

CITY OF YAKIMA

CIVIL SERVICE

RULES AND REGULATIONS

CIVIL SERVICE COMMISSION

MELANIE GILMORE

GREG LIGHTY

BEVERLY WARREN

ADOPTED

April 20, 1995

(SUPERSEDES ALL PREVIOUS EDITIONS)

(Printed May 2014)

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INTRODUCTION

In the preparation of these rules, every effort has been made to frame them in such a manner as to secure for the people of Yakima the maximum in honest, efficient, and meritorious service by public servants who are entirely fitted and qualified to discharge the obligations and duties of their offices.

The rules are intended to fix the administrative framework in which the appointing authority can secure and retain efficient government service. With this paramount duty in mind, it is conceived that security in office for the personnel is and must be secondary, although a desirable goal, so that the law and the rules shall not be perverted to shield the dishonest or the inefficient, but that job security will naturally follow and depend upon efficient and meritorious service.

It is intended that these rules will outline personnel policies which will accomplish these primary objectives and will result in improved service for the people of Yakima. It is also intended by these rules to provide a comprehensive but flexible working policy of personnel administration within which both the employees in the classified service and the administrators can cooperate on a friendly basis and with complete assurance that all personnel problems will be settled upon their merits and that all interested parties including the public will have just and equitable treatment.

These rules may be amended under the provision of the Charter of the City of Yakima.

CHAPTER I

DEFINITIONS

1. **ALLOCATION**: The assignment of a position to a class on the basis of the kind, difficulty, and responsibility of the position.
2. **APPOINTING AUTHORITY**: The City Manager or a designee appointed by the City Manager.
3. **CHARTER**: The Charter of the City of Yakima as amended.
4. **CHIEF EXAMINER**: The secretary and Chief Examiner of the Civil Service Commission appointed by the Civil Service Commission.
5. **CLASS**: A group of positions similar in duties and responsibilities so that the same class title may be used; the same entrance qualifications may be required; and the same schedule of pay may be applied equitably under similar employment conditions.
6. **CLASSIFICATION SERIES**: A series of one or more classes similar in work but differing in difficulty, responsibility, entrance qualifications, and pay range.
7. **CLASSIFIED SERVICE**: All persons regularly employed by the City either on a part time, seasonal, limited duration, or full time basis with the exception of:
 - (a) Officers elected by the people and persons appointed to fill vacancies in elected offices.
 - (b) Members of Boards and Commissions and the City Manager.
 - (c) Employees under Civil Service coverage within the Police and Fire Departments.
 - (d) All department heads and division heads, one confidential secretary and one administrative assistant for the City Manager.
 - (e) Judges, City Attorneys, and all Assistant City Attorneys.
 - (f) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination, on

behalf of the City Council or a committee thereof, or by authority of the City Manager.

(g) Temporary, emergency, and provisional employees.

8. **COMMISSION**: The Civil Service Commission as provided for in Section 3 of Article XVI of the Charter. "Commissioner" means any one of the three members of any such commission.
9. **COUNCIL**: Yakima City Council.
10. **DEMOTION**: A reduction in employment status to a classification with a lower range of pay.
11. **INTEGRATED REGISTER**: A list of persons arranged in descending order of their examination scores for a classification for which they have competed and qualified for appointment. The list may have names of previously tested candidates integrated with newly tested and/or retested candidate.
12. **LENGTH OF SERVICE**: Continuous uninterrupted service or continuous service as a permanent or permanent seasonal employee with the City of Yakima except as otherwise provided by State Law and City Ordinance. (Rev. 4/95)
13. **LIMITED DURATION POSITIONS**: A position in which the employment candidate knows that the position will end within a short period of time and it will end without reference to the individual employee's merits. The employee becomes a permanent employee within the meaning of the definition for permanent employee. The employee will receive written notice two weeks prior to the expiration of employment.
14. **OPEN COMPETITIVE EXAMINATION**: An examination open to all candidates who meet the specified requirements.
15. **PERMANENT PART-TIME POSITION**: A position in which an employee is normally required to work at least a monthly average of 20 hours per week but less than 40 hours per week.

16. **PERMANENT EMPLOYEE:** An employee who has completed an initial probationary period.
17. **PROBATIONARY PERIOD:** The six month trial service an employee works before receiving a permanent appointment except, all employees of the Police Department shall serve a twelve month probationary period before receiving a permanent appointment.
18. **PROMOTION:** Appointment from a register to a classification with a higher range of pay.
19. **PROMOTIONAL EXAMINATION:** An examination limited to employees in the classified service who have completed their initial probationary period, except as provided in Chapter V, Section B(2) and former permanent employees who have been separated from service due to a disability under RCW 49.60, the Americans with Disabilities Act, or other applicable disability law. The position applied for must be at a higher pay range than the employee's current permanent position. (Rev. 4/95)
20. **PROVISIONAL APPOINTMENT:** A temporary appointment to a permanent position pending the establishment of a register for that class not to exceed five months.
21. **PUBLIC NOTICE:** Notice given by posting in at least three conspicuous places in public buildings in the City and department bulletin boards for not less than seven calendar days.
22. **RE-EMPLOYMENT REGISTER:** A list of names of persons who have been permanently employed in the classified service and who have been separated from the service by layoff or have been separated from service due to a disability under RCW 49.60, the Americans with Disabilities Act, or other applicable disability law. (Rev. 4/95)
23. **REGISTER:** A list of persons arranged in descending order of their examination scores for a classification for which they have competed and have qualified for appointment.

24. **SEASONAL POSITION:** A position in which an employee is required to work more than 5 months but less than 12 months annually beginning and ending regularly each year.
25. **TEMPORARY AND EMERGENCY APPOINTMENTS:** Appointments for a temporary service period of not more than five months or 866 hours in any one fiscal year.
26. **TRANSFER:** The movement of a permanent employee from a position in one class to another position having the same pay range.

CHAPTER II

GENERAL PROVISIONS AND PROHIBITIONS

- A. OBJECTIVE: It is the objective of these rules to establish, in compliance with the Charter and applicable general law, a system of administrative policies and procedures by which appointment, promotion, discipline, and continued employment within the classified service of the City of Yakima shall depend on honest, efficient, loyal, energetic, and meritorious service to the City and its citizens in accordance with the highest standards of public ethics, morality, and workmanship. To that end it is intended to protect the honest and efficient public employee from adverse discriminatory action whether from political or any other improper motive and thus to secure for the people the services of honest, efficient, and experienced public employees. At the same time it is intended that the administrative officers shall have ample authority to correct where possible, and to remove when necessary, dishonest or inefficient employees without placing upon the administrators an impractical or unfair burden in the discharge of such duties. The objective and intent is to establish such personnel policies and procedures as will insure to the people of Yakima the maximum in honest and efficient public service by attracting to and retaining in the City's classified service the most qualified and motivated employees available.
- B. APPLICABILITY OF RULES: These rules shall apply to all positions in the classified service as defined in Section 6, Article XV of the City Charter.
- C. CERTIFICATION OF PAYROLL: Upon compiling payroll or claims containing the names of any person or persons to be paid for services rendered in the classified service, and before payment is made, the paying officer of the City shall submit the payroll or claims to the Chief Examiner for examination to determine whether the names appearing thereon have been appointed, employed, promoted, demoted, or their salary increased or decreased in conformity with the provisions of Article XVI of the Charter and these rules.

