

CITY OF RIDGEFIELD  
CIVIL SERVICE RULES AND REGULATIONS

APPROVED AND ADOPTED BY THE CITY OF RIDGEFIELD  
CIVIL SERVICE COMMISSION APRIL 12, 2022

  
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## **DEFINITIONS**

The following are definitions of terms appearing in these rules and regulations:

1. Appointing Authority: The individual or group of individuals responsible for the appointment, discipline or termination of a person in the classified service.
  - A. Regular: An appointment of a person from an eligibility list to a vacant position.
  - B. Temporary: An appointment of a person to a position which is not vacant but where the incumbent is on disability leave, administrative leave or for an open existing position for which there is no eligibility list.
  - C. Acting: A temporary appointment to a higher job classification.
2. Cause: Any action or inaction which the Civil Service Commission deems appropriate justification for disciplinary action, including termination, suspension or reduction in rank.
3. Certification: The process of the Secretary/Examiner relaying to the appointing authority the names of the five persons ranked highest on an eligibility list.
4. Class: A position or group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.
5. Classification Plan: All class descriptions compiled into one written document by the appointing authority.
6. Classified Service: All positions under the jurisdiction of the Civil Service.
7. Commission: The Civil Service Commission appointed for the City of Ridgefield.
8. Eligible: A person who is ranked on the eligibility list.

9. Layoff: The involuntary termination of an employee for lack of work or funds.
10. Regular Employee: An Employee who has completed the probationary period for the class of their present position.
11. Position: Any employment or office in the classified service.
12. Probation: A working test period during which an employee is required to demonstrate his/her ability and capacity to perform the duties of the position to which he/she has been appointed.
13. Promotion: The movement of an employee from a position in one class to a position in another class with increased duties and responsibilities requiring greater qualifications.
14. Reduction in Rank: The movement of an employee of one class to another class having diminished responsibilities.
15. Resignation: The voluntary action by an employee of terminating his/her employment.
16. Subscription Testing Service: “Subscribing 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.
17. Suspension: A temporary removal from duty, with or without pay, of an employee for disciplinary purposes or for the purpose of investigation of an accusation brought against an employee.
18. Termination: the involuntary cessation of employment with the city for cause.
19. Transfer: the movement of an employee from one position to another in the same or different class having essentially the same salary range, involving the performance of similar duties and requiring substantially the same basic qualifications.

## **Rule 1**

### **GENERAL PROVISIONS**

#### **AUTHORITY AND APPLICATION:**

These rules are promulgated pursuant to the authority granted by RCW Chapter 41.12. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of RCW Chapter 41.12, and the enabling ordinance providing for the civil service.

#### **SCOPE AND PURPOSE:**

These rules solely govern the continuing administration of the Civil Service System of the City of Ridgefield. The purpose of these rules is to assure that the Civil Service System in the City of Ridgefield is administered in accordance with the ordinances of the City of Ridgefield and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

#### **PRESUMPTION OF VALIDITY:**

The Civil Service System implemented by these rules substantially accomplishes the purposes of RCW Chapter 41.12. Variation from state models are based on local conditions and are intended to maintain the purposes of civil service systems; merit selection, tenure and an independent Civil Service Commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW Chapter 41.12.

## **RULE 2**

### **SECTION 2.01 – Organization**

The Civil Service Commission, hereinafter referred to as Commission, shall consist of three members. No person shall be appointed as a member who is not a citizen of the United States and a resident of the city for at least three years immediately preceding such appointment and must be a qualified elector of Clark County. (RCW 41.12.030) The term of office for each commissioner shall be for a period of six years and the terms shall be staggered. The members of the Civil Service Commission, after appointment by the Mayor and confirmation by the city council, shall proceed to the election of the chairman who shall continue in office until subsequent reorganization of the Commission becomes necessary.

### **SECTION 2.02 – Powers and duties**

The Civil Service Commission shall:

- A. Adopt rules and regulations not inconsistent with Washington State Law for regulations of personnel administration within the classified services.

- B. Appoint a Secretary-Examiner in conformity with RCW 41.12.040 and the rules herein.
- C. Maintain minutes of meetings and records of proceedings and actions.
- D. Approve the creation, amendment, and discontinuance of a classification plan as provided by the appointing authority.
- E. Provide for the holding of competitive tests under the supervision of the Secretary-Examiner to determine the relative qualifications of persons for employment in the classified service and prepare a list of eligible candidates for vacancies and certify same.
- F. Hear and determine appeals arising from the administration of Chapter 41.12 RCW, and these rules and regulations.
- H. Investigate and report on all matters relating to the enforcement and effect of Chapter 41.12 RCW and these rules and regulations.
- I. Exercise such powers and duties as are imposed upon the Commission by Chapter 41.12 RCW.

## **SECTION 2.03 – Rules and Regulations**

- 2.03.01 The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission.
  - a. Amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption.
  - b. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.
- 2.03.02 The Civil Service Commission has the power to interpret civil service rules. The Commission may apply such principles as it deems necessary to carry out the purposes of Washington State law and civil service rules in determining cases which are not clearly defined by the rules adopted by the Commission. Rules in effect at the time of any event being considered by the Commission shall be applied in such event. The Commission may amend and/or add rules at its discretion.

2.03.03 The terms and conditions of Civil Service employment are governed by these rules, and applicable statute (and ordinance). No employee shall have a property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

## **SECTION 2.04 – Meetings**

2.04.01 The Commission shall schedule a regular monthly meeting time and place. The meeting time and/or place may change at the discretion of the Commission. Any meeting may be canceled and/or re-scheduled if there is no pending business requiring Commission action or if necessary for other reasons in the best interest of the Commission.

