



# **Civil Service RULES & REGULATIONS**

**2009**

**Bellevue Personnel Department**

**CITY OF BELLEVUE  
CIVIL SERVICE COMMISSION  
RULES AND REGULATIONS**



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City of Bellevue

CIVIL SERVICE COMMISSION  
RULES AND REGULATIONS

Adopted March 10, 2009

**1.00 General Provisions**

**1.01 Statutory Authority**

These rules and regulations are adopted under the authority of RCW Chapters 41.08.010 and 41.12.010 and are intended to substantially accomplish the purpose of RCW Chapters 41.08 and 41.12.

**1.02 Purpose**

The Civil Service Commission is responsible for the following:

- a. To oversee the recruitment, selection and placement of uniformed Firefighters and sworn Police Officers below the level of Chief to ensure that each position is filled by the candidate whose qualifications, knowledge, abilities, skills and temperament best match the requirements of that position;
- b. To investigate, by public hearing, the suspension, demotion and/or discharge of a member of the Civil Service at the request of the member who is suspended, demoted or discharged to determine whether such action was or was not made for political or religious reasons and was or was not made in good faith for cause.

**1.03 Membership**

The Commission shall be composed of five members appointed by the City Manager. The term of office shall be 6 years. The starting date for the term for each Commission position shall be as set by City Ordinance. A member may be appointed to a maximum of 2 consecutive terms. All members must be Bellevue residents and may not be members of the Police or Fire services of the City of Bellevue.

**1.04 Commission Meetings**

The Civil Service Commission shall meet in regular session at 4:00 p.m. on the second Tuesday in January, April, July and October. More frequent meetings may be called by the Chairperson as needed in order to conduct Commission business in a timely manner. The Chairperson may also call study sessions. All regular meetings of the Commission shall be public; except that the Commission may meet in executive session whenever authorized by state law. The Chairperson or the Vice-Chairperson of the Civil Service Commission may call meetings as necessary, by notice to each member of the Commission and appropriately announced in compliance with the Open Meetings Act. Notice of the time, date, place and agenda of each special meeting shall be given at least twenty-four (24) hours in advance in compliance with requirements of the Open Meetings Act.

**1.04A Order of Business**

At all regular meetings, the order of business shall be as follows:

- (1) Call to order
- (2) Roll call
- (3) Approval of minutes of previous meetings
- (4) Reports
- (5) Unfinished business
- (6) New business
- (7) Adjournment

**1.05 Records**

A record shall be made of all meetings. The Secretary-Chief Examiner shall be responsible for preparing accurate minutes which report all business discussed motions, votes, and other actions taken. This record shall be signed by the Chair and the Secretary-Chief Examiner, and shall become a part of the permanent record.

**1.06 Quorum**

A majority of the members of the Commission shall constitute a quorum for the transaction of regular business. If a quorum is not present at the appointed time, the members present shall wait fifteen (15) minutes before dismissing the meeting for lack of quorum.

The amendment of these Rules and Regulations, however, shall require an affirmative vote by a majority of all current members of the Commission.

**1.07 Officers**

The Commission shall select from its members a Chairperson and a Vice Chairperson. The duties of the Chairperson include calling all special meetings of the Commission, presiding at meetings, and establishing and standing and special committees as necessary to conduct the business of the Commission. The Vice Chairperson shall act on behalf of the Chairperson in his/her absence. If neither the Chair nor Vice Chair is present at a meeting where a quorum is present, a presiding officer shall be selected by a majority of those present. The Chair, Vice Chair or other presiding officer retains the right to vote on all matters.

The Chair and Vice Chair shall be elected to one-year terms by a majority of the Commission members. The term of office for either will begin with the first meeting after election. A member may serve a maximum of two consecutive terms in the same office. A member completing a term or terms in one office may be elected to another office immediately. A member who serves two consecutive terms in the same office may be re-elected to that office after a period of one year.

**1.08 Rules of Order**

The current edition of Roberts Rules or Order in effect at the time of the question shall be the final authority on all questions of procedure and parliamentary law where not in conflict with these Rules and Regulations.

**1.09 Secretary-Chief Examiner**

**1.09.01 Appointment**

The Secretary-Chief Examiner shall be a regular employee of the City recommended by the City Manager and confirmed by a majority vote of the whole membership of the Commission.

**1.09.02 Attendance of Secretary-Chief Examiner**

The Secretary-Chief Examiner, or Assistant Secretary-Chief Examiner, shall attend all meetings and shall record the votes taken and how the commissioners voted, shall take minutes of the meeting, and shall have prepared type-written copies thereof to be presented to the Commission for approval at its next regular meeting.

**1.09.03 Duties**

The Secretary-Chief Examiner shall be responsible for the following:

- a. Preparing agenda packet and meeting announcements for all Commission meetings as required by these Rules, and providing notice of meetings as required by the Open Meetings Act.
- b. Making a record of all formal meetings of the Commission as required by these Rules.
- c. Preparing and administering examinations to fill all positions in the Civil Service.
- d. Performing all other functions essential to the effective administration of the Civil Service.

**1.10 Assistant Secretary-Chief Examiner**

**1.10.01 Appointment**

The Assistant Secretary-Chief Examiner shall be a regular employee of the City recommended by the City Manager and confirmed by a majority of the whole membership of the Commission.

**1.10.02 Duties**

The Assistant Secretary-Chief Examiner shall, under the direction of the Secretary-Chief Examiner, act in his/her behalf and/or in his/her absence.

**2.0 Definition of Terms**

When used herein, the following words shall have the meaning indicated unless the content clearly indicates a different meaning:

- 2.01 Appointing Authority**  
The person authorized to select and appoint a person to a position in the Civil Service.
- 2.02 Civil Service**  
All positions in the City service subject to the provisions to these Rules as provided by Bellevue City Code Chapter 3.72.
- 2.03 Commission**  
The Civil Service Commission of the City of Bellevue.
- 2.04 Demotion**  
A reduction in civil service rank.
- 2.05 Discharge**  
The separation of a permanent employee from the civil service for cause.
- 2.06 Eligibility List**  
A list of persons arranged in order of final score from a selection process who are eligible for regular appointment to a position in a specific Civil Service rank.
- 2.07 Permanent Employee Status**  
The status of an employee who has acquired a right to a hearing before or appeal to the Civil Service Commission prior to suspension, demotion, or discharge by successful completion of their probationary period.
- 2.08 Position**  
Any employment or office in the civil service.
- 2.09 Probation**  
The term of employment or service period during which an employee works prior to attaining permanent employee status. An employee suspended or rejected during the probationary period has no right of appeal to the Civil Service Commission.
- 2.10 Promotion**  
A change in employment from a lower to a higher civil service rank.
- 2.11 Promotional Probation**  
The term of employment or service period during which an employee promoted to a rank works therein prior to attaining permanent status in such rank. Any employee removed from a promotional rank and returned to the original rank during the probationary period has no right of appeal to the Civil Service Commission.
- 2.12 Rank**  
The relative standing of positions covered by the Civil Service. The Civil Service ranks are: Police Officer, Police Corporal, Police Lieutenant, Police Captain, Police Major, Deputy Police Chief; Firefighter, Firefighter Engineer, Fire Lieutenant, Fire Captain, Fire Battalion Chief, and Deputy Fire Chief.

### **2.13 Regular Civil Service Employee**

An employee in a Civil Service position who has completed an initial probationary period in Civil Service since his/her most recent hire date. An employee returning from a layoff is qualified for regular status if he/she achieved regular status prior to the layoff. Regular Civil Service employees are entitled to appeal suspension, demotion and/or discharge to the Commission.

## **Fire Only**

### **3.0 Recruitment, Selection and Placement**

#### **3.01 Recruitment**

##### **3.01.01 Announcement of Examinations**

Examinations for positions covered by Civil Service shall be publicly announced by the Secretary-Chief Examiner. These examination announcements shall, not be less than seven calendar days before the closing date, be posted in the Personnel Office and in the Department for which the examination is being conducted. If the examination is also open to persons who are not already in the Bellevue Civil Service, the Secretary-Chief Examiner shall also advertise the examination in the appropriate labor market(s) not less than seven calendar days before the closing date.

All examination announcements shall include the following information:

- a. Position title and salary range
- b. Brief description of the position duties and responsibilities
- c. Minimum qualifications required
- d. Instructions for applying and last date for filing applications
- e. Summary of the selection process which will be followed, including passing scores required
- f. Life of the list established
- g. Statement that the City is an Equal Opportunity Employer.

