

GENERAL RULES  
AND  
REGULATIONS  
OF THE  
CIVIL SERVICE COMMISSION  
FOR FIRE MANAGEMENT EMPLOYEES  
OF THE  
CITY OF YAKIMA

Adopted January 7, 1997

(Superseding Former Rules and Regulations)

CIVIL SERVICE COMMISSIONERS

FOR POLICE AND FIRE

William R. Wright  
Chairman

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Jesse Cox

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Beverly Warren

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Carol Bates  
Secretary

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**POLICE AND FIRE  
CIVIL SERVICE COMMISSION  
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**GENERAL RULES AND REGULATIONS  
OF THE YAKIMA CIVIL SERVICE COMMISSION  
FOR FIRE MANAGEMENT EMPLOYEES**

**ADOPTED January 7, 1997**

**(Superseding All Former Rules and Regulations)**

Pursuant to the provisions of Chapter 31 of the 1935 Session Laws of Washington, as subsequently amended and as hereafter amended, (Sec. 41.08.010 to Sec. 41.08.910 RCW, both inclusive) and to the provisions of Chapter 13 of the 1937 Session Laws of Washington, as subsequently amended and as hereafter amended, (Sec. 41.12.010 to Sec. 41.12.910 RCW, both inclusive), and to the provisions of Chapter 269, Sec. 1 of the 1969 Session Laws of Washington, First Extraordinary Session as subsequently amended and as hereafter amended, (Sec. 41.04.005 RCW) and to the provisions of Chapter 170 of the 1974 Session Laws of Washington, Third Extraordinary Session, as subsequently amended and as hereafter amended (Sec. 41.04.010 RCW), the Civil Service Commission of the City of Yakima, a city of the first class, hereby adopts the following rules and regulations:

**WHEREAS**, the Yakima Civil Service Commission for the Yakima Fire Department and for the Yakima Police Department has the same personnel; therefore, in order to save expense, and to provide a uniform policy for Civil Service; **IT IS ORDERED**:

That whenever the Civil Service Commission shall handle matters relating to the Yakima Fire Department, it shall be deemed sitting as a Commission under the provisions of the Firemen's Civil Service Act of Washington, as now or hereafter amended or supplemented.

It shall not be necessary for the minutes of the Commission to set forth in what capacity it is acting, where it otherwise appears that it is handling matters of a particular department and these rules and regulations except where related to a particular department, shall apply to the Fire Department of the City of Yakima.

## FIRE CIVIL SERVICE DEFINITIONS

1. **APPOINTING AUTHORITY** -- The City Manager or designee, as provided for in City Charter, Article II, Section 9, Subsection 2, and Section 11.
2. **CAUSE** -- Any action or inaction which the Civil Service Commission deems appropriate justification for a disciplinary action, including termination, suspension or discharge.
3. **CERTIFICATION** -- The process by which the Examiner provides the appointing authority, upon requisition, the name(s) of the individual(s) ranked highest on the eligible list.
4. **CLASSIFICATION** -- A group of permanent jobs sufficiently similar in duties, responsibilities, authority and minimum qualifications to permit combining them under a single title, and to permit the application of common standards for selection and compensation. The terms rank or grade may be used interchangeable with the term class or classification.
5. **CLASSIFICATION SERIES** -- A series of one or more classes similar in work but differing in difficulty, responsibilities, entrance qualifications and pay range.
6. **DAYS** -- All reference to days shall mean calendar days.
7. **DEMOTION** -- Disciplinary reduction to a lower classification.
8. **DEPARTMENT** -- All Fire Management except the Fire Chief and Public Safety Communications Manager.
9. **ELIGIBLE** -- The condition of being qualified for a classification or a person who has become qualified for a classification by examination, prior service, or other methods deemed appropriate by the Commission.
10. **(REGULAR) EMPLOYEE** -- An employee who has successfully completed the probationary period for any classification governed by these Rules.
11. **OPEN/COMPETITIVE EXAMINATION** - An examination open to all candidates who meet the specified requirements.
12. **PREFERRED ELIGIBLE LIST** - A separate Civil Service register composed of former employees who have taken leaves of absence for more than 90 days.
13. **PROMOTIONAL EXAMINATION:** An examination limited to employees in the Yakima Fire Department who have completed their probationary period and meet the specified requirements.

