

AGENDA

CIVIL SERVICE COMMISSION

March 4, 2025



AMERICANS WITH DISABILITIES ACT

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. Please furnish the ADA Coordinator with your request in sufficient time for the City to provide a reasonable accommodation by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADAcordinator@ellensburgwa.gov.

**CITY OF ELLENSBURG
CIVIL SERVICE COMMISSION AGENDA
Ellensburg Police Department Training Room
100 N Pearl St.
Ellensburg, WA 98926
Tuesday, March 4, 2025
4:00 PM - Regular Meeting**

1. Approval of Minutes

1.A Approve February 11, 2025, Special Meeting Minutes

2. Unfinished Business

3. New Business

3.A Election of Chairperson and Vice-Chairperson

3.B First Reading of Proposed Revisions of Civil Service Rules & Regulations

4. Miscellaneous

4.A Update on Public Safety Testing Written Exam

5. Adjournment



For more information on the Civil Service Commission or to request remote attendance, contact Trisha Weed at 509-962-7220.



CIVIL SERVICE COMMISSION SPECIAL MEETING

February 11, 2025

Commission Members Present: Kathy Johnson, Judy Pless, Richard Searle

Commission Members Absent: None

Also Present: Cameron Clasen, Police Captain
Trisha Weed, Secretary/Chief Examiner

The meeting was called to order at 4:02 p.m. by Commission Chair Searle.

1. Approval of Minutes

Commissioner Johnson moved to Approve the Minutes of the special meeting of December 19, 2024, as presented. **Motion Approved 3-0.**

2. Old Business

3. New Business

3.A. Police Officer Recruitment – Review and Approve/Establish Combined Lateral-level Police Officer Eligibility List

The Commission was informed that oral boards for Lateral Police Officer took place on February 6, 2025. Before the Civil Service meeting took place, the candidate contacted EPD to withdraw from the process. He decided to stay employed by his current agency; therefore, there is no longer a list that needs to be approved.

3.B. Status of Revising Civil Service Rules & Regulations

The Commission was informed that the proposed changes to the Civil Service Rules and Regulations (R&R) would be ready for first reading at the March 4, 2025, meeting. Due to the extensive number of changes, a copy of the current R&R and a copy of the proposed amendments would be emailed to the Commission before the March agenda was published to allow them more time to review the revisions.

4. Adjournment

Chair Searle adjourned the meeting at 4:09 p.m.

Respectfully submitted,

Trisha Weed
Secretary/Chief Examiner



CIVIL SERVICE RULES AND REGULATIONS

March 2025 – Proposed Amendments

(1st review/reading – 3/4/25)

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CIVIL SERVICE RULES

The Civil Service Commission for the City of Ellensburg, appointed in accordance with Chapter 13 of the 1937 Session Laws of the State of Washington, hereby adopts the following rules and regulations for carrying out the purposes of said laws.

RULE 1 GENERAL PROVISIONS

1.1. AUTHORITY AND APPLICATION

These rules are issued pursuant to the authority granted by Chapter 41.12 RCW, Civil Service for City Police. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of Chapter 41.12 RCW, and 1.28 of the Ellensburg City Code.

1.2. SCOPE AND PURPOSE

These rules solely govern the administration of the Civil Service System of the Ellensburg Police Department. The purpose of these rules is to assure that the Civil Service Commission is administered in accordance with Chapter 41.12 RCW and the City of Ellensburg ordinances, and that all proceedings before the Commission are conducted in an orderly, fair, and timely manner.

1.3. VALIDITY

The Civil Service System implemented by these rules substantially accomplishes the purpose of Chapter 41.12 RCW. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purpose of Chapter 41.12 RCW.

1.4. SEVERABILITY

If any provision or application of these rules to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.

RULE 2 DEFINITIONS

Academy: the Washington State Criminal Justice Training Commission (WSCJTC) Basic Academy.

Applicant: Anyone who has filed an application, by the closing date, to take a Civil Service examination. Applicants include Entry-Level applicants, who have not completed the WSCJTC Basic Academy (Academy), Entry-Academy Graduate applicants who have completed the required Academy but do not meet the qualifications for lateral appointment, Lateral-Entry applicants, where a specified level of training and experience is required, and all other Police Department positions covered under these rules.

Appointing Authority: The Appointing Authority is the City Manager or person delegated by the City Manager. The words Appointing Authority, appointing officer, or appointing power shall be construed to be synonymous terms. The Appointing Authority is authorized to hire, promote, discipline, or discharge an employee.

Appointment:

- a. Appointment – Regular: Offer from the Appointing Authority for hire or promotion of a certified eligible.
- b. Appointment – Emergency: An appointment to serve in a classified position under emergency conditions for not more than one (1) month.
- c. Appointment – Provisional: An appointment made from a current eligibility or promotional list to a vacant position for a period not to exceed six (6) months in a twelve (12) month period from the first date of the provisional appointment.
- d. Appointment – Temporary: An appointment to a vacant position in the classified service made in the absence of a current eligibility or promotional list, pending the establishment of such eligibility list for that class, for a period not to exceed six (6) months in a twelve (12) month period from the first date of the temporary appointment.
- e. Appointment – Reinstatement: Reappointment of a regular employee to a position in a class in which the employee was a regular employee.

Business Days: Calendar days, exclusive of Saturdays, Sundays and legal holidays.

Cause: Any good, sufficient, or just cause that the Appointing Authority and/or Civil Service Commission deems appropriate justification for disciplinary action, to include termination, suspension, or reduction in rank. Cause may also include any justifiable reason to remove a candidate from an eligibility list.

Certification: A list of names from an eligible list transmitted by the Civil Service Commission to an Appointing Authority from which such Appointing Authority may fill a vacancy.

Class: A group of positions sufficiently similar in duties and responsibilities so that the same title may reasonably be used for each, the same qualifications may be required, and the same salary range may be applied with equity.

Classified Service: All positions of these rules as defined by state law and including full paid members of the police department with the exception of the Police Chief, who is exempt pursuant to Ellensburg City Code (ECC) 1.28.120 and positions designated by the Police Chief, authorized by RCW 41.12.050.

Commission: The Commission refers to the Ellensburg Civil Service Commission. “Commissioner” means any one member of the Commission.

Commissioned: The oath of office or rank granted by the City.

Compensation: Any allowance, fee, salary, or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of their position or office.

Competitive Exam: The process of testing qualified candidates.

Demotion: Removal of an employee, for just cause, from a higher to a lower class of employment.

Discharge: Termination, separation, dismissal, or removal of an employee from the classified service for just cause.

Eligible: Anyone qualified for a given class through the satisfactory completion of all requirements necessary for promotion or appointment that places the person on the proper eligibility list.

Eligibility List: A list of eligibles' names arranged from high to low ranking order as certified by the Secretary/Chief Examiner and ratified by the Civil Service Commission, who are eligible for appointment to a position in the classified service.

Employee - Regular: Anyone employed in the classified service of the City who has satisfactorily served the full probationary period.

Employee – Probationary: Anyone employed in the classified service of the City who has not yet completed the full probationary period.

Entry-Level: A position or candidate that meets the minimum requirements of the department but has not yet obtained certification from the Academy.

Entry-Academy Graduate: A position or candidate that has already graduated from the Academy and holds a current and valid certification through WSCJTC, but does not qualify as lateral.

Full Paid: Officer or employee receiving compensation from the City in return for services devoted to full-time duties under the police department, other than ordinary off-duty time allowance.

Lateral-Level: A position or candidate trained and experienced in law enforcement and who meets the minimum years of service criteria set forth by the department.

Layoff: The separation of employment because of lack of funds or work, or because of material change in organization

Position: Any employment or office in the classified service.

Probation: The period of employment during which an employee works prior to attaining regular status (or appointee status). During or at the end of the probationary period, the employee may be terminated without cause or prior notice, and will not be granted a hearing or trial.

Professional Staff: Employees in non-commissioned positions who are not sworn in by the Appointing Authority.

Promotion: The appointment of an employee to a higher classification, or position of higher skill or responsibility level; this does not include emergency, temporary, or provisional appointment.

Public Notice: Notice given to the public about the posting of a Civil Service position or a scheduled Commission meeting.

RCW: Revised Code of Washington.