##### **3.01.02 Applications**

The Secretary-Chief Examiner shall prescribe the application format to be used for each examination. To participate in an examination, an applicant must complete and file the prescribed application with the Secretary-Chief Examiner by the stated deadline as indicated in the examination announcement.

##### **3.01.03 Promotional**

###### **a. Purpose**

The Commission shall provide for open and competitive promotional examinations for the civil service.

**b. 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 tests. All candidates for promotion must be permanent employees in the civil service of the City and must possess the minimum prerequisites as set forth in the specifications of the rank to which promotion is sought.

**c. Conduct May be Delegated**

The Secretary-Chief Examiner shall be responsible for conducting and scoring all examinations. The Secretary-Chief Examiner may designate the person or an agency that may conduct and score the examination.

**d. Qualifying Grades and Scoring**

**1) Minimum Passing Score**

The passing score for any promotional examination shall not be less than 70% unless otherwise authorized by the Commission prior to scheduling the test; and the notice of the minimum passing score shall be included in the announcement to the candidates before the test is given. For purposes of this section, the examination score shall comprise a cumulative total of the final scores on each part of the examination, whether written or oral.

**2) Examination Form**

The examination may consist of one or more of the following: written exam, oral exam, or physical agility exam.

All elements of the examination shall be job related and shall consist of subjects that fairly determine the capabilities of persons examined to perform the duties of the position to which the appointment is to be made.

The examination(s), including the scoring, shall be approved by the Commission prior to testing.

**3) Section 4. Identity of Examinees**

The identity of persons taking competitive written test shall be concealed from the examiners by the use of an identification number which shall be used on all test papers. Any paper having the name of the applicant or any other identifying mark may be rejected and the candidate so notified.

**3.02 Selection**

**3.02.01 Selection Process**

The selection process used to screen, rank and select candidates for positions shall be job-related for the position and shall fairly assess the candidates for the qualifications, knowledge, abilities, skills and temperament needed to successfully perform the job.

### **3.02.02 Selection Process Administration**

The Secretary-Chief Examiner shall be responsible for conducting and scoring all parts of the selection process. The Secretary-Chief Examiner may designate another person or agency as an “examiner-in-charge” to conduct and/or score part or all of a selection process.

The Secretary-Chief Examiner or his/her designated examiner-in-charge may remove any person from the selection process if the examiner has substantial reason to believe that the person is cheating or is in some other way attempting to compromise the fairness, validity or confidentiality of the examination.

### **3.02.03 Selection Parts**

The total selection process for a position may consist of one or more of the following steps and devices:

- a. Application screening based on resume and/or supplemental application form.
- b. Interest/ temperament inventory
- c. Written test
- d. Oral test
- e. Work sample/ simulation exercise
- f. Assessment center
- g. Structured peer evaluation
- h. Physical skill/ physical ability
- i. Psychological profile
- j. Medical evaluation
- k. Structured reference check/ background investigation
- l. Other steps or devices as specifically approved by the Commission.
- m. Drug screening
- n. Criminal disclosure supplemental application
  - 1) An applicant will fail and not qualify to continue in the selection process if he/she has been convicted of a felony within the last ten years that directly relates to the firefighter position.
  - 2) An applicant will fail and not qualify to continue in the selection process if he/she has been convicted of a felony more than ten years ago, or a misdemeanor within the last seven years, that directly relates to the fire fighter position, where the nature, age and any aggravating factors related to the offense as weighed against any mitigating or rehabilitative factors demonstrate that the applicant does not meet the standards for integrity, honesty, and exemplary behavior that engenders public trust and confidence required for the fire fighter position.

- 3) A criminal conviction that directly relates to the position of a firefighter is one involving a crime of violence, or the threat of violence against another person, a crime against property, a crime involving the sale or use of illegal drugs, or a crime going to an individual's honesty or integrity.
- 4) An applicant will fail and not qualify to continue in the selection process if the Department determines at any later stage in the selection process that an individual would have failed the criteria as set forth in paragraph 1 or 2 above.

The Secretary-Chief Examiner shall solicit input from the hiring authority or his/her designee in determining the selection criteria and selection steps to recommend. The Commission shall approve, prior to posting a job announcement, the steps and/or kinds of devices to be used, the steps and/or devices which will have a numerical score and which will contribute to a candidate's rank on the eligible list, the relative weight of each scored step, and the passing score required on each scored step in order to proceed to the next step. The Commission shall also approve the devices used which will not have a numerical score but which will be evaluated as "pass" or "fail". Some or all of these un-scored portions of the selection process may be administered after the eligible list has been established. Applicants must achieve a "pass" in all steps in the selection process prior to being appointed to a position.

#### **3.02.04 Scoring Selection Steps**

The Secretary-Chief Examiner shall take reasonable steps to insure that the same rating criteria are used for all applicants for each of the steps in the selection process. Where practical, the identity of individual applicants will be concealed from raters.

#### **3.03 Notification of Results**

Each applicant shall be notified by either email/phone/mail of the results of his/her performance on each selection step as the steps are completed and scored. At the completion of the total scored process, each applicant will be notified of his/her final score, and if successful, his/her rank on the eligible list.

#### **3.04 Examination Appeals**

##### **3.04.01 Time Limit and Form- (Entry Level Fire)**

An applicant who believes that there is an error in the format or content of a step in the selection process, or who believes there has been an error in the way a step in the selection process has been administered, may file an appeal with the Secretary-Chief Examiner within three (3) business days of the administration of that step of the selection process.

All appeals must be in writing, and must include a description of the specific item the applicant believes was in error, the reasons why the applicant believes that item is in error, and the correction the applicant believes should be made. Any clerical error may be corrected by the Secretary Chief

Examiner in response to an appeal or upon discovery at any time during the life of the list, but no such correction will affect an appointment made from a certification made prior to the correction. For purpose of this section, a clerical error is an error which is mechanical in nature, such as errors in transcriptions, copying, writing, or computation.

### **Examination Protests (Fire Promotional Only)**

#### **Time Limit and Form**

Any protest against the scope, content or practicality of any part of an examination shall be filed in writing with the Secretary-Chief Examiner within three (3) business days after the date of the examination. Protests must describe the answer or question being protested and shall identify with particularity the reason for the protest.

### **3.04.02 Response to Appeals**

Upon receiving an appeal the Secretary-Chief Examiner shall review the items appealed and determine if there is merit to the appeal. If the Secretary-Chief Examiner determines there is merit to the appeal, he/she shall take action as needed to correct the problem. He/she may consult with any technical experts he/she deems appropriate in order to competently resolve the issue. The Secretary-Chief Examiner shall notify the applicant in writing of his/her determination.

If the applicant is not satisfied with the response from the Secretary-Chief Examiner, the applicant may request Commission review of the appeal. Such appeal to the Commission shall be in writing and must be received by the Secretary-Chief Examiner on behalf of the Commission no later than ten (10) calendar days from the date the Secretary-Chief Examiner sent his/her response to the applicant. In deciding the issue, the Commission will review the written record together with any further information presented by the applicant and the Secretary-Chief Examiner at a public hearing. The decision of the Commission shall be final.

The Secretary-Chief Examiner shall review and respond to all appeals received at the conclusion of a selection step prior to scoring that selection step.

### **Response to Appeals (Fire Promotional Only)**

Upon the filing of any protest of any answer or question the Secretary-Chief Examiner, in consultation with the appointing authority and such other person or agencies as he/she shall determine, shall review such protest and determine whether the answer protested is correct or whether the question protested is unfair. Upon determination by the Secretary-Chief Examiner that any such protested answer is wrong, the Secretary-Chief Examiner shall, if possible within the design of the examination, correct the master key. Otherwise, any questions wrongly answered on the master key shall be stricken from the examination. Upon determination by the Secretary-Chief Examiner that any protested question is unfair, the Chief-examiner shall strike such question from the examination. In determining whether any question is unfair the Secretary-Chief Examiner shall review the purpose of the examination, whether for entry-level or promotion, to determine whether the

question reasonably tests knowledge or ability required for the position to be filled. Any question containing ambiguities or incorrect figures, or any multiple choice question having more than one valid answer shall be stricken from the examination.

### **Scoring (Fire Promotional Only)**

Upon completion of review of any protest, the Secretary-Chief Examiner shall proceed with scoring the individual examination paper.

### **Publication of Results (Fire Promotional Only)**

Upon completion of scoring of examination papers, the Secretary-Chief Examiner shall publish the results of the examination by identifying each examinee and the score obtained in descending order.