14. **PROMOTION** - Appointment from a register to a classification with a higher range of pay.
15. **REDUCTION IN FORCE** -- Layoffs necessitated by the need to reduce staffing levels.
16. **REDUCTION IN RANK** - The movement of an employee from a classification to another classification making a lower maximum rate of pay.
17. **REINSTATEMENT REGISTER** - A separate Civil Service register composed of employees laid-off or reduced in rank because of curtailment of funds, reduction in force and for like causes.
18. **REPRIMAND** - Documentation of an employee's conduct by the appointing authority which is written and placed in the official personnel file.
19. **SECRETARY-CHIEF EXAMINER** -- Whenever the term "Examiner" appears, it shall mean the Secretary-Chief Examiner or designee.
20. **SERVICE** -- Aggregate time in employment not including interruptions due to removals, resignation, leaves of absence without pay or reductions in force exceeding 90 days or suspensions without pay.
21. **SUSPENSION** -- A temporary removal from duty, with or without pay, of an employee for a disciplinary purpose or for the purpose of investigating accusations brought against an employee.

#### **RULE I. GENERAL POWERS AND DUTIES**

Generally, the Civil Service Commission shall have all powers and perform all the duties authorized by RCW Title 41, its amendments, and applicable Washington State statutes.

#### **RULE II. MEETINGS AND QUORUM**

**Sec. 1.** The Commission shall hold regular monthly meetings unless there is no pending business requiring Commission action in which event the Examiner shall give written notice of the meeting's cancellation to all interested parties. Regular meetings shall be held in the Council Chambers of Yakima City Hall unless the notice of any particular meeting specifies some different location for that meeting. The Commission may hold special meetings on the call of the Chairman or any two members, as may be necessary or convenient to conduct business of the Commission. Notices to all interested parties shall be given as to the date and time of Commission meetings.

**Sec. 2.** A majority of the Commission shall constitute a quorum.

**RULE III. AMENDMENT**

These rules and regulations may be amended from time-to-time by the Civil Service Commission at any special meeting or at any regular meeting of the Commission. The Commission shall not amend these rules without prior notification of Fire Department staff.

**RULE IV. SUSPENSION OR MODIFICATION OF RULES**

In cases of public emergency or whenever the public interest may require, the Commission may, in its discretion, by majority vote, suspend or modify the age, height/weight proportion, minimum medical and health standards, and educational requirements set forth in these Rules.

**RULE V. PROHIBITION AGAINST DISCRIMINATION**

The right of any person to an appointment or promotion to any classification in the classified service of the Fire Management Department of the City shall not be withheld because of sex, race, color, creed, national origin, political affiliation or belief, or handicap unless based upon a bona fide occupational qualification, nor shall any person be disciplined, dismissed, demoted, transferred or reduced in grade for such reasons. No application or examination shall contain questions so framed as to elicit such information.

**RULE VI. SECRETARY/CHIEF EXAMINER**

**Sec. 1.** The Civil Service Commission shall appoint a Chief Examiner. The Chief Examiner shall be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the Fire Department.

**Sec. 2.** The Examiner shall keep the records of the proceedings of the Commission for the Fire Department Management, shall have charge of and be responsible for the safekeeping of the books, records, papers, and other property in the office of the Commission; shall make certifications of those eligible for appointment or employment; shall generally conduct the correspondence of the Commission and perform such other appropriate duties as may be assigned.

**Sec. 3.** The Examiner shall, with the approval of the Commission, prepare or obtain the examination questions and tests for the applicants for the Fire Management Department of the City; the Examiner or a designated representative shall be personally present at all examinations and shall supervise examinations, mark and grade all papers in a fair and impartial manner.

**Sec. 4.** No person shall act as Examiner in any examination where any applicant is a relative of the Examiner. If the Examiner is disqualified, or fails to act as such Examiner for any reason, the Personnel Officer or designee shall act as Examiner pro tem and have the powers to perform the duties of the Examiner with relation to such examination.

**Sec. 5.** All questions used in any examination, promotional or otherwise, may be approved by the Commission, and the Commission may add to, modify or withdraw any questions.

**Sec. 6.** The Examiner shall not disclose the results of any examination, except with the consent of the person examined, or by order of the Commission.

