

# **Merit System Rules of the Civil Service Commission**

**City of Spokane, Washington**

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## INTRODUCTION

### TO ALL CITY EMPLOYEES

First, a word of welcome to new members of the City of Spokane classified service. We are glad you have become an employee of the City and trust you will find your career to be pleasant and mutually productive. "BETTER SERVICE TO THE PUBLIC, OUR EMPLOYER," is uppermost in the minds of our more experienced people. You, too, can share this attitude with pride as you fit into your new role with us. This rulebook has been prepared to assist you in understanding the obligations and benefits which are now yours as a classified City employee. We hope it will provide you a clear picture of the City and its merit system policies as they affect your job. Should you have any questions regarding the merit system as it affects your employment, please feel free to visit or telephone our office for assistance.

As employees of the City of Spokane, we are partners in the very important task of giving the people of this City the kind of municipal service we can all point to with pride. We are certain all classified employees will do their share in maintaining this fine record of efficient and courteous service.

The administration of a merit system is frequently associated with technical rules and regulations. To the average person it has little news value except where a political "scrap" or a political boss is involved. But, the merit system, conceived as an engine of aggressive efficiency in government, challenges the imagination. The public demands efficiency and good administration. The civil service merit principle is not a system of cumbersome red tape designed to keep out of public positions worthy citizens or to hamper administrative officials in the management of their employees. On the contrary, it is a system which provides an open, competitive field for all citizens to prove their fitness to enter the public service, and furnishes the administrative officials with lists of qualified eligibles who may be appointed with reasonable assurance that they will render effective, meritorious service.

The original purpose of a merit system was, and to a certain extent still is, to counteract the spoils system. But, since then, it has become much more. If properly administered, it works hand-in-hand with administrative officials and employees to help solve personnel problems. Fundamentally, every citizen should have an equal opportunity to prove his/her fitness for public positions, and the City is entitled to the best available and qualified employees. The development of a merit system has been one of the most important factors in raising the standards of government service, and of increasing the respect of all citizens for their public servants. We must see that the merit system is protected, strengthened, and encouraged.

In its original concept, the merit system aimed as much at protecting the administrator as the employee. It was found that by removing the pressure of political preferment in the selection of governmental employees, more competent and conscientious people would enter government service. Today, as never before, the highest possible standards of

administrative organization and operation are needed if government is to measure up to the task of providing desired services economically and efficiently and still remain responsive to the citizens it serves.

The Spokane Civil Service Commission is a member of several professional personnel associations whose members periodically gather together to exchange ideas and to improve methods of testing, selection, classification, and promotion. Through these conferences and exchange of ideas, we are enabled to render better service to City departments and to assure the public that their employees in City government will constantly be of a higher type.

Cordially yours,  
SPOKANE CIVIL SERVICE COMMISSION

## **RULE I: GENERAL**

Reference: Charter, Sec. 52 (b), (c), (f), Sec. 53 (j), (k), (l), Sec. 55 and Sec. 56.

### ***Section 1. PURPOSE:***

The general purpose of these rules is to establish uniform methods of practice and procedure for the administration of the Civil Service program as provided in the Charter of the City of Spokane. The intent of the Charter is interpreted to require that the City of Spokane and its employees shall have reasonable assurance that employment matters will be dealt with on a uniform, equitable basis so that the citizens of Spokane may derive the benefits and advantages which can be expected to result from a competent staff of employees. Merit principles of competition and fitness shall govern in the procedures for selection, employment, promotion and retention.

### ***Section 2. APPLICATION:***

These Rules shall apply to all positions and offices in the City service except:

- 1) Offices to which election is made by the people.
- 2) Appointive members of Boards and Commissions.
- 3) Appointive officers as specified by the Charter.
- 4) Temporary/Seasonal and project positions.
- 5) Such other positions as may hereafter be excluded by law or the Commission.

### ***Section 3. MEETINGS:***

All regular meetings and hearings of the Commission shall be conducted in accordance with the Washington State Open Public Meetings Act, chapter 42.30 RCW. Notice and agenda shall be published at least 10 days prior to such meeting or hearing. One regular meeting shall be held each calendar month on the third Tuesday thereof, in the City Council Chambers at 9:30 a.m., with a staff briefing to be conducted beginning no earlier than 9:00 a.m. immediately preceding the regular meeting. Special meetings of the Commission may be called at any time by the Chair, or by a majority of the members. Three members of the Commission shall constitute a quorum. A simple majority of the quorum is necessary to take action other than action by the Commission under Rule XI, which shall require at least three affirmative votes. Each Commission member is expected to notify the Chief Examiner prior to a scheduled meeting if that member will not be able to attend the meeting. Such notice will serve to establish such absence as excused. All attendance at meetings shall be recorded in the Minutes of the meeting and unexcused absences of appointed members will be reported to the Mayor.

#### ***Section 4. ORDER OF BUSINESS:***

Robert's "Rules of Order," except as otherwise herein provided, shall guide the Commission in its proceedings.

#### ***Section 5. STAFF:***

The staff of the Commission shall consist of a Chief Examiner and such assistants and employees as may be required. The Chief Examiner shall perform such duties and maintain such records as the Commission and the City Charter may require and shall act as Secretary for the Commission and keep minutes of its proceedings. Under the direction of the Chief Examiner the staff shall be empowered to act for and in the name of the Commission in the conduct of daily routine business.

#### ***Section 6. EQUAL EMPLOYMENT OPPORTUNITY:***

The City of Spokane is an equal opportunity employer. All persons who meet the established qualification standards will be considered equally for employment or promotion. No person shall be discriminated for or against in employment, promotion, retention or any other personnel action on the basis of any protected class recognized by State or Federal law or City policy, except where a bona fide occupational qualification exists. Every employee in the classified service of the City shall have the right to appeal such discriminatory acts in accordance with provisions of the City Charter and Rules of the Commission. The Civil Service Commission shall notify the Human Resources Office of any such appeals upon their receipt.

#### ***Section 7. RULES:***

(a) Any additions or amendments to these rules must be in writing and filed with the Secretary of the Commission at least 10 days prior to action thereon, shall be acted upon only at a regular meeting of the Commission and shall not become effective until 10 days after publication thereof in the Official Gazette of the City of Spokane.

(b) All rules shall be reviewed by a committee composed of an equal number of employee group representatives and management representatives appointed by the Secretary-Chief Examiner on a periodic basis not to exceed five years. The Rule Review Committee shall be representative of the work force. Rule changes proposed by the Committee shall be forwarded to the Civil Service Commission for their consideration.

(c) At the request of either labor or management, three employee representatives and three management representatives from the Rules Review Committee shall meet and review administrative decisions made by the Chief Examiner. The review shall be to determine the impact of these decisions on the rules.



***Section 8. SEVERABILITY:***

If any section or part of any section of these rules is held by any Court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part thereof.

## RULE II: DEFINITIONS

The Civil Service Rules will defer to appropriately negotiated agreements under Chapter 41.56 RCW.

- 1) **APPLICANT** – A person who applies to take an examination for appointment to a classified position in the City service.
- 2) **APPOINTEE** – A person who has been appointed or employed.
- 3) **APPOINTING OFFICER** – The head of a department or other officer authorized in writing by the Mayor, who appoints subordinates in a department or office.
- 4) **APPOINTIVE OFFICER** – One exempted from classified service by the provisions of the City Charter.
- 5) **APPOINTMENT** – The placement of an eligible in a position in the City service under the City Civil Service Rules.
- 6) **CANDIDATE** – An applicant who has been admitted to an examination.
- 7) **CERTIFICATION** – The act of notification to an appointing authority by the Commission as to which persons are officially eligible to be considered for appointment to a vacant position.
- 8) **CHARTER** – The Charter of the City of Spokane.
- 9) **CITY SENIORITY** – The length of time an employee has worked for the City in classified positions.
- 10) **CLASSIFICATION PLAN** – The process of identifying the duties and responsibilities of classified positions and the placement of these positions at their correct relative levels of responsibility.
- 11) **CLASSIFICATION REVIEW** – A periodic study of a classification specification to determine if changes or modifications are warranted.
- 12) **CLASSIFICATION SENIORITY** – The length of time an employee has been regularly appointed to and has performed the duties of present classification.
- 13) **CLASSIFICATION SPECIFICATION** – A consolidation of all job descriptions which are the same or similar in degree of responsibility or of complexity or require the same skill, knowledge or experience to perform, and from which is determined the basic levels required to perform satisfactorily the work of any one of such positions.
- 14) **CLASSIFICATION TITLE** – An assigned descriptive designation for the duties performed in a related group of jobs.
- 15) **CLASSIFIED OFFICER OR EMPLOYEE** – Any person filling a position in the classified service whose appointment has been approved by the Commission and for which compensation is paid by the City.
- 16) **CLASSIFIED SERVICE** – Those regular positions, not specifically exempted by the Charter, which have been determined to be under the rules and regulations of the Civil Service Commission.
- 17) **COMMISSION** – The Civil Service Commission of the City of Spokane. As used in these rules the term Commission is interpreted to include its staff for all routine administrative matters.

