

CITY OF RAYMOND
CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

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STATEMENT OF POLICY

The purpose of these Rules is to establish for the City of Raymond, a system of personnel administration based on modern principles and methods of governing the appointment, promotion, transfer, layoff, recruitment, retention, classification, removal, discipline and welfare of its Civil Service employees.

It is intended that these Rules will supercede all previous rules established by this and former City of Raymond Civil Service Commissions. The authority for such Rules and Regulations are contained in RCW 41.08, 41.12 and 41.26 and City of Raymond ordinances.

SECTION 1. DEFINITION OF TERMS as used in the following definitions applies throughout the rules unless the context clearly indicates another meaning:

- (1) “Acting promotional appointment” means an appointment made from within the service to a supervisory or managerial position temporarily vacated by a regular employee, not to exceed one hundred twenty calendar days;
- (2) “Allocation” means the assignment of a position to a job classification;
- (3) “Applicant” means a person who has filed the necessary documents, as prescribed by the chief examiner, to take the examination;
- (4) “Appointing authority” means a person or persons who are authorized to employ others on behalf of the city of Raymond for the Police and Fire Departments;
- (5) “Bumping” means the replacement of an employee who has greater seniority;
- (6) “City” means the City of Raymond;
- (7) “Classified service” means all positions in the city that are subject to these rules;
- (8) “Commission” means the Raymond Civil Service Commission;
- (9) “Competitive service” means all positions in the classified service that require a competitive examination as a condition for appointment;
- (10) “Demotion” means changing a regular employee from a position in one class to a position in a lower class that has a lesser entrance salary;
- (11) “Dismissal” means the termination of an individual’s employment for cause, as specified in these rules;
- (12) “Eligible” means that an applicant has met the minimum or desirable qualifications for a class and had passed the required examination;
- (13) “Emergency appointment” means an appointment made for emergency reasons, not to exceed one hundred twenty calendar days;

- (14) “Examination” means the process of testing the fitness and qualifications of applicants. An examination is competitive when the relative qualifications and abilities of the applicants are objectively tested or when applicants are scored against a fixed standard;
- (15) “Lateral entry examination” means an examination process in which only experienced persons are recruited to fill a vacancy in the civil service when an immediate need for lateral hiring is demonstrated to the Commission;
- (16) “Minimum qualifications” means the training, experience, and other qualifications established to admit an applicant to the examination for a given class;
- (17) “Open examination” means an examination that may be taken by any person who possesses the minimum qualifications for the job class;
- (18) “Position” means the duties and responsibilities normally assigned to an employee;
- (19) “Probationary period” means the period of employment beginning with the date of original appointment or reemployment in the classified civil service and continuing for one year, except for police officers whose one year probationary period will begin upon completion of the training academy;
- (20) “Promotion” means the change of a regular employee from a position in one class to a position in a higher class that has a higher entrance salary;
- (21) “Reduction” means the placement of an employee’s salary at a lower step within the range as a result of a disciplinary action:
- (22) “Reduction-in-force” means a separation from employment because of a lack of funds or work and without cause on the part of the employee;
- (23) “Reemployment” means an appointment made from the reemployment register of a former employee: (a) who had regular status in a class and (b) whose requested reemployment has been approved by the Commission;
- (24) “Register” means a list of eligible names established for employment, promotion, reemployment, or reduction-in-force in a class;
- (25) “Regular employee” means an employee who has successfully completed a probationary period and has had no break in service;

