

# **CITY OF WENATCHEE CIVIL SERVICE COMMISSION**

## **GENERAL RULES AND REGULATIONS**

**Adopted January 8, 2018**

**REVISIONS:**

**11/21/1978**

**09/23/1980**

**07/21/ 1981**

**01/10/ 1989**

**08/18/ 1991**

**09/10/ 1991**

**01/14/ 1992**

**08/10/ 2009**

**02/08/ 2010**

**06/14/ 2010**

**02/14/ 2011**

**12/09/2013**

**10/13/2014**

**04/13/2015**

**03/14/2016**

**07/11/2016**

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**ADOPTED: January 8, 2018 (Superseding Former Rules and Regulations)**

**RULE 1 GENERAL PROVISIONS**

**AUTHORITY AND APPLICATION:**

Pursuant to the provisions of the Municipal Codes of the City of Wenatchee and Washington State Law, the City of Wenatchee Civil Service Commission adopts these Rules and Regulations. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the applicable provisions of the Charter and Municipal Code.

**SCOPE AND PURPOSE:**

The Civil Service Commission will represent eligible employees of the Wenatchee Police Department. The purpose of these rules is to assure that the Civil Service Commission is administered in accordance with the City of Wenatchee ordinances, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

**VALIDITY:**

The Civil Service System implemented by these rules substantially accomplishes the purpose of Chapter and 41.12 of the R.C.W. These rules are presumed to be valid and shall be upheld unless in direct conflict with Chapter 41.12 of the R.C.W.

**SEVERABILITY:**

If any provision or application of these rules to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications of these rules.

**RULE 2 DEFINITIONS**

**A.A.:** Associates of Arts

**A.A.S.:** Associates of Applied Science

**A.A.S.-T:** Associates of Applied Science Transfer Degree

**A.S.:** Associates of Science

**A.T.S:** Associate of Technical Science

**Administration:** Refers to the City of Wenatchee's managerial group.

**Applicant:** An individual who has applied for a position.

**Appointing Authority:** The Appointing Authority as designated by the City Mayor is the director of the department. For the police department, the director is the Chief of Police or his/her designee. The director is authorized to hire, promote, discipline or discharge an employee.

**Appointment:** Offer from the Appointing Authority for hire or promotion.

**Assessment Center:** A means of testing qualified applicants under standardized conditions to determine their capabilities to perform a specific job. Assessment Centers may be conducted by an Independent Testing Company with the approval of the Commission.

**Candidate:** An applicant that has been screened and passed initial testing.

**Cause:** Any action or inaction the Appointing Authority and/or the Civil Service Commission deems appropriate justification for disciplinary action to include termination, suspension or reduction in rank. Cause may also include any justifiable reason to remove a candidate from an eligibility list.

**Certification:** The process of the Commission approving the list of final scores on the eligibility list.

**Certified:** The process to granting authority to a qualified peace officer by the Washington State Criminal Justice Commission (WSCJTC).

**Civil Service Secretary-Examiner:** Appointed by the Civil Service Commission as outlined in these rules and as outlined RCW 41.08.040. When Secretary is referred to in these rules, the term will include the Secretary-Examiner.

**Class:** A group of positions similar in duties, responsibilities, authority and qualifications. All work under the same title with equal pay and compensation.

**Classified Service:** All city employees that are under the jurisdiction of the Civil Service Commission.

**Collective Bargaining Agreement:** A labor contract between administration and employees.

**Commission:** The Commission refers to the Wenatchee Civil Service Commission.

**Commissioned:** The oath of office or rank granted by the city.

**Competitive Exam:** The process of testing qualified candidates.

**Demotion:** An employee being removed from current rank to a lower rank by the Appointing Authority.

**Eligibility List:** The list of candidates in ranking order as determined by the Secretary-Examiner certified by the Civil Service Commission.

**Emergency:** A need for immediate action from the Civil Service Commission.

**Employment Handbook:** City of Wenatchee Employee Handbook.

**Entry Level:** A position that meets the minimum requirements of that department.

**Final Examination Score:** Total score of the testing components, including any applicable veteran credit.

**Independent Testing Company:** An outside consulting specialist approved by the Commission to assist with testing applicants/candidates for employment/promotion.

**In Grade:** Time in a paid position or rank

**Labor Representative:** The employee representative designated by union or guild members to receive Civil Service correspondence.