Regular Status: An employee achieves regular status when they have satisfactorily completed their specified probationary period of employment and has been approved by the Appointing Authority.

Rejection: The refusal to accept an application; the separation of a probationary employee from the service; or the process of restoring a promoted employee to the position from which he/she was promoted.

Robert's Rules of Order: The guidelines in which the Commission will conduct all public meetings.

Rule of Five: When a vacancy for employment or promotion exists, the Appointing Authority or their delegate, may only select from the top five (5) ranked names on an eligibility list ratified by the Commission.

Secretary/Chief Examiner: Appointed by the Civil Service Commission as outlined in these rules and as outlined in RCW 41.12.040 to maintain and preserve the records of the Commission.

Suspension: Temporary removal of an employee from service or from duty, with or without pay, for disciplinary purposes.

Veteran: A person that has a qualifying discharge for a documented rank within the US Armed Forces as defined by RCW 41.04.007.

Veterans Scoring Criteria: An additional scoring criteria in examinations and employment, based on military service, as provided and defined by applicable laws.

Written Notice: Written notice, as required under these rules, means the serving of notice in writing either to the person directly, by e-mail, or by certified mail. If by certified mail, the service shall be deemed completed at the time of deposit at the Post Office.

RULE 3 ADMINISTRATION AND OPERATIONS

3.1. COMMISSIONERS

The Commission is composed of three members, appointed by City Council, all of whom are required to be City of Ellensburg residents for at least three (3) years preceding appointment.

3.2. TERM OF OFFICE

The term of office is six (6) years. If any Commissioner resigns before the end of their term, a new Commissioner shall be appointed to serve the remainder of such term.

3.3. CHAIR – VICE CHAIR

At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair and another member to serve as Vice Chair for a term of one (1) year. Should a Chair and/or Vice Chair resign or be removed, the Commission shall elect a new Chair and/or Vice Chair.

3.4. COMMISSION ADDRESS AND HOURS

The office and address of the Commission is in c/o the City of Ellensburg, 501 N. Anderson Street, Ellensburg, WA 98926. The regular office hours of the Civil Service Secretary/Chief Examiner shall be 8:00 a.m. – 5:00 p.m., Monday through Friday; an alternate schedule may be utilized in accordance with City policies and with approval of the Appointing Authority or delegate, and the Commission.

3.5. COMMISSION MEETINGS

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

- a. The Commission shall meet on the first Tuesday of each month at 4:00 p.m. in the Ellensburg Police Department Training Room.
- b. The Commission may schedule special meetings as necessary. Notice of these special meetings will be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended) and both administration and labor representatives (Shop Stewards) will be notified.
- c. The Commission may also schedule and conduct hearings as required. Notice of hearings will be done as required by these rules.
- d. All meetings or hearings, regular or as required, will be open and public. However, the Commission may meet in executive session as authorized by the Open Public Meetings Act, RCW 42.30.110.
- e. Two (2) members of the Commission shall constitute a quorum. The votes of any two (2) members of the Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission. The Commission may attend and participate in a Commission meeting by remote attendance, telephone conference call, or equivalent technology enabling said member to hear, and be heard, by all other meeting attendees; such presence shall also be counted for the purpose of establishing a quorum.
- f. The Secretary/Chief Examiner or designee will attend all meetings.
- g. Roberts Rules of Order shall be the final authority on all questions of procedure and parliamentary law. However, with the concurrence of two (2) Commissioners, such rules may be waived or modified.

3.6. PUBLIC RECORDS

- a. **RECORDS OPEN TO THE PUBLIC:** Public records of the Commission shall be available for inspection and copying during the regular office hours of the Secretary/Chief Examiner. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the Secretary/Chief Examiner, and under their supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be provided at the cost established by Chapter 1.75 ECC.
- b. **DESTRUCTION OF RECORDS:** Examination records, agendas, and minutes of the Civil Service Commission, and all other records pertinent to unsuccessful employment applicants, including applications, correspondence, examinations and reports will be retained and destroyed in accordance with the Washington State Archives Records Retention Schedule and RCW 41.08.040 (10), whichever is longer.

3.7. RECORD OF PROCEEDINGS

The Commission shall keep a record of its proceedings. The minutes will be taken by the Secretary/Chief Examiner, or designee, and will be presented to the Commission for approval or correction at the next regular or special meeting. The minutes of the Commission will not include a written verbatim report of

proceedings unless ordered. The Commission may retain a court reporter, or use audio and/or video recording equipment, to record all or part of a proceeding. In addition, a party to a proceeding, at their 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/Chief Examiner.

3.8. POWERS AND DUTIES

The Civil Service Commission shall:

- a. Adopt rules for the regulation of personnel matters within the classified service.
- b. Appoint, when necessary, a Secretary/Chief Examiner in conformity with these rules.
- c. Approve minutes of its own meetings and records of its procedures.
- d. Approve the creation, amendment, and discontinuance of classified positions as prepared by the Secretary/Chief Examiner or by some qualified agency designated by the Commission to perform this service.
- e. Provide for the holding of competitive tests either by the Secretary/Chief Examiner and/or consulting person called upon by the Commission to determine the relative qualifications of persons for employment in the classified service, by any other qualified agency.
- f. Provide the Appointing Authority or delegate with certified lists from which applicants/employees may be hired, promoted and/or reinstated.
- g. Conduct all hearings and make all decisions necessary for the proper enforcement of the Civil Service Act and these rules.
- h. Hear and decide appeals arising from the administration of the Civil Service Act and these rules.
- i. Investigate and report on all matters concerning the application and enforcement of the Civil Service Act and these rules.
- j. Execute such powers and duties of the Commission as are imposed by Chapter 41.12 RCW.

3.9. CHANGES/UPDATES TO THE CIVIL SERVICE RULES AND REGULATIONS

As the need arises, the Commission reserves the right to modify these rules. The Commission may deviate from these rules in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the City of Ellensburg.

3.10. LEGAL COUNSEL

The City Attorney shall serve as attorney for the Commission; provided that if the City Attorney determines they have a conflict of interest with an issue before the Commission, the City Attorney may designate other counsel to represent the Commission on that issue.

RULE 4 SECRETARY/CHIEF EXAMINER

4.1. APPOINTMENT

The Civil Service Secretary/Chief Examiner is appointed by the Commission. Appointment shall be from a list resulting from competitive examination pursuant to RCW 41.12.040. The Commission may set a list of minimum qualifications. Alternatively, the Secretary/Chief Examiner appointment may be promotional and limited to persons already in service of one of the departments of the City, as the Commission may decide.

4.2. REVIEW OF ACTIONS OR DECISIONS OF THE SECRETARY/CHIEF EXAMINER

There is no appeal of any action or decision of the Secretary/Chief Examiner except as specifically provided for in these rules. However, the Commission retains the authority on its own motion to review or modify any action or decision of the Secretary/Chief Examiner as it deems necessary to carry out the purpose of state law, City ordinances, or these rules.

4.3. SECRETARY/CHIEF EXAMINER DUTIES

- a. Attend all the meetings of the Commission and keep minutes.
- b. Administer personnel functions of the classified service.
- c. Safekeeping of the records and reports of the Commission.
- d. Provide proper notice of regular and special meetings of the Commission and provide copies of the agenda to the Commission, Police Chief, Police Captains, Union Shop Steward(s), and others as requested.
- e. Schedule hearings and notify all parties of hearings schedule.
- f. Inform the Commission of all appeals.
- g. Make recommendations regarding policy and amendments to these rules.
- h. Determine which examinations shall be conducted, with approval of the Commission, for all classified positions, including promotional. This may include posting of classified positions, examinations, oral board interview questions, scoring the examinations, establishing a ranking list of those with passing scores, preparing an eligibility list for hire or promotion, etc.
- i. Secure the approval of the Commission for the testing process to be used in each examination.
- j. Certify eligibility lists on behalf of the Commission and present for the Commission to review, approve, and ratify.
- k. Maintain all eligibility lists.
- l. Supervise or appoint a designee to be present at all examinations whenever reasonable or practical.
- m. Facilitate correspondence and questions to the Commission.

- n. Perform all other functions necessary to carry out these rules and/or the provisions of law relating to the Civil Service System, and such additional duties as assigned.