- (26) “Resignation” means a voluntary termination of employment;
- (27) “Reversion” means the voluntary or involuntary movement of an employee during a one-year trial service period to the lower class which the employee held previously;
- (28) “Supervisor” means an individual who has the responsibility on behalf of management to direct the means, methods, and production of work;
- (29) “Suspension” means an enforced absence with or without pay for disciplinary or administrative purposes;
- (30) “Temporary appointment” means work in the absence of a regular employee on leave, or work done at a workload peak, either cyclic or as a separate project, normally lasting for less than one hundred eighty days, and having an end in sight;
- (31) “Time-in-grade” means the time served in a class determined by the date of promotion or first hired to the class, provided the trial service period was completed;
- (32) “Transfer” means the change of a regular employee, with no break in service, from one classified position to another that has an identical salary range; and
- (33) “Trial service period” means a one year trial period of employment of a regular employee that begins with the effective date of hire, promotion or demotion.
- (34) “Provisional appointment” means an appointment made without examination when there is no appropriate eligibility list or persons on the list are not available or cannot be contacted. Such provisional appointment must be approved by the Civil Service Commission or their designee and the provisional appointee must meet the requirements and file an application for the class to which they will be assigned. A provisional appointment can be for no more than one year unless the extended absence of the person they are replacing continues beyond one year. In that case, the Chief must file a written request with the Commission or their designee explaining the continuing need with a new termination date. A provisional appointment differs from a temporary or emergency appointment in that it will be used to fill a long term absence of a regular employee.

SECTION 2. CIVIL SERVICE COMMISSION (1) Organization. The Civil Service Commission shall elect a chair and a vice-chair annually at its first regular meeting in January and when a chair or vice-chair resigns, or a majority of the commission votes to elect a new chair. The chair shall preside at all meetings of the commission, sign necessary papers as chair, and act as presiding officer. In the chair's absence, the vice-chair will service as a temporary chair. Robert's Rules of Order shall be the final authority on all questions of procedure not otherwise provided by these rules.

- (2) Meetings. The Commission will hold regular meetings as desired by a majority vote of the commission. The chair or any two commissioners may call a special meeting. All regular and special commission meetings shall be public. No resolution, rule, order, or directive may be adopted by the commission except in a regular or special meeting open to the public.
- (3) Secretary and Chief Examiner (a) when a vacancy occurs in the office of Secretary and Chief Examiner, the chair of the commission or upon the chair's request the finance director shall announce the vacancy by posting a notice in the commission office and Raymond City Hall, and by placing an advertisement in the official city newspaper. The commission shall accept application from any person meeting the minimum requirements for the position and who are either a resident of the City of Raymond or a city employee. The commission shall appoint a secretary and chief examiner from the top three applicants. In the absence of a qualified applicant, the commission may appoint a qualified person to serve as secretary and chief examiner. The commission may combine the offices of secretary and chief examiner. Making one person responsible for the duties of both offices.
 - (b) The secretary is the official custodian of all records and files of the commission. The secretary or the secretary's designee shall:
 - (i) Attend all meetings;
 - (ii) Record the action taken, cause the minutes to be typewritten, and presented to the commission for approval at the next regular meeting. Upon approval, the minutes shall become part of the commission's permanent files;
 - (iii) Receive and preserve all reports, minutes of the meetings, hearings, other activities of the commission, and the commission's correspondence;
 - (iv) Keep a record of all examinations held under the direction of the commission;

- (v) Establish and maintain eligibility lists;
 - (vi) Maintain a record of regular and temporary positions held by all persons under the classified service;
 - (vii) Make investigations and reports to the commission as required; and
 - (viii) Perform such other duties as the commission may prescribe.
- (c) The chief examiner shall, in a fair and impartial manner, based solely on merit and fitness;
- (i) Prepare recruitment announcements;
 - (ii) Schedule, organize, supervise, and score examinations;
 - (iii) In cooperation with the department head, obtain the testing materials; and
 - (iv) Maintain the classification plan.

SECTION 3. CLASSIFICATION (1) Classification plan. The commission shall adopt a classification plan for every position or group of positions that have the same or similar duties and responsibilities. Each class should include:

- (a) A specific and appropriate title;
 - (b) A description of job duties and responsibilities; and
 - (c) Minimum or desirable requirements for education, training, experience, and other qualifications considered necessary to carry out the duties described in the specifications.
- (2) Specifications. The secretary/chief examiner, appointing authority, or an employee may submit a class specification to the commission for adoption. The commission may modify, reject, or approve the specification.
- (3) Allocation of Positions. The commission shall allocate each position to the appropriate class. If the employee or appointing authority disagrees with the allocation, he or she may submit a written request for review to the commission who may grant the request. The commission shall inform the employee or appointing authority in writing of its decision.

