

**GENERAL RULES
OF THE
CIVIL SERVICE COMMISSION
FOR POLICE OFFICERS, CORPORALS
& SERGEANTS
OF THE
CITY OF YAKIMA**

**Adopted August 13, 2012
Last Revised: September 10, 2018**

(Superseding All Former Rules and Regulations)

**CIVIL SERVICE COMMISSIONERS
FOR POLICE AND FIRE**

Greg Lighty
Chair

Melanie Gilmore

Brenda George

**CIVIL SERVICE RULES
FOR POLICE OFFICERS, CORPORALS AND SERGEANTS**

TABLE OF CONTENTS

GENERAL RULES

	<u>Page</u>
Definitions.....	2
Rule 1 General Powers and Duties	5
Rule 2 Meetings and Quorum	5
Rule 3 Amendment.....	5
Rule 4 Suspension or Modification of Rules	6
Rule 5 Prohibition Against Discrimination	6
Rule 6 Secretary-Chief Examiner.....	6
Rule 7 Classification	7
Rule 8 General Qualifications.....	8
Rule 9 Applications for Examination.....	9
Rule 10 Nature of Entry Level Examinations	10
Rule 11 Conduct of Examinations	15
Rule 12 Medical and Physical Examination	16
Rule 13 Examinations for Promotion.....	17
Rule 14 Appointments on Basis of Merit.....	20
Rule 15 Registers	20
Rule 16 Probationary Period, Employment, Promotion Inspection of Examination Records	24
Rule 17 Performance Evaluation.....	25
Rule 18 Disciplinary Actions.....	26
Rule 19 Leaves of Absence.....	32
Rule 20 Layoffs, Voluntary Reductions in Rank, ADA accommodation and Veteran Reemployment Rights....	33
Rule 21 Reports To Be Made	35
Rule 22 Outside Employment.....	35
Rule 23 Severability.....	36

GENERAL RULES
OF THE YAKIMA CIVIL SERVICE COMMISSION
FOR POLICE OFFICERS, CORPORALS AND SERGEANTS

ADOPTED January 5, 2015
(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. I 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:

WHEREAS, the Yakima Civil Service Commission for Police Officers, Corporals and Sergeants and the Yakima Civil Service Commission for Fire Department Employees have the same personnel, in order to save expense, and to provide a uniform policy for Civil Service; IT IS ORDERED:

That whenever said Commission shall handle matters relating to the Yakima Police Department it shall be deemed sitting as a Commission under the provisions of the Police Civil Service Act of said State, 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 shall apply to the Police Departments of the City of Yakima.

POLICE CIVIL SERVICE DEFINITIONS

1. **APPOINTING AUTHORITY** -- The City Manager or designee, or persons empowered with lawful authority by ordinance, law or Charter to appoint, discipline, and/or remove employees from positions in the Police Department, or persons delegated by such appointing authority to perform duties which may be lawfully delegated.
2. **CAUSE** -- Any action or inaction which the Civil Service Commission deems appropriate justification for a disciplinary action, including termination, suspension, or discharge.
3. **CERTIFICATION** -- The process by which the Examiner provides the appointing authority, upon requisition, the name(s) of the individual(s) ranked highest on the eligible list.
4. **CHIEF** -- Whenever the term "Chief" appears it shall mean the Police Chief or designee.
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 interchangeably with the term class or classification.
6. **CLASSIFICATION SERIES** -- A series of one or more classifications similar in work but differing in difficulty, responsibilities, entrance qualifications, and pay range.
7. **DAYS** -- All reference to days shall mean calendar days unless otherwise specified.
8. **DEMOTION** -- A voluntary or involuntary reduction to a classification with a lower range of pay. (Note: Demotions may not necessarily be disciplinary in nature and could be the result of a reduction in force.)
9. **DEPARTMENT** -- All commissioned Police Officers, Corporals and Police Sergeants of the Yakima Police Department.
10. **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.

11. **EXAMINER** -- Whenever the term "Examiner" appears, it shall mean the Secretary-Chief Examiner or designee.
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. **PROMOTION** -- Appointment from a register to a classification with a higher range of pay.
15. **PROMOTIONAL EXAMINATION** -- An examination to create a register for a higher classification limited to employees in the Yakima Police Department who have completed their probationary period and meet the specified requirements.
16. **PROVISIONAL APPOINTMENT**-- A temporary appointment to a permanent position pending the establishment of a register for that classification not to exceed 4 months.
17. **REDUCTION IN FORCE** -- The elimination of a position, classification or classification series resulting in a decrease in the size of the Police Department's workforce. A reduction in force may result in the layoff, reduction in rank, retirement, or resignation of one or more employees.
18. **REDUCTION IN RANK** -- The involuntary movement of an employee from one classification to another classification having a lower maximum rate of pay.
19. **RE-EMPLOYMENT REGISTER** -- A Civil Service register composed of employees who have voluntarily separated from service under circumstances which do not indicate unfitness for duty who have requested to be placed on such register.
20. **REINSTATEMENT REGISTER** -- A Civil Service register composed of employees laid-off or reduced in rank because of curtailment of funds; reduction in force and/or like causes; or a resignation or involuntary separation from service due to a documented disability under RCW.49.60.040, the Americans with Disabilities Act (or other applicable

disability law) resulting in the employer's inability to retain/maintain fitness for duty.

