

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

DATE: June 28, 2007

ITEM #: Action A 3

SUBJECT: Civil Service Code Amendments

CONTACT PERSON: Laura Koenig, City Clerk/Deputy Finance Director

SUMMARY STATEMENT:

The issue before the Council is a policy decision to change the civil service requirements and the personnel policies and procedures applicable to the Police Chief position and up to two other unclassified staff in the police department. Currently all the positions in the department are covered under Civil Service SMC 2.52 (Attachment A). RCW 41.12.050(2) (Attachment B) allows a city with a police department with six or more commissioned officers, including the police chief, to exempt the police chief and two unclassified staff from civil service. This change will not effect the current Chief, Fred Walser, or the administrative staff.

BACKGROUND

The current police chief was hired in 1996. At the time, the city did not have six full paid commissioned officers and therefore the Chief's position was subject to civil service rules, as were all staff. The City now has nine full paid commissioned officers, including the police chief. Exemption of the police chief and up to staff from civil service is now permissible.

Most employess of the city are subject to the personnel ordiance and the personnel policies. Staff has provided an ordinance and resolution to exclude the Police Chief from the personnel ordinance and the personnel policy, to remove "just cause" rights from the position and put it on a par with other management positions in the organization.

The purpose of the Civil Service Commission is to provide an independent body to carry out the provisions of RCW 41.12.020. It is responsible for adopting rules for the regulation of personnel administration for the classified service (full paid police department personnel). The Commission provides testing for open positions and prepares eligiblity lists. They also hold hearings to ensure compliance with Civil Service law.

DISCUSSION:

The City has the authority to exempt the Police Chief or Chief Law Enforcement Officer and up to two unclassified staff from the Civil Service process. This would allow the Mayor and Council to develop a process for hiring the Police Chief and the unclassified staff outside of civil service rules. The purpose of using the Civil Service Commission is to make the appointment non-political.

ALTERNATIVES

1. Do not approve the ordinances and leave the police chief position and administrative staff under the jurisdiction of the civil service and the just cause provisions of the personnel ordinance and resolution. This will require the hiring process to be handled by the Civil Service Commission and the Police Chief's position will be subject to civil

service grievance rights, and the just cause provisions of the peronnel ordinance and personnel resolution.

2. Adopt the amending ordinances and exempt the position of police chief and administrative staff from civil service. As written, this will allow the police chief to exempt executive staff from civil service as well. This will allow the Mayor and council to determine the hiring process for the position of Police Chief. This position will no longer be subject to grievance rigths to the civil service commission nor subject to just cause rights under the personnel ordinance or resoluition. Two unclassified positions would also be created, not subject to civil service, but still subject to the peronnel ordinance and resolution.

FISCAL IMPACT:

To be determined as either hiring process will require expenditures for advertising, interviews and background checks.

RECOMMENDED ACTION:

Staff recommend approval of the amending ordinances.

MOTION:

- 1) Move to introduce Ordinance 950-07, Civil Service Code Amendment for a first reading and pass on to a second reading.
- 2) Move to introduce Ordinance 951-07, Personnel Ordinance Amendment for a first reading and pass on to a second reading.
- 3) Move to introduce Resolution 07-13 Personnel Resolution Amendment and pass it on to a second reading.

Attachments: A. Ordinance 950-07 - Civil Service Code Amendment
 B. Ordinance 951-07 - Personnel Ordinance Amendment
 C. Resolution 07-13 – Personnel Policy
 D. SMC 2.52 Civil Service
 E. RCW 41.12 Civil Service Section
 F. Civil Service Rules

COUNCIL ACTION:

DATE:

**CITY OF SULTAN
ORDINANCE 950-07**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
AMENDING SMC CHAPTER 2.52 REGARDING CIVIL SERVICE.

WHEREAS, the RCW 41.12.050, allows the City to exclude the Police Chief and two assistants from Civil Service when there are six or more commissioned officers, including the police chief in the Police Department; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to exclude the Police Chief from Civil Service and to allow the Police Chief to designate two unclassified assistants;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULTAN AS FOLLOWS:

Section 1: SMC 2.52.010 is hereby amended to read as follows:

2.52.010 Established: Pursuant to the authority conferred by Chapter 41.12 RCW, there is created a civil service commission to substantially accomplish the exercise of powers and the performance of the duties established by state law relative to the selection, appointment and employment in the police department of the City of Sultan, excluding the city marshal and/or police chief and excluding two unclassified assistants. In accordance with RCW 41.12.050 (2)(b), the Police Chief may designate two unclassified positions as exempt which may include the administrative assistant or administrative secretary.

Section 3 Severability: This ordinance is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

Section 4. Effective Date: This ordinance shall take effect and be in full force five (5) days after publication as required by law.

REGULARLY adopted this day of , 2007.

Benjamin Tolson, Mayor

Attest:

Laura J. Koenig, City Clerk

Approved as to form:

Thom Graafstra, City Attorney

ATTACHMENT A

**CITY OF SULTAN
ORDINANCE 951-07**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
AMENDING SMC CHAPTER 2.30.010 (c) PERSONNEL POLICY
OF THE CITY OF SULTAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULTAN AS FOLLOWS:

Section 1: SMC 2.30.010 is hereby amended to read as follows:

2.52.010 Exclusions: This ordinance shall not apply to the following personnel:
Mayor, members of the council, members of commissions or boards, reserve police
officers, contract personnel, the city attorney, the city administrator and the police chief
or chief law enforcement officer.

Section 3 Severability: This ordinance is severable and if any portion of it shall be declared
invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

Section 4. Effective Date: This ordinance shall take effect and be in full force five (5) days
after publication as required by law.

REGULARLY adopted this day of , 2007.

Benjamin Tolson, Mayor

Attest:

Laura J. Koenig, City Clerk

Approved as to form:

Thom Graafstra, City Attorney

ATTACHMENT B

**CITY OF SULTAN
SULTAN WASHINGTON**

RESOLUTION 07-13

**A RESOLUTION AMENDING THE CITY OF SULTAN
PERSONNEL POLICIES**

WHEREAS, the City Council of the City of Sultan has determined that it is in the best interests of the City to exempt certain positions from the personnel policies of the city; and

WHEREAS, the City needs to be consistent in the policies adopted under the Personnel Policy Ordinance

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sultan as follows:

The City of Sultan Personnel Policies adopted under Resolution 00-01 are hereby amended to read as follows:

Chapter 1.03 Scope of Policies: These personnel policies shall apply to all City employees except the following, Mayor, members of the council, members of commissions or boards, reserve police officers, contract personnel, the city attorney, the city administrator and the police chief or chief law enforcement officer. In cases where these policies conflict with any City ordinance, state or federal law, personal services contract, collective bargaining agreement or civil service law, the terms of that law or contract prevail. In all other cases, other than those excepted herein, these policies apply.