### **Review (Fire Promotional Only)**

Each examinee may review his/her own examination paper within the next three (3) business days following the publication of the results of the examination and may bring to the attention of the Secretary-Chief Examiner errors in scoring the examination paper. Upon being notified of any clerical error in the scoring on any examination paper, the Secretary-Chief Examiner shall correct any such clerical errors and shall make any required adjustment to the score of such examination paper. Upon completion of the foregoing period of adjustment, the Secretary-Chief Examiner shall submit the results of the examination to the Commission for review pursuant to the provisions of these rules.

## **1. Complaint Process**

An objection to the scoring of any portion of the examination may be filed with the Lead agency. All complaints must be made in writing, and must include a detailed description of the objection. The complaint must be filed within three business days following the particular section of the examination process in questions.

## **2. Complaint to the lead Agency**

The Chief Examiner of the Lead Agency shall review the complaint and determine merit. The Lead Agency shall take action as needed to resolve the issue and may consult with technical experts when necessary. Applicants shall be notified in writing of the decision. Any actions taken as a result of a complaint shall be reviewed with the Lead Agency Fire Chief or designee.

## **3. Appeal Process**

The applicant may appeal a complaint decision to the Civil Service Commission of the lead agency or grievance Committee. Appeals must be received by the Lead Agency within ten (10) days from the date of receipt of the Lead Agency decision. The appeal must be made in writing.

The Lead Agency Civil Service Commissioner Grievance Committee will review the appeal and conduct an investigation as appropriate in accordance

with the Civil Service Rule and procedures of the Lead Agency within 60 days.

### **3.05 Eligibility Lists**

#### **3.05.01 Types of Eligibility Lists**

The Commission may, upon the request of the appointing authority, authorize the establishment of the following types of lists.

**Entry Level** An entry level list is a list of persons, who may or may not be current members of the Bellevue Civil Service, who have passed the scored portion of the examination for the lowest rank of the Fire service.

**Entry Level** Entry level applicants may compete in any entry level selection process only if one year has elapsed since the applicant last competed in any entry level examination.

**Lateral Entry Level** A lateral entry level list is a list of persons who are currently uniformed Firefighters in other jurisdictions and who have passed the scored portion of the examination for transfer to an entry level position in the Bellevue Civil Service.

**Promotional** A promotional list is a list of current members of the Bellevue Civil Service who have passed the scored portion of the examination for promotion to a higher rank.

**Reinstatement Lists** A reinstatement list is a list of persons who have achieved regular Civil Service status in the City of Bellevue and who have been reduced in rank and/or separated from the Civil Service because of changes in duties in the organization, a reorganization of positions, abolition of a position or service, a lack of work, or a shortage of funds.

Any reinstated employee who holds a position in the Civil Service and who is reduced in rank and/or laid off City employment shall be placed on a reinstatement eligibility list for the rank held at the time of the reduction or layoff. Eligibles shall be placed on re-instatement lists in the reverse order of their dates of reduction or layoff. In the event two employees share the same reduction/ layoff date, the following order or circumstances shall be used to determine the order of their placement on the reinstatement eligibility list: 1) seniority in the rank; 2) overall seniority; and 3) a draw of names. An eligible shall remain on a reinstatement list for three (3) years, until reemployed or reinstated in rank, or removed from the list under the provisions of section 3.05.06 below, whichever occurs first.

All reinstated employees must meet the same standards for physical and mental health that are required for current active members.

#### **3.05.02 Order of Names on the List**

The names of applicants, who pass the examination designated by the Commission as contributing to the rank on the list, shall be arranged in order of the applicants' total scores. In the event two or more applicants achieve the same total score, the order of their names on the list shall be determined by a draw of names.

Any applicant who qualifies for veteran's preference in examination and employment as provided for the defined in RCW 41.04.010 shall have the preference points specified in that chapter added to his/her final achieved score provided he/she passed all scored parts of the selection process.

Names on the respected eligibility list will be ranked in order according to a final score on the total examination, plus veteran preference if applicable, except for employees laid off from the position in that rank shall be given preference in reverse order of layoff over original applicants. When two or more person have equal claim to a position on a list their names shall be arranged by a draw of names.

### **3.05.03 Effective Life of Lists**

An eligibility list shall become effective on the date it is approved by the Secretary-Chief Examiner as being accurate, complete and legally prepared. The Secretary-Chief Examiner shall notify the Commission in writing that the eligibility list was approved. Such approval is subject to Commission review.

Eligibility lists, including promotional lists, shall normally remain in effect one (1) year from the date established. The Commission may approve a list life of up to two years maximum at the request of the appointing authority. Such request may be made at any time during the first year of the list.

#### **Effective Life of Lists**

Eligibility lists shall become effective upon the approval thereof by the Secretary-Chief Examiner's signature to the effect that the list was legally prepared and represents the relative rating by the examination score of the persons named thereon. The Secretary-Chief Examiner shall notify the Commission at its next regular meeting that the eligibility list was approved. Such approval is subject to review by the Commission. Eligibility lists, including promotional lists shall remain in the effort for not more than one (1) year unless otherwise ordered by the Civil Service Commission. Names appearing on lists by reason of lay-off shall remain effective five (5) years.

### **3.05.04 Merging of Entry Level Lists**

The Commission may authorize the merging of 1) an entry level eligibility list which has not yet expired with a subsequent entry level list of 2) a lateral entry list which has not yet expired with a subsequent lateral entry list, when the selection processes used to create the lists are the same or substantially similar in content, design and scoring standards and when there exists a reasonable basis for comparing the performance of applicants in both. The lists shall be merged as follows:

- a. All names still active on the original list shall remain active on the merged list until the expiration date of the original list.

Names of eligibles qualified in subsequent examination(s) shall remain active for one (1) year from the date of creation of the merged list unless the Commission approved a longer life at the time the merged list was

requested or the Commission otherwise revokes or extends the life of the merged list in accordance with these Rules.

- b. Persons who attain a passing score in the subsequent selection process(es) shall be inserted on the existing list in order of their final scores without respect to the time of the selection process(es).

Eligibles enrolled on the original list may not compete in subsequent selection process(es), unless at least one year has elapsed since the date of approval from the secretary - chief examiner of the original list or such list has been extended by the Commission beyond the normal one year life of such list, provided however that the score earned in the subsequent selection process shall be the score used for the ranking of that eligible on the merged list.

### **3.05.05 Revocation of List**

An entry level or promotional list may be revoked and another examination ordered by the Commission only after recommendation of the Secretary-Chief Examiner and a finding of cause for revocation by the Commission. No lists shall be altered or revoked except upon written notice to all eligibles whose standing may be affected, and upon entry of the reasons in the minutes of the Commission.

### **3.05.06 Removal of Names from Lists**

The name of any eligible may be removed by the Secretary-Chief Examiner if the eligible fails to respond to a notice of employment, declines an appointment without reason satisfactory to the Secretary-Chief Examiner, cannot be located, or fails to pass a portion of the selection process not scored or used to establish rank on the list, such as the medical examination or background investigation. In the case of such removal, the Secretary-Chief Examiner shall notify the eligible in writing at his/her last known address.

The names of eligibles on promotional lists who resign from the City shall automatically be removed from promotional lists.

### **3.05.07 Notice of Address Change**

All eligibles are required to notify the Secretary-Chief Examiner of any change of name or address. Failure to do so may result in removal from the list.

### **3.06 Candidate Military Extension of Certification**

Candidates who are either active military, members of the military reserve, members of an ROTC unit, or who face the potential of military activation after completing fire testing, and are on the certified hiring list may request an extension of their certification on the Lateral and Entry firefighter lists under the following conditions:

- a. The candidate must have completed testing and must have been certified and have had their final test score merged on to an existing Lateral or Entry firefighter list prior to activation.

- b. Activation into military service must be mandatory and involuntary.
- c. The candidates must request an extension in writing to the Civil Service Commission.
- d. Voluntary enlistment or extension of military service will invalidate the request.
- e. Within 60 days of completion of mandatory military service, the candidate must request in writing to the Civil service Commission the return of their earlier final test score to the existing certified lateral or Entry firefighter eligibility list.
- f. The candidate's final test score will be merged into the eligibility list utilizing their previous score (or adjusted score if the testing process has been altered).
- g. The candidate's final test score will be placed on the list for the length of time originally remaining on the candidate's certification.
- h. Except for the changes in this section, the testing and hiring process will be conducted in a manner consistent with existing rules.