- a. At the time of the adoption of these rules, the Commission meeting schedule is the second Tuesday of each month at 6:30 PM in the City Hall Annex.
- b. The Commission may schedule additional meetings as necessary. Notice of these special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30.RCW, as amended).
- c. The Commission shall also schedule and conduct hearings as required. Notice of hearings shall be provided as required by these rules.
- d. All Commission meetings or hearings, regular or as required, shall be open and public. However, the Commission may meet in executive session as authorized by the Open Public Meetings Act.

2.04.02 *Roberts Rules of Order, Newly Revised, 10<sup>th</sup> edition*, shall be the final authority on all questions or procedure and parliamentary law not otherwise provided by these rules.

- a. By agreement of two commissioners, the rules may be waived or modified for a particular meeting.
- b. Two members of the Commission shall constitute a quorum.
- c. No action of the Commission shall be effective unless two members concur. If only two commissioners are present at a meeting, action will be taken as follows:

- If both commissioners vote yes or both commissioners vote no, the decision is effective and final.
- If the commissioners vote differently, the issue will be tabled until the next meeting when all three commissioners are present.

d. Action taken at any regular scheduled meeting, special meeting or hearing shall not be voided for the sole reason that the procedures outlined in *Roberts Rules of Order* were not followed.

2.04.03 The Commission shall keep a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his/her own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission, or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary.

## **SECTION 2.05 – Severability**

If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or ruling of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and such shall not effect the remaining rules and regulations or remaining portions of the rules and regulations.

## **SECTION 2.06 – Scope of Civil Service Regulations Application**

2.06.01 These regulations shall apply to only full-time, fully paid employees or applicants of the Ridgefield Police Department, i.e. only those employees who are paid regularly by the city and who devote their whole time to such duties.

2.06.02 All of those employees of the police department now employed in an office or position when these regulations take effect, who have served in said office or position for six months immediately preceding these regulations effective date, are eligible for permanent appointment under Civil Service to the offices, positions, or employments which they have held without examination; said employees are inducted into Civil Service for all intents and purposes.

## **SECTION 2.07 – Effective Date**

The effective date of these rules and regulations is to be from the date that they were first approved and adopted by the Civil Service Commission.

## **Rule 3**

### **Secretary-Examiner**

#### **SECTION 3.01 – Selection**

The Secretary and Chief Examiner shall be appointed as a result of competitive examination, such examination may be original and open to all properly qualified citizens of the City of Ridgefield, or promotional and limited to persons already in the service of the police, fire or other city department as the commission may decide.

#### **SECTION 3.02 – Duties**

The Secretary-Examiner shall:

- A. Attend and take minutes at all meetings of the Commission.
- B. Administer, on behalf of the commission, established functions related to employment, promotion and disciplinary matters of the classified service.
- C. Administer the provisions of Chapter 41.12 RCW and these regulations, except those functions and duties reserved for the civil service commission.
- D. Consistent with these rules, provide for the holding of competitive examinations. In performing these duties, the Secretary may use the services and advice of a qualified professional consultant and/or testing service, as authorized by the Civil Service Commission.
- E. All aspects of the preparation and administration of examinations shall be under the direction of the Civil Service Commission and carried out by the Secretary-Examiner. Upon approval by the Commission, the Secretary-Examiner may delegate the preparation and/or administration of examinations, or any portion thereof.
- F. Perform all lawful and necessary duties delegated by the Commission and all functions essential to the effective administration of the civil service system.

### **SECTION 3.03 – Secretary-Examiner Discipline**

The Secretary-Examiner may 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 classified service.

### **SECTION 3.04 – Review of and Appeal from Actions or Decisions of the Secretary-Examiner**

There shall be no appeal of any action or decision of the secretary-examiner except as specifically provided herein by these rules. However, the commission shall retain the authority to review or modify any action or decision of the Secretary-Examiner as the commission deems necessary to carry out the purposes of these rules, city ordinances, and/or state law.

## **RULE 4**

### **APPLICATION PROCEDURE AND APPLICANTS**

#### **SECTION 4.01 – Announcement of Vacancy**

Whenever there is found by the Commission to be a need, the Secretary-Examiner shall invite, by giving public notice and actively recruit qualified persons to apply for employment and for admission to the examination scheduled to create an eligibility list. Public announcement of the examination shall specify:

- A. The title and salary range of the position.
- B. A brief outline of the duties of the position.
- C. The minimum qualifications as required.
- D. The location where applications may be made.
- E. The final date upon which applications will be accepted.

Such notices shall be given the following minimum publicity and any additional publicity deemed necessary by the Commission.

- A. Postings on the bulletin boards at City Hall, police department, the post office, and city websites.
- B. Publicized through a variety of media and internet sites.

#### **SECTION 4.02 – Non-Discrimination**

The Commission will ensure the examinations and advertisements conform to the regulations of the Equal Employment Opportunity Commission insofar as they are job related and that they do not screen out any qualified persons.

#### **SECTION 4.03 – Application Format**

Application must be made on forms supplied or approved by the Commission or in such other format as may be prescribed by the Commission. All applications must be signed by the person applying. All applications filed with the Commission become the property of the Commission and shall not be returned to the applicant.

## **SECTION 4.04 – Filing time for Applications**

Applications for examination of employment will be accepted for a period of time prior to the test as set by the Civil Service Commission in the notices of competitive exam. Final date for the filing of applications shall be included in the examination announcement.

