

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

Adopted January 7, 1997

(Superseding Former Rules and Regulations)

CIVIL SERVICE COMMISSIONERS

FOR POLICE AND FIRE

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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 DEPARTMENT 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. **CAREER** -- A fulltime, fully paid employee of the Yakima Fire Department.
4. **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.
5. **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.
6. **CLASSIFICATION SERIES** -- A series of one or more classes similar in work but differing in difficulty, responsibilities, entrance qualifications and pay range.
7. **COMBAT RESERVE** -- A volunteer firefighter in good standing with the Yakima Fire Department.
8. **DAYS** -- All reference to days shall mean calendar days.
9. **DEMOTION** -- A disciplinary reduction to a lower classification.
10. **DEPARTMENT** -- All Fire Department employees other than exempt Fire Management.
11. **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.
12. **(REGULAR) EMPLOYEE** -- An employee who has successfully completed the probationary period for any classification governed by these Rules.
13. **OPEN/COMPETITIVE EXAMINATION** -- An examination open to all candidates who meet the specified requirements.

14. **PREFERRED ELIGIBLE LIST** -- A separate Civil Service register composed of former employees who have taken leaves of absence for more than 90 days.
15. **PROMOTIONAL EXAMINATION** -- An examination limited to employees in the Yakima Fire Department who have completed their probationary period and meet the specified requirements.
16. **PROMOTION** -- Appointment from a register to a classification with a higher range of pay.
17. **REDUCTION IN FORCE** -- Layoffs necessitated by the need to reduce staffing levels.
18. **REDUCTION IN RANK** -- The movement of an employee from a classification to another classification having a lower maximum rate of pay.
19. **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.
20. **REPRIMAND** -- Documentation of an employee's conduct by the appointing authority which is written and placed in the official personnel file.
21. **SECRETARY-CHIEF EXAMINER** -- Whenever the term "Examiner" appears, it shall mean the Secretary-Chief Examiner or designee.
22. **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.
23. **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 association representatives and 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 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, 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 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:

Captain
Lieutenant
Fire Investigator
Firefighter
Maintenance Mechanic
Electronics Technician I
Electronics Technician II
Electronics Communication Supervisor
Alarm Supervisor

Fire Dispatcher
Technical Training Supervisor/Captain
Technical Training Lieutenant
Public Safety & Education Officer/Captain
Secretary II
Secretary I

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. QUALIFICATIONS FOR FIREFIGHTER

No person will be admitted to the examination for Firefighter in the Fire Department who is less than 18 years of age. Each applicant must be physically fit and pass an appropriate physical strength and agility examination and must be capable of arduous duty.

RULE XI. NATURE OF ENTRY LEVEL EXAMINATIONS

Sec. 1. The Examiner, or designee, with the concurrence of the Personnel Officer and Chief of the Department shall choose the examination for a classification. Examinations shall be practical in nature and of such character as to determine the capacity of the applicant to perform the duties of the particular classification for which the applicant is competing. A passing score established by the Examiner may be required on each test included in the examination.

An examination shall normally consist of a test or a combination of the following tests:

- A. A written test.
- B. A performance test.
- C. An oral test.
- D. Physical ability test.
- E. An evaluation of experience and training.

The Examiner may assign relative weights to each test.

Sec. 2. In the event the Examiner determines that the number of applicants responding to an examination announcement is excessive in relation to the number of projected job openings, the Examiner may limit admission to the remainder of the examination to those scoring highest on a preliminary test or a combination of tests listed in Sec. 1 of this Rule. The number of applicants allowed to complete the examination shall be at least twice the number of anticipated vacancies for the subsequent year or 20% of those applicants with passing scores on the preliminary test(s) whichever is greater; but never less than six (6) or the entire body of applicants who pass the preliminary test(s) whichever is less.

Sec. 3. The provisions of Chapter 170 of the 1974 Session Laws of Washington, Third Extraordinary Session, regarding Employment Preference of Veterans, are hereby made a part of these rules and by this reference are incorporated herein. (Such chapter is codified as RCW 41.04.010).

The term "veteran" as used herein shall be in accordance with RCW 41.04.005.

The provisions of this section shall not be applicable to promotional examinations to determine the qualifications of officers or employees for promotion from a lower classification to a higher classification; PROVIDED, that when such a veteran was employed in public service at the time of entry into military service and returns to the same employment, the applicant shall be entitled to the preference herein provided for on the first promotion examination.