**Lateral:** An employee entering into employment at a rank higher than entry level.

**Lay-off:** The involuntary termination of an employee for reasons other than cause.

**Non-Commissioned Applicants:** Applicants applying for positions that do not require being sworn in by the Appointing Authority.

**Open Public Meeting:** Meetings set at a regular date and time or posted for public attendance.

**Police:** All certified and sworn police officers and civilian personnel within the police department covered by the Commission.

**Position:** Employment offered to a qualified candidate.

**Position Descriptions:** An approved list of qualifications and requirements defined by the City of Wenatchee Human Resources Department for a specific class of employment.

**Probation:** A defined period when employees are required to demonstrate their ability and capacity to perform duties satisfactorily.

**Promotion:** An elevation in rank and pay.

**Public Notice:** The posting of a Civil Service position or scheduled Commission meeting.

**RCW:** Revised Code of Washington.

**Recruit:** An applicant applying for an entry level position and first rank in grade.

**Reduction in Force:** The process involving reducing the number of active employees

**Reduction in Rank:** See “Demotion”.

**Regular Employee:** An employee in a civil service position who has successfully completed a probationary period as a new hire.

**Rehire:** An employee that has separated from employment and is requesting to rejoin city employment.

**Resignation:** The voluntary action by an employee that terminates their employment.

**Retire:** To terminate an eligibility list that no longer has any viable candidates.

**Roberts Rules of Order:** The guidelines in which the Commission will conduct all public meetings.

**Rule of Five:** The process of the Commission providing the Appointing Authority a certified eligibility list from which any of the top five ranked names will be selected for potential employment or promotion. This rule only applies when the eligibility list includes 12 or more candidates.

**Rule of Three:** The process of the Commission providing the Appointing Authority a certified eligibility list from which any of the top three ranked names will be selected for potential employment or promotion.

**Seniority:** An employee’s length of accredited service as determined by the Collective Bargaining Agreement.

**Separation of Employment:** Any action that removes a paid employee from their position, temporarily or permanently.

**Suspension:** A temporary removal of an employee from duty, with or without pay, for disciplinary or investigative purposes.

**Sworn Personnel:** City employees required to be sworn into their position by the Appointing Authority.

**Temporary Appointment:** A regular employee in a position for a limited duration.

**Termination:** Termination will be used in regard to the separation of employment from a position by the Appointing Authority.

**Testing Process:** Testing components.

**Veteran:** An applicant that has held a documented rank within the US Armed Forces as determined by RCW 41.04.007.

### **RULE 3 ADMINISTRATION AND OPERATIONS**

**COMMISSIONERS:** The Civil Service Commission is composed of three persons appointed by the City Mayor.

- a. A Commissioner may resign their position at their own request or be removed from office for cause as provided by the City Municipal Code. The first three Commissioners may be appointed to different terms as follows: One to serve a period of two years, one to serve a period of four years, and one to serve a period of six years as stated in RCW 41.12.030. Commissioners can extend their terms of service as requested and approved by the Mayor. There is no maximum term limit.

**CHAIR:** The Commission will elect one of its members as Chair. Should a Chair resign or be removed, the Commission shall elect a new Chair.

**COMMISSION ADDRESS AND HOURS:** The office and address of the Civil Service Commission will be in c/o the City of Wenatchee, 129 S. Chelan Ave, Wenatchee, WA 98801. Telephone contact with the Commission may be made through the City of Wenatchee Human Resource Department at (509) 888-6203.

**COMMISSION MEETINGS:** The Commission will schedule a regular monthly meeting time and place. The meeting time and/or place may change at the discretion of the Commission. Any meeting can be cancelled and/or re-scheduled if there is no pending business requiring Commission action and/or necessary for other reasons.

- a. The meeting schedule is the second Monday of each month at 4:30 p.m. in the City Council Chambers at City Hall.
- b. The Commission may schedule additional special set meetings as necessary. Notice of these special meetings will be provided as required by the Open Public Meetings Act (Chapter 42.30 of the RCW) and both administration and labor representatives will be notified.
- c. The Commission may also schedule and conduct hearings as required. Notice of hearings will be done as required by these rules.

- d. All meetings or hearings, regular or as required, will be open and public. However, the Commission may meet in executive session as authorized, and by the Open Public Meetings Act, RCW 42.30. The Commission will be allowed to have closed agenda items for purposes of test development. The Commission may close a hearing to deliberate testimony prior to recording their individual votes at a hearing.
- e. Two members will constitute a quorum and two affirmative votes will be required for the transaction of official business.
- f. The Secretary-Examiner or a designee will attend all meetings.
- g. Roberts Rules of Order shall be the final authority on all questions of procedure and parliamentary law.