- (4) New Positions. Upon notification of the establishment of a new position, the secretary/chief examiner shall submit a new class for approval by the commission.
- (5) Reallocation. When the duties of a position occupied by a regular employee are substantially changed, the appointing authority or employee shall report the change to the commission. The commission shall determine the appropriate allocation for the position.

SECTION 4. APPLICATIONS (1) All applicants for civil service positions must be a citizen of the United States of America or a lawful permanent resident who can read and write the English Language.

- (2) All applications shall be on a form prescribed by the commission and shall request information considered necessary or relevant by the commission. The applicant's signature shall certify the truth of stated information. No information may be solicited that reveals religious, political affiliation, race, sex, age, mental, physical, or sensory handicap, or national origin.
- (3) Only those applicants filed with the secretary/chief examiner by the date specified in the examination notice may be considered for the examination.
- (4) The secretary/chief examiner may refuse to examine an applicant if the applicant:
 - (a) Is found to lack any requirement established for the class;
 - (b) Is so disabled as to be rendered unfit to perform the duties of the class;
 - (c) Is a user of an illegal controlled substance, an abuser of a prescription drug, or is a habitual user of intoxicating liquors in excess;
 - (d) Has been convicted of a felony or misdemeanor involving moral turpitude;
 - (e) Has made a false statement in his or her application;
 - (f) Has used, or attempted to use pressure or bribery to secure an advantage in the examination or appointment;
 - (g) Has directly or indirectly obtained information regarding examinations to which he or she was not entitled;

- (h) Has otherwise violated these rules; or
 - (i) Has taken part in the compilation, administration, or correction of the examination.
- (5) A disqualified applicant or an applicant who is not admitted to an examination shall be promptly notified by mail at his or her last known address. Within ten days of notice of rejection, the applicant may request in writing, a hearing by the commission appealing the rejection of his or her application. The hearing date must be scheduled within thirty calendar days following receipt of the request. The commission shall notify the applicant of the hearing date and place at least ten calendar days before the hearing date. The applicant shall be notified of the commission's decision within five calendar days following the hearing.

SECTION 5. EXAMINATIONS (1) Examinations Notices. The secretary/chief examiner shall give notice of an examination at least two weeks before the application deadline by posting the notice in the commission office and City hall and my advertising in, at minimum, a newspaper of general circulation in Pacific County to attract a sufficient number of qualified persons to meet the needs of the City. The notice shall specify the title of the class for which applications are being accepted, opening and closing dates for acceptance of applications, minimum or desirable qualifications, and other information necessary to attract applicants.

- (2) Promotion Examinations. Notices of promotion examinations shall be posted at a conspicuous place in the main administration office and substations of the fire and police departments for two weeks.
- (a) If the Police or Fire Chief can demonstrate the necessity for less than two weeks for the posting time for an application period and if all eligible parties can be notified in the shorter time period and be able to complete an application if they wish to apply, the Secretary/Chief Examiner may post the position for a period less than two weeks.
- (3) Composition. The commission shall determine, by objective standards, the appropriate examinations for a class and the tests, or combination of tests and relative weights to be assigned. A minimum score may be required on each test included in the examination. Physical ability tests will be a pass/fail score. Open examinations shall consist of a combination of at least two of (a) through (c) or be replaced by either (d) or (e) of the following:

- (a) A written examination;
 - (b) An oral examination;
 - (c) A physical ability test;
 - (1) Fire Department physical ability tests may be:
 - (a) A test devised by the department and approved by the Secretary/Chief Examiner. It will be administered by the department and supervised by the Secretary/Chief Examiner.
 - (b) A certificate showing that the applicant has completed a candidate physical ability test (CPAT) from a certified facility.
 - (d) An evaluation of experience and training or
 - (e) An assessment center type of testing.
- (4) Promotional examination composition. Promotional examinations shall consist of at least an oral examination and may consist of any or all the tests listed above for an open examination if it is deemed necessary by the secretary/chief examiner to establish the best qualified for the position.
- (a) Promotional applications may be screened for qualifications and only those persons who do not meet the stated qualifications will be eliminated.
 - (b) The next step could be a written test that would be sent to the applicants that met the qualifications. This test would be scored and only the top ten candidates would be interviewed or given an oral test.
 - (c) Credit and background checks may be done before the interview or oral testing.
- (5) Time and place. Examinations shall be held at the times and places necessary to meet the requirements of the civil service, provide economical administration, and be generally convenient for applicants.
- (6) Minimum Qualifications. Upon the written request of the appointing authority, the commission may waive or modify the minimum qualifications for a class to fill a vacant position on a one-examination basis only when:
- (a) There is an incomplete register following recent recruiting;