Sec. 4. For entry level Firefighter positions with the Yakima Fire Department, an additional 5% shall be available to a candidate who is a member of the Reserve Combat Force based on the following criteria:

- a. Combat Reserve in good standing that meets all of the department standards for Reserves shall be given a one percent (1%) preference point for each of the first three years, with a maximum preference of three percent (3%). That 3% will be added to the applicant's score after successful completion of the written and strength and agility portions of the test.
- b. If the Reserve member obtains a Fire Science Degree while a member of the Yakima Fire Department Reserve Program, and has passed a one-year probation period and is in good standing, that person will be eligible to receive an additional two percent (2%) added to the applicant's final composite score.

Sec. 5. Each applicant shall be required to achieve a minimum score on each part of an entry level examination. Prior to administration of any part of such examination, the Commission shall set the minimum passing score which shall be the lowest score which reflects the ability of the applicant(s) to adequately perform the duties of the classification for which the applicant is being examined. In the event two examinations equally measure the ability of an applicant to adequately perform the duties of the classification, the Commission should give preference to the examination which has a minimum passing score closest to seventy percent (70%).

Sec. 6. The Examiner is authorized to destroy the examination papers of applicants who are deceased, have failed in the examination, or have declined appointment, provided the papers have been on file for at least one year. Employment registers, application forms and accompanying papers may be destroyed as provided by Chapter 40.14 RCW.

RULE XII. CONDUCT OF ENTRY-LEVEL 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."

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 the Examiner's 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 an entry-level 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. MEDICAL AND PHYSICAL EXAMINATION

Sec. 1. Each applicant offered employment for a classification other than promotional under Civil Service, the duties of which involve fire fighting activities shall pass careful medical and psychological exams and background checks before appointment thereto. Such medical and psychological examinations shall comply with the minimum medical and health standards as provided in the Minimum Standards for Firefighters in Washington Cities and Fire Districts by the Association of Washington Cities in conjunction with the Washington State Association of Fire Chiefs, Inc., as they exist in the current publication. Names of applicants who do not pass one or more of the medical or psychological examinations and background checks shall be removed from the register of eligibles.

Sec. 2. 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. 3. The results of all examinations required in sections 1 & 2 of this rule shall be certified to the Fire Chief and filed with the Examiner.

RULE XIV. EXAMINATIONS FOR PROMOTION

Sec. 1. All promotions to LEOFF positions within the bargaining unit shall be made solely on merit, efficiency and fitness ascertained by open competitive examination among bargaining unit personnel. For Lieutenant and Captain, a new examination shall be conducted three months prior to the expiration of the current register and become effective upon expiration of the current register. For other promotional positions, the Chief shall advise the Examiner of the need for examination to establish and maintain such a register. Upon request of the Fire Chief or three months prior to the expiration of the Captain/Lieutenant registers, promotional and/or open competitive examinations shall be conducted. Examinations shall fairly,

objectively and comprehensively test for qualifications for the position. A description of the subject matter to be covered by each examination shall be provided to the Union and posted conspicuously not less than 60 days prior to the examination. Current test and reference materials that are suitable and may be used for study purposes will be provided by the Employer and will be provided to those employees who wish to prepare for the examination.

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

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

Sec. 2. Examinations shall be administered by the Examiner of the Yakima Fire Civil Service Commission. Each examination shall have a written portion (consisting of one or more types of written examination) that shall constitute fifty percent of the total score and an oral portion (that may consist of role playing exercises, problem solving situations and other tests that are germane to testing relevant skills) that shall constitute fifty percent of the score. The oral board shall consist of four qualified examiners who are not employed by the City of Yakima, two of whom are selected from a list of six submitted by the Employer and two of whom are selected from a list of six submitted by the Union. Both lists shall be balanced concerning ethnicity and other protected status. The Employer and the Union may each designate an observer to attend the administration of the examination. The Examiner shall determine weighting of each component within the two major examination areas, which shall be included in the notice of the examination. Candidates must achieve a combined score of 70% or higher on both written and oral portions of the examination to obtain a passing score.

Sec. 3. No person who fails to attain a final score of at least 70% 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 unsatisfactory rating on any performance evaluation during the previous two evaluation reports, or any disciplinary action reflected during that period of evaluation. The disciplinary action

shall be considered disqualifying if it is removal, suspension, demotion, or discharge.

