

SKAGIT COUNTY CIVIL SERVICE RULES

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RULE 1. GENERAL PROVISIONS

- 1.01 **AUTHORITY AND APPLICATION** These rules are promulgated pursuant to the authority granted by Chapter 41.14 RCW, Civil Service for Sheriff's Office and to proceedings before the Civil Service Commission. They should be read in conjunction with the specific provisions of RCW Chapter 41.14.
- 1.03 **SCOPE AND PURPOSE** These rules govern the continuing administration of the Civil Service System in the Skagit County Sheriff's Office. The purpose of these rules is to assure that the Civil Service System in Skagit County is administered in accordance with RCW Chapter 41.14 and that all proceedings before the Commission are conducted in an orderly, fair and timely manner. Specifically, these rules govern appointments, promotions, assignments, transfers, demotions, suspensions, discharges and/or reinstatements to ensure that such actions shall be made on the basis of merit and fitness, and for the efficiency of the Department.
- 1.05 **PRESUMPTION OF VALIDITY** The Civil Service implemented by these rules substantially accomplishes the purpose of RCW Chapter 41.14. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW Chapter 41.14.
- 1.07 **SEVERABILITY** If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.
- 1.09 **REPEALS AND SAVINGS** All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.
- 1.11 **ORGANIZATION-COMMISSION**
- 1.11.01 Commission Created – There is hereby created a Civil Service Commission composed of three members who shall be appointed by the Board of County Commissioners.
- 1.11.02 Qualifications – No person shall be appointed to the Commission who is not a citizen of the United States, a resident of Skagit County for at least three years immediately preceding his/her appointment, and an elector of Skagit County.
- 1.11.03 Term of Office – The commissioners appointed shall serve for six year staggered terms.
- 1.11.04 Removal – Any member of the Commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance in office, or good cause.

No member of the Commission shall be removed unless charges have

been preferred in writing, due notice, and a full hearing has been had before the Board of County Commissioners.

- 1.11.05 Vacancies – Any vacancy in the Commission shall be filled by the county commissioners for the unexpired term. Confirmation of the appointment of commissioners by any legislative body shall not be required.
- 1.11.06 Chief Examiner/Secretary – See Rule 3.
- 1.11.07 Compensation – Duties – The members of the Commission shall serve without compensation and no member after appointment shall hold any salaried public office or engage in county employment other than Commission duties.
- 1.11.08 Expenses – The members of the Civil Service Commission shall be reimbursed for necessary expenses incurred while actually engaged in the performance of their official duties in like manner as is provided by law for other county officers.
- 1.11.09 Funds May Be Provided – The Board of County Commissioners of Skagit County may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year’s total payroll of those included under the jurisdiction and scope of this act. The funds so provided shall be used for the support of the Commission. Any part of the funds so provided and not expended for the support of the Commission during the fiscal year shall be placed in the general fund of the county on the first day of January following the close of such fiscal year.

1.13 **DUTIES – COMMISSION** It shall be the duty of the Civil Service Commission:

- 1.13.01 To make suitable rules and regulations consistent with the provisions of the Sheriff’s Civil Service Act. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this act, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed and copied upon request for free public distribution. Such rules and regulations may be changed from time to time;
- 1.13.02 To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of physical fitness or manual skill or both;
- 1.13.03 To make investigations concerning and report upon all matters touching the

enforcement and effect of the provisions of this act, and the rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by the Civil Service Act, and ascertain whether the Civil Service Act and all such rules and regulations are being obeyed;

- 1.13.04 To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the Commission;
 - 1.13.05 To provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be re-employed;
 - 1.13.06 To certify to the appointing authority, when a vacant position is to be filled, on written request, the names of the three persons highest on the eligible list for the class. If there is no such list, to authorize a provisional or temporary appointment list for such class; and,
 - 1.13.07 To keep such records as may be necessary for the proper administration of this act.
- 1.15 **APPOINTMENTS TO BE BASED ON MERIT** All appointments to and promotions to positions in the classified civil service shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive, examination and impartial investigation. No person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position or employment contrary to the provisions of the civil service act.
- 1.17 **PAYROLL – CERTIFICATION BY COMMISSION** No treasurer, auditor or other officer, or employee of any county subject to this chapter shall approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage or other compensation for services, to any person subject to the jurisdiction and scope of this act, unless a payroll, estimate, or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of same is paid, and any other information which, in the judgment of the Civil Service Commission, or its Chief Examiner or other duly authorized agent, that the persons named therein have been appointed or employed in compliance with the terms of this act and the rules of the Commission and that the payroll, estimate, or account is insofar as known to the Commission, a true and accurate statement. The Commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who willfully or through culpable negligence, violates or fails to comply with the Civil Service Act or with any rule or regulation of the

Commission.

1.19 **ENFORCEMENT AND REPRESENTATION** The Commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of the Civil Service Act and rules of the Commission. The Commission shall be represented in such suits by the Skagit County Prosecuting Attorney.

1.21 **DISCRIMINATION** The right of any person to an appointment or promotion to any position in a sheriff's office shall not be withheld because of their race, color, creed, national origin, political affiliation, age, gender, sexual orientation, religion, veteran status, marital status or the presence of physical, sensory or mental disability, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient performance of that occupation, nor shall any person be dismissed, demoted, or reduced in grade for such reason.

1.23 **PROHIBITED PRACTICES**

1.23.01 No commissioner or any other person, shall, by himself or in cooperation with others, defeat, deceive, or obstruct any person in respect of his right of examination or registration, according to the rules and regulations, or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to this act, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to impersonate him/her, in connection with any examination or registration of application or request to be examined or registered.

1.25 **VIOLATIONS** Any person who willfully violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine or by imprisonment in the county jail or by both such fine and imprisonment. The superior court shall have jurisdiction of all such offenses.

RULE 2. ADMINISTRATION AND OPERATIONS

2.01 **COMMISSION – MEETINGS – QUORUM** In the necessary conduct of its work, the Commission shall meet on the first Thursday of each month at 9:00 a.m. in the Skagit County Administration Building Hearings Rooms, unless there is no pending business requiring Commission action. If the first Thursday of a month is a legal holiday, the Commission shall meet on the second Thursday of such month. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as now in force or as hereafter amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings,

regular or special, shall be open and public; provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW, as amended).

- 2.03 **CHAIR – VICE CHAIR** At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair and another member to serve as Vice Chair for a term of one year. Should a Chair and/or Vice Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair and/or Vice Chair.

The suggested succession, upon approval of the Commission, may be: Current member to Chair, Chair to Vice Chair, Vice Chair to member.

- 2.05 **RULES OF ORDER** ROBERTS RULES OF ORDER shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules.
- 2.07 **OPEN MEETINGS** Meetings must be open for the public to attend and observe, but members of the public are not entitled to speak at the meeting unless the Commission Chair invites them to speak.
- 2.09 **COMMISSIONERS – CHALLENGE** Any challenge to a commissioner sitting at a hearing shall be made by an interested party in writing with specific reasons stated prior to the commencement of a hearing. The challenged commissioner(s) shall review and rule on the challenge prior to proceeding with the hearing. Upon a commissioner's finding of good cause for disqualification, the commissioner shall take no part in the hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown to a party prior to commencement of a hearing.
- 2.11 **COMMISSIONERS – CHALLENGE – NECESSITY** If, as a result of disqualification(s) there is no longer a lawfully constituted quorum available, then by reason of necessity the disqualified commissioner(s) shall return and proceed with the hearing.
- 2.13 **PUBLIC RECORDS** Public records of the Commission shall be available for inspection upon written request to the Commission, subject to the provisions of the Public Records Disclosure Act (Chapter 42.17 RCW, as amended). No fee will be charged for inspection of public records. Inspection will be during normal office hours in a space provided by the Commission and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost. These rules shall be printed for free public distribution and provided upon request.
- 2.15 **RECORD OF PROCEEDINGS** The Commission shall keep a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The party ordering or requesting a written verbatim report of proceedings shall arrange for and pay the estimated cost of transcription before the transcript is

prepared. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his/her expense, may have a court reporter record all or part of a proceeding. On appeal or review, transcription and certification of a record of proceedings shall be arranged by the secretary/chief examiner.