PASSED AND ADOPTED this 28th day of June, 2007.

Ben Tolson, Mayor

ATTEST:

Laura J. Koenig, City Clerk

ATTACHMENT C

Chapter 2.52

CIVIL SERVICE

Sections:

- 2.52.010 Established.
- 2.52.020 Membership.
- 2.52.030 Duties – Compliance with state law.
- 2.52.040 Permanent appointment – Requirements.

2.52.010 Established.

Pursuant to the authority conferred by Chapter 41.12 RCW, there is created a civil service commission to substantially accomplish the exercise of the powers and the performance of the duties established by state law relative to the selection, appointment and employment in the police department of the city of Sultan, including the city marshal. Said commission shall perform its duties and exercise its powers only in the event that there are more than two persons, including the city marshal, in the police force. (Ord. 541 § 1, 1990)

2.52.020 Membership.

The commission shall be composed of three members who shall be appointed by the mayor of the city and who shall serve without compensation. Such commissioners shall have the qualifications prescribed by RCW 41.12.030. (Ord. 541 § 2, 1990)

2.52.030 Duties – Compliance with state law.

The commission, upon appointment, qualifications and organization, shall hold meetings, adopt rules and regulations, perform duties, and exercise powers in compliance with Chapter 41.12 RCW. (Ord. 541 § 3, 1990)

2.52.040 Permanent appointment – Requirements.

Any full-time permanent employee of the police department of the city of Sultan, who upon the effective date of the ordinance codified in this chapter shall have been employed in a specific position for the immediately preceding six months, in compliance with RCW 41.12.060, shall receive a permanent appointment to said position. Such appointment shall not be subject to any additional probationary period and shall be as equally permanent as any subsequent permanent appointment made under civil service after examination and investigation. (Ord. 541 § 4, 1990)

Chapter 2.54

LEGAL REPRESENTATION

Sections:

- 2.54.010 Definitions.
- 2.54.020 Legal representation.
- 2.54.030 Exclusions.
- 2.54.040 Determination of exclusion.
- 2.54.050 Representation and payment of claims – Conditions.
- 2.54.060 Effect of compliance with conditions.
- 2.54.070 Failure to comply with conditions.
- 2.54.080 Reimbursement of incurred expenses.
- 2.54.090 Conflict with provisions of insurance policies.
- 2.54.100 Pending claims.

2.54.010 Definitions.

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

A. "Employee" means any person who is or has been employed by the city of Sultan (the "city").

B. "Official" means any person who is serving or has served as an elected city official and any person who is serving or has served as an appointed member of any city board, commission, or committee. (Ord. 642, 1996)

2.54.020 Legal representation.

A. As a condition of service or employment with the city of Sultan, the city shall provide to an official or employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the city, such legal representations as may be reasonably necessary to defend a new claim or lawsuit filed against such official or employee resulting from any conduct, act, or omission of such official or employee performed or omitted on behalf of the city in the capacity as a city official or employee, which act or omission is within the scope of service or employment with the city.

B. Except as may be provided in any applicable policy of municipal insurance, such legal representation shall be provided by the city attorney or by an attorney designated by the city attorney. (Ord. 642, 1996)

2.54.030 Exclusions.

A. The obligations assumed under this chapter by the city and the city attorney shall not apply to:

The following is the excerpt from the RCW:

RCW 41.12.050 Persons included--Restricted exemptions--Competitive examinations--
Transfers, discharges, and reinstatements.

(1) For police departments with fewer than six commissioned officers, including the police chief, the classified civil service and provisions of this chapter includes all full paid employees of the department of the city, town, or municipality.

(2) For police departments with six or more commissioned officers, including the police chief, the legislative body of a city, town, or municipality may exempt from civil service individuals appointed as police chief after July 1, 1987.

(a) If the police chief is not exempt, the classified civil service includes all full paid employees of the department of the city, town, or municipality, including the police chief.

(b) If the police chief is exempt, the classified civil service includes all full paid employees of the department of the city, town, or municipality, except the police chief and an additional number of positions, designated the unclassified service, determined as follows:

Department Personnel Position Appointments	Unclassified
6 through 10	2
11 through 20	3
21 through 50	4
51 through 100	5
101 through 250	6
251 through 500	8
501 and over	10

(3) The unclassified position appointments authorized by subsection (2)(b) of this section may only include selections from the following positions up to the limit of the number of positions authorized: Assistant chief, deputy chief, bureau commander, and administrative assistant or administrative secretary. The initial selection of specific positions to be in the unclassified service and exempt from civil service shall be made by the police chief, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are in the unclassified service may be made only with the concurrence of the police chief, the mayor or the city administrator, and the civil service commission, and then only after the civil service commission has heard the issue in an open meeting. If a position initially selected by the police chief to be in the unclassified service is in the classified civil service at the time of the selection, and if the position is occupied, the employee occupying the position has the right to return to the next highest position or a like position in the classified civil service.

(4) All appointments to and promotions in the department shall be made solely on merit, efficiency, and fitness except as provided in RCW 35.13.360 through 35.13.400, which shall be ascertained by open competitive examination and impartial investigation. No person in the unclassified service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter.

CIVIL SERVICE RULES AND REGULATIONS

FOR

POLICE DEPARTMENT

The Civil Service Commission appointed by the Mayor of Sultan in accordance with the terms of Ordinance Number 423, such ordinance being enacted pursuant to the provisions of RCW 41.12 (Revised Code of Washington), adopts the following rules and regulations to carry out the purpose of said law.

