



Official Gazette

City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 114

MARCH 27, 2024

Issue 13



MAYOR AND CITY COUNCIL

MAYOR LISA BROWN

COUNCIL PRESIDENT BETSY

WILKERSON

COUNCIL MEMBERS:

JONATHAN BINGLE (DISTRICT 1)

MICHAEL CATHCART (DISTRICT 1)

PAUL DILLON (DISTRICT 2)

KITTY KLITZKE (DISTRICT 3)

LILI NAVARRETE (DISTRICT 2)

ZACK ZAPPONE (DISTRICT 3)

The Official Gazette

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Minutes

NOTICE**MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, March 18, 2024**

The minutes for the Monday, March 18, 2024, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, April 3, 2024, issue of the *Official Gazette*.

MINUTES OF SPOKANE CITY COUNCIL**Monday, March 11, 2024****BRIEFING SESSION**

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:34 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

Roll Call

On roll call, Council President Pro-tem Zappone and Council Members Bingle, Cathcart, Dillon, Klitzke, and Navarrete were present. Council President Wilkerson was absent.

Interim City Administrator Garrett Jones; Giacobbe Byrd, Director-City Council Office; City Council Policy Advisor Chris Wright; and City Clerk Terri Pfister were also present for the meeting.

Candidate Interviews – Spokane Public Library Board of Trustees and Lodging Tax Advisory Committee (LTAC)

The City Council interviewed Mari Margil, a candidate for appointment to the Spokane Public Library Board of Trustees and Matt Jensen, a candidate for appointment to LTAC.

Current Agenda Review

There were no adjustments made to the Current Agenda.

Advance Agenda Review

The City Council received an overview from staff on the March 18, 2024, Advance Agenda items.

Resolution 2024-0028 (Council Sponsors: Council Members Cathcart, Zappone, and Dillon)

Motion by Council Member Cathcart, seconded by Council Member Bingle, **to defer Resolution 2024-0028** regarding the approval of year 2025 traffic calming applications and projects to be paid through the Traffic Calming Measures Fund for one week to March 18, 2024; **carried 6-0.**

Action to Approve March 18, 2024, Advance Agenda, as amended

Following staff reports and Council inquiry and discussion regarding the March 18, 2024, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.B):

Motion by Council Member Bingle, seconded by Council Member Cathcart, **to adopt** the March 18, 2024, Advance Agenda, as amended; **carried 6-0.**

Committee Updates

Council Members provided updates on various boards, committees, and subcommittees.

Council Recess/Executive Session

The City Council recessed at 3:54 p.m. and immediately reconvened into an Executive Session to discuss pending and potential litigation for half an hour. At 4:24 p.m., the meeting was extended for six minutes until 4:30 p.m. At 4:30 p.m., the meeting was extended 2 minutes. At 4:32 p.m., the meeting was extended for two minutes. At 4:34 p.m., the meeting was extended for one minute. At 4:35 p.m., the meeting was extended 2 minutes to 4:37 p.m., at which time the 3:30

p.m. Briefing Session also ended. City Attorney Michael Piccolo and Assistant City Attorneys Elizabeth Schoedel, Lynden Smithson, and James Richman were present for the Executive Session. The City Council reconvened at 6:00 p.m. for the Legislative Session.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Pro-tem Zappone.

Roll Call

On roll call, Council President Pro-tem Zappone and Council Members Bingle, Cathcart, Dillon, Klitzke, and Navarrete were present. Council President Wilkerson was absent.

Giacobbe Byrd, Director-City Council Office; City Council Policy Advisor Chris Wright; and City Clerk Terri Pfister were also present for the meeting.

IRISH DANCERS

A performance by the Kelly Irish Dancers was provided.

COUNCIL PROCLAMATION

March 11-17, 2024 *Week of the Irish*

The proclamation was read by Council Member Dillon. The proclamation was accepted by a representative of the Sons of St. Patrick.

The proclamation is attached to these minutes for reference.

There were no **Reports from Community Organizations**.

BOARD AND COMMISSION APPOINTMENTS

Appointments to Spokane Public Library Board (CPR 1981-0400) and Lodging Tax Advisory Committee (CPR 2000-0031)

The following actions were taken:

Upon 4-2 Voice Vote, the City Council **approved** (and thereby confirmed) the appointment of Mari Margil to the Spokane Public Library Board of Trustees for a five-year term from April 1, 2024, through April 1, 2029.

Upon 6-0 Voice Vote, the City Council **approved** (and thereby confirmed) the appointment of Matt Jensen to the Lodging Tax Advisory Committee for a one-year term from March 4, 2024, through March 4, 2025.

CONSENT AGENDA

After public testimony and Council commentary, the following action was taken:

Upon 6-0 Voice Vote, the City Council **approved** Staff Recommendations for the following items:

Purchase from Fly Fab, LLC (Rockford, WA) of air ejector system parts for use at the Waste to Energy Facility—\$73,801.11 (incl. tax). (OPR 2024-0174 / RFQ 6056-24) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)

Contract Amendment with Helfrich Brothers Boiler Works, Inc. (Lawrence, MA) for boilermaker services at the Waste to Energy Facility from April 1, 2023, through March 31, 2024—additional \$500,000. Total annual cost: \$2,351,000 (incl. tax). (OPR 2020-0341 / PW ITB 5238-20) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)

- Contract Renewal 1 of 4 with McKinstry Co., LLC (Spokane) for HVAC services at the Waste to Energy Facility from March 1, 2024, through February 28, 2025—not to exceed \$90,000 (plus tax) annually. (OPR 2023-0026 / IPWQ 5678-22) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
- Contract Renewal 1 of 4 with Big Sky Industrial Services (Colbert, WA) for vacuum support services at the Waste to Energy Facility from April 1, 2024, through March 31, 2025—not to exceed \$175,000 (plus tax). (OPR 2023-0311 / IPWQ 5809-23) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
- Contract Renewal with BrandSafway Services, LLC (Spokane Valley, WA) for scaffolding services at the Waste to Energy Facility from April 1, 2024, through March 31, 2025—not to exceed \$750,000 (plus tax). (OPR 2022-0168 / PW ITB 5537-21) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
- Contract Renewal 4 of 4 with Mega Wash LLC (Spokane) for car wash services for the Fleet Services Department—\$65,000 (incl. tax). (OPR 2020-0344 / RFQ 5221-20) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
- Contract Amendment with Pomp Tire Services (Spokane) for miscellaneous tire services for the Fleet Services Department through March 31, 2024—additional \$150,000 (plus tax, if applicable). (OPR 2022-0903) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
- Contract Amendment with Toby's Body & Fender (Spokane) for additional funds for auto body repair services effective March 1, 2024, through December 31, 2026—additional \$75,000 annually. (OPR 2023-0249 / RFP 5800-23) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
- Contract Amendment with Solid Waste Systems (Spokane Valley) for sole source repairs to specialized refuse truck bodies—additional \$800,000. (OPR 2020-0049) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
- Public Works Agreement with River City Glass, Inc. (Spokane Valley, WA) for replacement of eleven double-pane, tinted-to-match exterior windows in various locations throughout City Hall—\$70,750.37 (plus tax). (OPR 2024-0176 / RFB 24-001) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
- Special Counsel Contract Amendment No. 5 with Craig Trueblood of the Law Firm K&L Gates, LLP (Spokane) for outside counsel services regarding the appeal of the City's NPDES permit—additional \$100,000. Total contract amount: \$600,000. (OPR 2022-0644) (Council Sponsor: Council Member Bingle)
- Personal Service Agreement with Rogue Heart Media, Inc. (Spokane) for water conservation education campaign services from February 14, 2024, through February 13, 2025—\$95,000 (plus tax, if applicable). (OPR 2024-0177 / IRFP 5941-23) (Council Sponsor: Council President Wilkerson)
- Personal Service Agreement with Rogue Heart Media, Inc. (Spokane) for water stewardship education campaign services from February 14, 2024, through February 13, 2025—\$75,000 (plus tax, if applicable). (OPR 2024-0178 / IRFP 5941-23) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
- Memorandum of Understanding between Audubon-Downriver Neighborhood Council and the City of Spokane Public Works Division for access to right-of-way space and establishing a community garden providing education on urban ecology. (OPR 2024-0179) (Council Sponsors: Council President Wilkerson and Council Member Bingle)
- No-Cost Amendment to Assignment Assumption Agreement with Proclaim Liberty West, LLC, for the Liberty Park Terrace Project, to include an amendment from the U.S. Department of Housing and Urban Development. (OPR 2022-0581) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
- Grant Agreements with the Washington State Department of Ecology for:
- a. Design of the Five Mile Regional Infiltration Facility Rehabilitation—\$170,000 Revenue. (OPR 2024-0180 / ENG 2024053) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
 - b. Drywell Rehabilitation in Wellhead Protection Zones—\$262,500 Revenue. (OPR 2024-0181 / ENG 2024054) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
 - c. Implementation or management of stormwater programs—\$130,000 Revenue. (OPR 2024-0182) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)

No-cost Contract Amendment with HIP of Spokane County dba Community-Minded Enterprises (Spokane) regarding the ARPA Childcare Program Grant to allow for greater distribution of funds and to remove barriers to qualify for staffing and childcare subsidy. (OPR 2022-0852) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Grant Agreement Amendment with Innovia Foundation (Spokane) de-obligating \$104,899.31 of funding and allowing the funds to be utilized for other City initiatives. (OPR 2022-0870) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Contract Renewal with Rezatec Global, Inc. (Wilmington, DE) to provide dam monitoring products and services at Upriver Dam from April 1, 2024, through March 31, 2027—\$55,000. (OPR 2022-0237) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)

Contract Amendment and Extension No. 2 with GeoEngineers, Inc. (Spokane) for the Part 12D Comprehensive Assessment and Report for Upriver Dam Hydroelectric Project - Phase 1 from February 1, 2024, through June 30, 2025—\$1,568,000 (plus tax, if applicable). (OPR 2023-0426) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)

Tentative Agreement with AFSCME Local 270-Prosecuting Attorneys for wages and benefits from January 1, 2024, through December 31, 2025. (Relates to Special Budget Ordinance C36499) (OPR 2024-0183) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Sole Source Contract Renewal with Azteca Systems, LLC (Sandy, UT) for annual support and maintenance of CityWorks Asset Maintenance Management System from April 1, 2024, through March 31, 2024—\$135,408 (plus tax). (OPR 2016-0235) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Contract Renewal 1 of 4 with Compunet, Inc. (Grangeville, ID) for Cisco Smartnet support and maintenance from March 1, 2024, through February 28, 2025—\$386,015.76 (plus tax, if applicable). (OPR 2023-0315) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Contract Renewal 1 of 4 with DLT Solutions, LLC (Herndon, VA) for AutoDesk software licensing and support from March 12, 2024, through March 25, 2025—\$80,091.82. (plus tax, if applicable). (OPR 2023-0313) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Final Contract Renewal with Hyland Software, Inc. (Westlake, OH) for annual software maintenance and support for the OnBase document imaging system from April 1, 2024, through March 31, 2025—\$70,182.52 (plus tax). (OPR 2020-0723) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Sole Source Contract Renewal 1 of 4 with Journal Technologies, Inc. (JTI) (Logan, UT) for annual eSeries Legal Case Management System licensing, support, and maintenance from March 1, 2024, through March 7, 2025—\$169,213.51 (incl. tax). (OPR 2023-0470) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Contract Renewal 2 of 4 with Truepoint Solutions, LLC (Incline Village, NV) for Accela software professional services and support from March 1, 2024, through February 28, 2025—not to exceed \$100,000 (plus tax, if applicable). (OPR 2022-0199) (Council Sponsor: Council Member Cathcart)

Master Consultant Agreement Renewal 1 of 3 with Infinite Innovations (Hayden, ID) for technical services in support of Information Technology Division and Project Management Office projects in the areas of project management, business analysis, software development and infrastructure support from February 1, 2024, through January 31, 2025—\$150,000 per year (plus tax, if applicable). (OPR 2022-0147 / RFP 5435-21) (Council Sponsor: Council Member Bingle)

Sole Source Contract Renewal with Oracle America, Inc. (Los Angeles, CA) for Oracle license software maintenance and support from April 21, 2024, through April 20, 2025—\$197,250.51 (plus tax). (OPR 2019-0314) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Contract Renewal with PMWeb, Inc. (Aventura, FL) for continued annual support and maintenance of the capitol project management software and implementation from February 1, 2024, through January 31, 2025—\$107,100 (plus tax, if applicable). (OPR 2017-0005 / RFP 4196-16) (Council Sponsor: Council Member Cathcart)

Contract Renewal with Questica LTD (Pasadena, CA) to provide city budget software subscription services from March 22, 2024, through March 21, 2025—\$186,780.25 (incl. tax). (OPR 2021-0202) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Contract Renewal 1 of 3 with Volt Management Corporation (Orange, CA) for technical resources in support of the Project Management Office and the Information Technology Division from May 1, 2024, through April 30, 2025—\$150,000 (plus tax). (OPR 2022-0412 / RFP 5435-21) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through March 1, 2024, total \$5,874,389.20 (Check Nos.: 601295-601426; ACH Nos.: 126722-126940), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$5,506,533.92. (CPR 2024-0002)
- b. Payroll claims of previously approved obligations through March 2, 2024: \$9,423,866.69 (Check Nos.: 571619-571719). (CPR 2024-0003)

City Council Meeting Minutes: February 26 and March 7, 2024. (CPR 2024-0013)

LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

Special Budget Ordinance C36499 (Relates to OPR 2024-0183) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

After an opportunity for public testimony, with no individuals speaking, and Council commentary, the following action was taken:

Upon 6-0 Roll Call Vote, the City Council **passed Special Budget Ordinance C36499** amending Ordinance No. C36467 passed by the City Council November 27, 2023, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2024, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund

- 1) Decrease appropriation by \$80,000.
 - A) Of the decreased appropriation, \$80,000 is removed solely from contractual services in the Mayor's Office for the emergency preparedness interlocal agreement with Spokane County.
- 2) Increase appropriation by \$80,000.
 - A) Of the increased appropriation, \$80,000 is provided solely for wages and benefits in the Legal Department due to the tentative agreement between the City of Spokane and the Local 270 Prosecuting Attorneys bargaining unit.
 - B) There is no change to the overall appropriation level in the General Fund.

(This action arises from the need to change the wages of personnel impacted by the 270 Prosecutors' collective bargaining agreement.)

Ayes: Bingle, Cathcart, Dillon, Klitzke, Navarrete, and Zappone
Nos: None
Abstain: None
Absent: Wilkerson

There were no **Emergency Ordinances**.

RESOLUTIONS

Resolution 2024-0027 (Relates to First Reading Ordinance C36502) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)

After an opportunity for public testimony, with no individuals speaking, and Council commentary, the following action was taken:

Upon 6-0 Roll Call Vote, the City Council **adopted Resolution 2024-0027**, regarding an update to Appendix "A" of the Public Rule for the City of Spokane Riverside Park Water Reclamation Facility & Industrial Pretreatment Program & Lab Analysis Fees.

Ayes: Bingle, Cathcart, Dillon, Klitzke, Navarrete, and Zappone
Nos: None
Abstain: None
Absent: Wilkerson

There were no **Final Reading Ordinances**.

FIRST READING ORDINANCES

The following Ordinances were read for the first time, with further action deferred. Public testimony was received on the First Reading Ordinances.

- ORD C36500** Granting a non-exclusive franchise to use the public right-of-way to provide noncable telecommunications service to the public to Ziplly Fiber, LLC, subject to certain conditions and duties as further provided. (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
- ORD C36501** Relating to the executive and administrative organization of the City, and amending SMC section 3.01A.315. (Removes reference to federal and state funding under Contracts and Purchasing Department.) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
- ORD C36502** Relating to Pretreatment; amending SMC section 13.03A.0301; 13.03A.0408; 13.03A.0801; and 13.03A.1201; chapter 13.03A of the Spokane Municipal Code and setting an effective date. (Relates to Resolution 2024-0027) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)

There were no **Special Considerations**.