## **SECTION 4.05 – Qualifications of Entry Level Applicants**

All applicants applying for police officer entry level positions for said Civil Service:

1. Must be a citizen of the United States or a lawful permanent resident.
2. Shall be able to read and write the English language.
3. Must be at least twenty-one (21) years old and in ordinary good health.
4. Shall possess a valid Washington Driver's License within two weeks of appointment.
5. Must have graduated from an accredited high school or possess a certificate of equivalency.
6. Shall be required to complete and submit to the employing agency a comprehensive application form.
7. Shall complete a personal history statement and submit to a criminal history background check and abstract driving record check.
8. Shall first pass a physical agility and/or ability test and then shall successfully pass a written examination and an oral interview, all of which are to be administered by the Civil Service Commission or its representatives.
9. Meet any other minimum qualification requirements established by the Commission or Law.
10. Upon request of the Appointing Authority and approval of the Commission, applicants on the existing eligibility list shall, prior to appointment, have:
  - a. Chief's Interview
  - b. Background Investigation
  - c. Polygraph
  - d. Psychological examination
  - e. Medical examination to include drug screening

## **SECTION 4.06 – Qualification of Advanced Entry Level Applicants**

- A. All applicants applying for advanced entry (academy certified) police officer positions for said Civil Service are subject to the same criteria as in Section 4.05 above and must have graduated from the Washington State Criminal Justice Training Center or Washington State Patrol Academy or another state qualified training center or patrol academy.
- B. Applicants must not have lapsed because of a break in service in Washington or any other state or territory for more than 24 months, but less than 60 months.

## **SECTION 4.07 – Non-Acceptance of Application**

If the position requires an application, the application process will be part of the examination process. Should the Secretary-Examiner determine that the application is not complete, the application will be denied, and the applicant will be advised, in writing, by the Secretary-Examiner. If the agency is using an outside testing service, such as Public Safety for entry-level officers, the application will be a part of the public safety testing process.

If the Secretary-Examiner determines that a particular applicant does not meet the minimum qualifications as established by the Commission, the applicant shall be notified by the Secretary-Examiner. This notice shall be given in sufficient time prior to the scheduled examination so that the applicant may be able to supply additional information to the Secretary-Examiner prior to the scheduled examination if he/she so desires. In so determining, the Commission shall follow the statutory rule guidelines, and the applicant shall be entitled to present argument and evidence as to his/her qualifications which shall be considered by the Commission along with any reports for the examiner or the police department. The Commission's determination shall be final.

## **SECTION 4.08 – Lateral Entry**

Positions may be filled by the use of lateral entry from other police departments. Minimum qualifications for lateral entry in the Ridgefield Police Department are as follows:

- 4.08.01      Applicants shall have successfully completed an approved basic law enforcement academy within the state where they served. However, if there has been a break in full-time law enforcement employment of twenty-four (24) months but less than 60 months, the applicant shall be ineligible for lateral entry. WAC 139-05-210

4.08.02      Applicants must sign up on the Public Safety website and complete a Personal History Statement to be added as a candidate for the Ridgefield Police Department. They may be subject to an oral board examination, to be given by the Civil Service Commission or its representatives.

4.08.03      Applicants must have a minimum of 1-year experience as a commissioned, full time, general authority law enforcement officer with a municipal, county or state law enforcement agency.

Lateral applicants must be able to successfully pass each phase of the following hiring process. Disqualification may occur at any level of this hiring process.

- A.      Sign up on the Public Safety website and complete a Personal History Statement.
- B.      Criminal Background Check and Abstract Driving Record
- C.      Oral interview (if there is more than one eligible candidate)
- D.      Chief's interview
- E.      Background Investigation – to include, but not be limited to, credit check, employment references, and personal references
- F.      Polygraph examination (Per RCW 43.101.95)
- G.      Psychological examination (Per RCW 43.101.95)
- H.      Medical examination

Successful applicants for a lateral position shall be placed on a hire list by the Secretary-Examiner in the order they are ranked. A lateral position may be started at a higher level of pay that is determined by the hiring authority.

When the appointing authority requests that a position be filled by a lateral applicant, the Secretary-Examiner shall provide him/her with the names and other pertinent data of the first five applicants.

For purposes of seniority, time of service shall be from the time that the applicant is actually hired by the City of Ridgefield.

## **RULE 5**

### **EXAMINATION**

#### **SECTION 5.01 – Character of Examinations**

All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

#### **SECTION 5.02 – Character**

The qualifications and fitness of the applicants shall be determined either individually or in a group or groups by one or more of the following methods:

- A. Evaluation of education, training, experience, performance, or qualifications as shown by the application, or by other factual information submitted, or by the record.
- B. Physical tests of strength, stamina, agility or dexterity.
- C. Written tests.
- D. Oral tests of knowledge.
- E. Assessment Center.
- F. Subscription Testing Service

#### **SECTION 5.03 – Scoring**

The Civil Service Commission reserves the right to restrict oral interviews to those applicants achieving a satisfactory level of score performance. The determination of a satisfactory performance score shall be determined by the commission and may be amended in its sole discretion based on the overall applicants; scores and the number of applicants tested/needed.

#### **SECTION 5.04 – Promotions**

When vacancies occur in any grade, they shall, whenever practical, be filled by promotion from the next lower grade or grades of the department in which the vacancy exists, except as may be determined in advance by the Commission. Such exceptions would take into consideration the number of positions vacant and number of candidates eligible.

To be considered to an examination for promotion, a candidate must have served in the department a minimum of at least three years in the next lower grade. Exception to length of service or grade requirements of this subsection may be made in advance by the Commission after consideration is given to the number of positions vacant and the number of candidates eligible to take the exam in order to assure that each examination is competitive.

In the event less than three eligible candidates are available from within the Ridgefield Department, or in the event no one attains a passing score on the promotional examination given, the Commission may then direct the Secretary-Examiner to advertise the examination to include personnel outside the City of Ridgefield.

For purposes of promotional exams, prior police service within the state shall count as time served with the City of Ridgefield, except that no promotional exam may be taken while an applicant is on probation.

\*\*\*Exception to prior police service outside the state of Washington may be made in advance by the Commission.

## **SECTION 5.05 – Weight of Examination**

The weight of each portion of an examination has been established by the Commission to be: Written - 30% and Oral - 70% for entry and advanced entry- level candidates.

For lateral and promotional examinations, the Commission will determine the weight of each portion prior to the examination.