City Ordinance 423

Chapter 2.20.010 Creation

Pursuant to the authority conferred by RCW 41.12, there is hereby created a Civil Service Commission to substantially accomplish the exercise of the powers and the performance of the duties established by state law relative to the selection, appointment, and employment, in the Police Department of the City of Sultan, including the City Marshal. Said Commission shall perform its duties and exercise its powers only in the event that there are more than two persons, including the City Marshal, in the police force. (Ordinance 423, 19__)

2.20.020 Membership (Ordinance 388-A, Section 2, 1980)

2.20.030 Duties - Compliance with State La (Ordinance 388-A, Section 3, 1980)

2.20.040 Permanent Appointment - Requirements (Ordinance ____, Section ____, 1988)

TABLE OF CONTENTS

	City Ordinance 423	1
Chapter 1	Definition of Terms	3
Chapter 2	The Civil Service Commission	7
Chapter 3	The Secretary and Chief Examiner	10
Chapter 4	Hearings and Investigations	11
Chapter 5	Classification	12
Chapter 6	Applications	13
Chapter 7	Examinations	15
Chapter 8	Eligibility Lists	17
Chapter 9	Appointment	19
Chapter 10	Probationary Period	22
Chapter 11	Transfers and Layoffs	25
Chapter 12	Disciplinary Action	26
Chapter 13	Hearing of Appeals	28
Chapter 14	Procedural Investigation	32
Chapter 15	Leaves, Vacations, Sick Leave, and Resignations	33
Chapter 16	Records and Reports	34
Chapter 17	Complaints	36
Chapter 18	Department Manuals	37
Chapter 19	Amendments	38

Chapter 1

DEFINITION OF TERMS

Section 1.1 Advancement

Advancement means a salary increase within an arranged rate-of-pay schedule for a class or position made without examination.

Section 1.2 Appointment Authority

Appointing authority means the Mayor for the Chief of Police, and means the Chief of Police for members of the Police Department.

Section 1.3 Class

Class means a group of positions sufficiently similar in duties and responsibilities so that the same title may be reasonable used for each position, the same qualifications may be required, and the same salary range may be applied with equity.

Section 1.4 Classified Service

Classified service means all positions in the city/City police service which are created by ordinance of said city/City and which are subject to the provisions of these regulations as defined by State Law, and all commissioned police officers, including the rank of chief.

Section 1.5 Commission

Commission means the Civil Service Commission appointed by the City of Sultan.

Section 1.6 Compensation

Compensation means any allowance, fee, salary, or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of such person's position or office.

Section 1.7 Demotion

Demotion means a reduction in the status of employment.

Section 1.8 Discharge

Discharge means the separation for a permanent employee from the classified service.

Section 1.9 Eligible

Eligible means having satisfied the conditions of qualification set by the Commission. Eligibility under emergency conditions shall not exceed any four (4) month period in any one fiscal year.

Section 1.10 Emergency Appointment

Emergency appointment means an appointment for not more than four (4) months in any fiscal year to serve in a classified position under emergency conditions.

Section 1.11 Employee

Employee means a person who is legally employed in the Classified Service of the city, and includes full time civilian employees as defined by Teamsters v. City of Moses Lake, 70 Wn. App. 404 (1993).

Section 1.12 Eligibility or Employment List

Eligibility or employment list means a list of names or persons, arranged in order of qualification, who are eligible for appointment to a position within the Classified Service.

Section 1.13 Full-Paid

Full-paid officer or employee means a person who receives compensation from the city/City in return for services devoted to police duties, which occupy his/her full attention and work activity other than ordinary off-duty time allowance.

Section 1.14 Layoff

Layoff means the involuntary termination of employment for reasons other than cause such as but not limited to lack of funds or work because of material change in the Classified Service organization.

Section 1.15 Permanent Employee

Permanent employee means an employee who has completed the probationary period for the class of his/her present position.

Section 1.16 Position

Position means any employment or office in the Classified Service.

Section 1.17 Probation

Probation means the period of trial service during which an employee works in a position prior to attaining permanent status in such position, during which he/she is required to demonstrate his/her abilities and capacities to perform duties of the position to which he/she has been appointed. (As defined in Section 10.)

Section 1.18 Promotion

Promotion means a change in employment in accordance with these Civil Service regulations from a lower to a higher position in the Classified Service and imposing increased duties and responsibilities.

Section 1.19 Provisional Appointment

Provisional appointment means an appointment by the Appointing Authority from a provisional appointment list authorized by the Commission when no eligibility list for such class is in existence. No provisional appointment shall continue for more than four (4) months nor shall any person receive more than one provisional appointment or serve more than four (4) months as a provisional appointee in any one fiscal year. A provisional appointee shall be replaced by the person highest on the eligibility list after a list is compiled after examination. (As defined in Section 9.)

Section 1.20 Public Notice

Public notice means giving notice by posting in at least two conspicuous places in a public office or building or by publication in a newspaper or by both.

Section 1.20A Reinstatement

Reinstatement shall mean the appointment of a former employee, in good standing, who voluntarily terminated employment with the City of Sultan Police Department, to a vacant position within the Police Department. If said reinstated employee has successfully completed probation, a new probationary period will not be required. If said reinstated employee did not previously successfully complete probation with the Sultan Police Department, a new probationary period will be required, as though the reinstated employee is a new hire. Reinstated employees will give given service credit for previous service with the Sultan Police Department only, in determining their rate of pay. (9/13/00)

Section 1.21 Suspension

Suspension means the temporary removal of an employee from duty with or without pay, for disciplinary purposes or for the purpose of investigation of accusations brought against an employee.

Section 1.22 Temporary Appointment

Temporary appointment means the appointment of a person from the eligibility list who is willing to serve in a position during a leave of absence or vacation of the regular occupant of such position.

Section 1.23 Written Notice

Written notice, as required under these Civil Service rules, means serving notice in writing either to the person directly or by certified mail to his/her last known address. If by mail, the serving shall be deemed completed at the time the notice is deposited in the post office.