There were no **Hearings**.

Council Recess

The City Council recessed at 6:26 p.m. and reconvened at 6:31 p.m. The City Clerk left the meeting at this time (pursuant to Council Rule 2.2.A). Open Forum speaker information and motion of adjournment and adjournment time were provided by Council Director Giacobbe Byrd for the minutes.

OPEN FORUM

The following individual(s) spoke during the Open Forum:

- Alexandra Kronstrom
- Justin Haller
- Rick Bocook
- Tim Kinley
- Andrew Cowley
- Ron MacInerney
- Oscar Sanchez
- War Bear
- Lukas Gianni
- Zach McGuckin
- Eugene Knowles
- Ka'din Rahman

ADJOURNMENT

Motion by Council Member Bingle, seconded by Council Member Cathcart, to adjourn; **carried 6-0**.

There being no further business to come before the City Council, the meeting adjourned at 7:00 p.m.

Hearing Notices

BUILDING OFFICIAL SHOW CAUSE HEARING NOTICE

Notice is hereby given that the Building Official has caused proper notice to be served upon the persons responsible for 2332 W BROADWAY AVENUE, SPOKANE, WASHINGTON, 99202, PARCEL NUMBER 25132.0722, LEGAL DESCRIPTION NETTLETON 1ST ALL L24; E20FT OF L25 B7, in compliance with the Spokane Municipal Code stating that a show cause hearing on this matter will be held before the Building Official on April 16, 2024 at 1:30 p.m. These hearings are held at 808 W Spokane Falls Blvd. Spokane. WA 99201, in the Council Briefing Room, Lower Level, City Hall. Remote participation is also available via Microsoft Teams, and remote participation information for this hearing will be posted on the City website as well on each agenda, which can be found under the substandard building topic here:

<https://my.spokanecity.org/neighborhoods/code-enforcement/topics/>

Notice is hereby given that attention has been directed to anyone who knows the present address or whereabouts of the owner or to any new owner or person in the position of responsibility over this property to contact the City of Spokane regarding plans to correct deficiencies and avoid potential outcomes of the show cause hearing, which may include a demolition or receivership order. Not hearing further on this matter the said show cause hearing will proceed. For more information on this hearing, including information regarding remote participation in the hearing, please contact:

Jason Ruffing
Code Enforcement, City of Spokane
808 West Spokane Falls Blvd.
Spokane, WA 99201-3333
509-625-6300
jruffing@spokanecity.org

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mlovmaster@spokanecity.org. Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

General Notices

In the Superior Court of the State of Washington for the County of Spokane, No. 24201142-32

CITY OF SPOKANE, a municipal corporation, Plaintiff, v. RUSSELL GUTBROD, property owner of 628 S Hatch St., Spokane, Washington,

STATE OF WASHINGTON. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, lienholder, Defendants.

The State of Washington to Russell Gutbrod, as the listed owner and with an interest in the real estate described in the complaint herein, Defendant:

You are hereby summoned to appear within sixty days after the date of the first publication of this summons, to wit, within sixty days after the 27th day of March, 2024, and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff City of Spokane, and serve a copy of your answer upon the undersigned attorney for plaintiff, at his office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court. The object of the action is the abatement of substandard, unfit, abandoned building and nuisance property known as 628 South Hatch

Street, Spokane, Washington, Spokane County Parcel Number 35202.4811, and the appointment of a receiver to the sell the property free and clear of liens and rights of redemption.

Plaintiff City of Spokane's Attorney:
Matthew M. Folsom
Office of the City Attorney
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3326

In the Superior Court of the State of Washington for the County of Spokane, No. 24201141-32

CITY OF SPOKANE, a municipal corporation, Plaintiff, v. MAUREEN ELIZABETH FILINA, property owner of 704 E Hartson Ave., Spokane, Washington,

WESTERN UNITED LIFE ASSURANCE CO., Beneficiary, METROPOLITAN MORTGAGE & SECURITIES CO., Beneficiary, Defendants.

The State of Washington to Maureen Elizabeth Filina, as the listed owner and with an interest in the real estate described in the complaint herein, Defendant:

You are hereby summoned to appear within sixty days after the date of the first publication of this summons, to wit, within sixty days after the 27th day of March, 2024, and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff City of Spokane, and serve a copy of your answer upon the undersigned attorney for plaintiff, at his office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court. The object of the action is the abatement of substandard, unfit, abandoned building and nuisance property known as 704 East Hartson Avenue, Spokane, Washington, Spokane County Parcel Number 35204.0606, and the appointment of a receiver to the sell the property free and clear of liens and rights of redemption.

Plaintiff City of Spokane's Attorney:
Matthew M. Folsom
Office of the City Attorney
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3326

NOTICE OF INTENT TO AWARD SOLE SOURCE

The City of Spokane intends to establish a sole source contract with **Field Instruments and Controls Inc.** to provide the following:

Endress Hauser Instrumentation. (Controllers, Probes, Parts and Supplies)
For
The City of Spokane Riverside Park Water Reclamation Facility

Companies who believe they can compete for this requirement are required to submit via email a brief statement of their intent to compete. The statement and any other questions regarding this sole source should be directed to: Tanya Lester, Procurement Specialist, at: tlester@spokanecity.org by Wednesday April 3rd, 2024 at 5:00 PM.

The City of Spokane does not guarantee that companies responding to this notice will be rendered a request to tender an offer for this procurement. In addition, the City of Spokane does not guarantee that any solicitation will occur for this procurement, but reserves the right to solicit proposals.

Companies who have not already done so should register at www.mrscrosters.com.

Dated the 13th day of March, 2024

Tanya Lester
Procurement Specialist

Publish: March 20th & 27th, 2024

NOTICE OF INTENT TO AWARD SOLE SOURCE

The City of Spokane intends to establish a sole source contract with **KGS NORTHWEST** to provide the following:

Milliken Valve and Henry Pratt products
For
The City of Spokane Riverside Park Water Reclamation Facility

Companies who believe they can compete for this requirement are required to submit via email a brief statement of their intent to compete. The statement and any other questions regarding this sole source should be directed to: Tanya Lester, Procurement Specialist, at: tlester@spokanecity.org by Wednesday April 3rd, 2024 at 5:00 PM.

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Companies who have not already done so should register at www.mrscrosters.com.

Dated the 13th day of March, 2024

Tanya Lester
Procurement Specialist

Publish: March 20th & 27th, 2024

**CITY OF SPOKANE
NOTICE OF
PROPOSED FRANCHISE ORDINANCE C36500 - SUMMARY**

Franchise to Ziplly Fiber Pacific LLC which is a Washington State Limited Liability Corporation company and has its home office in Kirkland, WA. Ziplly Fiber Pacific LLC is registered as a limited liability company with the Washington State Secretary of State and the WUTC to operate as a competitive telecommunications company in in the State of Washington. Ziplly Fiber Pacific LLC. is seeking a franchise agreement to operate telecommunications operations in City's right of way. The franchise agreement is for a ten (10) year term. For more information call: (509) 431-0458; email: legal@ziplly.com. (The final reading of proposed Ordinance C36500 is anticipated to be held before Spokane City Council on April 15, 2024.)



MERIT SYSTEM RULES
City of Spokane, Washington

As Adopted March 19, 2024

COMMISSIONERS
Judith Gilmore
Craig Hult
Mark Lindsey
Nicole Palmerton
Scott Stephens

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**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 will 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 that can be expected to result from a competent staff of employees. Merit principles of competition and fitness will govern in the procedures for selection, employment, promotion, and retention.

Section 2. APPLICATION:

The Merit System Rules 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, and
- (5) Such other positions as may hereafter be excluded by law or the Commission.

Section 3. MEETINGS:

- (a) All meetings and hearings of the Commission will be conducted in accordance with the Washington State Open Public Meetings Act, Chapter 42.30 RCW. Notice and agenda will be published at least ten (10) days prior to such meeting or hearing. One regular meeting will be held on the third Tuesday of each month at 9:30 a.m. in the City Council Chambers or other location as published in the notice and agenda. A staff briefing may be conducted beginning no earlier than 9:00 a.m. immediately preceding the regular meeting.
- (b) The Commission chair or a majority of the commissioners may call a special meeting at any time.
- (c) Three commissioners will constitute a quorum. A simple majority of the quorum is necessary to take action other than action by the Commission under Rule XII: Investigations and Hearings, which requires at least three affirmative votes.
- (d) A commissioner should 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 will 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 provided, will guide the Commission in its proceedings.

Section 5. STAFF:

The staff of the Commission consists of a Chief Examiner and such assistants and employees as may be required. The Chief Examiner performs such duties and maintains such records as required by the Commission and the City Charter, acts as secretary for the Commission, and keeps minutes of its proceedings. The Chief Examiner directs and empowers staff to act for and in the name of the Commission in the conduct of routine business.

Section 6. EQUAL EMPLOYMENT OPPORTUNITY:

The City of Spokane is an equal opportunity employer. All people who meet the established qualification standards will be considered equally for employment or promotion. No person may 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 has the right to present a complaint against such discriminatory acts in accordance with provisions of the City Charter and the Merit System Rules. The Civil Service Commission must notify the Human Resources Department of any such complaints upon receiving them.

Section 7. RULES:

- (a) The Commission may amend the Merit System Rules only at a regular meeting. Proposed rule amendments must be in writing and filed with the Chief Examiner at least ten (10) days prior to action. Adopted amendments will become effective ten (10) days after publication in the Official Gazette of the City of Spokane.
- (b) A committee composed of an equal number of employee group representatives and management representatives appointed by the Chief Examiner must review all the rules on a periodic basis not to exceed five years. The Rule Review Committee will be representative of the work force. The Chief Examiner must forward rule changes proposed by a majority of the Committee to the Civil Service Commission for consideration.
- (c) At the request of either labor or management, three employee representatives and three management representatives from the Rule Review Committee must meet and review administrative decisions made by the Chief Examiner. This review will be to determine the impact of the decisions on the rules. [Also see Rule XII, Section 3: Internal Review.]

Section 8. PAYROLL CERTIFICATION:

The City may not approve or pay any salary, wage, or compensation for services of any employee in 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 employee has been employed in compliance with the terms of the Charter and the Merit System Rules. The refusal to certify an individual employee will not affect the remainder of the payroll.

Section 9. COLLECTIVE BARGAINING:

The Merit System Rules will defer to appropriately negotiated agreements under Chapter 41.56 RCW: Public Employees' Collective Bargaining.

Section 10. SEVERABILITY:

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

**RULE II:
DEFINITIONS**

Section 1. GENERAL:

The following words and phrases will have the meanings described unless otherwise clearly indicated in the text:

- (1) Applicant. An individual who has submitted an application for appointment to a particular job classification or position during the filing period.
- (2) Appointing officer. A person authorized by the Mayor to appoint subordinates in a department or office.
- (3) Appointive officer. A person exempt from classified service by the provisions of the City Charter.
- (4) Appointment. The placement of a person in a classified position under the Merit System Rules.
- (5) Candidate. An applicant who has been determined to meet the minimum requirements for appointment.
- (6) Certification. Official notification to an appointing officer by the Commission as to which persons are eligible to be considered for appointment to a vacant position. Distinguished from payroll certification.
- (7) Certification, payroll. Verification by the Commission that a classified employee is employed in compliance with the Merit System Rules, without which the employee may not be compensated for services.
- (8) Charter. The Charter for the City of Spokane.
- (9) Civil Service. Collectively, the Commission and its staff.
- (10) Classification. A group of positions similar in duties and responsibilities so that the same class title may be used, the same entrance requirements may be required, and the same pay schedule may be applied.
- (11) Classification plan. The established classifications, the specifications for each classification, and the procedures for maintaining the plan.

- (12) Classification specification. A description of the general characteristics of a classification including duties and minimum requirements from which is determined the minimum competence necessary to perform the job satisfactorily.
- (13) Classified employee. A person filling a classified position whose appointment has been approved by the Commission and who receives paid compensation by the City.
- (14) Classified position. A job within the classified service of the City.
- (15) Classified service. The regular positions, not specifically exempted by the Charter, that fall under the Merit System Rules.
- (16) Commission. The Civil Service Commission for the City of Spokane. As used in these rules, the term Commission includes its staff for all routine administrative matters.
- (17) Days. Calendar days unless indicated. A time period expressed in a number of days is computed by excluding the first day and including the last day.
- (18) Days, working. Standard business days, Monday through Friday excepting federal, state, and City holidays.
- (19) Demotion. The reduction of an employee from a higher classification to a lower classification for purposes of discipline or probationary failure. Note: Prior voluntary demotions were nondisciplinary in nature and are now included as transfers.
- (20) Department. A major and separate administrative segment of City organization, the head of which gains operational authority from the Charter or ordinance and is responsible directly to the Mayor or their designee.
- (21) Discharge. Involuntary termination from City employment.
- (22) Eligible. As a noun, a person whose name appears on a list for employment.
- (23) Eligible list. A list consisting of the names of those who have passed an examination for a classification and who may be considered for appointment to a vacant position.
- (24) Incumbent. Current holder of a position.
- (25) Job description. A detailed listing of the duties, tasks, operations, and responsibilities undertaken and performed by an individual in the execution of a job. Also position description.
- (26) Laid-off list. A list consisting of the names of those who have been involuntarily removed from their positions because of lack of work or funds, deletion of the position, failure to meet the minimum qualifications of the job, or for other good cause unrelated to disciplinary action.
- (27) Leave of absence. Time away from work granted to an employee from other than regularly accrued leave banks.
- (28) Line of progression. A group of classes within the same career field that constitute a primary promotional pattern for an identifiable group of employees. Also classification series.
- (29) Mayor. The elected chief executive officer of the City of Spokane.
- (30) Merit System Rules. The personnel rules codified in this document for the City of Spokane as authorized by the Charter and administered by the Civil Service Commission.
- (31) Minimum requirements. The minimum amounts and types of education, experience, licenses, certifications, or competencies gained from experience necessary to perform the essential tasks and functions of a classification. Also minimum qualifications.
- (32) Open-entry. Relating to examinations open to all those, whether employed by the City or not, who meet the minimum requirements for the job classification.
- (33) Pass over. As a verb, select for appointment a person at a lower rank on the eligible list.
- (34) Pass over, mutual. Selection of someone lower on a promotional eligible list with consent of both the appointing officer and the passed-over eligible.
- (35) Position. A group of duties and responsibilities to be performed by one employee.
- (36) Probationary period. A trial period for an employee in the classified service, during which they may be removed from the position without appeal rights to the Commission.
- (37) Project position. A non-recurring, temporary position created to complete a unique product, service, or result.
- (38) Promotion. Selection of a person to fill a classified position from a promotional eligible list.
- (39) Promotional eligible list. A list of classified employees who have qualified for promotion by examination under the Merit System Rules.
- (40) Reasonable accommodation. Modification or adjustment to a job, a work environment, or a hiring process to enable an individual with a disability to have equal opportunity for appointment to and successful performance of a job.
- (41) Regular time. Time during which an employee is in paid status and performs the typical functions of the job classification.
- (42) Seniority, City. The length of time an employee has worked for the City in classified positions.
- (43) Seniority, classification. The length of time an employee was regularly appointed to and performed the duties of a given classification.
- (44) Seniority, departmental. The length of time an employee has worked for a department in classified positions.
- (45) Temporary/seasonal position. A position outside the classified service that does not normally exceed 960 hours in a 12-month period.
- (46) Transfer. A position change when an examination is not required to move to a different classification, regardless of department, or to a different department, regardless of classification.
- (47) Uniformed position. A position in the lines of progression that start with the Police Officer or Firefighter job classifications.
- (48) Writing and written. Non-oral documentation in physical or electronic format that is capable of being reproduced.