2.17 **REPORTS - APPLICANTS, ELIGIBLES, EMPLOYEES**

2.17.01 Each applicant, eligible and employee shall keep the Commission informed, by written notice to the Secretary, of current address and telephone number, email, and shall report any change of name through marriage or otherwise.

2.17.02 Each eligible shall keep the Secretary informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefore.

2.19 **REPORTS - SHERIFF'S OFFICE** The Sheriff shall immediately report to the Secretary in such detail and on such forms as the Secretary may prescribe:

2.19.01 Every appointment transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence, return to duty, assignment, change of position within a class or within an assignment title, change of title, change of compensation;

2.19.02 Every separation from the service with the reasons therefore;

2.19.03 Every refusal or failure to accept appointment by a person whose name has been certified.

RULE 3. SECRETARY/CHIEF EXAMINER

3.01 **SECRETARY/CHIEF EXAMINER—APPOINTMENT** A Secretary/Chief Examiner ("Secretary") shall be appointed by the Commission.

3.03 **QUALIFICATIONS** The Secretary shall be appointed as a result of a competitive examination, which examination must be open to all properly qualified citizens of the County; provided no appointee of the Commission, either as Secretary or as an Assistant to the Secretary, shall be an employee of the Sheriff's Office.

3.05 **SECRETARY – DISCIPLINE** The Secretary may be subject to suspension, reduction, other discipline or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

3.07 **SECRETARY – AUTHORITY** In addition to acting as Secretary of the Commission, the Secretary shall:

3.07.01 Be the general manager and executive officer of the Civil Service Commission, responsible to the Commission;

- 3.07.02 Supervise the preparation, conduct, and scoring of examinations, and maintain the classification plan;
- 3.07.03 Report to the Commission from time to time as directed concerning the details of the work of the position;
- 3.07.04 Prepare the budget for the Commission, approve accounts, and administer the expenditure of funds appropriated for the operation of the Commission;
- 3.07.05 Classify all civil service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
- 3.07.06 Determine which examinations shall be conducted, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons deemed necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, application of the Americans with Disabilities Act, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examinations;
- 3.07.07 Keep all records for the Commission and preserve all reports made to it; and,
- 3.07.08 Perform all other functions necessary for the proper carrying out of these rules and the provisions of law relating to the Civil Service System, and such additional duties as may be assigned from time to time by the Commission.

3.09 **REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY/CHIEF EXAMINER**

- 3.09.01 The Commission on its own motion may review or modify any action or decision of the Secretary.
- 3.09.02 Any person adversely affected by any action or decision of the Secretary may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be served upon the Commission within ten (10) days from the date of notice of such action, unless established otherwise in these rules. The Commission shall thereupon, if in its opinion good cause is alleged, conduct a hearing thereon.

RULE 4. DEFINITIONS

The following words and phrases shall have the meanings hereinafter described unless the context in which they are included clearly indicates otherwise.

- 4.01 **ACTUAL SERVICE** Time in which a given employee has been engaged under civil service appointment in the performance of the duties of a position or positions and shall include absences with pay.
- 4.03 **APPLICANT** Anyone who has filed an application to take a civil service examination.
- 4.05 **APPOINTING AUTHORITY** Appointing power.
- 4.07 **APPOINTING POWER** The County Sheriff is invested by law with power and authority to select, appoint, or employ any deputy, deputies or other employees subject to civil service. In these rules the term “Sheriff” is used to mean the appointing power.
- 4.09 **APPOINTMENT** Includes all means of selecting, appointing or employing any person to any office, place, position, or employment subject to civil service.
- 4.09.01 **APPOINTMENT – REGULAR** The appointment of a certified eligible to a permanent position in the classified service, either full-time or part-time. Such appointment shall not be deemed complete until the probationary period has been satisfied.
- 4.09.02 **APPOINTMENT – TEMPORARY** A limited appointment other than from an eligible register for the purpose of performing work belonging in the Classified service. Temporary appointment includes “provisional” and “emergency” appointment, and temporary appointment of an employee to a position which carries additional salary and additional responsibilities.
- 4.09.03 **APPOINTMENT – TRANSFER** See “Transfer”.
- 4.11 **BREAK IN SERVICE** A separation from civil service status with a loss of accumulated service credit as occasioned by a “quit”, “resignation”, “discharge”, or “service retirement”. This does not include resignation of a commission in order to accept another position within the Sheriff’s Office.
- 4.13 **CANDIDATE** Any applicant who has completed, or is in the process of completing, a civil service examination.
- 4.15 **CERTIFICATION** A list of names from an eligible register transmitted by the Civil Service Commission to the Sheriff in order to fill a vacancy.
- 4.17 **CERTIFY** Shall mean the act of the Commission in supplying an appointing power with the names of applicants who are eligible for appointment to the class and positions in

the classified service for which certification is requested.

- 4.19 **CLASS** Shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.
- 4.21 **CLASS SERIES** Two or more classes which are similar as to line of work but differ as to degree and responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion.
- 4.23 **CLASS SPECIFICATION** A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.
- 4.25 **COMMISSION** The Skagit County Civil Service Commission comprised of three (3) members appointed by the County Commissioners. The term “commissioner” means any one member of said Commission.
- 4.27 **CONTINUOUS SERVICE** Shall mean employment in the classified service as a regular or probationary employee which is uninterrupted except for approved leave of absence or absence to serve in the Armed Forces of the United States.
- 4.29 **DEMOTION** Removal for cause of an employee from a higher to a lower class of employment, having a lower minimum and maximum salary than the position previously held.
- 4.31 **DISCHARGE** Termination, separation, dismissal, or removal from the service for cause.
- 4.33 **ELIGIBLE** Anyone qualified for a given class through examination and placed on the proper eligible register.
- 4.35 **ELIGIBLE REGISTER – EMPLOYMENT LIST** A list of successful candidates for a given class from which certification may be made to fill vacancies in such class.
- 4.37 **EMPLOYEE** “Employee” means all persons holding a position in the Civil Service System of Skagit County.
- 4.37.01 **EMPLOYEE – REGULAR** Any employee who has been appointed from a civil service register and who has satisfactorily served the full probationary period in a permanent position.
- 4.37.02 **EMPLOYEE – PROBATIONARY** A person appointed from an eligibility roster, or as a result of a transfer to a different class who has not yet completed one (1) year of employment in that position. This applies to both initial and promotional appointments.
- 4.37.03 **EMPLOYEE – TEMPORARY** Any employee appointed to fill a

provisional, emergency, temporary or short-term need, or to fill a position for which no register is available.

