KELSO
CIVIL SERVICE
RULES AND REGULATIONS

CIVIL SERVICE COMMISSION
KELSO, WASHINGTON

REVISED 2014

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CIVIL SERVICE RULES
CITY OF KELSO

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*The Civil Service Rules and Regulations of the City of Kelso, Washington pertaining to Commissioned personnel of the Kelso Police Department were amended by unanimous vote of the Kelso City Service Commission on March 25, 1996. Revised March 2007. Revised May 28, 2013 Rule 10.01; 10.08.01.
Revised 2014.

1.00 GENERAL PROVISIONS

1.01 AUTHORITY AND APPLICATION: In accordance with the provisions of the laws of the State of Washington pertaining to Civil Service, these rules are applicable to all commissioned employees of the Police Department covered by the City's Civil Service System. The City of Kelso hereby adopts the following rules for carrying out the purpose of said laws.

1.02 SCOPE AND PURPOSE:

1.02.01 These rules govern the continuing administration of the Civil Service System of the City and their terms and conditions of Civil Service employment with the Police Department. The City of Kelso's entry level/lateral entry hiring procedures and promotional procedures for the Police Department follow the Rule of 3 for eligibility. The purpose of these rules is to assure that the Civil Service System in the City is administered in accordance with applicable City Charter and Ordinances, and that all proceedings before the Commission are conducted in an orderly, fair, and timely manner. No employee shall have a property interest in or as a result of these rules.

1.02.02 The Kelso Civil Service System and the principles of Civil Service incorporated therein are hereby declared to be in the public interests of efficient and economical city government (1) by ensuring that appointments to and promotions in are based on fitness, competency, and merit; (2) for the primary purpose of inducing the most competent persons to enter and to remain in the service of the City and thereby enabling the City to perform its functions and to render its services in the most efficient and economical manner.

1.02.03 The Civil Service Commission provides general rules and regulations governing positions and employees subject to the Classified Civil Service System, including:

I. Competitive, job relevant, selection processes designed to fairly evaluate candidates' relative fitness for employment at entrance and promotional levels.

2. Preparation and maintenance of a Preliminary Eligibility Register and Certified Hiring Register for positions in the Police Department. The Certified Hiring Register shall contain the names of the three (3) highest ranking eligible candidates and shall be referred to the appointing authority for consideration of employment.

3. Performance evaluation processes, as they may affect decisions such as an officer's probationary status, eligibility for promotion and disciplinary measures.

4. Disciplinary processes, including suspension, demotion, and discharge of city police officers for cause,

5. Methods of handling complaints, grievances, and appeals to insure fair treatment of officers.

6. Such other functions as are necessary to meet Commission responsibility and authority provided by state law and city ordinance.

7. Insofar as practicable, by eliminating and by preventing discrimination on the basis of personal favoritism, political and other non-job related consideration in the selection, employment, and retention of such employees.

1.03 SEVERABILITY — CONFLICT:

1.03.01 If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.

1.03.02 In the event of conflict between these rules and a collective bargaining agreement under Chapter 41.56 RCW, the provisions of the collective bargaining agreement shall prevail.

1.04 CONSTRUCTION OF RULES:

The Commission intends that these rules shall be construed in accordance with other governing law and shall be construed and applied liberally, reasonably, equitably, and practically, in their entirety.

2.00 ADMINISTRATION AND OPERATIONS

2.01 COMMISSION — MEETING — QUORUM: The Commission shall meet at least once each month at a place and time set by the Commission and regularly scheduled and posted. Special meetings may be held upon call of the Chair, Chief Examiner, or any member of the Commission. Notice of special meetings shall be provided as required by the Open Meetings Act (Chapter 42.30 RCW, as amended). At a special meeting, no business shall be transacted except that specified in the call and notice thereof. The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. All commission meetings or hearings, regular or as required, shall be open to the public. Provided, however, that the Commission may meet in executive session at such times as authorized by the Open Public Meetings Act.

2.02 CHAIR: At the first regular meeting in January of each year, the Commission shall elect one of its members to serve as Chair and Chair Pro Tem for a term of one year. Should a Chair or Chair Pro Tem be removed from the position by a majority of the Commission, or resign or be removed from office prior to the expiration of a term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair or Chair Pro Tem. Unless otherwise provided by the Rules or the Commission, the Chair shall preside at all meetings and hearings held by the Commission, and shall perform such other duties as authorized by these rules or assigned by the Commission from time to

time. The Chair Pro Tem shall preside at all meetings and hearings held by the Commission in the absence of the Chair.

2.03 RULES OF ORDER: Robert's Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules, unless dispensed with by unanimous vote.

2.04 COMMISSIONERS — CHALLENGE: Any challenge to a Commissioner's sitting at a hearing shall be made by an interested party by submitting a written affidavit to the Chief Examiner at least ten (10) days prior to the commencement of a hearing or as soon as possible after the party learned of the alleged interest, prejudice or close relationship which is the basis of the challenge. The Commission shall review the affidavit and vote on the challenge prior to proceeding with the hearing. Upon the Commission's finding of cause for disqualification, the challenged commissioner shall take no part in the hearings. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown to a party prior to commencement of a hearing.

2.05 COMMISSIONERS — CHALLENGE — MEMBER PRO TEMPORE: If, as a result of disqualification(s) pursuant to Section 2.04, there is no longer a lawfully constituted quorum available, then the remaining commissioner, if any, shall request the City Manager in writing to appoint additional qualified persons to act as members of the commission pro tempore for the purpose of hearing and deciding the particular proceeding only. Alternatively, the remaining commissioners may, with the written consent of the City Manager and the employee (or employee's representative), appoint a member or members pro tempore.

2.06 OFFICE HOURS: The Commission offices shall be the office of the Police Department. The address of the Civil Service Commission is 201 S Pacific, Suite 102, Kelso, WA 98626. The regular office hours and address for receipt of Commission correspondence and notices shall be 8:00 A.M. to 5:00 P.M., Monday through Friday (excluding City holidays) at the office of the Police Department.

2.07 PUBLIC RECORDS: Public records of the Commission shall be available for inspection and copying during the regular office hours of the Police Department. No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the Commission, under its supervision, and must be accomplished without excessive interference with the essential functions of the City. Copies will be made available at charges established by the City Council or City Clerk. Copies of these rules shall be printed for free public distribution.

2.08 RECORD OF PROCEEDINGS: The Commission shall keep a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at such party's own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review,

transcription and certification of a record of proceedings shall be arranged by the City Manager or Chief Examiner.

2.09 REPORTS — APPLICANTS, ELIGIBLES, EMPLOYEES: Each applicant, eligible, and employee shall, through City procedures (where applicable), keep the Commission informed, by a written notice, of current address and telephone number, and shall report any change of name through marriage or otherwise.

2.09.01 Each eligible shall keep the Commission informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefor. Failure to give such notice shall constitute cause for striking an eligible's name from a Preliminary Eligibility Register.

3.00 CHIEF EXAMINER

3.01. EXAMINER AUTHORITY: The Chief Examiner shall, subject to Commission approval:

3.01.01 Formulate and conduct practical and competitive tests for positions within the Police Department.

3.01.02 Determine minimum qualifications and eligibility of applicants.

3.01.03 Establish and maintain Preliminary Eligibility Registers and Certified Hiring Registers for entry level and lateral entry police officer positions.

3.01.04 Other duties as prescribed by the Commission.

3.02 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE CHIEF EXAMINER:

3.02.01 The Commission on its own motion may review or modify any action or decision of the Chief Examiner.

3.02.02 Any person adversely affected by an action or decision of the Chief examiner may request the Commission to revise or modify such action or decision. Such requests shall be in writing, setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the date notice of such action unless established otherwise in these rules. The Commission may thereupon conduct an investigation or grant a hearing on the matter or take such action as it deems appropriate consistent with law and these rules.

4.00 DEFINITIONS

4.01 ACTUAL SERVICE: See Service Credit Section 10.

4.02 APPLICANT: Anyone who has filed an application to take a Civil Service examination with the Police Department.

4.03 APPPOINTING AUTHORITY: City Manager or his designee.

4.04 APPOINTMENT:

4.04.01 APPOINTMENT — REGULAR: The appointment of an eligible to a position in the Police Department.

4.04.02 APPOINTMENT — TEMPORARY: A limited appointment when there is no current hiring register for a vacant position,

4.04.03 APPOINTMENT — PROVISIONAL: A temporary appointment of an officer to a position which is not vacant, but is currently unfilled due to an authorized leave of absence.

4.05 ASSIGNMENT: The placement of an officer in a position which may carry additional salary and additional limited responsibilities and is within the scope of the specification for the position from which assignment is made.