Chapter 2

THE CIVIL SERVICE COMMISSION

Section 2.1 Organization

Members of the Civil Service Commission, when appointed by the Appointing Authority (Mayor), shall proceed to the election of the Chairperson who shall continue in office until subsequent reorganization of the Commission becomes necessary. All meetings of the Commission shall be public. Regular meetings shall be scheduled as necessary on a date and time convenient to a majority of the Civil Service Commissioners, and at other times upon call of the Chairperson or any two members. Two members shall constitute a quorum and two affirmative votes shall be required for the transaction of any official business. The Secretary/Chief Examiner shall attend all meetings and shall record the actions to be typewritten and presented to the Commission for approval or correction at the next regular meeting. Upon approval, the minutes shall be signed by the Chairperson and countersigned by the Secretary/Chief Examiner, and shall become a part of the permanent files of the Commission. (9/19/01)

Section 2.2 Powers and Duties

The Civil Service Commission shall

1. Adopt rules for the regulation of personnel administration with the Classified Service.
2. Appoint a Secretary/Chief Examiner in conformity with Section 3.1 of the Rules and Regulations
3. Approve minutes of its own meetings and records of its procedure.
4. Implement the classification plan prepared by the Appointing Authority as provided in Chapter 5, Section 5.1 of the Rules and Regulations.
5. Provide for the holding of tests under the supervision of the Secretary/Chief Examiner or designee to determine the qualifications of persons for employment in the classified service and prepare a list of eligible candidates for vacancies and certify same.

6. Conduct all civil suits necessary for the proper enforcement of the Civil Service Act and these regulations. Any civil action shall be initiated by the City Attorney in the name of the City or, as may be directed by the Commission, by such other attorney as the Commission may select, in the name of the Commission.
7. Hear and determine appeals arising from the administration of the Civil Service Act and these regulations.
8. Investigate and report on all matters touching the enforcement and effect of the Civil Service Act and these regulations.
9. Have such powers and duties as are provided in RCW 41.12.040 (Revised Code of Washington).

Section 2.3 Rules and Regulations

Rules of the Civil Service Commission shall be adopted by a majority vote of the members of the Commission at any regular or special meeting of the Commission. The Commission or any member thereof may propose a rule or amendment to the Secretary/Chief Examiner of the Commission at least one (1) week in advance of the meeting at which such person desires to have such proposal considered by the Commission. The rules of the Commission may be amended in the same manner as adopting a rule. The Civil Service Commission has the power to interpret its rules. The Commission may apply such principles as it deems desirable in determining cases, which are not clearly determined by rules adopted by the Commission. Rules in effect at the time of any event being considered by the Commission shall be applied to such event.

Section 2.4 Meetings

Regular meetings of the Civil Service Commission shall be on the 3rd Monday of each month. Special meetings of the Commission may be held at such times and places as may be determined from time to time by the Commission; provided, the determination to hold the special meeting and the specific formal agenda items are the only matters which shall be acted upon by the Commission at such special meetings. Should there be no business before the Civil Service Commission on a regularly scheduled meeting that meeting will be cancelled and proper notification of such action shall be posted. All activities of the Commission shall be conducted in a manner, which is in total compliance with

what is commonly referred to as the "Open Public Meetings Act of 1971", as amended, by the State of Washington (Chapter 42.30 Revised Code of Washington). Two members of the Commission shall constitute a quorum.
(4/26/00, 9/19/01,04/02/03)

Chapter 3

THE SECRETARY AND CHIEF EXAMINER

Section 3.1 Selection

The Secretary/Chief Examiner, who need not be a resident of the City, shall be appointed in conformity with the provisions of RCW (Revised Code of Washington) 41.12.040, and shall be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the Police Department under State Law and under these regulations.

Section 3.2 Duties

The Secretary/Chief Examiner shall keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the Commission may prescribe.

Chapter 4

HEARINGS AND INVESTIGATIONS

Section 4.1 Authorized Hearings and Investigations

Hearings and investigations which the Commission is authorized to conduct in conformity with the provisions of Chapter 41.12 RCW (Revised Code of Washington), may be delegated to the Secretary/Chief Examiner, to a hearing officer generally appointed to hear such matters or specially appointed to hear a particular matter, or to one or more Commissioners. Such hearing offices shall render to the Commission written findings. All decisions of the Commission based upon such findings must be concurred on by at least two members.

Section 4.2 Procedure

The procedure governing any hearing or investigation shall be in conformity with the provisions of RCW 41.12 (Revised Code of Washington) and specifically RCW 41.12.090, and the hearing officer shall have all of the powers and authority in conducting such hearings as are provided by said RCW chapters and by these regulations. Hearings shall be public and informal and the hearing officer shall not be bound by the technical rules of evidence. A person pressing a claim or defending a privilege before the Commission may be represented by counsel, but unless incapacitated, shall also appear personally and shall not be excused from answering questions and supplying information except upon claim of the constitutional privilege against self-incrimination; and if incapacitated, such person may be deposed by the Commission under oath.

Section 4.3 Decisions, Opinions, and Recommendations

All decisions, opinions and recommendations of the Commission after hearing and investigation shall be reduced to writing, subscribed by the concurring members, and countersigned and filed as a permanent record by the Secretary/Chief Examiner, who shall forthwith certify a copy thereof and mail or deliver the same to the person or persons affected thereby and to the Appointing Authority, when applicable. Any Commissioner may dissent or render a separate concurring opinion, which shall likewise be filed as a matter of record.

Chapter 5

CLASSIFICATION

Section 5.1 Procedure and Effect

The City will create all offices, places, positions and employments within the Classified Service, and the Appointing Authority will assign to each position so created an appropriate title and establish the experience, knowledge, capacity, skill, education and other qualifications and minimum prerequisites required for appointment to such position. As thus promulgated, the classification plan within the Classified Service shall be adopted by the Commission, which shall thereupon allocate every existing position with the Police Department to one of the classes as established in the plan. Thereafter, the class titles so established shall be used in all personnel, budget, accounting, and other financial documents and communications of the City. If the City Council shall create additional classes, or divide, combine or abolish existing classes, a new classification plan shall be adopted in the manner of the original.

Chapter 6

APPLICATIONS

Section 6.1 Announcement of Vacancy

Whenever there is a need, the Secretary/Chief Examiner shall invite, by giving public notice, qualified persons to apply for employment in the Classified Service and for admission to the examination scheduled to select the most competent and/or create an eligibility list. Public announcement of the examination shall specify the title and salary range of the position, a brief description and the requirements of the position, the minimum qualifications required, location where applications may be made, and the final date upon which applications will be accepted. Persons desiring to compete for positions in the Classified Service shall file applications with the Secretary/Chief Examiner on forms supplied by the Civil Service Commission. All applications must be signed by the person making the application.