- 4.37.04 **EMPLOYEE – EXEMPT** Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the Sheriff (e.g. the unclassified service).
- 4.37 **EXAMINATION** The process of testing the fitness and qualifications of applicants for positions in a specific class
- 4.39.01 **EXAMINATION – OPEN GRADED** An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing such examination.
- 4.39.02 **EXAMINATION – PROMOTIONAL** An examination limited to current employees meeting the requirements stated in the official announcement of such examination.
- 4.41 **LAYOFF** The interruption of service and pay of any regular or temporary employee because of lack of work or funds, except that the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.
- 4.43 **POSITION** “Position” means an office or employment, whether part-time or full-time, temporary or permanent, occupied or vacant, composed of specific duties.
- 4.43.01 **POSITION – PERMANENT** A position included in the official annual budget that is neither specified a seasonal employment, nor limited for a period of less than the budget year; also, any such position established during a given budget year, unless the Sheriff certifies to the Civil Service Commission that such position will not be continued in the succeeding year’s budget.
- 4.43.02 **POSITION – PERMANENT PART-TIME** Employment in a permanent position for work on a basis of less than forty (40) hours a week.
- 4.45 **PROBATION OR PROBATIONARY PERIOD** The status of an employee during a trial period following an appointment. “Probationary period” shall mean that period during which an appraisal of an employee’s skills, aptitudes and adjustments are made prior to his permanent appointment in that position. This applies to initial and promotional appointments from an eligibility list, and transfers out of class.
- 4.47 **PROMOTION** Appointment of an employee to a position in a higher class having more responsibility and higher minimum and maximum salaries than the position from which appointment is made.
- 4.49 **PROMOTIONAL LIST** An employment list established by a promotional examination.

- 4.51 **QUIT** Any voluntary separation of an employee from employment without submitting a resignation to the Sheriff.
- 4.53 **REDUCTION** Removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 4.55 **REGISTER** A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the Sheriff for consideration for employment. See “Eligible Register”.
- 4.57 **REINSTATEMENT** Reappointment of a regular employee to a position formerly held.
- 4.59 **REINSTATEMENT LIST – RE-EMPLOYMENT LIST** A list of names of persons who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement.
- 4.61 **RESIGNATION** A written request by an employee for separation from a class or from employment in the Sheriff’s Office. To be valid, such request must show written approval by the Sheriff. Otherwise, voluntary termination constitutes quitting within the definition of these rules.
- 4.63 **SECRETARY** Civil Service Commission Secretary/Chief Examiner.
- 4.65 **STANDING – REGULAR** The full civil service status of a regular non-probationary employee.
- 4.67 **SUSPENSION** Temporary removal of an employee from employment without pay, for cause, or temporary removal with pay pending determination of charges against the employee which could result in demotion, discharge or other discipline.
- 4.69 **TRANSFER** The reassignment of an employee from one position to another position in the same or a different class and carrying the same minimum and maximum salary as the position from which appointment is made.
- 4.71 **VACANCY** A position existing or newly created, which is not occupied, or for which the Sheriff has received a written resignation from the employee in the position and the Sheriff has accepted the resignation, and for which funds are available. If the position is vacant by resignation, it shall not be classified as vacant greater than 30 days prior to the incumbent’s separation date.
- 4.73 **VETERANS’ PREFERENCE** Preference in examinations and employment, based on military service, as provided and defined by applicable laws.

RULE 5. RULE MAKING

- 5.01 **AMENDMENTS OF RULES** The Commission may amend these rules or adopt new

rules by majority vote of the Commission at any regular or special meeting of the Commission.

5.03 **EFFECTIVE DATE OF RULES** All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.

5.05 **COPIES OF RULES** A copy of these rules and a copy of all subsequent rules or amendments shall be made available as soon as practicable after adoption to the Sheriff's Office, Sheriff's Office Employee Unions or Guilds currently representing bargaining units in the Sheriff's Office, the Prosecuting Attorney's Office, the County Human Resources Department and the County Auditor. A copy shall be maintained in the office of the Commission for public inspection, posted on the Skagit County website, and copies shall be available for free public distribution as required by state law.

5.07 **EFFECT OF RULES** The terms and conditions of Civil Service employment are governed by these rules and applicable statutes. No employee shall have a property interest created as a result of these rules. These rules and other rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

RULE 6. CLASSIFICATION

6.01 **CLASSIFICATION PLAN** A specification shall be prepared and maintained for each class in the classified Civil Service System. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.

6.03 **ADMINISTRATION OF POSITION CLASSIFICATION** The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established or authorized by the Board of County Commissioners; or may do so upon request of the Sheriff, if the classification has not been reviewed within the last 12 months.

6.05 CLASSIFICATION OF POSITIONS

6.05.01 Each position in the classified service shall be classified by the Commission at the direction of the Secretary, and allocated to its appropriate class in accordance with the character, difficulty and responsibility of its designated duties. Positions shall be allocated to a given class when:

- a) The same descriptive title is used to designate each position in the class;

- b) The same level of education, experience, knowledge ability, and other qualifications are required of incumbents; and/or
 - c) Similar tests are used to select candidates.
- 6.05.02 All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled in to a class series.
- 6.05.03 Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.
- 6.05.04 In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks and responsibilities, required and desirable qualifications for such position, and the relationship thereof to other classes. The examples of duties set forth in such specification shall not be construed as all inclusive or restrictive, and an example of a typical tasks or a combination of two or more examples shall not be take, without relation to all parts of the specification, as determining that a position should be included within a class.
- 6.05.05 No one whose position has been allocated to its appropriate class shall be assigned or required to perform duties generally performed by persons holding positions in other classes, except in case of emergency or for limited periods of time when approved by the Commission; provided, that nothing in this provision shall be construed as preventing the assignment of duties of a higher rank as part of a training period, or for relief periods, and provided further, the clause in any specification “and to perform related work as required” shall be liberally construed.
- 6.05.06 It shall be necessary for the Sheriff to report to the Secretary any and all organization changes which will abolish or affect changes in existing positions or establish new positions.
- a) When the Sheriff requests the establishment of any new or additional position for more than sixty (60) days duration, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Secretary, accompanied by a statement of the duties, responsibilities and qualification requirements of the position.
 - b) In those instances where gradual shifts in work emphasis or changing work conditions have effected material changes in existing positions, the Secretary shall be notified in writing by the Sheriff as soon as the change is recognized.
 - c) In those instances in which the duties of a position are materially changed for other reasons, the Secretary shall be

notified by the Sheriff immediately and not later than ten (10) days from the date of such change.

6.07 **ASSIGNMENT** An employee may be assigned to a position which carries additional salary and limited additional duties and responsibilities and is within the scope of the specification for the class from which assignment is made. If the duties of the position for which an assignment is proposed are beyond the scope of the official specification for the base class, such position must be separately classified and eligibility established by examination. No permanent or vested rights shall be acquired by reason of such assignment and such assignments shall be subject to review and change by the Sheriff at any time.

6.09 **RECORDS**

6.09.01 Separate records of each position in the classified Civil Service shall be maintained by the Civil Service Commission.

6.11 **EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT**

6.11.01 Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as held in the former class.

6.11.02 Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment thereto in accordance with these rules.

6.11.03 Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the Sheriff and the Commission, elect to take a voluntary reduction to the lower class; or at his option and with the concurrence of the Sheriff and the Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which he has regular standing.

6.13 **UNCLASSIFIED SERVICE POSITIONS – EXEMPT** EMPLOYEES
Positions designated the unclassified service (as provided by RCW 41.14.070 as amended) are not in the Civil Service and are, therefore, not covered by the provisions of the RULES, except as specifically referred to in these rules.

RULE 7. APPLICATIONS AND APPLICANTS

7.01 **GENERAL REQUIREMENTS FOR FILING APPLICATIONS**

7.01.01 All applicants for examinations for positions in the classified Civil Service must file a written application on a form prescribed by the Commission, and no one shall be admitted to any examination without

having first filed an application on the proper form, giving complete, truthful, and accurate information required.