D. DISCRIMINATORY PRACTICES:

- I. Prohibition Against Discrimination: The right of any person to an appointment or promotion to any position in the classified service of the City who is qualified and able to perform the duties of that position shall not be abridged because of race, color, religion, creed, national origin, sex, marital status, age, or presence of any mental, physical, or sensory handicap, political affiliation or belief, nor shall any person be dismissed, demoted, transferred or reduced in grade for such reason. No application or examination shall contain questions so framed as to elicit such information except as provided by law.
2. Limitation of Political Activity: No person in the classified service shall:
 - a. Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
 - b. Directly or indirectly coerce, attempt to coerce, command, or advise a City employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

The foregoing shall not prohibit the employee's right to:

- a. Express opinions on political subjects and candidates,
- b. Take an active part in political management and political campaigns, and
- c. Be a candidate for political party office,
- d. Make voluntary contributions as he so desires.

E. OTHER EMPLOYMENT: No employee shall have conflicting employment while in the employ of the City.

F. RESTRICTION ON NEPOTISM:

I. Definitions:

- a. "Family member" means that husband or wife or that person living as husband or wife of a job applicant or a job applicant's children, whether natural, adoptive or step.
- b. "Close relative" means the natural, adoptive or step brother, sister, mother, or father of a job applicant.

2. No more than one member of a family or one close relative shall be eligible for employment in the classified service at the same time if:

- a. One member of such family or one close relative would be responsible for supervising another family member or close relative, or
- b. One member of such family or close relative would be responsible for auditing the work (on an ongoing or regular basis) of the other family member or close relative.
- c. Circumstances exist which would place a family member or close relative in a situation of actual or reasonably foreseeable conflict between the interests of the employer and the interests of the employee in family harmony and/or in their common interests as family or as close relatives.
- d. Circumstances exist which may require the exclusion of all relatives.

3. Those persons affected by the terms of the foregoing sections shall be permitted to decide which spouse or relative shall get or keep employment, provided, however, if they do not decide within a reasonable time the appointing authority shall decide, provided further that a sex neutral standard shall be used in making such a decision.
 4. None of the foregoing regulations shall have any affect on persons employed in the classified service at the time of the passage of this section but shall only pertain to appointments after the passage of this section. In exceptional cases, the commission retains authority to waive the rule.
- G. SEPARABILITY OF PROVISIONS: If any rule, subdivision, sentence, clause, or phrase of these rules is for any reason held to be invalid, such decision shall not affect the remaining rules, subdivisions, sentences, clauses, or phrases.
- H. CONDITION OF EMPLOYMENT: No one shall be required as a condition of employment, appointment, transfer, promotion, or retention in the service to join any organization or association of employees except as provided in RCW 41.56.122 which allows the City through negotiation to enter into a union security agreement.
- I. DISPUTES BETWEEN LABOR AND MANAGEMENT: Disputes pertaining to hours of work, employment conditions or any other matter not covered by these rules shall be processed through established supervisory channels as prescribed by Administrative Rules issued by the Manager or as provided by collective bargaining agreements.
- J. CONFIDENTIAL MATTER OF PERSONNEL RECORDS: The official personnel file on each employee in the classified service shall be maintained by the Human Resources Manager. All personnel records shall be confidential and may be inspected by the Civil Service Commission or any member thereof, the Chief Examiner, the City Manager, the employee, the department head/division manager, the City Attorney or an authorized representative.

CHAPTER III

COMMISSION

- A. ORGANIZATION: Annually during the first meeting of the year, the Commission shall elect a Chair. Two members of the Commission shall constitute a quorum and concurrence of two members shall be required for the transaction of any and all official business.
- B. RECORDS: The Chief Examiner shall keep the records for the Commission, preserve all reports made to it, supervise and keep a record of all examinations held under its direction and perform such other duties as the Commission may prescribe.
- C. MINUTES: The Chief Examiner shall keep the minutes for the Commission and submit them to the Commission at the next regular meeting for approval or correction. Upon such approval, said minutes shall be signed by the Chair and shall become part of the permanent files of the Commission.
- D. MEETINGS: The Commission shall hold regular meetings at least once a month and such additional meetings as may be required for the proper discharge of its duties. All meetings of the Commission shall be open to the public. Meetings shall not be construed to include the conducting of written or oral examinations. All official acts of the Commission shall be available to the public. Robert's Rules of Order shall serve as the guide on questions of procedure in parliamentary law not otherwise provided for by these rules or the Charter.
- E. POWERS AND DUTIES: It shall be the duty of the Civil Service Commission to:
 - 1. Appoint a Chief Examiner who shall also act as Secretary to the Commission.
 - 2. Make suitable rules and regulations not inconsistent with the provisions of the Charter.

3. Give practical tests which will fairly determine the capability of persons examined to perform duties of the position to which appointment is to be made.
4. Investigate and report matters concerning the enforcement and effect of the provisions of Article XVI of the Charter and of these Rules and Regulations. Investigations requested in writing by any employee or citizen may be made by the Commission, any Commissioner designated by the Commission or Chief Examiner when authorized by the Commission.
5. Issue subpoenas compelling the attendance of witnesses and the production of materials pertinent to the investigation. The Commission may authorize the depositions of witnesses. Subpoenas shall also be issued by the Commission at the request of the parties to the proceedings.
6. Administer oaths and take testimony.
7. Examine public records relating to any investigation.
8. Conduct hearings and investigations in accordance with Article XVI of the Charter and by these Rules and Regulations.
9. Hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the Commission.

CHAPTER IV

CLASSIFICATION PLAN

- A. PREPARATION OF PLAN: The Chief Examiner shall ascertain the duties and responsibilities of each position in the classified service. After analyzing this information and consulting with the appointing power, individual employees or groups of employees, the Chief Examiner shall prepare and submit to the Civil Service Commission a classification plan which shall group all positions in the classified service into classes based upon their duties and responsibilities.
- B. ADOPTION OF THE PLAN: After the plan has been prepared, the Chief Examiner shall submit it to the Commission who shall review and approve such plan with or without amendment. After such action has been taken by the Commission, the plan shall be submitted in ordinance form to the City Council. No position in any class shall be assigned a salary greater than the maximum nor less than the minimum rate fixed by the classification and compensation plans.
- C. CLASS SPECIFICATIONS: Class Specifications shall be prepared by the Chief Examiner and submitted to the Civil Service Commission for approval.