- (b) An acting appointment is not feasible because the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and
 - (c) The commission determines the established minimum or desirable qualifications to be appropriate under normal conditions and should not be permanently changed.
- (7) Re-Examination. Upon request, the commission may authorize an applicant to retake a test if:
 - (a) At least thirty calendar days have elapsed between the dates of the successive test administrations;
 - (b) The test is taken not more than once within a twelve month period unless the examination content has been substantially changed;
 - (c) The class is open for filing indicating a continuing recruitment the time of request; or
 - (d) The Commission finds that the applicant's failure to take or complete an examination was due to an obvious error for which the secretary/chief examiner, the secretary/chief examiner's staff, or the appointing authority is responsible.
- (8) Examination Ratings. All applicants for the same class shall be accorded uniform and equal treatment in all phases of the examination procedure. All scores shall be based on uniform and objective rating or scoring procedure. When a minimum score is required, the secretary/chief examiner may take into consideration the number of candidates and anticipated openings within limits established by the relevant job standards. When the examination consists of two or more tests and when minimum scores are set, failure of any one test constitutes failure of the entire examination. Final scores that are tied may be broken by giving a higher rank to the individual with the highest oral test score.
- (9) Examination Results. The chief examiner shall give prompt notice to the applicant of the applicant's rating when it has been computed. Within thirty calendar days of the test, the applicant may request and receive information regarding his or her score on any part of the examination, or may give written authorization for his or her personnel officer or employee representative to obtain the information for the applicant. Upon request the information may be furnished to the appointing authority concerning a certified eligible applicant.

- (10) Oral Examining Board. The secretary/chief examiner, with approval of the commission, shall choose members of the oral examining boards primarily for their ability to judge the technical and personal qualifications of people in their general field of work impartially and objectively. At least one member with past experience and training shall be generally familiar with the nature of the work in the class. No examining board should have less than three members unless valid or reasonable circumstances indicate otherwise. An employee of the city may serve on open competitive oral examinations but is disqualified from rating an immediate subordinate in his own department on promotional examinations. Further, promotional boards must have at least one non-city employee. A member of an oral examination board shall disclose each instance in which he or she knows the applicant personally or has formed a personal bias for or against an applicant and shall disqualify himself or herself without rating the applicant or biasing the remaining members.
- (11) Physical Examination. Before appointment, applicants shall be required to satisfactorily pass a health and physical examination or provide to the hiring authority a doctor's statement that he or she has had a physical examination within the last sixty days and meets the physical requirements of the job.
- (12) Records and Retention. The secretary/chief examiner shall keep applications and other necessary records during the life of the register. Applications or copies of appointees' applications may be transmitted to the appointing authority on request. Examination records of applicants may be destroyed three years after an employee's date of hire.
- (13) Veteran's Preference. Veteran's preference on competitive examinations will be given according to RCW 41.04.005 and 41.04.000.
- (14) City Preference. City employee or paid volunteers or part-time employees will be eligible for a 5% preference on scores if so requested by the candidate.
- (15) Open Ended Recruitment. (a) A continuous or periodic examining process may be ordered and administered by the Secretary for any class of positions other than promotional examinations. Filing applications will be accepted on an open ended basis throughout the year and will be retained for one (1) year from the time of filing. Qualified eligibles will be notified by email, mail and/or canvassing when examination date is established to verify interest. Examination will be administered four (4) to six (6) weeks after publication of test date (s). If eligible applicant is not interested in an examination, his/her application will be expired at that time. The names of qualified eligibles resulting from examination shall be entered on the

eligible register and certification for appointment on the register 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. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

- (b) 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.
- (c) Except as above provided, the rules applicable to other examinations shall apply to periodic examinations.
- (d) When it is determined by the Commission that the testing for any class is needed, the following will be the process of notification:
 - * Advertisement will be sent to the Official City Paper as well as informational advertisements to surrounding newspapers and online affiliates
 - * Canvassing of all eligible applicants to determine interest for all applications will be conducted by the Secretary
 - * Deadline for acceptance of applications will be fifteen (15) days after publication of advertisement; Testing will begin at least 4-6 weeks thereafter
- (e) Registers will still expire the same as periodic registers; after 1 year or extended up to 2 years. When register expires, applications received through the open ended recruitment will then be notified for examination as the process explained in (d).