21. **REPRIMAND** -- A disciplinary action issued for job related behavior(s) as a formal, written censure by the appointing authority, Chief of the Department or designee.
22. **SERVICE** -- Aggregate time in employment as a Commissioned Officer with the Yakima Police Department 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** -- An involuntary, temporary removal from duty, with or without pay, or the loss of accrued time, of an employee for a disciplinary purpose or for the purpose of investigating accusations brought against an employee.

**RULE 1.00
GENERAL POWERS AND DUTIES**

1.01 Authority Generally, the Police 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 2.00
MEETINGS AND QUORUM**

2.01 Meetings The Commission shall hold regular monthly meetings unless there is no pending business requiring Commission action. The Examiner shall give written notice of the meeting's cancellation. 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 Chair or any two members, as may be necessary or convenient to conduct business of the Commission. Notices to all designated parties shall be given as to the date and time of Commission meetings.

2.02 Quorum A majority of the Commission shall constitute a quorum.

**RULE 3.00
AMENDMENT**

3.01 Rule Amendments These rules may be amended from time-to-time by the Police 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 the Chief. This shall not preclude the Commission from amending these rules under emergency situations.

RULE 4.00
SUSPENSION OR MODIFICATION OF RULES

4.01 Rule Modifications 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 minimum medical and health standards and educational requirements set forth in these rules.

RULE 5.00
PROHIBITION AGAINST DISCRIMINATION

5.01 Nondiscrimination The right of any person to an appointment or promotion to any classification in the classified service of the Police Department of the City shall not be withheld because of gender, race, color, creed, national origin, sexual orientation, age, political affiliation, religious belief, or physical, mental or sensory disability 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 requirement or examination shall contain questions so framed as to elicit such information.

RULE 6.00
SECRETARY-CHIEF EXAMINER

6.01 Examiner The Secretary/Chief Examiner shall be appointed by the Civil Service Commission as a result of competitive examination, which may be either original and open to all qualified persons or promotional and limited to persons already in the service of the City of Yakima. The Secretary/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 Police Department.

6.02 Duties The Examiner shall keep the records of the proceedings of the Commission; 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 assigned.

6.03 Prepare Examinations The Examiner shall prepare or obtain the examination questions and tests for the applicants for the Police Department. The Examiner or a designated representative shall be present at all examinations; shall supervise examinations; and mark and grade all papers in a fair and impartial manner. All questions used in any examination, promotional or otherwise, may be reviewed by the Commission, and the Commission may add to, modify, or withdraw any questions.

6.04 Nepotism Restriction No person shall act as Examiner in any examination where any applicant is a close relative or domestic partner of the Examiner as defined by 8.03. If the Examiner is disqualified, or fails to act as such Examiner for any reason, the Commission shall appoint an acting Examiner who shall have the powers to perform the duties of the Examiner with relation to such examination.

6.05 Exam Results The Examiner shall not disclose the results of any examination, without the consent of the person examined, by order of the Commission or as required by law. The Examiner shall, upon completion of the examination, provide the Chief with a ranking of individuals passing the examination.

RULE 7.00 CLASSIFICATION

7.01 Classifications The Classified Civil Service covered hereby shall include all employees listed below.

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:

Police Sergeant
Police Corporal
Police Officer

RULE 8.00 GENERAL QUALIFICATIONS

8.01 General Qualifications An applicant for any classification under the Civil Service must be able to be lawfully employed as a Police Officer in the United States and the State of Washington, be able to read and write the English language, possess a high school diploma or GED, be able to perform the duties of the classification applied for, and must be in good health, be of good moral character, have a good credit rating, and must possess sound judgment and aptitude.

8.02 Age and Fitness At the time the first Police Officer examination is administered, persons under 21 years of age will not be permitted to the examination unless otherwise provided in these rules. Each applicant must be physically fit and may be required to pass an appropriate physical strength and agility examination and must be capable of arduous duty.

8.03 Restrictions on Nepotism No person may be appointed, transferred, demoted, reduced in rank, or promoted into a position, which would create an obvious or potential conflict of interest with a close relative or domestic partner. If a person becomes involved in a relationship as stated below, it is his/her responsibility to report such relationship to the appropriate chain of command

8.03.01 “Relative” means the biological, adoptive, foster, custodial or step-relative to include but not limited to: parent, grandparent, child, sibling, uncle, aunt, first cousin, nephew, niece, spouse (by marriage, civil union or state registered domestic partnership), father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half brother, or half sister.

8.03.02 “Domestic Partner” means a legal or personal relationship between two individuals who live together and share a common domestic life but are not joined by marriage, civil union or state registered domestic partnership.