4.06 CANDIDATE: Any applicant who has completed, or is in the process of completing, a Civil Service examination for consideration of employment with the Police Department.

4.07 CAUSE: Cause shall mean good cause, justifiable or just cause, "in good faith for cause," adequate cause or sufficient cause, as such terms are commonly understood. There is no difference among these various phrases.

4.08 CERTIFIED HIRING REGISTER: A list (certification) of names from a Preliminary Eligibility Register transmitted by the Civil Service Commission to the City Manager from which the department head may fill a vacancy.

4.09 CERTIFY: Verification to the City Manager that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment and/or additional testing for consideration of employment.

4.10 CIVIL SERVICE — CIVIL SERVICE SYSTEM — SERVICE: The personnel system of the City of Kelso governing positions within the Police Department.

4.11 CIVIL SERVICE COMMISSION: The Civil Service Commission of the City or the Civil Service Board of Commissioners appointed by the City Manager in accordance with the City Charter.

4.12 CIVIL SERVICE REGISTER: Preliminary Eligibility Register.

4.13 COMPUTATION OF TIME: Method used in computing any period of time prescribed or allowed by these Rules or by any applicable statute.

4.14 CONTINUOUS SERVICE: Employment without interruption, except for absences on approved leave with pay or absence due to service in the armed forces of the United States.

4.15 DEMOTION: Removal of an employee, for cause, from a higher to a lower class of employment or salary step within the Police Department.

4.16 DISCHARGE/DISMISSAL: Removal from the Service for cause.

4.17 EARNED EXAMINATION SCORE: Total score of an applicant earned on an examination for a position with the Police Department.

4.18 ELIGIBLE: Anyone qualified for consideration of employment with the Department through examination and placed on the proper hiring register; also "Certified Eligible."

4.19 PRELIMINARY ELIGIBILITY REGISTER: A register or list of successful candidates for consideration of employment with the Police Department from which certification may be made to fill vacancies in the department; also "Register of Eligibles."

4.20 OFFICER:

4.20.01 OFFICER — REGULAR: Any employee in the Police Department under the Civil Service System who has been appointed from a hiring register and who has satisfactorily served the full probationary period.

4.02.02 OFFICER — TEMPORARY: An employee of the Police Department appointed to fill an emergency, temporary or short term need, or to fill a position for which no register is available.

4.02.03 OFFICER — PROVISIONAL: An employee of the Police Department appointed provisionally to a position.

4.02.04 OFFICER — PROBATIONARY: A person appointed from a Certified Hiring Register who has not yet completed the probationary period of employment in that position.

4.21 EXAMINATION: The process of testing the fitness and qualifications of applicants for positions in the Police Department.

4.21.01 EXAMINATION — ENTRANCE: An examination open to members of the public meeting the requirements stated in the bulletin and application packet announcing the examination.

4.21.02 EXAMINATION — LATERAL ENTRY: An examination limited to police officers and other members of the public meeting the requirements stated in the bulleting and/or application packet announcing the examination.

4.21.03 EXAMINATION — PROMOTIONAL: An examination limited to police officers meeting the requirements stated in the bulleting and/or announcement of the examination.

4.22 EXAMINATION BULLETIN: An examination announcement containing basic information about the position, the requirements for filing, how to apply, and other pertinent information. The examination announcement shall be posted in the Police Department and in other suitable locations.

4.23 FINAL EXAMINATION SCORE: Total of earned exam score plus additional veteran's preference or service credit points for which an applicant is eligible.

4.24 LAYOFF: The interruption of service and pay of any regular officer in the Police Department because of a lack of work or funds.

4.25 OFFICE: The term "office" as used in these rules shall include a position of employment.

4.26 OFFICIAL NEWSPAPER: The newspaper designated as official by the City or as otherwise designated by the Commission in which all official notices and bulletins required to be published shall appear.

4.27 PROBATION OR PROBATIONARY: The status of an employee during the period following appointment from a Certified Hiring Register. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed.

4.28 PROMOTION: The appointment of an officer to a higher position within the department through a temporary or provisional appointment, or through competitive examination as determined by the Commission.

4.29 REINSTATEMENT: Re-appointment of an officer to a position in which the officer was a regular employee.

4.30 REINSTATEMENT REGISTER: A list of names of persons who were regular employees of the Police Department and who were laid off and are entitled to reinstatement as a regular officer. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement.

4.31 RETIREMENT: The termination of employment for service or disability pursuant to applicable retirement laws.

4.32 RULE OF 3: After testing has been completed, the top three candidates shall be placed on the Certified Hiring Register. The Certified Hiring Register shall then be forwarded to the appointing authority. The appointing authority shall pick one name from the Certified Hiring Register to fill the position. The appointing authority shall take into consideration written test scores, physical fitness, interviews, personal qualifications, and any other suitable

evaluations in filling the position. For promotions, employee evaluations, training and experience, and community service shall also be taken into consideration.

4.33 SUSPENSION: Temporary removal of an officer from employment with or without pay, for cause, or pending determination of charges against the officer which could result in demotion or discharge.

4.34 TENURE OR TENURED APPOINTMENT: The employment status following an appointment after the satisfactory completion of any probationary or trial period whereupon the employee acquires full Civil Service status in the position.

4.35 VETERAN'S PREFERENCE: Preference in examinations and employment based on military service, as provided and defined by applicable laws.

5.00 RULE MAKING

5.01 AMENDMENT: Unless upon emergency declared by all Commissioners present, any amendment to these rules shall be considered in at least two meetings prior to adoption and may be adopted at the second meeting at which the amendment is considered. Upon declaration of an emergency, an amendment may be adopted at the meeting at which it is first proposed. However, the Commission shall review the amendment at its next regular meeting.

5.02 PROPOSED AMENDMENTS: Any officer, or any association thereof, or any other interested person may petition the Commission in writing requesting the adoption and promulgation of any proposed amendment to these rules. The petition shall set forth the proposed amendment, shall give the reasons therefor, and shall be signed by the petitioning party. All such petitions shall be considered by the Commission. The Commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

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

5.04 FILING/POSTING OF RULES: These rules and any amendments hereto shall be filed with the City Clerk and retained as a permanent and public record. Notice of each filed amendment shall be posted immediately in the Police Department, with the employee union and/or association, as soon as practicable.

6.00 APPLICATIONS AND APPLICANTS

6.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS:

6.01.01 APPLICATIONS REQUIRED: All applicants for examinations for positions with the Police Department in the classified Civil Service must timely file written applications on a form prescribed by the Chief Examiner; and no one shall be admitted to any examination without

having first filed an application on the proper form, giving fully, truthfully, and accurately all information required.

6.01.02 TIME LIMITATIONS: All applications for examination shall be filed with the Chief Examiner during office hours and within the time limit fixed in the official notice of examination. Applications received by mail must be postmarked on or before the closing date. Late applications may be accepted only upon written evidence of extenuating circumstances acceptable to the Chief Examiner. Time for filing applications may be extended by the Chief Examiner as the needs of the service require, in which case the examination shall then be re-advertised in the official newspaper.

6.01.03 CONTENTS: Each application shall include statements of fact by the applicant regarding personal data as deemed necessary to determine whether the applicant meets the minimum requirements as described in the examination announcement. The application shall be signed by the applicant with such signature deemed to be made under oath and to certify the truth of all statements made in the application.

6.02 ENTRY LEVEL POSITION/POLICE OFFICER:

6.02.01 EXAMINATION: The examination for entry level police officer shall

be practical and impartial, shall consist of subjects which fairly determine the capacity of persons examined to perform the duties of the position and shall include tests of physical fitness and/or manual skill. Scoring for entry level examinations: 60% of earned Oral Board score and 40% of earned written score will determine applicants' final total t is earned score.

6.02.02 QUALIFICATIONS:

1. Must be a citizen of the United States.

2. Shall be able to read and write the English language.

3. Minimum age for appointment is 21.

4. Shall possess a valid Washington Driver's License within two weeks of appointment.

5. Must have graduated from an accredited high school or possess a certificate of equivalency.

6. Shall be required to complete and submit to the employing agency a comprehensive application form.

7. Shall possess a good character as determined by a thorough background investigation.

8. Shall have and successfully pass a written examination, physical agility and/or ability test and an oral interview, to be administered by the employing authority or its representatives.

9. The Civil Service Commission reserves the right to restrict oral interviews to those applicants achieving a satisfactory level of score performance. This performance cut-off level shall be determined by the Chief Examiner and approved by the Commission prior to the examination.

10. Those applicants who are successful in attaining a position on the Preliminary Eligibility Register shall, prior to further consideration of a position on a Certified Hiring Register, have a thorough physical examination by a licensed physician or surgeon approved by the Commission to insure that the applicant is free from conditions which might affect the performance of the applicant's duties as a law enforcement officer and will be subject to a psychological examination and thorough background investigation. Such medical and physical examinations shall also be taken by all probationary appointees before they enter upon their employment and by all applicants for reinstatement before they are reinstated.