The title of each class specification shall be the official designation of the classification to which it is assigned. It shall indicate the general nature of the work of any employee holding a position in such class. Only the titles included in the classification plan shall be used by the Human Resources Division in recruiting, official records, payrolls, and communications pertaining to positions and employees within the classified service.

The class specifications shall set forth in general terms, duties to be performed by employees within the class; supervision received; the extent of authority exercised over others; major worker characteristics; unusual working conditions; licenses, registrations and certifications required; and minimum qualifications.

It is not to be assumed that each task listed in the class specification will be performed by all employees within the class. The examples given are to be construed as descriptive of the class as a whole and not as prescribing the exact

duties of any employee. Department heads, division managers or supervisors retain the right to assign other related duties.

The minimum qualifications shall serve as a basis for rejection or admission of applicants to examinations.

D. ADMINISTRATION:

- I. Allocation: Every position in the classified service shall be allocated to an appropriate class. Whenever a new position is authorized, the appointing authority shall prepare a description of the position and submit it to the Chief Examiner for evaluation and allocation. In determining the allocation of a given position, consideration shall be given to the general duties; specific work examples; responsibilities; major worker characteristics; unusual working conditions; licenses, registrations and certifications required; minimum qualifications, and to the relationships with other classes in the plan. When an appropriate class does not exist, the Chief Examiner shall propose a new class and submit it to the Commission for approval who in turn will submit a revised classification plan in ordinance form to the City Council for adoption. No person shall be employed in a position in the classified service which has not been allocated in the classification plan.

Chapter IV
Revised August 5, 2013

CHAPTER V

RECRUITMENT AND EXAMINATIONS

A. DUTY OF CHIEF EXAMINER TO HOLD EXAMINATIONS:

The Chief Examiner shall hold entrance and promotional examinations for the purpose of establishing registers for full time and/or part-time positions in the classified service. Whenever there is a reasonable expectation that one or more permanent employees qualify for a vacancy, such vacancy shall be advertised as a promotional examination. (Rev. 3/89)

B. NOTICES OF EXAMINATIONS:

1. The Chief Examiner shall give public notice of all examinations at least seven calendar days in advance of the closing date for receipt of applications. Announcements of examinations shall be posted in important public centers in the City, copies may be sent to appropriate media and other sources as the Chief Examiner may deem expedient. Distribution of promotional announcements shall be limited to employees in the classified service and former permanent employees who have been separated from service due to a disability under RCW 49.60, the Americans with Disabilities Act, or other applicable disability law. Announcements shall specify title; compensation range; general duties to be performed; qualifications specified in the class specification; other specific minimum qualifications as the Commission may determine necessary; the type of examination(s) to be given; final date on which applications will be received; and all other conditions of competition. (Rev. 4/95)
2. Temporary Transit Operators are eligible to apply for promotional Transit Operator examinations. (Rev. 7/02)
3. Promotional examinations shall be available service wide and to former permanent employees who have been separated from service due to a disability under RCW 49.60, the Americans with Disabilities Act, or other

applicable disability law. Notice of promotional examinations shall be given for posting at least seven (7) calendar days in advance of the closing date. (Rev. 4/95)

C. PROBATIONARY EMPLOYEE FILING PROCESS:

An employee serving any probationary period is not eligible to apply for a promotional examination. If a probationary employee is currently on a promotional register they may be certified for the open position. If certification is declined, the employee's name may remain on the promotional register. Any permanent City employee who has applied for a promotional position within prescribed time limits and meets the minimum requirements of the position shall be allowed to participate in the examination process, provided that the position applied for is at a higher pay range than the permanent position currently held.

D. FILING APPLICATIONS:

Applications shall be made on forms prescribed by the Chief Examiner. Applications not filed or postmarked on or before midnight of the final date shall be rejected. Applications shall be signed certifying the truth of all statements contained therein.

E. QUALIFICATIONS OF APPLICANTS:

- I. Applicants for examination must meet the minimum qualifications for the advertised position at the time of application.
2. Persons whose applications have been accepted to participate in the examination process shall be notified by the Chief Examiner of the time and place of the examination. Notice shall be by letter, post card or telephone directed to the applicant's last known address or telephone number and given not less than five days prior to the date fixed for the examination.

F. NUMBER OF APPLICANTS -- LIMITATIONS:

1. The Examiner may restrict the number of qualified applicants to be examined at any one time whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups.
 - a. Random Sample. The Examiner may provide for a random sample of qualified applicants to be drawn by lot for an entry level examination by so stating in the job announcement. Those qualified applicants whose names are not drawn by lot for the initial group to be examined shall be held on file. Should the initial group examined fail to yield a register of sufficient size to meet the City's needs for candidates for that class, or should the list become exhausted before it expires, a sample from the remaining qualified applicants will again be drawn by lot and the examination process repeated.

G. DISQUALIFICATION OF APPLICANTS AND ELIGIBLES:

- I. The Chief Examiner shall reject the application and refuse to examine any applicant or shall remove any applicant's name from an eligible register if the applicant:
 - a. Is found to lack any of the minimum qualifications established for the class except in-training appointments.
 - b. Has made a false statement of material fact on the employment application;
 - c. Has directly or indirectly obtained unauthorized information regarding the examination;
 - d. Has failed to apply correctly or within the prescribed time limits;

- e. Has taken part in the compilation, administration or scoring of the examination; or,
 - f. Has otherwise violated provisions of these rules.
2. An applicant whose name is removed from an eligible register for any reason specified in this section shall be notified by mail within seven (7) calendar days of said action.
 3. If in the opinion of the Chief Examiner the number of qualified applicants is inadequate, the examination may be cancelled or closing date extended for receiving applications.

H. CHARACTER OF EXAMINATIONS:

- I. Examinations may consist of written, oral, or performance tests; ratings of education and experience; tests of technical knowledge; manual skills, physical or mental fitness; or any combination thereof which the Chief Examiner deems appropriate.
2. The Chief Examiner shall determine all questions pertaining to examinations, except those which in accordance with these rules may require the approval of the Commission, including the types of examinations to be given; the weights to be assigned; and the choice of consultants to assist in the preparation and rating of the examinations. The Chief Examiner shall consult with the City Manager and/or the appropriate department heads or designee on the procedure to be followed in each examination.
3. **Subscription Testing Services Authorization**
The Chief Examiner may enter into a contract with one or more Subscription Testing Services.
 - a. "Subscription Testing Service" means a person or organization offering a service that test and maintains lists of candidates for employment who have successfully completed the Subscription Testing Service process.
 - b. The Chief Examiner shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.