RULE 5 RULEMAKING

5.1. INTERPRETATION

The Commission has authority to interpret these rules and may apply principles as necessary to carry out the purpose of state law and the existing rules in cases that are not clearly defined.

5.2. AMENDMENT OF RULES

The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting.

- a. Proposed amendments to these rules or addition of new rules shall be discussed in a regular or special meeting at least one (1) meeting prior to adoption.
- b. Upon declaration of emergency by a majority of the Commission, a rule amendment or adoption of new rules may be adopted at the meeting at which the change is first proposed.

5.3. EFFECTIVE DATE OF RULES

All rules and amendments will become effective immediately upon their adoption by the Commission, unless specified otherwise by the Commission.

5.4. COPIES OF RULES

A copy of the rules and all subsequent rules or amendments will be sent to each Appointing Authority and Labor Representative of classified positions, either by paper copy or e-mail. The Secretary/Chief Examiner will maintain a master copy of the rules, and copies will be available as requested or required by state law. A current copy of the Commission rules will be available upon request by any party.

5.5. COLLECTIVE BARGAINING AGREEMENT

The Public Employees' Collective Bargaining Act, Chapter 41.56 RCW ("Act"), provides for collective bargaining agreements between the City and the labor organizations(s) representing employees in the classified service. The Act and collective bargaining agreements prevail over these rules in the event of conflict.

RULE 6 CLASSIFICATION

6.1. CLASSIFICATION PLAN

The classification plan shall include class specifications for each class in the Civil Service System and shall set forth a class title, a statement of duties and responsibilities, and a statement of the experience, knowledge, capacity, skill, education, and other qualifications including the minimum prerequisites to be required for appointment.

6.2. ADMINISTRATION OF POSITION CLASSIFICATION

The Secretary/Chief Examiner will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council; or upon request of the Appointing Authority if the classification of such position has not been reviewed within the last 12 months.

6.3. CLASSIFICATION OF POSITIONS

Each position in the classified service shall be classified at the direction of the Appointing Authority and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties.

- a. Positions shall be allocated to a given class when:
 1. The same descriptive title may be used to designate each position in the class;
 2. The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and
 3. Similar test may be used to select incumbents.
- b. All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.
- c. Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.
- d. In allocating any position to a class, the specifications for the class shall be considered as whole. Consideration shall be given to the general duties, specific tasks, responsibilities, required and desirable qualifications for such position, and the relationship to other classes. The examples of duties in a specification shall not be construed as exclusive or restrictive, and an example of a typical task or a combination of two (2) or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

RULE 7 APPLICATIONS AND APPLICANTS

7.1. VACANCIES

Upon determining that a vacancy is to occur, the Police Chief shall notify the City Manager and the Secretary/Chief Examiner immediately.

7.2. GENERAL REQUIREMENTS FOR FILING APPLICATIONS

All applicants for examinations for positions in the classified Civil Service must file a written application on a form prescribed by the Secretary/Chief Examiner; no one shall be admitted to any examination without having first filed an application on the proper form, giving fully, truthfully, and accurately all information required. Applicants will be given notice of the time and place of the examination.

- a. To file an application for examination, the applicant must:
 - 1. Meet the requirements specified in these rules and in the posting/announcement.
 - 2. Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary/Chief Examiner.
- b. Time for filing applications:
 - 1. All applications for examination shall be filed with the Secretary/Chief Examiner within the time limit listed in the official posting/announcement. Applications that are received by mail, in the office of the Secretary/Chief Examiner, must be received by the closing date. Applications submitted by e-mail must be received by 5 p.m. of the closing date.
 - 2. The time for filing applications may be extended by the Secretary/Chief Examiner as needs require.

7.3. ENTRY-LEVEL APPLICANT REQUIREMENTS

Prior to completing an application, those interested in applying as Entry Level must go through Public Safety Testing (PST). Upon receipt of the score the Secretary/Chief Examiner shall add the written score to the active Entry-Level Public Safety Testing List. When it is deemed necessary by the Chief of Police, the Secretary/Chief Examiner will notify those individuals whose scores are on the active testing list, since the last recruitment, to begin the City's application process. Applications will be accepted within the time frame listed on the posting/announcement. If at some point the Chief of Police does not want to renew the contract with PST, then the written and physical fitness examinations may be conducted by another independent testing agency or by the Secretary/Chief Examiner and/or others approved by the Commission.

7.4. ENTRY-ACADEMY GRADUATE REQUIREMENTS

Vacancies may be filled by the use of Entry-Academy Graduates. Prior to completing an application, those interested in applying as an Entry-Academy Graduate must go through Public Safety Testing (PST). Upon receipt of the score, the Secretary/Chief Examiner shall add the written score to the active Entry-Academy Graduate Testing List. When it is deemed necessary by the Chief of Police, the Secretary/Chief Examiner will notify those individuals whose scores are on the active testing list, since the last recruitment, to begin the City's application process. Applications will be accepted within the time frame listed on the posting/announcement. If at some point the Chief of Police does not want to renew the contract with PST, then the written examination may be conducted by another independent agency or by the Secretary/Chief Examiner. To qualify, for Entry-Academy Graduate, candidates shall be either:

- a. Graduates of the Washington State Criminal Justice Training Commission (WSCJTC) Basic Academy holding a current and valid certification through the WSCJTC; or
- b. Trainees attending the WSCJTC Basic Academy who have successfully completed the mid-term examination and are scheduled for graduation from the Academy within sixty (60) days of applying to be placed on the Entry-Academy Graduate Eligibility List.

7.5. LATERAL-LEVEL APPLICANT REQUIREMENTS

Vacancies may be filled by the use of Lateral-Level applicants from other law enforcement agencies. Applications will be accepted when it is deemed necessary by the Chief of Police and within the time frame listed on the posting/announcement. The minimum qualifications for Lateral-Level applicants into the Ellensburg Police Department are as follows: Post-Academy experience gained with another agency for at least 24 of the past 36 months shall be recognized at the discretion of the Appointing Authority.

7.6. LEGAL STATUS

An applicant for a position of any kind under civil service under the provisions of this chapter must meet the following requirements:

- a. Be a citizen of the United States of America, a lawful permanent resident, or a deferred action for childhood arrivals (DACA) recipient.
- b. Be able to speak, read and write the English language.
- c. Be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the Commission may deem advisable.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time.

Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

7.7. REJECTION OF APPLICANT

The Secretary/Chief Examiner may reject an applicant for examination or withhold an applicant from a list, if the applicant :

- a. Does not meet the requirements set forth in these rules or in the posting announcing the vacancy and examination.
- b. Has made any written or oral false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination.
- c. Accepted a position with another agency or is declining to proceed with the background investigation.
- d. Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination.
- e. After notification, did not promptly appear at the time and place designated for the examination.
- f. Has been discharged from the armed forces under dishonorable conditions.
- g. Answers yes to any of the automatic disqualifiers identified by the City in the application packet and/or posting.
- h. For other material reasons.

7.8. NOTICE OF NON-ACCEPTANCE

Any applicant that has action taken under the list above shall be notified of the reason(s) by either oral notice at the time of filing the application, by email, and/or written notice that is mailed. The reason can be general and does not need to list each specific reason.

7.9. APPEAL RIGHTS FOR APPLICANTS

If an applicant is disqualified for any reason, the applicant may request an appeal in writing, to address the Commission. The notice of appeal must contain a brief description of why the appeal is being made and the desired remedy. The appeal must be received by the Secretary/Chief Examiner within fifteen (15) business days of the date the Notice of Non-Acceptance is provided or mailed to the applicant, and the applicant will have the opportunity to present their appeal at the next regular meeting of the Civil Service Commission.

7.10. ADMISSION TO EXAMINATION PENDING APPEAL

The Secretary/Chief Examiner may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal, such admission to be without prejudice to either the City or the applicant.

7.11. APPLICATIONS NOT RETURNED

All applications, once submitted, become the property of the Commission and thereafter may not be returned to the applicant. Applications will be retained by the Secretary/Chief Examiner for three (3) years, or as otherwise required by law or City ordinance.