8.03.03 “Obvious or Potential Conflicts of Interest” include but are not limited to situations where:

- A. One relative or domestic partner would be responsible for appointing, supervising, or disciplining another relative or domestic partner.
- B. One relative or domestic partner would be responsible for auditing the work of another relative or domestic partner.

8.04 Nepotism Remedy In the event two persons employed in the police department become married or shall become domestic partners or close relatives and/or any of the criteria of 8.03.03 apply, the appointing authority shall notify all affected persons in writing of the conflict and shall allow such persons to take voluntary action to eliminate such conflict. If the parties take no voluntary action, the appointing authority shall take action in order to eliminate such conflict.

RULE 9.00 APPLICATIONS FOR EXAMINATION

9.01 Application Forms Applications for examination shall be made electronically on the standard City of Yakima Application as required on the job announcement.

9.02 Disqualification of Applicants The Examiner may refuse to examine an applicant, or after examination may disqualify an applicant or remove an applicant’s name from an employment register for reasons consistent with but not limited to the following:

9.02.01 Any willful false statement made by any applicant in connection with the application for examination.

9.02.02 The applicant has failed to apply correctly or within the prescribed time limits.

9.02.03 The applicant is found to lack any of the requirements or qualifications established for the examination. The burden shall be upon an applicant for any classification under Civil Service to show possession of the required qualifications.

9.02.04 The applicant is physically or mentally unable to perform the essential functions of the classification (with or without reasonable accommodation) as determined by competent medical authority or refuses a pre-employment examination.

9.02.05 The applicant has directly or indirectly obtained information regarding the examination to which the applicant was not entitled.

9.02.06 The applicant failed or refused to submit to a pre-employment drug or alcohol screening.

9.03 Applications Not Returned Applications or other materials submitted by an applicant become the property of the City of Yakima and, whether accepted or rejected, shall not be returned. Applications will be accepted as submitted. Any application not submitted within the prescribed time limits shall be disqualified from further consideration. All applications and accompanying certificates shall remain on file with the Examiner as may be required by statute.

9.04 Notification of Applicants When an applicant is disqualified from the examination, the applicant must be notified accordingly.

RULE 10.00 NATURE OF ENTRY LEVEL EXAMINATIONS

10.01 Examinations The Examiner, with the concurrence of the Chief, 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 one or more 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 shall assign relative weights to each test.

10.02 Excessive Applications 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 remaining examinations to those individuals scoring highest on a preliminary test or a combination of tests listed in 10.01 of this Rule. The number of applicants allowed to complete the examination shall be 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.

10.03 Entrance Examinations Entrance examinations for the Commissioned Police Service shall consist of an examination as provided in Rule 10.01 and conducted by the Examiner or a designee. As established in Rule 10.07 and 10.09, Veteran's Preference Credit, and any additional Reserve Officer work credit points shall be used to determine placement on the Civil Service register.

10.04 Subscription Testing Services Authorized The Examiner may enter into a contract with one or more Subscription Testing Services.

10.04.01 Subscription Testing Service Defined "Subscription Testing Service" means a person or organization offering a service that tests and maintains lists of candidates for employment who have successfully completed the Subscription Testing Service process.

10.04.02 Process Verification The Examiner shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.

10.04.03 Certification

10.04.03.01 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 administered by the Examiner.

10.04.03.02 Review and approval of candidates shall be completed by the Examiner. The Examiner shall verify that candidates for placement on the eligible register meet the eligibility requirements for employment.

10.04.03.03. 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 Examiner prior to referral to the Appointing Authority. Candidates may then be certified as eligible for appointments to the Appointing Authority.

10.04.03.04 Candidates qualified for appointment, pursuant to the procedures established in the rules, shall be placed on the eligibility register. Candidates rejected by the 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.

10.04.03.05 Additional Testing Candidates shall be subject to such additional testing as may be required by the Examiner, the Commission or the appointing authority. Such testing shall include, but not be limited to, background, polygraph, psychological, and/or physical agility testing.

10.05 Continuous Testing The Examiner may establish an eligibility list for use by applicants tested through and certified for eligibility through a continuous testing process.

10.05.01 Continuous Testing Defined Continuous testing shall mean a written examination, oral exam, performance examination 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 Examiner, be offered through the Examiner or pursuant to a subscription testing agreement.

10.05.02 Certification 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.

10.05.03 Additional Testing Applicants placed upon the eligibility list shall be subject to such other testing processes as the Examiner directs, including but not limited to oral boards or any additional testing process conducted by the Examiner or by a subscriber pursuant to Rule 10.04.

10.05.04 Removal of Names The names of candidates placed on the eligibility register shall remain on the register until either: 1) certified to a secondary hiring list following an oral board or other testing as established by the Examiner, 2) one year has passed since the name was placed on the list, or 3) the candidate has been hired by another public safety organization. Upon written notification, names may be removed by the candidate, the Examiner, another public safety employer, or an entity providing subscription testing.