SECTION 6. REGISTERS The secretary/chief examiner is responsible for the establishment, maintenance, and adequacy of all registers subject to review and audit by the commission at any time.

- (1) **Duration.** The duration of all registers shall normally be one year, as long as it does not jeopardize the reduction-in-force register. The commission may reduce, extend, or update the life of a register, but a register may not exceed two years in duration, except for the reduction-in-force register.

- (2) Removal of Names from a Register. (a) The appointing authority may request that a name be removed from the register if the police background investigation or credit investigation contain negative findings.
- (b) A request for removal must be in writing and submitted to the commission or the secretary/chief examiner for review. If the review is done by the secretary/chief examiner, the removal may be appealed to the commission. If it is determined that such findings would cause an adverse reflection on the department or constitutes grounds for no acceptance of an application, the commission or secretary/chief examiner may order removal of the name, or the name may be passed over for consideration of employment. The secretary/chief examiner should promptly notify the candidate of any such action.
- (c) If there is a challenge to the removal of a name from the register, and it is ordered by the Court to restore the name to the register, this reinstatement does not effect any hires done during this challenge process.
- (3) Mandatory Sequential Use of Register. (a) The reduction-in-force register shall contain the names of those regular employees of a department separated due to a reduction-in-force. This register shall be ranked according to total service in the department as measured from the first appointment date and adjusted for any break in service. The employee's name shall appear for all classes in which the employee has previously held regular status within the department. If class titles or concepts have changed, the commission shall determine the class now in use most like that was previously held.
- (b) The promotion register shall contain the names of those regular employees of a department who have received a passing final score, if a minimum score is required and shall be ranked on the basis of the total score in the promotional examination.
- (c) The voluntary demotion register shall contain the names of all regular employees who have requested a voluntary demotion, if the employee has regular status in the class for which he or she is asking a demotion. This register shall be ranked by seniority.
- (d) The open competitive register shall contain the names of all persons who have passed the entrance examination and ranked by their final score.

- (e) If there are three or less candidates who test for a position, all those that pass the complete examination, will constitute a legal register for this position. A register with fewer than two names may be abandoned by the Commission prior to the one year as stated in Section 6 (1).

SECTION 7. CERTIFICATION AND PROBATIONARY PERIOD (1) The appointing authority shall request certification from the secretary/chief examiner for the class of the position to be filled. The secretary/chief examiner shall provide the appointing authority with the names of those highest on the list for the class. The list shall contain a number of names equal to the number of vacancies to be filled plus two. The appointing authority may appoint any candidate from the list and shall notify the secretary/chief examiner of his or her choice. The secretary/chief examiner shall provide the commission with evidence that all standards and procedures have been met. Final certification shall be made and passed in the form of a motion by the commission and recorded in the minutes or made on a form stating that testing had been completed as approved by the commission and that the certification contained the list of the highest candidates ranked by their final score and signed by the secretary/chief examiner. This form would be reviewed by the commission at their next regular meeting and then become part of the commission's permanent records.

- (2) All new employees (entry or lateral level) must serve a one year probationary period. For Police Officers, this one year period begins upon the successful completion of the police academy. Employees who are discharged during the probationary period do not have the right to appeal.

SECTION 8. TRIAL SERVICE PERIOD. All employees who are promoted to a class with a higher pay or salary level must serve a one year trial service period. Employees who do not successfully complete the trial service period and are reverted to a lower class do not have the right to appeal.

SECTION 9. REDUCTION-IN-FORCE. (1) All employees may be separated from employment because of lack of funds or curtailment of work after a fifteen calendar day written notice has been given. Upon receipt of the notice, the employee will have his or her name placed on the reduction-in-force register.