RULE 8 EXAMINATIONS

8.1. SCOPE

The Commission will approve the necessary exams resulting in Eligibility Lists. All examinations will be practical and impartial. They will 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 qualification and abilities, or when a single applicant is scored against a fixed standard. The Commission will hear and decide any appeals to an examination process(es). If any exam is failed, including promotional, the applicant failing such examination shall not be eligible to take another examination for the same position until six (6) months have elapsed from the date of the failed examination.

8.2. NOTICE OF EXAMINATIONS

Examination notices will be included in the posting/announcement. Promotional examination notices shall be sent to eligible personnel at least twenty-one (21) calendar days prior to the time of the examination.

8.3. AMENDMENTS TO ANNOUNCEMENTS

The Secretary/Chief Examiner may cause any published announcement to be amended with appropriate public notice.

8.4. CONTENT OF EXAMINATIONS

Examinations will consist of any combination of the following as approved by the Commission:

- a. Written and practical examinations
- b. Physical ability test
- c. Oral board examinations (oral interview)
- d. Job related exercises or simulations
- e. Personal qualifications
- f. Evaluation of education, training and/or experience
- g. Review of work product
- h. Review of past performance

8.5. CONDUCT MAY BE DELEGATED

The Secretary/Chief Examiner shall arrange for the use of suitable buildings and equipment for conducting examinations and shall be responsible for having written examinations conducted and scored themselves and/or by such other person or agency as the Commission shall approve. The Commission (at its discretion) may, however, delegate all or any aspect of the examination process to a subscription testing service.

8.6. PROCEDURES

Applicants must be present as instructed to participate in the exam. Time limits for exams will be announced prior to the exam. Applicants will return all testing materials prior to leaving the examination. Final examination scores will be prepared by the Secretary/Chief Examiner. All test components and procedures for all exams will be reviewed and approved by the Commission.

8.7. PARTS AND WEIGHTS

Each examination shall contain one or more parts to which percentage weights shall be assigned, which weights shall total 100%. Each part shall be graded independently. This earned grade shall be multiplied by the percentage weight assigned to such part, and the sum of the resulting products shall be called the examination grade. For entry police officer and professional staff positions that require a written examination and oral board, the written examination will be out of 100% and the oral board examination will be out of 100%. The two percentages, if they are a passing grade, will be added together to determine the total score.

8.8. QUALIFYING GRADE

The minimum qualifying grade for all examinations, including promotional, shall be set by the Commission at a level sufficient to demonstrate an examinee's ability to satisfactorily perform the duties of the position. The minimum qualifying grade shall be 70 percent; provided, however, upon recommendation of the test provider, the Commission may establish a different qualifying grade. The passing score which

is established by the Commission shall be announced by the Secretary/Chief Examiner prior to each examination.

8.9. VETERANS SCORING CRITERIA

There will be a credit for applicants who have provided verification of military service in accordance with RCW 41.04.005 and RCW 41.04.010. Credit is given to passing scores only.

8.10. REQUIREMENTS WAIVED

The Commission may waive minimal requirements for examinations if it would be beneficial to the department.

8.11. RATING AND PREPARATION OF LISTS

The names of persons successful in all parts of an examination shall be arranged in order of their passing score, except that scoring shall conform with the provisions of RCW 41.04.010, which statute is hereby adopted by reference. Proof of honorable discharge or certificate of honorable active service shall be submitted at the time of making application.

8.12. NOTIFICATION OF RESULTS

Each applicant shall be notified by mail and/or email of the results of the examination, and if successful, of their final earned rating and relative position on the eligibility list. Any applicant shall have the right of inspecting their own test papers which are available in the Secretary/Chief Examiner's files.

8.13. PROMOTIONAL EXAMINATIONS FOR POSITIONS ABOVE FIRST-CLASS POLICE OFFICER

As the needs of the service may require, promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training or educational courses, or other pertinent tests. At the request of the Police Chief, the Commission may approve an in-house promotional examination to be given to each eligible candidate, or the examination may be delegated in whole or in part to a third-party testing service. The eligibility requirements/qualifications for Corporal and Sergeant are outlined in the job descriptions. The recommended examination must be jointly approved by the Chief and by the Secretary/Chief Examiner before submitting for approval by the Commission.

8.14. ENTRY-ACADEMY GRADUATE

The Entry-Academy Graduate selection process will be separate and apart from that of the Entry-Level and Lateral-Level examination process and will have a separate eligibility list. An individual may be hired at probationary or third-class level at the discretion of the Appointing Authority. All candidates must successfully pass a written examination and oral board interview.

8.15. LATERAL-ENTRY

The Lateral-Entry selection process will be separate and apart from that of Entry-Level and Entry-Academy Graduate level processes and will have a separate eligibility list. An individual may be hired at a level up to and including First Class with all authority, salary, benefits and status of the appointed position. All candidates must successfully pass an oral board interview.

8.16. REGULAR STATUS

A new employee is hired as a probationary appointee. The probationary period is outlined in respective Collective Bargaining Agreements and/or the City of Ellensburg Personnel Policies.

8.17. CONTINUOUS EXAMINATIONS

When the need to fill vacancies continually exceeds the availability of appointees, continuous examinations may be administered at more frequent intervals or as applications are received, with results continuously merged into one eligible list according to final ratings. Once the vacancy or vacancies have been filled then the examinations will pause until a vacancy is anticipated or occurs.

8.18. ORAL BOARD

For Entry-Level police and professional staff position examinations, the Secretary/Chief Examiner will determine the number of candidates to be invited to an oral board from those who received a passing score on the written examination. The oral board panel may consist of the City Manager or their delegate, the Commission Secretary/Chief Examiner, any one of the three (3) Commission members, and/or other qualified examiners selected by the Secretary/Chief Examiner, in addition to the Chief or their delegate. No delegate shall sit on an oral board panel where the examination is for a position for which they are competing. An oral board panel shall consist of four (4) persons.

8.19. EXAMINATION APPEAL RIGHTS

An applicant who participates in an examination may file an examination appeal with the Commission based on any of the following grounds:

- a. The Commission failed to follow City ordinance, state law, or its own rules in the administration of the examination and/or the examination process.
- b. The examination was not valid.
- c. The examiners were not impartial.
- d. A clerical error was made in scoring the exam (excluding disagreement with the number of points or score awarded by a rater(s)).
- e. The examination or the examination process was discriminatory as defined under state law.

8.20. PROCEDURE FOR EXAMINATION APPEAL

The following procedures must be followed for filing an examination appeal:

- a. The appeal must be received by the Secretary/Chief Examiner within fifteen (15) business days following the date the notice of the certification of the list was provided or mailed to the applicant. Failure to file an examination appeal within this time period is a waiver of any right to appeal the examination that is established by these rules.
- b. The examination appeal must contain a brief description of the facts giving rise to the examination appeal, a concise statement of the reason for the examination appeal, and desired remedy. In addition, the examination appeal must list what rule(s) was violated.
- c. Any examination appeal that does not meet the above criteria will be considered invalid.

- d. If the Secretary/Chief Examiner determines that the appeal has met the above criteria, the applicant will have the opportunity to present their appeal at the next regular meeting of the Civil Service Commission. The Commission will review the facts and make a determination.
- e. The Secretary/Chief Examiner will provide notice of the decision to the candidate by email or mail within seven (7) business days of the Commission's decision. No notice is required if the candidate withdraws their appeal.

Except for reasons stated in Rule 7, there is no appeal for any action taken by the Secretary/Chief Examiner or Commission outlined in this rule.

Any exam administered after the certification of the eligibility list, such as a background, polygraph, psychological or medical is not subject to appeal.

RULE 9 ELIGIBILITY LISTS

9.1. CERTIFICATION AND DURATION OF ELIGIBILITY LISTS

The Secretary/Chief Examiner will certify a preliminary eligibility list and may provide it to the Appointing Authority or their delegate to initiate the background process within the Rule of Five. The preliminary list will be presented at the next Commission meeting for the Commission to examine the scores and vote for ratification. No appointments may be made until the Commission has ratified the eligibility list. Eligibility lists, including promotional lists, shall remain in effect for six (6) months and may be extended by action of the Civil Service Commission, at the request of the Appointing Authority, for up to an additional six (6) months. The eligibility list will include the candidates' six (6) month expiration date, and candidates will be removed from the list after six (6) months unless the Civil Service Commission extends that candidate for an additional six (6) months.