- 18) **COUNCIL** – The City Council of the City of Spokane.
- 19) **DEMOTION** – The reduction of an employee from a higher classification to a lower classification.
- 20) **DEPARTMENT** – A major and separate administrative segment of the City organization, the head of which gains operational authority from the Charter or Ordinance and is responsible directly to the Mayor or those designated to act on the Mayor's behalf. Civil Service will defer to any negotiated instrument regarding department structures in the definition.
- 21) **DEPARTMENTAL SENIORITY** – The length of time an employee has worked in a department.
- 22) **DISABILITY** – Any impairment meeting the definition of “disability” under State or Federal law or City policy.
- 23) **ELIGIBLE LIST** – A list consisting of names of those persons who have successfully completed an examination, who are placed thereon in descending order according to their final rating, and who will be considered for appointment to a vacant position.
- 24) **EXAMINING PHYSICIAN** – The medical doctor or physician designated by the City to examine applicants or employees.
- 25) **GRADING** – The numerical designation which identifies the range of difficulty, responsibility and level of qualification requirements of the positions included in the classified service
- 26) **JOB DESCRIPTION** – A detailed listing of the duties, tasks or operations and responsibilities undertaken and performed by an individual in the execution of the job.
- 27) **JOB SURVEY** – An in-depth study to determine the proper classification of a certain position.
- 28) **LAID-OFF LIST** – A list of employees in the classified service of the City who have been removed from active service and from the City payroll because of lack of work or funds, deletion of the job, or position, or for failure to meet the minimum qualifications of the job or for other good cause.
- 29) **LEAVE OF ABSENCE** – Leave granted to an employee other than regular sick or annual vacation leave.
- 30) **MAYOR** – The elected Chief Executive Officer of the City of Spokane.
- 31) **MUTUAL PASS OVER** – When the appointing officer and the eligible are in agreement that the best interests of the City would be met by appointing someone lower on the list.
- 32) **OPEN ENTRY ELIGIBLE LIST** – A list of applicants other than promotional who have qualified for employment by examination under the City Civil Service Rules.
- 33) **OPEN ENTRY PROBATIONARY PERIOD** – A trial period for employees in an open entry classification not to exceed one year, during which the probationer's performance will be evaluated by management. Probationary employees may be discharged without appeal rights to the Civil Service Commission.
- 34) **OUT OF CLASSIFICATION** – Performing work not reflected in the job description for the current classification held by an employee.
- 35) **PASSED OVER** – To select for appointment a person at a lower place on the eligible list.
- 36) **PERMANENT EMPLOYEE** – An employee who has been duly employed under the City Civil Service Rules and has satisfactorily served the open entry probationary period.

- 37) **PROJECT EMPLOYEE** – An employee hired to perform a specific project or work, which is non-recurring in nature or is created by an unforeseen event which will not exceed two calendar years from the date of hire without review by the Civil Service Commission.
- 38) **PROMOTION** –
  - (a) The movement of an employee from a lower classification to a higher classification.
  - (b) The movement of any employee from one classification to another eligible classification when that employee is selected from a promotional eligibility list, regardless of change in rank or pay.
- 39) **PROMOTIONAL ELIGIBLE LIST** – A list of employees who have qualified for promotion by examination under the City Civil Service Rules.
- 40) **PROMOTIONAL PROBATIONARY PERIOD** – A trial period for promoted employees, not to exceed six months, during which the probationer may be returned to a position in his/her former classification without appeal rights to the Civil Service Commission.
- 41) **PROVISIONAL APPOINTMENT** – An interim appointment to a classified position pending the establishment of an eligible list.
- 42) **PROVISIONAL EMPLOYEE** – An employee assigned to fill a regular classified position pending the establishment of an eligible list.
- 43) **REASONABLE ACCOMMODATION** – Modification required by State or Federal law or City policy for a qualified individual with a disability.
- 44) **SURVEY** – To observe and define the duties, activities and responsibilities of a job or position.
- 45) **TEMPORARY/SEASONAL EMPLOYEE** – An employee used to fill a position on a temporary/seasonal basis not to exceed 960 hours in a twelve month period from their date of hire, unless an extension has been granted through proper channels. Questions of classified work shall be surveyed by Civil Service Staff.
- 46) **TRAINEE/APPRENTICE** – An employee assigned to an in-service training or apprentice position.
- 47) **TRANSFER** – Movement of an employee from a classified service position to another in the same classification or to a related classification when no promotion or demotion is involved.
- 48) **WORKING DAYS** – As used in these Rules, the term working days is construed to mean Monday through Friday, except holidays.

## **RULE III: CLASSIFICATION**

Reference: Charter, Sec. 52 (e), and Sec. 53 (a), (c).

### ***Section 1. GENERAL:***

The Commission shall develop and administer a classification plan for all classified positions as provided by the Charter, utilizing approved job descriptions in the development of classification specifications. Each position shall be assigned a classification title and no appointment to any such classification shall be made except as provided by these rules.

### ***Section 2. CLASSIFICATION REVIEWS:***

Generally, classification reviews will be conducted for each classification within the classified service every two years. During the Classification review, the minimum qualifications shall be reviewed and agreed upon by labor and management. At any time, either labor or management has the right to submit changes in minimum qualifications. Should labor and management agree with the minimum qualifications, such changes shall be made and reported to the Commission. If labor and management cannot come to an agreement, the recommendations of each party shall be submitted to the Commission for its review; the Commission's decision shall then be adopted.

### ***Section 3. JOB SURVEYS:***

A department head, employee, or an authorized employee representative, may request a survey of a specific job. Specifications common to a group of positions requiring similar duties and responsibilities shall thereafter be compiled.

### ***Section 4. TITLES:***

Classification titles for each position in the classified service shall be as nearly as possible descriptive of the general duties attached thereto, and shall be the same for all offices and places requiring the same service, regardless of the location of the employment. Such classification titles shall be used to designate employees' positions or jobs in all official communications, reports, payrolls and records of the City.

### ***Section 5. GRADING:***

The Commission shall create classifications so as to place each type of service in a separate group by dividing each group into grades on the basis of equivalent functions.

### ***Section 6. RECLASSIFICATION:***

- a) A reclassification request may be made in writing by an appointing officer, a department head, employee or an authorized employee representative by filing the request with the Commission, or the Commission may on its own, direct that a survey be conducted. Upon receipt of request, the Commission, prior to initiation of the survey, will notify the appointing officer, department head, Human Resources Director, affected employee and, if represented, the appropriate employee bargaining representative. If the Survey shows that the duties or responsibilities of a position have substantially changed to the extent that the preponderance of the work is no longer representative of the assigned classification, the position shall be reclassified by order of the Commission, subject to budget approval by the City Council. If an employee or the City wishes to appeal a Civil Service staff determination that a job should or should not be reclassified, an appeal must be filed with the Commission within fifteen (15) working days of notification of the determination. The appealing party has the burden to show that the determination is incorrect.
- b) Whenever a position is reclassified which involves upgrading the position, the incumbent shall be required to take the current examination for the new classification. Providing the incumbent has held the position and has been doing the work of the higher classification for at least one year prior to initiation of the survey and regardless of other promotion rules meets the minimum eligibility requirements, should the incumbent pass the examination the incumbent's name shall be certified for the position and the incumbent may be appointed thereto. Should the incumbent not have been doing the work of the higher classification for at least one year, the incumbent shall be required to compete on the same basis as other applicants; providing that when an eligible list is already in existence for the new classification, the incumbent shall have the privilege of taking the examination prior to certification or appointment to the position; providing further, that appointments made under this subsection shall be subject to the rules governing probationary employees from the date of certification to such reclassification. No employee may receive more than one promotion within a department through the reclassification process without approval of the Civil Service Commission.
- c) When the qualifications of a classification are adjusted upward, all incumbents of that classification shall be deemed to possess such qualifications for the purpose of retaining their positions and such adjustment shall not affect their present status; however, they shall not be considered for promotion or advancement to any higher classified position for which they do not possess qualification.
- d) Should the reclassification result in downgrading, the affected employee may retain the reclassified position at the lower level or may request a transfer to another position in his/her present classification. Upon notification of the reclassification action, the employee shall have thirty (30) calendar days to request transfer. Upon a request for transfer, the affected employee shall accept transfer to the first available position at which time the reclassification shall be implemented. Failure to accept

transfer to the first available position shall result in reclassification to the lower position.

***Section 7. NEW POSITIONS:***

- a) Whenever a new office or position is to be created in the classified service, the appropriate Department Head shall supply the Commission with a statement of the general duties, responsibilities and other matters affecting the character and responsibilities of such position. The Commission shall thereupon investigate the proposed position and advise as to its correct classification title. Should the new position require the creation of a new classification specification, Commission staff will develop the class specification; and, upon gaining concurrence from management and the appropriate bargaining unit(s) that the specification accurately describes the new position, the specification shall be presented to the Commission for adoption. If labor and management cannot come to an agreement, the recommendations of each party shall be submitted to the Commission for its review; the Commission's decision shall then be adopted.
- b) Any established agency or individual position, other than as provided in subparagraph (c) following, which subsequently comes under control and direction of the City government and is funded through the regular City budget process shall be absorbed into the Civil Service classified merit system in the following manner: The parent department, or the Mayor if there is no existing department, shall provide to the Commission a statement outlining the reasons and conditions as to how the agency or program became part of City government. The statement shall identify all existing or proposed positions. Upon approval by the Commission positions shall be identified and classified by the Civil Service staff. Incumbent employees, not otherwise covered by a superseding law, agreement, or regulation, shall be given a qualifying exam to determine their fitness for the position. Unsuccessful applicants must be terminated as soon as a regular eligible list is certified.
- c) Any grant program or special revenue sharing program shall be administered in conformance with the conditions of the program and be initially identified by the recipient department, with approval of the Commission, as seasonal, project or indefinite. A program that can qualify as temporary/seasonal shall be so recognized and employees in such program shall not be subject to Civil Service. A project is a non-recurring program that will have a minimum duration of six months, will not exceed two calendar years, and is for a specific project or set of projects. A program that can qualify as non-recurring shall be so recognized and employees in such program shall not be subject to Civil Service. All other programs and any seasonal program which lasts beyond one year duration and any non-recurring program which lasts beyond two years may be recognized as indefinite and subject to Civil Service hiring procedures as though such were permanent classified positions. The staffing of all grant or special revenue sharing programs, whether identified as

seasonal, project or indefinite, should be by recruitment and appointment, insofar as practicable, through Civil Service processes and existing eligible list for commensurate positions. Trainees appointed through any of the above programs shall be subject to the conditions of Rule IV, Section 15.

***Section 8. PAYROLL CERTIFICATION:***

The City shall not approve or pay any salary, wage or compensation for services of any employee within the classified service of the City unless said payroll bears the certificate of the Commission or of its Chief Examiner or other authorized agent that the persons therein named have been employed in compliance with the terms of the Charter and the Civil Service Rules. The refusal to certify an individual employee shall not affect the remainder of the payroll.

***Section 9. CHANGE OF STATUS:***

Any change in employment that may affect the status of an employee shall be reported to the Commission by the appointing officer through the Human Resources Director. In all instances, except in unforeseen emergencies, the change of status report must be forwarded to the Commission as soon as circumstances will allow and prior to the effective date of such change.