- c. All applicants certified as a qualified candidate by the Subscription Testing Service shall be subject to additional testing including but not limited to an oral examination conducted by the Chief Examiner.
 - d. Following completion of the examinations by the candidates, pursuant to the procedure set forth in the contract with the Subscription Testing Service with the addition of any additional testing, a list of qualified candidates shall be reviewed and approved by the Chief Examiner prior to referral to the Appointing Authority. Candidates may then be certified as eligible for appointments to the Appointing Authority.
 - e. Review and approval of candidates shall be completed by the Chief Examiner. Chief Examiner shall verify that candidates for placement on the eligible register meet the minimum eligibility requirements for employment.
 - f. Candidates qualified for appointment, pursuant to the procedures established in the Rules, shall be placed on the eligibility register. Candidates rejected by the Chief Examiner for: 1) not satisfying any test requirement; 2) not completing probation; or, 3) following certification, not responding to the appointing authority for consideration, shall be removed from the eligible register.
 - g. Additional Testing Candidates shall be subject to such additional testing as may be required by the Chief Examiner or the appointing authority. Such testing shall include, but not be limited to, background, polygraph, psychological, and/or physical agility testing.
4. Continuous Testing
- The Chief Examiner may establish an eligibility list for use by applicants tested through and certified for eligibility through a continuous testing process.
- a. "Continuous testing" shall mean a written examination, performance exam and/or a standardized physical fitness/agility test. Tests will be conducted pursuant to set and commonly applied standards. Results shall be valid for a period of one calendar year from the date of certification to a Continuous Testing Initial Eligibility list. Continuous testing may, at the discretion of the Chief Examiner, be offered through the Chief Examiner or pursuant to a subscription testing agreement
 - b. Applicants certified pursuant to a continuous testing process shall be placed on a Continuous Testing Initial Eligibility list. Certification shall be in accordance with the rules and regulations of this Commission. Each applicant is placed in accordance with his or her scores and veteran's preference (if applicable). The placement of all others on the list shall be adjusted accordingly.

- c. Applicants placed upon the eligibility list shall be subject to such other testing processes as the Chief Examiner directs, including but not limited to oral boards or any additional testing process conducted by the Examiner or by a subscriber.
- d. The names of candidates certified to the eligibility list shall remain on the list until either: 1) certified to a secondary hiring list following an oral board or other testing as established by the Chief Examiner, 2) one year has passed since the name was certified, or 3) the candidate has been hired by another public safety organization. Upon written notification, names may be removed by the candidate, another public safety employer, or an entity providing subscription testing. (10/11)

I. CONDUCT OF EXAMINATIONS:

- 1. Examinations may be conducted simultaneously. The Chief Examiner may *designate monitors to conduct examinations as necessary*.
- 2. The identity of persons taking written tests shall be concealed by the use of an identification number. Any test paper bearing the name of an applicant or any identifying mark other than the identification number shall be rejected before grading and the applicant involved shall be disqualified.
- 3. The formula used in appraising training and experience shall consider recency, quality, quantity of experience and pertinency of the training.
- 4. An oral examination board shall consist of two or more persons, one of whom shall be technically familiar with the character or work required in the class for which the applicants are to be examined.

All applicants being examined for the same class shall be rated by the same oral examination board.

All applicants being examined for an integrated register shall be rated by the same or substantially the same oral examination board that previously rated on the exam being integrated.

5. The Chief Examiner may test and integrate new names onto an unexpired eligible register in the event the appointing authority has requested certification of three names and fewer than three eligible names remain on such register.

The Chief Examiner shall give notice to those eligible persons on the register stating that they may either retest or retain their original score. The result of such re-examination, whether higher or lower, shall determine the eligible person's placement on the integrated register. In the event an eligible person does not elect to retest, they may for one time only retain their original score and be reranked on the register.

The integrated register shall be formed, in rank order, highest first, using the test scores of new candidates and those who retested or retained their original scores.

J. SCORING EXAMINATIONS:

1. The Chief Examiner shall set a minimum passing standard for each examination which shall be the lowest score which reflects the ability of the applicant to adequately perform the duties of the classification for which the examination is given. Where an examination consists of two or more parts, the Chief Examiner shall set a minimum passing standard for each part of the examination. Each part of the examination shall be graded independently. Failure to attain the minimum passing standard on any part of the examination shall disqualify the applicant from further examination and inclusion on the register.
2. The Chief Examiner shall determine whether examinations or parts of examinations will be scored on a percentage basis with 100%

representing total accuracy or on a pass/fail basis whereby failure to achieve the minimum passing standard shall disqualify the applicant. No exam shall be scored in its entirety on a pass/fail basis.

3. The Chief Examiner shall determine the final score of each applicant who has passed all phases of the examination. Parts of examinations scored on a pass/fail basis shall not be included in the applicant's final score.
4. After each examination, the Chief Examiner shall prepare a register on which the names of all candidates passing all phases of the examination shall be ranked in descending order of their final scores.
5. The Chief Examiner may limit the number of names to be included on the register. That determination shall consider the number of vacancies normally expected during the term of the register and may include:
 - a. Candidates passing all parts of the examination and who attain a percentage grade established by the Chief Examiner, or
 - b. A fixed number of candidates passing all parts of the exam.
6. Special Scoring Provisions
 - a. Veteran's Preference will be allowed as provided for by State Law.
 - b. Length of service credit shall be added: one-half point to all passing grades on promotional examinations for each 12 months of service as a permanent employee for the first 120 months of service. Length of service credit shall not apply to any person who is not currently a City employee. (Rev. 4/95)

K. NOTICE OF RESULTS OF EXAMINATION:

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

L. EXAMINATION RECORDS:

The Chief Examiner shall maintain all examination records. Applications and examination records of persons on the eligible register shall be retained for the term of the register.

M. MAINTENANCE OF REGISTERS:

1. Effective Date and Term of Registers: Registers shall become effective upon completion of the testing procedure and approval by the Chief Examiner. The eligibility of candidates on employment, integrated and promotional registers shall remain in effect for twelve months with the exception that Police Department open competitive employment registers may be automatically revoked when less than three names remain on the register and the appointing authority requests three names for certification, provided, however, that any person remaining on the register to be revoked shall be given written notice of their right to compete for open register positions. Special non-promotional registers with a duration of 6 to 12 months may be created. Prior notice must be given to candidates as to the duration of the register. Eligibility of candidates on a re-employment register shall remain in effect for twenty-four months. Registers may be extended by action of the Civil Service Commission for up to an additional twelve months.
2. Removal From Registers: The names of persons appearing on a promotional register or open register may be removed if the candidate fails to respond to a notice of certification, declines an appointment without reason satisfactory to the Commission, cannot be located by postal authorities. Names of persons on promotional registers who resign or terminate from the service shall be removed upon resignation or termination. (Rev 4/11)
3. Revocation of Registers: The Commission may revoke an open or promotional register and order a new examination because of fraud, error, inappropriate standards prescribed in connection with the examination, plainly inadequate results obtained from the examination or when less than three names remain on an open competitive employment register.