**POWERS AND DUTIES:**

**The Civil Service Commission will:**

- a. Adopt rules for the regulation of personnel matters within classified service.
- b. Appoint, when necessary, a Secretary-Examiner in conformity with these rules.
- c. Approve minutes of meetings and keep record of proceedings. Upon approval, the minutes of each meeting will be signed by the chair and countersigned by the Secretary-Examiner or designee.
- d. Provide competitive tests for classified positions, as requested by the Appointing Authority and as required by these rules.
- e. Provide Appointing Authorities with certified lists from which employees may be hired, promoted and/or reinstated.
- f. Review the creation, amendment or discontinuance of classified positions.
- g. Investigate all disciplinary actions as requested by classified employees.
- h. Hear and determine appeals arising from applications, testing and promotional appointments as requested by the Appointing Authority, classified employee, applicant or candidate.
- i. Execute the Commission as powers and duties are imposed by Chapter and 41.12 of the RCW.

**CHANGES/UPDATES TO THE CIVIL SERVICE RULES AND REGULATIONS:**

As the need arises, the Commission reserves the right to modify these rules. The Commission may deviate from these rules in individual situations, particularly in an emergency, in order to achieve the primary mission of serving Wenatchee.

Employees may request changes to these rules by submitting their suggestions in writing to the Commission. Changes will be provided to the Appointing Authorities, Labor Representatives for both the Wenatchee Police Department and Human Resources Department. It will be those persons responsibility to provide the change to all affected employees.



## **RULE 4      SECRETARY-EXAMINER**

The Commission shall appoint and set the salary of a Secretary-Examiner (herein referred to as Secretary) within the City of Wenatchee guidelines. The Commission may set a list of minimum qualifications and shall conduct a competitive examination of qualified applicants, per RCW 41.08.040. The Secretary cannot be a member of the Wenatchee Police Department. The Secretary must be eligible to become a notary for the State of Washington at the expense of the City of Wenatchee.

### **SECRETARY DUTIES:**

- a. Keep minutes and records of the proceedings.
- b. Safekeeping of the records and property.
- c. Provide proper notice of regular and special set meetings.
- d. Schedule hearings and notify all parties of hearings schedule.
- e. Make recommendations regarding policy and amendments to these rules.
- f. Report to the Commission at each regular meeting.
- g. Submit Commission expenses to be paid by the City.
- h. Prepare, under the direction of the Commission, and oversee all examinations including: posting examinations and screening applicants, preparing examinations and questions, consulting with the Appointing Authority, determining minimum qualifications, scoring the examinations, establishing a ranking list of those with passing scores, preparing an eligibility list for hire or promotion.
- i. Submit testing materials and eligibility lists for the Commission to audit/review and certify.
- j. Inform the Commission of all appeals.
- k. Secure the approval of the Commission for the testing process to be used in each examination.
- l. Supervise or appoint a designee to be present at all examinations whenever reasonable and practical.
- m. Facilitate correspondences and questions to the Commission.
- n. Maintain all eligibility lists.
- o. Record the results of votes taken by the Commissioners.
- p. Provide notification of meetings and agenda items to the Commissioners, Appointing Authority and Labor Representative at least seven days prior to the next meeting, as well as post the agenda on the City of Wenatchee website within 24 hours of the meeting being held. Provide minutes to each Commissioner prior to the meeting and copies to others as requested or required by state law.
- q. Perform all other functions necessary to carry out these rules and/or the provisions of law relating to the Civil Service System and additional duties as assigned.
- r. Maintain current State of Washington notary status.
- s. On behalf of the Commission, the Secretary-Examiner may assist the Appointing Authority in providing city information to potential applicants and facilitating of candidates on eligibility lists.

## **REVIEW OF ACTIONS OR DECISIONS OF THE SECRETARY:**

There is no appeal of any action or decision of the Secretary except as specifically provided for in these rules. However, the Commission retains the authority to review or modify any action or decision of the Secretary as it deems necessary to carry out the purpose of the state law, city ordinances, or these rules.

## **RULE 5      RULEMAKING**

The Commission may apply principles as necessary to carry out the purposes of state law and the existing rules in cases that are not clearly defined.

**AMENDMENT OF RULES:** The Commission may amend these rules by a majority vote at any regular or special meeting.

- a. Proposed amendments to these rules shall be discussed in a regular or special set open meeting prior to adoption.
- b. Upon declaration of an emergency, a rule amendment may be adopted at the meeting where the amendment is first proposed.