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

- a) Meet the requirements specified in these rules and in the official position description and the examination announcement as of the closing day of the official filing period;
- b) Produce evidence of education, training, experience, or any lawful requirement for a class as directed by the Secretary; and
- c) Pay any application fee required.

7.01.03 Time for filing applications:

- a) All applications for examination shall be filed with the Secretary or his designee during normal office hours and within the time limit fixed in the official announcement of examination; provided that upon written evidence of extenuating circumstances acceptable to the Secretary, late applications may be accepted. Applications received by mail in the office of the Commission must be postmarked on or before the closing date.
- b) The time for filing applications may be extended by the Commission as the needs of the service require; provided that the examination shall then be re-posted and/or advertised.

7.03 **APPLICATIONS FOR PROMOTIONAL EXAMINATIONS** An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed, who in addition to meeting the requirements above has the requisite service credit as designated in the official position description.

7.05 **REJECTION OF APPLICATION OR ELIGIBLE** The Secretary may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

7.05.01 Does not meet the requirements set forth in these rules or in the position and the announcement for the examination;

7.05.02 Is physically or mentally unfit to perform the duties of the position sought (if known);

7.05/03 Has been convicted of a felony or crime involving moral turpitude:

7.05.04 Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from County service; or has an unsatisfactory record of employment in the County service, or with any other agency or firm;

- 7.05.05 Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;
 - 7.05.06 Fails to appear for fingerprinting or other investigation as required;
 - 7.05.07 Has assisted in preparing the examination for which application is sought, or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
 - 7.05.08 After notification, did not promptly appear at the time and place designated for the examination;
 - 7.05.09 Has been discharged from the Armed Forces under less than honorable conditions;
 - 7.05.10 For other material reasons.
- 7.07 **NUMBER OF APPLICANTS – LIMITATIONS** Anyone against whom action is taken under Rule 7 shall be notified promptly by the Secretary of the reasons therefore by either oral notice at time of filing the application, an/or written notice mailed to the applicant or eligible.
- 7.09 **DEBARMENT FROM EMPLOYMENT**
- 7.09.01 No one who has been dismissed from the service for cause shall be allowed to again enter the service, except with express consent of the secretary.
 - 7.09.02 Any applicant for appointment, promotion, reemployment, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in Civil Service.
- 7.11 **NOTICE OF NON-ACCEPTANCE** Anyone against whom action is taken under Rule 7 shall be notified promptly by the Secretary of the reasons therefore by either oral notice at time of filing the application, and/or written notice mailed to the applicant or eligible.
- 7.13 **ADMISSION TO EXAMINATION PENDING APPEAL** The Secretary may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal. Such admission will be without prejudice to either the County or the applicant.
- 7.15 **AMENDMENT OF APPLICATION** The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application, provided such amendment is submitted prior to the date of the examination.
- 7.17 **APPLICATIONS NOT RETURNED** All applications when completed and filed become the property of the Commission and thereafter may not be returned to the

applicant.

- 7.19 **APPLICATION FEE** An application fee to cover all or part of the processing costs may be required of all applicants for positions covered by these rules, whether the examination is open-graded or promotional. The amount of said fee may be set from time to time by the Commission.

RULE 8. EXAMINATIONS

- 8.01 **ORDERING EXAMINATIONS** The Commission shall order an examination whenever it is deemed to be in the best interest of the County. The Secretary shall administer examinations as provided by these rules.

- 8.03 **EXAMINATION ANNOUNCEMENT** Public notice of examinations shall be given by the Secretary at least ten (10) days preceding such examination in newspapers and/or any other appropriate publications. Promotional examination notices shall be posted in the Sheriff's Office not less than ten (10) days preceding the examination.

- 8.05 **AMENDMENTS TO ANNOUNCEMENTS** The Secretary may amend any published announcement with appropriate public notice.

8.07 **CONTINUOUS EXAMINATIONS**

8.07.01 A continuous or periodic examining program may be administered by the Secretary for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examination administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places as determined by final grades.

- a. **Continuous Testing Eligibility List.** The Secretary/Chief Examiner, following approval by the Commission, may establish any eligibility list for use by applicants tested through and certified for eligibility through this continuous testing process.
- b. **Continuous Testing Defined.** Continuous testing shall mean a written examination and standardized physical fitness/agility test and an oral board examination conducted pursuant to set and commonly applied standards whose results shall be valid for a period of one calendar year from the date of certification to a Continuous Testing Initial Eligibility list. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a subscription testing agreement.

- c. **Certification.** Applicants certified pursuant to a continuous testing process shall be placed on a Continuous Testing initial Eligibility list. Certification shall be in accordance with the rules and regulations of this Commission. As each applicant is placed in accordance with his or her scores and veteran's preference (if applicable) the placement of all others on the list shall be adjusted.
- d. **Additional Testing.** Applicants placed upon this eligibility list shall be subject to such other testing processes as the Commission shall direct, including but not limited to a thorough background investigation, polygraph and psychological screening.
- e. **Removal of Names.** The names of candidates certified to this eligibility list shall remain on the list until either certified to a secondary hiring list following an oral board or other testing a established by the Commission, the expiration of one year from the date of certification or until the candidate has been hired by another public safety organization or by disqualification as a result of a pre-employment background investigation. Names may be removed upon notification by the candidate, upon the written notification of another public safety employer or an entity providing subscription testing.

8.07.02 To expedite certification and appointment and to maintain security of examination material, no keyed copy of the written test will be provided at any time. The eligible register may be promulgated immediately after the results are obtained.

8.07.03 Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations.

8.09 **CHARACTER OF EXAMINATIONS** All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

8.11 **CONTENTS OF EXAMINATIONS**

8.11.01 Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, or any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates;

8.11.02 The Secretary may prescribe such limits and such other specific requirements, physical or otherwise, as in the Secretary's judgment are required by and related to the work to be performed.

8.13 **PARTS AND WEIGHTS** Each examination shall contain one or more parts to which a raw score, rank order, or percentage weight shall be assigned. One or more of the following options shall be utilized in scoring an examination.

8.13.01 A raw score (actual number of questions answered correctly) shall be the sole indicator of final score of a written examination, unless otherwise determined by the Commission prior to exam administration.

8.13.02 A rank order list shall be the final result of an assessment center or other type of examination approved by the Secretary. The rank ordering shall be determined by the number of points earned in an assessment center. Assessors retained by the Commission shall have the latitude and flexibility of recommending individuals for the promotion in addition to not recommending individuals for promotion, thus not including those individuals on the eligibility list who do not receive recommendations.

8.13.03 A percentage weight shall be determined by the multiplying the weight assigned to one or more parts of an examination and the sum of the resulting products, to be called the “weighted average”.

8.15 **PASSING GRADES**

8.15.01 A final minimum passing score required shall be determined by the Secretary/Chief Examiner prior to any examination in which a raw score is utilized.

8.15.02 Where an examination consists of two or more parts, the Chief Examiner may set a minimum score to be required in any part of such examination, and any applicant who fails to attain such minimum score shall be considered as having failed the entire exam and shall not be entitled to take the balance of the exam.

8.17 **PROMOTIONAL EXAMINATIONS** Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the Commission. An examination may be advertised as open graded when, in the judgment of the Commission, it is in the best interest of the service.

8.19 **OPEN GRADED EXAMINATIONS** An examination may be advertised as open graded when, in the judgment of the Commission, it is in the best interest of the service.