6.02.03 POLYGRAPH/VOICE STRESS ANALYSIS EXAMINATION: The polygraph/voice stress analysis examination shall be made.

6.03 LATERAL ENTRY POSITION/POLICE OFFICER:

6.03.01 EXAMINATION: The applicant must have been employed as a full-time, paid, sworn officer eighteen (18) months of the immediate past twenty-four (24) months. Testing shall include and is not limited to: Oral Board, Polygraph/voice stress analysis, *Psychological Examination, Medical Examination, and Background Investigation. The City reserves the right to require any additional tests it deems necessary. (*This requirement may be waived by the hiring authority).

6.03.02 QUALIFICATIONS:

1. Must be a citizen of the United States.

2. Shall be able to read and write the English language.

3. Minimum age at time of appointment is 21.

4. Shall possess a valid Washington Driver's License within two weeks of appointment.

5. Must have graduated from an accredited high school or possess a certificate of equivalency.

6. Shall be required to complete and submit to the employing agency, a comprehensive application form.

7. Shall possess a good character as determined by a thorough background investigation.

8. The applicant shall have successfully completed and received a certificate of completion from the Washington State Training Commission.

The applicant shall have successfully completed the Washington State Basic Law Enforcement Academy and shall hold current Washington State police officer certification. If from out of state, the applicant shall have completed the Basic Academy and shall hold the equivalent certificate(s) from the state in which the applicant is currently, or was most recently employed.

Out-of-state Applicants: The applicant must participate in the first available Equivalency Academy following their date of hire unless such Academy falls within the initial 60 day period for employment. The applicant must meet all the eligibility requirements for participation in the basic equivalency process as set forth in WAC 139-05-210, or as hereafter amended.

9. The applicant must have been employed as a full-time, paid, sworn officer for eighteen (18) months of the immediate past twenty-four (24) months at the time of application.

10. The applicant will be required to participate in an Oral Board examination and other examinations that may be required by the Chief Examiner.

11. Those applicants who are successful in attaining a position on the Preliminary Eligibility Register shall, prior to further consideration ~~of~~ for a position on a Certified Hiring Register, have a thorough physical examination by a licensed physician or surgeon approved by the Commission to insure that the applicant is free from conditions which might affect the performance of the applicant's duties as a law enforcement officer and will be subject to a polygraph/voice stress analysis examination, psychological examination and thorough background investigation.

6.03.03 POLYGRAPH/VOICE STRESS ANALYSIS EXAMINATION: The polygraph/voice stress analysis examination shall be made.

6.04 ADMISSION TO EXAMINATION/PROMOTIONAL:

6.04.01 The applicant shall be admitted to the examination if it clearly appears that the applicant meets all the minimum requirements.

6.04.02 Minimum qualifications and eligibility for examination shall be determined as of the date of closing as set by the Examination Bulletin, provided, however, for promotional examinations, minimum qualifications and eligibility shall be satisfied by an applicant within thirty (30) days of closing.

6.05 QUALIFICATIONS:

6.05.01 POLICE CAPTAIN

1. Must have served at least two (2) years at the rank of Police Sergeant or above — at least one (1) of which must have been as a Kelso Police Sergeant.

2. Must possess 135 quarter credits from an accredited college or University in law enforcement studies.

3. Must be in good health.
4. Must submit a precis of experience.

5. Must pass a written examination and oral interview and/or Assessment Center test.

6.05.02 POLICE SERGEANT

1. Must have a minimum of three (3) years experience with the Kelso Police Department.

2. Must have an Associates of Arts or Sciences Degree from an accredited college, or the equivalent semester/quarter hours from a 4 year accredited institution.

3. Must be in good health.

4. Must submit a precis of experience.

5. Must pass a written examination and oral interview and/or Assessment Center test.

6.05.03 Examination for promotion shall be practical in character and shall embrace such subjects as will test the general intelligence, accuracy and qualifications of the applicant for the position involved. Appointments

and promotions as a result of promotional examinations shall be probationary for one (1) year effective the date of appointment.

6.05.04 Any person who fails to attain an earned score of seventy-five percent (75%) of complete proficiency on any part of the promotional multi-pail examination shall be deemed ineligible. Grading for promotional examinations: Sixty percent (60%) of the earned score for oral board examination; forty percent (40%) of earned score for written examination. An Assessment Center test shall not be subject to factored scoring.

6.06 CONDITIONAL ADMISSION: If there is reasonable doubt as to whether the applicant meets the minimum requirements, the Chief Examiner may order that the applicant be admitted to the examination on condition that the particular requirements are met to the satisfaction of the Chief Examiner and Commission before the applicant is enrolled on a hiring and/or promotional register.

6.07 REJECTION OF APPLICATION OR ELIGIBLE: The Chief Examiner may reject an applicant for examination, withhold from a register or from certification, or remove from a register the name of an eligible under the following circumstances:

6.07.01 FAILURE TO MEET REQUIREMENTS: If it clearly appears that the applicant does not meet the minimum requirements set forth in these rules or in the public notice of the examination. The Chief Examiner must specifically state the reasons for rejecting the application.

6.07.02 FALSE STATEMENT: The applicant has intentionally made a material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination.

6.07.03 FAILURE TO APPEAR: The failure of an admitted applicant or conditionally admitted applicant to appear at a scheduled examination or any scheduled test or part thereof shall be considered as though the applicant failed the examination or test.

6.07.04 NOTICE OF NON-ACCEPTANCE: Anyone against whom action is taken under Rule 6.07.01 shall be notified promptly by the Chief Examiner of the reasons therefor by oral notice at the time of filing the application or written notice mailed to the applicant or eligible.

6.07.05 PROTEST — ADMISSION TO EXAMINATION PENDING: Any aggrieved applicant whose application to an examination has been rejected may file a protest with the Chief Examiner. Such protest must be in writing and filed within five (5) days of notice of rejection. The Chief Examiner shall give due consideration to all timely filed protests and shall take appropriate action. Pending final disposition of such protest, the Chief Examiner may admit the applicant to the examination, such admission to be without prejudice to either the City or the applicant.

6.07.06 AMENDMENT OF APPLICATION: The Chief Examiner may permit

any applicant before or after acceptance of the application form to amend the application or to file an amended application. The amended application must be re-filed with the Chief Examiner prior to the last date for filing applications for that examination.

6.07.07 APPLICATION NOT RETURNED: All applications when completed and filed become the property of the Commission and thereafter may not be returned to applicant.

6.07.08 APPLICATION FEE: Test application fees may be set by the Chief Examiner and Commission after review of examination purchase and test administration costs. The application fee is to be paid by an applicant at the time of filing of an application and is non-refundable. Failure to pay any required examination fee shall result in the rejection of an application or an eligible.

6.07.09 UNFAIR ADVANTAGE: The applicant has secured confidential information concerning the examination, which might give them an unfair advantage over other applicants.

6.07.10 DISMISSAL FOR CAUSE: No person who has been dismissed for cause from any civil service position, whether it be any municipal, county, state, or federal employment, may apply or qualify for a position within the Classified Service of the City. This subsection includes any out-of-state employment that would be subject to the civil service provisions if in Washington State.

6.07.11 RESIGNATION IN LIEU OF DISMISSAL OR PROBABILITY OF DISMISSAL: No person who has resigned in lieu of dismissal or probability of dismissal from any civil service position, whether it be any municipal, county, state, or federal employment, may apply for or qualify for a position within the classified service of the city. This subsection includes any out-of-state employment that would be subject to the civil service provisions if in Washington State.

6.07.12 PAY OR PROMISE TO PAY: Any applicant for appointment, promotion, re-employment, increase in salary, or other personal advantage who shall directly or indirectly pay or promise to pay any money or any other valuable thing to any person to achieve such appointment, promotion, re-employment, or other personal advantage, shall be ineligible for any further employment in the Classified Service of the City.

6.07.13 DISMISSAL FOR CAUSE WHILE EXAMINATION IN PROGRESS: If any employee is dismissed for cause from the Civil Service position while their examination is in progress, such dismissal shall be deemed cause for rejection of their application and cancellation of examination or any eligibility they may have attained.

7.00 EXAMINATIONS

7.01 ORDERING EXAMINATIONS: An examination shall be ordered whenever it is deemed to be in the best interest of the Department. The Chief Examiner shall administer examinations as provided by these rules.

7.02 EXAMINER — RESPONSIBILITIES: Under the general direction of the Commission and subject to its review, the Chief Examiner shall:

7.02.01 Determine which examinations shall be conducted, the minimum qualifications of applicants, the subjects to be covered in each examinations, methods of testing, and the relative weights to be given to the various parts of the examination.