**EFFECTIVE DATE OF RULES:** All rules and amendments will become effective immediately upon their adoption by the Commission, unless specified otherwise by the Commission.

**COPIES OF RULES:** A copy of the rules and all subsequent rules or amendments will be sent to each Appointing Authority and Labor Representative of each department. The Secretary will maintain a master copy of the rules, and copies will be available as requested or required by state law. A current copy of the Commission rules will be available upon request by any party.

**INTERPRETATION OF RULES:** The Commission has the authority to interpret these rules.

**COLLECTIVE BARGAINING AGREEMENT:** In the event a conflict arises between these rules and the Collective Bargaining Agreements, the Collective Bargaining Agreements will prevail.

## **RULE 6      ENTRY LEVEL AND LATERAL QUALIFICATIONS**

### **POLICE DEPARTMENT:**

**Entry Level Police Officer:** An applicant must be a citizen of the United States of America, read, write and speak English. An applicant must possess the required amount of higher education by the date of hire. An applicant must possess a minimum of an AA/AS/AAS/ATS or AAS-T degree from an accredited institution. In lieu of a degree, documented course work equivalent to a two-year transfer degree from an accredited four-year college or university may be accepted. In lieu of the education requirements, an applicant can be a current Reserve Officer/First Class with the Wenatchee Police Department and certified by the Washington State Criminal Justice Training Commission or an equivalent academy from another state. All applicants must be at least twenty years old by the date of the exam and twenty and one-half years old at the time of employment. The applicant must meet the requirements of the position description for police officer. They must pass a background investigation, polygraph examination, psychological examination and physical examination. Other examinations may be required as part of the hiring process.

**Lateral Entry Police Officer:** If certified in Washington State, an applicant must have by date of hire a minimum of three-years continuous full time commissioned law enforcement employment within the last eight years. Or, the candidate must have at least one continuous year of commissioned full-time employment within the last 24 months and either possess a minimum of an AA/AS/AAS/ATS or AAS-T degree from an accredited institution or be fluent in the Spanish language. In lieu of a degree, documentation of course work completed at an accredited four-year college or university equivalent to a two-year transfer degree may be accepted. This is meant to mirror the lapse in service requirements set forth in WAC 139-05-210.

If certified in a state other than Washington, an applicant must have a minimum of three continuous years of full time commissioned law enforcement employment within the last five years or have at least one continuous year of commissioned full-time employment within the last 24 months and either possess a minimum of an AA/AS/AAS/ATS or AAS-T degree from an accredited institution by the date of hire or have fluency in the Spanish language. In lieu of a degree, documentation of course work completed at an accredited four-year college or university equivalent to a two-year transfer degree may be accepted.

By date of hire, all lateral entry applicants must be in good standing with their previous or current agency and have successfully completed the Washington State Criminal Justice Training Basic Law Enforcement Academy or an equivalent state certified law enforcement basic academy. They must be able to pass the Washington State Equivalency Academy within their probationary period. The applicant must meet the requirements of the position description for police officer. An applicant must pass a background investigation, polygraph examination, psychological examination and physical examination. Other examinations may be required as part of the hiring process, including a proficiency exam in Spanish if applicable.

**Non-Commissioned Applicants:** An applicant for any position must be a citizen of the United States of America and read, write and speak English. An applicant must be 21 years of age at the time of employment, possess a high school diploma or GED and pass a background investigation and polygraph examination. Other examinations may be required as part of the hiring process. The applicant must meet the requirements of the position description.

### **MEDICAL/PHYSICAL EXAMINATIONS:**

A complete medical/physical examination will be taken by all new sworn personnel prior to entering their employment. The examination requirements will be approved by the Commission as recommended by the Appointing Authority.

All examinations will be by a licensed medical provider and the results recorded on the proper forms required by the city. The expense of the examination will be covered by funds from the department. Candidates shall not report for duty until they have been certified by a licensed medical provider.

### **RULE 7 APPLICATIONS**

**ANNOUNCEMENT:** Whenever there is a need, the Secretary will give public notice or reference qualified applicants provided to the Commission by an approved Independent Testing Company. The announcement will include:

- a. Title and minimum salary of the position
- b. Minimum qualifications required
- c. Location where the applications may be made
- d. Final date the applications will be accepted
- e. A non-refundable application fee that may be required at the time of filing
- f. Number of applicants the exam will be limited to

Entry level written and physical fitness examinations for Police Officer applicants may be conducted by an Independent Testing Company.