10.06 Other Examinations Prior to employment, a candidate shall pass a qualifying physical ability/performance test, background and character investigation, polygraph examination, psychological examination, and a medical and physical examination under the direction of the Chief. Prior to and as a condition of taking such physical ability/performance test, the examinee shall execute a waiver of liability covering the administration of such test in favor of the City of Yakima, its agents and employees. Names of candidates who do not pass one or more of the background, polygraph, psychological, or medical and physical examinations shall be removed from the register of eligibles.

10.07 Veteran's Preference The provisions of RCW 41.04. regarding Employment Preference of Veterans are hereby made a part of these rules and by this reference are incorporated herein. The term "veteran" as used herein shall be in accordance with RCW 41.04.005.

10.08 Qualifications for Lateral Police Officer Washington State applicants for Lateral Police Officer must have served two years of continuous full time law enforcement service, with a Washington State civilian law enforcement agency, within the last three years. Out of state applicants must have a minimum of two of the last three years continuous full-time law enforcement service with a civilian law enforcement agency AND must be able to successfully complete the Washington State Criminal Justice Training Commission Equivalency Examination within one year after employment. Out of state applicants must possess the necessary training and experience to become certified in accordance with Washington State Criminal Justice Training Commission standards. Applicants for Lateral

Police Officer must provide verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, must be able to read and write the English language, must possess a high school diploma or GED, must be in good health and of good moral character. Applicants must pass a written examination, physical ability/performance test, pre-selection interview, polygraph examination, psychological examination, medical examination, drug screening, and a comprehensive background investigation regarding applicant's aptitude, character, judgment, credit, driving record, and criminal history. Applicant must possess normal color vision and visual acuity of not less than 20/100 in each eye, corrected to 20/20 in the better eye and 20/30 in the lesser eye.

10.09 Reserve Officer Credit Points For entry level Police Officer positions, additional points may be added to a candidate's passing test score as follows:

If a candidate is currently serving as a Reserve Officer with the Yakima Police Department, and

- has successfully completed a Washington State approved Reserve Academy,
- has passed the State administered final examination,
- has attained the level of Commissioned Reserve Officer on the Yakima Police Department,
- is in good standing, and
- has performed a minimum of 288 hours of service for each year additional points are claimed,

the candidate may be given two percent (2%) for each full year of continuous satisfactory service with Yakima Police Department for a maximum of three years or six percent (6%). The Chief shall be the final authority for determining satisfactory service.

10.10 Destruction of Examinations The Examiner is authorized to destroy the examination papers of applicants who are now 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 RCW 40.14.

10.11 Joint Testing The Examiner is authorized to conduct examinations within the established guidelines in concert with other municipalities for joint testing upon agreement with the Chief. Candidates will have the option of selecting the municipalities they are interested in working for and will be

considered for only those they select. A fee, which may be provided as in-kind services, may be charged to the municipalities receiving names.

RULE 11.00 CONDUCT OF EXAMINATIONS

11.01 Applicants must present themselves with picture identification promptly at the hour and place specified for the examination. No applicant shall be admitted to the examination after the examination has commenced or without proper identification.

11.02 Written Examinations Written examination score sheets shall reflect an individual identifying number not the applicant's name.

11.03 Time

11.03.01 The subject and time allowed for the examination will be announced before the examination begins.

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

11.03.03 The time allowed for examinations shall begin when all announcements, instructions, and explanations have been given.

11.04 Exam Documents The Examiner shall require every competitor to surrender all examination documents upon completion of the examination or the expiration of the time limit.

11.05 Explanation 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.

11.06 Abandoned Exam During the examination process, no competitor shall leave the room without the permission of the Examiner. If a competitor abandons the examination, the Examiner shall note that fact upon the answer sheet and the examination shall not be scored.

11.07 Supplies Applicants shall supply themselves with all necessary instruments as specified by the Examiner.

11.08 Scoring All grading shall be accomplished by the Examiner or under the Commission's direction

11.09 Examination Results

11.09.01 For entry-level Police Officer, the Examiner shall notify competitors in writing of their final score and position on the register.

11.09.02 A minimum passing score of 70% in each segment of an examination exclusive of any additional preference points, is required for a passing score.

11.09.03 Competitors may, within 30 days after establishment of the register, request consultation with the Examiner to review their own test results.

11.10 Tie Scores

11.10.01 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 considered as having the highest overall score. If a tie still exists, the tie will be broken by the Examiner drawing lot and conducted in the presence of a witness.

11.10.02 If a tie occurs in an entry-level examination with one type of test, the tie will be broken by the Examiner drawing lot and conducted in the presence of a witness.

11.10.03 If a tie occurs in a promotional exam, the applicant having the higher score in the written portion of the exam shall be considered as having the higher overall score. If multiple applicants have identical written scores, the applicant with the most service as a Commissioned Officer with the City of Yakima shall be considered as having the higher overall score.