8.21 **VETERANS' PREFERENCE** Applicants who have served in any branch of the United States Armed Forces and qualify as a “veteran” as defined in RCW 41.04, shall be given preference status by adding to their passing examination grades a numerical value equal to a percentage of the final grade attained, in accordance with RCW 41.04 or other law.

8.21.01 The preference specified in RCW 41.04.010 does not apply to any

application after an initial employment appointment (or offer of appointment) by the State of Washington or any political subdivision or municipal corporation.

8.23 **NOTIFICATION OF RESULTS** Each applicant taking the examination shall be given written notice of the results thereof, and if successful, of the final earned rating and relative position on the eligible register, and any subsequent changes therein.

8.25 **TEST COPY INSPECTION AND EXAMINATION PROTEST**

8.25.01 Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Secretary within seven (7) working days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.

8.25.03 When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest or appeal must be filed with the secretary/chief examiner in writing, within (7) working days after the notices of results have been mailed

8.25.04 Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within seven (7) working days after the notices of results have been mailed.

8.25.05 All protests filed in accordance with this rule shall be considered and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

8.27 **CORRECTION OF CLERICAL ERRORS** Any clerical error may be corrected by the Secretary upon discovery at any time during the life of the eligible register, but no such correction shall affect an appointment made from a certification made prior to the correction.

8.29 **RE-EXAMINATION**

8.29.01 The Commission may from time to time, as it deems necessary, hold further examinations. Candidates on the existing eligible registers shall be notified of such subsequent exams and be provided an opportunity to take the same along with any new applicants, provided; no one shall be re-examined for the same class within six (6) months of the effective date of the existing register.

8.29.02 If an eligible takes a succeeding examination for the same class, the result of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the register, and the eligibility that will provide the greatest advantage to the eligible shall be used.

- 8.31 **EXAMINATION PAPERS** Examination papers of each eligible shall be kept on file in the office of the Commission until the expiration of eligibility.
- 8.33 **ADDITIONAL EXAMINATION** Eligibles certified pursuant to RULE 9 shall be subject to medical, physical, and/or psychological examination and to such other examinations administered by the Sheriff's Office as authorized and approved by the Commission. Such other examinations include, but are not limited to, background examination and polygraph; provided, however, polygraph examination shall be required only for new candidates for Sheriff's Office employment. Reports of such examination may be reviewed by the Commission in the event the findings of the examination recommend that the eligible be rejected. The Commission shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the eligible register.
- 8.35 **NUMBER OF APPLICANTS – LIMITATIONS** As defined in 7.07, the Secretary may restrict the number of qualified applicants to be examined at any one time.
- 8.37 **RANDOM SAMPLE** The Secretary may provide for a random sample of qualified applicants to be drawn for an entry level examination by so stating in the Examination Bulletin. Those qualified applicants whose names are not drawn for the initial group to be examined shall be held on file. Should the initial group examined fail to yield an eligibility list of sufficient size to meet the needs for eligibles for that class, or should the list become exhausted before it expires, the remaining qualified applicants will be notified and the examination process repeated.
- 8.39 **MULTI-PART EXAMINATIONS** The Secretary may limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of test; provided, however, the number of examinees shall be established before administration of preliminary tests.
- 8.41 **RESTRICTION – LATERAL ENTRY TESTING**
- 8.41.01 Upon request from the Sheriff that a lateral entry eligibility list be established, the Civil Service Commission may determine that the best interest of the public and the Sheriff's Office be served by authorizing the Secretary to restrict applications to applicants with prior law enforcement experience. Applicants for lateral entry Corrections or Patrol Deputy must meet the following additional minimum qualifications:
- 8.41.02 Applicants for lateral entry Corrections or Patrol Deputy must meet the following additional minimum qualifications:

Patrol Deputies:

1. Possess a current Peace Officer Certification from the Washington State Criminal Justice Training Commission.

2. Successfully completed probation with a Washington State law enforcement agency.
3. If law enforcement experience is from out-of-state the applicant must meet the Criminal Justice Training Commission's requirements for Basic law enforcement certificate of equivalency (WAC 139-05-210).
4. Have no more than a 24-month break in service since the most recent law enforcement employer.

Corrections Deputies:

1. Successfully completed the Washington State Criminal Justice Training Commission Basic Corrections Academy.
2. Successfully completed probation as a corrections officer/deputy.
3. Have no more than a 24-month break in service since the most recent law enforcement/corrections employer.
4. If corrections experience is from out-of-state the applicant must meet the Criminal Justice Training Commission's requirements Basic corrections academy equivalency certification (WAC 139-10-215).

RULE 9 REGISTERS AND ELIGIBILITY

9.01 ESTABLISHMENT OF ELIGIBLE REGISTERS After each examination, an eligible register of the class shall be prepared on which the names of successful candidates shall be ranked as follows:

- 9.01.01 On a promotional register: relative rank shall be determined by the examination rating or grade plus percentage allowed by law for veterans preference.
- 9.01.02 On an open-graded register: relative rank shall be determined by the examination grade, plus percentage allowed by law for veterans' preference.
- 9.01.03 The preference in rank of eligibles having equal final general averages shall be determined as follows in the order stated:
 - a) The one who qualifies for veterans' preference in accordance with law.
 - b) When examination is comprised of two or more parts with separate grades, the one who has:

1. The highest grade on the most heavily weighted part of the examination; if a tie still exist, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains, or
 2. The highest grade on the written test if all parts are weighted equally.
- c) When the examination has only one part, or the candidates have the same standing under a. and b. above, then ranking shall be by lot.

9.01 **ESTABLISHMENT OF REINSTATEMENT REGISTER**

- 9.03.01 The names of regular employees who have been laid off or who have accepted voluntary reduction in lieu of layoff or, when requested in writing by the Sheriff, probationary employees who have been laid off, shall be placed upon a reinstatement register for the same class and for the position from which laid off, for a period of one year from the date of layoff.
- 9.03.02 Regular employees who may be separated as a result of disability may be placed on a reinstatement register.
- 9.03.03 Upon request of the Sheriff, the Commission may approve the certification of any one on such a reinstatement register as eligible for appointment.
- 9.03.04 Refusal to accept permanent work from a reinstatement register shall terminate all rights granted under the Rule.

9.02 **ELIGIBILITY ON MULTIPLE REGISTERS** (New 12-4-2015)

- 9.02.01 A candidate currently on a valid register may request their name be placed on an additional register, provided the examination and requirements for the register the applicant is currently on meets or exceeds the examination and requirements for the additional register. The secretary may approve the request after reviewing and verifying the same standards and requirements have been met.

9.05 **DURATION OF ELIGIBLE REGISTERS**

- 9.05.01 The term of eligibility of each eligible register and of the names appearing thereon shall be not less than one year unless depleted. Any register that has been in effect for mote than one year may be abolished and a new examination held whenever, in the judgment of the Commission, the interest of the classified service makes such course desirable.
- 9.05.02 In no event shall a register remain in force for longer than twenty-four

(24) months.

9.05.03 No register shall remain in effect after promulgation of a register from a subsequent examination.

9.07 **CANCELATION OF ELIGIBILITY**

9.09.01 Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the County or dismissal from the civil service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from County service shall be deemed cause for cancellation of eligibility;

9.09.02 Separation from the civil service will terminate any promotional eligibility;

9.09.03 Upon written statement from the Sheriff that an eligible has failed to respond to call, or has refused to accept employment, the Secretary may strike the eligible's name from the eligible register;

9.09.04 Failure to respond to the canvass of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible from the eligible register;

9.09.05 Refusal to accept employment in a permanent position shall result in cancellation of eligibility.

9.09.06 Such action contemplated by this rule may also be taken for other material reasons.

9.11 **REGISTRATION OF NAMES TO ELIGIBLE REGISTERS** The name of an eligible which has been removed from a register may be restored for the duration of such eligibility upon written request to the Secretary for such restoration. The request must specify the reasons for the requested restoration. The Secretary may approve the request if it is deemed that the evidence submitted justifies such approval.