**APPLICATION FORMS:** Applications for examination will be made on forms furnished by the City of Wenatchee or from a Commission approved Independent Testing Company.

**FALSE STATEMENTS:** Any willful false statement made by a person in connection with an application for examination will be cause for exclusion from eligibility of employment and may include removal or discharge from probationary employment.

**INCOMPLETE APPLICATION:** An incomplete application will not be accepted and the applicant will be notified by the Secretary.

**RETAINED IN COMMISSION FILE:** Applications will be retained by the Secretary for three years, or as otherwise required by law or city ordinance.

**PERIOD OF ACCEPTANCE:** Applications for examinations will be accepted for the period of time set by the Commission, or up until the maximum amount of pre-determined applicants is reached.

**NOTIFICATION TO APPLICANTS:** Applicants shall be given notice of the time and place of the examination. Failure to respond to a notification by the Secretary will be cause to disqualify the applicant. An applicant can waive one testing date.

**BASIC REQUIREMENTS OF APPLICANTS:** In order to be considered by the Commission applicants must meet the following:

- a. Minimum requirements of the position by date of hire
- b. Be able to meet the requirements of the position description
- c. Be able to perform the requirements set forth by the announcement
- d. Be free of felony or disqualifying misdemeanor convictions
- e. Employed or separated from city employment in good standing
- f. Present for all parts of the examination as required
- g. Not been involved in preparing the examination
- h. Disclosed any money, services or goods provided to anyone involved in the examination process
- i. All other minimum qualifications set forth by law

**APPEAL RIGHTS FOR APPLICANTS:** If an applicant is disqualified for any reason, within 14 days of notice, they may request in writing, to address the Commission.

## **RULE 8 EXAMINATIONS**

**SCOPE:** The Commission will oversee all necessary exams resulting in Eligibility Lists. All examinations will be practical and impartial and will consist of relevant materials required for the position or promotion. The Commission will hear and decide any appeals to an examination processes.

**EXAMS:** Exams will consist of any or all of the following as approved by the Commission:

- a. Written and practical exams
- b. Oral board examinations
- c. Job related exercises or simulations
- d. Chief/Administration interviews

**ORAL EXAMINATIONS:** Qualified candidates offered an oral interview consisting of Commission approved test components and appointed assessors.

**REQUIREMENTS WAIVED:** The Commission may waive minimal requirements for examinations if it would be beneficial to the department.

**VETERANS CREDIT:** There will be a credit for applicants who have provided verification of military service in accordance with RCW 41.04.005 and RCW 41.04.010.

**PROCEDURES:** Applicants must be present as instructed to participate in the exam. Time limits for exams will be announced prior to the exam. Applicants will return all testing materials prior to leaving the examination. Final examination scores will be prepared by the Secretary-Examiner, reviewed and audited with assessors prior to certifying the eligibility list. All test components and procedures for all exams will be reviewed and approved by the Commission.

**FAIRNESS PRACTICES:**

- a. When reasonable and practical the Secretary or designee will be present during all parts of the exam.
- b. When reasonable and practical a Commissioner will be present at each oral board examination.
- c. During the testing process communications between applicants regarding the exam will be prohibited.
- d. During the testing process candidates will be required to maintain professional demeanor at all times. Examinations will be conducted as regulated by the Commission.
- e. Applicants can be disqualified at any time during the testing process if they have violated rules set forth by the Commission or test administrator.
- f. The Commission will follow the laws of the Equal Employment Opportunity and American with Disabilities Act, as well as the employees with life threatening/communicable diseases, employment of family members and anti-harassment/sexual harassment policies as outline by the Employee Handbook
- g. The Commission will abide by and encourage the reporting of improper governmental action as defined by the Employee Handbook
- h. If requested by a candidate, the Civil Service Secretary will make arrangements for the review of past available exam materials. The review will allow for the candidate to see all of their own written exam materials and any available assessor scoring or input. The review will take place in the presence of the Civil Service Secretary or appointed representative.
- i. Exam materials cannot be copied or removed from the possession of the Civil Service Commission.

**APPEAL RIGHTS:** An applicant who participates in an examination may file an appeal to the Commission based on the following grounds:

- a. The Commission failed to follow city ordinance, state law or its own rules in the administration of the examination and/or the examination process.
- b. The examination was not valid, for example the exam was not job related.
- c. The examiners were not impartial.
- d. A clerical error was made in the scoring of the examination.
- e. The examination or the examination process was discriminatory as defined under state law.