- (2) No regular employee may be reduced-in-force until all probationary and temporary employees are dismissed.

- (3) The appointing authority determines by class which positions are to be abolished. The Civil Service must be notified in writing of any changes.
- (4) The employee having the least time in grade in the class subject to reduction shall be the employee to be reduced and shall have bumping rights over any employee in a lower class if the employee has more total seniority than the employee being bumped and has held regular status in that class. Bumping by employees is limited to positions within the employee's department.
- (5) An employee being reduced-in-force may take voluntary demotion to a vacant position for which he or she qualifies.
- (6) No new employee may be hired until all reduced-in-force employees have been reemployed or have declined reemployment in a regular position, unless the position being filled is of such a nature that the reduced-in-force employee did not hold regular status in the class or cannot qualify.
- (7) A reduced-in-force employee's name shall be removed from the reduced-in-force register if the employee declines to accept a firm reemployment offer in a class for which he or she qualifies, or refuses to return to work after fifteen days written notice.
- (8) An employee who is on authorized leave of absence or military duty will be considered as a working employee during the reduction-in-force procedures.
- (9) A reduction-in-force employee cannot compete for promotional examinations unless the employee has received notice to return to work and otherwise meets minimum qualifications for the promotional class.

SECTION 10. LEAVE (1) A person who voluntarily or upon demand vacates a position to enter active military service shall be placed on leave without pay and will be returned to his or her former position or a similar position upon return from military service unless there has been a reduction-in-force. Notice of intent to return must be given the appointing authority within ninety days of discharge.

- (a) Employees taking a non-military leave may return to the same position or a position in a class where the employee has service credit if there is a vacancy.
- (b) If there is not a vacancy the return comes under the layoff rights section of these rules.

- (c) An employee may take a transfer to a different class if they have service credit in that class.
- (d) The request for reinstatement must be made within two years of the date the leave began. After that date no return rights will be recognized.

SECTION 11. DISCIPLINARY ACTIONS (1) The appointing authority may demote, suspend, reduce in salary, dismiss, or otherwise discipline an employee for violating a departmental rule, regulation, or any of the following:

- (a) Incompetence, inefficiency, or inattention to or dereliction of duty;
- (b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, an act of omission or commission tending to injure the public service; or other willful failure of the employee to properly conduct himself or herself;
- (c) Mental or physical unfitness for the position the employee holds;
- (d) Dishonest, disgraceful, or prejudicial conduct;
- (e) Drunkenness or use of intoxicating liquors, narcotics, or other habit forming drug, liquid, or preparation to such extent that the use interferes with the efficiency or mental or physical fitness of the employee, or that precludes the employee from properly performing the function and duties of a civil service position;
- (f) Conviction of a felony or a misdemeanor involving moral turpitude;
- (g) False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or these actions by others with his or her collusion;
- (h) Willful or intentional violation of a lawful and reasonable regulation, order, or direction made or given by a superior officer;
or
- (i) Willful or intentional violation of these rules.

- (2) Pre-disciplinary Hearings. Before demoting, suspending, or dismissing an employee, the department head shall provide and arrange for a pre-disciplinary hearing as follows:
- (a) The department head shall provide a written notice of the charge and an explanation of the department's evidence;
 - (b) The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's action should not be taken;
 - (c) The employee may have legal counsel or union representation present at the pre-disciplinary hearing;
 - (d) The department's explanation of the department's evidence at this hearing shall be sufficient to inform the employee of the basis of the proposed action. However, this rule shall not be construed to limit the employer's right to present a complete, fully detailed case, including presenting witnesses and documents, at any subsequent hearing;
 - (e) If the appointing authority decides that the employee should be disciplined, the employee shall receive written notice of discipline that includes a statement of the charges and a general statement of the evidence supporting the charges.
- (2) Appeals. A regular employee who is demoted, suspended, reduced, or dismissed, or disciplined may appeal the action to the commission.
- (a) The appeal must be in writing and submitted to the secretary/chief examiner within ten days after the effective date of the action being appealed. The commission may not consider any basis for disciplinary action that was not previously presented to the employee.
 - (b) The commission shall arrange an appeal hearing as soon as possible, and conduct the hearing within sixty days after receipt of the appeal. The appellant shall be notified of the time and place of the hearing at least ten days in advance and may be represented by counsel. After hearing the appeal, the commission shall notify the appellant and appointing authority in writing of its decision.
 - (c) The hearing shall be informal and open to the public. Technical rules of evidence do not apply to the proceedings. The appellant and appellee have the right to be represented by counsel, present

evidence, and call and cross-examine witnesses. All testimony shall be given under oath.