Section 6.2 Minimum Requirements

All applicants shall be citizens of the United States of America, who can read and write the English language, in ordinary good health, of good moral character, and of temperate and industrious habits. Minimum education requirement shall be high school graduation, or qualification under general educational development (GED) tests, All applicants shall otherwise meet the minimum medical and health standards established pursuant to RCW (Revised Code of Washington) 41.26.046. (04/02/2003)

Section 6.2.1 Lateral Entry Requirements

Officers may apply for Lateral Entry employment if they have been or they are in good standing with a regular police agency within the past year. Must have completed Washington Basic Academy and be a certified Police Officer. Minimum of twelve months experience and must meet all other requirements as listed in Section 6.2. (04/02/2003)

Section 6.3 Review

The Secretary/Chief Examiner shall review all applications and comment to the Commission on the lack of any applicant's qualifications for the position.

Section 6.4 Rejection of Applications

The Commission may refuse to accept an application or, after acceptance, may reject an application, or after examination, may disqualify a successful candidate or remove the name of a successful candidate from the eligibility list or refuse to certify the name of a successful candidate whenever the applicant or eligible candidate is found to lack any of the minimum prerequisites established for the class or position, or has made false statements of material facts in his/her application, or has practiced deception or fraud in securing eligibility, or has otherwise violated the provisions of law of these regulations. The cause for rejection shall be entered upon the application form and filed in conformity with these regulations.

Chapter 7

EXAMINATIONS

Section 7.1 Conduct May Be Delegated

The Secretary/Chief Examiner shall arrange for the use of public buildings and equipment for the conducting of examinations. The Commission shall designate the persons or agency who shall conduct and score the examination.

Section 7.2 Type of Examination

All examinations shall be practical and impartial and shall consist of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which appointment is to be made, and include tests of physical fitness and/or manual skill.

Section 7.3 Character

The qualification and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:

- a) Written tests;
- b) Oral tests of knowledge or ability;
- c) Interviews covering general qualifications, education, training and/or experience;
- d) Physical tests of strength, stamina, agility or dexterity;
- e) Psychological and polygraph tests conducted under fully competent guidance;
- f) Evaluation of education, training, experience or qualifications as shown by the application, or by other information submitted, or by the record.

Section 7.4 Preference Points for Reserve Officers

In open and competitive examinations, extra credit for time-in-service for City of Sultan Active Reserve Police Officers shall be granted as follows: Extra credit shall be received at the rate of one percent (1%) for each full year of service to a maximum of five percent (5%).

Section 7.5 Identify of Examinees

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

Section 7.6 Rating and Preparation of Lists

The names of persons successful in all parts of an examination shall be arranged in order of their earned ratings. Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW. (4/21/97)

Section 7.7 Notification of Results

Each competitor shall be notified by mail of the results of the examination and, if he/she received a passing score, of his/her relative position on the eligibility list.

Section 7.8 Review of Examination Papers and Challenges

Within five (5) working days after notice of his final score has been mailed, any competitor may review his examination papers and may have his score reviewed and corrected if an error is found to have been made. Should a candidate wish to challenge any questions, he shall submit to the Secretary/Chief Examiner within ten (10) working days after notice of his final score has been mailed, authoritative written proof of the validity of his claim. All such written challenges shall be considered by the Commission. If the Commission is satisfied as to the validity of the challenges, it shall order the examinations be regarded accordingly, the eligibility list restructured, and notices mailed to everyone on the eligibility list indicating the action ordered and its effect on their individual ranking on the eligibility list.

Section 7.9 Promotional Examinations

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

Chapter 8

ELIGIBILITY LISTS

Section 8.1 Order of Names on List

Names on the eligibility lists for a class shall be in order of score according to final earned rating on the examination, including veteran preference credits, except those employees laid off from a position in that class shall be given preference over other applicants, in inverse order of layoff. Whenever two or more persons have equal claim to a position on the list, their names shall be arranged according to the date of application, and if the date of application is the same, the names shall be arranged alphabetically.

Section 8.2 Effective Life of Lists

Eligibility lists shall become effective upon the approval thereof by the Secretary/Chief Examiner's signature to the effect the lists were legally prepared and represents the relative rating of the names appearing thereon. Eligibility lists, including promotional lists, shall remain in effect one year, and may be extended by action of the Civil Service Commission for not more than one year more. Names of employees laid off shall be carried on the eligibility list for at least two years.

Section 8.3 Removal of Names from Lists

No name may be removed from the eligibility list without the consent of the Commission. The name of any person appearing on the eligibility list who fails to respond to a notice of certification (see Section 9.3 of the Rules and Regulations) shall be reported to the Commission by the Secretary/Chief Examiner and shall be removed from the eligibility list by the Commission. If he/she declines an appointment without reason satisfactory to the Commission, or if he/she cannot be located by postal authorities, he/she may be removed from the list by the Commission. In case of such removal the Secretary/Chief Examiner shall notify the candidate affected, at his/her last known address, in writing. The name of a person so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission. The names of classified employees on promotional employment lists who resign from the service may be dropped from such lists.

Section 8.4 Revocation of List

An employment or promotional list may be revoked and another examination ordered only when, upon recommendation of the Secretary/Chief Examiner and approval of the Commission, such action is deemed advisable on account of fraud, errors, or of obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate results obtained therefrom. No lists shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons in the minutes of the Commission.

Section 8.5 Notice of Address Change

Each individual on an eligibility list will be responsible for notifying the Secretary/Chief Examiner of a change of address. Failure to do so may cause the removal of his/her name from the eligibility list.

Chapter 9

APPOINTMENT

Section 9.1 Procedure

Whenever a vacancy for a non-supervisory position in the Classified Service exists, upon request of the Appointing Authority, the Commission shall certify the names of the three persons, or top 25%, whichever is greatest, highest on the applicable eligibility list for the class to which the vacant position has been allocated from which list the appointment shall be made. Whenever a vacancy for the Chief of the department or for a supervisory position in the Classified Service exists, upon request of the Appointing Authority, the Commission shall certify the name of the person highest on the applicable eligibility list for the class to which the vacant position has been allocated. If all such persons or person are or is unwilling to accept appointment or if for any other reason there is no such list for the class, the Commission shall authorize a provisional or temporary appointment list for such class. In the event such person is a provisional appointee, he/she shall be replaced by the highest applicant certified by the Commission following the examination given pursuant to Section 9.5 of the Rules and Regulations. To enable the appointment, employment or promotion in any position to the Classified Service shall be deemed complete until after the expiration of the probationary service during which the Appointing Authority may terminate the employment of the person certified to him/her if during the performance of duty, the Appointing Authority deems him/her unfit or unsatisfactory for service in the department, whereupon the Appointing Authority shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon such duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period after which the appointment, employment or promotion shall be deemed to be complete.