#### **4.0 Appointment**

##### **4.01 Procedure for Filling Vacancies**

**Vacancy** A vacancy is a position authorized in the City's budget which the appointing authority has chosen to fill. All vacancies in the Civil Service shall be filled by appointment from the appropriate eligibility list. Reinstatement lists shall be used before other eligibility lists. In the case of entry level positions, the appointing authority may, at his/her discretion, use either an entry level or a lateral entry level list, if such lists exist.

When no appropriate eligibility list exists at the time a vacancy is declared, the Commission shall immediately direct the Secretary-Chief Examiner to initiate the establishment of a list. During the time between declaration of the vacancy and the time the list is established, the appointing authority may make a temporary appointment. Such temporary appointment may not extend beyond the date a list is established or six months, whichever occurs first.

##### **4.02 Dropping Name from List**

Any person who declines certification or appointment or who fails to report shall be permanently dropped from the list on which his/her name appears unless satisfactory cause is shown to the Commission for such action.

##### **4.03 Types of Appointments**

An appointing authority may make the following types of appointments as provided by these Rules.

**Regular** A regular appointment is an appointment of an eligible person from a list to a vacancy in the Civil Service. Such appointment confers the rank to which the position has been assigned on the person appointed, provided the person successfully completes the probationary period for that appointment. The person so appointed retains the right to a position in that rank unless

and until he/she is subject to reduction or layoff, resignation, or is demoted or discharged for cause.

**Acting** An acting appointment is a temporary appointment to a position during the temporary absence of the regular incumbent, or appointment to a position which is temporarily established on an interim basis.

The appointing authority shall make all such acting appointments based on merit, efficiency and fitness. Whenever the appointing authority makes an acting appointment which exceeds twenty (20) consecutive calendar days, he/she shall immediately submit to the Commission a written memorandum stating 1) the name of the person appointed; 2) the reasons why such appointment is necessary; and 3) the estimated date on which the appointment shall cease. No one person shall be permitted to hold an acting appointment to the same position, as defined in the City's budget, for more than six (6) months total within any twelve (12) month period; however, the Commission may, at the request of the appointing authority, approve a special acting appointment to a specially created work unit or assignment for a term not to exceed two years. Time served in an acting capacity shall not be credited to any probationary period for rank served in an acting capacity and shall not be used in computing any privilege accruing under these Rules.

**Acting Appointments** The appointing authority shall make all such acting appointments based on merit, efficiency and fitness. Whenever the appointing authority makes acting appointments, the appointing authority shall submit the name of its proposed appointee to the Commission along with a written memorandum stating the reasons that such an appointment is necessary at the Commission's next meeting. In its written memorandum, the appointing authority shall indicate the time at which it is estimated the position will terminate. No acting appointment shall be continued and no person shall be employed in an acting position for more than the duration of the current certified civil service promotional list. Time served in a continuous acting capacity shall be credited toward the employee's probationary period for the rank served in an acting capacity and shall not be used in computing any privilege accruing under Civil Service Law or these rules.

**Provisional** A provisional appointment is a temporary appointment to a vacancy in the absence of an appropriate eligibility list. In such case the appointing authority may ascertain which persons meet the minimum prerequisites for the position, and may select one or more of these persons for consideration. The appointing authority shall use the same review steps for all such nominees to determine whether the nominee possesses the necessary qualifications, knowledge, abilities, skills and temperament required for the position. No provisional appointment shall be continued beyond the date an eligibility list is established or six (6) months, whichever is sooner, and no person appointed provisionally shall be again provisionally appointed sooner than twelve (12) months following completion of a provisional appointment. Time served in a provisional capacity shall not be credited on any probationary period for the rank served in provisional

capacity and shall not be used in computing any privilege accruing under these Rules.

**Reemployment** At the request of the appointing authority and upon approval by the Civil Service Commission, any person who has resigned in good standing, and who has attained permanent status prior to separation may, within five years for the effective date of his/her separation, be reemployed in any entry level position provided that he/she can successfully pass the examination, and provided there are no employees of the same department who have been laid off and whose names appear on a reemployment list for the department. Persons reentering the classified service through reemployment must complete a one-year probationary period in order to regain permanent status. Seniority and continuous service in the department will be counted only from the reemployment date. Previous service will not be restored to seniority.

#### **4.04 Certification of Eligibles**

Upon receipt of a request from an appointing authority to fill a vacancy, the Secretary-Chief Examiner shall certify five persons highest on the entry level or lateral entry level fire fighter eligibility list, or the top three persons highest on the promotional eligibility list for all other ranks, as applicable. The appointing authority may then appoint one of the certified eligibles to the vacant position.

The appointing authority may request a new certification for each appointment to be made. The Secretary-Chief Examiner shall, for each successive request, certify the top five from the entry level or lateral entry level fire fighter or Battalion Chief eligibility list, or three highest from all other eligibility lists, as applicable.

#### **4.05 Probation**

All newly hired or promoted regular employees, or employees returning after severance from the Civil Service except for lay-off, shall serve a probationary period designed to give the appointing authority an opportunity to determine whether the employee has the ability to perform the work in the setting for which he/she was appointed.

If during the probationary period the employee is absent for medical reasons and/or for limited duty assignment while recuperating from a medical problem, and the cumulative total of these absences and/or limited duty assignments is greater than 30 calendar days, the probationary period shall be extended by the same number of days as the cumulative leave time. Each probationary employee shall, at the least, be evaluated in writing by his/her supervisor at the end of his/her first, second, third, sixth, ninth and eleventh months. These evaluations shall include discussion of any performance problems noted and the corrective action required of the employee.

An employee who is serving his/her first probationary period in the Civil Service, or any employee returning to employment after severance from the

Civil Service except for layoff, may be terminated for any reason. Such termination is not appeal-able to the Civil Service Commission.

**Rejection of Probationer** During the probation period the appointing authority at its discretion may reject or terminate a probationary employee. Notice of rejection or termination with the reason therefore shall be given the probationer and a copy forwarded to the Secretary-Chief Examiner.

**Rejection After Promotion** A promotional appointee who is rejected during the probationary period shall revert back to the permanent rank held prior to the promotional appointment.

#### **4.06 Transfer**

A transfer is the reassignment of an employee from one position to another position in the same rank, or the reassignment of duties to a position commensurate with the rank of the incumbent. An appointing authority may, at his/her discretion, transfer employees as needed in order to carry out the work of the department.

The change of an employee from a position in a lower rank to a position in a higher rank shall be deemed a promotion and may be accomplished only in the manner provided in these Rules for making promotional appointments. The change of an employee from a position in a higher rank to a position in a lower rank shall be deemed a demotion and may be accomplished only in a manner provided in these Rules for making motional appointments.

#### **4.07 Voluntary Reduction in Rank**

A regular employee may request a reduction to a position in a lower rank, or may request restructuring of his/her job duties resulting in a lower rank. The appointing authority shall explore the feasibility of such a request. If the request cannot be immediately granted the employee, at his/her own option, may resign from the Civil Service.

#### **4.08 Layoff**

Whenever an appointing authority contemplates a reduction in staff because of changes in duties in the organization, a reorganization of positions, a position or service is abolished, a lack of work, or a shortage of funds, notice shall be sent to the Secretary-Chief Examiner who shall cooperate with the appointing authority in determining the most advisable procedure for accomplishing the reduction. Every reasonable effort will be made to integrate affected employees into other positions. The procedures are as follows.

- a. Whenever a layoff is anticipated, employees whose jobs may be affected shall be notified at least one week in advance of the layoff.
- b. Acting and provisional status employees shall be reduced to their regular civil service status rank before being considered for layoff.

- c. Starting with the highest rank affected, the order of reductions in rank and/or layoff shall be as follows: 1) acting and provisional status employees; 2) probationary employees; and 3) regular status employees.
- d. Regular employees with Civil Service status in a rank shall be retained on the basis of seniority when job performance and qualifications are equal. Relative job performance shall be determined by the appointing authority on the basis of past job performance evaluations. Qualifications shall be determined by the knowledge, abilities, skills and temperament required for the affected position as stated in the job description, and the employee's ability to perform the remaining work without further training.
- e. Employees who are reduced in rank or who are terminated because of a layoff shall be placed on a re-employment list in accordance with section 3.05.01 of these Rules.

## 5.00 Discipline

**Suspensions** The appointing authority may, for cause, suspend a permanent employee without pay for a period not to exceed the sum total of 240 working hours in any twelve (12) month period.