- (d) An official record shall be made of the hearing. However, the commission may not furnish a complete transcript of the record unless requested by the appellant or appointing authority who shall pay a reasonable charge to cover the cost of the transcript.
- (3) Burden of Proof. At a hearing on appeal from a demotion, suspension, or termination, the disciplinary authority has the burden of showing that its 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.
- (4) Deliberations. When taking a disciplinary case under advisement, the commission may deliberate in executive session.
- (5) Decision. The commission shall issue a decision, including findings of fact, conclusions of law, and an order to each party or counsel.
- (6) Reconsideration. A party may move for reconsideration by the commission only on the basis of fraud, mistake, or misconception of the facts. The motion to reconsider must be filed with the commission within ten days of the decision of the commission.

SECTION 12. HIRING AND APPOINTMENTS. (1) Regular Positions. All regular city positions covered by the civil service must be filled by persons on the appropriate certified register. If a vacancy occurs, the department head or the hiring authority must request a test to fill the position(s). This request must be in writing and submitted to the civil service secretary/chief examiner. The request for the test will be voted on by the civil service commission at their next regular or special meeting. The secretary/chief examiner will then notify the department head or appointing authority of the commission's decision.

- (2) Temporary/Emergency Hires. A request to fill a temporary or emergency vacancy must be submitted to the civil service secretary/chief examiner in writing before the position is filled. This request must contain the name of the person to be appointed, the position to which they will be appointed and their qualifications to fill this position. It must also contain the beginning and ending date for this appointment.
- (3) Temporary Appointments. Temporary appointments are for a maximum of one hundred eighty days, however if the project that the temporary employee was hired to do is not completed or if the regular employee they

replaced is still not available or able to return to work or if a vacant position cannot be filled within the original period, the hiring authority of department head may submit a written request to the civil service secretary/chief examiner to extend the period. The request must contain the reasons this extension is needed and how long it will be needed. The secretary/chief examiner may extend the period for not more than sixty days. If the request is denied, it may be appealed to the civil service commission.

- (4) **Emergency Appointments.** Emergency appointments are for a maximum of one hundred twenty days, however if the emergency that made the appointment necessary is still present beyond this period it may be extended up to sixty additional days. This process for extension is the same as contained in item 3, temporary appointments.
- (5) **Provisional Appointments.** Provisional appointments may be made for a period of one year. These appointments are to be used to keep a department at full staff when a regular employee must be gone or on leave for an extended period of time. An extension of the one year could be granted upon demonstration of need by the department. Request to use this section must be in writing before the person is hired and must state the reason a provisional employee is needed and the beginning date of appointment and the name of the person to be hired. The process for extending this time period is the same as in item 3, temporary appointments.

SECTION 13. These rules shall be effective August 1, 1992.

SECTION 14. All previous civil service rules are repealed.

SECTION 15. These rules are adopted as amended November 25, 1997 and are effective as of December 1, 1997.

SECTION 16. These rules are adopted as amended June 25, 2002 and are effective as of July 1, 2002.

SECTION 17. These rules are adopted as amended October 30, 2007 and are effective as of December 1, 2007.

SECTION 18. These rules are adopted as amended June 30, 2009 and are effective as of July 1, 2009.

SECTION 19. These rules are adopted as amended July 26, 2011 and are effective as of August 1, 2011.

SECTION 20. These rules are adopted as amended February 12, 2015 and are effective as of February 17, 2015.

SECTION 21. These rules are adopted as amended June 20, 2017 and are effective as of June 21, 2017.

SECTION 22. These rules are adopted as amended July 9, 2018 and are effective as of July 10, 2018.