Section 9.2 Appointing Authority

The Appointing Authority shall be the Mayor of the City of Sultan for the Police Chief and for the Civil Service Commission. The Civil Service Commission shall appoint the Secretary/Chief Examiner, the attorney for the Civil Service Commission and a Hearing Officer, if any. The Police Chief shall appoint all other positions within the Police Department, provided that the Mayor shall have the power to make appointments within the Department in the event of any vacancy in the Police Chief's position.

Section 9.3 Failure to Respond

Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the Secretary/Chief Examiner or of the Appointing Authority within five (5) business days next succeeding the mailing of such notice of certification, or fails to accept an appointment when offered it within the same period, or within the next succeeding business day when notification is supplied orally or by telephone or telegraph, he/she may be deemed to have declined appointment. If a candidate accepts appointment within the period outlined and fails to present himself or herself to the Appointing Authority within three (3) days of the date specified in the notice, he/she may be deemed to have declined appointment.

After certification by the Commission and prior to appointment by the Appointing Authority, certified applicant must still pass a LEOFF Physical, a pre-employment polygraph examination, pre-employment psychological examination, a background investigation before being appointed and going on duty in the Police Department.

Section 9.4 Emergency Appointments

To meet the immediate requirements of an emergency condition, which threatens life or property, the Appointing Authority may employ any person or persons who they choose. The Appointing Authority may be legally empowered to appoint without restriction of Civil Service law and these regulations. Also, the Appointing Authority may make an emergency appointment within one (1) week, if the Civil Service Commission does not provide the required names or name from the current eligibility list. Such employment shall be limited to the duration of the emergency period.

Section 9.5 Provisional Appointment

The Commission shall, from time to time, as necessary, at the request of the Appointing Authority, certify a provisional appointment list of names to the Appointing Authority for designated positions within the Police Department when there is no certified eligibility list from which to make such appointments. The provisional appointment list shall contain the names of persons which the Commission determines, summarily, without having to resort to an open and competitive examination and impartial investigation, are minimally qualified to perform such job on the basis of merit, efficiency and fitness. The Commission shall be the sole judge of the criteria by which to judge such qualifications of persons to be listed on any such provisional appointment list; or

A provisional appointment may be appointed temporarily to the Police Department and may become a regular full time employee, covered by Civil Service and they have successfully completed their 12 (twelve) month probationary period from the date of Appointment, and such appointments shall not exceed 1 (one) year, unless approved by the Mayor and the Chief of Police.

Section 9.6 Temporary Appointment

In making temporary appointments, the Appointing Authority shall make requisition to the Secretary/Chief Examiner in the manner provided for regular appointment but shall indicate the time at which it is estimated the position will terminate. The Secretary/Chief Examiner shall notify the person or persons appearing on the appropriate list, or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The Commission shall certify the name of the person standing highest on such list or lists.

No temporary appointment shall be made for more than four (4) months in any one fiscal year. Temporary service shall not be credited on any probationary period or be used in computing any privilege accruing under Civil Service law or these regulations.

Chapter 10

PROBATIONARY PERIOD

Section 10.1 Purpose

A probationary period is an integral part of the examination process. It shall be utilized as an opportunity to observe the employee's work, to provide special training and to assist the employee in adjustment to his/her new position and as an aid in making the decision to reject any employee whose work performance or personal conduct is unsatisfactory.

Section 10.2 Length of Period

No person shall be finally appointed to a position until he/she has satisfactorily served a probationary period of one (1) year/twelve (12) months beginning from the date of graduation from the Washington State Criminal Justice Training Center. Persons re-employed who have formerly acquired permanent status in the class shall not be subject to probation. (4/26/00)

Section 10.3 Dismissal During Entrance Probation Period

At any time during the twelve (12) months entrance probationary period the Appointing Authority may terminate the appointment of the person certified to him if, during the performance test thus afforded, upon observation or consideration of the performance of duty, he/she is found unfit or unsatisfactory; provided, however, that the Appointing Authority shall forthwith notify the Commission in writing of any such termination of employment. Such action by the Appointing Authority is not subject to appeal.

Section 10.4 Unsatisfactory Performance During Promotional Probationary Period

At any time during the twelve (12) months promotional probationary period, the Appointing Authority may terminate the promotional appointment of the person certified to him if, during the performance test thus afforded, upon observation or consideration of the performance of duty, he/she is found unfit or unsatisfactory. Provided, however, that the Appointing Authority shall forthwith notify the Commission in writing of any such termination of a promotional appointment. The appointed employee shall have the right to revert to a position in his last held permanent class. Such action on the part of the Appointing Authority is not appealable.

Section 10.5 Termination of Probationary Period

During the probationary period the Appointment Authority at his/her discretion may terminate the employment of a probationary employee. Notice of such termination, with the reason therefore, shall be given the probationer, and a copy forwarded to the Secretary/Chief Examiner of the Civil Service commission.

Section 10.6 Termination of Probationary Status

After twelve (12) months probation, the Appointing Authority shall report to the Commission on the probationer's service and efficiency. No increase in salary shall be paid for the services of the probationer following the expiration of the probationary period until the appointing officer or department head has filed with the Commission a statement in writing that the services of the probationary employee were satisfactory and/his/her retention in the service is desired.

Section 10.7 Termination After Promotion

A promotional appointee who is terminated during the probationary period from the position to which he/she was promoted shall be restored to the position from which he/she was promoted.

Section 10.8 Removal from Eligibility List

If an appointment is not made permanent (as defined by these rules) because of the department's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, he/she shall no longer be on the eligibility list for the position.

Section 10.9 Acting or Temporary Appointments

If an employee's appointment to a position is an acting or temporary appointment, the time during which the employee performs the duties of the position in an acting or temporary capacity shall not be credited toward the employee's completion of a later probationary period for an equivalent position.