#### **RULE VII. CLASSIFICATION**

**Sec. 1.** The Classified Civil Service covered hereby shall include all employees listed in Section 2.

**Sec. 2.** In making examinations, certifying for appointments and promotions, and otherwise carrying out the provisions of RCW Title 41, and these Rules, respectively, the classifications shall be set forth in accordance with the character of the various services to be performed, which classifications, as established by ordinance, are as follows:

Deputy Chief  
Battalion Chief  
Fire Administrative Assistant

#### **RULE VIII. GENERAL QUALIFICATIONS**

**Sec. 1.** An applicant for any classification under the Civil Service must be able to be lawfully employed in the United States, able to read and write the English language, possess a high school diploma or its equivalent, can perform the duties of the classification applied for, and must be in good health.

**Sec. 2.** No person may be appointed, transferred, demoted or promoted to the Fire Department into a position which would create an obvious conflict of



interest with another person. An example of an obvious conflict of interest would include the following:

- A. Authority or practical power to appoint, supervise or discipline the other person.
- B. Be responsible for auditing the work of the other person.

#### **RULE IX. APPLICATIONS FOR EXAMINATION**

**Sec. 1.** All applications for examination shall be made on the standard City of Yakima Application for Employment form, or Application for Promotional Examination form.

**Sec. 2.** Any willful false statement made by any person in connection with the application for examination shall be good cause for exclusion from the register of eligibles or for removal or discharge from employment.

**Sec. 3.** An incomplete application shall be returned with notice to amend.

**Sec. 4.** Where it appears that the applicant is disqualified for examination, the applicant must be so notified.

**Sec. 5.** All applications and accompanying certificates not returned for correction shall remain on file with the Examiner.

**Sec. 6.** The burden shall be upon an applicant for any classification under Civil Service to show possession of the required qualifications.

#### **RULE X. MEDICAL AND PHYSICAL EXAMINATION**

**Sec. 1.** Each employee shall take a medical, physical or psychological examination whenever required in writing by the Commission or the Fire Chief. Such examinations shall be appropriate to determine the ability of the employee to perform the duties of the classification held by such employee. Such examinations shall be conducted by a physician or in the case of a psychological examination, a psychologist or psychiatrist designated by the Fire Chief or delegate and the cost of such examinations shall be borne by the City.

**Sec. 2.** The results of all examinations required in section 1 of this rule shall cause a fit-for-duty statement to be certified to the Fire Chief and filed with the Examiner.

## **RULE XI. EXAMINATIONS FOR PROMOTION**

**Sec. 1.** When in the opinion of the Chief, it is beneficial to maintain a current and valid register for promotions, the Chief shall advise the Examiner of the need for examination to establish and maintain such a register. Upon request of the Fire Chief, promotional and/or open competitive examinations shall be conducted when a vacancy occurs or is anticipated in a grade for which there is no current and valid register.

The Examiner, with the concurrence of the Fire Chief, shall determine the examination to be used for the classifications of Deputy Fire Chief, Battalion Chief and Fire Administrative Assistant. The examination shall be of such character in the opinion of the Chief Examiner and Fire Chief as to determine the capacity of the applicants to perform the duties of the classifications.

A passing score required on each test, included in the examination shall be established and announced by the Examiner prior to conducting the examination.

The examination shall be of such kind to determine whether the applicants can perform the duties of the classification applied for. An examination shall normally consist of one, or combination, of the following tests:

- a. A written test
- b. An oral test
- c. A performance test
- d. An assessment center
- e. A psychological examination
- f. An evaluation of experience and training

The Examiner with the concurrence of the Chief, may assign relative weights to each dimension and/or portion of an examination, provided that the weights assigned are included on the promotional job announcement.

A psychological exam may be administered in conjunction with a written test, an oral test, a performance test or an assessment center and shall not be the sole criteria used for establishing a promotional register.

**Sec. 2.** In the event that less than the total number of original applicants are to be admitted to an examination, so that the examination may be administered in an efficient and orderly manner, as determined by the Examiner, with the concurrence of the Fire Chief, the Examiner shall conduct a preliminary evaluation of the experience and training of all applicants, which evaluation shall be based on resumes, application forms, structured resumes or other documents submitted by the applicants. As a result of that preliminary evaluation, the applicants deemed by the Examiner to be most qualified for the

position shall be admitted to the examination. The number of applicants to be admitted to any particular examination shall be determined by the Examiner, with the concurrence of the Personnel Officer and the City Manager, based on the types of tests to be administered and the number of vacancies to be filled.