RULE 10 CERTIFICATION AND APPOINTMENT

10.01 **GENERAL PROVISIONS** Vacancies in the classified civil service shall be filled by reinstatement, promotional appointment, assignment, original appointment, transfer, reduction, demotion, or in the absence of an appropriate register, the Commission may authorize a temporary appointment.

10.03 **REQUEST FOR CERTIFICATION** Whenever the Sheriff wishes to fill a vacancy, a request for certification shall be submitted to the Secretary. The request shall show the

number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment from the Board of County Commissioners and any other details necessary for full description of the position to be filled.

10.05 **CERTIFICATION**

10.05.01 Certification to fill a vacancy shall be made by the Commission from registers in the following order and as provided in this rule:

- a) Reinstatement
- b) Promotional
- c) Original

10.05.02 **ORDER OF REINSTATEMENT**

a) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:

1. Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be first reinstated;
2. Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.

b) Upon request from the Sheriff, the Commission may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employee(s) adversely affected an opportunity to be heard.

10.05.03 If a vacancy is to be filled from a promotional or open graded register, the Secretary shall certify to the appointing authority the names of the three (3) available eligibles who stand highest on the appropriate register.

10.05.04 **MULTIPLE VACANCIES** If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.

10.05.05 **ADDITIONAL NAMES** If an appointing authority makes an acceptable showing that any of the eligibles certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.

10.05.06 **SPECIAL SKILLS/GENDER SPECIFIC JOB REQUIREMENTS**
Where a certification of eligibles with special experience, training or skills is requested in writing by the Sheriff as being necessary for satisfactory performance in a particular position, or the Sheriff requests certification of a

specific gender for a position having specific gender requirements, and the Secretary determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles who possess the special qualifications or gender.

- 10.07 **DEFERMENT OF CERTIFICATION** The Secretary may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefore. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his desire to be returned to the register, and such return has been approved by the Secretary.
- 10.09 **DURATION OF CERTIFICATION** Certification shall be in effect for thirty (30) days from its date of issuance. The Sheriff must file a report of any appointment from such certification with the Secretary. Upon request, the Secretary may extend such certification for additional 30 day periods. No more than five (5) extensions may be authorized by the Secretary. Expiration of an eligible register shall not cancel the validity of a certification made from that register.
- 10.11 **REGULAR APPOINTMENT** A regular appointment to fill a vacancy must be made from the names contained on the official certification. The official appointment report shall show the name of the person appointed, the effective date, the salary, the nature or duration of the appointment, and any other information required.
- 10.13 **PROVISIONAL APPOINTMENT** Whenever there are urgent reasons for filling a permanent position in a class for which appropriate employment lists are not then available, the Secretary may authorize the appointing power to fill the vacancy by a provisional appointment. In such case, the Commission/Secretary may recommend persons to the appointing power or may approve the appointment of a person nominated by the appointing power provided that the person nominated possesses the qualification essential to the performance of the work to the class. Provisional appointments shall be terminated at such time as appointment can be made from an employment list and shall be for not longer than four months without Commission approval.
- 10.15 **ACCEPTANCE OF TEMPORARY APPOINTMENT** The acceptance by an eligible person of a provisional appointment shall not affect his standing on the eligible list for permanent appointment. Such service shall not be counted as part of the probationary period except any period of continuous temporary employment, at the discretion of the appointing power, may be counted on the probationary period if such employment is in the same position as the permanent appointment.

Minimum tenure requirements for promotional examinations may include a period of time spent in provisional status provided the employment is in the same position and service was uninterrupted.

10.16 **APPOINTMENTS-CITY CONTRACTS TO OBTAIN SHERIFF'S OFFICE LAW ENFORCEMENT SERVICES** The orderly integration of employees of a city or town who shall transfer to the county Sheriff's Office will be conducted in compliance with RCW 41.14.250, 41.14.260 and RCW 41.14.270. Employees must meet the minimum standards and qualifications of the sheriff's office in order to be eligible to transfer employment.

RULE 11. PROBATION

11.01 PROBATIONARY PERIOD

11.01.01 After each full-time or part-time permanent appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete. The purpose of the probationary period is to provide a trial period during which the department may observe the performance of the probationary employee before civil service status is acquired. Rule 10.15 provides discretionary partial waiver for continuous service in the same class.

11.01.02 A regular employee who has been reduced/demoted to a lower class in which he has not had regular standing shall have probationary status in the lower class for 12 months from the date of such reduction/demotion.

11.03 **LENGTH OF PROBATIONARY PERIOD** The period of probation shall be equivalent to 12 months of full-time service following permanent appointment from an eligible register. Minor absences due to vacations, annual military leave, illnesses, etc. shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary will approve a departmental request for an extension of the probationary period. For entry-level patrol personnel, the probationary period shall commence upon certification from the Washington State Law Enforcement Academy.

11.05 **INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE** A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

11.07 **SERVICE IN ANOTHER CLASS** Service in a class or office other than the one to which an eligible is regularly appointed may be credited toward completion of a probationary period if the Secretary has approved the written statement of the appointing authority to the effect that the probationary period may be properly judged on the basis of service in the other class or office. Without such approval, a complete probationary period will be required.

11.09 REMOVAL OF PROBATIONER

- 11.09.01 **GROUND**s The appointing authority, by assigning in writing to the Commission the reasons therefore, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission.
- 11.09.02 **PROCEDURE** The Sheriff must file a report stating the reasons for the removal with the Human Resources Manager prior to the end of the probationary period. Notice must be mailed to or personally served on the employee and proof of notice filed with the Human Resources Manager. The Sheriff must submit a copy of said report to the Secretary.
- 11.09.03 **RIGHTS RETAINED** A promotional probationer, unless discharged for cause, retains all civil service rights to the position from which appointed.
- 11.11 **DEMOTION** A promotional probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the appointing authority, subject to approval by the Commission.

A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

RULE 12 TRANSFER-REDUCTION

- 12.01 **TRANSFER** The transfer of an employee shall not constitute a promotion in the service.
- 12.03 **INTRA-DEPARTMENTAL TRANSFERS** The Sheriff may transfer an employee from one position to another position in the same class in his department without prior approval of the Secretary, but must report any such transfer to the Secretary within five days of its effective date.
- 12.05 **TRANSFER TO ANOTHER CLASS** Transfers to another class may be made upon consent of the Sheriff and with the Secretary's approval as follows:
- 12.05.01 Transfer to another class in case of injury in line of duty with the County service or with the armed forces in time of war, or to reasonably accommodate an otherwise qualified employee with an illness or injury resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;
- 12.05.02 Transfer, in lieu of layoff, may be made to a single position in another class upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced. Such transfer is subject to a 12 month probationary period.

12.07 **REDUCTION**

12.07.01 **AUTHORIZED** A reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A reduction may be made only upon an employee's written request, and consistent with these Rules.

12.07.02 **APPLICABLE CLASSES** A reduction may be approved for:

- a) The next lower or any lower class in the Class Series containing the class form which reduced;
- b) Any lower class in which the employee has acquired previously Regular Standing, provided there has been no intervening forfeiture; or
- c) Any lower class which is substantially similar to any lower class (in the employee's current class series) in the position classification plan; or
- d) Any lower class, not in the class series, when requested by the employee, approved by the Sheriff and the Secretary, and where no regular employee or probationer will be displaced.
- e) For employees seeking return to employment or reemployment from a disability, to a vacant position in another permissible class or department for which the employee qualifies.