Section 10.10 Reinstatement

Upon application of the Appointing Authority, a former employee who voluntarily terminated employment with the City of Sultan may be reinstated, provided that person has maintained the appropriate certifications for law enforcement officer as required by the City of Sultan and the State of Washington. If there is not a vacancy at the time of application, the Appointing Authority may request that the applicant's name be placed on a Reinstatement Register certified by the Commission. (9/13/00)

Chapter 11

TRANSFERS AND LAYOFFS

Section 11.1 Transfers

Transfers consist of the change of an employee from one position to another position in the same or comparable class. The change of an employee from a position in a class with a lower, to a position in a class with a higher, maximum rate of pay shall be deemed a promotion and may be accomplished only in a manner provided in these regulations for making promotional appointments. A transfer of an employee from a position in a class with a higher, to a position in a class with a lower, maximum rate of pay shall be deemed a demotion and may be accomplished only in the manner provided in these regulations for making demotional appointments.

Section 11.2 Layoff

Whenever the Appointing Authority contemplates a reduction of staff because of shortage of funds, lack of work, material reorganization of the department, or such other departmental considerations made in good faith, notice thereof shall be sent by the Appointing Authority to the Secretary/Chief Examiner. When it is decided which positions are to be vacated, employees holding positions within a class shall be laid off in inverse order to their length of service. Any complaint by a permanent employee that layoff was in bad faith shall be investigated by the Civil Service Commission. If the Commission finds the layoff was not made in accordance with these regulations, it may order the reinstatement of the permanent employee or employees.

Notice of layoff shall be given to the employee concerned and the Secretary/Chief Examiner at least two (2) weeks before the effective date thereof. Employees laid off shall have their names placed on the eligibility list of the class to which their position was allocated in accordance with the rules and regulations.

Chapter 12

DISCIPLINARY ACTION

Section 12.1 Tenure of Employment

No full-time employee of the Police Department who shall have been permanently appointed or inducted into Civil Service under provisions of Chapter 41.12 of the Revised Code of Washington (RCW) and these rules and regulations, shall be suspended, terminated or reduced in rank except for cause.

Section 12.2 Cause for Disciplinary Action

1. The following may be considered as cause for disciplinary action:
2. Incompetence, inefficiency, or inattention to or dereliction of duty;
3. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act or omission or commission tending to injure the public service or any other willful failure on the part of the employee to properly conduct himself or herself; or any willful violation of the provisions of Chapter 41.12 RCW (Revised Code of Washington) or of these rules and regulations;
4. Mental or physical unfitness for the position which the employee holds;
5. Dishonest, disgraceful, immoral or prejudicial conduct;
6. Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent 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;
7. Conviction of a felony or a misdemeanor involving moral turpitude;
8. Any other act or failure to act which in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable or unfit person to be employed in the public service.

Section 12.3 Procedure to Instigate Disciplinary Action

Disciplinary action shall only be instigated against an employee upon written accusation of the Appointing Authority or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the Commission.

Section 12.4 Appeal Rights

Any full-time permanent employee so suspended, terminated or reduced in rank may file a petition or appeal in the manner delineated in Chapter 13 of these rules and regulations.

Chapter 13

HEARING OF APPEALS

Section 13.1 Right to Hearing

Any permanent Civil Service employee who is suspended, terminated or reduced in rank may petition for a hearing before the Civil Service Commission.

Section 13.2 Petition for Hearing

A petition for a hearing before the Commission shall be in writing, signed by the petitioner, giving his/her mailing address, the action from which he/she appeals, and, in detail, the facts and the reasons upon which his/her case is based. Such petition must be filed with the Secretary/Chief Examiner within ten (10) days of the receipt by the petitioner of the notice of his/her suspension, termination or reduction in rank. (9/97)

Section 13.3 Hearing of the Appeal

The Commission shall determine whether the appeal will be heard before the entire Commission, one or more named members of the Commission or a specially designated hearing examiner. The individual or group of individuals who it is determined shall hear the appeal shall:

1. Publicly conduct the hearing;
2. Administer oaths and affirmations, examine witnesses, and receive evidence;
3. Issue subpoenas as provided by law;
4. Rule upon offers of proof and receive evidence;
5. Hold conferences for the settlement or simplification of the issues;

Dispose of procedural requests or similar matters.

Section 13.4 Notice of the Hearing

Within ten (10) days after the petition for a hearing is filed with the Secretary/Chief Examiner, the Commission shall cause a hearing on the appeal to occur. Notice of the time and place of the hearing shall be served on the petitioner at least five (5) working days prior to the hearing.

Section 13.5 Rights of the Petitioner

When a hearing is granted, the petitioner shall attend, unless excused by the Commission, and shall be entitled to:

1. Be represented by counsel at such hearing;
2. Testify under oath;
3. Subpoena witnesses to testify for him;
4. Cross-examine all witnesses appearing against him and all employees of the commission whose actions are in question or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the Commission or other individual or group of individuals assigned to hear the appeal;
5. Present such affidavits, exhibits, and other evidence as is deemed pertinent to the hearing;
6. Argue his/her case.

Section 13.6 Evidence

Hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it possesses probative value commonly accepted by reasonable prudent men or women in the conduct of their affairs, but the Commission may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Hearsay evidence may be admitted for any purpose but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege and of official and judicial notice shall be effective to the same extent as in civil actions. Oral evidence shall be taken only under oath or affirmation. Only the evidence presented at the hearing will be considered in determining an appeal.

Section 13.7 Testimony of the Petitioner

The petitioner may be required to testify and may be cross-examined as to any matter relevant to the hearing.

Section 13.8 Burden of Proof

The Appointing Authority shall have the burden of showing by material and substantial evidence in view of the entire record at the hearing that the employee was suspended, terminated, or reduced in rank for cause.

Section 13.9 Transcripts of Hearings

A stenographic report shall be provided by the Commission to make an official record of the hearing. A copy of the transcript of the hearing, or any portion thereof, shall be made available to any part, if requested within thirty (30) days following the Commission's final decision, upon such party making satisfactory arrangements with the stenographic reporter for payment of same, without expense to the Commission. In the case of judicial review, the cost of preparing such transcript may be considered a taxable cost by the Court for purposes of taxing same against the losing party.