No register shall be revoked or altered except after timely written notice is given to all persons affected by such a revocation or alteration except for Police Department open competitive employment registers. Such notice shall be mailed certified mail, return receipt requested, to all affected persons at least ten (10) calendar days prior to the Commission taking any action on such examination. The notice shall state the following: contemplated Commission action, time, place, and date of the meeting in which the Commission may take action, and a statement that the affected person may appear in person or with an attorney or make a written statement for the purpose of contesting proposed Commission action.

CHAPTER VI

CERTIFICATION AND APPOINTMENT

- A. **CERTIFICATION**: When there is a need to fill a vacancy in the classified service, the appointing authority shall make written requisition to the Chief Examiner. Upon receipt of a requisition, the Chief Examiner shall certify in writing the names of the three persons highest on the register for the position requested and the name of the person next highest on the register for each additional vacancy. The order of certification shall be as follows: re-employment register, promotional register, open competition register.

When the number of names certified is less than three, the appointing authority may fill the vacancy from the list certified, or return the list and require the certification of three names. If a promotional register contains less than three names, the Chief Examiner shall certify additional names from the open competition register as needed. Nothing in this section shall authorize or require the addition of names from either promotional or open competition registers to those names certified from re-employment registers.

1. **Bilingual Certification**: In the event a department's work force covered by these rules has demonstrated a need for bilingual employees, and the appointing authority has submitted a requisition to the Chief Examiner, the Chief Examiner shall have the authority to change the minimum requirements of the specific classification for the purpose of establishing a bilingual classification and register. The Chief Examiner will add to the minimum requirements the phrase "Applicants must be bilingual". The Chief Examiner will add to the duties section the phrase "Interprets and explains information to the [specific language, e.g. Spanish] speaking public". The Chief Examiner will add to the examination section specific guidelines that will explain the bilingual testing procedures. The Chief Examiner will add bilingual to the classification title.

Under the provisions of this subsection, the regular classification will be used for subsequent openings unless the appointing authority again requests bilingual certification. Nothing in this subsection shall alter the

order of certification of registers as provided in Chapter 6-A. The provisions of this subsection shall not be construed to alter or waive the requirements necessary to be placed on the eligible register for employment, other than adding the requirement to be bilingual.

2. Declaration of Certification: When a person declines certification, it shall not be grounds for removal from the register. (Rev. 4/95)

B. APPOINTMENT:

1. Selection: The appointing authority shall make selections from the names certified unless objection is made in writing and sustained by the Commission.
2. Declination of Appointment: Appointment is deemed to be declined if a candidate:
 - a. fails to respond within three business days after receipt of a written notification of employment opportunities from the Chief Examiner or appointing authority; or,
 - b. fails to accept a written offer of appointment within the next business day after receipt; or,
 - c. fails to accept a verbal offer of appointment within the next business day after the offer is made; or,
 - d. fails to report for duty on the date required.
3. Effect of Declination: Any person who fails to report for duty shall be removed from the register unless cause for such failure to report is approved by the Commission. When a person declines a position, it shall not be grounds for removal from the register. (Rev. 1/91)
4. Certification from Alternate registers: If there is no appropriate eligible list for a class, the Commission and/or Chief Examiner may allow certification

from a list held appropriate. Examples of classes currently held appropriate for certification from a register with a different class title are:

- a. Department Assistant II and Police Department Assistant II.
- b. Bilingual Department Assistant II and Bilingual Police Department Assistant II.

The provisions of this Subsection shall not be construed to alter or waive the requirements necessary to be placed on the eligible register for employment.

C. EXCEPTIONAL APPOINTMENTS:

- I. Emergency Appointments: The appointing authority may employ persons under emergency conditions which threaten public health, safety, property, or welfare whenever it is impossible to secure the services of persons through the Civil Service Commission. All such appointments shall be reported to the Chief Examiner. No emergency appointment shall be continued for more than the duration of the emergency.
2. Provisional Appointments: In the event of a vacancy in a permanent position in a class for which there is no register, the position may be filled by provisional appointment until a register is available. No provisional appointment or a combination of a provisional and temporary appointment shall continue for a period longer than five months nor shall any person receive more than one such appointment or serve more than five months as a provisional appointee or a combination of a temporary and provisional appointee in any one fiscal year. Provisional appointees must meet the minimum requirements of the classification to which they are appointed. (Rev. 2/85)
3. Temporary Appointment: Temporary appointments may not exceed five months or 866 hours whichever is the greater period in any one fiscal year. The appointing authority shall requisition the Chief Examiner as provided for regular appointments, and shall indicate the date it is

estimated the position will terminate. Temporary service shall not be credited on any probationary period.

4. Seasonal Appointment: Seasonal appointees are permanent, classified employees and must serve a probationary period as required in Chapter VII of these rules. The employee shall be placed on leave without pay between work seasons. Permanent seasonal employees shall not accrue seniority during periods of leave without pay. Seasonal appointments shall be made in accordance with Sections A and B of this Chapter.
5. Voluntary Demotion: An employee may voluntarily request demotion providing they meet the minimum requirements of the position. Such request must be in writing to the Chief Examiner who shall determine if the minimum requirements have been met and shall be subject to the approval by the appointing authority.
6. Permanent Limited Duration Appointment: Persons employed in limited duration classifications are in the classified service and are subject to all Civil Service Rules except the Reduction in Force Rules of Chapter XI, Section A 1 and 2.
7. Transfers: The transfer of an employee in one classification to the same classification in a different department or division may be made at any time by the appointing authority concerned and shall be reported to the Chief Examiner. A transfer of a permanent employee from a position in one class to a position in another class having the same entrance salary and provided the employee meets the minimum requirements of the position, may be made by the appointing authority upon mutual agreement of all parties involved. The request must be made in writing to the Chief Examiner who shall determine if the minimum requirements have been met. The change of employees from a position in one class to a class having a higher or lower range of pay shall be deemed a promotion or demotion respectively.

Effect of Transfer on Rate of Pay: A person who is transferred, shall enter the position at the range of pay which was received at the time of transfer.

Transfers Between Represented and Non-Represented Positions: A transfer from a represented classification to a non-represented classification or vice versa, shall not be deemed a promotion or demotion if the result is a change in pay. The transfer may be made at any time by the appointing authority concerned and shall be reported to the Chief Examiner. The transfer must involve either the same or similar classifications and further, the employee must have achieved permanent status and meet the minimum requirements of the position. The request must be made in writing to the Chief Examiner who shall determine if the minimum requirements have been met.

8. Return to Civil Service by Exempt Employees: An exempt employee who has previously held permanent status in the classified service, may request a voluntary demotion in order to return to the classified service, provided, a vacancy exists for a position in a classification series in which such employee has held permanent status and for which position no valid register is in effect. Such request shall be in writing and subject to the approval of the appointing authority.