**Sec. 3.** No person who fails to attain a final score of at least 75% on an examination for promotion exclusive of any such military credit, shall be deemed eligible for promotion.

**Sec. 4.** A. Applicants for promotion shall currently be employed with the Yakima Fire Department unless the Commission shall otherwise direct. Service in an 'acting' capacity, temporary or provisional appointment shall not be credited towards promotional service requirements.

B. Applicants for promotion to any classification shall be disqualified for an overall unacceptable rating on the most recent management performance evaluation, or any disciplinary action reflected during that period of evaluation. The disciplinary action shall be considered disqualifying if it is removal, suspension, demotion, letters of reprimand or discharge, and shall not include verbal reprimands or any other management action.

**Sec. 5.** Names of candidates shall remain on a promotional eligible list for one year unless the Commission shall otherwise order.

**Sec. 6.** Additional Promotional Requirements for Fire Department Classifications

**Subsection A**

Deputy Chief: Must have served three years as an Engine Company Officer with the Yakima Fire Department in the rank of Captain or equivalent or as Lieutenant with five years in grade. An Associate Degree in Fire Science, Fire or Public Administration, or a related field is required for persons hired after 1/1/96.

Battalion Chief: Must have served three years as an Engine Company Officer with the Yakima Fire Department in the rank of Captain or equivalent or as Lieutenant with five years in grade. An Associate Degree in Fire Science, Fire or Public Administration, or a related field is required for persons hired after 1/1/96.

Fire Administrative Assistant: High school diploma or equivalent and three years of progressively responsible secretarial experience and some administrative support or office management experience. Ability to type 50 wpm is required.

## **RULE XII. CONDUCT OF PROMOTIONAL EXAMINATIONS**

**Sec. 1.** Applicants must present themselves promptly at the hour and place specified for the examination. No applicant shall be admitted to the examination after the examination has commenced.

**Sec. 2.** Each applicant shall first be presented with an envelope containing the declaration paper, bearing an examination number, on which declaration paper the applicant shall write their name, replace it in the envelope, seal the envelope, and mark thereon the examination number. Thereafter, the applicant shall mark each paper with the examination number only. This envelope shall not be opened until the examination papers shall have been graded. "Provided, however, that the foregoing shall not be applied in the event an examination, or any part thereof, must identify the examinee by name for the purpose of scoring such examination or part thereof or for the transfer of such score from another jurisdiction."

**Sec. 3.** The subject and time allowed for the examination will in each case be announced before the examination begins.

**Sec. 4.** The examiner shall require every competitor to surrender all examination documents upon completion of the examination or the expiration of the time limit.

**Sec. 5.** The Examiner shall make all necessary explanations to the whole class and shall not explain any questions to any individual competitor. After an examination begins, no communication will be permitted between competitors.

**Sec. 6.** Examinations may be regulated in the matter of time by the Examiner, and insofar as practicable, shall be completed in one day.

**Sec. 7.** The time allowed for examinations shall begin when all announcements, instructions, and explanations have been given and the declaration sheets are filled out.

**Sec. 8.** During any examination no competitor shall leave the room without permission of the Examiner. If a competitor abandons their examination, the Examiner shall note that fact upon the answer sheet and the examination shall not be scored.

**Sec. 9.** Applicants shall supply themselves with all necessary instruments as specified by the Examiner.

**Sec. 10.** All grading shall be accomplished by the Examiner or under her direction, and each examination paper shall be marked with the resulting grade.

**Sec. 11.** The Examiner shall notify competitors in writing of their final score and position on the register. Competitors may, within 30 days after establishment of the register, request consultation with the Examiner to review their own test results.

**Sec. 12.** If a tie occurs in a promotional examination and the examination consists of more than one type of testing, the candidate scoring highest on the written portion of the examination shall be counted as having the highest overall score. If a tie still exists, the tie will be broken by lots.

If a tie occurs with one type of test, the tie will be broken by lot.

### **RULE XIII. APPOINTMENTS TO CLASSIFICATION**

**Sec. 1.** In the appointment to the classification of Deputy Fire Chief, Battalion Chief or Fire Administrative Assistant, applicants shall be certified, entered in the eligible register, and appointed as provided by these rules and regulations, except that the appointing authority shall have the right to have certified the top three available applicants and to select any one of such applicants to fill the vacancy.