## **RULE IV: EXAMINATIONS AND ELIGIBLE LISTS**

Reference: Charter, Sec. 53 (b), (c), (d), (e), (g), and Sec. 54.

### ***Section 1. GENERAL***

The Commission shall provide for free and competitive examinations open to all those who meet the eligibility requirements for all positions within the classified service. The Commission shall provide for notice of such examination, general qualifications for applicants, practical tests and creation of eligible lists. Examinations shall be held as required, and at such time and place as designated by the Commission.

### ***Section 2. NOTICE:***

Notice of examinations shall be published in at least one issue of the Official Gazette and shall be posted in the office of the Commission as well as in departments, and given such other publicity as deemed necessary. Such notice shall give the date and character of the examination and shall indicate the general qualifications required of applicants. Notices shall fix the period in which applications will be received.

### ***Section 3. FILING:***

Applicants shall not be admitted to any examination for a position in the classified service until they shall have filed an application under oath upon a form provided by the Commission, which shall show that the established requirements have been met. Application forms shall conform to State and Federal law. Applications must be filed before expiration of the filing period. Applications requiring clarification shall be returned to the applicant to provide supplemental information needed to complete the application by a designated deadline. Applicants shall be provided with written or electronic notification of the date, time and place of the examination. Presentation at the appointed time of a picture ID verified against the list of eligible applicants for the examination shall entitle the applicant to enter the class for examination.

### ***Section 4. QUALIFICATIONS:***

Examination notices shall contain a minimum age and such other minimum occupational qualifications established for the position by the Commission... Every applicant must affirm, in a manner satisfactory to the Commission, that he or she is able to perform the essential functions of the position to which appointment is sought, with or without reasonable accommodation. The Commission may refuse to examine an applicant, or, after examination, to certify an eligible, and may remove the applicant's name from an eligible list for any of the following reasons:

- a) Prior dismissal from City employment for cause as set forth in Rule VIII Section 4.

- b) Inability to perform the essential functions of the job, with or without reasonable accommodation.
- c) Intentional false statement in any material fact, or deception or fraud in securing examination, certification or appointment.
- d) Does not meet requirements as contained in examination announcement.
- e) Any cheating on examinations or any other willful violation of the provisions of this rule.

***Section 5. CHARACTER OF EXAMINATIONS:***

- a) Examinations shall be practical in their character and shall relate only to those matters which will fairly test the general fitness of the persons examined to discharge the duties of the classification to which they seek to be appointed. Any appropriate method of testing may be used, such as, but not limited to: written, physical, oral, performance, or evaluation of training and experience. No questions pertaining to an individual's inclusion in any protected class recognized by State or Federal law or City policy will be allowed at any examination or proceeding unless a bona fide occupational qualification has been obtained.
- b) Each examination shall consist of one or more tests to which weights shall be assigned prior to the examination representing the relative value of each test to the whole. Each test shall be rated independently by the examiner. Appropriate scientific techniques and procedures shall be utilized in rating the results of examinations and in determining the final scores of the competitors. In determining the type of examinations to be used, due regard shall be taken of the number of candidates and of the number of vacancies which may be expected to occur during a reasonable period of time. All applicants for the same examination shall be accorded uniform and equal treatment in all phases of the examination and rating procedure.

***Section 6. CONDUCT OF EXAMINATIONS:***

No limitations shall be made as to the number of applicants to be received for examination. The Commission may limit the number of applicants to be examined at any one time or during any one session; however, when practicable all examinees shall be examined at the same time. Any attempt to cheat or copy from a competitor will render that person ineligible for that examination and the applicant shall be considered as having failed. Any necessary explanations will be made to all examinees equally. Examiners are forbidden to explain the meaning of any written question furnished the examinee or to make remarks or suggestions that may assist in its solution. Reasonable accommodations will be made for examinees with disabilities. Examinees whose basic language is other than English, will be provided interpreters to assist them in understanding the questions, if a request is made at the time of application. In no event shall such interpreters assist by suggesting answers to questions. An examinee who

withdraws from an examination, after filling out the identification card and receiving either a copy of the questions or an explanation of the test to be conducted, shall be considered as having failed. A record shall be maintained of the results of any test administered.

### ***Section 7. TYPES OF TESTS:***

Examinations shall consist of any one or a combination of the following types of tests; however, examinations are not limited solely to those listed. Other practical and appropriate types of tests which may be developed may also be used provided they conform to the general merit principles governing other tests. All tests shall be related to the classification title being examined.

- a) **WRITTEN:** A written test is any test which evaluates skills, knowledge, and abilities and other characteristics required for job performance by the use of written questions. It is usually associated with mental or visual abilities. Any conversation or communication between or among examinees during the test is strictly prohibited. No material of any kind which might be of assistance in the test, except that specifically authorized, will be allowed and any such material must be surrendered to the examiner before the test commences. During the examination no examinee will be permitted to leave the room except in the case of urgent necessity and notice to an examiner, and then only when accompanied by an examiner. An exception to the foregoing shall be permitted when the test is of exceptional duration in which case a general break may be allowed at the halfway point; however, the prohibition against conversation or communications shall remain in force.
- b) **PHYSICAL FITNESS:** A physical fitness test is one in which the examinee demonstrates physical ability to perform given tasks. It may include but not be limited to, demonstration of strength, endurance, agility or coordination. The test may be scored and weighted in the total examination or it may be administered on a simple pass-fail basis wherein the examinee must meet an established minimum score, but such score will not be considered in the total examination. Each individual test in the battery will be explained and demonstrated to the examinees as a whole prior to commencement. Additional explanation may be given at any time. No examinee shall be permitted a second chance on any individual test unless there are unusual and extenuating circumstances, and then only if personally authorized by the Chief Examiner or a designated representative. Only authorized examiners shall record scores. Each score recorded shall be initialed by the examiner. An examiner shall stop an examinee at any time an unsafe condition is observed or when it is not safe for the examinee to continue the test. The Chief Examiner or a designated representative will determine whether the examinee may subsequently complete the test. Individual scores in the test battery shall be accumulated and averaged to obtain the final score.
- c) **PERFORMANCE:** A performance test may be accomplished by use of: paper and pencil, machines, hand tools, or an Assessment Center. The test measures the degree of skill

or ability demonstrated by the examinee. The test may be explained to the examinees as a whole or each may be given a written description or diagram of the task to be performed prior to commencement. In the case of an Assessment Center, labor and management shall identify prospective assessors; however, the final decision on assessors shall be made by the Chief Examiner. No assistance of any kind, other than necessary tools or material, will be allowed in the performance of the test. Unless instructed to interact during an exercise or an Assessment Center, any conversation or communication between or among examinees concerning the tasks to be performed is strictly prohibited.

- d) **ORAL:** An oral test is normally used to evaluate knowledge and abilities not easily tested by other means. The board shall consist of no less than two and preferably three examiners who shall be selected from among persons knowledgeable in the fields or subjects being tested. The interview and questioning process shall be structured so that one basic set of questions shall be developed and asked of all examinees. Additional questions may be asked by board members to explore subject areas more thoroughly providing each examinee is asked the same basic questions. Interviews shall be confidential and individual responses shall not be discussed outside the examination room. Group situations also may be used wherein a subject or problem is given to the examinees as a whole for discussion. The board would then evaluate each individual examinee's participation in the discussion. Background information provided to the board shall be confined to that which is pertinent to the class. Names of candidates shall be used in oral board examinations unless a candidate objects in advance of the examination. An evaluation form shall be prepared listing those traits to be evaluated. Each member of the board shall enter on a copy of the form, separately and independent of each other, the evaluation of the examinee. The separate evaluations will then be totaled and averaged to obtain the final score. The consolidated evaluation form will be made available to a promotion applicant for three working days following notification of examination results for review and information. Whenever practicable the same board members shall not be used for successive examinations.
- e) **OTHER:** Other tests, such as an evaluation of training and experience, may be devised from time to time and used for appropriate classifications. Such tests shall follow the principle of job relatedness in their applications and use. Procedures shall be developed and established for their administration and methods of scoring shall be established prior to their use.

### ***Section 8. VETERANS PREFERENCE:***

Veterans shall be given additional credit in accordance with State law. Applicants seeking Veterans preference credit must provide proof of Veteran status on or before the test date. Credit shall be given only after the applicant has attained a passing rating in the examination procedure.

***Section 9. SCORING:***

All examination papers remain the property of the Commission and shall be retained in its files. No unnecessary delay will occur in the marking and scoring of the examination papers. As soon as the scoring is completed, candidates will be notified whether they passed or failed and their position on the eligible list. Any applicant failing to attain a passing score in two consecutive examinations for the same classification shall not again be eligible for examination in that classification within six months from date of last examination.

***Section 10. PROMOTIONAL EXAMINATIONS:***

Promotional examinations will be conducted under the same provisions as prescribed in this Rule, except as modified in Rule VI.

***Section 11. REVIEW OF ANSWER KEY:***

The answer key or other documents for an open entry examination shall not be made available for review.

***Section 12. POSTPONEMENT OF EXAMINATION:***

Whenever it may appear to the Commission, by reason of the small number of applicants for any examination, either open or promotional, that such examination has not been given sufficient publicity, or for other good and sufficient cause, the Commission may postpone said examination to a later date. All persons having applications on file for the particular examination shall be immediately notified of the postponement and shall be further notified of the new date and time at which they are to appear for such examination.

***Section 13. CONTINUOUS EXAMINATIONS:***

Open entry examinations for classifications in which the need continually exceeds the availability of appointees, OR for classifications which management, labor, and the Civil Service Commission agree that continuous examinations are in the best interest of the City, shall be administered as applications are received with results merged into one eligible list according to final ratings. On such examinations, a candidate who achieves a passing score on one part of an examination need not repeat that part if re-tested within a six-month period. The final grade of a candidate who repeats any part of an examination will be based on the latest test results.

***Section 14. ELIGIBLE LISTS:***

- a) Applicants whose general score on the examination meets or exceeds the established minimum passing score shall be enrolled upon the Eligible List, in order of their general average standing. On open entry eligible lists there shall be no

priority of ranking between or among persons receiving the same average score on the examination. If the examination were for promotion, the first appointed to the position from which promotion is sought, shall have priority. There shall be no limit to the number of eligible lists on which an individual's name may appear at any one time.