7.02.02 Supervise the conduct of the examinations, appoint such experts, special examiners, and other persons the Chief Examiner deems necessary.

7.02.03 Decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of the examination.

7.02.04 Prepare and submit a report after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination.

In exercising the authority set forth herein, the Chief Examiner shall assure that all phases of the examination process are job related and valid measures of the qualifications for the position.

7.03 EXAMINATION — ANNOUNCEMENT:

7.03.01 PUBLICATION: Public notice of entrance examinations shall be given by the Chief Examiner in the official newspaper at least ten (10) days preceding such examination and in any other publications which the Chief Examiner may direct.

7.03.02 AMENDMENTS: The Chief Examiner may amend any published announcement with notice as otherwise required by these rules.

7.04 EXAMINATIONS — CONTINUOUS: A continuous or periodic examining program may be ordered and administered by the Chief Examiner for positions with the Department. Filing will be open, applications received, and the examinations administered according to the needs of the Department. The names of qualified eligibles resulting from the examinations shall be entered on the hiring register. Names of eligibles from successive examinations shall be entered on the hiring register at the appropriate places as determined by final scores. Names may be withheld from certification or removed from such hiring registers in the same manner and for the same

reasons as from any hiring register. Except as provided below, the rules applicable to the department's examinations shall apply to continuous and periodic examinations.

7.04.01 NOTICE: Public notice of continuous examinations shall state that the period for filing applications and taking examinations shall remain open until further order and notice. Qualified applicants may take the examination at such times and places as posted in the official newspaper and/or selected publications.

7.04.02 DURATION AND CLOSING: Any open filing and examination period, may be closed by order of the Chief Examiner upon giving notice of the order by:

1. Publication at least once in the official newspaper; and

2. Posting a copy in the Police Department at least seven (7) days prior to the date of closing.

7.05 EXAMINATIONS — CHARACTER: All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and, when appropriate, rank applicants in terms of their relative fitness to perform duties of the Department. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

7.06 EXAMINATIONS — CONTENT: Examinations may include written tests, physical or performance tests, assessment centers, interviews, or evaluations of personal qualifications, training and experience, or any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical or mental condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.

7.07 EXAMINATIONS — MINIMUM SCORES: In the event that a final minimum passing score is required, the score shall be determined by the Chief Examiner and approved by the Commission prior to any examination.

7.08 EXAMINATIONS — VETERAN CREDIT: Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW. (Entry Level Only)

7.09 MULTI-PART EXAMINATIONS: Where an examination consists of two or more parts, the Chief Examiner may:

7.09.01 Set a minimum score to be required in any part of such examination, and any applicant who fails to attain such minimum score shall be considered as having failed in the entire exam and shall not be entitled to take the balance of the exam.

7.09.02 Assign weights to each part of the examination, with the examinee's earned examination score equaling the weighted average of the scores on each part.

7.09.03 Limit the number to be further considered or tested to a group of the highest scoring applicants, depending on the number of applicants who meet the minimum requirements for a position.

7.09.04 Employ all or any of the above options for multi-part examinations in any examinations.

7.10 EXAMINATION — PROTEST:

7.10.01 Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Chief Examiner within five (5) days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.

7.10.02 When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest or appeal must be filed in writing within five (5) days after the notice of results have been mailed.

7.10.03 Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within five (5) days after the notices of results have been mailed.

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

7.11 CORRECTION OF CLERICAL ERRORS: Any clerical error shall be corrected by the Chief Examiner upon discovery at any time during the life of the Hiring Register, but no such correction shall affect an appointment made from a certification made prior to the correction.

7.12 CONFIRMATION OF RESULTS:

7.12.01 PROCEDURE: As soon as practicable following the completion of an examination, the Commission shall review the examination bulletin, testing procedure, test scores, and examination scores of all examinees as computed by the Chief Examiner, together with the submitted report and recommendations, and all timely protests and other relevant matters that may be presented to the Commission. The Commission may conduct such

investigation, and take such final or interlocutory action as it may deem appropriate in accordance with law and these rules.

7.12.02 ACTION WHICH COMMISSION MAY TAKE: Upon review and consideration of the matters aforementioned, the Commission may by its order, at any time prior to notification of examination results, take any of the following actions:

1. Approve and confirm the examination in its entirety as administered and the Chief Examiner's computations and report with regard to the results thereof;

2. Strike certain questions, problems or parts contained in the written test, or strike any of the factors or component parts tested in the oral, physical agility, practical performance, training and experience evaluation or other tests given in the examination if found to be ambiguous, impractical, discriminatory, unfair, too difficult or beyond the scope of the examination or particular test, or otherwise inappropriate for any reason, and order all the examination papers or rating sheets for that particular test to be re-scored and re-graded accordingly;

3. Change, substitute, add to, or delete any of the answers contained in the answer key or otherwise as used in scoring found to be improper, erroneous, incomplete or inappropriate, and order all such papers to be re-scored and re-graded accordingly;

4. Nullify and vacate the entire examination and all of its results for any cause and either (1) order the examination and such component tests or parts as the commission may deem appropriate to be rescheduled and be retaken by all the existing examinees at a specified time and place and upon appropriate notice, or (2) order the percentage weights assigned to the other tests to be readjusted and further order the earned examination score and the final examination score of each examinee to be corrected accordingly;

5. Take any other action or no action as the Commission may deem proper, necessary or appropriate under the particular circumstances involved consistent with law and these Rules.

7.13 CONFIRMATION ORDER: Pursuant to such final action as the Commission may take, the Commission shall make and enter in the minutes an appropriate order confirming the Civil Service examination and the results thereof, which shall take effect immediately on such entry or on such later date as specified in the order. Thereupon, the examination and its results shall become final and conclusive and no changes of any kind may be made therein; subject only to:

7.13.01 Medical or other examination, if required;

7.13.02 Correction of clerical errors made in the marking, scoring, or grading of the individual examination papers or rating sheets, or made in the computation of an examinee's earned examination average;

7.13.03 Correction of errors of fact or law made in the computation of an examinee's final examination rating; and

7.13.04 The final disposition of any matters pending with regard to an individual application or examinee.

7.14 NOTIFICATION OF RESULTS: As soon as practicable after the effective date of the confirmation order, the Chief Examiner shall, by mail, give written notice to every examinee of individual examination results, indicating whether the examinee passed, showing both the earned examination score and final examination score and rank as computed in accordance with the final confirmation order.

7.15 EFFECTIVE DATE OF EXAMINATION RESULTS: Results of an examination shall become effective on the date of confirmation by the Commission. Appropriate entry thereof shall be made in the Civil Service Preliminary Eligibility Register.

7.16 EXAMINATION PAPERS: Examination papers of each eligible shall be maintained consistent with examination administration procedures, or otherwise consistent with applicable record retention laws.

7.17 ADDITIONAL EXAMINATIONS: Eligibles certified pursuant to Section 8 shall be subject to background, medical, physical, polygraph/voice stress analysis , psychological examination and to such other examinations administered by the Chief Examiner as authorized and approved by the Commission. Reports of such examination shall be filed with the Chief Examiner in the event the findings of the examination indicate that the eligible be rejected. The Chief Examiner shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the Preliminary Eligibility Register.

7.18 MEDICAL EXAMINATIONS:

APPLICANTS/APPOINTEES: Medical examinations shall be required of all original appointees to entry-level and lateral-entry police officer positions.

7.18.01 EMPLOYEES

1. Order for Examination. Subject to sick leave, disability allowance, and benefits, and disability retirement as provided by law, a police officer may be ordered at any time by the Commission at the recommendation of the Chief of Police, in its discretion, for cause, after at least five (5) days

written notice to such employee, to submit to a medical examination by a physician designated by the Commission for the purpose of determining physical and mental fitness of the employee to perform the duties of the position of police officer.

2. Complaint — Hearing. The Chief of Police, upon good faith belief that any police officer is not physically or mentally competent to perform the duties of the position, may file a written complaint with the Commission setting forth the facts with particularity requesting a medical-examination order. Such complaint may be filed in the absence of or in connection with, or as part of a complaint for dismissal or demotion.

3. Complaint by Another Police Officer. Any police officer, upon good faith belief that a fellow officer's physical safety or welfare is in jeopardy by reason of another officer's physical or mental incompetency, and if all departmental remedies with regard thereto have been exhausted, may file a written complaint with the Commission to the same extent and subject to the same requirements and procedures as provided in subdivision 2 of this rule.