RULE III: CLASSIFICATION

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

Section 1. GENERAL:

The Commission must 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 will be assigned to a classification, and no appointment to any such classification may be made except as provided by the Merit System Rules.

Section 2. CLASSIFICATION PLAN:

- (a) The classification plan groups all positions in the classified service into classifications based on their duties, responsibilities, and levels of work. The classification plan will establish broad career fields and lines of progression from lower to higher classifications in all cases where the duties and responsibilities of the lower classes tend to qualify for service in the higher.
- (b) Classification titles will be descriptive of the duties and responsibilities of the assigned positions, consistent with other titles in the plan, and the same for all departments requiring the same service. Classification titles will be used in all official communications, payrolls, and records of the City. The use of unofficial job titles is allowed and will have no bearing on the official classification of any position or employee.
- (c) Generally, each classification will be reviewed by Civil Service every two years. At minimum during a classification review, management and labor will have the opportunity to review the minimum qualifications and suggest changes to Civil Service. Proposed changes will be submitted by Civil Service to the other party for review. Should labor and management agree with the proposed changes, Civil Service must make such changes and report them to the Commission. If labor and management cannot come to an agreement, the recommendations of each party will be submitted to the Commission for its review, and the decision of the Commission will be adopted.
- (d) When the qualifications of a classification are adjusted upward, all incumbents of that classification will be deemed to possess such qualifications for the purpose of retaining their positions, and such adjustment may not affect their present status; however, the incumbents may not be admitted to examination to any higher classified position for which they do not qualify.

Section 3. NEW POSITIONS:

- (a) Whenever a new position is to be created in the classified service, the department head must supply the Commission with a statement of the general duties, responsibilities, and other matters affecting the character of such position. The Commission must investigate the proposed position and advise as to its correct classification title. Should the new position require the creation of a new classification specification, Civil Service staff will develop the class specification and seek concurrence from management and the appropriate bargaining unit that the specification accurately describes the new position. The new specification will be presented to the Commission for adoption, providing that if labor and management cannot come to an agreement, the recommendations of each party will be submitted to the Commission for its review, and the decision of the Commission will be adopted.
- (b) Any established agency, program, or individual position that subsequently comes under control and direction of the City government and is funded through the regular City budget process will be absorbed into the classified service in the following manner: The parent department, or the Mayor if there is no existing department, must provide to the Commission a statement outlining how the agency, program, or position became part of City government. The statement must identify all existing or proposed positions. Upon approval by the Commission, Civil Service staff must identify and classify those positions. Incumbent employees who are not otherwise covered by a superseding law, agreement, or regulation will be given a qualifying exam to determine their fitness for their positions. Unsuccessful examinees must be terminated as soon as a regular eligible list is certified.
- (c) Temporary/seasonal and non-recurring project positions as identified by the hiring official and approved by the Commission will be exempted from the classified service.
 - (1) Project positions must have a duration of six to twenty-four (24) months and be approved by the Commission before they are filled.
 - (2) Seasonal positions that last beyond one year's duration and project positions that last beyond two years' duration will be recognized as indefinite and subject to the Merit System hiring procedures.
- (d) Grant and special revenue programs will be administered in conformance with their conditions. Positions under those programs may be identified by the recipient department, with approval by the Commission, as seasonal, project, or indefinite. Positions in these programs should be filled through Merit System processes, using existing eligible lists for comparable job classifications.

Section 4. RECLASSIFICATION:

- (a) When the duties and responsibilities of an existing position change permanently and substantially so that the preponderance of duties is no longer representative of the current classification, the department head must submit a reclassification request to the Chief Examiner. Civil Service staff must investigate the proposed reclassification and advise as to the correct classification, following the process in Section 3 (a) to develop a new classification if necessary. In all cases, the appointing officer has the option of changing, refining, or limiting the duties performed by the position in question to coincide with those of the current classification.
- (b) An appointing officer or incumbent employee who disagrees with an assigned classification may file an administrative complaint in accordance with Rule XII: Investigations and Hearings. The complaining party has the burden of showing that the Civil Service determination is incorrect.
- (c) When a reclassification results in an upgrade of the position, an incumbent who meets the new minimum requirements will be allowed to take the current examination for the new classification prior to certification or appointment. If the incumbent passes the exam, the incumbent may be placed into the reclassified position subject to the following conditions:
 - (1) If the incumbent has been doing the work of the higher classification for at least one year, and it can be shown to the satisfaction of the Commission that the higher-level work was not intentionally assigned to the incumbent, the incumbent's name must be certified for the position. Out-of-grade assignments or other additional compensation to the incumbent will be taken as evidence that the work was intentionally assigned.
 - (2) If the incumbent has not been doing the work of the higher classification for at least one year, or if the higher-level work was assigned to the incumbent, the incumbent must compete for the position on the same basis as other applicants.
- (d) When a reclassification results in a downgrade of the position, the affected employee will be notified of the reclassification action. The employee may accept a transfer to the reclassified position or have thirty (30) days to request a transfer in their present classification. Upon requesting transfer in their present class, the affected employee must accept transfer to the first offered position, at which time the reclassification of their former position will be implemented. In the event of failure to request transfer, failure to accept transfer to the first offered position, or no position becoming available within one (1) year of notification, the reclassification will be implemented, and the incumbent must be transferred to the downgraded position. Transfers to a different classification as specified in this subsection will entitle the employee to be placed on the laid-off list for the formerly held classification.
- (e) The probation period of an employee subject to a reclassification will be determined by the type of list from which they were certified and appointed.
- (f) No employee may receive more than one upgrade within a department through the reclassification process without approval of the Civil Service Commission.

Section 5. JOB SURVEYS:

When the proper classification of a specific position is unclear or in dispute, a department head, employee, or authorized employee representative may request that a job survey be conducted, or the Commission on its own may direct that a survey be conducted. Prior to initiation of the survey, the Commission must notify the appointing officer, department head, Human Resources Director, incumbent employee, and the appropriate bargaining unit. 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 will be reclassified by order of the Commission in accordance with Section 4, subject to budget approval by the City Council.

Section 6. CHANGE OF STATUS:

Any change in employment that affects the status of an employee must be reported to the Commission by the appointing officer through the Human Resources Director. 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 must provide for free and competitive examinations open to all those who meet the eligibility requirements for all positions within the classified service. The Commission must provide notice of such examination, general qualifications for applicants, practical tests, and creation of eligible lists. Examinations must be held as required and at such time and place as designated by the Commission.

Section 2. NOTICE:

Notice of examinations must be published in at least one issue of the Official Gazette, posted in the office of the Commission and City departments, and given such other publicity as deemed necessary. Examination notices must contain any minimum requirements established for the positions by the Commission and the dates and character of the examinations. Notices must fix the periods in which applications will be received.

Section 3. FILING:

- (a) An applicant must file an application under oath upon a form provided by the Commission. The application must be filed before expiration of the filing period and show that the applicant meets the minimum requirements as stated in the examination notice.
- (b) Applications requiring clarification will be returned to the applicant to provide necessary supplemental information before a deadline set by the Chief Examiner.
- (c) Civil Service staff must notify a qualified applicant of the date, time, and place of their examination. Applicants must verify their identities in a satisfactory manner at the time of examination.

Section 4. QUALIFICATIONS AND ELIGIBILITY:

- (a) Every applicant must affirm, in a manner satisfactory to the Commission, that they are able to perform the essential functions of the position to which appointment is sought, with or without reasonable accommodation.
- (b) The Commission may refuse to examine an applicant or to certify an eligible after examination, and the Commission may remove the applicant's name from an eligible list for any of the following reasons:
 - (1) Prior dismissal from City employment for cause as set forth in Rule IX Section 3.
 - (2) Inability to perform the essential functions of the job, with or without reasonable accommodation.
 - (3) Intentional false statement in any material fact, or deception or fraud in securing examination, certification, or appointment.
 - (4) Failure to meet the minimum requirements as contained in the examination notice.
 - (5) Any cheating on examinations or other willful violation of the provisions of this rule.
 - (6) Debarment due to a police agency disqualifier within the last twelve (12) months.
- (c) An applicant who fails to attain a passing score in two consecutive examinations for the same classification may not be accepted for examination in that classification for six months after the last examination.

Section 5. CHARACTER OF EXAMINATIONS:

- (a) Examinations must be practical and relate only to those matters that fairly test the relative capacity of the persons examined to perform the duties of the classification to which they seek to be appointed. No portion of an examination pertaining to an individual's inclusion in any protected class recognized by state or federal law or City policy may be allowed unless a bona fide occupational qualification has been identified.
- (b) Each examination will consist of one or more parts to which the Chief Examiner must assign weights prior to the examination representing the relative value of each part to the whole. The parts of the examination and the relative weight assigned to each part must be included in the examination notice. In determining the types of examinations to be used, due regard will be taken of the number of candidates and of the number of vacancies that are expected to occur during the life of the eligible list.
 - (1) The Chief Examiner may change the parts or weights of the announced examination at any time before the first part of an examination is held, provided that such changes must have the concurrence of management and the appropriate bargaining unit. Civil Service must notify the candidates of such changes prior to administration of the examination.
- (c) Appropriate scientific techniques and procedures will be used to rate the results of examinations and determine the final scores of the candidates. All applicants for the same examination will be accorded uniform and equal treatment in all phases of the examination and rating procedure unless reasonable accommodations have been requested and granted.
- (d) Examination content will be related to the specific classification and based on the approved classification specification. A subject matter committee must review the examination for its applicability to the classification before administration of the exam. The committee will comprise at least one Civil Service employee, one subject matter expert selected by the appropriate bargaining unit, and one subject matter expert selected by management. Labor and management may agree to use the same subject matter expert. Either the labor or management representative may strike content from the exam, and the exam will be revised accordingly.

Section 6. CONDUCT OF EXAMINATIONS:

- (a) No limitations may be made as to the number of applicants to be received for examination.
- (b) The Commission may limit the number of applicants to be examined at any one time or during any one session; when practicable, however, all examinees will be examined at the same time.

- (c) An examinee who attempts to cheat or copy from a competitor will be ineligible for that examination and considered as having failed.
- (d) Any necessary explanations will be made to all examinees equally. Examiners, proctors, and others who assist in test administration are forbidden to explain the meaning of any written question furnished to the examinees or to make remarks or suggestions that may assist in its solution.
- (e) An examinee who withdraws from an examination after receiving either a copy of the questions or an explanation of the test to be conducted will be considered as having failed.
- (f) Civil Service must maintain records of the results of any test administered.

Section 7. TYPES OF TESTS:

Examinations may consist of one or more of the following types of tests, but examinations are not limited solely to those listed. Any appropriate method of testing may be used that conforms to the general merit principles governing other tests.

- (1) **WRITTEN:** A written test is any test that evaluates knowledge, skills, abilities, and other characteristics required for job performance using written questions, including multiple-choice, short answer, or essay items.
 - (A) 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.
 - (B) No examinee may be permitted to leave the room during the examination except in the case of urgent necessity and notice to an examiner, and then only when accompanied by an examiner, or during a general break as scheduled by the examiner. The prohibition against conversation or communication will remain in force during such breaks.
 - (C) Multiple-choice questions that call for a factual answer will be constructed so there is only one correct response. Any such question that is found to have more than one correct response will be eliminated from the exam.
- (2) **TRAINING AND EXPERIENCE EVALUATION:** This type of test poses questions to applicants and requires a narrative reply and other information to indicate specific accomplishments in work experience, education, and training relevant to the job classification.
- (3) **PERFORMANCE:** A performance test requires applicants to demonstrate their capabilities through the performance of job-related tasks under standardized conditions.
 - (A) The test may be explained to the examinees as a group, or each examinee may be given a written description or diagram of the task to be performed prior to commencement.
 - (B) 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, any conversation or communication between or among examinees concerning the tasks to be performed is strictly prohibited.
- (4) **ORAL BOARD:** This type of test consists of a set of standard questions presented to the examinees in writing or verbally. The examinees are required to respond orally. An oral test is normally used to evaluate knowledge and abilities not easily tested by other means. One basic set of questions will be 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.

Section 8. EVALUATORS:

- (a) Evaluator panels for performance tests and oral boards must consist of at least two people who are knowledgeable in the fields or subjects being tested. Labor and management will be given an opportunity to recommend prospective evaluators, but the Chief Examiner's decision on the evaluators will be final.
- (b) The names of candidates may be used in examinations unless a candidate objects in advance of the examination.
- (c) Civil Service must prepare the exam evaluation form that includes the items to be rated. Each member of the evaluator panel must enter on a copy of the form, separately and independently of each other, their evaluation of the examinee. The separate evaluations will then be totaled and averaged to obtain the final score.
- (d) Whenever practicable, the same evaluator should not be used for successive examinations of the same classification.

Section 9. VETERANS SCORING CRITERIA:

Veterans will be given additional credit in accordance with state law. Applicants seeking veterans scoring criteria status must provide proof of veteran status on or before the test date. Credit will be given only after the applicant has attained a passing rating in the examination procedure.

Section 10. SCORING:

Civil Service must mark and score examination materials without unnecessary delay. As soon as the scoring is completed, candidates will be notified whether they passed or failed and of their positions on the eligible list.

Section 11. REVIEW OF EXAMINATION MATERIALS:

All examination materials remain the property of the Commission and will be retained in its files. The answer key or other documents may not be made available for review except as provided in Rule VI: Promotions, Section 6.

Section 12. POSTPONEMENT OF EXAMINATION:

The Commission may postpone examinations whenever it may appear by reason of the small number of applicants that an examination has not been given sufficient publicity, or for other good and sufficient cause. All applicants who have been accepted for the examination will be immediately notified of the postponement and of the new date and time at which they are to appear for the examination.

Section 13. CONTINUOUS EXAMINATIONS:

- (a) Examinations for classifications in which there is a shortage of qualified applicants, or for which management, labor, and the Chief Examiner agree that continuous examinations are in the best interest of the City, may be administered as applications are received.
- (b) 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 score of a candidate who repeats any part of an examination will be based on the latest test results.
- (c) An examination that is issued to supplement an active eligible list that is at least six months old and fifty percent exhausted will be treated as a continuous examination under this section.
- (d) Open-entry examinations tested in accordance with this section will have results merged into one eligible list according to the final ratings if all parts are identical between the prior and current examinations. Candidates merged into a new eligible list will have eligibility expiring in accordance with their original dates of eligibility.

Section 14. ELIGIBLE LISTS:

- (a) Candidates whose performance on the examination meets or exceeds the established minimum passing criteria will be enrolled upon the eligible list in order of their general average standing.
 - (1) On open-entry eligible lists, candidates earning the same score will have the same rank.
 - (2) On nonuniformed promotional eligible lists, two or more candidates with the same score will have their ranks on the eligible list determined first by their classification seniority, then by their departmental seniority and their City seniority in that order.
 - (3) On uniformed promotional eligible lists, two or more candidates with the same score will have their ranks on the eligible list determined first by their departmental seniority, then by their City seniority and their classification seniority in that order.
- (b) There is no limit to the number of eligible lists on which an individual's name may appear at any one time.
- (c) Open-entry eligible lists will be effective from the date of their approval by the Commission for one year. Promotional eligible lists will be effective from the date of their approval for two years.
- (d) When a new eligible list has been established, any names remaining on unexpired or exhausted lists for that classification will be placed at the top of the new list, with eligibility of these names expiring in accordance with their original dates of eligibility.
- (e) The Commission may on its own initiative declare a promotional eligible list void at any time after it has been in effect for one year.
- (f) Labor and management may jointly submit a request to void an eligible list before it has been in effect for one year. The Commission may declare the list void after a hearing on the request.
- (g) The Commission may extend the life of an eligible list for up to ninety (90) days beyond its original expiration date.