**Demotion and Discharge** The appointing authority may, for cause, demote or discharge any permanent employee.

**Discharge (Entry and Battalion Chief)** An employee who is unable or unwilling to meet stated performance standards for his/her position, and whose performance does not improve with additional training or other corrective action may be discharged. An employee may also be discharged for serious offenses as outlined in department or City policies, rules, regulations, standards of conduct or standard operating procedures, or for other substantial reasons deemed appropriate by the appointing authority.

**Written Statement Required** Any decision to suspend, demote or discharge a permanent employee shall be in the form of a written statement setting forth in general terms the basis for the decision. Such written statement shall be served on the employee affected and the Secretary-Chief Examiner prior to the effective date of the action. If the public health and safety require an immediate suspension, and service of said written statement cannot practicably be made prior to the suspension, taking effect, the suspension may be ordered to take effect immediately and service shall be made within 24-hours excluding Saturdays, Sundays and holidays.

## 5.01 Right of Appeal

Any employee who has attained regular Civil Service status and who is suspended without pay, demoted or discharged may, within ten (10) calendar days of the service of written notice of said suspension, demotion or discharge, file a written appeal of the action with the Commission. The written appeal shall state 1) the action appealed; 2) a brief statement of the issues involved; 3) a statement of the grounds of the appeal; and 4) a statement of the remedy the employee is seeking.

## **5.02 Hearing**

### **5.02.01 Hearing**

Within thirty (30) days of the filing of an appeal the Commission shall consider an appropriate date for a hearing on the appeal at its regular meeting or a special meeting held for that purpose. At least twenty (20) days notice of the meeting shall be given to the parties to the appeal and their attorneys, if any. The parties and their attorneys, if any, shall have the opportunity to be heard by the Commission at the meeting regarding an appropriate hearing date. The Commission shall set a hearing date at the meeting unless it determines that good cause exists for postponing a decision. The Commission shall hold a hearing on any such appeal upon reasonable notice to the employee affected and the appointing authority on the date set. The parties and their attorneys shall be notified of the hearing date in writing at least 30 days prior to the hearing. The affected employee and the appointing authority shall each have the opportunity to appear and be heard in person and through counsel or other representative.

### **5.02.02 Rules of Evidence**

The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any oral or documentary evidence and other data deemed relevant by the Commission may be received into evidence.

### **5.02.03 Proceedings to be Recorded**

The proceedings shall be recorded by tape recording or court reporter.

### **5.02.04 Powers of the Commission**

The Commission shall have the power to administer oaths, issue subpoenas and require the attendance of witnesses. The Commission shall also have the power to require witnesses to produce books, papers, documents and other materials the Commission deems necessary to the just determination of the appeal. The Commission may also 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 Superior Court. The oaths administered hereunder shall have the same force and effect as the oaths administered by a Superior Court Judge in a judicial capacity.

### **5.02.05 Purpose of the Hearing**

In hearing an appeal concerning disciplinary action, the Commission shall be confined to the determination of the question of whether a suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause.

### **5.02.06 Pre-Hearing Conference**

In the Parties agree, a pre-hearing conference may be held to consider:

- a. The delineation or simplification of the issues.
- b. The existence of any undisputed facts to which the parties will stipulate.

- c. The designation of documents which the parties will seek to introduce at the hearing and whether the parties will stipulate or object to the same.
- d. Such other matters as may aid the efficient disposition of the action.

The Commission's legal advisor shall attend such pre-hearing conference and, if the parties are able to agree to 1) the existence of any undisputed facts, 2) the statement of any issues, and/or 3) the admission of any documents, the legal advisor shall prepare a proposed pre-hearing order for consideration by the parties, setting forth any such agreed facts and issues and/or documents which may be introduced, and any other matters which have been agreed to be the parties. If the parties agree to the entry of such proposed pre-hearing order, it shall be presented to the Commission, and if approved for admission by the Commission, shall be deemed an official part of the record of the proceedings. The entry of a pre-hearing order shall not prevent the introduction of additional evidence not specified therein.

#### **5.02.07 Decision of the Commission**

After the hearing has been completed, the Commission shall retire to deliberate and make its decision. Following such deliberation the Commission may take one of the following actions:

- a. If the Commission determines the suspension, demotion or discharge was made in good faith, for cause and not for political or religious reasons it shall affirm the suspension, demotion or discharge.
- b. If the Commission determines that suspension, demotion or discharge was not in good faith for cause or was for political or religious reasons it may overrule the suspension, demotion or discharge; in which case the Commission, in its discretion, may order that its decision be retroactive and that the suspension, demotion or discharge.
- c. In lieu of affirming or overturning the suspension, demotion or discharge, the Commission may modify such decision on such terms as it deems appropriate. Such modification may include suspension without pay for designated period or demotion in classification, grade or pay.

#### **5.02.08 Findings of Fact**

In rendering a decision on an appeal hereunder, the Commission shall make and enter findings of fact in support of its decision.

#### **5.02.09 Service on the Parties**

The decision of the Commission, and the findings of fact entered there on, shall be served upon the employee affected and the appointing authority.

#### **5.02.10 Appeal to Superior Court**

Any decision of the Commission hereunder may be appealed by the employee and/or the appointing authority affected to the Superior Court. Such appeal shall be taken by serving the Commission, within thirty (30) calendar days after the entry of its decision, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record

and of all papers on file with the Commission relating to such decision be filed by the Commission with the Court.

**5.02.11 Scope of Review**

As provided in RCW 41.12.090 and 41.08.090, the hearing by the Superior Court shall be confined to the determination of whether the decision of the Commission was or was not made in good faith for cause, and no appeal to such court shall be taken except on such grounds.

## **Police Only**

**6.00 Recruitment, Selection and Placement**

**6.01 Recruitment**

**6.01.01 Announcement of Examinations**

Examinations for positions covered by Civil Service shall be publicly announced by the Secretary-Chief Examiner. These examination announcements shall, not be less than seven calendar days before the closing date, be posted in the Personnel Office and in the Department for which the examination is being conducted. If the examination is also open to persons who are not already in the Bellevue Civil Service, the Secretary-Chief Examiner shall also advertise the examination in the appropriate labor market(s) not less than seven calendar days before the closing date.

All examination announcements shall include the following information:

- a. Position title and salary range
- b. Brief description of the position duties and responsibilities
- c. Minimum qualifications required
- d. Instructions for applying and last date for filing applications
- e. Summary of the selection process which will be followed, including passing scores required
- f. Life of the list established
- g. Statement that the City is an Equal Opportunity Employer.

**6.01.02 Applications**

The Secretary-Chief Examiner shall prescribe the application format to be used for each examination. To participate in an examination, an applicant must complete and file the prescribed application with the Secretary-Chief Examiner by the stated deadline as indicated in the examination announcement.

**6.02 Selection**

**6.02.01 Selection Process**

The selection process used to screen, rank and select candidates for positions shall be job-related for the position and shall fairly assess the

candidates for the qualifications, knowledge, abilities, skills and temperament needed to successfully perform the job.

**6.02.02 Selection Process Administration**

The Secretary-Chief Examiner shall be responsible for conducting and scoring all parts of the selection process. The Secretary-Chief Examiner may designate another person or agency as an “examiner-in-charge” to conduct and/or score part or all of a selection process.

The Secretary-Chief Examiner or his/her designated examiner-in-charge may remove any person from the selection process if the examiner has substantial reason to believe that the person is cheating or is in some other way attempting to compromise the fairness, validity or confidentiality of the examination.

**6.02.03 Selection Parts**

The total selection process for a position may consist of one or more of the following steps and devices:

- a. Application screening based on resume and/or supplemental application form.
- b. Interest/ temperament inventory
- c. Written test
- d. Oral test
- e. Work sample/ simulation exercise
- f. Assessment center
- g. Structured peer evaluation
- h. Physical skill/ physical ability
- i. Psychological profile
- j. Medical evaluation
- k. Structured reference check/ background investigation
- l. Polygraph examination (initial application for police employment only)
- m. Other steps or devices as specifically approved by the Commission.

The Secretary-Chief Examiner shall solicit input from the hiring authority or his/her designee in determining the selection criteria and selection steps to recommend. The Commission shall approve, prior to posting a job announcement, the steps and/or kinds of devices to be used, the steps and/or devices which will have a numerical score and which will contribute to a candidate’s rank on the eligible list, the relative weight of each scored step, and the passing score required on each scored step in order to proceed to the next step. The Commission shall also approve the devices used which will not have a numerical score but which will be evaluated as “pass” or “fail”. Some or all of these un-scored portions of the selection process may be administered after the eligible list has been established. Applicants much

achieve a “pass” in all steps in the selection process prior to being appointed to a position.

