within thirty (30) days of the conclusion of the hearing the Commission shall make its report on such investigation, including findings and recommendations, and serve a certified copy thereof on the Mayor and the head of the department affected thereby, and shall file said findings and recommendation with the records

of the Commission. All decisions, findings of fact, orders, rules and recombination arising from a hearing or investigation by the Commission shall be countersigned and filed as a permanent record by the Chief Examiner. Any member may submit a minority or supplemental report which shall be filed with said records.

Unless incapacitated, a person pressing a claim or defending a privilege before the Commission shall appear personally and shall not be excused from answering questions and supplying information except upon claim of the constitutional privilege in respect to self-incrimination. If incapacitated, such a person shall present a deposition taken under oath.

Rule 15 – Application and Amendment of Rules, Waivers, Amendments and Repeal

15.10 Official Copy; Distribution of Other Copies

There is one official copy of the rules, which is held and maintained by the Chief Examiner. Unofficial copies may be distributed by the Chief Examiner and are intended for informational use only. In the event of conflict between the official copy and any other copy, the official copy prevails.

15.20 Relation to Other Documents and Policies

In the event of conflict between the rules and any collective bargaining agreement, personal services contract, City ordinance, State law, or Federal law, the provisions of this manual yield to that contract, rule or law. In all other cases the rules apply.

In the event of the amendment or repeal of any ordinance, rule or law incorporated in this document or upon which these provisions rely, the rules are deemed amended in conformance with those changes. The Chief Examiner will distribute changes on a timely basis to all Civil Service employees.

15.30 Covered Positions

These Rules apply to the regular employees of the City's police and/or fire departments except the police and fire chiefs as specified in RMC 2.12.030.

15.40 Waiving of Time Limits

The Commission shall have the authority to extend all time limits specified under these rules, except those that apply to the life of eligibility lists, by an additional specified period.

15.50 Amendment Procedure

At the direction of the Commission Chairperson public notice of proposed amendments shall be posted for no less than ten (10) calendar days in at least three agreed upon public places. If approved by at least two members of the Commission at a regular meeting, the amendment shall be adopted and shall be in immediate effect.

15.60 Repeal

All prior rules, inconsistent with the rules hereby adopted, are hereby repealed.

15.70 Savings

If any section, sentence, provision, clause or phrase of these rules should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, provision, clause or phrase of these rules.