RULE 12.00
MEDICAL AND PHYSICAL EXAMINATION

12.01 Examination Required Each applicant for an initial appointment to a position covered by these rules may be required to pass a presuitability, medical, physical, polygraph and psychological examinations before appointment thereto. This requirement shall be stated in the application announcement and all examinations shall be conducted in a similar manner. The examining physician shall be guided by the current standards established by the State of California Commission on Peace Officer Standards and Training, the Americans with Disabilities Act, and other applicable state or federal laws. The applicant must possess visual acuity of not less than 20/100 vision in each eye without correction and 20/20 in the better eye and 20/30 in the lesser eye with corrective lenses.

12.02 Fitness for Duty Examination When there is probable cause to believe that an employee is psychologically or medically unfit to perform his/her duties, the Commission, Examiner or Chief may require the employee to undergo psychological or medical examination in accordance with current standards established by the State of California Commission on Peace Officer Standards and Training, the Americans with Disabilities Act, and other applicable state or federal laws. Such examinations shall be conducted by a physician, psychologist or psychiatrist designated by the Commission, Examiner or Chief and the cost of such examinations shall be borne by the City.

12.03 Confidential The results of all medical, physical, and psychological examinations required in 12.01 and 12.02 shall be communicated to the Police Chief and filed with the Examiner. All such examinations are considered confidential with access restricted as required by state or federal statute.

RULE 13.00
EXAMINATIONS FOR PROMOTION

13.01 Promotion When, in the opinion of the Chief, it is beneficial to maintain a current and valid register for promotions, the Chief shall advise the Examiner of the need to establish and maintain such a register. Examinations shall fairly, objectively and comprehensively test for qualifications for the position.

13.02 Police Corporal and Sergeant Police Corporal and Sergeant vacancies shall be filled by promotion from Police Officer and promotions shall be made upon merit shown by a promotional examination consisting of any one or a combination of the following:

- a. written test
- b. performance test
- c. oral test
- d. assessment center

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

13.03 Excessive Applications 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 Rule 13.02. 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.

13.04 Passing Scores Any person who fails to attain a score of at least 75% in each segment of a promotional examination, exclusive of any military credit, shall be ineligible for promotion.

13.05 Not Credited Applicants for promotion shall currently be employed with the Yakima Police Department. Service in an 'acting' capacity, temporary, or provisional appointment shall not be credited towards promotional service requirements.

13.06 Qualifications for Police Corporal and Sergeant.

13.06.01 Applicants for Police Corporal must be currently serving, and have served for a minimum of three (3) consecutive years (including probation), in the classification of Police Officer in the Yakima Police Department.

13.06.02 Applicants for Police Sergeant must be currently serving, and have served for a minimum of five and one-half consecutive years (including probation), in the classification of Police Officer on the Yakima Police Department. The five and one-half years must have been completed at the time the recruitment closes.

13.06.02 Promotional applicants must not have received an overall unsatisfactory performance evaluation during the previous two years, nor any disciplinary action resulting in a demotion or suspension (loss of time or pay) of forty (40) hours or more during the previous two (2) years. Upon notification by the Examiner of applicants for a promotion, the Chief will certify to the Examiner whether any unsatisfactory performance evaluations or disciplinary actions listed in Rule 18.01 have taken place.

13.07 Appeal for Examination Conduct During the three (3) working days (Monday – Friday) immediately following each phase of the examination process, individual applicants who are dissatisfied with the content or conduct of the examination may appeal in writing to the Examiner stating the reasons therefore. Upon receipt of such an appeal, disclosure of all examination results will be withheld and further testing will be suspended until such time as the Examiner or Commission shall rule on such appeal.

13.08 Release of Examination Results Applicants will be notified of pass/fail status for each phase of the examination. Notifications may be released not sooner than three (3) working days (Monday-Friday) immediately following each phase of the examination process in order to provide for the appeal process of Rule 13.07. The final examination results shall include overall numerical and standing scores and shall be released not sooner than five (5) working days (Monday-Friday) following the completion of the examination process. During this time, individual applicants who are dissatisfied with the content or conduct of the examination may appeal in writing to the Examiner stating the reasons therefore. Upon receipt of such an appeal, disclosure of all examination results will be withheld until such time as the Examiner or Commission shall rule on such appeal. No applicant shall have the right to appeal the examination process once the final results have been released.

13.09 Mechanical Failure If a mechanical or machine malfunction occurs during an examination, the applicant must notify the Examiner immediately. Upon notification of the malfunction, the applicant shall cease all work on the examination until notified by the Examiner to resume. The Examiner shall

note the remaining time allowed for the examination and allow the applicant that amount of time to complete the examination upon correction of the malfunction.

The applicant may appeal the remaining amount of time allowed by the Examiner. Such appeal must be made within three (3) working days (Monday-Friday) after completing the appealed examination portion by filing written notice with the Examiner and stating the reason the remaining time allowed was not sufficient and the remedy requested.