- b) Eligible lists shall be effective from the date of their approval by the Commission and shall continue in force for a period of two years; provided, that for justifiable cause, the Commission may, on its own initiative and in writing, declare said list void at any time after it has been in existence one full year, or extend the life of said list beyond two years; provided further, that such extension shall in no event be for more than ninety days. Should labor and management jointly submit a request for voiding an eligible list, the Commission may, after a meeting, declare the list voided.

#### ***Section 15. TRAINEE/APPRENTICE POSITIONS:***

The City may, upon approval of the Commission, establish in-service training or apprentice positions. Merit principles shall be followed in determining appointees who shall then be given the status of provisional appointments. Training positions normally are of short duration and used to train persons to perform entry-level jobs. Apprentice positions are for the purpose of assisting persons to obtain full-skill level in a craft or trade. Apprentice programs must be similar in scope to State approved apprentice programs. Prior to or upon completion of the appropriate program the enrolled person shall take the open entry examination for the position concerned. If the trainee passes the examination and successfully completes the training program, the trainee's name shall be carried at the top of the appropriate open eligible list until regular appointment is made or removed as provided in Section 16 following.

#### ***Section 16. REMOVAL FROM ELIGIBILITY LIST:***

The Chief Examiner shall remove the name of an eligible from the list if the eligible has:

- (1) Been certified and passed over a total of three times, to include one time each by at least three different appointing authorities for appointment; however, in open entry classes confined to one department, the eligible shall be removed after the appointing authority has twice interviewed the eligible and hired a different eligible from the list.
- (2) Failed to respond to a notice of interview or appointment; however, if satisfactory reasons are presented within thirty calendar days, for such failure to respond, the Commission may reinstate the name upon the eligible list.
- (3) For cause as in Section 4 of this Rule or for any of the following reasons:
  - a) Any failure to notify the Civil Service Commission of a change in name, address or telephone number.

- b) Any failure or refusal to accept appointment or promotion without notification to the Civil Service Commission of good cause for such failure or refusal.
  - c) Any request to the Civil Service Commission to be removed from an eligible list.
  - d) Any declination to interview.
- (4) For police, eligible is determined to be disbarred from employment due to the existence of a police agency disqualifier as previously approved by the Commission or for other good cause shown by the appointing authority.
- (5) Removal from the list for cause is subject to appeal pursuant to the provisions of Rule XI.

## **RULE V: APPOINTMENT AND PROBATION**

Reference: Charter, Sec. 53 (d), (f), (h), (i)

### ***Section 1. GENERAL:***

No appointing officer shall select or appoint any person for or to any position within the classified service except as provided within these Rules; nor shall the Commission approve the appointment of any person except as provided by these Rules. Vacancies in the classified service shall be filled by requisition and certification as provided herein.

### ***Section 2. REQUISITION:***

Whenever a position is to be filled in the classified service, the appointing officer shall make requisition to the Commission upon a form provided. Appointing officers are encouraged to submit requisitions in advance of actual need so as to maintain continuity of work insofar as possible.

### ***Section 3. CERTIFICATION:***

Upon receipt of a requisition the Commission will ascertain the availability for employment of personnel on the appropriate list. Certification shall be made from the eligible list current at the time a requisition is received and in the following manner.

**FIRST:** From the laid-off list the same number of names of persons laid off from that department as there are vacancies, in the inverse order of their lay off, for positions in the class from which they were laid off.

**SECOND:** From the laid-off list, names of those persons laid off outside of the department, the number needed in addition to the above to equal the vacancies, by classification seniority, for positions in the class from which they were laid off.

**THIRD:** The highest eligible from a uniformed promotional eligible list. The three highest eligibles from a non-uniformed promotional eligible list and the three highest eligibles from that Department on that list. Certifications from promotional lists shall include the names of those on the list to whom approved leave has been granted. Selection of an eligible from the Departmental supplemental list will not give rise to an appeal from the three highest eligibles on the promotional eligible list; nor will selection of an eligible from the promotional eligible list give rise to an appeal from the three highest eligibles on the Departmental supplemental list. However, a passed over eligible from the Department supplemental list shall have the same right of appeal as a passed over eligible from the promotional eligible list.

**FOURTH:** From an open eligible list for appointment to the classification in which the



vacancy occurs, the names, addresses, and telephone numbers of the ten highest available eligibles. On open entry eligible lists there shall be no priority of ranking between or among persons receiving the same average score on the examination.

Where the eligible list is for the Firefighter classification: the names, addresses and telephone numbers of the ten highest eligibles for the first vacancy and an additional four names for every additional vacancy. The language is exactly as published in the Gazette

**FIFTH:** Names of those classified employees requesting reduction or transfer shall be certified in addition to the above listed eligibles in the second through fourth category. Those laid off employees who do not fall under the first or second category will be certified as transfers for positions to which they are eligible.

If fewer than ten names appear on an original entry eligible list only such name or names shall be certified; but, the appointing officer may reject such certification in which case the Commission shall declare the list exhausted. Another examination then will be held and ten names certified.

Names of those persons remaining on an exhausted eligible list shall be accorded the following consideration: If name has been on an open entry eligible listing or on a promotional eligible listing, the eligible shall automatically be placed at the top of the new listing, open or promotional listing respectively, with eligibility expiring in accordance with original date of eligibility.

#### ***Section 4. ACTION BY APPOINTING AUTHORITY:***

- a) Upon receipt of a certification, the appointing officer shall interview and consider each eligible in the order of certification. The appointing officer may within twenty (20) working days select one of the eligibles and so notify the Commission on the form provided. If for cause the name/s of all those on an open entry certification are rejected or passed over, the appointing officer shall so notify the Chief Examiner in writing. The Chief Examiner shall consider reasons presented and may authorize certification of additional open entry names. If a promotional certification is rejected the appointing officer shall include the reasons on the certification form which will be promptly forwarded to the Commission.

Civil Service employee files shall be used to review employee performance. Under no circumstances shall a letter of suspension older than three (3) years or a letter of reprimand older than two (2) years be considered as a basis for a Promotional Pass Over. Counseling forms shall never be considered.

No promotion certification shall be rejected except for reasonable cause and no promotional eligible shall be passed over except for reasonable cause. Reasonable cause for passing over a promotional eligible may include the following:

- 1) An eligible's documented substandard work performance, or
  - 2) An eligible's documented prior disciplinary problems, or
  - 3) Documented errors in an eligible's judgment, or
  - 4) Any other documented performance-related reasons, or
  - 5) Mutual Passover
- a) If selection is not made within twenty (20) working days of receipt, the certification may be withdrawn and the position declared vacant, unless a written request for extension has been approved by the Commission, and not to be filled until such time as the appointing officer again shall request certification.
  - b) Upon receipt of a rejected promotional certification, or a certification which passed over a promotional eligible, the Chief Examiner shall without delay notify the eligible/s in writing. A rejected uniformed promotion eligible or a passed over non-uniformed promotion eligible shall have the right to petition the Commission within five working days from the date of said notification. The petition must be in writing and filed with the Chief Examiner who shall then notify the Human Resources Director. The Commission shall thereupon set a date of hearing in the same manner as provided by the Charter and Rule XI for appeals.
  - c) The appointing officer may, at his/her option, select an employee certified from a promotion list who is on an approved leave of absence. An employee so selected shall, upon return to active duty, be appointed to the advance position after first showing that the established qualifications are still met. The standing on the eligible list of an employee passed over by reasons of absence on approved leave shall not be jeopardized and the employee shall retain his/her proper position during the life of the list regardless of the number of certifications made. When, upon such selection, the position continues to remain unfilled by reason of such absence, requisition shall again be made and upon certification, the appointing officer may appoint one of those so certified to fill the position in a temporary capacity until such time as the first selectee returns to duty. An employee so appointed and holding such temporary appointment at the time the next requisition is received for the same classification and in the same department shall be awarded a probation appointment and time served in the temporary appointment shall be credited towards the probation period. When the first selectee returns to duty and receives appointment the temporary appointee will be returned to the permanent classification held and position on the eligible list and such time served in a temporary capacity shall confer neither Civil Service status nor tenure in the advance position.

***Section 5. SELECTION OF SENIOR ADMINISTRATIVE ASSISTANTS:***

Those classified positions which are identified by title and duties as being principal assistant or deputy or confidential assistant to an appointive office, or as being principal administrative officer of a major function within a department, wherein the incumbent reports and is responsible directly to an appointive head and is, as a matter of practice and policy, directly involved in establishing basic policy and in controlling the administrative affairs of a major unit, shall be governed by the certification and appointment procedures outlined herein irrespective of any other certification and appointment procedures provided in these rules. These procedures shall not change the grading or scoring methods as established elsewhere in these rules. The Commission shall maintain a current list of classifications to be included. All candidates who attain a passing score on the examination shall be certified for the vacancy in the order of their final score and without regard to promotion preference. The appointing officer shall consider each eligible in order and shall select the one thought best qualified for the position. Within twenty (20) working days of receipt of the certification the appointing officer shall notify the Commission through the Human Resources Director and on the form provided the name of the person selected. Upon receipt of the notification, the Commission shall without delay advise the remaining eligibles of the selection. Such notification and failure to be selected shall not be considered as being "passed over" for the purposes of remaining eligible during the life of the list. Should selection not be made within twenty (20) working days then the provision of Section 4 (b) above shall apply.

#### ***Section 6. LAID-OFF LIST:***

When the name of an employee is certified from the laid-off list, the appointing officer from the department from which the employee was laid off shall have no choice in the selection. The person so certified shall be appointed within twenty (20) working days and a written report of the appointment filed with the Commission through the Human Resources Director. If for good and sufficient reason the appointment is not made within twenty working days, the appointing officer shall so notify the Commission in writing through the Human Resources Director the reasons therefore. Upon acceptance, the Commission shall withdraw the certification and the position shall be declared vacant and not to be filled until the appointing officer again requests certification.

#### ***Section 7. NOTICE OF APPOINTMENT:***

Upon receipt of the notice of selection, Civil Service staff will verify that Civil Service Rules were followed in the selection, provide any required notifications, and forward the notice to the Human Resources Department for processing.