**6.02.04 Scoring Selection Steps**

The Secretary-Chief Examiner shall take reasonable steps to insure that the same rating criteria are used for all applicants for each of the steps in the selection process. Where practical, the identity of individual applicants will be concealed from raters.

**6.03 Notification of Results**

Each applicant shall be notified by email/phone/mail of the results of his/her performance on each selection step as the steps are completed and scored. At the completion of the total scored process, each applicant will be notified of his/her final score, and if successful, his/her rank on the eligible list.

**6.04 Examination of Appeals**

**6.04.01 Time Limit and Form**

An applicant who believes that there is an error in the format or content of a step in the selection process, or who believes there has been an error in the way a step in the selection process has been administered, may file an appeal with the Secretary-Chief Examiner within three (3) business days of the administration of that step of the selection process.

All appeals must be in writing, and must include a description of the specific item the applicant believes was in error, the reasons why the applicant believes that item is in error, and the correction the applicant believes should be made. Any clerical error may be corrected by the Secretary Chief Examiner in response to an appeal or upon discovery at any time during the life of the list, but no such correction will affect an appointment made from a certification made prior to the correction. For purpose of this section, a clerical error is an error which is mechanical in nature, such as errors in transcriptions, copying, writing, or computation.

**6.04.02 Response to Appeals**

Upon receiving an appeal the Secretary-Chief Examiner shall review the items appealed and determine if there is merit to the appeal. If the Secretary-Chief Examiner determines there is merit to the appeal, he/she shall take action as needed to correct the problem. He/she may consult with any technical experts he/she deems appropriate in order to competently resolve the issue. The Secretary-Chief Examiner shall notify the applicant in writing of his/her determination.

If the applicant is not satisfied with the response from the Secretary-Chief Examiner, the applicant may request Commission review of the appeal. Such appeal to the Commission shall be in writing and must be received by the Secretary-Chief Examiner on behalf of the Commission no later than ten (10) calendar days from the date the Secretary-Chief Examiner sent his/her response to the applicant. In deciding the issue, the Commission will review the written record together with any further information presented by the

applicant and the Secretary-Chief Examiner at a public hearing. The decision of the Commission shall be final.

The Secretary-Chief Examiner shall review and respond to all appeals received at the conclusion of a selection step prior to scoring that selection step.

## **6.05 Eligibility Lists**

### **6.05.01 Types of Eligibility Lists**

The Commission may, upon the request of the appointing authority, authorize the establishment of the following types of lists.

**Entry Level** An entry level list is a list of persons, who may or may not be current members of the Bellevue Civil Service, who have passed the scored portion of the examination for the lowest rank of the Police service. Entry level applicants may compete in any entry level selection process only if one year has elapsed since the applicant last competed in any entry level examination.

**Lateral Entry Level** A lateral entry level list is a list of persons who are currently sworn Police Officers in other jurisdictions and who have passed the scored portion of the examination for transfer to an entry level position in the Bellevue Civil Service.

**Promotional** A promotional list is a list of current members of the Bellevue Civil Service who have passed the scored portion of the examination for promotion to a higher rank.

**Reinstatement Lists** A reinstatement list is a list of persons who have achieved regular Civil Service status in the City of Bellevue and who have been reduced in rank and/or separated from the Civil Service because of changes in duties in the organization, a reorganization of positions, abolition of a position or service, a lack of work, or a shortage of funds.

Any reinstated employee who holds a position in the Civil Service and who is reduced in rank and/or laid off City employment shall be placed on a reinstatement eligibility list for the rank held at the time of the reduction or layoff. Eligibles shall be placed on re-instatement lists in the reverse order of their dates of reduction or layoff. In the event two employees share the same reduction/ layoff date, the following order or circumstances shall be used to determine the order of their placement on the reinstatement eligibility list: 1) seniority in the rank; 2) overall seniority; and 3) a draw of names. An eligible shall remain on a reinstatement list for three (3) years, until reemployed or reinstated in rank, or removed from the list under the provisions of section 6.05.06 below, whichever occurs first.

All reinstated employees must meet the same standards for physical and mental health that are required for current active members.

#### **6.05.02 Order of Names on the List**

The names of applicants, who pass the examination designated by the Commission as contributing to the rank on the list, shall be arranged in order of the applicants' total scores. In the event two or more applicants achieve the same total score, the order of their names on the list shall be determined by a draw of names.

Any applicant who qualifies for veteran's preference in examination and employment as provided for the defined in RCW 41.04.010 shall have the preference points specified in that chapter added to his/her final achieved score provided he/she passed all scored parts of the selection process.

#### **6.05.03 Effective Life of Lists**

An eligibility list shall become effective on the date it is approved by the Secretary-Chief Examiner as being accurate, complete and legally prepared. The Secretary-Chief Examiner shall notify the Commission in writing that the eligibility list was approved. Such approval is subject to Commission review.

Eligibility lists, including promotional lists, shall normally remain in effect one (1) year from the date established. The Commission may approve a list life of up to two years maximum at the request of the appointing authority. Such request may be made at any time during the first year of the list.

#### **6.05.04 Merging of Entry Level Lists**

The Commission may authorize the merging of 1) an entry level eligibility list which has not yet expired with a subsequent entry level list of 2) a lateral entry list which has not yet expired with a subsequent lateral entry list, when the selection processes used to create the lists are the same or substantially similar in content, design and scoring standards and when there exists a reasonable basis for comparing the performance of applicants in both. The lists shall be merged as follows:

- a. All names still active on the original list shall remain active on the merged list until the expiration date of the original list.
- b. Eligibles enrolled on any entry level eligibility list may not compete in subsequent selection process(es), unless one year has elapsed since the date of approval by the Secretary -Chief Examiner of the original list upon which the eligible's name first appeared.
- c. If the effective life of an eligibility list is extended beyond one year, or in instances where a lateral entry list is merged persons who are eligible to retake an examination and attain a passing score in any subsequent selection process (es), shall be inserted on the existing list in order of their final scores in subsequent examination(s).
- d. If an applicant is eligible to retake an entry level or lateral entry level examination, and is qualified in the subsequent examination(s), that person shall remain active for one (1) year from the date of creation from the merged list unless the Commission approved a longer life for the merged list, or the Commission otherwise revokes or extends the life of the merged list in accordance with these rules.

**6.05.05 Revocation of List**

An entry level or promotional list may be revoked and another examination ordered by the Commission only after recommendation of the Secretary-Chief Examiner and a finding of cause for revocation by the Commission. No lists shall be altered or revoked except upon written notice to all eligibles whose standing may be affected, and upon entry of the reasons in the minutes of the Commission.

**6.05.06 Removal of Names from Lists**

The name of any eligible may be removed by the Secretary-Chief Examiner if the eligible fails to respond to a notice of employment, declines an appointment without reason satisfactory to the Secretary-Chief Examiner, cannot be located, or fails to pass a portion of the selection process not scored or used to establish rank on the list, such as the medical examination or background investigation. In the case of such removal, the Secretary-Chief Examiner shall notify the eligible in writing at his/her last known address.

The names of eligibles on promotional lists who resign from the City shall automatically be removed from promotional lists.

**6.05.07 Notice of Address Change**

All eligibles are required to notify the Secretary-Chief Examiner of any change of name or address. Failure to do so may result in removal from the list.

**6.06 Continuous Testing For Lateral Applicants**

Lateral applicants are eligible for immediate testing, up to and including the oral boards under the following conditions:

- 1) The candidate must meet all present prerequisites for the position of lateral officer.
- 2) The candidate must successfully complete all testing during a single visit including:
  - i. Physical test (BLEA FATS)
  - ii. Written test
  - iii. Oral board
- 3) That upon successful completion of the total process the candidate will be placed on the lateral eligibility list in order of their final score and their final score will be merged into any existing scores on the lateral eligibility list.
- 4) Except for the changes in this section, the testing and hiring process will be conducted in a manner consistent with the existing rules.