RULE 14.00 APPOINTMENTS ON BASIS OF MERIT

14.01 Merit All appointments to, and promotions in the Civil Service shall be made on merit and fitness and shall be ascertained by competitive examination and impartial investigation as herein set forth except as provided by Rules 20.04; permissible ADA accommodation. 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 15.00 REGISTERS

15.01 Register of Eligibles The name and total point accumulation of all entry-level or promotional applicants achieving a passing examination grade, as set forth in these rules, shall be entered by the Examiner in the eligible register for the classification for which they were examined in descending order of total point accumulation. The person having the highest total point accumulation on the eligible register shall be certified first and continue in descending order based on total point accumulation.

15.02 Termination for Cause An employee who is discharged or resigns for cause as defined in Rule 18.00 shall not be eligible for examination to any former classification with similar duties and responsibilities for twelve (12) months from date of separation.

15.03 Register Limitations No name shall remain on a register of eligibles more than one year from the date the register was established unless ordered by the Commission.

15.04 Reinstatement Register A reinstatement register shall be maintained containing the names of those laid off because of a reduction in force or employees separated from service due to a documented disability under RCW 49.60. Such register shall remain in effect until all persons meeting the minimum class and fit for duty requirements on the list are re-hired provided that if reinstatement is offered and a candidate declines, the candidate's name will be removed from the reinstatement register. Reinstatement shall be in the reverse order of the separations.

15.04.01 A vacant position must be available within the department; and,

15.04.02 Employment must resume within 24 months from the date of separation; and,

15.04.03 For the purpose of seniority and years of service calculations, employees reinstated through this process, who were terminated as the result of a layoff or fitness for duty determination shall be credited for applicable service time with a tolling for the period of discharge; and,

15.04.04 Prior time-in-grade and time-in-service will apply toward promotion eligibility, subject to all other provisions of these rules; and,

15.04.05 The Chief approves the appointment.

Nothing in this section guarantees the re-instatement of any individual. The Chief is the final approving authority for re-instatement, and the Chief has sole discretion in filling existing vacancies.

15.05 Re-employment Register A former employee separated from service in good standing under circumstances which do not indicate unfitness for duty (Rule 15.02) may be eligible for re-employment, subject to all of the following provisions:

15.05.01 Police Officer position must be available within the department; and,

15.05.02 All existing reinstatement registers must be exhausted; and,

- 15.05.03** The employee has requested placement on a re-employment register which shall be an unranked register; and,
- 15.05.04** Employment must resume within 12 months from the date of separation; and,
- 15.05.05** Re-employed persons return to the classification of Police Officer or Corporals at a pay step two steps lower than that held at the time of separation; re-employed Sergeants will return as Police Officers at pay step C; and,
- 15.05.06** Prior time-in-grade and time-in-service will apply toward promotion eligibility, subject to all other provisions of these rules; and,
- 15.05.07** Previous seniority will be lost; and,
- 15.05.08** All re-employed personnel will serve in a probationary status for 12 months; and,
- 15.05.09** The Chief approves the appointment.

Nothing in this section guarantees the re-employment of any individual. The Chief is the final approving authority for re-employment, and the Chief has sole discretion in filling existing vacancies from the eligible register in lieu of re-employing any individual.

15.06 Certification of Eligibles Upon requisition of the appointing authority for certification of an eligible for filling a vacancy in the department, the Examiner shall certify the name that appears highest on the reinstatement register for the classification to be filled. Likewise, this process shall be repeated until the reinstatement register for any classification is exhausted. No certification shall be made from any register until the reinstatement register has been exhausted. In the event the reinstatement register for any classification, has been exhausted the Examiner shall certify the name or names of the person(s) highest on a register of eligibles. If the Chief requests consideration of a re-employment register, consideration of such register and names certified from the register of eligibles may be conducted simultaneously. Certification from a list of eligibles shall be as follows:

- 15.06.01 Certification for Original Appointments** 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 of eligibles.

15.06.02 Certification for Promotion to Corporal or Sergeant

15.06.02.01: The Examiner shall certify to the appointing authority the names of the three (3) eligible promotional applicants standing highest on the register and who are physically and mentally able, at the time of certification, to assume the duties of the classification as determined by the Chief.

15.06.02.02 When two (2) or more vacancies are to be filled, the name of the person next highest on the register for each additional vacancy may be certified.

15.06.03 Inability to Assume Duties 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.

15.07 Provisional, Temporary and Acting Assignments When the appointing authority determines that a need exists to make a provisional, temporary, or acting assignment to a higher classification, such assignments will be governed by the following provisions:

15.07.01 Temporary or provisional assignments of a duration greater than one month will be made from currently eligible candidates in the order of their ranking on the promotional list. If no current list exists, temporary assignment will be offered in order of seniority. No temporary or provisional assignment will continue for more than four months, and no person will receive more than one such temporary or provisional assignment in any 12-month period.

15.07.02 Acting assignments of a duration of one month or less will be made from currently eligible candidates who are assigned to the squad or work unit in which the vacancy exists, in the order of their ranking on the promotional list. If no current list exists, temporary assignment will be offered in order of seniority. No person will receive more than one such acting assignment in any calendar year, unless there are no other eligible candidates assigned to that squad or work unit.