Section 15. TRAINEE/APPRENTICE POSITIONS:

- (a) The City may, upon approval of the Commission, establish in-service training or apprentice positions. Merit principles will be followed in determining appointees who will then be given the status of provisional appointments.
- (b) Training positions normally are of short duration and used to train persons to perform entry-level jobs.
- (c) 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.
- (d) Prior to or upon completion of the appropriate program, the enrolled person must take the open-entry examination for the position concerned. If the trainee or apprentice passes the examination and successfully completes the program, the eligible's name will be carried at the top of the appropriate open eligible list until regular appointment is made or the eligible is removed as provided in Section 16.

Section 16. REMOVAL FROM ELIGIBLE LIST:

Civil Service must remove the name of an eligible from the list and provide appropriate notice to the eligible whenever possible if the eligible has:

- (1) Been appointed to a position in the classification for that list.
- (2) Been certified and passed over a total of three times, for a classification confined to one department.
- (3) Been certified and passed over a total of three times by at least two different departments, for a classification used in multiple departments.
 - (A) Civil Service must certify an additional name in place of an eligible who has been passed over three times by only the requesting department.
- (4) Failed to respond to a notice of interview or appointment.
 - (A) The Commission may reinstate the candidate upon the eligible list if the candidate presents satisfactory reasons for such failure to respond within thirty (30) days.
- (5) Failed to notify the Civil Service Commission of a change in name, address, or telephone number.
- (6) Failed to accept appointment or promotion without notification to the Civil Service Commission of good cause for such failure or refusal.
- (7) Requested removal from an eligible list to the Civil Service Commission.
- (8) Declined an interview.
- (9) Been debarred from employment in the Police Department due to an agency disqualifier as previously approved by the Commission or other good cause shown by the appointing authority. Removals for such disqualifiers are confined to classifications limited to the Police Department.

**RULE V:
CERTIFICATION AND SELECTION**

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

Section 1. GENERAL:

Vacancies in the classified service will be filled by the requisition, certification, and selection processes as provided in these rules.

Section 2. REQUISITION:

The appointing officer must transmit a requisition to the Commission in a format approved by the Commission whenever a classified position is to be filled. A separate personnel requisition will be required for each classified position to be filled.

Section 3. CERTIFICATION:

Upon receipt of a requisition, the Commission must ascertain the availability of eligibles on the appropriate classification lists. The Commission must certify the names and contact information of eligibles to the appointing officer:

FIRST: From the laid-off list, the highest eligible laid off from that department. [See Rule X, Section 5.]

SECOND: From the laid-off list, the highest eligible laid off from any other department.

THIRD: From the promotional list,

- (1) The highest eligible for a uniformed position, or
- (2) The three highest eligibles overall and the three highest eligibles from that department for a non-uniformed position.
- (3) Certifications from promotional lists will include eligibles who are on an approved leave of absence. [See Section 7.]

FOURTH: From the open-entry list,

- (1) the fifteen (15) highest eligibles, or
- (2) when multiple requisitions are received concurrently for the Firefighter classification, the fifteen (15) highest eligibles plus the four next highest eligibles for each requisition beyond the first.
- (3) If fewer than ten names remain on an open-entry eligible list, only the remaining names will be certified. The appointing officer may reject such certification, in which case the Commission must declare the list exhausted. Another examination must then be held. [See Rule IV, Section 14 (d).]

FIFTH: From the transfer list, the names of those interested in transferring to the hiring department will be certified in addition to those certified in SECOND through FOURTH above.

Section 4. SELECTIVE CERTIFICATION.

An appointing officer may inform the Chief Examiner in writing that a vacant open-entry position requires, in addition to the classification minimum qualifications, special job-related knowledge, skills, abilities, licenses, or certifications unique

to performing the essential functions of the vacant position. If the Chief Examiner considers the written justification to be satisfactory, and the bargaining unit agrees, the Chief Examiner may limit examination to, and must certify only the names of those on the eligible list who possess the particular qualities.

Section 5. ACTION BY APPOINTING OFFICER:

- (a) The appointing officer must interview and consider all certified eligibles ranked equal to or higher than the person to be appointed. The appointing officer may within twenty (20) working days select one of the eligibles and notify the Commission on the provided form.
- (b) If the appointing officer does not select an eligible within twenty (20) working days of receipt of the certification, the Commission may withdraw certification, in which case the position will remain vacant until the appointing officer again requests certification.
- (c) An appointing officer may submit a written statement to the Chief Examiner requesting removal of one or more eligible candidates from a certification. The Chief Examiner must consider reasons presented and may authorize the certification of additional names. Any cause contained in Rule IV: Examinations and Eligible Lists, Section 4 or Section 16, may be deemed sufficient reason for removal. The Chief Examiner may also remove candidates for other reasons that could constitute cause for disciplining an employee as provided in Rule IX: Disciplinary Actions, Section 3. An eligible candidate and appropriate bargaining unit must be notified when the candidate has been removed from a certification under this subsection, and they may request restoration to the eligible list if Rule IV, Section 16 (4)(A), applies.

Section 6. PROMOTIONAL PASS OVER:

- (a) The appointing officer must have reasonable cause to pass over a promotional eligible. Reasonable cause for passing over a promotional eligible must be nondiscriminatory, may not be motivated by non-work-related preference for or against any person, and may include the following:
 - (1) An eligible's documented substandard work performance, or
 - (2) An eligible's documented prior disciplinary problems, or
 - (3) Mutual pass over.
- (b) Documentation must be contained in an employee's Civil Service file to be considered as reasonable cause. Properly and timely executed performance evaluations may be used to document reasonable cause.
- (c) The appointing officer may use Civil Service employee files to review employee performance. No letter of suspension older than three (3) years or letter of reprimand older than two (2) years may be considered as a basis for a promotional pass over. Counseling forms may not be considered.
- (d) Except as specified in disciplinary paperwork, no employee may be passed over for promotion more than once for the same action under (a) (2) above.
- (e) The appointing officer may select from the overall promotional certification or the departmental certification without passing over anyone on the other certification. The appointing officer may select the top name from either certification without passing over anyone on the same promotional list.
- (f) A passed over promotional eligible has the right to present a claim before the Commission. The Chief Examiner must without delay notify a passed over eligible and bargaining unit in writing. The passed over eligible must file their claim with the Chief Examiner within five (5) working days from the date of the notification. The claim will be handled as described in Rule XII: Investigations and Hearings, Section 2 (b) and elsewhere.

Section 7. SELECTION DURING LEAVES OF ABSENCE:

- (a) The appointing officer may select a current City employee from a certification who is on an approved leave of absence. An employee so selected must, upon return to active duty, be appointed to the selected position after showing that the established minimum qualifications are still met.
- (b) The appointing officer may request a new certification to fill the position on a temporary basis under Section 15 while the leave of absence is in effect.
 - (1) If an employee is holding a temporary appointment when the Commission receives the next requisition for the same classification and in the same department, then that employee will be awarded a regular appointment, and time served in the temporary appointment will be credited towards the probation period.
 - (2) A temporary appointee must be returned to the permanent classification held and rank on the eligible list once the absent selectee returns to duty and receives their appointment. Such time served may not confer Civil Service status or seniority in the temporary position.
- (c) The standing on an eligible list of an employee on an approved leave of absence may not be jeopardized, and the employee will retain their proper position during the life of the list, regardless of the number of certifications made.

Section 8. SELECTION OF SENIOR ADMINISTRATIVE ASSISTANTS:

- (a) The Commission must approve and maintain a list of classifications to be designated as senior administrative assistants that are identified by title and duties as being:
 - (1) the principal assistant or deputy, or confidential assistant, to an appointive office, or

- (2) the principal administrative officer of a major function within a department, reporting and responsible directly to an appointive office; and, as a matter of practice and policy, directly involved in establishing basic policy and controlling the administrative affairs of a major unit.
- (b) The certification and selection procedures outlined in this section supersede contradictory procedures provided elsewhere in the Merit System Rules.
- (c) The appointment preference of Rule X: Layoff Actions, Section 5, does not apply to eligibles certified under Section 3, SECOND.
- (d) Instead of the certification rules in Section 3, THIRD and FOURTH, all candidates who pass the examination will be certified for the vacancy together in the order of their final scores and without regard to promotion preference. The names of employees on the transfer list may be considered in addition to those on the ranked list.
- (e) The appointing officer must consider each eligible ranked equal to or higher than the person to be appointed and may select the one thought best qualified for the position.
- (f) Eligibles who are not selected may not be considered as passed over during the life of the list.

Section 9. LAID-OFF LIST FROM HIRING DEPARTMENT:

When an eligible is certified from Section 3, FIRST, the appointing officer may not have choice in the selection. The person so certified must be appointed within twenty (20) working days. If for good and sufficient reason, the appointment is not made within twenty (20) working days, the appointing officer must notify the Commission in writing and provide the reasons. The Commission must withdraw the certification, and the position will remain vacant and may not be filled until the appointing officer again requests certification.

Section 10. NOTICE OF APPOINTMENT:

Upon receipt of the notice of selection, Civil Service staff must verify that the Merit System Rules were followed in the selection, notify those passed over or removed from eligible lists, notify those not selected for senior administrative assistant positions, provide any other required notifications, and forward the notice to the Human Resources Department for processing.

Section 11. WAIVER OF CERTIFICATION:

An eligible candidate may request waiver of certification from the Chief Examiner for reasons that would physically prevent them from reporting, such as illness of self or family, or absence from the city. A request must state the length of time the waiver is to be effective. The Chief Examiner's decision as to whether the certification can be waived will be final in all cases.

Section 12. FAILURE TO RESPOND:

- (a) Any eligible who fails to respond within four (4) 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 will be removed from the eligible list.
- (b) The eligible may be reinstated in proper order upon the eligible list if, within thirty (30) 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 has been filled because of failure to respond, the reinstated eligible will be returned to the eligible list in the proper order according to the final rating as it is then constituted.

Section 13. EXCEPTED SCHEDULES:

- (a) The Commission may authorize departments to make appointments 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. Such positions are excepted from the competitive examination requirements provided elsewhere in the Merit System Rules.
- (b) 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.
 - (1) Civil Service must maintain eligible lists for the designated classifications.
 - (2) To qualify for the supported employment exception, the disability must be a physical or intellectual impairment that substantially limits one or more major life activities and would make participation in a competitive examination process impracticable. 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.
 - (3) Candidates must submit proof of disability and certification of job readiness to aid in the determination of their likelihood to succeed in the position. Documentation must be issued from a licensed medical professional, a licensed vocational rehabilitation specialist, or any agency that issues or provides disability benefits.
 - (4) Applicants must submit their documentation and meet the minimum requirements for the classification to be certified as eligible for appointment.

- (5) The supported employment eligible list is equivalent to the transfer list for certification purposes.
- (6) The Human Resources Director may recommend certified eligibles with a disability for consideration by the appointing authority. Such recommendations must 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.
- (7) Appointment under the supported employment exception is considered open-entry.

Section 14. PROVISIONAL APPOINTMENT:

- (a) Upon receipt of a requisition to fill a vacancy for which no eligible list exists, the Commission may authorize the appointing officer to make a provisional appointment pending examination.
- (b) Provisional appointments will be made first from incumbents in the normal line of progression who meet the requirements of the vacant position. If no incumbents are available in those classifications, then any classified employee who meets the requirements of the vacant position may be appointed.
- (c) Provisional appointees may compete in examination on the same basis as any other applicants and enjoy the same status as regular employees except for right of seniority and probation.
- (d) A provisional appointment may be terminated by the appointing official at any time with notification to the Commission.
- (e) Provisional appointments are limited to six months unless otherwise ordered by the Commission, and the position will be filled by regular appointment as soon as an eligible list is established for the classification.
- (f) If a provisional appointee does not receive a regular appointment to the position, then the appointee will be returned to their former position. Time served as a provisional appointee will be credited towards seniority in the classification to which returned.

Section 15. TEMPORARY APPOINTMENT:

- (a) An appointing officer may use an eligible list to fill a position for temporary or emergency services, or during an approved leave of absence of an employee who will return to the service of the City.
- (b) The appointing officer must inform the Commission of the duration of temporary appointment, the rate of compensation, the authority for employing such temporary service, and other conditions of employment.
- (c) The appointing officer may select one of the first fifteen persons on the appropriate eligible list who, after due notice of conditions, is willing to accept appointment.
- (d) The appointed eligible will remain on the eligible list and retain all rights to certification for a permanent position as though no temporary appointment had been given.
- (e) If the appointed eligible was the highest on the list who was willing to accept the temporary appointment, then they may be regularly appointed to the position if it becomes permanent during the period of their appointment. Such appointment may be made without further consideration of the higher eligibles who were willing to accept permanent appointment. The Commission must give approval before the temporary appointment becomes permanent, and the appointing officer must show to the satisfaction of the Commission that the appointing officer or department did not know the position would become permanent at the time the temporary appointment was made, and that the eligible list from which the temporary appointment was made is the most appropriate eligible list for the permanent position.
- (f) A temporary appointment may not exceed thirty (30) days except as otherwise approved in writing by the Commission. Such approval must be given prior to the end of the current appointment period, and each extension may not exceed thirty (30) days. Multiple extensions may be granted.

Section 16. STATUS OF EMPLOYEES:

- (a) The appointing officer must indicate the type of selection on the requisition form, inform the eligible, and send the requisition to Civil Service. Civil Service staff must review all appointments for conformance to the Merit System Rules prior to the effective date of appointment, except that temporary appointments under emergency conditions do not require prior approval.
- (b) Civil Service staff must provide current employees who are selected with follow-up notification of the type of selection action.
- (c) Provisional or temporary appointments may not confer Civil Service status upon the appointee, or any privilege of promotion or transfer to any other position in the classified service.

RULE VI: PROMOTION

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

Section 1. GENERAL:

- (a) The rules governing promotions are the same as for open-entry examinations and appointments, except as provided in this rule.

- (b) Unless vacancies are filled from the laid-off list or by transfer, they must be filled by the promotion of classified employees if a promotional eligible list is in effect.
- (c) Promotion must be accomplished by means of a competitive examination. Promotions are open to employees from any department, except into classifications with essential knowledge, skills, or abilities that can only be gained from lower job classes within a specific department.

Section 2. RECRUITMENT:

The notice of examination must include the promotional requirements when any classified employees might meet the minimum requirements for promotion. The Commission may conduct simultaneous open and promotional examinations, certifying the lists in the order provided by Rule V: Certification and Selection.

Section 3. ELIGIBILITY:

- (a) Classified employees may qualify for promotion to job classes at any rate of pay.
- (b) An employee must meet the minimum requirements as stated in the examination announcement by the date of the examination to enter an exam for or receive promotion.
- (c) Within the line of progression, if an employee who has passed their original entrance probation meets either the open or promotional requirements, that employee, on passing the exam, will be placed on the promotional list.
- (d) Only current classified employees and former classified employees who are on laid-off lists or have been approved for reinstatement under Rule XI: Resignation, Retirement, Leave of Absence may be eligible for promotion. An employee who otherwise leaves the classified service will immediately be removed from all promotional eligible lists.

Section 4. EXAMINATIONS:

- (a) Promotional applicants 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 the security and integrity of the examination process can be assured. The applicant must request such consideration at the time of application or hospitalization. The Chief Examiner's decision as to whether a separate examination can be conducted will be final in all cases.
- (b) The content of a promotional examination will be reviewed periodically to ensure that it is not substantially the same as the exam used in the most recent recruitment and examination period for that classification, except that an exam may be reissued if no eligible candidates from the most recent exam are accepted to take the new exam.