#### ***Section 8. WAIVER OF CERTIFICATION:***

Eligibles on an eligible list may request waiver only for those reasons which would physically prevent them from reporting; such as reasonable separation notice to present employer, illness of self or family, or absence from city. Requests shall state length of time waiver to be effective.

**Section 9. FAILURE TO RESPOND:**

Any eligible who fails to respond within four working days of the date of appointment will forfeit all rights to the position for which the eligible was to report, and the eligible's name shall be removed from the eligible list; provided, however, that the eligible may be reinstated in proper order upon the eligible list, if, within thirty calendar days from the date of the removal notice sent, the eligible presents satisfactory reasons to the Commission for failure to report. If the position for which the eligible was to report for duty has been filled because of failure to respond the eligible shall be reinstated on the eligibility list in the proper order according to final rating as it is then constituted.

**Section 10. PROBATION:**

- a) All open entry appointments shall have a probationary period not to exceed one year from the date of appointment to the classified position.
- b) When injury or other adverse circumstance causes an extended absence which prevents the full and fair evaluation of an employee during a probationary period, the employing department head may request extension of the probationary period. Extensions shall not to exceed the length of the extended absence. Extensions must be requested within 10 working days of the conclusion of the absence or the scheduled end of the probationary period, whichever comes first. The Chief Examiner may approve or deny the request. If approved, all applicable personnel records shall be annotated and adjusted accordingly. Failure to make a request within these provisions shall automatically make the appointment permanent.
- c) The appointing officer shall remove a probationer found to be unsatisfactory at any time during the probationary period, and shall notify the Commission of such action on the form provided. If probation is by appointment from an open eligible list, the probationer shall be dropped from the service except as provided for transfers in Rule VII, Section 2 (a); OR, where a classified position is vacated to accept the open entry appointment, the probationer shall be placed on the laid off list for the previously held classification.

**Section 11. EXCEPTED SCHEDULES:**

Upon specific authorization from the Commission, departments may make appointments under this section to positions that are not of a confidential or policy-determining character, for which it is not practicable to limit the determination of eligibility to competitive examination. Examining for this purpose means application of the qualification standards and requirements established for the competitive service. Positions filled under this authority may be filled through the appointment process set forth in this rule, which is excepted from competitive examination. Appointees to positions in the classified service through this rule are not exempted from the probationary period.

**Supported Employment Exception:**

The Chief Examiner is authorized, subject to the approval of the Commission, to designate certain existing classifications as eligible for noncompetitive appointments for persons with disabilities. After such designation, the specific vacancy may be filled by persons certified as eligible for appointment to the position for which the Civil Service Commission has permitted noncompetitive appointments.

Upon granting of said waiver and certification of eligibles, the Human Resources Director shall be authorized to recommend one or more designated candidates with a disability for consideration by the appointing authority. Such recommendations shall be based on an evaluation of the applicant's education, technical skills, aptitude, background, personality traits, necessary job accommodations, and such other factors as the Human Resources Director deems appropriate.

Proof of disability and certification of job readiness are required to aid in the determination of the individual's likeliness to succeed in the performance of duties of the position applied for. Documentation shall be issued from a licensed medical professional, a licensed vocational rehabilitation specialist, or any agency that issues or provides disability benefits. Documentation shall be submitted prior to making an appointment under this section.

For the purposes of this section an individual with a disability is defined as a person who 1) has a physical or intellectual impairment which substantially limits one or more major life activities, and which would cause participating in a civil service examination impracticable and 2) has a record of such impairment. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy, medication, or surgical means.

**Section 12. PROVISIONAL APPOINTMENT:**

Upon receipt of a requisition for persons to fill a vacancy for which no eligible list exists, the

Commission may grant authority to the appointing officer to make a provisional appointment pending examination. Provisional appointments shall be made first from within those classifications in the normal line of progression; but should no eligibles be available in those classifications, then appointment may be made of any classified employee who meets the requirements of the classification. Any such appointees may compete in examination on the same basis as any other applicants, and shall enjoy the same status as regular employees except for right of seniority and probation. A provisional appointment may be terminated by the appointing official at any time with notification to the Commission. Provisional appointments are limited to six months and the position shall be filled by regular appointment unless Civil Service is still engaged in the process of completing the recruitment to fill the regular position competitively, in which case, the provisional appointment shall continue until the list is certified and the position filled competitively. As soon as an eligible list is secured for a position filled by provisional appointment, the Commission shall certify in the regular manner provided in these rules, without further action by the appointing officer. The appointing officer shall make a regular appointment in accordance with these rules within twenty (20) working days of such certification. If no such appointment is made, the provisional appointment will be terminated at the expiration of the aforesaid twenty (20) working days, unless otherwise ordered by the Commission, and the provisional appointee returned to the former status held. Should a provisional appointee not receive a regular appointment to the position, the provisional appointee shall be returned to the former position and time so served shall be credited towards seniority in the classification to which returned.

### ***Section 13. TEMPORARY APPOINTMENT:***

- a) When services to be rendered are of a temporary character or, in the case of an emergency, for a limited period, or during an approved leave of absence of an employee who will return to the service of the City, the appointing officer shall inform the Commission, through the Human Resources Director, stating the duration of such period, the rate of compensation, the authority for employing such temporary service, and other conditions of employment, and may select for such employment one of the first ten persons on the appropriate eligible list who, after due notice of conditions, is willing to accept appointment. In case of acceptance of appointment for temporary service, the eligible so appointed shall retain all rights to certification for a permanent position as though no temporary appointment had been given.
- b) Any person who has been appointed temporarily from an eligible list, and who at the time of said appointment was the highest on the list of eligibles willing to accept said appointment under the conditions and for a period when stated, may, in case such position is made or becomes permanent, be regularly appointed in said position irrespective of the number of higher eligibles willing to accept permanent appointment. Such appointment must have the approval of the Commission, and it shall be shown to the satisfaction of the Commission, the fact that the position would become permanent was not known to the appointing officer or department at the time

the temporary appointment was made, and provided further, that the eligible list from which the temporary appointment was made is the most appropriate eligible list for such permanent position. Such regular appointment shall be subject to the provisions of Section 11 above.

- c) Temporary appointment shall be for a period not to exceed thirty calendar days except as otherwise provided in writing by the Commission. Such approval must be obtained prior to the effective date of the extension and in no event shall such extension or extensions exceed thirty calendar days each.
- d) Section 14. DISABILITY APPOINTMENT:
- e) Disability appointments in lieu of discharge or lay off may be made of persons who are disabled to the extent they cannot perform their normal duties. A vacancy must exist in the classification to which appointment is contemplated and may be to any comparable or lesser classification which the employee is capable of performing. Every effort will be made to place a disabled person in a position which they are qualified for and able to perform. Any such disability appointment shall be terminated and the employee returned to the former classification held as soon as the employee is physically capable of resuming the regular duties. The appointing officer, prior to making a disability appointment, shall obtain a statement from a doctor approved by the City that the employee is physically capable of performing the alternate duties; and the appointing officer shall obtain a similar appropriate statement before terminating the temporary assignment. Notice of the initial and subsequent actions shall be made to the Commission on the form provided, with reasons therefore. The appointing officer shall also serve a copy of the notice on the employee.
- f) Any disability retiree may test for, and be considered for, any greater position if the requirements are met, the same as any active employee, during the first three years of disability retirement. The appropriate Pension Board shall be notified of any disability retiree who has made application for promotion. Prior to certification, the Civil Service staff shall obtain a determination from the appropriate Pension Board that the employee's disability will not hinder the individual from performing the duties of the new position. A promotion evaluation shall be completed at the time the employee is retired on disability and such evaluation shall be used in the selection process. Disabled retirees who are hired in a greater position and subsequently laid off shall have lay off rights as defined in Rule IX.

### ***Section 15. STATUS OF EMPLOYEES:***

Notices of all appointments shall be submitted by the appointing officer through the Human Resources Director on the forms provided and reviewed for conformance to their rules by the Commission prior to the effective date of appointment; provided, that temporary appointments

under emergency conditions do not require prior approval. Provisional, temporary, or temporary/seasonal appointment shall confer neither Civil Service status upon the appointee, nor any privilege of promotion or transfer to any other position in the service.



## **RULE VI: PROMOTION**

Reference: Charter, Sec. 53 (d), (f).

### ***Section 1. CAREER FIELDS:***

The Commission shall establish broad career fields and lines of progression from lower to higher grades of service in all cases where the duties and responsibilities of the lower position tend to qualify for service in the higher.

### ***Section 2. METHOD:***

Whenever a vacancy in the classified service exists, unless such vacancy is to be filled from the laid off list, or by transfer, as in Rule V, Section 3, it shall be filled by promotion from a lower classification when such lower classification contains any eligibles who have passed a promotional examination. Promotion shall be accomplished by means of a competitive examination and, except for special training and knowledge gained within a department as a prerequisite to the proper filling of a vacancy, shall be open to employees regardless of department. The Civil Service Commission, at its discretion, may provide for simultaneous open and promotional examinations with provisions for certifying promotional eligibles first.

### ***Section 3. NOTICE:***

Notice of promotional examination shall be published in at least one issue of the *Official Gazette* and shall be posted in the office of the Commission as well as in departments. Such notice shall give the date and character of the examination and such other information as required.

### ***Section 4. FILING:***

Applications for promotional examinations shall be made as prescribed by the Commission, and shall be filed with the Commission before expiration of the filing period.

### ***Section 5. ELIGIBILITY:***

- a) To be eligible to enter an examination for or receive promotion, an employee must satisfy the eligibility criteria, as stated in the examination announcement, by the date of the examination.
- b) Within the line of progression, if a non-probationary employee meets either the open or promotional requirements, that employee, on passing the exam, shall be placed on the promotional list.