15.07.03 Employees who decline two consecutive temporary, provisional or acting assignments, will have their names removed from consideration for any future temporary, provisional or acting assignment made from that list.

15.08 Refusal of Appointment When certification of an eligible is made for any permanent classification, such eligible may decline such appointment, or prior to certification, may waive the same for any reason(s) 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 16.00 PROBATIONARY PERIOD, EMPLOYMENT, PROMOTION - INSPECTION OF EXAMINATION RECORDS

16.01 Initial Probationary Period The probationary period for a new employee shall be considered complete after successfully completing twelve (12) months of satisfactory service following graduation from the basic training academy. During this period the new employee shall be terminated if found unfit or unsatisfactory for service for any reason.

16.02 Failure of Initial Probation – Notification In terminating the employment of any employee on initial probation the appointing authority shall, in writing, notify the Examiner of such termination. Such failure of initial probation shall be considered without fault and no reason for such action shall be documented.

16.03 Promotional Probationary Period The probationary period for a promotion shall be considered complete after twelve (12) 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.

16.04 Failure of Promotional Probation – Notification In the event of failure of a promotional appointment, the appointing authority shall notify the employee and Examiner, in writing, of the failure and shall specifically set forth therein the reasons for such action.

16.05 Interruption of Probationary Period In the event an employee in probationary status is placed on extended leave for any reason, the

probationary period will be interrupted. Such employee will be required to continue the probationary period following return from leave.

16.06 Inspection of Examination Records 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 17.00 PERFORMANCE EVALUATION

17.01 Performance Evaluations: The Human Resources Manager in concurrence with the Chief 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:

17.01.01 Standards of performance which must be met by an employee in order to be eligible for a step increase in salary or promotion.

17.01.02 Maintenance of a reasonable level of physical fitness for performance of the duties of the position.

17.01.03 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. Annual performance evaluations must be completed and forwarded to Human Resources by January 31 for the preceding calendar year.

17.02 Review and Response:

17.02.01 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.

17.02.02 An employee shall review and sign the evaluation confirming receipt.

17.03 Performance Rating Appeal: An employee shall have the right to appeal any overall unsatisfactory performance evaluation to the Commission and filed with the Examiner and shall be made within thirty (30) calendar days after receipt of the performance evaluation.

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

RULE 18.00 DISCIPLINARY ACTIONS

18.01 Causes for Disciplinary Action 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, holiday time, compensatory time, 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. Promotion by any police employee of disaffection among the members of the department;
- e. Excessive use of force or inhumane treatment of any person;
- f. Dishonest, disgraceful, immoral or prejudicial conduct;
- g. 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 employees, or which precludes the proper performance of their functions and duties;
- h. Conviction of a felony or a misdemeanor involving moral turpitude;
- i. Engaging in such political activity or activities as prohibited by applicable state or federal laws;
- j. 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;
- k. 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.

18.02 Alternative Disciplinary Measures The Chief may use alternative disciplinary measures, deprivation of accumulated holiday time, or compensatory time for such periods as deemed proper and appropriate under the circumstances.

18.03 Pre-disciplinary Hearing Any employee covered by these rules who is subject to discharge, suspension, demotion, or deprivation of vacation time, holiday time, compensatory time, or other privilege, shall be provided 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, union representative, or other representative of his/her choosing at the hearing.

18.04 Notification of Discipline Any permanently appointed person in the classified Civil Service shall only be reprimanded, removed, suspended, demoted, discharged, reduced in pay, or subjected to any other disciplinary action of any kind for cause. Any such disciplined person shall be notified within 48 hours from the time and date. Such notification shall be in writing with a statement of the cause in general terms and be 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. A copy of this Rule shall accompany such written notice. Any person so, disciplined (except written and oral reprimands) may appeal the action to the Commission. Such appeal shall be addressed to the Commission and filed with the Examiner within thirty (30) calendar days after receipt of written disciplinary notice. 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 overall unsatisfactory evaluation rating, the employee may file a written appeal within 30 days of receiving the evaluation.

18.05 Appeal Hearing Upon receipt of a request for a hearing, the Commission shall schedule a hearing for either a regularly scheduled meeting or conduct a special meeting. 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. 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 at the hearing and presenting a defense in person and/or by counsel.

18.06 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 Chair and under such conditions as the Chair may prescribe; and
- b. The media personnel will not distract participants or impair the dignity of the proceedings.

18.06.01 Illustrative Broadcast Guidelines

a. Officers of the Hearing Room The Chair has the authority to determine whether broadcast equipment may be used in the hearing room. Broadcast newsmen should advise the Examiner prior to the start of a hearing that they desire to electronically record and/or broadcast live from within the hearing room. The 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 Examiner, the position should be behind the front row of spectator seats by the least used aisle way or other unobtrusive but viable location.

b. 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.

c. 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 are to be used without the specific approval of the Chair. The Chair may approve specific lighting as may be needed in the case of appellate hearings.

d. 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.