8.00 REGISTERS AND ELIGIBILITY

8.01 PRELIMINARY ELIGIBILITY REGISTERS: After each examination, the Chief Examiner shall prepare a Preliminary Eligibility Register for the Department. The names of successful candidates shall be ranked on both entrance/lateral and promotional registers according to their final examination score.

8.02 PREFERENCE IN CASE OF TIE: The preference in rank of eligibles with equal final examination ratings shall be determined by the earned examination score of those candidates. If this does not resolve the tie, the candidates shall be accorded the same standing on the register. The Commission may order further examinations in order to break such ties before certification of names for appointment. Priority of time of examination shall not be given any preference in determining rank.

8.03 REINSTATEMENT REGISTER: A reinstatement register shall be kept, which shall contain the names of those laid off because of curtailment of expenditures, reduction of force and for like causes, who shall head the list in order of their seniority, and shall be the first to be re-employed.

8.04 CONDITIONAL ELIGIBILITY:

8.04.01 Except when specified, the Commission may grant conditional eligibility to any eligible who is not of the required minimum age, or who lacks any other qualification which may be satisfied prior to the expiration of the register, or whose requisite qualification or disqualification is in doubt. An appropriate notation shall be made on the register whenever the

eligibility of an eligible is conditional. Until such time as the eligible attains the required age, or the particular contingent event or condition occurs is satisfied, and until the eligible reports such fact in writing to the satisfaction of the Chief Examiner and/or Commission, eligibility shall be held in abeyance, and the eligible shall have no standing on the register and shall not be certified for any position with the Department.

8.04.02 Whenever the condition to which a conditional eligible is subject is satisfied, an appropriate notation shall be made on the register and, thereupon, the eligible shall be entitled to full eligibility to the same extent and with the same standing on the register, as if such condition had not been present.

8.04.03 Any eligibility granted under this Section shall expire with that of other eligibles from the same examination.

8.05 DURATION OF REGISTERS: All registers shall continue in effect and all enrollees shall remain eligible for the following periods of time, unless otherwise ordered by the Commission:

8.05.01 One year for Entrance/Lateral Registers

8.05.02 Two years for Reinstatement Registers

8.05.03 One year far Promotional Registers.

A Preliminary Eligibility Register may be cancelled by the Commission when the Register no longer contains three (3) eligibles or is one (1) year old.

8.06 APPOINTMENT WITHOUT EXAMINATION: Except as provided in subsection 8.03, any return to the Civil Service shall be by examination only.

8.07 REINSTATEMENT REGISTERS: Reinstatement registers shall be established for the Department and shall contain the names of the following persons in the order below ranked according to their retention credit:

8.07.01 Officers who have been displaced or laid off or, when requested in writing by the City Manager, probationary officers who have been laid off;

8.07.02 Any former officer on disability retirement from the Department;

8.07.03 Refusal to accept appointment from a reinstatement register shall terminate all rights granted under these Rules.

8.08 AVAILABILITY OF ELIGIBLES:

8.08.01 CERTIFICATION WITHHELD: The name of an eligible who is unavailable for appointment shall be withheld during the period in which it is officially known that the candidate is unavailable. Unless excused or granted a deferment by the Chief Examiner, such non-availability shall constitute cause for striking the eligible's name from the register.

8.08.02 LEAVE OF ABSENCE: A promotional eligible on an authorized leave of absence may be certified for a promotional appointment if such leave will terminate within a reasonable time or may be granted a deferment of certification during the leave period.

8.08.03 MILITARY SERVICE: Any eligible in the military service who gives notice shall be granted a deferment of certification for a period not to exceed forty-five (45) days immediately following.

8.09 CANCELLATION OF ELIGIBILITY — CAUSES: Anyone's name may he removed from a Preliminary Eligibility Register or Certified Hiring Register for:

8.09.01 Failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment.

8.09.02 A previous unsatisfactory work record with the City or dismissal from City service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from City service.

8.09.03 Separation from City service will terminate any promotional eligibility.

8.09.04 Failure to respond to the canvass of an entrance register within ten (10) clays from such canvass; failure to respond to call, or refusal to accept employment.

8.10 CANCELLATION OF ELIGIBILITY — NOTICE TO ELIGIBLE: Prior to striking an eligible's name from a register, the Chief Examiner must give the eligible written notice setting forth the cause of removal. Within five (5) days after the date of mailing or serving such notice, the eligible may file a written statement with the Chief Examiner explaining or justifying the causes set forth in the notice. The Chief Examiner shall consider all timely filed statements and take such action as is appropriate. Notice under this section shall not be required in the event of an eligible's voluntary removal from a Preliminary Eligibility Register or Certified Hiring Register.

8.11 CERTIFICATION:

8.11.01 CERTIFIED HIRING REGISTER: Whenever a vacancy is to be filled by regular appointment, the City Manager shall request a certified list from which to make a selection for appointment. The Chief Examiner shall respond to the request by either notifying the City Manager that a certification cannot be made at the time and providing a certified list from registers in the following order and as provided in this rule:

1. Reinstatement.

2. Entrance/Lateral.

3. Supplemental.

8.11.02 NUMBER OF CERTIFIED ELIGIBLES

1. Reinstatement Register. If a vacancy is to be filled from a Reinstatement Register, the certified eligibles list shall contain the name of the one available eligible with the highest standing on the register.

2. If a vacancy is to be filled from other than a Reinstatement Register, the Chief Examiner shall certify to the City Manager names of the three (3) available eligibles who stand highest on the appropriate register.

8.11.03 APPLICATION/EXAMINATION: The application and the examination papers of a certified eligible shall be available for inspection by the City Manager.

8.12 TEMPORARY APPOINTMENT:

8.12.01 AUTHORITY: Where there is no current Preliminary Eligibility Register from which selection can be made, the City Manager may make a temporary appointment. A temporary appointment may be made for a period of one hundred twenty (120) days and may be extended by the Commission for a longer period of time upon a showing of cause by the City Manager. An extension beyond the limits provided in this section may he granted by the Commission upon satisfactory written showing by the City Manager.

8.12.02 QUALIFICATIONS: Temporary appointments may be from (1) Kelso Police Reserve Officers; (2) Available eligibles; and (3) Regular Officers.

8.13 PROVISIONAL APPOINTMENT:

8.13.01 AUTHORITY: Upon written request, the City Manager may authorize a provisional appointment for a period not to exceed ninety (90) clays to any entrance or promotional position from which a regular or probationary

employee is absent for any authorized reason but which is not declared vacant.

8.13.02 QUALIFICATIONS: The qualifications for provisional appointees are the same as for temporary appointees outlined in subsection 8.12.

9.00 PROBATION

9.01 PROBATIONARY PERIOD: After each appointment from a Certified Hiring Register to a full-time or part-time position, the officer appointed shall serve a complete period of probation before the appointment is deemed complete. The purpose of probationary employment is to provide a trial period during which the Department may observe the performance of the probationary employee before conferring the rights of Civil Service status.

9.02 LENGTH OF PROBATIONARY PERIOD: Newly hired and promoted employees shall serve a probationary period. All probationary periods commence on the effective date of appointment to the position. An entry-level employee's probationary period shall end six (6) months after successful completion of the Field Training Officer (FTO) Program. A lateral-level employee's probation shall end one (1) year from the hire date. Promotional appointees shall serve a six (6) month probationary period. This probationary period may be extended for a maximum of ninety (90) additional days.

The Employer shall have no responsibility to re-employ or continue the employment of probationary employees. Probationary employees may be disciplined or discharged without access to any appeal process established by the Agreement or by Civil Service. Regular officers on promotional probation retain their Civil Service rights as a regular officer.

9.03 INTERRUPTION OF PROBATIONARY PERIOD: Minor absences due to vacations, annual military leave, illnesses, etc. shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Chief Examiner will approve a request of the City Manager for an extension of the probationary period, and subject to Commission approval. Any other interruption of service during the probationary period, including but not limited to, any leave of absence without pay, suspension or layoff shall not be counted as pail of the probationary period. Provided, that in cases of necessity or public interest and subject to Commission approval, a probationer may be granted temporary leave from his/her position to serve under a temporary or provisional appointment in another class and the City Manager and Commission may agree to apply such service to the appointee's probationary period.

9.04 SATISFACTORY PERFORMANCE/END OF PROBATIONARY PERIOD: Not later than ten (10) days prior to the expiration of the probationary period of every appointee, the City Manager shall file a written report with the Chief Examiner notifying the Commission whether the services of the probationer will be given a tenured

appointment. If no final report is filed and the probationary period has expired, favorable performance shall be conclusively presumed and the probationer will be entitled to tenured appointment. As soon as practicable after the filing of a favorable period, the Commission shall confirm the Civil Service appointment and the Chief Examiner shall notify the probationer.