12.07.03 **PROCEDURE**

- a) A request for reduction must be submitted in writing to the Secretary. The request must include statement of justifiable or satisfactory reason, including a showing that the employee meets the qualifications of the lower class.
- b) The reduction must be approved by the Sheriff.
- c) If approve, the reduction shall take effect on the date ordered by the Secretary.

12.07.04 **EFFECT OF REDUCTION**

- a) following satisfactory completion of any required probationary period, the reduction shall be complete and the employee shall have Regular Standing in the lower class and department to which reduced.
- b) An employee reduced shall be able to return to the former position only by examination and regular appointment, or in the event of a

recovery from disability, appointment from a reinstatement register.

RULE 13 LAYOFF

13.01 In a given class in a department, the following shall be the order of layoff:

- 13.01.01 Provisional appointees;
- 13.01.02 Temporary or intermittent employees not earning service credit;
- 13.01.03 Probationers (except as their layoff) may be affected by military service during probation;
- 13.01.04 Regular employees in the order of their length of service, the one with the least service being laid off first.

13.03 **LAYOFF OUT OF ORDER** The Secretary may grant permission for layoff out of the regular order, upon showing by the department head of a necessity therefore in the interest of efficient operation of the department, after giving any employee or employees affected an opportunity to be heard.

13.05 **REDUCTION IN LIEU OF LAYOFF** At the time of any layoff, a regular employee or a promotional probationer shall be given an opportunity to accept reduction to next lower class in a series of classes in his department, or, he may be transferred as provided by Rule 12.05.02, Transfer in Lieu of Layoff. An employee so reduced shall be entitled to credit for any previous regular service in the lower class.

RULE 14 LEAVES OF ABSENCE

14.01 **DURATION OF LEAVES** All requests for an Unpaid Leave of Absence shall be submitted in writing to the Sheriff. Such requests shall state the reasons the leave of absence is being requested and the appropriate length of time off the employee desires. Maximum length of leave of absence shall be twelve (12) months, unless pre-approved by the Civil Service Commission, and shall be at the discretion of the Sheriff. The Sheriff shall give notice of such leave to the Secretary.

14.03 FILLING VACANCIES

14.03.01 For a period up to one hundred twenty (120) days the Sheriff may assign a regular employee to perform the duties of a position vacated by leave without pay. Such assignment shall be a separate personnel action from any assignment made to cover for an employee who is on leave with pay, and must be approved by the Secretary prior to its inception.

14.03.02 All temporary appointments caused by leaves of absence longer than one hundred twenty (120) days may be made from the register of eligibles for the class of civil service position(s) vacated. When there is no suitable

register from which certification can be made then appointment may be made pursuant to Rule 10. Temporary appointments must be approved by the Secretary.

14.05 **MILITARY LEAVE** See county policy and state and federal law relating thereto.

14.07 **RETURN FROM LEAVE** At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit as determined by these rules.

RULE 15 RESIGNATION

15.01 **HOW SUBMITTED** To resign in good standing an employee shall present the reasons thereof in writing to the Sheriff at least two weeks before the effective date thereon. A copy of the resignation shall be forwarded to and recorded by the Secretary.

15.03 **WITHDRAWAL OF RESIGNATION** The Secretary may permit the withdrawal of a resignation only upon a written request filed within three hundred sixty-five (365) days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the appointing authority.

15.04 **INVOLUNTARY RESIGNATION** Any resignation may be voided and set aside and the employee reinstated or restored to active duty by order of the Commission upon its determination that the resignation was made involuntarily or under duress or coercion, after giving the department head reasonable notice and an opportunity to be heard on the matter. Such action by the Commission may only be taken upon the written petition of the resigned employee filed with the Human Resources Manager within the (10) days from the effective date of the resignation. If no such petition is filed within the ten (10) day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.

15.05 **QUIT – NOT ENTITLED TO WITHDRAW** Any employee who quits without having the written acceptance of said termination of employment by the Sheriff shall not be entitled or allowed to withdraw his/her implied notice of termination.

RULE 16 DISCIPLINE AND DISCHARGE

16.01 SUSPENSION - DISCHARGE

16.01.01 The sheriff may suspend a regular employee without pay for a period not to exceed sixty (60) days for good cause.

16.03.02 An employee so demoted shall lose all rights to the higher class.

16.03.03 If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee. The Commission must be satisfied by the Sheriff as to the ability of such demoted employee to perform the duties of the lower class.

16.05 **DISCIPLINE AND DISCHARGE – GOOD CAUSE - ILLUSTRATED** The following are declared to illustrate adequate good cause for discipline or discharge as set forth above. Discipline or discharge may be made for any other good cause.

- 16.05.01 Incompetency, inefficiency, or inattention to, or dereliction of duty;
- 16.05.02 Dishonesty intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself/herself properly;
- 16.05.03 Mental or physical unfitness for the position which the employee holds;
- 16.05.04 Dishonest, disgraceful, or prejudicial conduct;
- 16.05.05 Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service;
- 16.05.06 Conviction of a felony, or a misdemeanor involving moral turpitude;
- 16.05.07 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;
- 16.05.08 Willful or intentional violation of any reasonable regulation, order or direction made or given by a superior officer;
- 16.05.09 Willful or intentional violation of any of the provisions of these rules;
- 16.05.10 Use of any illegal or controlled substance other than under the direction of a medical doctor or physician.
- 16.05.11 Any other cause, act or failure to act which, under law or these Rules, or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

RULE 17 PRE-DISCIPLINARY HEARING

17.01 **PRE-DISCIPLINARY HEARING – REQUIRED** The Sheriff shall provide and arrange for a pre-disciplinary hearing prior to demotion, suspension, or discharge or other discipline of an employee.

17.03 **PRE-DISCIPLINARY HEARING – STANDARDS/NOTICE OF DISCIPLINE**

- 17.03.01 Prior to pre-disciplinary hearing the employee shall be provided, in writing, with a notice of the charge(s) against him/her, an explanation of the department's evidence, and the possible disciplinary action that might be taken. This employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's evidence is incorrect, the charge(s) are not warranted and/or why the proposed discipline should not be imposed.
- 17.03.02 The employee may have legal counsel or union representation present at a pre-disciplinary hearing.
- 17.03.03 The department's explanation of the department's evidence at the pre-disciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at a subsequent hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the pre-disciplinary hearing.
- 17.03.04 Should the Sheriff determine to discipline following the pre-disciplinary hearing, written notice of discipline shall be personally served upon the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges. A duplicate of such notice shall be filed with the Commission by the Sheriff along with an affidavit of personal service.
- 17.03.05 The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee.

RULE 18 HEARINGS/APPEALS

18.01 HEARINGS/APPEALS – WHEN APPLICABLE

- 18.01.01 Any regular employee who is demoted, suspended, otherwise disciplined or discharged may appeal such action to the Commission.
- 18.01.02 Any Employee who is alleged to be probationary by the Sheriff may only appeal to the Commission the question of his/her probationary status.
- 18.01.03 Any applicant, employee, or the Sheriff, who is adversely affected by an alleged violation of Civil Service rules may appeal such violation to the Commission.

18.03 APPEALS – TIME – FORM A notice of appeal shall be filed with the Commission with ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal, and a concise statement of the reasons for the appeal.