9.2. ESTABLISHMENT OF LISTS

Names on an eligibility list for a class shall be in order of preference according to final earned rating in the examination, including veterans scoring criteria. Whenever two or more persons have equal claim to a position on a list, their names shall be arranged according to the date of application, and if the same, then alphabetically. Employees laid off from a position in that class shall be given priority over applicants in inverse order of layoff.

9.3. REMOVAL OF ELIGIBLE FROM LIST

A candidate may be removed from an eligibility list for cause, including but not limited to:

- a. Failure to pass a required examination or upon receipt of proof of bad character or other unfitness; fraudulent conduct; false statements by the candidate or by others with the candidate's knowledge; material or physical mental disability that cannot be reasonably accommodated; or other disqualifying factor in connection with any application, examination, or securing of the appointment.
- b. A previous unsatisfactory work record with the City or dismissal from City service; or dismissal from any position, public or private, for any reason that would also be cause for dismissal from City service.

- c. Failure to respond within five (5) business days to any attempts to contact candidate, refusal to participate in any portion of the background process, failure to accept employment or to report to work.
- d. Other material reasons, or lack of fitness for employment with the Ellensburg Police Department, as determined by the Appointing Authority and/or Commission.
- e. Promotional eligibility will terminate with separation from City service.
- f. Upon approval and administration of a new examination, any eligible list based upon a prior exam shall terminate and have no further force and effect. The termination of a prior list and establishment of a new list from a new exam shall not impact anyone placed on a reinstatement list or other list as a result of layoff or other practice subject to these rules.
- g. At the candidate's own request.

9.4. NOTICE OF REMOVAL/DISQUALIFICATION

The Appointing Authority and/or their designee will notify the Secretary/Chief Examiner, in writing, to request removal of an eligible from an eligibility list. The request will include a general reason as to why. The Secretary/Chief Examiner will notify the eligible by email and or mail. No notice is required if the candidate requests to be removed from an eligibility list. The Commission will be notified when an eligible's name is removed at the next regular Commission meeting.

9.5. APPEAL OF REMOVAL/DISQUALIFICATION

The following procedures must be followed for filing an appeal of removal/disqualification:

- a. The appeal must be received by the Secretary/Chief Examiner within fifteen (15) business days of the date the removal/disqualification notice is emailed or mailed. Failure to file an appeal within this time period is a waiver of any right to appeal the removal/disqualification.
- b. The appeal must contain a brief description of the facts giving rise to the examination appeal, a concise statement of the reason for the examination appeal, and desired remedy. In addition, the examination appeal must list what rule(s) was violated.
- c. Any appeal that does not meet the above criteria will be considered invalid.
- d. The applicant will have the opportunity to present their appeal at the next regular meeting of the Civil Service Commission. The Commission will review the facts and decide whether the evidence presented in the appeal justifies restoration of the candidate's name to the eligibility list. If the Commission determines a candidate should not have been removed or disqualified, the candidate can be restored to the current list with the original expiration date.
- e. The Secretary/Chief Examiner will provide notice of the decision to the candidate by email or mail within five (5) business days of the Commission's decision. No notice is required if the candidate withdraws their appeal.

9.6. NOTICE OF ELIGIBLE CANDIDATE CHANGES

Individuals on an eligibility list are responsible for notifying the Secretary/Chief Examiner of any change of name, address, phone number, e-mail address and/or employment status. Failure to do so may cause removal of their name from the list.

9.7. REVOCATION OF LIST

An eligibility or promotional list may be revoked, and another examination ordered, only when upon recommendation of the Secretary/Chief Examiner and approval of the Commission, such action is deemed advisable due to fraud, errors, or obviously inappropriate standards prescribed in connection with the examination and clearly inadequate results obtained therefrom. Reasons for alteration or revocation shall be documented in the minutes of the Commission meeting, and written notice shall be mailed to all persons whose standing may be affected.

RULE 10 APPOINTMENT

10.1. SCOPE

All appointments by the Appointing Authority, including any rehire or demotion of employees, will be done in accordance with Civil Service Rules.

10.2. BASIS OF APPOINTMENT

All appointments will be made from certified eligibility lists ratified by the Commission. Vacancies in the classified service shall be filled by reinstatement, promotional appointment, assignment, initial appointment, transfer, emergency appointment, temporary appointment, provisional appointment, reduction/layoff, or demotion. The Secretary/Chief Examiner will suggest to the Appointing Authority the methods to be employed in each instance, but the final decision will be left to the Appointing Authority. Upon being advised by the Appointing Authority as to the type of appointment to be made, the Secretary/Chief Examiner shall immediately certify those eligible in accordance with these rules, if there are eligible persons on a list which the Secretary/Chief Examiner deems appropriate. The Secretary/Chief Examiner shall certify the names of the top five (5) eligible for each position available, beginning from the top of the appropriate list and the Appointing Authority shall have the option of selecting any one of the top five (5) for the position. If a candidate is removed from the list for any reason, the Appointing Authority will receive one (1) additional name(s) from the eligibility list in ranking order for each candidate removed.

10.3. EMERGENCY APPOINTMENT

To meet the immediate requirements of an emergency condition which threatens life or property, the Appointing Authority may employ any person or persons whom they may be legally empowered to appoint without restriction of civil service law and rules. Such employment shall be limited to the duration of the emergency period and shall in no event exceed one (1) month .

10.4. PROVISIONAL APPOINTMENT

Provisional appointment is an appointment made from a current eligibility or promotional list, for a vacant position, for a period not to exceed six (6) months in twelve (12) months from the first date of the provisional appointment. No time spent as a provisional appointee shall be credited to the probationary period or be utilized for computing any privilege under civil service law or these rules. The Secretary/Chief Examiner may allow the Appointing Authority to make a provisional appointment.

10.5. REGULAR APPOINTMENT

A regular appointment to fill a vacancy must be made from the names contained on the official certified eligibility or promotional list in accordance with the Rule of Five.

10.6. TEMPORARY APPOINTMENT

Temporary appointment is a non-competitive appointment for a position that is vacant, made in the absence of an eligibility or promotional list, pending the establishment of such eligibility lists for that class. No temporary appointment shall be continued longer than six (6) months in a twelve (12) month period. A temporary appointment cannot be made when a current list exists. No time spent as a temporary appointment shall be credited to the probationary period or be utilized for computing any privilege under the civil service law or these rules. The Secretary/Chief Examiner may allow the Appointing Authority to make a temporary appointment.

10.7. CERTIFICATION

In order to be certified for employment, persons on the eligibility list must first provide verification of their status as a citizen of the United States of America, a lawful permanent resident, or a DACA recipient, and pass a thorough background investigation. Police candidates must also pass a prescribed physical and medical evaluation, as well as a polygraph and psychological examination, each to be paid for by the employer.

10.8. RETURN TO ELIGIBILITY LIST AFTER RESIGNATION OR RETIREMENT

- a. A former employee who resigned or retired may request return of their name to the proper eligible list, but to no higher rank than First Class Officer. Such request must be made within one (1) year from the date of resignation or retirement, provided, the Appointing Authority may extend the above time limitation, not to exceed an additional one (1) year if they determine that such extension would be in the best interest of the City.
- b. Any request for return to the eligible list following resignation or retirement must be supported by written recommendation of the Appointing Authority.
- c. A former employee whose eligibility is reinstated under this rule shall be certified according to these rules and shall remain on the list for up to six (6) months from date of reinstatement.
- d. If the person declines an offer of employment, they are no longer eligible for reinstatement to permanent status under this section.
- e. Upon return to permanent status, the employee shall receive the salary and benefits of the classified position, including restoration of previously earned seniority rights.

RULE 11 PROBATIONARY STATUS

11.1. PROBATIONARY PERIOD

After each appointment from an eligible list, the employee appointed shall serve a probationary period. No new hire or promotion shall be complete until successfully completing the length of probation as outlined in the applicable Collective Bargaining Agreement or City of Ellensburg Personnel Policies.