**PROCEDURES FOR APPEALS:** The following procedures must be followed for filing an examination appeal:

- a. Notice of appeal must be in writing and filed with the Commission.
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, a concise statement of the reason for the appeal and desired remedy.
- c. The notice must be received by the Secretary within fourteen days following the certification of the list. Failure to appeal within this time period is a waiver of any right to appeal the examination that is established by these rules.
- d. Upon receipt of an appeal the Commission will review the facts and respond in a timely manner.

**CERTIFICATION AND FINALIZATION OF THE ELIGIBILITY LIST:** The Commission will review all scores and rank each applicant according to their final score. The exam will be certified at the next scheduled Civil Service meeting. The Commission may call a special session to certify the exam outside of a regular meeting. If a special session is called, it will be posted as required by the Open Public Meetings Act. The final list will be presented to the Appointing Authority by the Secretary. Each applicant will be notified of their ranking on the list.

## **RULE 9 ELIGIBILITY LISTS**

**SCOPE:** The Commission will provide lists from which the Appointing Authority will hire, promote and reinstate civil service employees.

**ESTABLISHMENT OF LISTS:** All candidates who test will be eligible for appointment or promotion to the position for which the examination was taken. Their names will be ranked on an eligibility list in the order of their final score with the highest composite score first on the list.

**DISPOSITION OF A TIE:** Candidates that have equal final scores will be placed at the same rank on the list but counted separately when determining the next rank. For example, two candidates with an equal score that is third highest will be ranked at 3; the next candidate will be ranked at 5.

**ENTRY LEVEL ELIGIBILITY LIST:** An eligibility list for recruits will remain in effect for six months from the date of certification. The Commission can extend, shorten or implement a continuous eligibility list at the request of the Appointing Authority and in the best interest of the department. If at any point there are no longer any viable candidates, the Appointing Authority can make a recommendation to the Commission to retire a list prior to expiration.

**LATERAL LEVEL ELIGIBILITY LIST:** An eligibility list for lateral-entry personnel will remain in effect for six months from the date of certification. The Commission can extend, shorten or implement a continuous eligibility list at the request of the Appointing Authority and in the best interest of the department. If at any point there are no longer any viable candidates, the Appointing Authority can make a recommendation to the Commission to retire a list prior to expiration.

**CONTINUOUS ELIGIBILITY LIST:** To maintain a continuous eligibility list the Appointing Authority must have the approval of the Commission. Candidates will remain on a continuous eligibility for six months from the date of their exam certification. As additional tests are administered, the list will be updated to rank all eligible candidates in order by score. Additional tests/interviews may affect a candidate's ranking during their of eligibility.

**PROMOTIONAL ELIGIBILITY LIST:** Eligibility Lists will remain in effect for a period of two years from the date of certification. The Commission can extend, shorten or implement a continuous promotional list at the request of the Appointing Authority and in the best interest of the department. If at any point there are no longer any viable candidates, the Appointing Authority can make a recommendation to the Commission to retire a list prior to expiration.

**NOTICE OF ELIGIBLE CANDIDATE CHANGES:** Individuals on an eligibility list are responsible for notifying the Secretary of any change of address, phone number, e-mail address and/or employment status. Failure to do so may result in removal of their name from the eligibility list.

**TERMINATION OF AN ELIGIBILITY LIST:** An entry or promotional eligibility list may be retired for good cause when it contains no viable eligibility candidates or as deemed necessary by the Commission and in the best interest of the City.

**REMOVAL OF A CANDIDATE FROM AN ELIGIBILITY LIST:** A candidate may be removed from an eligibility list for cause including but not limited to:

- a. Failure to pass a required examination or upon receipt of proof of bad character or other unfitness; fraudulent conduct; false statements by the candidate or by others with the candidate's collusion; material or physical mental disability; or other disqualifying factor in connection with any application, examination or securing of the appointment.



- b. A previous unsatisfactory work record with the City or dismissal from City service. Or, a dismissal from any position, public or private, for any reason being cause for dismissal from City service.
- c. Failure to respond, call or accept employment
- d. Other material reasons, or lack of fitness for City employment as determined by the Appointing Authority and/or the Commission.
- e. Promotional eligibility will terminate with separation from City service.
- f. At the candidate's own request.