## **SECTION 5.06 – Passing Score**

The physical agility portion of the testing process will be scored by a pass or fail grade. Each sub-test must be passed with a 70% or higher score before proceeding to the next portion of the examination. Applicants who attain a score of 70% or higher on the total examination shall have their names entered in the eligible register for such position in the order of their respective final scores with the highest score being first. The Commission shall have the right to establish the number of eligible applicants allowed on the list.

The Commission shall determine the number of applicants certified as a qualified candidate by the Subscription Testing Service.

## **SECTION 5.07-- Prior Service Credits (ENTRY LEVEL POSITIONS ONLY)**

Eligible personnel shall be entitled to credit for prior service in the United States Armed Forces or for prior service with the City of Ridgefield as follows:

- A. **Military Service**: Pursuant to RCW 41.04.005 and RCW 42.04.010, all eligible persons having served in the Armed Forces of the United States and whom received an honorable discharge or a discharge for physical reasons with an honorable record shall be entitled to claim credit pursuant to the applicants **Veterans Preference Declaration** of either five (5) or ten (10) percentage points added to the applicants passing score. Said Veterans Preference Declaration shall accompany the individual's application with the applicable claim block marked.
- B. **Prior Service to the City of Ridgefield**: All persons who have served the City of Ridgefield in the following categories shall be eligible for a credit of 1% for each full year of service for a maximum of 5%, provided that such persons must claim such credit within eight (8) years of the applicant's last day of service to the City of Ridgefield.
  1. Volunteer Police Reserves who have previously served the City of Ridgefield and who have resigned there from in good standing.
  2. Volunteer Police Reserves who are now serving the city of Ridgefield and have successfully completed State Certification Reserve Academy.

## **SECTION 5.08 – Notification of Grade or Rank**

Lists will be posted in the Ridgefield Clerk's Office within one day following certification by the Commission. Each examinee shall be notified by mail/and or email, of the results of the examination and, if he/she received a passing score, of his/her relative position on the eligibility list within a reasonable period of time. Written notice will be mailed to the address appearing on the examinee's application or at such other address as the examinee may have subsequently provided in writing to the examiner.

## **Section 5.09 -- Release of Examination Information**

Prior to the exam, the secretary may provide each internal and external candidate who applies to take the exam with information regarding the scoring mechanism, any minimum scoring requirements, the exam

components, information that will be released to participants following the exam, if any, and appeal rights.

Following the exam, the secretary shall provide each internal and external candidate who takes the exam with the following information:

- a. His/her final score and/or rank.
- b. His/her appeal rights, if any.
- c. Notification that the candidate may review his/her exam information at a time and location determined by the Secretary. Exam information includes written exams and exam answer keys, and a summary of rater comments from interview panels or other assessments. Exam information does not include rater names or a right to review the actual written rater notes.

### **Section 5.09.01 -- Grounds for Appeal.**

Any individual who participates in the exam process may file an appeal of the exam based on the following grounds:

- a. The Commission failed to follow the City ordinance, state law or its own rules in the administration of the exam and/or the exam process.
- b. The exam was not valid, e.g., was not job related.
- c. A clerical error was made in scoring the exam; (This does NOT include disagreement with the number of points, or score awarded by a rater(s)); or
- d. The exam or exam process was discriminatory as defined under state and/or federal law.

Except for reasons stated in this rule (5.09), there is no appeal available under these rules for any action taken by the Secretary or Commission outlined in this rule.

### **Section 5.09.02 -- Procedures for Filing Exam Appeals:**

The following procedures must be followed for filing an exam appeal with the Secretary/Examiner of the Civil Service Commission.

- a. Notices of appeal must be in writing and filed in the Commission office.
- b. The notice of appeal must contain a brief description of the facts giving rise to the appeal, a concise statement of the reason for the appeal and the desired remedy.
- c. The notice must be received by the Secretary/Examiner of the Civil Service Commission within the time frame established by the Commission. If no time frame is established, the appeal period will be ten (10) calendar days following certification of the list. Failure to file an appeal within this time is a waiver of any right to appeal the exam that is established by these rules.

## **SECTION 5.10 – RE-APPLYING OF APPLICANTS**

Applicants, either lateral or entry level, who fail any portion of the testing process, may re-apply after one (1) year.

## **RULE 6**

### **ELIGIBILITY LISTS**

#### **SECTION 6.01 – Definition and identification of Eligibility List**

After each examination, an eligibility list shall be prepared, on which the names of successful candidates shall be ranked. The commission shall maintain the following eligibility list if applicable.

**Entry:** A list of names of applicants for an entry level position, have passed the exam process that has been certified by the commission.

**Advanced Entry:** A list of names of applicants for candidates who have graduated from a basic certified academy, but did not make FTO qualifications, certified by the commission.

**Lateral:** A list of names of applicants for a lateral entry position that have passed the exam process that has been certified by the commission.

**Promotional:** A list of names of candidates for supervisory or management positions who have passed the exam process that has been certified by the Commission.

**Reinstatement List:** A list of names of persons who were regular employees in a given class and who were laid off and/or reduced in rank, are entitled to reinstatement in such class.

#### **SECTION 6.02 – Duration of Eligibility Lists**

6.02.01 Entry-level and advanced entry level eligibility list shall be valid for twelve (12) months following certification by the Commission.

6.02.02 Lateral level eligibility list shall be valid from twelve (12) months following certification by the Commission.

6.02.03 Promotional eligibility list shall be valid for eighteen (18) months following certification by the Commission.

The Civil Service Commission may schedule examinations prior to the expiration of the eligibility list or extend the expiration date of the eligibility list if it is deemed to be in the best interest of the service. It is the intent of the Commission to establish and maintain, insofar as possible, appropriate eligibility lists, including promotional lists to certify names for appointments as the needs of the service arise. With the approval of the appointing authority, open and promotional list may be extended by the Secretary for a maximum of four (4) additional months.