C. No applicant shall be eligible to test or be promoted for two years for any reason described in Section B.

Sec. 5. Names of candidates shall remain on a promotional eligible list for one year, except two years for Lieutenant or Captain unless the Commission shall otherwise order.

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

Subsection A

Promotional registers shall be valid for two years. For Lieutenant and Captain, a new examination shall be conducted three months prior to the expiration of the current list and become effective upon expiration of the current list.

Captain: Twenty-four (24) months as an appointed, career Lieutenant in the Yakima Fire Department shall be required for eligibility to test for the position of Captain. Persons hired after 1/1/96 shall also be required to have successfully completed forty-five (45) fire science degree credits for eligibility for appointment as Captain.

Lieutenant: Five (5) years of service with the Yakima Fire Department as a career Firefighter shall be required for eligibility to test for the position of Lieutenant. Persons hired after 1/1/96 will also be required to have successfully completed thirty (30) fire science degree credits for eligibility for appointment as Technical Training Lieutenant.

Fire Investigator: Must have 3 1/2 years of experience in fire suppression and/or investigation in the Yakima Fire Department or equivalent full-time experience in another department. Must have specialized training in fire investigations equivalent to a Phase II Certification from the Washington State Fire Service Training Office.

Technical Training Supervisor: To be eligible to test for Technical Training Supervisor, must have completed probationary period as Lieutenant or above. A Bachelor's Degree in Business, Education or a related field is preferred.

Technical Training Captain: Twenty-four (24) months as an appointed, career Lieutenant or equivalent within the Yakima Fire Department shall be required for eligibility to test for the position of Technical Training Captain. Persons hired after 1/1/96 will also be required to have successfully completed forty-five (45) fire science degree credits for eligibility for appointment as Technical Training Captain.

Technical Training Lieutenant: Five (5) years as a career Firefighter with the Yakima Fire Department shall be required for eligibility to test for the CSR

position of Technical Training Lieutenant. Persons hired after 1/1/96 will also be required to have successfully completed thirty (30) fire science degree credits for eligibility for appointment as Technical Training Lieutenant.

Public Safety and Education Officer: To be eligible to test for Public Safety and Education Officer, must have completed probationary period as Lieutenant or above. A Bachelor's Degree in Business, Education or a related field is preferred.

Public Safety and Education Captain: Twenty-four (24) months as an appointed, career Lieutenant or equivalent with the Yakima Fire Department shall be required for eligibility to test for the position of Public Safety and Education Captain. Persons hired after 1/1/96 shall also be required to have successfully completed forty-five (45) fire science degree credits for eligibility for appointment as Captain.

Combat Exemption: Employees in the position of Public Safety and Education Captain, Technical Training Captain and Technical Training Lieutenant may have the option of being exempted from combat testing; such option shall be accomplished by written notification to the Chief at least thirty calendar days prior to the test date. Individuals transferring, demoting or promoting from these positions to combat positions shall participate in the combat testing as outlined in the contract. Employees opting to not participate in combat testing shall not be assigned to combat roles.

Sec. 7. Other than LEOFF positions, 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 and/or an oral test
- b. A performance test
- c. An assessment center
- d. A strength and agility test (physical fitness)
- e. A psychological examination
- f. An evaluation of experience and training

Additional requirements or promotional requirements for other than LEOFF positions:

*Electronic Communications Supervisor: Two years of college in electronics or a related field or two years of vocational training in electronics is preferred. Additional qualifying experience may substitute for college or vocational training on a year for year basis. In addition, candidates must have four years of experience in the electronics field. Supervisory background is desirable. Shall be subject to background check.

*Electronics Technician II: Any combination of education and experience equivalent to five years experience in electronics or a related field. Graduation from a two (2) year technical, vocational or community college
CSR

with course work in electronics, instrumentation or related field may substitute on a month-for-month basis for up to twenty-four (24) months of experience OR hold the position of Electronic Technician I for three years.

Electronics Technician I: Any combination of education and experience equivalent to two (2) years' experience in radio communications equipment repair and maintenance. Education may be substituted on a month-for-month basis for up to twelve (12) months of the required experience OR graduation from a two (2) year technical, vocational or community college in electronics, instrumentation or a related field.

*Alarm Supervisor: Any combination of education or experience equivalent to three years of work experience in the operation of a fire communications and dispatch system and in the installation and maintenance of electrical or electronic devices; OR must hold the rank of Fire Dispatcher in permanent status for at least two years.