**NOTICE OF DISQUALIFICATION:** A request to strike a candidate's name must be provided to the Commission by the Appointing Authority in writing and include the reason. Prior to striking a candidate's name from any eligibility list the candidate shall be provided written notice of the action. The candidate may file a written protest of the notice with the Commission. The Commission will consider a timely filed protest and take appropriate action. No notice is required if the candidate requests, or consents to be removed from an eligibility list.

## **RULE 10 APPOINTMENTS AND DEMOTIONS**

**SCOPE:** The Commission will oversee and be notified of all permanent and temporary appointments by the Appointing Authority, and ensure that any re-hiring or demoting of employees is done in accordance with Civil Service Rules.

**BASIS OF APPOINTMENT:** All appointments will be made from certified eligibility lists approved by the Commission. The Appointing Authority will select an individual for employment or promotion utilizing the rule of three or the rule of five. If a candidate is removed from the list for any reason, the Appointing Authority will receive additional name(s) from the eligibility list in ranking order. In order to consider additional candidates beyond the set amount, the Appointing Authority must provide written reason for the disqualification of a candidate to the Commission. At that point, all testing materials of the removed candidate will be returned to the Secretary and the next candidate will be provided.

**DECLINING APPOINTMENT:** A candidate can waive an appointment on one occasion without removal from their position on the list. If they wish to waive an appointment a second time, the candidate must present their request in writing before the Commission for a ruling. If approved by the Commission, they may waive a second appointment and remain on the list. Otherwise, their name will be removed from the eligibility list.

**FAILURE TO RESPOND TO APPOINTMENT:** If a candidate fails to respond to an appointment within 14 days of notice, the candidate will be disqualified and their name removed from the eligibility list.

**PROBATION PERIOD:** No new hire or promotion to any position shall be complete until a successful twelve months of probation and completion of all department training requirements are satisfied. For newly commissioned officers, the probationary period will begin upon successful completion of basic training and peace officer certification, to include recognized tribal law enforcement certification.

**TERMINATION DURING PROBATION PERIOD:** The Appointing Authority may terminate or demote the employee at any time during the probationary period, if the person is found to be unfit or unsatisfactory. The Appointing Authority must notify the Commission in writing of the termination or demotion of the employee. This action on the part of the Appointing Authority is not subject to appeal.

**DEMOTION DURING PROMOTIONAL PROBATIONARY PERIOD:** The Appointing Authority may terminate the promotion at any time during the probationary period if the person is found unfit or unsatisfactory. The Appointing Authority must notify the Commission in writing of the demotion. The probationary employee will have the right to revert to a position held equal to their prior permanent class. They will be removed from the current promotional eligibility list. This action on the part of the Appointing Authority is not subject to appeal.

**DEMOTION DUE TO LAY OFF:** If a promotion is not made permanent due to lay off or reduction in force, the employee will be returned to the eligibility list as though they had never received an appointment to that position.

**DEMOTION DUE TO DISABILITY LEAVE:** If a position becomes vacant because the employee holding the position is on disability leave, the position may be filled by making a temporary promotion.

**CERTIFICATION OF ELIGIBLE AND TEMPORARY APPOINTMENTS:** Appointments for temporary assignments maybe be made from the eligibility list, if a current list is in existence. Any temporary assignments for more than six months in a twelve month period must be in writing and have Commission approval.

**CREDIT FOR TEMPORARY EMPLOYMENT:** The time spent in a temporary position will not apply toward credit for the probationary service of that position.

**SPECIAL PROFICIENCY:** If a special proficiency is needed for a position to be filled the Appointing Authority will notify the Commission.

## **RULE 11 POLICE PROMOTIONAL REQUIREMENTS**

**CAPTAIN:** All applicants must meet the requirements and qualifications of the position description of Captain.

**SERGEANT:** All applicants must meet the requirements and qualifications of the position description of Sergeant.

**CORPORAL:** All applicants must meet the requirements and qualifications of the position description of Corporal.

Changes in police officer pay or grade may occur based on the City of Wenatchee Human Resource Department position descriptions. These actions do not involve the Civil Service Commission.

## **RULE 12 DISCIPLINARY EMPLOYEE APPEALS**

**CAUSES FOR APPOINTING AUTHORITY ACTION:** An employee, under the provisions of these rules may be removed, suspended, demoted or discharged for cause including but not limited to:

- a. Lack of mental or physical fitness for the position the employee holds.
- b. An action subject to disciplinary action as outlined by the Employee Handbook, Collective Bargaining Agreement and/or department policy and procedure.