Section 5. PROTESTS:

- (a) Promotional examinations will be immediately followed, prior to the candidate leaving the exam room, by a period during which candidates may write protests on examination content perceived to be defective.
- (b) The subject matter committee that conducted the pre-test review must review all protests as well as all multiple-choice test items missed by 80 percent or more of the candidates; however, questions missed by 80 percent of the candidates will not be automatically reviewed unless there are ten or more candidates taking the examination.
- (c) Neither the committee nor the Commission may consider any protests against the format or subject matter of an examination, or against the judgment or expertise of the evaluators.
- (d) Examination content found by the committee to be incorrect, unfair, misleading, or in the nature of a trick question will be rekeyed or eliminated as appropriate, subject to approval by the Chief Examiner. The final scores will be determined from the remainder of the examination.

Section 6. REVIEW OF ANSWER SHEETS:

For three (3) working days following scoring and notification, the examinees may compare their multiple-choice exam answers with the correctly keyed answers to determine clerical errors. Summary score sheets from other examination types may be provided to examinees for verification of scoring calculations. Civil Service may not release or discuss the detailed scoring criteria with candidates or examinees.

Section 7. ELIGIBLE LISTS:

A promotional eligible list containing at least one name constitutes a valid list and may be certified.

RULE VII: PROBATION

Reference: Charter, Section 53 (f).

Section 1. GENERAL:

The Commission must establish probationary periods as the final step in the selection process for all open-entry and promotional appointments in the classified service. The purpose of the probationary period is to provide supervisors the opportunity to train and assess the performance of the employees before the employees acquire permanent status in their positions.

Section 2. PROBATIONARY PERIODS:

- (a) The probationary period may not exceed one year of regular time worked from the date of appointment for open-entry appointments unless required by superseding law or agreement.
- (b) The probationary period may not exceed six months from the date of appointment unless required by superseding law or agreement for promotional appointments, employees hired from the laid-off list more than three years from the effective date of layoff, and employees hired from the laid-off list in a department other than that from which they were laid off.
- (c) Probationary periods from different actions may be served concurrently, except that time served during a failed promotional probation will not count toward an employee's original open-entry probation.
- (d) An employee who is on probation at the time of transfer must serve the remainder of their probationary period.

Section 3. PROBATION EXTENSIONS:

A probationary period may be extended when injury or other reasonable cause prevents the full and fair evaluation of an employee. Extensions may not exceed the length of time the probationary employee was unable to perform the regular duties of the position. The department head must request an extension in writing to the Chief Examiner no later than ten (10) working days after the scheduled end of the probationary period. The request must identify the periods of absence and the reasons for the request. The Chief Examiner may approve or deny the request. If approved, the bargaining unit will be notified, and all applicable personnel records will be annotated and adjusted accordingly.

Section 4. PROBATION FAILURE:

- (a) The appointing officer may remove a probationary employee at any time during the probationary period.
- (b) An employee who fails open-entry probation will be terminated from the classified service, except that when the employee vacated a classified position to accept the open-entry appointment:
 - (1) the employee may opt to return to the former position under Rule VIII: Transfers, Section 3 (b), within thirty (30) days of the new appointment, or
 - (2) If (1) does not apply, the employee will be laid off from the previously held classification.
- (c) An employee who fails promotional probation will be returned to the former position held, provided that the return may not displace any employee with greater classification seniority. If no such position exists, the employee will be laid off from the previously held classification.
- (d) The appointing officer or Human Resources must notify the Commission, the employee, and the bargaining unit in writing of any probationary failures. Failure to notify the Commission before the end of the probationary period, or failure to request extension within the time limit, will make the appointment permanent.

Section 5. PROBATION APPEALS NOT ALLOWED:

An employee who fails probation is not entitled to appeal rights before the Commission.

RULE VIII: TRANSFERS

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

Section 1. GENERAL:

A classified employee, upon their own initiative, may request transfers to classified positions of an equal or lower maximum salary rate. Transfers are subject to approval by the Commission and must have the consent of the employee. The permissibility of such requests and the procedures to be followed are established in this rule.

Section 2. TRANSFER REQUESTS:

Employees must submit their transfer requests in writing, and the Commission must maintain a list of approved transfer requests. An employee will be placed on the transfer list upon request if the following conditions are met:

- (1) The maximum salary rate for the requested position is equal to or less than that of the current position.
- (2) The employee meets the minimum requirements for the position, except when the employee is requesting transfer in lieu of layoff as outlined in Rule X: Layoff Actions, Section 3 (c).
- (3) The employee is not requesting a transfer to the same job class within their current department only. Intradepartmental position movement within the same classification is not guided by these rules.

Section 3. ACTIONS:

- (a) The Commission must certify the transfer list to fill vacancies according to Rule V: Certification and Selection, Section 3.
- (b) An employee who accepts a transfer to a new position will have a trial period of thirty (30) days. During that period, both the employee and the appointing officer may return the employee without cause to the formerly held position. After the trial period, the employee will be permanently separated from the formerly held position without prejudice to the employee's future status.
- (c) A transfer may not displace a classified employee except at the time of layoff as outlined in Rule X, Section 3.

Section 4. SENIORITY:

- (a) Employees who transfer to a position at the same maximum salary rate will be given classification seniority credit only for previous service in the new classification.
- (b) Employees who transfer to a position at a lower maximum salary rate will be given classification seniority credit for previous service in both the previous and new classifications.
- (c) Departmental seniority after transfer will be credited only for previous service in the new department.
- (d) Classification and departmental seniority for promotional purposes will not be affected and will be retained in the Civil Service employee records.

**RULE IX:
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. The Human Resources Director must immediately file notice of such disciplinary action, including a full statement of the reasons, with the Commission and serve a copy upon the employee to include notice of appeal rights. No employee may be disciplined twice for the same act.

Section 2. CONDITIONS:

Employees may be suspended, demoted, or discharged for cause as provided in Section 3 and under the following conditions:

- (1) An employee may be suspended with loss of salary for no more than sixty (60) days.
- (2) An employee may be demoted with loss of all prior rights to the higher classification.
 - (A) The Human Resources Director must file with the Commission a notice of such demotion together with a statement detailing the causes and stating time, place, and circumstances. The Director must also serve a copy of the notice upon the employee.
 - (B) The demotion may not displace any other classified employee unless the demoted employee has more classification seniority in the class to which demoted, and the displaced employee can be retained in the next lower classification or the class from which most recently appointed without any further displacement.
 - (C) The results of the action must be confined to the department of the demoted employee.
 - (D) If the conditions in (B) and (C) above cannot be satisfied, the demoted employee will be placed on the laid-off list for the classification to which demoted.
- (3) An employee may be permanently discharged from the classified service.

Section 3. CAUSE:

- (a) Merit principles of employment will be the primary consideration in any disciplinary action. Employees may be disciplined only for actions that 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.

- (b) The following actions are inconsistent with the principles of merit and may be considered as cause for suspension, demotion, discharge, or other discipline when an employee:
- (1) Has been absent from duty without approved leave contrary to the Merit System Rules or the City's personnel regulations, or has failed to report after any such leave has been officially disapproved or revoked;
 - (2) Has willfully or corruptly defeated, deceived, or obstructed any person in respect to their right of examination;
 - (3) Has willfully or corruptly furnished any special or confidential information for the purpose of either improving or injuring the prospects or chances of any person examined, to be examined, or being examined by the Commission, or employed or promoted by the City;
 - (4) Is incompetent or inefficient in the performance of the duties and responsibilities of their position;
 - (5) Is willfully careless or negligent of the property of the City;
 - (6) Willfully violates the Charter, the Merit System Rules, any written personnel policies, written departmental rules or procedures, or 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, the public, or the prisoners or wards of the City;
 - (7) Has been guilty of conduct unbecoming an officer or employee of the City;
 - (8) 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 while on duty; provided, contributions solicited for approved purposes must be voluntary, and no discrimination may be permitted against an employee engaged in such acts;
 - (9) Has engaged, while in uniform or on duty, in the solicitation of funds or sale of tickets for any purpose except as provided in (8) above;
 - (10) Has used, threatened to use, or attempted to use political influence in securing promotion, leave of absence, transfer, or change of grade, pay, or character of work;
 - (11) Has engaged in prohibited political activity as follows:
 - (A) 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.
 - (B) While fulfilling the duties of City employment, to actively secure or contribute monies toward the election of a person to an elective office or for the promotion of or opposition to a ballot proposition.
 - (C) Use of City position, office, facility, or public resource 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 in (11) may 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.
 - (12) Has been convicted of a felony or a gross misdemeanor;
 - (13) Has demonstrated excessive absenteeism or a habitual pattern of failure to report for duty on time without good and sufficient reason;
 - (14) Has committed, 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;
 - (15) Has taken any fee, gift, or other valuable thing in the course of work or in connection with work 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;
 - (16) Has beneficial interest, directly or indirectly, in any contract, sale, 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.

Section 4. APPEALS:

Any employee disciplined under this rule will have the right of appeal as provided in Rule XII: Investigations and Hearings. The Commission may sustain the disciplinary order or order the employee reinstated.

RULE X: LAYOFF ACTIONS

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, classified employees must be laid off or transferred according to the procedures established in this rule.

Section 2. LAYOFF CONDITIONS:

- (a) Reductions in force will be confined to the department affected, except that employees who promoted or transferred to their present classification directly from another department may be returned to the previously held classification in the other department.
- (b) Classification seniority will be the primary factor in determining which classified employees are affected by a reduction in force. If the classification seniority between two or more employees are the same, then the departmental seniority and the City seniority will be considered in order.
- (c) No classified employee may be laid off or transferred 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.
- (d) The Commission may grant permission for lay off out of the regular order upon showing by the department head in writing of a necessity in the interest of efficient operation of the department, after giving the affected employee an opportunity for a hearing with representation by their bargaining unit.

Section 3. IN LIEU OF LAYOFF:

- (a) At the time of lay off, classified employees will be transferred at their option:
 - (1) Within the department, transfer to a position in the most recently held classification, or in the next lower classification in the series if it was created concurrently with or after the employee was appointed to their current classification, provided:
 - (A) The laid-off employee must meet either the open or promotional requirements for the classification, and
 - (B) The laid-off employee may not displace an employee with greater seniority.
 - (2) If the action in (1) above cannot be taken, transfer within a department to prior classifications held, from most to least recent. The laid-off employee may not displace an employee with greater seniority.
- (b) Transfers may be requested to classifications in which a vacancy exists and in which the employee either previously held status or for which the character and standards are similar to those required in the employee's present classification.
- (c) Seniority in these instances will be determined by combining time served in the present classification, the classification to which transfer is contemplated, and intermediate classifications within the progression line.

Section 4. LAYOFF PROCEDURE:

- (a) The person with the least classification seniority in a department will be the first laid off or transferred.
- (b) The appointing officer must notify the affected employee in writing a minimum of ten (10) working days prior to the effective date. The appointing officer must prepare the order of change with copies to the Commission and the Human Resources Director on a form provided and must 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.
- (c) Any employee who has been formally charged with a felony will have the charge reviewed by a Human Resources committee in accordance with City policy. The written recommendation of the committee will be provided to the Mayor, and the Mayor may lay off the employee pending court trial determination. In this instance, normal layoff and reinstatement procedures will not apply; however, the appointing officer must notify the employee and process the necessary records and forms. If the employee is found not guilty of the charge, the employee will be immediately restored to duty and will be entitled to all back salary and benefits due. In other instances, the Mayor must immediately make a determination as to restoration to duty and of pay.

Section 5. REINSTATEMENT:

- (a) The Commission must place the names of persons laid off or transferred in accordance with Section 3 on a laid-off list for that classification in order of classification seniority from highest to lowest.
- (b) Persons on the laid-off list will be given preference in certification and appointment as set out in Rule V: Certification and Selection, Section 3. The names of such persons will also be placed at the top of the promotional or open-entry eligible list for the classification in which they were employed at the time of layoff. If no eligible list exists, the names of such employees will constitute the eligible list.
- (c) To facilitate reinstatement, the names of such persons may also be placed on transfer lists to other classifications in accordance with Section 3 (b) of this Rule.
- (d) For employees who have been transferred to a different classification and are employed by the City, there is no limit to the duration of a laid-off list, but those hired from the laid-off list more than three years from the effective date of layoff will be required to serve a six-month probationary period.
- (e) A person will be removed from the laid-off list when they have:
 - (1) Been separated from City service for three years;
 - (2) Been appointed to a position in either the classification from which they were laid off or higher classification; or
 - (3) Declined appointment to a position in the classification and department from which they were laid off.
- (f) All employees hired in a department other than that from which they were laid off will be required to serve a six-month probationary period.

Section 6. REINSTATEMENT PROCEDURE:

Upon receipt of a requisition from a department, Civil Service must certify names from the laid-off list in accordance with Rule V: Certification and Selection, Section 3.

Section 7. TEMPORARY INTERRUPTION:

Any employment interruption of not more than fifteen (15) 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 will not be considered a layoff.

**RULE XI:
RESIGNATION, RETIREMENT, LEAVE OF ABSENCE**

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

Section 1. GENERAL:

Employees may be separated from employment in the classified service for causes other than discharge or layoff. Resignations, retirements, and leaves of absence, as well as reemployment in connection with such actions, will be conducted as provided by this rule.

Section 2. RESIGNATION:

- (a) An employee in the classified service who wishes to leave City employment in good standing must provide a resignation with the effective date to the appointing officer at least two weeks before leaving. Failure to comply with this procedure may be cause for denial of future employment with the City.
- (b) If the employee does not provide their resignation in writing, the supervisor must prepare written documentation of the resignation for the resigning employee to confirm.
- (c) The supervisor must forward a copy of the resignation notice to the Commission and Human Resources as soon as the resignation is confirmed.
- (d) A person who has resigned in good standing may, within one year of their resignation, submit a written request to the Commission for reemployment in the last permanent classification held and may be reinstated at the bottom of the open or promotional eligible list for consideration during the remaining life of said list. Reemployment in this instance will be considered as open-entry.

Section 3. RETIREMENT:

Members of the Police and Fire Departments will 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 the rules of the Spokane Employees' Retirement System Board of Administration.

Section 4. DISABILITY RETIREMENT:

- (a) 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 able to perform the duties of that classification. Reemployment must be in the same department from which retired. If no vacancy exists, the person with the least seniority in that classification in the same department will be laid off as provided in Rule X: Layoff Actions.
- (b) If the pension or retirement board certifies the employee as able to perform the duties of a lower classification, the employee must be appointed to the first available vacancy in said lower classification.
- (c) For three years following a disability retirement, the retiree may test for promotional classes if they meet the requirements.
- (d) The Commission must notify the appropriate pension board when a disability retiree has applied for promotion. Prior to certification, the Civil Service staff must obtain a determination from the pension board that the retiree's disability will not hinder the individual from performing the duties of the new position, with or without reasonable accommodations.

Section 5. LEAVE OF ABSENCE:

- (a) The Human Resources Director must advise the Commission on all leave matters that may affect the status of any classified employee.
- (b) Ordinary vacation and sick leave will be accrued and granted in accordance with the provisions of the applicable ordinances, collective bargaining agreements, and the City personnel program and regulations. The granting of

such leave may not affect an employee's Civil Service rights, and the employee will continue to accrue pay, leave, and seniority.