18.05 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

18.05.01 The Commission may, when not inconsistent with the terms of a collective bargaining agreement, direct the employee to exhaust available administrative procedures regarding a disciplinary matter, before hearing the matter.

18.05.02 If the employee exhausts the available administrative procedures and continues to believe that good cause has not been shown, the employee may within ten (10) days after the final step of the procedure, request the Secretary to return the appeal to the Commission for hearing.

18.07.03 The Commission may direct a hearing officer of its selection to carry out the proceeding, including the activities of the Secretary, under Rule 19.

18.09 **APPEALS – INITIAL REVIEW** The Commission shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed from is a final action. Upon a determination that the appeal is not timely, the Commission shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final.

18.11 **APPEALS – NOTICE OF HEARING** Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. Initial review shall take place as set forth in Rule 18.09. Following a determination that a hearing should be scheduled, a hearing before the Commission shall be set, with the hearing to be held within thirty (30) days of such review, unless postponed or continued by mutual agreement of the employee and Sheriff.

18.13 **APPEALS – AUTHORITY OF DEPARTMENT** The exercise of jurisdiction by the Commission over a matter does not preclude the Sheriff and other party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

18.15 **SERVICE OF PROCESS - PAPERS**

18.15.01 The Commission shall cause to be served all orders, notices and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or papers

18.15.02 All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular with written acknowledgement of such mailing attached to the papers so served.

Written acknowledgement shall be by affidavit of the person who mailed the papers, or by certificate of any attorney or secretary.

- 18.15.03 Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail (U.S. or inter-County), upon deposit in the mail properly stamped and addressed. However, service of a notice of appeal upon the Commission shall be timely only when actually received by the Commission within the ten (10) day time limit.
- 18.15.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.
- 18.15.05 An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

18.17 **DISCOVERY**

- 18.17.01 Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Secretary.
- 18.17.02 Upon the failure of any party to comply with an order of the Secretary compelling discovery, the Secretary shall schedule the matter before the Commission for review and determination of appropriate sanctions.

18.19 **SUBPEONAS**

- 18.19.01 Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend at a specified time and place, and give testimony or produce designated books, documents or things under that person's control. .,
- 18.19.02 Upon application of any party or his/her representative, the Secretary shall issue to such party a subpoena requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly prepared and served. Such requests for subpoena shall be submitted to the secretary at least five (5) days prior to the hearing.

- 18.19.03 Service of subpoena shall be made by personally serving a copy of the subpoena on the person named therein.
- 18.19.04 The person serving the subpoena shall make proof of service by filing the subpoena with the Commission; and if such service has not been acknowledged by the subpoenaed witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.
- 18.19.05 Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:
- a) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or,
 - b) Condition denial of a motion to quash or modify upon just and reasonable conditions.
- 18.21 **BURDEN OF PROOF** At any hearing on appeal from a demotion, suspension, discharge or other disciplinary action, the Sheriff shall have the burden of showing that his action was in good faith for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.
- 18.23 **EVIDENCE**
- 18.23.01 Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. The Commission shall not be bound by the technical rules of evidence. In passing upon the admissibility of evidence, the Commission may give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the state of Washington.
- 18.23.02 Witnesses in any hearing shall be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and examination by Commission members or counsel.
- 18.23.03 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.

- 18.23.04 At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Secretary/Chief Examiner.
- 18.23.05 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (e) days in advance of hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.
- 18.23.06 An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.
- 18.25 **DELIBERATION** The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial matter under advertisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Secretary and legal counsel to the Commission shall be present during deliberations. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.
- 18.27 **DECISION** In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party.
- 18.29 **REMEDIES** The Commission may issue such remedial orders as deemed appropriate.
- 18.3 **RECONSIDERATION** A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.
- 18.33 **WAIVER** Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the civil service rules or ordinances of the County would be better served, the Commission may waive the requirements of any of these rules.

RULE 19 RETIREMENT AND DISABILITY

- 19.01 **RETIREMENT** Employees of the county who are members of pension fund systems as provided by law shall be retired on account of age/service or disability in accordance with the pertinent provisions of law.
- 19.03 **REINSTATEMENT AFTER DISABILITY RETIREMENT**
- 19.03.01 **PROCEDURE** The Secretary shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his health to the extent employable. Upon being satisfied that the

employee is physically and mentally competent to perform the duties of the regular class, the Secretary shall:

- a) Order return of the employee to former employment as if a leave of absence had been granted; or
- b) Place the name on the reinstatement register for an available class and department.

19.03.02 **EFFECT** The name of an employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement register for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Secretary. If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff. Any reinstatement in a class other than that in which last employed shall not result in a promotion.

19.03.03 **DISCHARGE FOR CAUSE – EXCEPTION** The provisions of this rule shall not apply in the event an employee is discharged from the service, whether or not the employee receives a disability retirement.

RULE 20 MISCELLANEOUS

20.01 **REPEALS AND SAVINGS** All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

20.03 COMPUTATION OF TIME

20.03.01 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a County legal holiday, in which event the period runs until the end of the next day which is neither a Saturday a Sunday nor a County legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

20.03.02 Any period of time except for the stated period of time set forth in Rule 18 may be extended by the Secretary/Chief Examiner upon written notice to the Commission and a showing of good cause.

20.03.03 The date of notice for purpose of these rules is:

- a) The date on which notice of an action is posted in the

Commission's office, or

- b) The date on which notice of action is mailed, or
- c) The date on which notice is personally delivered to a party of a proceeding.

20.05 **CIVIL SERVICE AND COLLECTIVE BARGAINING** The public Employee's Collective Bargaining Act, Chapter 41.56 RCW ("Act") provides for collective bargaining agreements between the county and the labor organization(s) representing employees. The Act and collective bargaining agreements prevail over these rules in the event of conflict.

RULE 21 SERVICE CREDIT

21.01 **SERVICE CREDIT** Service credit in a class for a regular employee shall be computed to cover all service subsequent to regular appointment to a permanent position in that class and shall be applicable in the Sheriff's Office to compute seniority as it applies to promotions, layoffs and/or reinstatements.

21.03 **GENERAL PROVISIONS**

21.03.01 Service credit shall be given as follows:

- a) Service credit will be given for employment in the same, an equal or higher class, and shall include any part-time or temporary employment served in the same class prior to the regular appointment;
- b) Subject to approval by the Commission, service credit may be given for service in positions exempt from civil service or in positions in other departments of the County;
- c) Service credit will be given for previous regular employment of an incumbent in a position which has been reallocated and in which she/he has continued with recognized standing;
- d) Credit will be given for service prior to an authorized transfer;
- e) Credit will be given for time lost during:
 - 1. Jury duty;
 - 2. Temporary disability incurred in line of service;
 - 3. Illness or temporary disability compensated for under any plan authorized and paid for by the County;
 - 4. Service as a representative of a union affecting welfare of employees under civil service;

5. Service with the Armed Forces of the United States.

21.03.02 No service credit shall be given:

- a) For service of a regular employee in a lower class to which the employee has been voluntarily reduced or demoted and in which the employee has not had regular standing, except from the time of such voluntary reduction or demotion;
- b) For unpaid leave of absence except as provided above in 21.03.01, (e);
- c) For any employment prior to a separation from the service other than by a resignation which has been withdrawn;
- d) For time lost during a layoff.

21.03.03 Service Credit for Promotion. Credit as specified in this rule shall be allowed for:

- a) Recognized service in all the classes from which promotion is allowed;
- b) Service in classified assignments and in higher positions in the same series of classes;
- c) Time lost during military service as specified above;
- d) Time lost due to injury or temporary disability incurred on the job.