11.2. INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE

A newly hired or promoted employee who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

RULE 12 LAYOFFS

- a. Whenever the Appointing Authority contemplates a reduction of staff because of shortage of funds, lack of work, or material reorganization, notice shall be sent to the Secretary/Chief Examiner who shall work with the Appointing Authority to determine the best course of action.
- b. If layoffs are necessary, the employee with the least seniority shall be laid off first. If the employee/position is represented by a union, layoff procedures shall occur as outlined in the Collective Bargaining Agreement.
- c. Any complaint by a regular employee that the layoff was in bad faith shall be investigated by the Secretary/Chief Examiner who shall submit their report and recommendation to the Civil Service Commission. If the Commission finds that the layoff was in bad faith, it may order the reinstatement of the regular employee.
- d. Notices of layoff shall be given to the employee(s) affected and the Secretary/Chief Examiner at least one (1) week before the effective date of the layoff. Any employees laid off shall have their names placed on the eligibility list of the class to which their position was allocated in accordance with these rules. No new employee shall be hired until the laid off employee(s) has been given the opportunity to return to work within a two (2) year period.
- e. If an employee who is laid off is on a promotional eligibility list, they will remain on that list for two (2) years from their date of layoff.
- f. If the affected employee declines one opportunity to return to work, reinstatement rights cease.
- g. **REHIRE BENEFITS:** When a laid-off employee is rehired, they shall maintain prior seniority rights. The original date of hire shall be modified to reflect the period of time the employee was laid off.

RULE 13 LEAVES AND RESIGNATIONS

13.1. LEAVES OF ABSENCE

Leave of absences may be granted by the Appointing Authority for employees in accordance with the City of Ellensburg Personnel Policies, Collective Bargaining Agreements, and state and federal laws.

13.2. RESIGNATION

An employee who wishes to resign must do so in writing to the Appointing Authority, and in accordance with the City of Ellensburg Personnel Policies. To resign in good standing, an employee will give at least two (2) weeks of notice, unless a shorter period of notice is agreed upon. The written resignation should include the effective date and reasons for leaving. If an employee voluntarily resigns, they do not have appeal rights through the Commission.

RULE 14 SUSPENSIONS, DEMOTIONS, DISCHARGES

14.1. SCOPE

“Discipline” under these Rules shall include suspensions, demotions and discharges. All disciplinary actions shall be made in good faith and for just cause.

14.2. SUSPENSION, DEMOTION, AND DISCHARGE

The Appointing Authority may suspend without pay, demote, or discharge a regular employee for just cause.

- a. A suspension without pay shall not exceed thirty (30) days in any twelve (12) month period.
- b. All disciplinary action shall be reduced to writing and furnished to the employee and filed with the Human Resources Department for placement in the employee's personnel file. A copy shall be filed with the Civil Service Commission by delivery to the Secretary/Chief Examiner.

14.3. JUST CAUSE FOR DISCHARGE

In addition to those listed in the Civil Service law, the following are declared to be just cause for discharge from the classified service, although discipline may be made for any other good cause:

- a. Incompetency, inefficiency, inattention to, or dereliction of duty.
- b. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any other act of omission or commission intending to injure the public service, or any other willful failure on the part of the employee to properly conduct themselves.
- c. Mental or physical unfitness for the position which the employee holds.
- d. Dishonest, disgraceful, or prejudicial conduct.
- e. Violation of law, of official rules, regulations, or orders, or failure to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or serious breach of discipline.
- f. Acceptance of a fee, gift or other valuable thing in the course of work when given for personal use in the hope or expectation of receiving a favor or better treatment than that accorded the public generally.
- g. Failure to pay just debts if such non-payment may injure the credit rating of employees in Civil Service.
- h. Conviction of any felony or a misdemeanor involving moral turpitude.
- i. Repeated negligence in performing duties.
- j. Conduct unbecoming an officer or employee or the City.
- k. Conduct which offends the public or which is detrimental to the efficiency or morale of the service.
- l. Misuse of public funds, unauthorized taking, damaging, destroying or altering of City property or records, gross negligence or recklessness in the use of City property.
- m. Falsifying reports or records, false or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion.
- n. Intoxication or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service

- o. A history of conduct as disclosed by an employee's total employment record with the City, indicating numerous violations of applicable rules, regulations or directives and/or an inability or unwillingness of the employee to comply with and perform within the requirements of the City.
- p. Failure to successfully complete the Basic Law Enforcement Academy or the equivalency examination within the first fifteen (15) months of employment as required under RCW 43.101.200.
- q. Any other cause, act or failure to act which, under law, these Rules, the City of Ellensburg Personnel Policies, Collective Bargaining Agreement, department policy and procedure, and/or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges, or other disciplinary action.

RULE 15 PRE-DISCIPLINARY HEARING

15.1. PRE-DISCIPLINARY HEARING REQUIRED

The Chief of Police shall provide and arrange for a pre-disciplinary hearing prior to demotion, suspension, or discharge of a subordinate.

15.2. PRE-DISCIPLINARY HEARING – STANDARDS/NOTICE OF DISCIPLINE

- a. The employee shall be provided, in writing, with a notice of the charge and an explanation of the department's evidence. The employee shall then be allowed a reasonable time, not to exceed ten (10) business days, to respond orally and/or in writing, as to why the department's proposed action should not be taken.
- b. The employee may have legal counsel or union representation present at a pre-disciplinary hearing.
- c. The department's explanation of its evidence at the pre-disciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the pre-disciplinary hearing.
- d. Should the Chief of Police determine to impose discipline following the pre-disciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.

RULE 16 DISCIPLINARY APPEALS – HEARINGS

16.1. APPEALS

Any employee who is covered by these Rules and has been adversely affected by an alleged violation of these Rules or any City ordinance/policy, may appeal such violation to the Commission.

- a. The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to the employee in accordance with Rule 15.

- b. An employee may choose to file an appeal of demotion, suspension, or termination through the provisions of an applicable collective bargaining agreement or through the Civil Service Commission, **but not both**.

16.2. PROCEDURE

If the employee elects to submit an appeal through the Civil Service Commission, the following procedures must be followed.

- a. A notice of appeal shall be filed with the Secretary/Chief Examiner within ten (10) business days of the action that is subject to appeal.
- b. The notice of appeal shall be in writing and shall contain a brief description of the facts leading up to the appeal and a concise statement of the reason for the appeal. If the employee is on probation, they may only appeal issues regarding questions of their probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.
- c. It is the responsibility of the appellant to ensure that their correct contact information is provided, including phone number, email, and mailing address.
- d. The Secretary/Chief Examiner shall review the appeal to determine whether it has been timely filed and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the Secretary/Chief Examiner shall recommend to the Commission a dismissal with prejudice, setting forth the basis of dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.
- e. The Secretary/Chief Examiner will work with the City Attorney to determine if outside counsel is needed to represent the Commission.
- f. The Secretary/Chief Examiner shall forward a copy of the appeal to the affected parties.

16.3. HEARING

- a. As soon as possible thereafter, but in any event within ten (10) business days, the Secretary/Chief Examiner shall schedule a pre-hearing conference before the Commission, with each party to be afforded not fewer than ten (10) business days' notice of such hearing. Subsequent hearings on the same appeal shall have at least one (1) week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section. The Secretary/Chief Examiner will assist in hearing preparation as needed.
- b. The exercise of jurisdiction by the Commission over a matter does not preclude the appealing party from withdrawing or modifying the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.
- c. An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.