- (c) A 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.
- (d) A leave of absence may not be recognized by the Commission as becoming effective until approved by the employee's appointing officer and the Human Resources Director. Any employee who departs on a leave of absence prior to receiving approval by the appointing officer and the Human Resources Director may be considered to be absent without leave and subject to immediate discharge.
- (e) A leave of absence in excess of 120 consecutive days, except as otherwise provided by law, will be without accrual of seniority.
- (f) A classified employee who takes a leave of absence greater than 120 consecutive days may be laid off. At the end of the 120-day period, the appointing officer must determine whether the employee will be placed on layoff status and notify the Commission. In the event of layoff, the provisions of Rule X: Layoff Actions pertaining to procedure and reinstatement will apply except for Section 4 (a). The provisions in this subsection will not apply to those who are on:
 - (1) active military service,
 - (2) educational leave,
 - (3) leave from the classified service to accept an appointive position in the City, or
 - (4) leave as otherwise approved by the Commission.
- (g) A leave of absence may be granted only for the time that is necessary to accomplish the purpose of the request. The employee must report for duty immediately upon expiration of such leave, provided that an employee on active military service must apply for reemployment rights in accordance with the 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 the leave of absence, the employee must, if still qualified, resume the previous position held or, if promoted, the position to which promoted under the conditions in Rule V: Certification and Selection, Section 7.
- (h) A classified employee who accepts an appointive position with the City will be granted an indefinite leave of absence. The employee may not be deprived of any standing under the Merit System Rules the employee had before accepting the appointive position. The employee will retain the seniority they had when they left the classified service, but they may not accrue any classified seniority during their leave of absence. A person who returns to the classified service may be disciplined for cause based on their actions in an appointive position in accordance with Rule IX: Disciplinary Actions.

RULE XII: INVESTIGATIONS AND HEARINGS

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

Section 1. GENERAL:

The Commission may review and investigate all matters related to conditions of employment in the classified service on its own initiative or in response to complaints from applicants, employees, their authorized representatives, or City officers. The Commission must render decisions regarding the claims or appeals of actions that affected applicants or candidates on an eligible list, or that denied or separated employees from a classified position.

Section 2. TYPES OF COMPLAINTS:

- (a) Administrative Complaint. An administrative complaint may be presented directly to the Commission by any classified employee or representative who disputes an administrative action of the Commission that affects the employee's own status, or by any appointing officer who disagrees with an assigned classification under the officer's jurisdiction. Administrative complaints must be filed with the Chief Examiner within ten (10) working days of notification of the action by the Commission, except that in the case of a classification disagreement the time limit does not apply. Failure to file within the prescribed time will be considered as acceptance of the action of the Commission, and the action will be deemed complete. An administrative complaint need not be subject to the formal hearing procedure. Should the Commission grant review of an administrative complaint, it may do so in any manner it deems most appropriate.
- (b) Claim. A claim may be presented to the Commission alleging that an applicant, eligible, or employee was deprived or separated from a classified position in violation of the Merit System Rules, or that other conditions of merit system employment should be investigated. Claims must be filed with the Chief Examiner, and those disputing a layoff action must file their claim within ten (10) working days following the effective date of the layoff.
- (c) Appeal. An appeal may be made to the Commission by any classified employee who has been suspended, demoted, or discharged as provided in Rule IX: Disciplinary Actions. All appeals must be filed with the Chief Examiner within ten (10) working days from the date of filing such order with the Commission or from the date of service of such order on the employee, whichever is later. The Chief Examiner must provide a copy to the

Human Resources Director of any appeal so filed. Failure to file within the prescribed time will be considered as acceptance of the action, and the action will be deemed complete.

Section 3. INTERNAL REVIEW:

The Chief Examiner may conduct an initial review of administrative complaints and claims. This review consists of gathering and confirming facts and reconsidering administrative actions in accordance with the rules. The complaint may be discussed with the complainant and any other parties pertinent to the matter.

Section 4. REQUESTS IN WRITING:

- (a) Complainants must provide all requests for Commission hearings in writing to the Chief Examiner for appeals or other complaints in which the complainant is not satisfied with the outcome of the internal review.
- (b) The written request for Commission hearing must be filed within ten (10) working days of the conclusion of the internal review. Failure to file within the prescribed time will be considered as acceptance of the action, and the action will be deemed complete.
- (c) The written request may be filed in person, electronically, or by postal mail. Requests delivered in person or electronically must be delivered to the Commission no later than 5:00 p.m. the day of the deadline. Requests delivered by postal mail must be postmarked no later than the day of the deadline.

Section 5. INVESTIGATION:

- (a) The Commission may order further investigation of any administrative complaint or claim. During an investigation, the Chief Examiner or other duly appointed representative of the Commission will have the authority to administer oaths and require the production of relevant books or records and the attendance of any officer, employee, or other person.
- (b) If the investigation does not resolve the matter satisfactorily, then the Chief Examiner or Commission representative must provide a written report to the Commission. The Commission, using the written report as guidance, must determine whether to hold a formal hearing. If the Commission orders such a hearing, then it must set a time and place and notify the parties involved and the Human Resources Director.

Section 6. APPEAL PROCEDURE:

Upon receipt of an appeal, the Commission must order a hearing to be held at the next regular meeting of the Commission, except in those cases of layoff involving court charges as provided in Rule X: Layoff Actions, Section 4 (c), in which event the Commission must, at the request of the Mayor, delay said hearing pending disposition of the charge or charges. No member of the Commission may 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 will be held in accordance with state law and with at least four commissioners present. If less than the full Commission is present, the Commission must grant one continuance at the request of either party made prior to the beginning of the hearing. Both parties to the hearing must be notified in advance of such hearing and may, at their own expense, choose representatives.
- (b) The Commission may, and must at the request of either party, issue subpoenas and orders to produce specified documents or evidence. Any fees or expense of any kind for the appearance of witnesses will be assumed by the party requesting the issuance of subpoenas. Testimony will be under oath administered by the Commission or its agent. Unless otherwise directed by the Chair of the Commission, the City must proceed first with presentation of its case.
- (c) The Commission must prepare and keep an official record of the hearing to include testimony recorded manually or electronically such as pleadings, documents, exhibits, and other related items. It will not be necessary to transcribe testimony unless requested for purposes of Commission decision or court review. A copy of the record will be furnished to any party to the hearing upon their request and payment of the reasonable costs incurred.
- (d) Hearings may be informal, and the Commission may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Commission must give effect to the rules of privilege recognized by law, and it may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.
- (e) All evidence including records and documents in the possession of the Commission of which it desires to avail itself will be offered and made a part of the record. Parties to a hearing must identify individual pieces of evidence they wish to submit to the Commission to be made part of the records. No other information or evidence may 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.
- (f) Every party will have the right of cross-examination of witnesses who testify. Argument, testimony, and evidence may only be presented by parties to the appeal through the participants or their representatives.

- (g) 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 will be notified of the material so noticed, and they must be afforded an opportunity to contest the facts so noticed.
- (h) No charges, on appeal, other than those furnished in writing as the basis for the disciplinary action may be heard against the person so charged.

Section 8. DECISIONS:

- (a) Three affirmative votes of the Commission are required to render a decision. A decision that fails to receive three affirmative votes results in the underlying cause of complaint remaining in effect. Decisions of the Commission on hearings are final and binding. Informal disposition may also be made by stipulation, agreed settlement, consent order, or default.
- (b) Decisions and orders arising from hearings will be in writing and accompanied by findings of fact and conclusions of law, which will also be in writing or stated in the record. The Commission must transmit its written decision along with the findings of fact and conclusions of law to both parties. The written transmission will be done within forty-five (45) days after rendering the decision whenever possible.
- (c) An employee reinstated after appeal of an order of suspension, demotion, or discharge will be entitled to back salary from the date of such order to the date of reinstatement and to all other employee rights and benefits that will make the employee whole.

RULE XIII: RECORDS AND REPORTS

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

Section 1. PERSONNEL RECORDS:

- (a) The Human Resources Director must set up procedures for and supervise the maintenance of employee records kept within departments. 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) The Civil Service Commission will be the central repository for all classified personnel records. Such records must contain, in addition to necessary personal history data:
 - (1) name,
 - (2) current address,
 - (3) current telephone number,
 - (4) completed application forms,
 - (5) current department and sub-unit to which assigned,
 - (6) classifications of any current or previous positions occupied with inclusive dates,
 - (7) name of the appointing officer,
 - (8) salary received,
 - (9) length of service including department and City seniority,
 - (10) any changes in status,
 - (11) any reports or correspondence that affect employment status, and
 - (12) any other information deemed necessary to provide a complete history of the employee's service.

Section 2. REPORTS:

- (a) It is the sole responsibility of each applicant for examination and each person on an eligible list to promptly report to the Commission any change in name, address, or telephone number. Failure to do so will constitute cause for rejection of application or removal from the eligible list, as appropriate.
- (b) The Human Resources Director and the appointing officer must report promptly to the Commission the following information regarding personnel and departmental organization:
 - (1) Every appointment, transfer, promotion, reduction, lay off, suspension, reinstatement, leave of absence, return to duty, and change of compensation.
 - (2) Every termination from the service with their reasons.
 - (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 promotional eligible list with their reasons.
 - (5) The creation or abolition of any position and the cause of such action.
 - (6) Changes in departmental organization with a detailed chart of each organizational change.
 - (7) Any other reports requiring the action or sanction of the Commission.
- (c) The appointing officer must file with the Commission a chart accurately reflecting the current organization and functions of the entire department. Minor revisions may be reported in memo form. Major revisions will be cause for preparation and filing of a new chart.

Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

ORDINANCE NO. C36501

An ordinance relating to the executive and administrative organization of the City, and amending SMC section 3.01A.315.

WHEREAS, SMC 3.01A.215 and 3.01A.315 were previously amended to place grant management under Accounting. SMC 3.01A.315 B needs to be amended to remove the reference to federal and state funding.

The City of Spokane does ordain:

Section 1. That SMC section 03.01A.210 is amended to read as follows:

Section 03.01A.315 Contracts and Purchasing Department

- A. The Contracts and Purchasing Department is a financial administrative department responsible for the administration and operational support to program managers including contract engagement and compliance monitoring, relative performance and financial tracking, and budget review. Additionally, the department is responsible for the procurement of public works, goods and services by competitive bid, quote or proposal; processing purchase orders and contracts; managing inventories; and the disposal of surplus property.
- B. The department director shall act as the Chief Compliance & Procurement Officer for all City activities involving purchasing (~~and other Federal/State funding~~).

Passed by City Council March 18, 2024
Delivered to Mayor March 22, 2024

ORDINANCE NO. C36502

An ordinance relating to Pretreatment; amending SMC section 13.03A.0301; 13.03A.0408; 13.03A.0801; and 13.03A.1201; chapter 13.03A of the Spokane Municipal Code and setting an effective date.

The City of Spokane does ordain:

Section 1: That SMC section 13.03A.0301 is amend1ed to read as follows:

13.03A.0301 Permits as to Existing Sources, Existing Users [3.1]

Any existing source or existing user determined by the Plant Manager to be an SIU not already permitted shall apply for a permit under this chapter. The Plant Manager may notify such persons of the requirement and allow up to sixty days for existing users and such time as required by federal law for existing sources, but this shall not exceed sixty days unless an applicant demonstrates it is entitled to additional time. This requirement also applies to existing permittees subject to new requirements under this chapter. Regardless of notification or other requirements, in no event shall an SIU subject to categorical standards fail to submit a baseline report within the one hundred eighty day deadline in 40 CFR §403.12(b). Baseline reports must be signed as provided in [SMC 13.03A.0305\(A\)](#) and fees will be assessed in accordance with [SMC 13.03A.1401](#).

NOTE: Bracketed enumerations reference the numbering in the EPA Region 10 Model Ordinance of March 27, 2012.

Section 2: That SMC section 13.03A.0408 is amended to read as follows:

13.03A.0408 Non-compliance Reporting [4.8 modified]

If sampling performed by a user indicates a violation, the user must notify the Plant Manager within twenty-four hours of becoming aware of the violation. Within five (5) days following such discharge, the (~~User~~) user shall submit a detailed

written report describing the cause(s) of the discharge and the measures to be taken by the ((User)) user to prevent similar future occurrences. Such notification shall not relieve the ((User)) user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the ((User)) user of any fines, penalties, or other liability which may be imposed pursuant to this chapter. The user shall also repeat the sampling and analysis and submit the results of a repeat analysis to the Plant Manager within thirty days after becoming aware of the violation. Where the City has performed the sampling and analysis in lieu of the Industrial User, the City must perform the repeat sampling and analysis unless it notifies the ((User)) user of the violation and requires the ((User)) user to perform the repeat analysis. Resampling is not required if:

- A. the City performs sampling at the user's facility at least once a month, or
- B. if the City performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the City receives the results of this sampling. (See 40 CFR §403.12(g)(2)).

Any costs associated with sampling or resampling shall be borne by the ((User)) user.

NOTE: Bracketed enumerations reference the numbering in the EPA Region 10 Model Ordinance of March 27, 2012.

Section 3: That SMC section 13.03A.0801 is amended to read as follows:

13.03A.0801 Annual Publication of Violators

A. Publishing.

The Plant Manager publishes within sixty days of the new year a list of the users which, at any time during the previous calendar year, were in significant non-compliance with applicable pretreatment standards and requirements. The list is published in a newspaper of general circulation in Spokane County. Costs of publication will be billed to the users listed as an additional cost of utility service.

B. The term "significant non-compliance" means:

1. Any violation of a pretreatment standard or requirement, including numerical limits, narrative standards, and prohibitions that the Plant Manager determines has caused, alone or in combination with other causes, interference or pass through, or otherwise endangered the health of POTW personnel or the general public.
2. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Plant Manager's exercise of emergency authority to halt or prevent such a discharge.
3. Any violation(s), including of BMPs, which the Plant Manager determines will adversely affect the operation or implementation of the local pretreatment program.
4. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent or more of all of the measurements taken for the same pollutant parameter taken during a rolling six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits.
5. Technical review criteria (TRC) violations, defined here as those in which thirty three percent or more of wastewater measurements taken for each pollutant parameter during a rolling six-month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as referenced in Article II, multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH. ["1.4" and "1.2" as used herein mean one hundred forty percent or one hundred twenty percent respectively of applicable permit limits.]
6. Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
7. Failure to provide any required report within ((thirty)) forty-five calendar days after the due date. This includes initial and periodic monitoring reports and reports on initial compliance and on meeting compliance schedules.
8. Failure to accurately report non-compliance.

C. Applicability.

The criteria in subsections (B)(1) through (3) of this section are applicable to all users, whereas the criteria in subsections (B)(4) through (8) of this section are only applicable to SIUs.

Section 3: That SMC section 13.03A.1201 is amended to read as follows:

13.03A.1201 Upset [12.1]

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to punitive actions in response to non-compliance with applicable pretreatment standards if the requirements of subsection (C) of this section are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. an upset occurred and the user can identify the cause(s) of the upset;
 - 2. the facility was at the time being operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. the user has submitted the following information to the Plant Manager within twenty four hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
 - a. A description of the discharge and cause of non-compliance.
 - b. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards unless otherwise required by law. Such opportunity may be conditioned on other requirements such as exhaustion of administrative remedies or other applicable conditions.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with ~~((categorical))~~ applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 5: Effective Date. This ordinance shall take effect and be in force on _____, 2024.

**Passed by City Council March 18, 2024
Delivered to Mayor March 22, 2024**

Policies and Procedures

The following Administrative Policy went into effect on December 21, 2021. It was discovered that publication of the rule was missed. Therefore, the below public rule is being publish in this copy of the Official Gazette.

CITY OF SPOKANE ADMINISTRATIVE POLICY	ADMIN 5300-21-08 LGL 2021-0033
TITLE: MOBILE DEVICE MANAGEMENT EFFECTIVE DATE: 12/21/2021 REVISION EFFECTIVE DATE:	

1.0 GENERAL

1.1 The purpose of this policy is to define the requirements for all city-owned mobile devices. This policy shall include devices issued by the city that are used for business purposes and vendor-provided/required devices.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
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- 5.0 POLICY
- 6.0 RESPONSIBILITIES
- 7.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

Applicable to all departments and divisions of the City of Spokane.