18.06.02 Illustrative Print Media Guidelines

a. **Officers of the Hearing Room** The Commission Chair has the authority to direct whether photographs may be taken within the hearing room. The photographer should advise the Examiner, prior to the start of a hearing, that photographs are desired. The 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 Examiner, the photographer should remain behind the front row of spectator seats.

b. **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.

c. **Decorum** The photographers' dress and equipment should not set them apart unduly from other spectators. Cameras which operate without flash and with a minimal amount 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.

18.07 Hearing Remedy After conducting the hearing, 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. At the Commission's sole discretion, any such reinstatement shall be retroactive and entitle the affected employee to receive pay and/or other compensation from the time of such discipline.

In lieu of affirming the discipline, the Commission 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 a letter of reprimand.

The findings of the Commission shall be certified in writing to the appointing authority and the affected employee and shall be forthwith enforced unless the order is appealed.

18.08 Appeal from Commission Decision The employee or the appointing authority may appeal any final Commission judgment to the Superior Court for Yakima County. Appeals can be made by serving the Commission, within thirty (30) calendar 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 (10) 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. 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.

18.09 Demotion A disciplinary reduction to a lower classification will result in the person reverting to the same seniority level formerly held in that classification including the time served in the higher rank.

18.10 Retention of Records The Examiner shall retain all records, transcripts, evidence and other documents associated with any appeal hearing as required by state or federal statute. A copy of any Commission order shall be included in the employee's official personnel file maintained by Human Resources.

18.11 Discharge An employee who is discharged for cause shall not be eligible for examination or appointment as defined in Rule 15.02.

18.12 Written Reprimand Written reprimands issued by the Commission may be removed from the official personnel file upon an employee's request after three years, if there has been no reoccurrence of the conduct or

performance which gave cause for the reprimand. Any such request shall be in writing and filed with the Examiner

RULE 19.00 LEAVES OF ABSENCE

19.01 Leave of Absence Leaves of absence 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 Civil Service list of eligibles. Longer leaves of absence, or extensions to leaves of absence, may be granted 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, shall not entitle the employee to resume the former classification when returning to duty. 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.

19.02 Preferred Eligible

19.02.01 Upon the granting of an extended 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 for return to work earliest date first. In the event of identical dates of return to work, seniority as between such employees shall govern - the employee with the greatest seniority shall receive the highest placement on the register. Such employee may return to employment at an earlier date the appointing authority, provided, that in that event, the earlier date shall govern the placement of such employee on the preferred eligible list.

19.02.02 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.

19.02.03 For the purpose of seniority and years of service calculations, returning employees shall be credited for applicable service time with a tolling for the period of leave.

19.03 Failure to Return 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.

19.04 Limitations 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 Police Department is granted a leave of absence in excess of three (3) months, the employee shall be required to satisfactorily pass a physical examination before resuming employment.

**RULE 20.00
LAYOFFS, VOLUNTARY REDUCTIONS IN RANK, ADA
ACCOMMODATION AND VETERAN REEMPLOYMENT RIGHTS**

20.01 Layoffs Whenever it becomes necessary to reduce the force in any department through lack of finances, or other cause, the order of layoff shall be accomplished in the following order:

- a. Persons serving in a temporary capacity within a classification 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 shall be reduced in order of seniority, least senior first;
- c. Those whose appointments are complete within a classification sought to be reduced shall be reduced in order of seniority, least senior first.
- d. 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.
- e. 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 layoffs. 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, person laid off as a result of a voluntary reduction in rank that person may voluntarily reduce in rank to the next lower classification previously held.

- f. 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.

20.02 Other Voluntary Reductions in Rank Any person in the classified Civil Service may request to be reduced in rank by filing with the Examiner 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 approved by the the department head (without examination) and persons 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. Any person who accepts a voluntary reduction under this section shall revert to the same seniority level held in that classification.

20.03 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.

20.04 ADA Accommodation: A qualified individual with disabilities who is unable to perform the essential functions of their position, with or without

accommodation, will engage in the interactive reasonable accommodation process under the Americans with Disabilities Act (ADA), RCW chapter 49.60.040 and other applicable disability law.

RULE 21.00 REPORTS TO BE MADE

21.01 Written Reports In order that the Examiner on behalf of the Commission may keep proper record of changes in the classified service, the appointing authority shall report monthly in writing to the Examiner:

- a. Every probational or temporary appointment made.
- b. Every refusal or neglect by a person who has been duly certified to accept an appointment.
- c. Every suspension or other disciplinary action of any officer or employee resulting in a loss of pay.
- d. Every separation from service, and whether the separation was caused by death, dismissal, resignation, or retirement.
- e. Every position created or abolished.
- f. Every leave of absence without pay.

RULE 22.00 OUTSIDE EMPLOYMENT

22.01 Outside Employment If any member of the Police Department engages 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. If the employee refuses to comply with such notice, the appointing authority shall have the power to suspend or discharge such employee from the service.

**RULE 23.00
SEVERABILITY**

23.01 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.