16.4. HEARING PROCEDURES

- a. The Secretary/Chief Examiner shall prepare and deliver all orders, notices, and other documents issued or served by the Commission to the appellant and their legal representative if applicable. The appellant, or their legal representative, is responsible for preparing and delivering their notices or other documents to the Commission and/or their legal representative, through the Secretary/Chief Examiner.
- b. Notices or documents shall be delivered in person, by email including all parties, or by regular mail with return receipt requested.
- c. Briefs and memoranda must be filed with the Commission at least three (3) business days prior to any hearing involving matters discussed in such brief or memoranda.
- d. An appellant is responsible for notifying the Commission in writing of any change in mailing address, email, or telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.
- e. **BURDEN OF PROOF:** At any appeal hearing for 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 just cause.
- f. **EVIDENCE:** Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence (ER) governing civil proceedings in the superior courts of the State of Washington.
- g. A witness in any hearing may be examined orally, under oath or affirmation and shall be subject to cross-examination by opposing parties and the Commission.
- h. Documentary evidence may either be filed with the Secretary/Chief Examiner or provided at the hearing. If provided at the hearing, copies shall be furnished to the opposing party, to each Commission member and to the Secretary/Chief Examiner.
- i. Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) business days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) business day prior to the hearing.
- j. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- k. **DELIBERATION:** The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Secretary/Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt

to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

- l. **REMEDIES:** The Commission may issue such remedial orders as deemed appropriate.
- m. **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.
- n. **WAIVER:** Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinances of the City would be better served, the Commission may waive the requirements of any of these rules

RULE 17 POLICE DEPARTMENT POSITIONS

Classified position means a position subject to the laws of the State of Washington as they pertain to Civil Service (RCW 41.12), including all full paid employees of the police department of the City of Ellensburg in the following classifications, or as amended from time to time:

Lieutenant	Police Officer Probationary
Sergeant	Law Enforcement Clerk
Corporal	Crime and Intelligence Analyst
Police Officer First Class	Animal Control Officer
Police Officer Second Class	Code Enforcement Officer
Police Officer Third Class	

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CIVIL SERVICE RULES AND REGULATIONS

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SEPTEMBER 2018
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NOVEMBER 2022

CIVIL SERVICE RULES

The Civil Service Commission, appointed in pursuance of Chapter 31 of the 1935 Session Laws of the State of Washington and of Chapter 13 of the 1937 Session Laws of the State of Washington for the City of Ellensburg hereby adopts the following rules and regulations for carrying out the purposes of the said act.

RULE I. DEFINITION OF TERMS

Section 1. Appointing Authority. Appointing authority means the City Manager. The words appointing authority, appointing officer, or appointing power shall be construed to be synonymous terms.

Section 2. Class. Class means a group of positions sufficiently similar with respect to duties and responsibilities so that the same title may reasonably be used for each, the same qualifications may be required, and the same salary range may be applied with equity.

Section 3. Classified Service. Classified service means all positions of these rules as defined by state law and including full paid members of the police department and the Secretary/Chief Examiner of the Civil Service Commission.

Section 4. Commission. Commission means the Civil Service Commission appointed for the City of Ellensburg.

Section 5. Compensation. Compensation means any allowance, fee, salary or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of his/her position or office.

Section 6. Demotion. Demotion means a reduction in employment status to a class having a lower maximum rate of pay.

Section 7. Discharge. Discharge means the separation of an employee from the classified service for cause.

Section 8. Entry Level. A position that meets the minimum requirements of the department but has not yet obtained certification from the Washington State Criminal Justice Training Commission (WSCJTC) Basic Academy. This entry does not qualify as entry - academy graduate.

Section 9. Entry - Academy Graduate. Entry into a position by an applicant that has already graduated from the Washington State Criminal Justice Training Commission (WSCJTC) Basic Academy and holds a current and valid certification through WSCJTC. This entry does not qualify as lateral.

Section 10. Eligible. Eligible means the satisfactory completion of all requirements necessary for promotion or appointment (see Rule IX, Section 7).

Section 11. Emergency Appointment. Emergency appointment means an appointment to serve in a classified position under emergency conditions for not more than ten (10) working days.

Section 12. Employee. Employee means a person who is legally employed in the classified service of the City or who is on authorized leave of absence and whose position is held for him/her upon his/her return.

Section 13. Eligibility List. Eligibility means a list of names arranged from high to low according to the Commission's evaluation who are eligible for appointment to a position in the classified service.

Section 14. Full Paid. Full paid officer or employee means that person or those persons receiving compensation from the City in return for services devoted to full-time City police duties other than ordinary off-duty time allowance.

Section 15. Lateral Level. Entry into a position by an applicant already trained and experienced in law enforcement and who meets the minimum years of service criteria set forth by the department.

Section 16. Lay-off. Lay-off means the termination of employment because of lack of funds or work or because of material change in organization.

Section 17. Position. Position means any employment or office in the classified service.

Section 18. Probation. Probation means the period of employment or trial service during which an employee works prior to attaining regular status (or appointee status). During or at the end of the probationary period, the employee may be rejected without a hearing or trial.

Section 19. Promotion. Promotion means a change of class from a lower to a higher position with the appropriate pay increase.

Section 20. Provisional Appointment. Provisional appointment means a noncompetitive appointment to a position in the classified service made in the absence of an eligibility list pending the establishment of such eligibility lists for that class for a period not to exceed six (6) months in one year.

Section 21. Public Notice. Public notice means giving notice by posting in at least three conspicuous places in a public office or building or by publication in a newspaper or by both.

Section 22. Regular Status. An employee achieves regular status when he/she has satisfactorily completed his/her specified probationary period of employment and has been so certified by the Commission and the appointing authority.

Section 23. Rejection. Rejection means the separation of a probationary employee from the service.

Section 24. Suspension. Suspension means temporary separation of an employee from the service or from duty, with or without pay, for disciplinary purposes.

Section 25. Temporary Appointment. Temporary Appointment means an appointment for a limited time from an existing eligibility list for a period not to exceed six (6) months in one year.

Section 26. Veteran. Veteran includes every person who has served in any branch of the armed forces in the United States during a period of war or in an armed conflict, or who served during a period of war but did not serve in a combat zone or hostile environment and who, upon termination of said service has:

- A) Received an honorable discharge; or
- B) Received a discharge for a physical reason with an honorable record.

“Veteran is defined in detail for purposes relating to civil service scoring criteria in RCW sections 41.04.005, 007, and RCW 73.04.090, which statutes are hereby adopted by reference.

Section 27. Written Notice. Written notice, as required under these rules, means the serving of notice in writing either to the person directly or by certified mail. If by mail, the service shall be deemed completed at the time of deposit in the Post Office.

RULE II. THE CIVIL SERVICE COMMISSION

Section 1. Organization. The Civil Service Commission, upon the appointment of a new member, shall proceed to the election of a chairperson who shall continue in office until subsequent re-organization becomes necessary, either as aforesaid or by resignation of the chairperson. All meetings of the Commission shall be public except that upon unanimous vote the Commission may meet in executive session. The board shall meet monthly on a regular basis unless there is no pending business requiring board action. Two members shall constitute a quorum and two affirmative votes shall be required for the transaction of any official business. Except when the Commission is conducting a hearing to determine the question of whether a suspension, demotion or discharge was or was not made for political or religious reasons or was or was not made in good faith for cause, a member or members of the Commission may attend and participate in a Commission meeting by telephonic conference call or equivalent technology enabling said member to hear, and be heard by, all other meeting attendees; such telephonic presence shall also be counted for the purpose of establishing a quorum.

The Secretary/Chief Examiner shall attend all meetings and shall record the votes taken and how the Commissioners voted and shall cause the minutes to be typewritten and presented to the Commission for approval or correction at the next regular meeting. Roberts' Rules of Order shall be the final authority on all questions of procedure and parliamentary law not otherwise provided by these rules.

Section 2. Powers and Duties. The Civil Service Commission shall:

1. Adopt rules for the regulation of personnel matters within the classified service.
2. Appoint, whenever necessary, a Secretary/Chief Examiner in conformity with Rule III, Section 1.
3. Approve minutes of its own meetings and records of its procedures.
4. Approve the creation, amendment and discontinuance of the classification plan as prepared by the Secretary/Chief Examiner or by some qualified agency designated by the Commission to perform this service.
5. Provide for the holding of competitive tests either by the Secretary/Chief Examiner and/or consulting person called upon by the Commission to determine the relative qualification of persons for employment in the classified service, by any other qualified agency.
6. Conduct all hearings and make all decisions necessary for the proper enforcement of the civil service act and these rules.
7. Hear and decide appeals arising from the administration of the civil service act and these rules.
8. Investigate and report on all matters concerning the application and enforcement of the civil service act and these rules.

Section 3. Approval of Public Safety Payrolls. The Finance Director of the City of Ellensburg is hereby designated as the duly authorized agent of the Commission for the purpose of performing all of the Commission's payroll approval responsibilities under RCW section 41.12.120.

RULE III. THE SECRETARY/CHIEF EXAMINER

Section 1. Selection. In the absence of a list from which appointment may be legally made and upon vacancy in the office of Secretary/Chief Examiner, the chairperson of the Commission or, on his/her request, the City Clerk, shall announce the vacancy and shall invite all properly qualified citizens and/or employees of the City of Ellensburg meeting the minimum requirements for the position to file application thereof. Applications shall be accepted from any such person who has had at least two years' experience in office and clerical work, is able to keep accurate records and minutes, is familiar with the civil service laws, rules and regulations and is well versed in parliamentary practice and procedure.