3.0 REFERENCES

City of Spokane's Information Security Policy – ADMIN 5300-17-06
City of Spokane's City and personally owned communication devices (including cell phones) and city and personally owned email and social media accounts Policy – ADMIN 5600-17-06
Center for Internet Security - Top 20 Critical Security Controls for Effective Cyber Defense Guidelines
Criminal Justice Information Systems. Policy Area: 13: Mobile Devices
National Institute of Standards and Technology (NIST) Cybersecurity Framework Guideline - Version 1.1
National Institute of Standards and Technology: Special Publication 800-124, Revision 1: Guidelines for Managing the Security of Mobile Devices in the Enterprise
Office of the Chief Information Officer, Washington State – Standard No. 141.10: Securing Information Technology Assets Standards
RCW 19.255.020 - Liability of Processor, businesses, and vendors
RCW 19.255.101 - Disclosure, notice
RCW 42.56.420 - Security
The Health Insurance Portability and Accountability Act of 1996. Pub. L. 104-191.

4.0 DEFINITIONS

- 4.1 "Bring-Your-Own-Device" (BYOD) is personally owned devices but not limited to, cellphones, computers that could be used for work purposes.
- 4.2 "Information Technology Resources" or "IT Resources" means hardware, software, and communications equipment including, but not limited to, personal computers, email, internet, mainframes, wireless, wide and local area networks, servers, mobile or portable computers, peripheral equipment, telephones, wireless communications, public safety radio services or facsimile machines. In addition, technology facilities (including but not limited to: data centers, dedicated training facilities, and switching facilities), and other relevant hardware and software items. In addition, personnel tasked with the planning, implementation, and support of technology.
- 4.3 "Jailbreak or rooted" of a mobile device is to remove the limitations imposed by the manufacturer. This gives access to the operating system, thereby unlocking all its features and enabling the installation of unauthorized software. "Rooting" is the process of gaining root access to a device. This is generally performed on Android devices.
- 4.4 "MDM" is mobile device management which is a type of security software used by the City of Spokane's Innovation and Technology Services Division (ITSD) Help Desk, Spokane Police Department's (SPD) Technical Assistance Response Unit (TARU), Spokane Fire Departments (SFD) Information Technology (IT) and Public Works ITSD (PWITSD) staff to monitor, manage and secure city-owned mobile devices.
- 4.5 "Mobile device" is a portable computing device such as a smartphone or tablet computer. This definition does not include computer laptops.
- 4.6 "Sideload" is the name used for installing applications directly on a mobile device rather than using the App Store.

- 4.7 “USB debugging” is a developer mode on devices that allows newly programmed applications to be copied via USB to the device for testing.

5.0 POLICY

5.1 Requirements

- 5.1.1 In accordance with the City of Spokane’s City- and Personally-owned communication devices (including cellphones) and City- and Personally-owned email and social media Policy (ADMIN 5600-17-06), using a personal device for City business may result in personal records being subject to a public records request.
- 5.1.2 The City of Spokane will protect Protected Health Information and Criminal Justice Information in transit, at rest, and stored on portable technology devices from the threat of loss, theft or unauthorized access.
- 5.1.3 City-owned technology devices capable of connecting to a city-managed network must have MDM software installed and utilized at all times. An exemption may be granted for certain devices used for investigative purposes by SPD. Devices exempted from the MDM requirement shall not connect to the city-managed networks.
- 5.1.4 Users may only load corporate data that is essential to their role onto their mobile device(s).
- 5.1.5 All city-deployed mobile devices shall be managed to ensure security configuration compliance.
- 5.1.6 All city deployed mobile devices shall have the default device name changed for tracking and monitoring purposes.
- 5.1.7 All mobile devices shall be kept up to date with manufacturer Operating System (OS) provided patches.
- 5.1.8 All personal use is subject to public records requests.
- 5.1.9 Debugging mode shall be permitted for business purposes only.
- 5.1.10 Personal Apple or Google accounts shall be restricted from city-deployed devices. A city-issued Apple or Google account will be provided.

5.2 Bring-Your-Own-Device

- 5.2.1 The connection of personally owned devices is not allowed on the city managed network
- 5.2.2 City managed MDM software shall not be permitted on any personally owned devices.

5.3 Lost/stolen & Remote Wipe/Sanitation Requirements

- 5.3.1 *City staff must report all lost or stolen city-owned devices to their assigned Help Desk immediately.*
- a. *City staff should contact the ITSD Help Desk*
 - b. *Spokane Police Department staff must report all lost or stolen city-owned devices to TARU immediately.*
 - c. *Spokane Fire Department staff must report all lost or stolen devices to their assigned help desk immediately.*
 - d. *Public Works staff must report all lost or stolen devices to their assigned PWITSD support group immediately.*
- 5.3.2 If a device is lost or stolen, the data on the device shall be remotely erased and the device shall be reset to its default factory settings.

5.4 WIFI Regulations

- 5.4.1 City-owned devices are allowed to access city wireless networks and other work-related wireless networks.
- 5.4.2 Outside of the City of Spokane’s internal networks, auto-connect Wi-Fi shall be restricted.

5.5 Password Requirements

- 5.5.1 Devices shall be configured with a secure password.

5.6 Software Installation Guidelines

5.6.1 Unauthorized software shall be restricted.

- a. A list of authorized software shall be maintained within each IT Support group that is unique to their compliance requirements.

5.6.2 Requested software will be reviewed and approved by the ITSD Help Desk in coordination with SPD TARU, SFD-IT and PW ITSD when needed.

5.6.3 Prevention of sideloading of non-market application installations shall be enforced.

5.7 Jailbroken or rooted devices

5.7.1 Devices must not be “jailbroken” or “rooted” or have any software/firmware installed which is designed to gain access to functionality not intended to be exposed to the user.

5.7.2 Such devices shall be denied access to the City’s network and returned to the appropriate support organization.

5.8 Violation

5.8.1 Failure to comply with this policy, processes, and procedures may lead to disciplinary or remedial action.

6.0 RESPONSIBILITIES

6.1 ITSD Director

6.1.1 The ITSD Director shall administer this policy.

6.2 ITSD Security Office

6.2.1 The ITSD Security Office shall be responsible for providing guidelines to ensure the effectiveness of this policy. In addition, at any time to ensure compliance, the ITSD Security Office may audit implementations of this policy.

6.3 ITSD Help Desk

6.3.1 The ITSD help desk shall implement technology to enable this policy to be effective and are responsible for ensuring the effectiveness of this policy for their divisions.

- a. The ITSD Help Desk will coordinate with PWITSD for ensuring effectiveness of this policy with Public Works requirements.

6.4 Spokane Police TARU

6.4.1 SPD’s TARU unit shall be responsible for ensuring the effectiveness of this policy for their division and managing MDM software for SPD staff.

6.5 Spokane Fire Department Help Desk

6.5.1 Fire IT help desk shall be responsible for ensuring the effectiveness of this policy for their division and managing the MDM software for SFD staff.

7.0 APPENDICES

7.1 None.

The following Department Policy went into effect on May 23, 2022. It was discovered that publication of the rule was missed. Therefore, the below public rule is being publish in this copy of the Official Gazette.

NOTICE

**CITY OF SPOKANE
DEPARTMENT POLICY AND PROCEDURES**

Pursuant to Administrative Policy and Procedure ADMIN 0325-10-01, Section 5.4.1., notice of adoption of the following Department Policy and Procedure(s) is published. All adopted City policy and procedures are available for review in the Office of the City Clerk and at the City Web site <http://www.spokanecity.org/government/policies/>.

Building Valuation Fees (BVD)
Effective: May 23, 2022
DEPT 4700-22-01
LGL 2022-0025

CITY OF SPOKANE DEPARTMENT WASTEWATER PUBLIC RULE AND PROCEDURE	RULE 4310-24-01 LGL 2020-0023 RES 2024-0027
TITLE: RPWRF & INDUSTRIAL PRETREATMENT PROGRAM & LAB ANALYSIS FEES	
EFFECTIVE DATE: 12/17/2020 REVISION EFFECTIVE DATES: 12/22/21; 01/01/2023; 03/18/2024	

1.0 GENERAL

The City of Spokane Wastewater Management Department’s Riverside Park Water Reclamation Facility (RPWRF) & the Industrial Pretreatment Program establish the following public rule, policy, procedures and protocol regarding the Industrial Pretreatment Program and Lab Analysis.

RPWRF and the Industrial Pretreatment Program charge customers fees for various services related to the regulation of wastewater from Industrial Users of the City of Spokane Publicly Owned Treatment Works.

The fees schedule can be found onsite at RPWRF located at 4401 North Aubrey L. White Parkway, Spokane, Washington 99205.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This public rule and policy shall apply to the City of Spokane Wastewater Management Department Riverside Park Water Reclamation Facility, the City of Spokane Utilities Billing Department, and the City of Spokane Accounting Department.

3.0 REFERENCES

- Spokane Municipal Code (SMC) Chapter 13.03A
- Spokane Municipal Code (SMC) Chapter 13.03
- Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 – 33 USC section 1251 et seq.

General Pretreatment Regulations – 40 CFR Chapter I, Sub Ch. N part 403
Chapter 90.48 RCW
Chapter 173-216 WAC
EPA Region 10 Model Ordinance for Pretreatment Programs
Enforcement Response Plan located at RPWRF
Industrial Pretreatment Program Policy and Procedure (DEPT 4320-16-01)

4.0 DEFINITIONS

See SMC 13.03A
See SMC 13.03

5.0 POLICY

It is the policy of the City of Spokane to adopt fees for reimbursement of costs incurred by the City for the administration of the City's Industrial Pretreatment Program & other operations of RPWRF in compliance with NPDES Permit Number WA-002447-3.

6.0 PROCEDURES – RPWRF - Industrial Pretreatment Program

6.1 The Industrial Pretreatment Program charges standard fees for Pretreatment services.

6.2 These fees are intended to help cover the costs of administration of the Industrial Pretreatment Program, including but not limited to, costs associated with permit issuance, monitoring, inspection, sampling, analysis, publication, processing, and violation remediation.

6.3 Fees and Charges:

- 6.3.1 Pretreatment Fees and Laboratory Analysis Fees are charged as stated in Appendix A and B respectively, attached.
- 6.3.2 Administrative appeal: Two hundred fifty dollars (\$250).
- 6.3.3 Publication of significant non-compliance notice: Costs as billed.
- 6.3.4 Monitoring, inspection, surveillance, sampling fees: Costs as determined and billed by the Plant Manager.
- 6.3.5 Processing fee for NSF checks: As set by City Treasurer.
- 6.3.6 Administrative penalty: Five hundred dollars (\$500).
- 6.3.7 Any other review or approval by the Plant Manager not otherwise specified above: Hourly basis based on staff time and materials.

7.0 RESPONSIBILITIES

The Wastewater Management Department through its Industrial Pretreatment Program, Utilities Billing Department, and Accounting Department shall administer this Public Rule and Policy. Significant and Minor Industrial Users will be invoiced on their monthly utility bill. The Accounting Department will invoice Industrial Users for fines assessed. Unpaid charges, fines, and penalties shall, after thirty calendar days, be assessed an additional penalty of one percent (1%) of the unpaid balance per month.

8.0 APPENDICES

- 8.1 Appendix A – RPWRF Pretreatment Fees
- 8.2 Appendix B – RPWRF Lab Analysis Fees

See appendices on following pages.

APPENDIX A

RPWRF - PRETREATMENT FEES

SIU Permit Issuance	10,979 / 5 years
SIU Permit Renewal	7,315 / 5 years
SIU Permit Modification	Chemist time + publication
SIU Inspection	1,832
Other Inspection	Chemist - time basis
SIU Sampling	1,105
Other Sampling	Lab Tech - time basis
IDA Issuance	672
IDA Renewal	366
IDA Inspection	366
NSCIU Inspection	366
Wastewater Hauler Permit Fee	240
Wastewater Hauler Permit Renewal Fee	120
Violation Publication Fee	As charged by publisher
Other Violation Fees	Based on Fine Structure in the Pretreatment Enforcement Response Plan
Other Damage or Interference	Time and materials basis

APPENDIX B

RPWRF - LAB ANALYSIS FEES

Laboratory Analysis Fee	Dollar Amount
EPA Method 420.4 - Phenol	as charged by analyzing laboratory
EPA Method 245.1 - Mercury	as charged by analyzing laboratory
EPA Method 300.0 - Chloride	as charged by analyzing laboratory
EPA Method 335.4 - Cyanide	as charged by analyzing laboratory
EPA Method 608 Priority Pollutant Pesticides/PCBs	as charged by analyzing laboratory
EPA Method 624 - Regulated Priority Pollutant List + Unregulated (A/A/2CEVE)	as charged by analyzing laboratory
EPA Method 624 - BTEX	as charged by analyzing laboratory
EPA Method 625 - Regulated Priority Pollutant Semi Volatiles	as charged by analyzing laboratory
EPA Method 200.7 - Local Limit Metals (10 metals, without Hg)	as charged by analyzing laboratory
EPA Method 1666 - Volatile Organics	as charged by analyzing laboratory
EPA Method 524 - Volatile Organics	as charged by analyzing laboratory
EPA Method 1688 TKN	as charged by analyzing laboratory

EPA Method 1668 C - PCBs	as charged by analyzing laboratory
EPA Method 200.8 - Low Level Metals (Digestion)	as charged by analyzing laboratory
EPA Method 200.8 - Low Level Metals (Per metal)	as charged by analyzing laboratory
EPA Method 1631E - Low Level Mercury	as charged by analyzing laboratory
Hardness	as charged by analyzing laboratory
Standard Methods 2540D - Total Suspended Solids (TSS)	21
Standard Methods 4500 - pH	14
Standard Methods 5210 - Biochemical Oxygen Demand (BOD5)	53
EPA Method 200.7 - Metals, Total (by ICP) - sample prep	as charged by analyzing laboratory
EPA Method 200.7 - Metals, Total (by ICP) - per metal	as charged by analyzing laboratory

Job Opportunities

We are an equal opportunity employer and value diversity within our organization. We do not discriminate on the basis of race, religion, color, national origin, gender identity, sexual orientation, age, marital status, familial status, genetic information, veteran/military status, or disability status.

AMENDMENT

AMENDMENT

AMENDMENT

POLICE RECORDS SPECIALIST

SPN 016

(Announcement of 11/13/2023)

The above titled announcement is hereby amended to read:

Closing Date: Monday, April 1, 2024

**PLANNING SPECIALIST SPN 225
OPEN ENTRY**

DATE OPEN: Monday, March 25, 2024

DATE CLOSED: Monday, April 8, 2024

SALARY: \$52,909.92 annual salary, payable bi-weekly, to a maximum of \$84,689.28

DESCRIPTION:

Provides technical planning support and complex assistance to the public that requires considerable knowledge of departmental policies and procedures.

DUTIES:

*This list is ILLUSTRATIVE ONLY and is not a comprehensive listing of all functions and duties performed. Essential duties and responsibilities **may** include, but are not limited to, the following:*

- Assists professional staff in studies and analyses relating to the comprehensive plan, proposed construction, redevelopment, land use or zoning projects, and population studies.