**Sec. 2.** The candidates for the classification of Deputy Fire Chief, Battalion Chief or Fire Administrative Assistant, shall be selected in accordance with Rule XI, except as such requirements may be waived under Section 3 hereof.

**Sec. 3.** In cases of public emergency or whenever the public interest may require, the Commission may, in its discretion, by majority vote, in those cases where the Commission has reasonable grounds to believe that there is an insufficient number of suitable and qualified candidates available from which to select a Deputy Fire Chief, Battalion Chief or Fire Administrative Assistant, open the examination for Deputy Fire Chief, Battalion Chief or Fire Administrative Assistant to candidates outside the Department. All other provisions of these rules shall apply except under such circumstances the Commission may permit candidates outside of the Department with qualifications equal to those required by these rules to be eligible for the classification of Deputy Fire Chief, Battalion Chief or Fire Administrative Assistant.

### **RULE XIV. APPOINTMENTS ON BASIS OF MERIT, ETC.**

All appointments to, and promotions in the Civil Service shall be made solely on merit, efficiency and fitness, which shall be ascertained by competitive examination and impartial investigation as herein set forth, and no person shall be reinstated or transferred, suspended or discharged from any such place, position, or employment contrary to the provisions of RCW Title 41 and these Rules, respectively.

**RULE XV. REGISTER OF ELIGIBLES, REINSTATEMENT REGISTER, REQUISITIONS AND APPOINTMENTS**

**Sec. 1.** Promotional applicants who shall attain a passing grade or better, as set forth in these Rules, shall be eligible for appointment in descending order of total point accumulation, to the classification for which the examination was taken.

**Sec. 2.** The name and total point accumulation of any promotional applicant achieving a passing examination grade shall be entered by the Examiner in the eligible register for the classification for which they were examined. The person having the highest total point accumulation in the classification for which he was examined shall be certified first and likewise in order of the descending total point accumulation.

**Sec. 3.** Within one year after discharge or resignation under circumstances which indicate unfitness for service no former employee shall be eligible for examination or appointment to any former classification with similar duties and responsibilities.

**Sec. 4.** No name shall remain on an eligible list more than one year from the date of the establishment of the register, unless the Commission shall otherwise order.

**Sec. 5.** A reinstatement register shall also be kept which shall contain the names of those laid off or reduced in rank because of curtailment of expenditures, reduction in force, and for like causes. Reinstatement shall be in the reverse order of their lay off.

**Sec. 6.** Upon requisition of an appointing authority for certification of an eligible for the filling of a vacancy in any department, certification shall be made in the following manner. The Examiner shall certify first the name of that individual which appears highest on the reinstatement register for the particular classification to be filled. Likewise, this process shall be repeated until the reinstatement register for any classification is exhausted. Thereafter the same process shall be repeated using the preferred eligible list for the particular classification filled. No certification shall be made from any promotional or eligible register until the reinstatement register and the preferred eligible register for that

classification have been exhausted. In the event of exhaustion of the reinstatement register and the preferred eligible register for any classification, and upon requisition, the Examiner shall certify to the appointing authority the name or names, as the case may be, of those person(s) standing highest on a register of eligibles. Certification from a list of eligibles shall be as follows:

**Subsection A. Certification for Promotion.** The Examiner shall certify to the appointing authority the names of the three eligible promotional applicants standing highest on the register, who are physically and mentally able at the time of certification, as determined by the Chief, to assume the duties of the classification. When two or more vacancies are to be filled, the name of the person next highest on the register for each additional vacancy may be certified.

When the number of names certified is less than three (3), the appointing authority may fill the vacancy from the list certified or return the list and request the certification of three names. If the position is reopened, either promotional or open competitive, the Examiner will determine what is equivalent experience to the minimum qualifications prescribed by these rules. The Examiner will determine the testing for the new register which could include integrated testing.

The Chief shall give written notice to any promotional applicant who is to be passed over pursuant to this subsection. Such applicant shall have ten (10) days from receipt of such notice to appeal such action in writing to the Commission, otherwise, such right shall be waived.