CHAPTER VII

PROBATIONARY PERIOD

- A. REQUIREMENT: All open competition and promotional appointees to permanent positions shall serve a probationary period of six months including appointments to previously held positions where a material change in job requirements has taken place except, all employees of the Police Department shall serve a twelve month probationary period.
- B. COMPLETION OF PROBATION: Successful completion of a probationary period shall be recommended in writing by the employee's supervisor and approved by the appointing authority with copies provided to the employee and Chief Examiner at least fifteen days before the end of the probationary period.
- C. FAILURE OF INITIAL PROBATION: A probationer serving in an initial appointment, may be separated from service after prior notice without right of appeal or hearing. The reasons for dismissal shall be filed with the Chief Examiner for permanent record.
- D. LENGTH OF SERVICE CREDITS: Length of service credits shall include the probationary period. For permanent seasonal employees, length of service credit shall include only those actual months worked including the probationary period.
- E. PROMOTIONAL APPOINTEES:
 - 1. Promotional appointees who fail, or for other reasons do not complete the probationary period for the position to which they have been promoted, shall be restored to the position from which they were promoted provided the position has been filled by a person in a temporary, provisional, or probationary status including persons serving probationary periods in promotional appointments. However, nothing in this rule shall be interpreted to allow the removal of an employee who has achieved permanent status in the position from which the appointee was promoted.

2. An employee who is appointed as a result of competitive examination to a position in a different classification series with a pay range the same or lower than the position of such employee and who fails, or for other reasons does not complete the probationary period, shall be restored to the position from which the employee was originally appointed provided that such position has been filled by a person in a temporary, provisional or probationary status including persons serving probationary periods in promotional appointments. However, nothing in this rule shall be interpreted to allow the removal of an employee who has achieved permanent status in the position from which the appointee was promoted.
3. Promotional appointees failing or otherwise not completing the probationary period shall have no right of appeal from the failure but permanent employees shall retain their rights as permanent employees in their former position including the right to reinstatement therein in preference to any temporary, provisional, or probationary employees filling the position. Promotional appointees not completing the probationary period for reasons other than failure shall be replaced upon the eligible register from which they were certified for the promotional appointment. Any promotional appointees not completing the probationary period who are unable to be restored to their former positions shall be separated from the service and shall have their names placed on a re-employment register as prescribed in these rules and regulations. (Rev. 4/95)

CHAPTER VIII

PERFORMANCE EVALUATION

- A. PERFORMANCE RATINGS: The Human Resources Manager shall, devise a system for evaluating the performance of employees in the classified service based on such factors as ability, quality of work, quantity of work, reliability, discipline, attendance and other job related factors as may be appropriate. The system shall require:
- I. Standards of performance which must be met by an employee in order to be eligible for a step increase in salary or promotion.
 2. Maintenance of reasonable standards of physical fitness for performance of the duties of the position. Periodic or occasional physical examinations may be required, and the results included in the rating.
 3. A performance evaluation for each employee at least once each year and at appropriate intervals during a probationary period, which will become a permanent part of the employee personnel file.
- B. EFFECTS OF PERFORMANCE EVALUATION:
1. Any employee who receives two successive, overall unsatisfactory performance evaluations or two successive performance evaluations indicating overall performance which requires improvement may be subject to disciplinary action.
 2. Evaluations of an employee being considered for promotion may be inspected by the Commission, the employee, the Chief Examiner, Human Resources Manager, Division Manager, Department Manager, and City Manager.

C. REVIEW AND RESPONSE:

1. The evaluator shall discuss and review evaluations with the employee. The evaluator shall provide a copy of the evaluation to the employee who shall have twenty-four (24) hours, or longer if mutually agreed upon, within which to consider the evaluation and draft a response if desired.
2. An employee shall review, respond to and sign the evaluation clearly indicating in writing agreement or disagreement and the reasons therefore.

D. APPEAL FROM PERFORMANCE RATING: An employee shall have the right to appeal any overall unsatisfactory performance evaluation in accordance with Chapter X of these rules.

Performance ratings of probationers, including permanent employees serving probationary periods in promotional appointments, shall not be subject to appeal.

CHAPTER IX

DISCIPLINARY ACTION

A. CAUSE FOR DISCIPLINARY ACTION: The following conduct is considered cause for disciplinary action:

1. Incompetency, inefficiency, repeated tardiness, inattention to, or dereliction of duty.
2. Dishonesty, insubordination, immoral conduct, 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 willful failure on the part of the employee to properly conduct himself or any willful violation of the provisions of the Municipal Code or Rules and Regulations of the Commission.
3. Mental or physical unfitness for the position which the employee holds.
4. 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 on the job or which precludes the employee from properly performing the function and duties of any position under classified service.
5. Conviction of a felony or a misdemeanor involving moral turpitude.
6. Willfully disobeying the lawful orders of a superior officer or supervisor.
7. Willful or deliberate abuse and damage of City equipment.
8. Failure to report to work when so ordered without legitimate reason or failure to report an inability to work due to illness or other reason.
9. Any unlawful act of discrimination or any act of harassment based on race, color, national origin, religion, sex, handicap, age, creed or veteran status.

10. Any other act or failure which in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public services.

B. PROGRESSIVE DISCIPLINE: In the event that the appointing authority determines that disciplinary action is necessary, unless otherwise provided for herein, the order of discipline shall be:

1. Oral reprimand - Any instance in which an employee is verbally warned.
2. Written reprimand - Any disciplinary letter, memo or other written document regarding an employee's performance or behavior that appears in his file is a written warning (reprimand). A written warning (reprimand) must list the violations or failures as well as previous related oral warnings (reprimands), and indicate corrective action necessary to avoid further disciplinary actions.
3. Suspension - Relieving an employee from work for cause, with or without pay.
4. Termination - Involuntary discharge of an employee for cause.

Step 1, oral reprimand, and Step 2, written reprimand, may be by-passed if action of the employee is of such serious nature that in the judgment of the appointing authority it demands immediate suspension or termination.

Written reprimands shall be destroyed upon the employee's request after two years if there has been no reoccurrence of the conduct or performance which gave cause for the written reprimand. Notices of suspension shall be destroyed upon the employee's request after four years if there has been no reoccurrence of the conduct or performance which gave cause for the suspension. All record of suspensions appealed to the Civil Service Commission shall become a permanent part of the employee's official personnel file.

- C. PRE-DISCIPLINARY HEARINGS: Any employee covered by these rules who is subject to discharge, suspension, demotion, reduction in grade, delay in step increase, or written reprimand, shall be provided with a pre-disciplinary hearing conducted by the appointing authority or his designee prior to such discipline. At the hearing, the appointing authority shall furnish the employee with a statement of the cause and an explanation of the evidence supporting the charges, and also provide the employee with an opportunity to present an explanation of the disciplinary matter including any mitigating circumstances. The employee will be afforded the opportunity for representation of his/her own choosing at the hearing.

In the event the appointing authority shall decide to discipline the employee following the pre-disciplinary hearing, the employee shall be provided with a written statement as provided in this Chapter.