9.05 REMOVAL OF PROBATIONER:

9.05.01 GROUNDS: The City Manager, by assigning in writing the reasons therefore, may remove any probationer. Such reasons need not constitute cause and shall not otherwise be reviewed by the Commission.

9.05.02 PROCEDURE: The City Manager must file a written document stating the reasons for the removal with the Chief Examiner prior to the end of the probationary period. Notice must be mailed to or personally served on the employee and proof of notice filed with the Chief Examiner.

10.00 SERVICE CREDIT

10.01 SERVICE CREDIT: Service credit shall be computed on the basis of total length of time that a regular officer has served or been employed in the Department, whether such service or employment has been continuous or has been interrupted.

10.02 RETENTION CREDIT: Retention credit is the total of the officer's accumulated service credit in the position to which regularly appointed and any other position within the same classification of positions and any other credit as allowed by the Civil Service Commission. Retention credit is used to determine displacement and order of lay-off.

10.03 COMPUTATION — SERVICE CREDIT MONTHS AND YEARS:

10.03.01 SERVICE CREDIT MONTH: A "service credit" month for the purpose of these Rules shall constitute,one (I) calendar month in which the officer is paid for fifteen **(15)** or more workins days, including vacation leaves, sick leaves, compensatory time off, and all other leaves for which service credit is accrued in accordance with these Rules. A "service credit" month for regular part-time officers shall constitute a minimum of 120 hours paid time, but these should not accrue at a rate exceeding once credit month per calendar month.

10.03.02 FRACTION OF MONTH: No service credit shall be given for any fraction of a calendar month.

10.04 EXAMINATION POINTS/REGULAR OFFICERS: Officers eligible to take promotional examinations shall receive 1/10 point for each service credit month earned for a promotional examination up to a maximum of ten (10) points.

10.05 EXAMINATION POINTS/RESERVE OFFICERS: Reserve officers who have served not less than two full years with the Department shall receive an additional 5% of the earned examination score for an entry level examination.

10.06 DETERMINATION:

10.06.01 The determination of an officer's earned service credit shall be made on the basis of the available payroll and other records. If payroll records are not available for any particular period, it shall be refutably presumed that each officer employed during such period, as shown by other records, earned full service credit in the Department for the entire length of such period.

10.07 REQUESTS FOR CONFIRMATION:

10.07.01 REQUESTS: Any officer, or an association or union on behalf of such officer, may request a determination of the officer's earned service credit as of a designated date. If the request is made at a reasonable time and interval, and subject to such directives as may be then in effect, the Chief Examiner or City Manager shall, as soon as practicable but within ten (10) days, ascertain the requested computation, and shall so notify the employee, association, or union representative in writing.

10.07.02 PROTESTS: If an officer, association, or union has cause to object to the computation of the officer's service credit, written protest may be filed with the Chief Examiner setting forth with particularity the reasons and basis for his objection. Such protests must be filed within ten (10) days. The Chief Examiner shall give due consideration to all timely filed protests and take such action as deemed appropriate.

10.08 SERVICE COVERED:

10.08.01 GENERALLY: Once an officer acquires tenured Civil Service status in the Department, the officer shall receive full service credit for the entire length of time served in the Department, whether such service is continuous or interrupted.

10.08.02 PROBATIONARY PERIOD: After completion of an original or promotional probationary period, an officer shall receive credit for actual service during such period.

10.08.03 TEMPORARY OR PROVISIONAL APPOINTMENT: If a temporary or provisional appointment is followed by a regular appointment to the same class, such officer shall receive credit in the position for actual, continuous service during the temporary or provisional appointment.

10.08.04 ON ASSIGNMENT: A regular officer shall be credited to the regular class for the entire length of time served under an assignment.

10.08.05 LEAVES WITH PAY: A regular officer shall receive full credit for any leave with pay.

10.08.06 LEAVES WITHOUT PAY: No service credit shall be allowed for any time that an officer is on any leave of absence without pay.

10.08.07 SUSPENSION: No service credit shall be allowed while an officer is on a suspension without pay, unless the suspension is modified, reversed or nullified on appeal.

10.09 PROMOTION — COMPUTATION OF CREDIT: Upon completion of the probationary period for a promotional position, an officer shall receive credit for all service in the promotional class, which shall be credited to that class. A prior service credit earned in the lower class or position shall be retained by the officer, but such service credit shall be credited only to the latter class.

10.10 LAYOFF — COMPUTATION OF CREDIT: No service credit shall accrue or be allowed during the period in which an officer is laid off, but all service credit earned and not lost or forfeited up to the effective date of the layoff shall be retained by the officer.

10.11 DISCIPLINARY PENALTY: As a disciplinary penalty in lieu of dismissal, demotion or other penalty, or in addition to such penalty, the Commission may by its order, at its discretion, forfeit or deduct all or a designated portion of the service credit that the officer has earned up to the date of the order, in terms of service credit months or years.

10.12 SERVICE CREDIT UPON SEPARATION FROM CITY SERVICE: Upon separation from service, no credit shall be given or allowed for any prior service or employment up to the time of such separation, and except as otherwise specifically provided by these Rules, service credit shall be forfeited and not be reinstated upon re-employment by the City.

11.00 LAYOFF

11.01 GENERAL REQUIREMENTS: No regular officer or promotional probationer shall be laid off, displaced and laid off, or transferred or reduced to another position in lieu of layoff except for cause exercised in good faith and only after notice to the officer and an opportunity for a hearing.

11.02 CAUSE FOR LAYOFF: The following shall constitute cause for layoff or reduction in lieu of layoff:

11.02.01 Lack or insufficiency of funds, or lack or curtailment of work, where the City Council or the City Manager acts to reduce the number of employees in the Department.

11.02.02 An officer's position has been filled and there is no vacancy as a result of return of a regular officer from an extended leave of absence; restoration to active duty of an officer or probationer from a disability, military, public health or Peace Corps leave of absence; or reinstatement of a former employee from disability retirement.

11.02.03 Restoration of a promotional probationer to a former position where there is no vacancy in the position; or, in any displacement case authorized by these Rules, where there is no vacancy in the Department to which the officer is reduced, or demoted.

11.02.04 Any other cause under law or these Rules necessitating a reduction in the number of regular or probational officers or the displacement thereof.

11.03 GOOD FAITH: In all cases involving the layoff of a regular officer or promotional probationer, or any voluntary reduction in lieu of such layoff, the Commission must first find after investigation, hearing or other evidence that the layoff is in good faith and not for an improper purpose.

11.04 ORDER OF LAYOFF: In the Police Department, the following shall be the order of layoff:

11.04.01 Temporary or provisional officers.

11.04.02 Probationary officers in the order of their length of actual probationary service, the one with the least service being laid off first.

11.04.03 Regular officers in the order of their Retention Credit at the time of layoff, the one with the least credit being laid off first.

11.05 LAYOFF OUT OF ORDER: The Commission may grant permission for layoff out of the regular order, upon showing by the City Manager of cause therefore in the interest of efficient operation of the Department, after giving any officer affected an opportunity to be heard by the Commission.

11.06 REDUCTION OR TRANSFER IN LIEU OF LAYOFF: At the time of any layoff, a regular officer or a promotional probationer shall be given an opportunity to accept a reduction to the next lower position, or, in the case of a promotional probationer, restored to the probationer's former position. All requests for voluntary reduction in lieu of layoff

must be filed with the Chief Examiner within ten (10) days following notification to the officer of the intended layoff unless excused by the Commission.

11.07 DISPLACEMENT: If there is no vacancy in the Department to which an officer is being reduced or transferred to in lieu of layoff, the Chief Examiner shall authorize the displacement of the probationer or regular officer in that Department in the position with the least retention credit so long as the retention credit and probationary service of the officer being reduced or transferred as of the date of the layoff exceeds that of the displaced employee.

11.08 NOTICE/PUBLIC HEARING: Whenever layoffs are proposed to the City Council, each officer shall be notified. Each such notice shall contain the following: (1) retention credit of the officer in the Department; (2) displacement options in the Department; (3) rights under these Rules; and (4) the date of any hearing before the Commission. A public hearing shall be held before the Commission according to these Rules when so requested by an affected officer.

12.00 LEAVES OF ABSENCE

12.01 GENERAL POLICY: Leaves of absence with or without pay may be granted to Civil Service employees to the extent authorized by law, applicable City-labor agreements and these Rules. Officers desiring such a leave must submit a written request to the City Manager setting forth the type of leave, the reasons therefore and the time requested. The City Manager shall file written notice of any leaves granted with the Chief Examiner. Any unauthorized absence of an officer shall constitute grounds for disciplinary action or separation from the service.