In the event an eligible promotional applicant is passed over because of physical or mental inability to assume the duties of that classification, such applicant shall remain on the register.

**Sec. 7.** In the event no list of eligibles exists for a classification, the Examiner, under the direction of the Commission, may establish a provisional or temporary appointment list for such classification from which provisional or temporary appointments may be made. Such temporary or provisional appointments shall not continue for more than four months nor shall any person receive more than one temporary or provisional appointment in any fiscal year.

**Sec. 8.** Whenever the Commission is notified that proficiency in any special subject is required in the classification to be filled, the Examiner or the Commission shall certify the name of the person on the reinstatement, or eligible list, as the case may be, for such classification, who has the highest standing, not being below the minimum of 75% in such special subject, and selection shall be made of such person accordingly.

**Sec. 9.** When certification of an eligible is made for any classification, such eligible may decline such appointment, or prior to certification, may waive the same for reason satisfactory to the Commission,

without losing placement on the register. Unless excused by the Commission, the refusal of an appointment tendered shall be sufficient cause for dropping the name of the eligible from the register.

**RULE XVI. PROBATIONARY PERIOD, EMPLOYMENT, PROMOTION -  
INSPECTION OF EXAMINATION RECORDS**

**Sec. 1.** The probationary period for a promotion shall be considered complete after twelve months' satisfactory service. If the appointing authority deems the person promoted as unfit or unsatisfactory for service for any reason, that individual shall be returned to the previous classification.

**Sec. 2.** In terminating the employment of any probationary employee, or for failure of promotional appointment the appointing authority shall fully and fairly consider the public interest; and shall, in writing, notify the Examiner of such termination, and shall specifically set forth therein the reasons for such action.

**Sec. 3.** In making an appointment from any name or list of names certified, the appointing authority will be permitted to inspect the application, certificates and the examination papers of the persons certified; and may summon any certified person for such verbal inquiries as appropriate. All such papers must remain with the Examiner at all times.

**RULE XVII. PERFORMANCE EVALUATION**

**Sec. 1.** Evaluation of employee performance shall be viewed as an opportunity to review and discuss the employee's total work performance and attitude. Such review shall be conducted in a positive atmosphere with the objective of improving employee effectiveness.

**Sec. 2.** Fair and impartial performance evaluations shall be maintained for each Civil Service employee, by the Fire Chief in a form approved by the Civil Service Commission. One copy of such evaluation shall be retained in the departmental employee's file and a personnel file copy shall be completed on each employee's anniversary date covering the preceding year's performance.

**Sec. 3.** Evaluations of the employee's performance shall be rated on the basis of:

Outstanding  
Exceeds Standards  
Competent  
Needs Improvement



Unacceptable

**Sec. 4.** Such performance evaluations shall be subject to review or modification by the Civil Service Commission as it may deem right and proper in any particular case.

**RULE XVIII. DISCIPLINARY ACTIONS**

**Sec. 1.** The tenure of everyone holding an office, place, or employment under the provisions of RCW Title 41 and these Rules, respectively, shall be only during good behavior and any such person may be removed or discharged, suspended without pay, demoted or reduced in pay, or deprived of vacation privileges or other special privileges for any of the following reasons:

- a. Incompetency, inefficiency or inattention to or dereliction of duty;
- b. Dishonesty, intemperance, immoral conduct, insubordination, cowardice, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful improper conduct on the part of the employee; or any willful violation of the provisions of RCW Title 41 and these Rules, respectively;
- c. Mental or physical unfitness for the classification which the employee holds; or failure to maintain an overall performance rating above an unacceptable level;
- d. Any increase or decrease in weight which renders the employee unfit for duty in the particular classification, rank or grade;
- e. Promotion by any fire department employee of disaffection among the members of the fire department;
- f. Excessive use of force or inhumane treatment of any person;
- g. Dishonest, disgraceful, immoral or prejudicial conduct;
- h. Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation, to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of his classification;
- i. Conviction of a felony or a misdemeanor involving moral turpitude;

- j. Any willful or inexcusable failure to pay any just debt or obligation;
- k. Engaging in such political activity or activities as are prohibited by applicable state or federal laws;
- l. Willful refusal or failure to comply with the order or direction of a supervisor or superior officer issued to implement a statute, ordinance, departmental regulation or in the line duty;
- m. Any other act or failure to act, which in the judgment of the Civil Service Commission, is sufficient to show the offender to be an unsuitable or unfit person to be employed in the public service.