## ***Section 6. EXAMINATIONS:***

- a) The rules governing promotional examinations shall, except as herein provided, be the same as for open entry examinations, as stated in Rule IV. Applicants for promotion examination who are on an approved extended leave due to military service, or who are sick or injured, may be administered the examination separately from other candidates if security and integrity of the examination process can be assured. It shall be the responsibility of the applicant to request such consideration at the time of application or hospitalization. In all cases the decision of the Chief Examiner as to whether a separate examination may be conducted shall be final.
- b) Examination content shall be applicable to the specific classification and shall be based upon the Civil Service classification specification. Review of the applicability of the examination to the classification requirements shall be made by a subject matter committee consisting of one Civil Service staff member, one subject matter specialist selected by the appropriate labor organization, and one subject matter specialist selected by management. Labor and management may agree to use the same subject matter specialist. Examinations for each classification shall be reviewed periodically to insure that examinations for each classification do not substantially reflect the same questions contained in the previous examination for that classification. Prior to the administration of an exam, the labor and management subject matter specialists selected shall jointly review the exam to determine the relevancy of the questions. The labor representative or the management representative may determine that a particular question or questions may be stricken from the exam. The exam will be revised incorporating the changes. Questions shall be constructed so there is only one correct response. Any question determined to have more than one correct response shall be thrown out.

## ***Section 7. REVIEW OF ANSWER KEY:***

Administration of exams will be immediately followed, prior to the candidate leaving the exam room, by a period during which candidates may write protests on questions perceived to be defective. The subject matter specialist committee that conducted the pre-test review will then review all challenges as well as all questions missed by 80 percent or more of the candidates and recommend methods of resolution of problem areas to the Chief Examiner; however, questions missed by 80 percent of the candidates will not be automatically reviewed unless there are ten or more candidates taking the examination. For three working days following grading and notification, the examinees may compare their answer sheet with the correctly keyed answer sheet to determine clerical errors.

## ***Section 8. ELIGIBLE LISTS:***

Rules governing the establishment of promotional eligible lists shall be the same as provided in Rule IV for open entry lists; except when two or more applicants have the same score, then

preference on the eligible list shall be determined by their classification seniority.

***Section 9. PROMOTION EVALUATION:***

An evaluation of an employee's job performance shall be a subject in all promotion examinations. Promotion evaluation report systems and procedures shall be developed and enforced by the Human Resources Department. They must be approved and adopted by the Civil Service Commission in advance of their use. Any procedure submitted for approval shall include as subjects for consideration, among others, the general areas of past experience and performance, preparation for advancement, and success potential for the higher position. Its weight, not to exceed 20 percent, shall be fixed by the Commission. Weights of less than 20% shall be established by concurrence between the Chief Examiner, labor and management.

***Section 10. VETERANS SCORING CRITERIA AND PREFERENCE:***

The rule governing veterans' scoring criteria and preference in public employment for promotions shall be provided as set forth in Chapter 41.04 RCW and Chapter 73.16 RCW as adopted and may be amended by the State legislature.

***Section 11. REQUISITION AND CERTIFICATION:***

The rules governing requisitions and certifications for promotion shall be the same as provided in Rule V; except that a promotion eligible list containing one name may constitute a valid list and may be certified with only one name; however, where a new list has been established, any certified name or names remaining shall be placed at the top of the new list, whether open or promotional list, with eligibility of these names expiring in accordance with their respective eligibility date from the previous list.

***Section 12. ACTION BY APPOINTING OFFICER:***

The procedure for selection shall be the same as that provided in Rule V, Section 4.

***Section 13. NOTICE OF APPOINTMENT:***

The rules governing notices, waivers and declinations for promotion shall be the same as provided in Rule V. The appointing officer shall indicate the type of selection on the requisition form, inform the employee and send the requisition to Civil Service. Civil Service staff shall provide the selected employee with follow-up notification of the type of selection action.

***Section 14. PROBATION:***

- a) All promotional appointments shall have a probationary period not to exceed six

months from the date of appointment to the classified position.

- b) When injury or other adverse circumstance causes an extended absence which prevents the full and fair evaluation of an employee during a probationary period, the employing department head may request extension of the probationary period. Extensions shall not to exceed the length of the extended absence. Extensions must be requested within 10 working days of the conclusion of the absence or the scheduled end of the probationary period, whichever comes first. The Chief Examiner may approve or deny the request. If approved, all applicable personnel records shall be annotated and adjusted accordingly. Failure to make a request within these provisions shall automatically make the appointment permanent.
- c) The appointing officer shall remove a probationer found to be unsatisfactory at any time during the probationary period. The probationer shall be returned to the former classification; provided, the employee shall not displace any other employee with greater classification seniority. Should no position exist, the employee shall then be given the option of appointment to a position in the next lower classification or placement on the laid off list.

## **RULE VII: TRANSFER & VOLUNTARY DEMOTION**

Reference: Charter, Sec. 53 (a), (c), (e), (f), (i).

### ***Section 1. GENERAL:***

Transfers or voluntary demotions shall be subject to approval by the Commission and have the concurrence of the gaining department and the consent of the employee. Notice shall be filed with the Chief Examiner prior to the effective date of such action.

- a) A transferred employee shall forfeit departmental seniority and shall be placed in the junior position on the new department seniority list for the job classification. Classification seniority for promotional purposes shall not be affected and will be retained in the Civil Service records for the particular classification carried.  
PROVIDED: This Rule does not apply to promotions of certified eligibles appointed from a position in one department to a higher position in another department.

### ***Section 2. TRANSFERS PERMITTED:***

- a) Any permanent employee who leaves a position to accept employment by certification from an open eligible list or as a transfer shall be permanently separated from the position formerly held; provided, that any such employee shall retain the option of returning to the former position held within thirty calendar days of the new appointment. The appointing officer shall also have the option of returning such employee to the former position within thirty calendar days of the new appointment. An officer or employee who accepts certification to a higher position, the duties of which are merely temporary, shall be reinstated in the lower position without loss of seniority when such higher duty is completed.
- b) Transfer, in lieu of lay off, may be made to a position in the same classification in a different department, providing the employee consents to such transfer and, further, that a permanent or probationary employee is not displaced.
- c) When the position held by an employee is reclassified which involves a change in salary grade and the employee elects to retain the present classification, the Commission shall be notified in writing and the employee will then be transferred to the first available vacancy in the employee's present classification. When such transfer is to another department, the employee shall forfeit departmental seniority and shall be placed in the junior position on the new departmental seniority list for the job classification. (See Rule III, Section 6(c)).
- d) If the employee is requesting transfer to a different classification at the same level of compensation and he/she has taken and passed the examination for the classification

to which transfer is requested, or an appropriate higher classification, within the past five years, the transfer request shall be approved and the employee shall be placed on the appropriate eligibility list.

***Section 3. TRANSFERS NOT PERMITTED:***

Transfer shall not be permitted when the examination upon which the appointment of an employee was based was not of a character and standard to test the fitness of such employee for the position to which it is proposed to make the transfer.

***Section 4. VOLUNTARY DEMOTION:***

An employee may request reduction to a vacancy in a previously held classification, or any lower classification for which the employee may be qualified, for physical or other good reasons. The appointing officer shall obtain a written request for such action from the employee and shall indicate thereon approval prior to forwarding it and the notice of change to the Commission through the Human Resources Director. Such reduction shall be without prejudice to the employee's future status and the employee shall be entitled to credit for previous service in both classifications. No further reference to the Commission need be made prior to effecting the reduction. PROVIDED: Such reduction shall not displace any permanent or probationary employee.

***Section 5. PROBATION:***

If an employee is serving a probationary period at the time of transfer or voluntary demotion, the employee shall serve the remainder of his/her probation. Upon a showing of unsatisfactory performance during the probationary period, the appointing officer shall remove the probationer as prescribed in Rule V, Section 10; PROVIDED, the employee shall not displace any other employee with greater classification seniority. Should no position exist the employee shall then be given the option, of appointment to a position in the next lower classification or placement on the laid off list.

***Section 6. . LACK OF WORK:***

When it becomes necessary to effect a reduction in force because of lack of work or funds, the appointing authority shall accomplish such reduction in the order prescribed in Rule IX.

## **RULE VIII: DISCIPLINARY ACTIONS**

Reference: Charter, Sec. 53 (i) and Sec. 55.

### ***Section 1. GENERAL:***

An employee in the classified service may be suspended, demoted, or discharged for disciplinary purposes by the Mayor. Notice thereof, together with a full statement of the reasons, shall be immediately filed with the Commission through the Human Resources Director who shall also serve a copy upon the employee to include notice of appeal rights. PROVIDED: No employee may be disciplined twice for the same act.

### ***Section 2. APPEAL:***

Any employee disciplined under this Rule shall have the right of appeal under the procedures prescribed in Rule XI.

### ***Section 3. HEARING:***

The Commission shall conduct hearings as provided in Rule XI. The Commission may sustain the disciplinary order or may order the employee reinstated.

### ***Section 4. CONDITIONS:***

Employees may be suspended, demoted, or discharged under the following conditions:

- a) Any employee may be suspended for a period of not more than sixty days for cause and with loss of salary.
- b) The Mayor may demote an employee for cause by filing with the Commission a notice of such demotion together with a statement detailing the causes and stating time, place and circumstances, a copy of which shall be served on the employee. The demoted employee shall have the right of appeal and shall be given an opportunity for a hearing as provided in Rule XI, Section 5. An employee so demoted shall lose all prior rights to the higher class. The demotion shall not displace any permanent or probationary employee unless the demoted employee has classification seniority in the class to which demoted and the displaced employee can be retained in the next lower classification given that the displaced employee meets the minimum qualifications for the lower classification, or to the class from which most recently promoted without any further displacement. The results of the action shall be confined to the department of the demoted employee. If the above conditions cannot be satisfied, the demoted employee shall be placed on the laid off list for the class to which demoted.

- c) Any employee may be permanently discharged from the service for cause.

**Section 5. CAUSE:**

Merit principles of employment shall be the primary consideration in any disciplinary action. Employees may be disciplined only for actions which would affect their ability or fitness to satisfactorily perform their assigned duties. Non-merit factors such as race, creed, color, affiliation, national origin, sex, sexual orientation, age, marital status, or the presence of any physical or mental disability may not be considered. The following conditions are compatible to the principles of merit and may be considered as cause for any classified employee to be suspended, demoted, discharged or otherwise disciplined.