12.02 LEAVES WITH PAY:

12.02.01 AUTHORIZED: Leaves with pay, including administrative leave, may be granted when authorized by law or applicable City-labor agreements, including but not limited to, leaves for the following:

1. Education and training;

2. Temporary appointment with federal, state or other governmental agencies pursuant to Washington law;

3. To exercise any legal civil duties during scheduled working hours, including service as a juror or witness, or as an association or union representative when authorized by a collective bargaining agreement;

4. To take a Civil Service examination or required medical or other examination;

5. Authorized annual vacations;

6. Sick and disability leaves;

7. Annual military training; and

8. Such other reason in the interest of the City service.

12.02.02 EFFECT: Leaves with pay shall have no effect on the officer's Civil Service status, rank or rights, and service credit. Leaves with pay shall have no effect on the eligibility of an officer for certification.

12.03 LEAVES WITHOUT PAY:

12.03.01 AUTHORIZED: The City Manager may grant regular and probationary officers leaves of absence without pay for any cause or reason not detrimental to the City's interests. However, no officer shall be given leave to take a position outside the Department except where it appears in the best interest of the Department.

12.03.02 DURATION: A leave of absence without pay for a period not exceeding thirty (30) consecutive ~~clays~~ days may be granted by the City Manager, who shall give notice of such leave to the City Clerk and Chief Examiner. A request for a leave of absence longer than thirty (30) clays but less than ninety (90) days bearing the favorable recommendation of the Chief of Police may be granted by the Commission and City Manager under such terms as the Commission and City Manager deems in the best interest of the Department.

12.03.03 EXTENDED LEAVES WITHOUT PAY: Extended leaves of absence without pay beyond a single period of ninety (90) calendar days may be granted to officers by the City Manager when approved by the Commission, and only when the Department will benefit from such leave. Examples of valid reasons for an extended leave are travel, study, or other educational purposes. This rule does not apply to disability, public office, or military leaves or leaves to take another position within the Service.

12.03.04 RETURN FROM EXTENDED LEAVES: Officers on extended leave without pay will only be restored to their regular position at the termination of their leave if the position: (1) has not been declared vacant; or (2) has been declared vacant, but is not currently filled. If the position has been filled by regular appointment, the officer on leave will be granted layoff status and placed on an appropriate reinstatement register.

12.03.05 CANCELLATION/REVOATION: Any or all leaves of absence without pay within the Department may be cancelled whenever any necessity arises in the good faith judgment of the City Manager. The City Manager may revoke an individual officer's leave without pay if it is found that the officer is using the leave for purposes other than that for which it was granted. Officers may be ordered to return to work immediately or as soon as practicable on written notice from the City Manager of the cancellation or revocation of their leave, A copy of such notice shall be filed with the Chief Examiner and City Clerk immediately.

12.04 RETURN FROM PAID/UNPAID LEAVE: Except as provided in 12.03.04, at the expiration of the authorized leave of absence, a probationer or regular officer shall resume the same class of work with standing and service credit as determined by these Rules. Failure to return upon the expiration, cancellation, or revocation of a leave of absence shall be cause for disciplinary action or separation from the Service unless excused or mitigated by the City Manager upon written request and for a cause.

13.00 RESIGNATION:

13.01 HOW SUBMITTED: In order to resign, an officer must submit a written resignation stating the reasons for and the effective date of resignation to the City Manager at least ten (10) clays prior to the effective date. The City Manager must concur that the termination is not for cause and may waive full notice where justified.

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

13.03 WITHDRAWAL OF RESIGNATION: The Chief Examiner may permit the withdrawal of a resignation only upon a written request filed within ninety (90) days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the City Manager,

13.04 IMPLIED RESIGNATION: The City Manager may presumptively consider any officer to have impliedly resigned upon finding that such officer has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for five (5) or more consecutive working days or has quit or "orally resigned" and has been absent from duty for three (3) or more consecutive working days without leave or authorization. An officer will not be

determined to have resigned under this rule until five (5) days after proof of service of a written notice by registered or certified mail to the officer. No resignation order shall take effect if, prior thereto, the officer reports for active duty, applies for restoration or reinstatement, or otherwise gives notice to the City Manager or the Chief Examiner which, in the judgment of the Commission, rebuts the presumption of resignation.

14.00 DISCIPLINE AND DISCHARGE

14.01 REPRIMAND FOR CAUSE:

14.01.01 PREREQUISITES: Any official reprimand of an officer by the Chief of Police shall be made only in good faith and for cause. An official reprimand shall be:

I. In writing, signed and dated by the Chief of Police and setting forth the reprimand and the reasons therefore with reasonable particularity;

2. Immediately filed by the Chief of Police with the Chief Examiner for inclusion in the officer's personnel file; and

3. A copy mailed or otherwise served by the Chief of Police to or upon the officer.

14.01.02 No reprimand by the Chief of Police shall be recognized by the Commission for any purpose under the Civil Service System unless and until all the above requirements have been substantially fulfilled.

14.01.03 REPRIMAND RECORDS: Recorded official reprimands which are in substantial accordance with the aforementioned prerequisites may be used for any disciplinary or other relevant and pertinent purpose within the purview of the Civil Service System when not inconsistent with law or any applicable rule.

14.02 SUSPENSION: The City Manager may, for cause, suspend an officer with or without pay for a reasonable period not to exceed fifteen (15) calendar days for a single penalty or thirty (30) calendar days in any one calendar year as an accumulation of penalties.

14.02.01 No officer shall be suspended more than once for the same incident, except as incident to a pre-disciplinary investigation or review.

14.02.02 Any deprivation by the City Manager of any vacation or other paid leave, compensatory time off or other privilege involving pay or compensation, either directly or indirectly, to which an officer is otherwise entitled under these Rules shall be deemed to be a suspension without pay and shall be subject to the above provisions.

14.03 DISCHARGE/DEMOTION:

14.03.01 The City Manager may discharge an officer or demote an officer for cause. An officer so demoted shall lose all rights to any higher position. If the officer has not had previous standing in a lower position, such demotion shall not displace any other regular officer or any probationer.

14.03.02 The Chief Examiner shall be satisfied as to the ability of such demoted employee to perform the duties of the lower position. The demoted officer may be required to actually serve actively a trial period in the position to which demoted, for such time and upon such terms and conditions as the City Manager may provide in the demotion order, for the sole purpose of determining that he is capable of satisfactorily performing the functions and duties of such position.

14.03.03 Upon the satisfactory completion of the prescribed trial period or upon the effective date of the demotion if no such period is required, the demoted officer shall have the status, rank and standing of the lower position to which demoted, and such position shall be deemed to be his regular position and department for purposes of these Rules until an authorized change is made.

14.04 DISCIPLINE — CAUSE — ILLUSTRATED: The following are declared to illustrate causes for discipline:

14.04.01 Incompetency, inefficiency, or inattention to or dereliction of duty.

14,04.02 Physical or mental unfitness for the position which the employee holds.

14.04.03 Absence from duty without leave or authorization, or failure without leave or authorization to report to duty.

14.04.04 Drunkenness on the job or duty, or use of intoxicating liquors, narcotics, or any other drug, liquid, or preparation to such extent as to interfere with the efficiency or the physical or mental fitness of the officer, or that precludes the officer from properly performing the functions and duties of his position.

14.04.05 Conviction of any felony or gross misdemeanor, or any misdemeanor involving moral turpitude.

14.04.06 Willful violation of any lawful and reasonable regulation, order or direction made or given by the Chief of Police or supervisor, where such violation has amounted to insubordination or breach of proper discipline, or has resulted in loss or injury to the City, to a citizen or taxpayer or to the public.

14.04.07 Willful violation of any order of the Commission relating to the Civil Service System.

14.04.08 Willfully inducing or attempting to induce another employee or other person to commit a violation within the purview of sections 14.04.06 or 14.04.07.

14.04.09 Criminal or dishonest conduct, or other act of commission or omission which tends to injure or impair the City service.

14.04.10 Malicious conduct or language toward the public or fellow employee.

14.04.11 Negligence or recklessness in the use of City property.

14.04.12 Intentional false statement as to any material fact, or any intentional deception or fraud or attempted deception or fraud, whether as an applicant, examinee, eligible, appointee, probationer, regular employee or former employee, or by another person with his connivance.

14.04.13 Fraudulently obtaining or attempting to obtain sick leave or sick leave benefits, or any other leave, leave of absence or special benefits or privileges.

14.04.14 Bribery or attempted bribery in any form.

Defeating, deceiving or obstructing any person in respect of his right or privilege of examination, registration, eligibility, certification, appointment, promotion, reinstatement, employment, change of employment or status, or re-employment under law and these Rules.

14.04.16 Furnishing to any person any special or secret information for the purpose of improving, injuring, or otherwise affecting the rights, privileges, prospects or chances of any person with respect to any of the aforementioned matters.