**Sec. 2.** The Fire Chief is authorized to use as disciplinary measures, deprivation of accumulated Court time, Holiday time, or Compensatory time or probation for such periods as deemed proper and appropriate under the circumstances.

**Sec. 3.** Any employee covered by those rules who is subject to discharge, suspension, demotion, or deprivation of vacation or other privilege, shall be provided with a pre-disciplinary hearing conducted by the appointing authority prior to the administration of any disciplinary action against the employee. At the time of the hearing, the appointing authority shall give the employee a written notice of the disciplinary action contemplated, an explanation of the evidence supporting the charges, and also provide the employee with an opportunity to present an explanation of the disciplinary matter. The employee may be represented by an attorney or union representative at the hearing.

**Sec. 4.** No permanently appointed person in the classified Civil Service shall be reprimanded, removed, suspended, demoted, discharged, reduced in pay, or subject to any other disciplinary action of any kind, except for cause, about which the person is advised followed within 48 hours from the time and date so advised by a written statement of the cause in general terms which is served on the person or sent to the person's last known address by U.S. certified mail with first-class postage prepaid, return receipt requested and a copy filed with the Commission. A copy of this rule shall accompany such written notice. Any person so reprimanded, (except written and oral reprimands), removed, suspended, demoted, discharged reduced in pay or subject to any disciplinary action of any kind, (hereinafter called discipline or disciplined) may file with the Commission a written request for a hearing, within 15 days from the time of receipt of written notice of such discipline. Whereupon the Commission shall conduct such hearing. Failure to file such written request within the time specified shall be deemed a waiver of any right of review.

If a written reprimand results in an unsatisfactory or lower overall evaluation rating, the employee may then appeal the reprimand by filing in writing within 15 days of receiving the evaluation.

The hearing shall be confined to the determination of the question of whether such discipline was or was not made for political or religious reasons, or was or was not made in good faith for cause. After such investigation, the Commission may affirm the discipline or if it shall find that the discipline was made for political or religious reasons or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of such person in the office, place, or employment from which such person was disciplined; which reinstatement shall, if the Commission so provides in its discretion, be retroactive and entitle such persons to pay or compensation from the time of such discipline.

Written reprimands shall be removed from the employee's file upon their request after two years, if there has been no reoccurrence of the conduct or performance which gave cause for the reprimand.

The Commission upon such investigation, in lieu of affirming the discipline, may modify the order of discipline by directing other disciplines which may include a suspension without pay for a given period and subsequent restoration to duty, demotion in classification, grade or pay, loss of compensatory or holiday time or court time, or a letter of reprimand. The findings of the Commission shall be certified in writing to the appointing power, and shall be forthwith enforced by such officer. All such investigations made by the Commission shall be by public hearing after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing and presenting his defense in person and by counsel.

The accused or the appointing authority may appeal from any final judgment or order concurred in by a majority of the Commission to the Superior Court for Yakima County. Such appeal may be taken by serving the Commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the Commission affecting or relating to such judgment or order, be filed by the Commission with such court. The Commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. Such court shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall be confined to the determination of whether the judgment or order of discipline 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.

**RULE XIX. LEAVES OF ABSENCE**

Leave of absence not exceeding 30 days without pay, may be granted by the appointing authority to any person under Civil Service; provided, that such appointing authority shall give notice of such leave to the Commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified Civil Service. Longer leaves of absence, or extensions to leaves of absence, may be granted by the Commission upon written request of the employee, endorsed by the appointing authority giving the reasons for granting such leave. A leave of absence for more than three months when granted by the Commission shall not entitle the employee when returning to duty to resume the former classification, but the employee shall be entitled only to standing on the preferred eligible list for that classification and any classification formerly held by such employee under this Civil Service.

Upon the granting of a leave of absence, the Examiner shall place the name of such employee on a preferred eligible list, the order of which shall be determined by the date set by the appointing authority or the Commission for return to work - earliest date first. In the event of identical dates of return to work, seniority as between such employees shall govern - that employee with the greatest seniority receiving the highest placement on the register. Such employee may return to employment at an earlier date than that set by the Commission or the appointing authority, provided, that in that event, the earlier date shall govern the placement of such employee on the preferred eligible list.