- D. SUSPENSION: The appointing authority may suspend for cause any employee for up to fifteen calendar days for any one suspension or thirty calendar days in any twelve month period. The Chief Examiner shall be furnished with a written statement specifically setting forth reasons for such suspension, and a copy of such statement shall be given to the affected employee. An employee may be suspended with or without pay for a period in excess of thirty days pending the investigation or trial on any criminal charges filed against the employee. An employee found not guilty of the charges shall be paid for the time which normally would have been worked during the period suspended.
- E. DEMOTION OR OTHER SANCTIONS: The appointing authority may demote an employee; or delay a step increase or reduce the salary of an employee within the pay range. Such action shall be for cause. A written statement specifying the reasons for such action shall be furnished to the employee and a copy filed with the Chief Examiner. No demotion shall be made unless the employee is qualified for the lower class. A demotion shall not be made if a regular employee would be laid off as a result.
- F. APPEAL FROM DISCIPLINARY ACTION: Any permanent employee who is reduced, suspended, demoted, or discharged may appeal such action as provided in Chapter X.

CHAPTER X

APPEALS AND HEARINGS PROCEDURES

A. APPEAL:

Any permanent employee, except as provided in Chapter VIII, Section D and Chapter VII, Section E, may appeal any disciplinary action taken under these rules as follows:

Step 1.

The employee shall within seven (7) calendar days of the action, present^{*} the Division Manager a written statement specifying the complaint, the reasons therefore and the relief sought.

The Division Manager shall investigate the matter and present a written decision to the employee within seven (7) calendar days.

- * Present shall mean hand delivery or receipt of mail at the last known address of the employee or the business address of the appropriate manager as the case may be, by certified mail, return receipt requested.

Step 2.

If the complaint is not resolved to the employee's satisfaction in Step 1, the employee shall within seven (7) calendar days of the receipt of the Division Manager's decision, present the written statement with the Division Manager's decision to the Department Head for review. The Department Head shall investigate the matter and present a written decision to the employee within seven (7) calendar days.

Step 3.

If the complaint is not resolved to the employee's satisfaction in Step 2, the employee shall within seven (7) calendar days after receipt of the Department Head's decision, present the written statement along with a copy of the Division Manager's and Department Head's decisions to the City Manager for review. The City Manager shall investigate the matter and present to the employee a written decision within fourteen (14) calendar days.

B. APPEALS TO THE CIVIL SERVICE COMMISSION:

If the complaint is not resolved to the employee's satisfaction at Step 3, the employee shall appeal the decision to the Civil Service Commission within 10 calendar days of receipt of the City Manager's decision. The appeal shall be in writing and include copies of the decisions of the Division Manager, Department Head and City Manager and shall be presented to the Secretary-Chief Examiner.

C. HEARING:

Upon receipt of an appeal, the Commission shall schedule a hearing.

All hearings by the Commission shall be open to the public and shall take place after fifteen (15) calendar days written notice to all parties concerned of the time, date and place. Hearings shall be of an informal nature and the Commission shall not be bound by technical rules of evidence. No informality in any proceedings or hearings or in the matter of taking testimony before the Commission shall invalidate any order, rule, decision, or regulation made or confirmed by the Commission. No order, rule, decision or regulation made by any designated commissioner conducting a hearing shall have any force or effect unless concurred in by at least one other Commissioner.

D. COMMISSION FINDINGS AND ORDER:

At the conclusion of the hearing, the Commission shall determine whether the action appealed from was made in good faith for cause. If the Commission finds that the action was not in good faith for cause or was taken for any political or

discriminatory reason, the employee shall be reinstated without loss of pay. In all other cases, the Commission shall determine what disposition shall be made of the appeal, taking into account the best interest of the City and the employee. The Commission shall reduce its findings into writing which shall be final and binding and entered in the Commission's records.

E. CAMERAS IN THE HEARING ROOM:

Broadcasting, televising, recording, and taking photographs in the hearing room is authorized during a hearing, including recesses, under the following conditions:

- a. Permission shall have first been expressly granted by the Commission Chairman and under such conditions as the Chairman may prescribe; and
- b. The media personnel will not distract participants or impair the dignity of the proceedings.

Illustrative Broadcast Guidelines

1. *Officers of the Hearing Room.* The Chair has the authority to direct whether broadcast equipment may be taken within the hearing room. Broadcast newsmen should advise the Chief Examiner prior to the start of a hearing that they desire to electronically record and/or broadcast live from within the hearing room. The Chief Examiner may have prior instructions from the Chair as to where the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the Chair or Chief Examiner, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.
2. *Pooling.* Unless the Chair directs otherwise, no more than one television camera should be taking pictures in the hearing room (as presently constructed) at any one time. Where coverage is by both radio and television, the microphones used by television should also serve for radio and radio should be permitted to feed from the television sound system.

Multiple radio feeds, if any, should be provided by a junction box. It should be the responsibility of each broadcast news representative present at the opening of each hearing to achieve an understanding with all other broadcast representatives as to who will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding should be reached outside the hearing room and without imposing on the Chair or other personnel.

Broadcast coverage outside the hearing room should be handled with care and discretion, but need not be pooled.

3. *Broadcast Equipment.* All running wires used should be securely taped to the floor. All broadcast equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient film and/or tape capacities should be provided to obviate film and/or tape changes except during recess. No camera should give any indication of whether it is or is not operating such as a red light on some studio cameras. No additional lights should be used without the specific approval of the Chair and then only as the Chair may specifically approve as may be needed in the case of appellate hearings.
4. *Decorum.* Broadcast representatives' dress should not set them apart unduly from other spectators. Camera operators should not move tripod-mounted cameras except during recesses. All broadcast equipment should be in place and ready to function no less than 15 minutes before the beginning of each hearing.

Illustrative Print Media Guidelines

1. *Officers of the Hearing Room.* The Commission Chair has authority to direct whether photographs may be taken within the hearing room. The photographer should advise the Chief Examiner, prior to the start of a hearing, that photographs are desired. The Chief Examiner may have prior instructions from the Chair as to where the photographer may be positioned. In the absence of any directions from the Chair or Chief

Examiner, the photographer should remain behind the front row of spectator seats.

2. *Pooling.* Unless the Chair directs otherwise, no more than one still picture photographer is to be taking pictures in the hearing room at any one time. It is the responsibility of each photographer present at the opening of each hearing to achieve an understanding with all other photographers present as to which will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding must be reached outside the hearing room and without imposing on the Chair or other personnel.
3. *Decorum.* The photographers' dress and equipment should not set them apart unduly from other spectators. Cameras which operate without flash and with a minimum of noise should be utilized.