14.04.17 Making any false statement, mark, grade, rating, certificate, report or representation concerning any of the aforementioned matters.

14.04.18 Unlawfully, or without proper authorization, taking, misappropriating, removing, falsifying, altering, concealing, obliterating, utilizing, misusing, injuring or destroying any City property, or any property, record, book, document, notice, report, paper or other thing of value appertaining to the Commission.

14.04.19 Any other cause, act or failure to act which, under law or these Rules or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

15.00 HEARINGS

15.01 APPEALS — BY WHOM:

15.01.01 Any regular officer who receives an official reprimand under Rule 14.01.01, or who is demoted, suspended or terminated, may appeal such action to the Commission.

15.01.02 Any officer who is on probation may be discharged without cause.

15.01.03 Any officer adversely affected by any action or decision of the Chief of Police, City Manager or Chief Examiner may appeal such action or decision to the Commission as provided in subsection 3.02.02.

15.01.04 Any officer who is adversely affected by an alleged violation of Civil Service rules may appeal such violation to the Commission as provided by these Rules.

15.02 APPEALS — TIME — FORM: A notice of appeal shall be filed with the Chief Examiner within ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made or effected upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal.

15.03 EXHAUSTION OF ADMINISTRATIVE REMEDIES:

15.03.01 The Chief Examiner may direct the officer to exhaust available administrative procedures before the Commission hears the matter.

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

15.04 AUTHORITY OF HEARING EXAMINER:

15.04.01 The Hearing Examiner shall have the authority to make orders of preliminary matters, including motions for discovery, and to compel discovery, continuance, protective orders, and other similar matters. Such

order may be appealed to the Commission. The Hearing Examiner may also conduct pre-hearing and settlement conferences in order to encourage resolution of contested matters, issue subpoenas, and note depositions.

15.04.02 The Commission may authorize the Hearing Examiner to investigate any reports or appeals relating to the enforcement of application of the Civil Service or those rules which do not involve a disciplinary proceeding. The Hearing Examiner shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.

15.04.03 The Hearing Examiner shall prepare an official record of the hearing.

15.04.04 As an aid to investigations authorized by the Commission, the Hearing Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

15.04.05 The Commission may designate the City Attorney or appoint any other qualified attorney as a hearing Examiner to rule on all matters of procedure and evidence at any formal hearing, subject to the control of the Commission.

15.05 APPEALS — INITIAL REVIEW: The Chief Examiner shall review all appeals to determine whether the officer has timely filed an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the Hearing Examiner shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.

15.06 APPEALS — NOTICE OF HEARING: Upon receipt of a notice of appeal, the Chief Examiner shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) days, a hearing before the Commission shall be set, with each party to be afforded not less than twenty (20) clays notice of such hearing. The initial hearing before the Commission may be limited to the setting of a schedule for a subsequent hearing. If all parties agree, the notice provisions and time limits provided by this section may be waived.

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

15.08 SERVICE OF PROCESS — PAPERS:

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

15.08.02 All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers, or by certificate of-any attorney or the Chief Examiner.

15.08.03 Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail (US or intra-city memoranda), upon deposit in the mail properly stamped and addressed.

15.08.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers at Commission offices. All papers, except the original appeal notice, shall be served with the original and three (3) copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed, **but** rather provided at the hearing.

15.08.05 An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these Rules.

15.09 DISCOVERY:

15.09.01 Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Hearing Examiner,

15.09.02 Upon the failure of any party to comply with an order of the Hearing Examiner compelling discovery, the Chief Examiner shall schedule the matter before the Commission for review and determination of appropriate sanctions.

15.10 SUBPOENAS:

15.10.01 Every • subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents, or things under that person's control.

15.10.02 Upon application of any party or such party's representative, the Hearing Examiner shall issue to such party subpoenas requiring attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting subpoenas is responsible for having the subpoenas properly served, Such requests for subpoenas shall be submitted to the Commission offices at least three (3) days prior to the hearing.

15.10.03 Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.

15.10.04 The person serving the subpoena shall make proof of service by filing the original subpoena at the Commission office; and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.

15.10.05 Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:

1. Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

2. Condition denial of a motion to quash or modify upon just and reasonable conditions.

15.11 BURDEN OF PROOF:

15.11.01 At any hearing on appeal from a demotion or termination, the City Manager shall have the burden of showing that its action was for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

15.11.02 On review of removal, suspension, discharge, or demotion, the Commission will not substitute its judgment for the reasonable and discretionary judgment of the City Manager, and will reverse, nullify, vacate, modify, or otherwise interfere with the removal, suspension, discharge or demotion only upon a determination of whether the judgment or order of removal, discharge, demotion or suspension made was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

15.12 EVIDENCE:

15.12.01 An officer has the right to appear before the Commission with or without counsel and to be heard in the officer's own defense.

15.12.02 Subject to other provisions of these Rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the State of Washington.

15.12.03 Witnesses in any hearing may be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.

15.12.04 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.

15.12.05 At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member, Chief Examiner and Hearing Examiner.

15.12.06 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make requests of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.

15.13 DELIBERATION: The Commission may deliberate in closed (executive) session when taking a disciplinary case or other quasi-judicial matter under advisement, or as otherwise permitted by Chapter 42.30 RCW. Except as determined by the Commission, no person other than the legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal other than in open hearing.

15.14 DECISION: In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. Such decision shall be issued within ten (10) days of the closing of the hearing.

15.15 REMEDIES: The Commission may issue such remedial orders as deemed appropriate, and shall include reinstatement without penalty if the charges against an employee are not upheld by the Commission.

15.16 RECONSIDERATION: A party may move for reconsideration by the Commission only on the basis of fraud, mistake, newly discovered evidence or miscarriage of justice. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

15.17 WAIVER: Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinances of the City would be better served, the Commission may waive the requirements of this Section.

16.00 RETIREMENT AND DISABILITY

16.01 RETIREMENT: Officers of the Department who are members of pension system provided by law shall be retired in accordance with the pertinent provisions of law.

16.02 REINSTATEMENT AFTER DISABILITY RETIREMENT:

16.02.01 PROCEDURE: The Chief Examiner shall review any report from a retirement system showing that a former officer who is on disability retirement has regained health to the extent employable. Upon being satisfied that the officer is physically and mentally competent to perform the duties of the Department, the Chief Examiner shall:

1. Order return of the officer to former employment status as if a leave of absence had been granted; or

2. Place the name on the reinstatement register for a position in which the officer held tenured status.

16.02.02 EFFECT: If such an officer's name is placed on a reinstatement register, service credit acquired prior to retirement shall be continued. The officer shall be reinstated from such register and reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff. Any reinstatement in a position other than that in which last employed shall not result in a promotion. No service credit for a promotional exam will be accrued during any period of retirement, including disability retirement.

16.02.03 DISCHARGE FOR CAUSE — EXCEPTION: The provisions of this rule shall not apply in the event an officer is discharged for cause from the service, whether or not the officer receives a disability retirement.

17.00 MISCELLANEOUS

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

17.02 COMPUTATION OF TIME:

17.02.01 In computing any period of time prescribed or allowed by these Rules, the day of the act, or event, or default, from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

17.02.02 Any period of time except for the stated period of time set forth in 15.02 and 15.06 may be extended by the Chief Examiner or City Manager for no more than fourteen (14) days upon written motion to the Commission offices and a showing of cause. The motion for extension of time must be filed with the Commission offices prior to the expiration of the applicable time period.

17.02.03 For those actions requiring notice to a party pursuant to these Rules, the date of action or notice of action shall be the date on which notice of the action is mailed to the party, whichever occurs first, except as otherwise specifically provided in these Rules. For those actions not requiring notice to a party, the date of action or notice of action shall be the date the action is taken; provided that, if posting of notice of action in the Department is required under these Rules, the date of action or notice of action shall be the date of posting.

17.03 DECLARATORY RULINGS:

17.03.01 Any person may petition the Commission for a declaratory ruling with respect to the validity, construction, interpretation, applicability or operation of these Rules. The determination to consider a petition for declaratory ruling shall be at the absolute discretion of the Commission.

17.03.02 In the event the Commission considers a petition for declaratory ruling, it shall do so in a public meeting. Following such consideration, the Commission may issue a declaratory ruling, decline to issue a declaratory ruling, schedule further meetings or hearings, or take such other action the Commission may determine in the exercise of its discretion.

17.03.03 Declaratory rulings shall be prospective only in their operation and effect and shall not be retroactive.

17.04 RECORDS RETENTION — PSYCHOLOGICAL EVALUATIONS

17.04.01 Except as required by the General Records Retention Schedule regarding unhired applicants, psychological evaluations shall be removed and destroyed upon completion of an employee's probationary period.