### **SECTION 6.03 – Establishment of Reinstatement Lists:**

Reinstatement List: A list of names of person who were City Employees in a given class and who were laid off, or accepted reduction in lieu of layoff, are eligible for reinstatement. The names shall be added to the list upon the recommendation of the head of the former employing department and the approval of the Civil Service Commission, for a period of one year from the date of layoff or reduction: the reinstatement list shall supersede any other eligibility lists.

### **SECTION 6.04 – Cancellation of Eligibility and Removal from Eligibility List:**

The Commission may remove the name of an individual from the eligibility list at any time upon the individual's written request, or for any of the following reasons:

1. Failure of the eligible to appear for employment interview, testing or appeal hearing within the time limits specified.
2. Whenever an individual is passed over three (3) times.

A pass over occurs:

- a. When an applicant requests that he/she not be considered for a particular appointment, or
- b. When an excused eligible declines to accept an offered position.
- c. When an eligible is passed over, all individuals who appear on the eligibility list below the eligible who was passed over will move up one (10) position for purposes of the appointment at issue.

3. The case of promotional lists, upon separation from the Civil Service other than by layoff.
4. Undetected felony admitted by the eligible.
5. When an eligible cannot be located, after diligent effort to do so. It shall be incumbent on all individuals appearing on the list to notify the Secretary/Chief Examiner of any address changes promptly.
6. Does not meet the requirement set forth in these rules or the examination announcement.
7. Has been convicted of any felony, or misdemeanor involving moral turpitude.

8. Has been dismissed or resigned in lieu of discharge from any public safety position, for any cause, which would be a cause for discharge from the city/county service or has an unsatisfactory record of employment in the City or County Service.
9. Has made any material false statement or has attempted any deception or fraud in connection with any Civil service examination.
10. Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning the examination, which might give an unfair advantage over other individuals taking the examination.
11. Promises to pay money or other valuable thing to anyone for an actual or prospective advantage.
12. Fails to successfully complete any part of the pre-employment process, including but not limited to, the examinations(s) and background investigation.
13. Is deemed to be unable to successfully perform the duties of the position sought following review of the totality of the circumstances including but not limited to the needs of the appointing authority and the results of the examination(s), interview(s), and background investigation.
14. When the person, due to driving history, is rated unacceptable by the cities insurance authority.
15. For other material reason the Commission deems appropriate.

When an eligible is passed over, all individuals who appear on the eligibility list below the eligible who was passed over will move up one (10 position for purposes of the appointment at issue.

#### **SECTION 6.05 – Notice of Address Change:**

Each individual on both the entry level and lateral eligibility lists is responsible for notifying the Secretary-Examiner or subscription testing service of any change of address. Failure to do so may cause the removal of the applicant's name from the eligibility list.

#### **SECTION 6.06 – Revocation of Eligibility Lists:**

An eligibility list may be revoked within thirty (30) days of certification by the Commission and another list prepared if the Commission deems it advisable on account of errors or of obviously inappropriate standards prescribed in connection with the examination, or of plainly inadequate results obtained there from. If a list is revoked, written notice will be sent to all persons whose standing may be affected by the revocation.

#### **SECTION 6.07 – Appeal of Removal from Eligibility List:**

Whenever a name is deleted from an eligibility list in accordance with the preceding paragraphs, the person affected shall promptly be notified by letter to his/her last known address. To appeal such deletion, a written request for restoration by the applicant must be made within the (10) working days of the date of receipt of said letter. Such request shall set forth the argument advanced for restoration of the name. The commission will thereupon decide whether or not to reinstate the name and notify the individual accordingly.

## **RULE 7**

### **APPOINTMENTS**

#### **SECTION 7.01 – Basis for Appointments**

All appointments within the Ridgefield Police Department, whether entry level, lateral level or promotional, shall be made solely based on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation.

#### **SECTION 7.02 – Appointing Authority**

The appointing authority shall be the City Manager for the Chief of Police, the Civil Service Commission for the Secretary-Examiner, and the Chief of Police for all other positions within that department.

#### **SECTION 7.03 – Certification and Appointment**

Upon the request of the appointing authority, the Secretary-Examiner shall provide a certified list with the names of the top five (5) ranked individuals from each of the following list: the entry level, advanced entry, lateral, and promotional lists. The appointing authority shall also be furnished with copies of the candidates' applications and any other appropriate information or record of the persons certified. The appointing authority shall then select one of the five (5) persons, so certified from any list, to fill the position from the lateral, entry level or promotional list, if that candidate successfully passed all phases of the hiring process.

#### **SECTION 7.04 – Appointments Declined**

Whenever a candidate whose name has been certified for an appointment fails to answer an inquiry of the Secretary-Examiner or of the appointing authority within ten (10) business days, he/she shall be deemed to have declined appointment and his/her name shall be removed from the eligibility list. The appointing authority may appoint any of the candidates to the available job position or, in its sole discretion, may choose not to appoint any of the candidates.

#### **SECTION 7.05 – Temporary Appointment**

The Commission may allow the appointing authority to make a temporary appointment of a qualified person meeting qualifications of the existing rule 4.07, for a period of up to four months.

Reasons for a temporary appointment shall include, but not be limited to, the following:

- A. A vacancy due to termination or resignation of an officer and such time as is necessary to complete the examination/hiring process.
- B. Training time in which a newly hired officer is participating in the basic academy and/or the department's field officer training program.
- C. Where through illness or injury, a position is vacant.
- D. A specialized assignment in which the department will be without the services of one or more officers.
- E. Any other reason brought before the Commission with sufficient facts as determined by the Commission to be justified.

No temporary appointment shall continue for a period exceeding four (4) months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any fiscal year: RCW 41.12.040(9).

Nothing in this Section shall remove or subvert the examination process as stated in Rules 4 and 5.

## **SECTION 7.06 – Acting Appointment**

Whenever an incumbent in any position in the services has been absent on disability leave, military leave or leave of absence, and an eligibility list exists for the incumbent's position, the appointing authority may requisition for the person highest on the eligibility list to be appointed thereto. Such appointment shall follow all normal Civil Service Procedures, but provided, if the incumbent in such position returns to work the person so appointed shall revert to his former position, or if the incumbent dies, resigns, is dismissed, or advises the service in writing that he will not be returning to work, the person so appointed to the position shall be eligible to apply for the open position. The appointing authority may appoint an officer to a higher acting position.