In the event such employee fails to return to work on the date set by the appointing authority or the Commission, then such employee shall have no further right to any classification formerly held under this Commission.

If a returning employee accepts a lower level classification than the original classification vacated, such employee shall remain on the preferred eligible list for the other positions formerly held by such employee until such employee is placed in the classification originally vacated at the time of the leave of absence.

These limitations shall not apply to absence on account of disability caused by sickness, or injury, or to leave of absence during which the employee performs temporary service in another department of the City. Where a member of the Fire Department is granted a leave of absence in excess of three months, the employee shall be required to pass a satisfactory physical examination before resuming employment.

**RULE XX. LAYOFFS, OTHER VOLUNTARY REDUCTIONS IN RANK AND  
MILITARY LEAVES**

**Sec. 1. Layoffs.** Whenever it becomes necessary through lack of finances, or other cause, to reduce the force, the order of layoff shall be accomplished in the following order:

- a. Persons who are serving in a temporary capacity within a classification sought to be reduced shall be first laid off in order of seniority, least senior first;
- b. Those still serving their probationary period within a classification sought to be reduced in order of seniority, least senior first;
- c. Those whose appointments are complete within a classification sought to be reduced in order of seniority, least senior first.

Seniority for the purpose of this rule shall mean accumulated time in employment within a particular classification within a department excluding leaves of absences in excess of 90 days and time off due to suspensions without pay. In the event of identical accumulated time within the affected classification, the order of hire or promotion, shall determine seniority.

In the event any permanently appointed person employed in a classification above entry level is laid off, that person shall have the right to voluntarily reduce in rank to the next lower classification previously held within the department regardless of whether a vacancy exists within that classification. Any person, other than persons serving temporary appointments in higher classifications, choosing voluntary reduction in rank under this section shall be regarded as the most senior person in that classification to which they are reduced for the purpose of any further lay offs. Temporary appointees electing voluntary reduction in rank shall assume the seniority in the previously held classification. The least senior permanently appointed person within any classification shall be laid off in the event all the positions within the classification are filled and a voluntary reduction in rank from a higher classification occurs. Likewise, if a person is laid off as a result of a voluntary reduction in rank they may voluntarily reduce in rank to the next lower classification previously held.

All persons except temporary appointees who choose to voluntarily reduce in rank under the terms of this section shall be placed on a reinstatement register for each classification from which they were reduced.

**Sec. 2. Other Voluntary Reductions in Rank.** Any person in the classified Civil Service may request to be reduced in rank by filing with the Civil Service Commission a request in writing stating the reasons for such reduction and the lower grade or rank into which they are to be placed. Such employee must have previously held the requested classification.

Such reduction in rank may be sanctioned by the Civil Service Commission without examination, and the person so reduced shall be entitled to all the rights and privileges under civil service which are enjoyed by other persons in the same rank and grade to which they have been reduced.

**Sec. 3. Veteran Reemployment Rights.** Any Civil Service employee who volunteers or who is otherwise inducted into the military service of the United States shall, upon termination of such service, be entitled to such rights accorded by RCW 73.16, as amended.

#### **RULE XXI. REPORTS TO BE MADE**

In order that the Commission may keep proper record of changes in the classified service, the appointing authority shall immediately report in writing to the Commission:

- a. Every probational or temporary appointment made.
- b. Every refusal or neglect to accept an appointment by a person who has been duly certified.
- c. Every suspension or other disciplinary action made of any officer or employee with the reasons therefor.
- d. Every separation from service, and whether the separation was caused by death, dismissal, resignation, or retirement.
- e. Every position created or abolished.

#### **RULE XXII. OUTSIDE EMPLOYMENT**

If any member of the Fire Department shall engage in any business or activity extraneous to that person's duties under Civil Service which, in the discretion of the appointing authority, shall tend to divert attention from their duties or render the employee inefficient or unfit for duty, the appointing authority may provide written notification to desist from such business or activity, and if they shall refuse to comply with such notice, shall have the power to suspend or discharge such employee from the service.

#### **RULE XXIII. SEVERABILITY**

If any provision of these rules or the application thereof to any person or circumstance be held invalid, the invalidity shall not affect other

provisions and applications of these rules which can be given effect within the invalid provision or application and to this end these rules are severable.