**PROCEDURE FOR INVESTIGATION:** No employee will be removed, suspended, demoted or discharged (hereby known as an action) except for cause and by the written request of the Appointing Authority. Written notice will be served to the employee in question. The Appointing Authority will provide notice to the Commission of any action. Any employee served with an action may file in writing and within ten days a request for an investigation by the Commission as outlined in Chapter 41.12.090 of the RCW. Appeals to the Commission will be limited to actions that include removal, suspension, demotion and/or discharge only. The employee must have suffered a loss of property.

The employee may utilize labor representation, private representation or the Commission to investigate. However, they are only allowed to select one investigating authority. An employee may request in writing for the Commission to delay an investigation, however, the Commission has the authority to grant, modify or reject that request.

The Commission will conduct an investigation within sixty days of the date the appeal is received. The investigation will be confined to the determination that the action was for cause and in good faith.

The employee may appeal to the Superior Court of Chelan County to be heard, as provided by Chapter and 41.12 of the RCW, within thirty days of receipt of the Commission's decision. The Commission will provide certified records of the investigation and decision as required to the Court within ten days of notice of the appeal.

### **RULE 13 LEAVES**

**LEAVES OF ABSENCE:** An absence for up to one hundred and twenty days (120 days) without pay may be granted by the Appointing Authority. If the absence without pay is more than one hundred and twenty days (120 days), the Appointing Authority will notify the Commission of the extended leave. Leaves of absence will be granted by the Appointing Authority and as outlined in the Employee Handbook.

### **RULE 14 LAY OFFS/REDUCTION IN FORCES/REINSTATEMENT**

The Commission will be notified of reduction in forces by the Appointing Authority. If the department must incorporate a reduction in forces, layoffs shall occur in the inverse order of seniority as outlined in the Collective Bargaining Agreement.

**REINSTATEMENT LIST:** A reinstatement list will be kept with the names of those who have been subject to lay off from a reduction in force. Those who have been subject to lay off will be the first to be considered for re-employment with the City by seniority as outlined in the Collective Bargaining Agreement.

**REINSTATEMENT RULES:** Employees shall be selected first by order of list and second by position on the list as follows:

- a. Medical reinstatement lists;
- b. Layoff and reduction in rank list;
- c. Re-employment.

No new hires will be considered if laid off employees are eligible to return to work. No new promotions shall occur until all employees have had the opportunity to return to the rank held prior to layoff or reduction in force.

### **RULE 15 RESIGNATIONS**

An employee may resign, in writing to their Appointing Authority as outlined in the Employee Handbook. To resign in good standing, an employee will give at least two calendar weeks of notice, unless a shorter period of notice is agreed upon. The Appointing Authority will notify the Commission of an employee resignation and the circumstances of the resignation. If an employee voluntarily resigns, they do not have appeal rights through the Commission.

If an employee in a permanent position resigns in good standing and reapplies for employment within one year, the Commission will, at their discretion and with the approval of the Appointing Authority place that individual's name on the re-employment list for consideration. The rehired individual will not be eligible for promotional exams for a period of one year after their rehire.

## **RULE 16      REPORTS OF CLASSIFICATION**

**CLASSIFICATION:** The Appointing Authority will keep the Commission informed of all classified job positions covered by the Civil Service System.

**DUTIES OF THE APPOINTING AUTHORITY:** In order for the Commission to keep proper record of changes in the classified service, the Appointing Authority will provide notice of:

- a. Probationary or temporary appointments
- b. Refusal to accept an appointment
- c. Separation from employment
- d. Current job descriptions, to include creation, amendment or discontinuance of classified jobs.
- e. New hires, promotions or demotions.

**COMMISSION DUTIES:** The Secretary will report to the Commission any changes in the classification of positions to include appointments, promotions or separations of employment. The Appointing Authority will provide the commission with an updated organizational chart.

## **RULE 17      ELIGIBILITY OF SALARY**

**CONFORMANCE WITH RULES:** No payment in compensation of service shall be approved or made to any person until an offer of position has been made and accepted.

**CLASSIFIED CIVIL SERVICE POSITIONS:** The Commission will represent all of the listed employees for the Wenatchee Police Department.

### **A. Wenatchee Police Department**

Captain  
Sergeant  
Corporal  
Patrol Officer First Class  
Patrol Officer Second Class  
Patrol Officer Third Class  
Patrol Officer Recruit  
Administrative Assistance to the Police Chief  
Records Specialist  
Records Specialist II  
Traffic Violations Clerk  
Parking Enforcement Clerk  
Support and Technical Services Manager