**6.07 Candidate Military Extension of Certification**

Candidates who are either active military, members of the military reserve, members of an ROTC unit, or who face the potential of military activation after completing police testing, and are on the certified hiring list may request

an extension of their certification on the Lateral and Entry Police officer lists under the following conditions:

- a. The candidate must have completed testing and must have been certified and have had their final test score merged on to an existing Lateral or Entry police officer list prior to activation.
- b. Activation into military service must be mandatory and involuntary.
- c. The candidates must request an extension in writing to the Civil Service Commission.
- d. Voluntary enlistment or extension of military service will invalidate the request.
- e. Within 60 days of completion of mandatory military service, the candidate must request in writing to the Civil service Commission, the return of their earlier final test score to the existing certified lateral or Entry police officer eligibility list.
- f. The candidate's final test score will be merged into the eligibility list utilizing their previous score (or adjusted score if the testing process has been altered).
- g. The candidate's final test score will be placed on the list for the length of time originally remaining on the candidate's certification.
- h. Except for the changes in this section, the testing and hiring process will be conducted in a manner consistent with existing rules.

## **7.00 Appointment**

### **7.01 Procedure for Filling Vacancies**

**Vacancy** A vacancy is a position authorized in the City's budget which the appointing authority has chosen to fill. All vacancies in the Civil Service shall be filled by appointment from the appropriate eligibility list. Reinstatement lists shall be used before other eligibility lists. In the case of entry level positions, the appointing authority may, at his/her discretion, use either and entry level or a lateral entry level list, if such lists exist.

When no appropriate eligibility list exists at the time a vacancy is declared, the Commission shall immediately direct the Secretary-Chief Examiner to initiate the establishment of a list. During the time between declaration of the vacancy and the time the list is established, the appointing authority may make a temporary appointment. Such temporary appointment may not extend beyond the date a list is established or six months, whichever occurs first.

### **7.02 Types of Appointments**

An appointing authority may make the following types of appointments as provided by these Rules.

**Regular** A regular appointment is an appointment of an eligible person from a list to a vacancy in the Civil Service. Such appointment confers the rank to which the position has been assigned on the person appointed, provided the person successfully completes the probationary period for that appointment. The person so appointed retains the right to a position in that rank unless

and until he/she is subject to reduction or layoff, resignation, or is demoted or discharged for cause.

**Acting** An acting appointment is a temporary appointment to a position during the temporary absence of the regular incumbent, or appointment to a position which is temporarily established on an interim basis.

The appointing authority shall make all such acting appointments based on merit, efficiency and fitness. Whenever the appointing authority makes an acting appointment which exceeds twenty (20) consecutive calendar days, he/she shall immediately submit to the Commission a written memorandum stating 1) the name of the person appointed; 2) the reasons why such appointment is necessary; and 3) the estimated date on which the appointment shall cease. No one person shall be permitted to hold an acting appointment to the same position, as defined in the City's budget, for more than six (6) months total within any twelve (12) month period; however, the Commission may, at the request of the appointing authority, approve a special acting appointment to a specially created work unit or assignment for a term not to exceed two year. Time served in an acting capacity shall not be credited to any probationary period for rank served in an acting capacity and shall not be used in computing any privilege accruing under these Rules.

**Provisional** A provisional appointment is a temporary appointment to a vacancy in the absence of an appropriate eligibility list. In such case the appointing authority may ascertain which persons meet the minimum prerequisites for the position, and may select one or more of these persons for consideration. The appointing authority shall use the same review steps for all such nominees to determine whether the nominee possesses the necessary qualifications, knowledge, abilities, skills and temperament required for the position. No provisional appointment shall be continued beyond the date an eligibility list is established or six (6) months, whichever is sooner, and no person appointed provisionally shall be again provisionally appointed sooner than twelve (12) months following completion of a provisional appointment. Time served in a provisional capacity shall not be credited on any probationary period for the rank served in provisional capacity and shall not be used in computing any privilege accruing under these Rules.

### **7.03 Certification of Eligibles**

Upon receipt of a request from an appointing authority to fill a vacancy, the Secretary-Chief Examiner shall certify five persons highest on the entry level or lateral entry level police officer eligibility list, or the top three persons highest on the promotional eligibility list for all other ranks, as applicable. The appointing authority may then appoint one of the certified eligible's to the vacant position.

The appointing authority may request a new certification for each appointment to be made. The Secretary-Chief Examiner shall, for each successive request, certify the top five from the entry level or lateral entry police officer eligibility list, or three highest from all other eligibility lists, as applicable.

#### **7.04 Probation**

All newly hired or promoted regular employees, or employees returning after severance from the Civil Service except for lay-off, shall serve a probationary period designed to give the appointing authority an opportunity to determine whether the employee has the ability to perform the work in the setting for which he/she was appointed.

Except as noted below, the probationary period shall be twelve calendar months, provided the chief of the department involved has the option of extending the probationary period, where warranted, for an additional six months. If during the probationary period the employee is absent for medical reasons and/or for limited duty assignment while recuperating from a medical problem, and the cumulative total of these absences and/or limited duty assignments is greater than 30 calendar days, the probationary period shall be extended by the same number of days as the cumulative leave time. Each probationary employee shall, at the least, be evaluated in writing by his/her supervisor at the end of his/her first, second, third, sixth, ninth and eleventh months. These evaluations shall include discussion of any performance problems noted and the corrective action required of the employee.

An employee who is serving his/her first probationary period in the Civil Service, or any employee returning to employment after severance from the Civil Service except for layoff, may be terminated for any reason. Such termination is not appeal-able to the Civil Service Commission.

An employee hired as an entry level police officer shall serve a preliminary probationary period during the time he/she is attending the police academy and before the time he/she receives his/her commission and begins field training. For new recruits this preliminary probationary period shall not exceed fifteen weeks; for a lateral entry officer, this period shall not exceed four weeks. Following the preliminary probationary period the officer will begin the normal twelve month probationary period described above.

#### **7.05 Transfer**

A transfer is the reassignment of an employee from one position to another position in the same rank, or the reassignment of duties to a position commensurate with the rank of the incumbent. An appointing authority may, at his/her discretion, transfer employees as needed in order to carry out the work of the department.

The change of an employee from a position in a lower rank to a position in a higher rank shall be deemed a promotion and may be accomplished only in the manner provided in these Rules for making promotional appointments. The change of an employee from a position in a higher rank to a position in a lower rank shall be deemed a demotion and may be accomplished only in a manner provided in these Rules for making demotion appointments.

## **7.06 Voluntary Reduction in Rank**

A regular employee may request a reduction to a position in a lower rank, or may request restructuring of his/her job duties resulting in a lower rank. The appointing authority shall explore the feasibility of such a request. If the request cannot be immediately granted the employee, at his/her own option, may resign from the Civil Service.

## **7.07 Layoff**

Whenever an appointing authority contemplates a reduction in staff because of changes in duties in the organization, a reorganization of positions, a position or service is abolished, a lack of work, or a shortage of funds, notice shall be sent to the Secretary-Chief Examiner who shall cooperate with the appointing authority in determining the most advisable procedure for accomplishing the reduction. Every reasonable effort will be made to integrate affected employees into other positions. The procedures are as follows.

- a. Whenever a layoff is anticipated, employees whose jobs may be affected shall be notified at least one week in advance of the layoff.
- b. Acting and provisional status employees shall be reduced to their regular civil service status rank before being considered for layoff.
- c. Starting with the highest rank affected, the order of reductions in rank and/or layoff shall be as follows: 1) acting and provisional status employees; 2) probationary employees; and 3) regular status employees.
- d. Regular employees with Civil Service status in a rank shall be retained on the basis of seniority when job performance and qualifications are equal. Relative job performance shall be determined by the appointing authority on the basis of past job performance evaluations. Qualifications shall be determined by the knowledge, abilities, skills and temperament required for the affected position as stated in the job description, and the employee's ability to perform the remaining work without further training.
- e. Employees who are reduced in rank or who are terminated because of a layoff shall be placed on a re-employment list in accordance with section 6.05.01 of these Rules.

## **8.0 Discipline**

### **8.01 Causes for Disciplinary Action**

An appointing authority is authorized to develop specific policies, rules, regulations, standards of conduct, and procedures for handling discipline in a department. Any employee in the Civil Service may be subject to disciplinary action for cause, including but not limited to, the following.