- Answers inquiries from the public pertaining to permitting, development codes, land use, and zoning.
- Evaluates development, historic preservation, and design review applications to check for completeness and to verify compliance with City code requirements for land use actions.
- Reviews site plans for permit applications; enters and manages approval status in the computerized permit managements system.
- Prepares maps and other material and exhibits for the Development Services Center, Planning Department, Historic Preservation Office, and boards and commissions.
- Gathers, compiles, and evaluates land use or permit data, or prepares statistical charts for evaluations used in various studies.
- Provides administrative support to boards and commissions related to planning and historic preservation.
- Operates a calculator, computer, photography equipment, and automobile.
- Performs related work as required.

MINIMUM QUALIFICATIONS:

Combinations of education and experience that are equivalent to the following minimum qualifications are acceptable.

Open Entry Requirements:

- *Education:* Completion of two years of study (60 semester or 90 quarter credit hours) at an accredited college or university that included at least 12 semester or 18 quarter credit hours in courses related to planning, engineering, landscape architecture, economics, or closely related field; **AND**
- *Experience:* One year of experience researching or writing legal descriptions, interpreting land use regulations, or issuing and administering permits for projects associated with a municipal or urban planning agency.
- *Substitution:* For positions in the Office of Historic Preservation only, college level coursework in history, historic preservation, or a related field may meet the education requirement.
- *Licenses:* Applicants must possess a valid driver's license or evidence of equivalent mobility.

EXAMINATION DETAILS:

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire.

Qualified applicants are encouraged to apply immediately. All applicants must complete and submit a City of Spokane employment application online by 4:00 p.m. on the filing cut-off date.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory, or speaking skills needed to take the test, unless the test is intended to measure those skills.

The examination will consist of a Training and Experience Evaluation (T&E), with scoring weight assigned as follows:

- T&E 100%

TRAINING AND EXPERIENCE EVALUATION DETAILS

- Copies of your college or university transcripts (unofficial transcripts are accepted) may be a required part of this application and will be used to verify that you meet the minimum qualifications, as posted on the job announcement.
- Responses to your T&E questions should be consistent with the information given in your application details. Answers are subject to verification.
- Failure to complete all the questions or incomplete responses will result in a lower score; therefore, it is advantageous for you to provide a full and complete response to each supplemental question.
- Resumes or questionnaires uploaded as attachments will not be accepted in lieu of completing each question online.
- "See Resume" or "See above," etc., and copy/paste from a previous answer are not qualifying responses and will not be considered.

EXAMINATION DETAILS:

This is an online examination and will require a computer. **If you do not have access to a computer, please notify Civil Service so that one may be provided.**

Training and Experience examination links with instructions will be emailed prior to 12:00 a.m. Pacific Time on the start date and will expire at 11:59 p.m. on the due date as listed below. Keep in mind that the test link will be emailed from City of Spokane (info@governmentjobs.com).

- Applicants who apply and meet the minimum qualifications between Monday, March 25, 2024, and Monday, April 8, 2024, will test Thursday, April 11, 2024, through Tuesday, April 16, 2024.

TO APPLY:

An application is required for promotional applicants. Applications must be completed online at: <http://my.spokanecity.org/jobs> by 4:00 p.m. on the filing cut-off date. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: civilservice@spokanecity.org with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4th Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

Please contact our office at 509-625-6160 immediately if you have any difficulties submitting your application.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 21st day of March 2024.

MARK LINDSEY
Chair

KELSEY PEARSON
Chief Examiner

LABORER I SPN 501
OPEN ENTRY

DATE OPEN: Monday, March 25, 2024

DATE CLOSED: Monday, April 8, 2024

SALARY: \$40,507.20 annual salary, payable bi-weekly, to a maximum of \$62,702.64

DESCRIPTION:

Performs unskilled and limited semi-skilled manual work in various departments.

DUTIES:

- Work performed varies with department to which assigned.
- Digs and backfills ditches and holes by hand; loads and unloads trucks; sets out barricades; and directs traffic at construction sites.
- Polices and cleans in and around assigned buildings. Assists in the clearing or maintenance of grounds and areas.
- Assists craft specialists and other trade workers in the construction, repair and maintenance of buildings, equipment and/or furnishings.
- When assigned to night shift, also watches assigned building or areas for any damage or danger of loss to property. Turns off electrical equipment, waters lawns, answers and records telephone messages.
- Sweeps streets, gutters and alleys by hand; loads trash or snow into trucks; spreads sand on icy streets; prepares grade, spreads stone chips, fills paving cracks, spreads paving mix, operates paint line removing machine, and otherwise assists in street maintenance.
- Cleans reservoirs, and assists in laying water mains, installing hydrants, cleaning valves, cutting pipe and other water service operations.
- Assists in maintenance and construction of sewer infrastructure, and TV inspection of sewers. Cleans storm water lines and catch basins. Pumps septic tanks and cesspools.
- Operates thread cutting machine to cut pipe, etc.
- May instruct seasonal employees in setting up risers and chairs, and cleaning facilities after events.
- Cleans and transports vehicles from one location to another. Replenishes supplies and equipment in vehicles.
- May lift and carry heavy objects weighing up to 100 lbs.

MINIMUM QUALIFICATIONS:**Open Entry Requirements:**

(Open-entry applicants must meet all requirements when they apply.)

- *Education:* High school diploma or equivalent.
- *Experience:* One year of laboring experience.
- *Licenses:* Possession of a valid driver's license.

EXAMINATION DETAILS:

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire.

Qualified applicants are encouraged to apply immediately. All applicants must complete and submit a City of Spokane employment application online by 4:00 p.m. on the filing cut-off date.

Upon request, at time of application, City of Spokane will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

The examination will consist of a written test, with scoring weight assigned as follows:

- Multiple-Choice Examination: 100%

EXAMINATION DETAILS:

Two methods of testing will be offered. Candidates will choose which method is best for them and self-schedule accordingly based on availability. Self-schedule notifications will be sent to candidates upon approval of application review.

Written Testing will be conducted at The Hive, 2904 E Sprague Ave, Spokane, WA, 99202, on Saturday, April 13, 2024, at 11:00 a.m. *Additional sessions may be made available depending upon number of applicants and testing space available.*

Online Remote Testing Examination links with instructions will be emailed prior to 12:00 a.m. Pacific time on April 11, 2024 and will expire at 11:59 p.m. on April 16, 2024. Keep in mind that the test link will be emailed from City of Spokane (info@governmentjobs.com).

NOTE: Remote examinees may begin the exam at any time during the test period; however, once you begin, you will have 1.5 hours to complete the examination. You may take the exam only once during the open recruitment period.

The test may include such subjects as:

- Safety & Vehicle Operation
- Interpersonal Skills
- Reading
- Math & Reasoning
- Mechanics

TO APPLY:

An application is required for promotional applicants. Applications must be completed online at: <http://my.spokanecity.org/jobs> by 4:00 p.m. on the filing cut-off date. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: civilservice@spokanecity.org with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4th Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

Please contact our office at 509-625-6160 immediately if you have any difficulties submitting your application.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 19th day of March 2024.

MARK LINDSEY
Chair

KELSEY PEARSON
Chief Examiner

Notice for Bids

Paving, Sidewalks, Sewer, etc.

**Maple Street Bridge North Bank Erosion Mitigation
Engineering Services File No. 2022079**

This project consists of the installation of approximately 20 CY of permeable ballast, 30 CY of 4" – 8" basalt rock, eight 3'x3'x3' gabion baskets, eight 18'± length soil nails, shotcreting, and other related miscellaneous items to correct an erosion issue beneath the north bank of the Maple Street Bridge.

The City of Spokane will receive bids until 1:00 p.m. April 1, 2024, for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. Bids shall be delivered by hand, mail or courier service to City Hall, 808 W. Spokane Falls Blvd. Spokane, WA 99201. Hand delivered bids shall be delivered to the first floor of City Hall between noon and 1:00 p.m. on bid opening day to the purchasing agent present. All bid packages shall be in sealed envelopes marked with the following text: "Attn: Purchasing - Bid Documents Enclosed, YYY Project", where YYY is the project name.

The bids will be publicly opened and read at 1:15 p.m. online using Microsoft Teams. If you would like to view the bid opening, please utilize one of the following options: to watch, go to our website: <https://my.spokanecity.org/business/bid-and-design/current-projects/> click on the link to the Microsoft Teams meeting on the right-hand side of the page. Alternatively, it may be simpler to listen by phone, which can be done as follows: call (323) 618-1887, then enter the access code 533 854 149 followed by #.

The City of Spokane, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252,42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

Cashier's check, a certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY-FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City of Spokane is using WSDOT's 2023 Standard Specifications for this project.

Pre-bid conference: Because of the unusual nature of this project, a prebid conference will be held at project site at 1:30 p.m. on Thursday, March 21, 2024. The project site can be accessed off of Summit Boulevard in Kendall Yards, just above the Maple Street tunnel beneath Summit Boulevard.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix B. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Publish: March 13, 20, & 27, 2024

Notice for Bids

Supplies, Equipment, Maintenance, etc.

VALVES AND REPAIR KITS, As-Needed

Spokane Solid Waste Disposal, Waste To Energy Facility

PW ITB 6079-24

Description: The City of Spokane, through its Solid Waste Disposal, Waste To Energy Facility is soliciting electronic bids for Valves and Repair Kits, As-Needed

Bid Opening: Electronic Bids will be unsealed at the 1:15 p.m. public bid opening via Microsoft Teams platform on **MONDAY, APRIL 8, 2024**, for Valves and Repair Kits As-Needed. To watch the City of Spokane Bid Opening Meeting,

go to our website: <https://my.spokanecity.org/administrative/purchasing> and then click on the “join meeting” link on the right-hand side of the page. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

The Invitation to Bid document is available for download through the City of Spokane’s online procurement system <https://spokane.procureware.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person. It is the responsibility of Proposers to check the City of Spokane’s online procurement system identified above for Addenda or other additional information that may be posted regarding this Invitation for Bids. Questions from potential Proposers will be accepted through the “Clarifications” tab under the associated project number in the online procurement system.

All Bid documents shall be submitted electronically through the City of Spokane’s online procurement system no later than **1:00 p.m. on MONDAY, APRIL 8, 2024**. Hard copy and/or late submittals will not be accepted. Bids must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Bids submitted late.

The right is reserved to reject any and all Bids and to waive any informalities.

Rick Rinderle
City of Spokane Purchasing

Publish: March 20 & 27, 2024

PERFORATED SQUARE STEEL TUBE (PSST) As-Needed
Spokane Streets Department
PW ITB 6085-24

Description: The City of Spokane, through its Streets Department is soliciting electronic bids for Perforated Square Steel Tube (PSST) As-Needed.

Bid Opening: Electronic Bids will be unsealed at the 1:15 p.m. public bid opening via Microsoft Teams platform on **MONDAY, APRIL 29, 2024**, for Perforated Square Steel Tube (PSST) As-Needed. To watch the City of Spokane Bid Opening Meeting, go to our website: <https://my.spokanecity.org/administrative/purchasing> and then click on the “join meeting” link on the right-hand side of the page. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

The Invitation to Bid document is available for download through the City of Spokane’s online procurement system <https://spokane.procureware.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person. It is the responsibility of Proposers to check the City of Spokane’s online procurement system identified above for Addenda or other additional information that may be posted regarding this Invitation for Bids. Questions from potential Proposers will be accepted through the “Clarifications” tab under the associated project number in the online procurement system.

All Bid documents shall be submitted electronically through the City of Spokane’s online procurement system no later than **1:00 p.m. on MONDAY, APRIL 29, 2024**. Hard copy and/or late submittals will not be accepted. Bids must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Bids submitted late.

The right is reserved to reject any and all Bids and to waive any informalities.

Rick Rinderle
City of Spokane Purchasing

Publish: March 20 & 27, 2024

CARMANAH TECHNOLOGIES RECTANGULAR RAPID FLASHING BEACONS, As-Needed, No Or-Equals

Spokane Streets Department

PW ITB 6090-24

Description: The City of Spokane, through its Streets Department is soliciting electronic bids for Carmanah Technologies Rectangular Rapid Flashing Beacons As-Needed, No Or-Equals.

Bid Opening: Electronic Bids will be unsealed at the 1:15 p.m. public bid opening via Microsoft Teams platform on **MONDAY, APRIL 8, 2024**, for Carmanah Technologies Rectangular Rapid Flashing Beacons As-Needed, No Or-Equals.

To watch the City of Spokane Bid Opening Meeting, go to our website: <https://my.spokanecity.org/administrative/purchasing> and then click on the “join meeting” link on the right-hand side of the page. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

The Invitation to Bid document is available for download through the City of Spokane’s online procurement system <https://spokane.procureware.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person. It is the responsibility of Proposers to check the City of Spokane’s online procurement system identified above for Addenda or other additional information that may be posted regarding this Invitation for Bids. Questions from potential Proposers will be accepted through the “Clarifications” tab under the associated project number in the online procurement system.

All Bid documents shall be submitted electronically through the City of Spokane’s online procurement system no later than **1:00 p.m. on MONDAY, APRIL 8, 2024**. Hard copy and/or late submittals will not be accepted. Bids must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Bids submitted late.

The right is reserved to reject any and all Bids and to waive any informalities.

Rick Rinderle
City of Spokane Purchasing

Publish: March 27 & April 3, 2024

WATERBORNE TRAFFIC PAINT, As Needed

Spokane of Spokane Street Department

ITB 6096-24

Description: The City of Spokane, through its Streets Department is soliciting electronic bids for Waterborne Traffic Paint, As Needed.

Bid Opening: Electronic Bids will be unsealed at the 1:15 p.m. public bid opening via Microsoft Teams platform on **MONDAY, APRIL 8, 2024**, for Waterborne Traffic Paint, As Needed. To watch the City of Spokane Bid Opening Meeting, go to our website: <https://my.spokanecity.org/administrative/purchasing> and then click on the “join meeting” link on the right-hand side of the page. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

The Invitation to Bid document is available for download through the City of Spokane’s online procurement system <https://spokane.procureware.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person. It is the responsibility of Proposers to check the City of Spokane’s online procurement system identified above for Addenda or other additional information that may be posted regarding this Invitation for Bids. Questions from potential Proposers will be accepted through the “Clarifications” tab under the associated project number in the online procurement system.

All Bid documents shall be submitted electronically through the City of Spokane’s online procurement system no later than **1:00 p.m. on MONDAY, APRIL 8, 2024**. Hard copy and/or late submittals will not be accepted. Bids must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Bids submitted late.

The right is reserved to reject any and all Bids and to waive any informalities.

Rick Rinderle
City of Spokane Purchasing

Publish: March 20 & 27, 2024

ASPHALTIC MIXES, As-Needed

City of Spokane, Multiple Departments

PW ITB 6098-24

Description: The City of Spokane, through multiple departments, to include but not limited to the Streets Department, is soliciting electronic bids for Asphaltic Mixes, As-Needed, over a five-year period.

Bid Opening: Electronic Bids will be unsealed at the 1:15 p.m. public bid opening via Microsoft Teams platform on **MONDAY, APRIL 8, 2024**, for Asphaltic Mixes, As-Needed. To watch the City of Spokane Bid Opening Meeting, go to our website: <https://my.spokanecity.org/administrative/purchasing> and then click on the “join meeting” link on the right-hand side of the page. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

The Invitation to Bid document is available for download through the City of Spokane’s online procurement system <https://spokane.procureware.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person. It is the responsibility of Proposers to check the City of Spokane’s online procurement system identified above for Addenda or other additional information that may be posted regarding this Invitation for Bids. Questions from potential Proposers will be accepted through the “Clarifications” tab under the associated project number in the online procurement system.

All Bid documents shall be submitted electronically through the City of Spokane’s online procurement system no later than **1:00 p.m. on MONDAY, APRIL 8, 2024**. Hard copy and/or late submittals will not be accepted. Bids must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Bids submitted late.

The right is reserved to reject any and all Bids and to waive any informalities.

Rick Rinderle
City of Spokane Purchasing

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