- a) Has been absent from duty without approved official leave contrary to the Civil Service rules or the City personnel regulations, or has failed to report after any such leave has been officially disapproved or revoked;
- b) Has willfully or corruptly, alone or in cooperation with one or more persons, defeated, deceived or obstructed any person in respect to their right of examination; or has willfully or corruptly furnished to any person so examined any special or secret information for the purpose of either improving or injuring the prospects or chances of persons so examined, or to be examined, being examined, employed or promoted in the operation of the Civil Service and Personnel programs of the City;
- c) Is incompetent or inefficient in the performance of the duties and responsibilities of the position held;
- d) Is willfully careless or negligent of the property of the City;
- e) Any willful violation of the Charter, these Rules, any written personnel policies, written departmental rules or procedures, or of any reasonable and proper order or direction given by a supervisor, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline or resulted or might reasonably be expected to result in loss or injury to the City, or the public, or to the prisoners or wards of the City;
- f) Has been guilty of conduct unbecoming an officer or employee of the City;
- g) While on duty, if an officer or an employee has aided in any manner in soliciting or collecting money from an officer or employee of the City for any purpose prohibited by the Mayor; provided, contributions solicited for approved purposes must be voluntary and no discrimination shall be permitted against an employee engaged in such acts;



- h) Has engaged, while in uniform or on duty, in the solicitation of funds or sale of tickets for any purpose except as provided in (g) above;
- i) Has used or threatened to use or attempted to use political influence in securing promotion, leave of absence, transfer, change of grade, pay, or character of work;
- j) Political activity as follows is prohibited:
  - 1) While fulfilling the duties of City employment to actively engage in a political campaign for election of a person to an elective office or for the promotion of or opposition to a ballot proposition.
  - 2) While fulfilling the duties of City employment to take an active part in securing or contributing monies toward the election of a person to an elective office or for the promotion of or opposition to a ballot proposition.
  - 3) Use of City position, office, facilities or public resources to attempt to persuade any other employee or other person to participate in or contribute to any political campaign, for election of a person to an elective office or for the promotion of or opposition to a ballot proposition.

Nothing contained herein shall prohibit an employee from exercising voting rights, and expressing opinions on all political subjects, nor prohibit the officers of employee associations from soliciting dues or contributions from members of their associations.

- k) Has been convicted of a felony or a gross misdemeanor;
- l) Excessive absenteeism or habitual pattern of failure to report for duty on time without good and sufficient reason;
- m) Has committed, or has induced or has attempted to induce an officer or employee of the City, to commit an unlawful act or to act in violation of any reasonable and lawful departmental or official regulation or order, or has taken any fee, gift or other valuable thing in the course of work or in connection with it, for personal use from any citizen, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other citizens;
- n) Has beneficial interest, directly or indirectly, in any contract, sale, and lease or purchase with or for use of the City; or accepts, directly or indirectly, any compensation, gratuity or reward from any person beneficially interested therein.

## **RULE IX: LAY OFF**

Reference: Charter, Sec. 53 (i)

### ***Section 1. GENERAL:***

Whenever it becomes necessary in any department, through lack of work or funds, abolishment of the job, or other good cause to reduce the work force in that department, or for re-employment or extended leave of absence as provided in Rule X, Sections 3 and 4(d), personnel shall be laid off or reduced in grade according to the procedures established in this Rule.

- a) Reductions in force shall be confined to the department affected; except that employees who have been promoted or transferred to their present classification directly from a classification in another department may be returned to such previously held classification in the other department. No classified employee shall be laid off or reduced in grade under these conditions while there are employees not within the classified service who are serving in the same department in the same relative job or classification. For the purpose of this rule, "classified employee" includes both permanent and probationary appointees.
- b) Classification seniority tenure shall be the primary factor in determining a reduction in force, should this tenure be the same, then, the departmental seniority and the City seniority shall be considered in order.
- c) The Commission may grant permission for lay off out of the regular order upon showing by the department head in writing through the Human Resources Director of a necessity in the interest of efficient operation of the department, after giving the employee affected an opportunity for a hearing.
- d) At the time of lay off, classified employees shall, at their option, be reduced or transferred, as follows:
  - 1) Within the department: reduced to the next lower, most recently held classification; OR, to the next lower classification within the official progression line, if it was created either concurrently with or subsequently to appointment in the current classification, and where either the open or promotional requirements are met; whichever is higher, provided, any such reduction shall not displace an employee with greater seniority.
  - 2) Within or outside of the department: reduction or transfer as provided in Rule VII, may be requested to a classification in which a vacancy exists and in which the employee either previously held status, or, for which the character and standards are similar or related to those required in the employee's present classification.

Seniority in these instances shall be determined by combining time spent in present classification and time served in classification to which reduction or transfer is contemplated, and cumulative time served in intermediate classifications within the progression line.

- e) Any employee who has been formally charged with a felony may be laid off without pay pending court trial determination. In this instance normal lay off and reinstatement procedures will not apply; however, the appointing officer shall notify the employee and process the necessary records and forms. If the employee is found not guilty of the charge, the employee shall be immediately restored to duty and shall be entitled to all back salary, and benefits due. In other instances the Mayor shall immediately make a determination as to restoration to duty and of pay.

### ***Section 2. LAY OFF PROCEDURE:***

The person with the least seniority in the classification within a department shall be the first laid off or reduced except that this provision shall not apply in the event lay off action is taken in connection with an extended leave of absence in accordance with Rule X, Section 4(d). The appointing officer shall notify the affected employee in writing a minimum of ten (10) working days prior to the effective date. The appointing officer shall prepare the order of change with copies to the Commission and the Human Resources Director on a form provided and shall obtain the approval of the Chief Examiner on behalf of the Commission prior to sending the notification out to the employee, and prior to the effective date of such order.

### ***Section 3. REINSTATEMENT:***

The names of persons laid off or reduced in accordance with Section 1 (a-d), shall be placed on a laid off register, to be prepared jointly by the Commission and the Human Resources Director, with copies for both, in the inverse order of lay off; that is, the last person laid off shall be the number one person on the layoff register. Persons on the layoff register shall be given preference over all others in certification and appointment as set out in Rule V, Section 3, and Rule VI, Section 12. The names of such persons shall also be placed at the top of the citywide promotion or open eligible list for that classification and grade in which they were employed at the time of lay off. If no eligible list exists, the names of such employees shall constitute the eligible list. In order to facilitate reinstatement, the names of such persons may also be placed on transfer lists to other classifications at the same or lower grade level to be certified as transfer requests in accordance with Rule V, Section 3, provided that the persons meet the qualifications for such other classifications. For employees who have been reduced in grade and are employed by the City, there is no limit to the duration of a laid off list; however, those hired from the laid off list after three years from the date placed thereon shall be required to serve a six-month probationary period. For employees separated from service due to layoff, there is a three-year limit to the length of time a name may be on the laid off list. All employees hired in a department other than from which they were laid off shall be required to serve a six-month

probationary period. For employees serving discipline imposed prior to the time of layoff, the layoff period shall serve as a hiatus for discipline, and the employee shall serve the remaining discipline upon reinstatement. Work Improvement Plans will be upheld and only the applicable portions will apply if the employee is reinstated to a different department.

***Section 4. REINSTATEMENT PROCEDURE:***

Upon receipt of a requisition from a department, names will be certified from the laid off register in accordance with Rule V, Section 3, and Rule VI, Section 12. The appointing officer shall have no choice in the appointment, and shall appoint the person so certified within twenty (20) days of the certification. If for good and sufficient reason the appointment is not made within 20 days, the appointing officer shall so notify the Commission in writing through the Human Resources Director with reasons. Upon acceptance of such notice, the Commission shall withdraw the certification and the position shall be declared vacant and not to be filled until such time as the appointing officer again requests certification.

***Section 5. TEMPORARY INTERRUPTION:***

Any interruption of employment not in excess of 15 calendar days because of adverse weather conditions, shortage of materials or equipment, or for other unexpected or unusual reasons during which employees receive no pay, wages or salary, shall not be considered a lay off.

## **RULE X: RESIGNATION, RETIREMENT, LEAVE OF ABSENCE**

Reference: Charter, Sec. 53(1), Applicable State Statutes and City Ord.

### ***Section 1. RESIGNATION:***

An employee in the classified service who wishes to leave City employment in good standing shall file with the appointing officer, at least two weeks before leaving, a written resignation and the effective date. Failure to comply with this procedure may be considered cause for denial of future employment with the City. The supervisor shall notify the Commission and Human Resources of such resignation as soon as received, and provide a copy of the cover letter. A permanent employee who has resigned in good standing may, within one year, submit a written request to the Commission for re-employment in the last permanent classification held and may be reinstated at the bottom of an open or promotional eligible list for such classification for consideration during the remaining life of said list. Re-employment in this instance shall be considered as open entry.

### ***Section 2. RETIREMENT:***

Members of the Police and Fire Departments shall be retired in accordance with their pension fund act as provided by State law. Retirement of other employees shall be as provided by State law, ordinance, the City personnel program, and rules of the City of Spokane Employees Retirement Board.

### ***Section 3. RE-EMPLOYMENT AFTER DISABILITY RETIREMENT:***

A former employee retired for disability will be restored to duty in the same or similar classification held at the time of disability retirement providing certification in writing is made to the Commission by the board of the appropriate pension or retirement system, and in accordance with the applicable law or ordinance, that the employee is capable of performing the duties of that classification. Re-employment shall be in the same department from which retired. Should no vacancy exist, the person with least seniority in that classification in the same department shall be reduced to the next lower classification, or transferred, and be placed on the lay-off list as provided in Rule IX. Should the pension or retirement board certify the employee as capable of performing the duties of a lower classification, the employee shall be appointed to the first available vacancy in said lower classification.

### ***Section 4. LEAVE OF ABSENCE:***

- a) It shall be the responsibility of the Human Resources Director to advise the Commission on all leave matters which may affect the Civil Service status of any employee.