*Maintenance Mechanic: Any combination of education or experience equivalent to five years experience in the repair and maintenance of automobiles, heavy trucks, gas and diesel engines as related to the Class. A certificate of completion from a trade or vocational school in a related field may substitute for up to two years of the required experience. Building maintenance experience is desirable.

*Fire Dispatcher: Any combination of education and experience which demonstrates the ability to perform the duties of the position. The ability to type 30 wpm is required. The ability to operate a computer and to converse in Spanish/English is desirable. Must successfully pass a standard hearing test, a standard vision test, a psychological evaluation, and a thorough background investigation. Must be able to perform the essential duties of the position.

*Secretary II: Any combination of education and experience equivalent to two years of general office experience.

*Secretary I: Any combination of education and experience equivalent to one year general office work experience. Shall be physically fit and maintain fitness.

Subsection B

Classifications so indicated (*) require specialized skills. If, in the opinion of the Fire Chief and the Civil Service Commission, there are insufficient candidates within the eligible ranks to meet the requirement for a competitive examination, an open competitive examination may be given for the classification with a provision for preference of candidates from the appropriate ranks within the Department whereby there shall be added to their examination grade the sum of 1% for each year of service within the Department, provided such credit shall not exceed 5%.

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

Sec. 1. All entrance and 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 entry-level or 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, except two years for Lieutenant or Captain, 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 Entry level Appointment. The Examiner shall certify to the appointing authority, the names and addresses of the three (3) persons, if there shall be so many eligible, standing highest on the register.

Subsection B. Special Certification for Entry Level Appointment. In the event the composition of the work force within the department in which a vacancy has occurred, has not achieved the minimum hiring goals established in accordance with the City of Yakima Affirmative Action Plan, the Examiner shall certify the names of three additional minority candidates and three additional women candidates -- highest standing first. The same name shall only be certified once for each appointment.

When two (2) or more vacancies are to be filled, the vacancies shall be acted upon independently of each other and consecutively. Any certified applicants not selected shall maintain their placement on the eligible register. The appointing authority may appoint any one of the persons so certified.

The purpose of this subsection is to allow for the appointment of minorities and women from an eligible register to raise the number of minorities and women to goals established in accordance with the City of Yakima's Affirmative Action Plan. The authority of this section shall be used to fill open competitive positions only and it shall not be used to fill more than fifty percent of the vacancies within a calendar year for open competitive positions covered by these rules.

Whenever an eligible applicant is passed over for appointment in favor of some eligible applicant with lower standing on the eligible register, such person who has been passed over shall be notified in writing of such action and the reasons therefore, by the appointing authority with a copy to the Examiner. Any eligible applicant that is passed over shall maintain his placement on the eligible register.

Subsection C. Certification for Promotion. The Examiner shall certify to the appointing authority the name of promotional applicant standing highest on the register, who is 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.

The Chief may pass over the top scoring candidate for appropriate business reasons and promote the second highest candidate instead. Contemporaneously with passing over any candidate, the Employer shall furnish the employee and the Union Secretary, on request, the reasons for doing so. In the event two or more candidates have identical scores, the candidate with the greatest seniority, merit, efficiency and fitness shall be deemed highest scoring. Employees promoted shall serve a probationary period of one year.

If the Employer does not fill a promotional vacancy within 30 days:

(a) if there are two or more candidates on the register in effect on the date of the vacancy, then that register shall remain in effect for that vacancy until the vacancy is filled, and the highest scoring candidate on such register shall serve in the position in an acting capacity until the Employer fills the vacancy;

(b) if there is only one candidate remaining on the register in effect on the date of the vacancy, then, for purposes of filling the vacancy, the remaining candidate shall be deemed the top scoring candidate on the next register and shall serve in the position in an acting capacity until the employer fills the vacancy.

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 70%, 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 XVII. PROBATIONARY PERIOD, EMPLOYMENT, PROMOTION -
INSPECTION OF EXAMINATION RECORDS**

Sec. 1. The probationary period for a new employee shall not be considered complete until after the expiration of one year of satisfactory service, during which time such new employee shall be terminated if found unfit or unsatisfactory for service for any reason.

Sec. 2. 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. 3. 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. 4. 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 XVIII. 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 Expectation
Meets Expectation
Below Expectation
Unsatisfactory

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 XIX. 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 efficiency rating above the minimum requirements;
- 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 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, 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 XX. 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 XXI. 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 XXII. 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 XXIII. 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 XXIV. 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.