- a. Sexual harassment;
- b. Insubordination;
- c. Arriving on the job under the influence of intoxicating beverages or drugs; using intoxicating beverages or illegal drugs on the job or on City

- property; misuse of prescription and/or non-prescription drugs on the job or a time which affects an employee's work on the job in a manner which could cause a hazard to other employees or the public;
- d. Violation of any ordinance, directive, policy of the City, or departmental operating procedure or regulation;
  - e. Unauthorized absence from work;
  - f. Habitual absence or tardiness for any reason; abuse of sick leave;
  - g. Violation of safety rules; personal conduct at work which is dangerous to self and/or others;
  - h. Conviction of a felony or a misdemeanor which could adversely affect the employee's ability to perform the duties of his/her position;
  - i. Interfering with or disrupting the work of other employees on the job;
  - j. Negligent or willful damage to City property; waste of supplies and equipment; theft;
  - k. Discourteous treatment of the public or other employees;
  - l. Fighting on the job;
  - m. Unwillingness or inability to maintain an acceptable level of work performance.
  - n. Any other act or omission sufficient to show the employee to be unsuitable and/or unfit for public service.

## **8.02 Procedures for Discipline**

Prior to taking any disciplinary action, the appointing authority or his/her designee shall undertake an investigation of the facts. During this investigation the employee shall be given an opportunity to present his/her explanation of the facts either orally or in writing. Discipline shall be administered in accordance with department policies, rules, regulations, standards of conduct and operating procedures and these Rules.

Any decision to suspend, demote or discharge a regular employee shall be in the form of a written statement including 1) a designation of the violation(s) of failure(s) of the employee, 2) a clear statement of the acts or incidents causing the discipline, and 3) the policy, rule, regulation, operating procedure, and/or standard of conduct violated.

Such written statement shall be served on the employee affected and the Secretary-Chief Examiner prior to the effective date of the action.

The types of discipline which may be administered may start at any level, up to and including discharge, dependent upon the seriousness of the offense. These types of discipline include:

**Oral Warning** Oral warnings may be used for minor offenses. Repeated violations of oral warnings will result in further disciplinary action.

**Written Warning** Written warnings may be used initially for more serious problems or offenses or for repeated incidents where an oral warning has failed to correct the behavior. The employee shall receive a signed letter

from his/her supervisor listing the violations or failures of the employee and clearly stating what corrective actions must be taken by the employee to avoid more serious discipline.

**Suspension Without Pay** An employee may be suspended without pay when 1) the offense is of a serious enough nature usually sufficient for discharge but when circumstances related to an employee's overall performance would not warrant immediate discharge, 2) in the course of progressive discipline, or 3) for serious offenses as outlined in department policies, rules, regulations, standards of conduct and standard operating procedures.

Investigatory suspensions without pay may be used in cases where it is necessary to investigate a situation further to determine what discipline may be justified. If after investigation it is determined that the employee was not guilty of any violation, he/she shall normally be paid for any lost time, and a letter exonerating the employee shall be placed in her/her official personnel file. If, however, the employee is found in violation, the appropriate disciplinary action shall take effect on the date that the investigatory suspension began.

Suspensions without pay shall not normally exceed thirty (30) calendar days in length.

**Demotion** An appointing authority may demote an employee when an offense is serious enough to warrant discharge but when the circumstances of the offense are more related to the employee's inability or unwillingness to perform in the higher rank rather than inability or unwillingness to perform according to department or City policies, rules, regulations, standards of conduct or standard operating procedures.

**Discharge** An employee who is unable or unwilling to meet stated performance standards for his/her position, and whose performance does not improve with additional training or other corrective action may be discharged. An employee may also be discharged for serious offenses as outlined in department or City policies, rules, regulations, standards of conduct or standard operating procedures, or for other substantial reasons deemed appropriate by the appointing authority.

### **8.03 Right of Appeal**

Any employee who has attained regular Civil Service status and who is suspended without pay, demoted or discharged may, within ten (10) calendar days of the service of written notice of said suspension, demotion or discharge, file a written appeal of the action with the Commission. The written appeal shall state 1) the action appealed; 2) a brief statement of the issues involved; 3) a statement of the grounds of the appeal; and 4) a statement of the remedy the employee is seeking.

### **8.04 Hearing**

#### **8.04.01 Hearing**

Within thirty (30) days of the filing of an appeal the Commission shall consider an appropriate date for a hearing on the appeal at its regular

meeting or a special meeting held for that purpose. At least twenty (20) days notice of the meeting shall be given to the parties to the appeal and their attorneys, if any. The parties and their attorneys, if any, shall have the opportunity to be heard by the Commission at the meeting regarding an appropriate hearing date. The Commission shall set a hearing date at the meeting unless it determines that good cause exists for postponing a decision. The Commission shall hold a hearing on any such appeal upon reasonable notice to the employee affected and the appointing authority on the date set. The parties and their attorneys shall be notified of the hearing date in writing at least 30 days prior to the hearing. The affected employee and the appointing authority shall each have the opportunity to appear and be heard in person and through counsel or other representative.

**8.04.02 Rules of Evidence**

The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any oral or documentary evidence and other data deemed relevant by the Commission may be received into evidence.

**8.04.03 Proceedings to be Recorded**

The proceedings shall be recorded by tape recording or court reporter.

**8.04.04 Powers of the Commission**

The Commission shall have the power to administer oaths, issue subpoenas and require the attendance of witnesses. The Commission shall also have the power to require witnesses to produce books, papers, documents and other materials the Commission deems necessary to the just determination of the appeal. The Commission may also 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 Superior Court. The oaths administered hereunder shall have the same force and effect as the oaths administered by a Superior Court Judge in a judicial capacity.

**8.04.05 Purpose of the Hearing**

In hearing an appeal concerning disciplinary action, the Commission shall be confined to the determination of the question of whether a suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause.

**8.04.06 Pre-Hearing Conference**

In the Parties agree, a pre-hearing conference may be held to consider:

- e. The delineation or simplification of the issues.
- f. The existence of any undisputed facts to which the parties will stipulate.
- g. The designation of documents which the parties will seek to introduce at the hearing and whether the parties will stipulate or object to the same.
- h. Such other matters as may aid the efficient disposition of the action.

The Commission's legal advisor shall attend such pre-hearing conference and, if the parties are able to agree to 1) the existence of any undisputed facts, 2) the statement of any issues, and/or 3) the admission of any documents, the legal advisor shall prepare a proposed pre-hearing order for consideration by the parties, setting forth any such agreed facts and issues and/or documents which may be introduced, and any other matters which have been agreed to be the parties. If the parties agree to the entry of such proposed pre-hearing order, it shall be presented to the Commission, and if approved for admission by the Commission, shall be deemed an official part of the record of the proceedings. The entry of a pre-hearing order shall not prevent the introduction of additional evidence not specified therein.

#### **8.04.07 Decision of the Commission**

After the hearing has been completed, the Commission shall retire to deliberate and make its decision. Following such deliberation the Commission may take one of the following actions:

- d. If the Commission determines the suspension, demotion or discharge was made in good faith, for cause and not for political or religious reasons it shall affirm the suspension, demotion or discharge.
- e. If the Commission determines that suspension, demotion or discharge was not in good faith for cause or was for political or religious reasons it may overrule the suspension, demotion or discharge; in which case the Commission, in its discretion, may order that its decision be retroactive and that the suspension, demotion or discharge.
- f. In lieu of affirming or overturning the suspension, demotion or discharge, the Commission may modify such decision on such terms as it deems appropriate. Such modification may include suspension without pay for designated period or demotion in classification, grade or pay.

#### **8.04.08 Findings of Fact**

In rendering a decision on an appeal hereunder, the Commission shall make and enter findings of fact in support of its decision.

#### **8.04.09 Service on the Parties**

The decision of the Commission, and the findings of fact entered there on, shall be served upon the employee affected and the appointing authority.

#### **8.04.10 Appeal to Superior Court**

Any decision of the Commission hereunder may be appealed by the employee and/or the appointing authority affected to the Superior Court. Such appeal shall be taken by serving the Commission, within thirty (30) calendar days after the entry of its decision, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file with the Commission relating to such decision be filed by the Commission with the Court.

**8.04.11 Scope of Review**

As provided in RCW 41.12.090 and 41.08.090, the hearing by the Superior Court shall be confined to the determination of whether the decision of the Commission was or was not made in good faith for cause, and no appeal to such court shall be taken except on such grounds.

These Rules are hereby approved and adopted this 10th day of March, 2009.

/s/ Jeff W. Sko  
Chair

/s/ James H. Key  
Vice Chair

/s/ Brian Madden  
Commissioner

/s/ Todd Son  
Commissioner

/s/ Ann R. Schmidt  
Commissioner

APPROVED AS TO FORM:

/s/ Jerome P. Poacke  
Assistant City Attorney

Attest:

/s/ [Signature]  
Secretary - Chief Examiner