The photographer's movements in and out of the hearing room and while taking pictures should be unobtrusive. The photographer should not, for example, assume body positions inappropriate for spectators. (2/98)

CHAPTER XI

SEPARATION FROM SERVICE

A. REDUCTION IN FORCE:

- I. Identification of Positions: When it becomes necessary to reduce the City employment force because of a change in duties, reorganization, lack of work or funds or other causes, but without cause on the part of the employee, the appointing authority shall determine the number of positions and the position classification(s) in which the reductions shall take place, taking into account the nature of functions to be performed, public safety and impact on service levels. The Civil Service Commission and representatives of employee organizations shall be notified of the number of positions and the classifications designated for reduction.
2. Administration: The Civil Service Chief Examiner in consultation with the Human Resources Manager shall administer the reduction in force determining the employees to be affected in accordance with the following principles and procedures.
 - a. Order of Reduction: The order of reduction shall be in accordance with the seniority of the employee involved. For the purpose of layoff, seniority is defined as the length of the last period of unbroken time served in a permanent appointment in the service of the City. Time shall not be considered broken by approved leaves of absence, separations of up to one year due to reduction in force, educational leaves without pay or other leaves taken at the request of and for the benefit of the City provided that employee who has been laid off and recalled within one year will not accrue additional seniority during the time of the lay off.

The order of reduction will be as follows:

- (i) First, employees in temporary or provisional appointments who's duties include, in whole or in part, the work that has been identified for reduction.
- (ii) Second, employees serving probationary periods in the classification identified for reduction provided that if an employee is in a promotional status s/he will revert to the position in the class previously held and be considered in the order of reduction in that classification.
- (iii) Third, employees having permanent status, in which case employees with the least seniority shall be identified for RIF. Such employees shall have the right to displace the least senior employee in another classification in which s/he formerly held permanent status if the class is the same or lower in pay level than the class from which it is intended to lay off the employee and the employee is qualified to perform the job.

If equal seniority exists preference will be given first to employees with the most seniority in the classification involved; second, to employees with the most seniority in the department; third, to employees with the most seniority in City service; and if equal seniority exists, the order of lay-off will be determined by the ranking on the Civil Service Register.

Reductions of positions from full-time to less-than-full-time shall be considered as a reduction in force and regulated by these Rules and Regulations and persons occupying such positions shall have all the rights to displace less senior employees. However, full-time employees, whether their positions are eliminated or reduced to less-than-full-time, shall not be required to accept a part-time position in lieu of lay-off, rather may displace the least senior as described in Section 2. a above.

b. Options in Lieu of Separation by Reduction in Force:

A permanent employee involved in a RIF has the options provided for by this rule. When an option has been determined, no further options will be identified. The employee must currently meet the minimum qualifications and possess the skills and abilities to perform the duties of the position offered.

The process below will continue for any previously held positions in reverse chronological order, until a position is offered or no position is found and will apply to each employee identified for RIF.

Options provided will be as follows:

- (i) Reduce/Downgrade or transfer to a funded vacant position within the classification last held by the affected employee.
- (ii) Reduce/Downgrade or transfer to a funded filled position in the classification last held by the affected employee. The employee affected by the reduction in force has the option to displace the least senior employee in the classification last held based on city wide seniority.
- (iii) At the completion of the entire RIF process and after termination notice has been given, if there are any vacancies that have not been identified as options in accordance with the steps above, the Transfer and Voluntary Demotion opportunities identified in Chapter VI, Section C. 5 & 7 of these Rules and Regulations may be considered as an option.

- c. Notification: The Chief Examiner in consultation with the Human Resources Manager or designee shall give a minimum of fourteen (14) calendar days written notice by direct delivery to each employee impacted by the reduction in force. Notice will be

construed to start when the direct delivery is made. The employee will be given seven (7) calendar days to accept or decline, in writing, any option provided to them. The seven (7) day response period will run concurrent with the fourteen (14) day notification period.

3. Re-employment Register: Employees who have been laid off as a result of a reduction in force or who have been separated from service due to a disability under RCW 49.60, the Americans with Disabilities Act, or other applicable disability law, will be placed on a re-employment register for the class from which they have been laid off/separated from service for a period of twenty-four (24) months. Placement on the re-employment register shall be in order of their seniority in the class from which the employees have been laid off/separated from service. The former employee with the most seniority in class shall be the first name on the re-employment register. The former employee with the least seniority shall be the last name on the re-employment register.

Employees who voluntarily reduce to a lower classification in lieu of layoff as a result of a reduction of position to less-than-full-time shall have their name placed on a reemployment register and shall be recalled to the position if it is returned to full-time within twenty-four (24) months. In addition, the employee shall be offered any position vacancy in the formerly held classification and shall have the option to accept or reject two such offers of reinstatement during the twenty-four (24) month period after which the eligibility shall be forfeited.

4. Preference of Employment: Vacancies to positions to be filled in the Classified Service shall be filled according to the order established in Chapter VI. CERTIFICATION AND APPOINTMENT of the Civil Service Rules; re-employment register, promotional register, open competition register. Provisional and temporary appointments shall not be filled without first contacting the Chief Examiner in consultation with the Human Resources Manager in an effort to fill the position by qualifying employees who have been or are scheduled for separation due to reduction in force.
(Rev. 4/95)

5. Recall: The Chief Examiner in consultation with the Human Resources Manager shall notify an employee being recalled by certified mail with return receipt at their last known address of the vacancy to be filled. Unless the Human Resources Division received from such employee an acceptance or rejection of the employment offer within five (5) business days of the date the employee receives the notice, as indicated by his signed receipt, then such employee shall no longer be eligible for recall. Employees have the responsibility to keep the Human Resources Division advised of their current address while on lay-off.
 6. Effect of Lay-Off on Rate of Pay: A former employee laid off because of lack of work or force reduction who is reinstated in the class in which he was employed, shall enter the position at the range of pay which had been received at the time of separation.
- B. RESIGNATIONS: To resign in good standing an employee must give the appointing authority at least fourteen calendar days prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice. A written resignation shall be supplied by the employee to the appointing authority. Failure to comply with this rule may be cause for denying future employment by the City.

The resignation shall be forwarded to the Chief Examiner with a statement as to the resigned employee's service performance and any pertinent information concerning the cause for resignation. The resignation of any employee who fails to give notice shall be immediately reported to the Chief Examiner by the department head.

Any permanent employee who resigns in good standing may at the option of the appointing authority be reinstated to a position of the same classification if a vacancy exists without further examination within a year of the date of the resignation.

- C. ABSENCE WITHOUT LEAVE: No employee in the classified service shall absent himself from duty without leave, except in case of extreme emergency. Failure to report for duty as scheduled, or failure to notify the head of the department or appointing authority of inability to report, or failure to report after a leave of absence has expired or has been revoked or cancelled by the appointing authority, shall be deemed an automatic resignation and the position shall be declared vacant, unless the employee shall show, to the satisfaction of the appointing authority, that such failure to report was due to sickness or extreme emergency which made reporting impossible.

Chapter XI
Revised October 5, 2009