Time spent in such higher position shall not be credited as probationary service unless and until the person has served there continuously for six months, provided, credit for such shorter periods shall lapse after thirty days from last service in such a position.

## **SECTION 7.07 – Limit to Acting or Temporary Appointment**

No temporary or acting appointment shall continue for a period exceeding four (4) months and no person shall receive more than one two such appointments in any twelve (12) month period. The Commission shall have the right to extend a temporary or acting appointment beyond four months when deemed necessary.

### **SECTION 7.08 – Project Appointment**

Whenever federal or state funding becomes available to appoint any person eligible under the terms of the guidelines provided with the federal or state funding, said appointments may be made for the duration for the available funding. Such appointment may last upward of two (2) years and beyond but have an end in sight. Any person appointed pursuant to this section shall be subject to all rules and regulations contained herein, except that no time spent as a project appointee shall be credited to the probationary period or be utilized for computing any privilege accruing under Civil Service Law or these Regulations.

## **RULE 8**

### **PROBATIONARY PERIOD**

#### **SECTION 8.01 – Purpose**

A probationary period is an integral part of the examination process. It shall be utilized as an opportunity to observe the employee's work, to provide special training, to assist the employee in adjusting to his new position and as an aid in making the decision to reject any employee whose work performance or personal conduct is unsatisfactory.

#### **SECTION 8.02 – Duration for Entry-Level**

No position in the Civil Service shall be deemed to be permanent until the expiration of the probationary period. The entry-level probationary period shall be for a period of twelve (12) consecutive months, beginning from the date of the officer's successful completion of the Basic Law Enforcement Academy, held at the Washington State Criminal Justice Training Commission in Burien, Washington.

#### **SECTION 8.03 – Duration for Lateral Entry-Level**

No position in the Civil Service shall be deemed to be permanent until the expiration of the probationary period. The lateral entry-level probationary period shall be for a period of twelve (12) consecutive months from date of hire by the City of Ridgefield.

#### **SECTION 8.04 – Duration for Promotional Positions**

No promotional position shall be deemed to be permanent until the expiration of the probationary period. Any promotional appointment probationary period shall be for a period of twelve (12) consecutive months from the date the eligible applicant was first appointed, unless acting in this position under 6.07 for six (6) consecutive months.

#### **SECTION 8.05 – Dismissal During Probationary Period**

At any time during the twelve (12) month probationary period, the appointing authority may terminate the employee if, during the performance period upon observation or consideration of the performance of duty, he/she is found unfit or unsatisfactory. The appointing authority shall notify the employee and the Commission in writing of any such termination and the reason(s). Such reason(s) need not constitute just cause and shall not otherwise be reviewed by the Commission. For entry-level, lateral level and promotional positions, such

action on the part of the appointing authority is not subject to appeal, except upon a claim filed within ten (10) business days of the authority's decision to terminate the appointment. Such claim shall be timely filed with the Civil Service Commission and shall provide that the basis for the claim is based upon discrimination due to national origin, race, age, political, racial, religion, gender bias, sexual harassment, or sexual orientation.

### **SECTION 8.06 -- Permanent Full-Time Status**

If no action is taken by the appointing authority to terminate or reduce in rank a probationary employee during the probation period, the employee shall be deemed to have satisfactorily completed the probationary period and his/her appointment shall be permanent full-time at the end of the specified period.

### **SECTION 8.07 – Removal from Eligibility Lists**

If an appointment is not made regular full-time because of the department's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, he/she shall no longer be on the eligibility list for the position.

### **SECTION 8.08 – Acting or Temporary Appointments**

If an employee's appointment to a position is an acting or temporary appointment, the time during which the employee performs the duties of the position in an acting or temporary capacity shall not be credited toward the employee's completion of a later probationary period for an equivalent position. PROVIDED, however, if the appointing authority presents a request to the Commission at the time of permanent appointment to allow credit for time worked, the Commission may or may not allow credit for time worked. No more than six (6) months can be accredited to him. Nothing in this section shall remove or subvert the examination process as stated in Rules 4 & 5.

## **RULE 9**

### **DISCIPLINE AND DISCHARGE**

#### **SECTION 9.01 – Tenure of Employment**

**General Provisions:** Any regular employee may be disciplined for just cause. For the purposes of these rules, “discipline” shall be defined as a written reprimand, suspension, demotion, or termination.

#### **SECTION 9.02 – Causes of Disciplinary Action**

The following may be considered as cause for disciplinary action:

- A. Incompetency, inefficiency, or inattention to or dereliction of duty. These include, but are not limited to, the failure or inability to Adequately perform the duties or responsibilities of the position, Rank or office of the employee.
- B. Dishonesty, intemperance, immoral conduct, insubordination, 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 failure on the part of the employee to properly conduct himself/herself, or any willful violation of these rules and regulations.
- C. Mental or physical unfitness for the position which the employee holds.
- D. Drunkenness or the excessive us of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation, to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service.
- E. Conviction of a felony or a misdemeanor involving moral turpitude.
- F. Any other act or failure to act which, in the judgment of the Appointing Authority is grounds for or warrants discipline.
- G. Failure to obtain and/or maintain any certification, commission, or license required by law or these rules as a condition of employment for the position held.

- H. Violation of any lawful and reasonable regulation, policy, rule, order, or direction made or given by a superior officer.