Section 13.10 Decision of the Commission

Decisions of the Commission shall be accompanied by the findings of fact and conclusions of the Commission and shall be rendered in writing within ten (10) working days after the conclusion of the hearing. When an appeal is not heard by the full Commission, the individual or group of individuals hearing the appeal shall file with the Commission within ten (10) working days after the hearing, findings of fact, conclusions, and a recommended decision for the Commission's consideration. Within five (5) days thereafter, the Commission shall, at a regular or special meeting, announce its decision. The decision shall be considered final for purposes of review, except as otherwise provided in Sections 13.11 and 13.12 of these rules and regulations.

Section 13.11 Petition for Reconsideration

In an appeal heard by less than a quorum of the Commission, any person aggrieved by a resultant decision of the Commission may file petition for reconsideration with the Commission. Such petition shall be filed within fifteen (15) calendar days of the date of issuance of the Commission's decision and shall be accompanied by a transcript of the hearing, which shall be furnished by the petitioner at his sole cost and expense. The petition shall contain all of the petitioner's arguments for reconsideration, and copies of the petition shall be served by certified mail, return receipt requested, upon all parties to the hearing. Upon receipt of the petition and transcript, the Commission shall, upon ten (10) days notice to the petitioner, and to all parties to the appeal, hold a regular or special meeting at which the Commission shall consider the petition and written arguments of all parties submitting the same to the Commission, and shall determine whether to reconsider its decision. If the Commission determines not to reconsider its decision, it shall, at the meeting at which such decision is made, enter findings of fact, conclusions, and its final decision, which for purposes of judicial review shall be deemed to be the final decision of the Commission.

Section 13.12 Petition for Judicial Review

Any person aggrieved by any final decision of the Commission may file for review in any appropriate court of law. Such petition shall be filed within thirty (30) calendar days of the date of issuance of the Commission's final decision. If the petition is granted, the court shall hear the matter without jury, on the record of the hearing and briefs of the parties.

Chapter 14

PROCEDURAL INVESTIGATION

Section 14.1 Investigative Responsibility

The Civil Service Commission shall make investigations as deemed necessary to insure that the intent of Chapter 41.12 RCW (Revised Code of Washington) and these rules and regulations are being adhered to. The Commission shall have necessary powers to enable it to conduct such investigations, including, but not limited to, the right of access to work sites, the power to administer oaths and subpoenas, and the ability to require the attendance of witnesses and/or the production of any pertinent documents.

Section 14.2 Citizen Complaints

The Commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, and setting forth in concise language in writing, the necessity for such investigation.

Chapter 15

LEAVES, VACATION, SICK LEAVE, AND RESIGNATIONS

Section 15.1 Leaves of Absence Without Pay

Leaves of absence without pay shall be granted in accordance with City ordinances.

Section 15.2 Vacation and Sick Leave

Vacation and sick leave shall be granted in accordance with City ordinances.

Section 15.3 Resignations

Resignations shall be governed by City policies as set forth by resolution or provided by City Council action, and of Council action shall allow, then a person may return within a specified time after resignation providing that the person still qualifies under LEOFF and a vacancy exists.

Section 16

RECORDS AND REPORTS

Section 16.1 Roster Card

The Secretary/Chief Examiner shall maintain in his/her custody a service or roster card for each employee in the classified service, showing name, title or position held, the division within the employing department to which assigned, the salary, changes in employment status, leaves, and all other information that may be considered pertinent. Access to these records shall be restricted to the Appointing Authority and members of the Civil Service Commission.

Section 16.2 Examination of Records

The Secretary/Chief Examiner shall similarly maintain an examination card for every applicant, giving the name, address, age, sex, the date and title of the examination, complete ratings earned and the grade obtained if successful; if unsuccessful, this fact shall be recorded. Access to these records shall be restricted to the Appointing Authority and members of the Civil Service Commission.

Section 16.3 Access to Public Records

The Secretary/Chief Examiner shall have access to all departmental and institutional documents and records, the examination of which will be of assistance in the discharge of his/her duties.

Section 16.4 Records Open to the Public

The minutes of all Civil Service Commission meetings shall be open to the public during office hours of the City Hall and may be inspected upon application to the Secretary/Chief Examiner.

Section 16.5 Destruction of Records

Examination cards and roster cards and the minutes of the Civil Service Commission shall be kept permanently. All other records pertaining to personnel, including applications, correspondence, examinations and reports may be destroyed after three years, in the "manner provided by law".

Section 16.6 Reports

The Appointing Authority shall report to the Secretary/Chief Examiner in writing and upon forms prescribed by the Commission, all employments and all changes whatsoever in the status of personnel, supplying the name of the new appointee or employee, the title of his/her position, and the date of commencement of service, and any change recommended or made therein, and shall report from time to time as may be required by the Secretary/Chief Examiner. Additional data covering the competitive service, including reports of employees' performance and productivity, upon such forms or in such manner as may be approved by the Civil Service Commission. Any -performance report or rating shall be available for inspection by the employee concerned who may discuss it with the official making the report or rating and may file a statement in explanation of any adverse report or rating. This statement shall be made a part of the employee's record.

Chapter 17

COMPLAINTS

Section 17.1 Procedure

Any person may file with the Secretary/Chief Examiner or the Commission a complaint against any decision, action or a petition in support of any privilege or right involving personnel matters. The Commission shall investigate and may hold a hearing, and may issue recommendations or a directory order. No investigation or action shall be taken in accordance with the provisions of the rule until after the Appointing Authority has been notified of, and furnished a copy of, the said complaint.

Chapter 18

DEPARTMENT MANUALS

Section 18.1 Procedure

The Commission hereby adopts the existing policy and/or policy and procedures manuals containing a description of necessary rules and regulations for the administration of the departments.

Chapter 19

AMENDMENTS

Section 19.1 Procedure

After adoption, these rules may be amended at any regular meeting, the date of which is fixed by law or rule, or at a meeting of which public notice has been given by notifying press, radio, and television in the county and by such other means as may not or hereafter be provided by law, upon the affirmative vote of two members of the Commission and such amendment shall be effective upon the date of its passage.

APPROVED AND ADOPTED by the Sultan Civil Service Commission for the Police Department this 19th day of April 2004.

MIKE MURRAY, COMMISSIONER

MARGE GEROW, COMMISSIONER

PAUL GEORGE, COMMISSIONER

Attest:

Cyd Donk, Civil Service Secretary