- b) Ordinary vacation and sick leave shall be accrued and granted in accordance with the provisions of the applicable ordinances, collective bargaining agreement, and the City personnel program and regulations. The granting of such leave will not affect an employee's Civil Service rights and the employee shall continue to accrue pay, leave and seniority.
- c) Special leave of absence may be granted in accordance with applicable ordinances, collective bargaining agreements, and the City personnel program in case of on-the-job injury or urgent necessity. Substantiating proof must accompany any such request for leave. Leave of absence in excess of 120 consecutive calendar days, except as otherwise provided by law, shall be without accrual of classification seniority. Leave of absence shall not be recognized by the Commission as becoming effective until approved by the employee's appointing officer and by the Human Resources Director. Any employee who departs on leave of absence prior to receiving approval of the appointing officer and the Human Resources Director may be considered to be absent without leave and subject to immediate discharge.
- d) Leave of absence extending beyond a period of 120 consecutive calendar days may result in the placement of the employee on the laid-off list. This provision shall not apply to those on active military service, educational leave, to accept an appointive position in the City, or as otherwise approved by the Commission. At the expiration of the 120 consecutive calendar day period, the appointing officer shall determine whether the employee should be placed on lay-off status and shall so notify the Commission. In the event of lay off the provisions of Rule IX pertaining to procedure and reinstatement shall apply.
- e) Leave of absence shall be granted only for that period of time which is necessary to accomplish the purpose of the request and the employee must report for duty immediately upon expiration of such leave, provided, an employee on active military service must apply for re-employment rights in accordance with law. Failure to report for duty at the expiration of leave or if a leave has been disapproved or revoked, may be considered cause for separation from the service. Upon expiration of leave of absence the employee shall, if still qualified, resume the previous position held or, if promoted, the position to which promoted under the conditions set forth in Rule V, Section 4.
- f) An indefinite leave of absence is granted by the Commission upon request of any classified employee who elects to leave the classified service to accept an appointive position. The employee shall not be deprived, due to acceptance of the appointive position, of any standing under the Civil Service Rules the employee may have had before accepting the appointive position. The employee shall retain the seniority status they had when they left the classified service, but shall not accrue any classified seniority during their leave of absence.

## **RULE XI: APPEALS, CLAIMS, COMPLAINTS**

Reference: Charter, Sec. 53 (j), (k), Sec. 55, City Personnel Ord.

### ***Section 1. GENERAL:***

The Commission may investigate any and all matters relating to conditions of Civil Service employment either in response to employees' complaints, their duly authorized representatives, or on its own initiative. They shall investigate and pass upon the claim of any applicant, or any person whose name appears upon an eligible list, or who has a Civil Service classification from which deprived or separated from a position to which entitled.

### ***Section 2. INVESTIGATION:***

All claims or complaints shall be in writing. The Commission, if it deems it advisable, shall cause a preliminary investigation of any complaint or claim so presented. During the course of such investigation, the duly appointed officer of the Commission shall have authority to administer oaths, require the production of relevant books or records, and the attendance of any officer, employee or other person. In the event such investigation does not resolve the matter satisfactorily, a written report shall be rendered as guidance to the Commission in the conduct of a formal hearing. In case the Commission orders such a hearing, it shall set a time and place for the same and notify the parties involved and the Human Resources Director.

### ***Section 3. CLAIM:***

The claim of any applicant, or any person whose name appears on an eligible list, or who has a Civil Service classification from which deprived, or separated from a position to which entitled; or the complaint of any employee or designated representative regarding conditions of Civil Service employment, may be presented to the Commission for investigation. A claim must be made in writing, and those protesting a layoff action must be filed with the Secretary not later than 10 working days following the effective date of such lay off. Should the investigation, as provided by Section 2, above, result in a hearing, then the procedure as set forth in Section 7, following, shall prevail.

### ***Section 4. ADMINISTRATIVE COMPLAINTS:***

Any employee in the classified service who desires to claim exception to an administrative action of the Commission which affects the employee's status, or any appointing officer who is in disagreement with any assigned classifications under the appointing officer's jurisdiction, may present such complaint directly to the Commission. All such complaints must be in writing and filed with the Secretary within 20 working days of notification of the action by the Commission, except as otherwise provided by these rules, and except further that in the case of a departmental disagreement regarding classifications the time limit does not apply.

Failure to file within the prescribed time shall be considered as acceptance of the action of the Commission and the action shall be deemed complete. Such complaint shall not be subject to the formal appeals procedure. Should the Commission grant review of a complaint, it shall do so in any manner it deems most appropriate. Any required hearing shall be under the provisions of Section 7, following.

#### ***Section 5. APPEALS:***

Any employee in the classified service who has been suspended, reduced in rank or discharged as provided in Rule VIII may appeal such action to the Commission. All appeals must be in writing and filed with the Secretary within ten (10) working days from date of filing of such order with the Commission or from date of service of such order on the employee, whichever is later. The Secretary shall provide a copy to the Human Resources Director of any appeal so filed. Failure to file within the prescribed time shall be considered as acceptance of the action and the action shall be deemed complete.

#### ***Section 6. APPEALS PROCEDURE:***

Upon receipt of an appeal, the Commission shall set a date of hearing to be held not later than 10 working days after filing of the appeal or at the next regular meeting of the Commission; except in those cases of lay off involving court charges (see Rule IX, Section 1(e)) in which event the Commission shall, at the request of the Mayor, delay said hearing pending disposition of the charge or charges. The Commission shall transmit its decision in writing to both parties within 10 working days after conclusion of the hearing. No member of the Commission shall permit any person to discuss the merits of an appeal with a Commission member prior to the hearing.

#### ***Section 7. HEARINGS:***

- a) Hearings by the Commission shall be held in accordance with State Law and shall be conducted by a quorum of the Commission; however, prior to the beginning of a hearing, if less than the full Commission is present, the Commission shall grant one continuance at the request of either party. Both parties to the hearing shall be notified in advance of such hearing and may, at their own expense, select representatives of their choosing. The Commission may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. Any fees or expense of any kind for the appearance of witnesses shall be assumed by the party requesting the issuance of subpoenas. Testimony may be under oath administered by the Commission or its agent. Unless otherwise directed by the Chair of the Commission, the City shall proceed first with presentation of its case.
- b) The Commission shall prepare and keep an official record of the hearing which shall include testimony recorded manually or electronically to include pleadings, documents, exhibits and other related items. It shall not be necessary to transcribe testimony



unless requested for purposes of Commission decision, re-hearing or court review. A copy of the record shall be furnished to any party to the hearing upon request therefore and payment of the reasonable costs thereof. Informal disposition may also be made by stipulation, agreed settlement, consent order or default.

- c) Hearings shall be informal and the Commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Commission shall give effect to the rules of privilege recognized by law and it may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.
- d) All evidence, including but not limited to, records and documents in the possession of the Commission of which it desires to avail itself, shall be offered and made a part of the record, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
- e) Every party shall have the right of cross-examination of witnesses who testify.
- f) The Commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within its specialized knowledge. Parties shall be notified of the material so noticed and they shall be afforded an opportunity to contest the facts so noticed.
- g) No charges, on appeal, other than those furnished in writing as the basis for the disciplinary action shall be heard against the person so charged.

#### ***Section 8. DECISIONS:***

- a) A quorum of no less than four members of the Commission shall be required in order to conduct a hearing and render a decision, provided that the decision receives at least three affirmative votes of the Commission. Decisions of the Commission on hearings shall be final and binding.
- b) Decisions and orders arising from hearings shall be in writing and shall be accompanied by findings of fact and conclusions of law which shall also be in writing or stated in the record.
- c) An employee, when reinstated after appeal of an order of suspension, reduction in rank or discharge shall be entitled to back salary from the date of such order to the date of reinstatement and to all other employee rights and benefits which will make the employee whole.

## **RULE XII: RECORDS AND REPORTS**

Reference: Charter, Sec. 52 (c) and Sec. 53 (I).

### ***Section 1. PERSONNEL RECORDS:***

- a) The Human Resources Director shall set up procedures for and supervise the maintenance within departments of employee records kept in the department. These records can include letters of counseling, counseling forms, CDL paperwork, or other information not stored in Civil Service. Records referenced or used in the application of discipline may be open to inspection by the Commission or its authorized representative with authorization from the Human Resources Director or by subpoena issued pursuant to the City Charter.
- b) Civil Service – The Commission shall be the central repository for all classified personnel records, which shall contain, in addition to necessary personal history data: name, current address, and telephone number, completed application forms, department and sub-unit to which assigned, classification of any position occupied with inclusive dates, the appointing officer, salary received, length of service, any changes in status, any reports or correspondence which affect employment status, and other pertinent information deemed necessary to provide a complete history of the employee's service.

### ***Section 2. REPORTS:***

- a) Applicant and Eligible – It shall be the sole responsibility of each applicant for examination and each person on an eligible list for appointment to promptly report to the Commission any change in name, address, or telephone number. Failure to do so shall constitute cause for rejection of application or removal from the eligible list, as appropriate.
- b) Human Resources Director – The Human Resources Director and the appointing officer shall report promptly to the Commission the following information in regard to personnel and departmental organization.
  - 1) Every appointment, transfer, promotion, demotion, reduction, lay off, suspension, reinstatement, leave of absence, return to duty and change of compensation.
  - 2) Every termination from the service with the reasons therefore.

- 3) Every refusal or neglect to accept appointment by a person whose name has been certified.
  - 4) Every vacancy and every rejection of an eligible certified from a promotion eligible list with the reason therefore.
  - 5) The creation or abolition of any position and the cause of such action.
  - 6) Changes in departmental organization with a detailed chart of such organizational change.
  - 7) Any other reports requiring the action or sanction of the Commission.
- c) Organization Charts – The appointing officer shall have prepared and shall file with the Commission through the Human Resources Director a chart accurately reflecting the current organization and functions of the entire department. Minor revisions may be reported in memo form. Major revisions shall be cause for preparation and filing of a new chart.

## RESOLUTION

BE IT RESOLVED BY THE CIVIL SERVICE COMMISSION that the foregoing rules be, and the same are hereby, adopted by the Civil Service Commission of the City of Spokane, and that the Chief Examiner/Secretary of the Commission certify a copy thereof to the City Clerk of the City of Spokane for publication in the *Official Gazette* in conformity with the provisions of the City Charter.

BE IT FURTHER RESOLVED that these Rules shall supersede all rules heretofore adopted by the Civil Service Commission.

ADOPTED, at Spokane, Washington, this December 17, 2019

### CIVIL SERVICE COMMISSION

s/Craig Hult, Chair

s/Mark Lindsey, Vice Chair s/Judith Gilmore, Commissioner

s/Pam DeCounter, Commissioner s/Scott Stephens,

Commissioner

Attest:

s/Amber Richards  
Chief Examiner

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