## **SECTION 9.03 – Removal, Suspension, Demotion and Discharge**

No person in the classified Civil Service who has been appointed to a position under these rules shall be removed, suspended, demoted, or discharged except for cause as defined in Rule 8, Section 2. Such dismissal, demotion or suspension shall be effective upon the filing with the Secretary-Examiner of a written statement by the person's appointing authority stating the reasons for such removal, suspension, demotion, or discharge. Such written statement of reasons shall be phrased in general terms, and a duplicate of the copy filed shall be served upon the person thus removed, demoted, suspended, or discharged. Such statement, in addition, shall advise such person that he may, within ten (10) business days of such service, appeal to the Civil Service Commission by filing with the Secretary-Examiner a written request for a Commission investigation.

## **SECTION 9.04 – Choice of Appeal**

Employees who choose to appeal a disciplinary action or discharge through the grievance procedure provided under an applicable collective bargaining agreement shall not have recourse through the appeal process established by these rules.

## **RULE 10**

### **HEARING OF APPEALS**

#### **SECTION 10.01 – Right to Hearing**

Any regular full-time Civil Service employee who is suspended, terminated, or reduced in rank may petition for a hearing before the Commission.

#### **SECTION 10.02 – Petition for Hearing**

A petition for a hearing before the Commission shall be in writing, signed by the petitioner, giving his/her mailing address, the action from which he/she appeals, and, in detail, the facts and reasons upon which his/her case is based. Such petition must be filed with the Secretary-Examiner within ten (10) business days of the receipt of the petitioner of the notice of his/her suspension, termination, or reduction in rank.

#### **SECTION 10.03 – Hearing of the Appeal**

All appeals shall be heard by two or more of the members of the Commission. The members of the Commission hearing the appeal shall:

- A. Publicly conduct a hearing.
- B. Administer oaths and affirmations, examine witnesses, and receive evidence.
- C. Issue subpoenas as provided by law.
- D. Rule upon offers of proof and receive evidence.
- E. Hold hearings for the settlement or simplification of the issues.
- F. Dispose of procedural request for similar matters.

#### **SECTION 10.04 – Notice of the Hearing**

After the petition for a hearing is filed with the Secretary-Examiner, the Commission shall schedule a hearing on the appeal at its next regular scheduled meeting. Notice of the time and place of the hearing shall be served on the petitioner at least five (5) business days prior to the hearing.

#### **SECTION 10.05 – Rights of the Petitioner**

When a hearing is granted, the petitioner shall attend, unless excused by the Commission, and shall be entitled to:

- A. Be represented by counsel at such hearing.
- B. Testify under oath.
- C. Subpoena witnesses to testify for him/her.
- D. Cross-examine all witnesses appearing against him/her and all employees of the Commission whose actions are in question or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the Commission or other individual or group of individuals assigned to hear the appeal.

Any party to an appeal may request that a commissioner be disqualified from sitting at the appeal hearing if there is a reasonable belief that the Commissioner would not be impartial in accord with the appearance of fairness act. A Request for disqualification must be made prior to the commencement of the hearing, or, if the cause for disqualification is not known prior to hearing as soon as the cause for disqualification becomes known. It is within the Commission's sole discretion to approve or deny such a request.

- a. failure to make a timely request shall constitute a waiver of the right to make such a request.
- b. If, as a result of the disqualification, there is no longer a lawfully constituted quorum, the appeal hearing shall be set over until a quorum is available.
- c. If as a result of any one or more disqualifications, the Board would lack a quorum or would result in failure to obtain a majority vote, any challenged member shall be permitted to fully participate so long as the member or members publicly disclose the basis for the disqualification in accordance with RCW 42.36.090.

- E. Present such affidavits, exhibits and other evidence as is deemed pertinent to the hearing.
- F. Argue his/her case.

## **SECTION 10.06 – Rights of the Appointing Authority**

The appointing authority who instigated the suspension, termination, or reduction in rank against the petitioner shall be entitled to rights equal to those of the petitioner as delineated in Section 9.05 above.

## **SECTION 10.07 – Evidence**

Hearings shall be informal and need not be conducted to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted, but the Commission may exclude, irrelevant, immaterial, and unduly repetitious evidence. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Oral evidence shall be taken only under oath or affirmation. Only the evidence presented at the hearing will be considered by the Commission in their determination and ultimate ruling upon the appeal.

### **SECTION 10.08 – Testimony of Petitioner.**

The petitioner may be required to testify and may be cross-examined as to any matter relevant to the hearing.

### **SECTION 10.09 – Burden of Proof**

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

### **SECTION 10.10 – Transcripts of Hearings**

The Commission shall cause minutes to be taken of the proceedings by such clerical assistance as it may have available but need not have a stenographic transcript. If the petitioner requests a transcript of the hearing, he must make necessary arrangements with a court reporter and bear the expense of same.

### **SECTION 10.11 – Decision of the Commission**

Decisions of the Commission shall be accompanied by the Findings of Fact and Conclusions of the Commission and shall be rendered in writing within five (5) business days after the conclusion of the hearing. When an appeal is not heard by the Full Commission, the individual or group of individuals hearing the appeal shall file with the Commission within three (3) business days after the hearing, Findings of Fact and Conclusions and a recommended decision for the Commission's consideration. Within seven (7) business days thereafter, the Commission shall at a regular or special meeting, announce its decision. The decision shall be considered final for purposes of review except as otherwise provided in Sections 10.12 and 10.13 below.

### **Section 10.12 – Petition for Reconsideration**

A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) business days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special

showing that testimony is necessary. If the Commission determines not to reconsider its decision, it shall be deemed its final decision for purposes of judicial review. If the Commission decides to reconsider its decision, it shall, at the meeting at which such decision is made, enter Findings of Fact and Conclusions and its final decision, which for purposes of judicial review shall be deemed to be the final decision of the Commission.

### **Section 10.13 – Petition for Judicial Review**

Any person aggrieved by any final decision of the Commission may file for review in an appropriate court of law. Such petition shall be filed within thirty (30) business days of the date of issuance of the Commission's final decision. If the petition is granted, the court shall hear the matter without a jury, on the record of the hearing and briefs of the parties.

## **RULE 11**

### **PROCEDURAL INVESTIGATIONS**

#### **SECTION 11.01 – Investigative Responsibility**

The Civil Service Commission and/or special Hearing Examiner shall make investigations as deemed necessary to ensure that the intent of Chapter 41.12, RCW and its rules and regulations are being adhered to. The Commission shall have such necessary powers to enable it to conduct such investigations, including, but not limited to, the right of access to work sites, the power to administer oaths and subpoenas, and the ability to require the attendance of witnesses and /or the production of any pertinent documents.

#### **SECTION 11.02 – Citizen Complaints**

The Commission may make like investigations into the operation of the Civil Service System, on petition of a citizen, duly verified, and stating that irregularities or abuses exist and setting forth in concise language, in writing, the necessity for such investigation.

## **RULE 12**

### **CLASSIFICATION**

#### **SECTON 12.01 – Procedure and Effect**

The appointing authority shall provide for the classification of all positions in the classified service, including the assignment to each class or position of the appropriate title and experience, knowledge, capacity, skill, education, and other qualifications, such as the minimum prerequisites for appointment established by these rules. Further, the appointing authority shall allocate every position in the classified service to one of the classes established in the plan. The classification plans so developed shall be provided to the Civil Service Commission for review. The class titles so established shall be used in all personnel, budget, accounting and other financial documents and communications of the city. Additional classes may be established, and existing classes may be divided, combined, or abolished in the same manner as originally adopted.

## **RULE 13**

### **LEAVES OF ABSENCE**

#### **SECTION 13.01 – Request for Leave of Absence.**

Leave of absences may be granted for employees in accordance with City policy or collective bargaining agreement.

#### **SECTION 13.02 – Military Leave**

See City policy and state and federal law relating thereto.

#### **SECTION 13.03 – Expiration or termination of Leaves of Absence**

The Commission may terminate any leave of absence other than Military leave by written notice to the employee concerned whenever the conditions require such action. The employee shall then be required to return to duty within fourteen (14) calendar days. The employee shall be returned to the same class or position he occupied when leave of absence was granted. An employee who fails to return to duty upon termination or expiration of leave shall be considered as absent without leave and subject to disciplinary action. A department head may revoke an individual employee's leave without pay if it is found that the employee is using the leave for purposes other than that for which it was granted.

## **RULE 14**

### **LAYOFFS AND REDUCTIONS IN FORCE**

#### **SECTION 14.01 — Reductions of Work Force**

Whenever the appointing authority contemplates a reduction in staff because of shortages of funds, lack of work or reorganization, notice thereof shall be sent by the appointing authority to the Secretary-Examiner. When it is determined which positions are to be abandoned, employees holding positions within that class shall be laid off in opposite order to their length of service. When it is determined which classified positions are to be eliminated, employees in those positions shall be laid off based upon length of service, i.e. those having the shortest length of service shall be laid off first. The Civil Service Commission shall investigate any complaint by a regular employee filed in writing with the Secretary-Examiner alleging that a layoff was made in bad faith. If the Commission finds that the layoff was not made in accordance with these rules and regulations, it may order the reinstatement of the regular employee or employees to their previously held rank. Notice of layoff shall be given to the employee concerned and the Secretary-Examiner at least four weeks before the effective date thereof. Regular employees laid off shall have their names placed on the eligibility list in accordance with these rules and regulations.

If a particular classification is eliminated, officers shall have rights with respect to seniority to any previous position held.

#### **SECTION 14.02 – Transfers**

Transfers are allowable and do not require examinations when they are from one position within the same or comparable class. The transfer of an employee from one position in a class with a lower maximum rate of pay to a position in a class with a higher maximum rate of pay shall be deemed a promotion and may be accomplished only in a manner provided in these rules and regulations for making promotional appointments. A transfer of an employee from a position in a class with a higher maximum rate of pay to a position of a lower maximum rate of pay shall be deemed a reduction in rank and may be accomplished only in the manner provided in these rules and regulations.

## **RULE 15**

### **RESIGNATION**

#### **SECTION 15.01 – Resignation**

An employee may resign from a Civil Service position by presenting his/her resignation in writing to the appointing authority. To resign in good standing, an employee shall give at least two calendar weeks notice, unless, because of extenuating circumstances, the appointing authority agrees to permit a shorter period of notice. The appointing authority may make or cause to be made such investigation as it deems warranted, for the purpose of verifying reasons for each resignation. An employee's resignation and the circumstances pertinent to it shall be recorded in his/her personnel file.

#### **SECTION 15.02 – Loss of Rights and Status**

Any person in the Civil Service employ of the City who separates himself from such service will be entitled to no privileges upon seeking to re-enter the service, except those privileges entitled to an applicant upon initial application or entry into service.

**RULE 16**  
**RECORDS AND REPORTS**

**SECTION 16.01 — Examination of Records**

The Secretary-Examiner shall maintain examination records on each employee in the classified service during the probationary period. Such records shall include all examinations taken, grade obtained, ratings earned and background information. Upon the completion of the probationary period and the employee is hired, all records will be turned over to the City Clerk.

**SECTION 16.02 – Access to Department Records**

The Civil Service Commission, Secretary-Examiner and appointing authority shall have access to all records on each employee, the examination of which will aid them in the discharge of their duties.

**SECTION 16.03 – Records Open to the Public**

The minutes of all Civil Service Commission meetings shall be open to the public during normal office hours and may be inspected upon application to the Secretary-Examiner. Access to all other Commission records shall be governed by any applicable chapters of the RCW and/or federal laws or regulations.

**SECTION 16.04 – Reports – Chief of Police**

The Chief of Police shall immediately report to the Civil Service Examiner-Secretary in such detail and on such forms as the Civil Service Examiner-Secretary may prescribe:

- A. Every appointment, transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, change of title, change of compensation:
- B. Every separation from service with the reason therefore:
- C. Every refusal or failure to accept appointment by a person whose name has been certified.