Appointment shall be from a list resulting from competitive examination subject to the provisions of these rules for appointment in the classified service. Alternatively, the Secretary/Chief Examiner appointment may be

promotional and limited to persons already in service of one of the departments of the City, as the Commission may decide.

Section 2. Duties. The Secretary/Chief Examiner shall attend the meetings of the Commission and shall administer personnel functions of the classified service and enforce the provisions of the civil service acts and these rules, except those functions and duties reserved to the Civil Service Commission. Additionally, the Secretary/Chief Examiner shall keep records for the Commission, preserve all reports made to it and superintend and keep a record of all examinations held under the Commission's direction. The Secretary/Chief Examiner shall perform all lawful and necessary duties delegated to him/her by the Commission and all functions essential to the effective administration of the civil service system.

RULE IV. HEARINGS AND INVESTIGATIONS

Section 1. Hearings and investigations which the Commission is authorized to conduct may be made by the Commission as a body or may be delegated to a member or to the Secretary/Chief Examiner, but no official decision of the Commission shall be rendered until at least two members have reviewed the evidence, and concurred in an opinion. The appellant may request an open or closed hearing.

The procedure of any hearing or investigation shall be informal and shall not be restricted so as to deny the introduction of any evidence that the Commission may deem pertinent. Unless incapacitated, a person pressing a claim or defending a privilege before the Commission shall appear personally and shall not be excused from answering questions and supplying information except upon claim of the constitutional privilege in respect to self-incrimination. No testimony introduced before the Commission shall be used to establish culpability for any crime or misdemeanor. All decisions, opinions and recommendations arising from a hearing or investigation by the Commission shall be written and subscribed to by the members concurring and shall be countersigned and filed as a permanent record by the Secretary/Chief Examiner. Any member may submit a minority or supplemental decision or report which shall be filed as a matter of record.

RULE V. CLASSIFICATION

Section 1. Procedure and Effect. The Secretary/Chief Examiner, or an agency selected for that purpose, shall classify all positions in the classified service, assigning to each class of position the appropriate title and the experience, knowledge, capacity, skill, education and other qualifications including the minimum prerequisites to be required for appointment. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions within the class. The classification plan so developed shall be transmitted to the Civil Service Commission for adoption. The Secretary/Chief Examiner shall allocate every position in the classified service to one of the classes established. Additional classes may be established, and existing classes may be divided, combined or abolished in the same manner as originally adopted.

Section 2. New Positions and Classification. Appointing authorities intending to establish a new position or positions shall notify the Secretary/Chief Examiner, and except as otherwise provided by law or these rules, no person shall be appointed or employed for any such position until it has been properly classified as herein provided and an appropriate eligibility list established therefore.

Section 3. Reclassification. Positions whose duties have changed materially so as to necessitate reclassification shall be allocated to a more appropriate class, whether new or already created, in the same manner as originally classified. No reclassification to a class having either a greater or a lower maximum salary range shall be effective, however, unless recommended jointly by the appointing authority and the

Secretary/Chief Examiner and by a majority of the Commission. Reclassification shall not be used for the purpose of avoiding the restrictions and requirements regarding demotions and promotions.

RULE VI. APPLICATIONS

Section 1. Announcement of Vacancy. Whenever there is a need, the Secretary/Chief Examiner shall issue an appropriate notice inviting qualified persons of the City Police Department to apply for promotional positions in the classified service and for admissions to the examination scheduled to select the most competent applicant. If the Chief wishes to have open competitive examinations rather than only in-house applicant examinations, he/she shall advise the Civil Service Commission of the reasons for such request. The final decision on the type of examination in each instance shall be made by the Civil Service Commission. Announcement of the examination shall specify the title and salary range of the position, a brief outline of the requirements of the position, the minimum qualifications required and the final date upon which applications will be received. Persons desiring to compete for any such positions in the classified service shall file applications with the Secretary/Chief Examiner on forms provided.

Section 2. Legal Status. An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America or a lawful permanent resident who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

Section 3. Rejection of Applications. The Secretary/Chief Examiner may refuse to accept an application or, after acceptance, may reject an application or, after examination, may disqualify a successful candidate or remove the name of a successful candidate from the eligibility list or refuse to certify the name of a successful candidate whenever the applicant has made a false statement of material fact in his/her application, or has practiced deception or fraud in securing eligibility, or has otherwise violated the provisions of law or these rules. The cause for rejection shall be entered upon the application form and filed in conformity with these rules.

RULE VII. EXAMINATIONS

Section 1. Conduct May be Delegated. The Secretary/Chief Examiner shall arrange for the use of suitable buildings and equipment for the conducting of examinations and shall be responsible for having written examinations conducted and scored by himself/herself and/or such other person or agency as the commission shall approve.

Section 2. Qualifying Grade. The minimum qualifying grade for all promotional and written entrance examinations shall be set by the Commission at a level sufficient to demonstrate an examinee's ability to satisfactorily perform the duties of the position. The minimum qualifying grade shall be 70 percent; provided, however, upon recommendation of the test provider, the Commission may establish a different qualifying grade. The passing score which is established by the Commission shall be announced by the Secretary prior to each examination.

Section 3. Identity of Examinees. The identity of persons taking competitive written tests shall be concealed from the examiners by the use of an identification number instead of his/her name which shall be used on all

test papers. Any examination papers submitted which contain the name of the applicant or any other identifying mark may be rejected and the candidate so notified.

Section 4. Rating and Preparation of Lists. The names of persons successful in all parts of an examination shall be arranged in order of their passing score, except that scoring shall conform with the provisions of RCW 41.04.010, which statute is hereby adopted by reference. Proof of honorable discharge or certificate of honorable active service shall be submitted at the time of making application.

Section 5. Notification of Results. Each applicant shall be notified by mail of the results of the examination, and if successful, of his/her final earned rating and his/her relative position on the eligibility list. Any applicant shall have the right of inspecting his/her own test papers which are available in the Secretary/Chief Examiner's files.

Section 6. Promotional Examinations. As the needs of the service may require, promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent tests. All eligible persons shall be notified at least twenty-one (21) days prior to the time of the examination. Each department, under the direction of the department chief, may give an in-station promotional exam to each eligible candidate in the first three grades. The examination must be jointly approved by the respective chief and by the Secretary/Chief Examiner.

Section 7. Vacancies. Upon determining that a vacancy is to occur, the Police Chief shall notify the City Manager and the Secretary/Chief Examiner immediately.

Section 8. Entry - Academy Graduate. Candidates are either a) graduates of the Washington State Criminal Justice Training Commission (WSCJTC) Basic Academy holding a current and valid certification through the WSCJTC; or b) trainees attending the WSCJTC Basic Academy who have successfully completed the mid-term examination and are scheduled for graduation from the Academy within sixty (60) days of applying to be placed on the Academy Graduate Entry Eligibility List. The Academy Graduate Entry selection process will be separate and apart from that of entry level and lateral and will have a separate eligibility list. An individual may be hired at a level up to and including probationary or third class. All candidates must successfully pass a written examination and oral board interview.

Section 9. Lateral Entry. Candidates are experienced police officers who have worked for other agencies. Experience gained with another agency for at least 24 of the past 36 months (post academy experience) shall be recognized and at the discretion of the appointing authority. The lateral selection process will be separate and apart from that of entry level and entry - academy graduate level and will have a separate eligibility list. An individual may be hired at a level up to and including First Class with all authority, salary, benefits and status of the appointed position. All candidates must successfully pass an oral board interview.

Section 10. Regular Status. A new employee is hired as a probationary appointee. At the end of twelve (12) months, he/she may be certified for regular status, at which time he/she shall be assigned Third Class position status. Twelve (12) months after achieving such Third Class status, he/she shall be eligible for promotion to Second Class status. Twelve (12) months after achieving Second Class status, he/she shall be eligible for promotion to First Class status. After achieving First Class status or three (3) years as a fully commissioned, Municipal, County or State Police Officer may be eligible for promotion to Corporal. A Police Officer may be eligible for Sergeant following two (2) years of First Class status or five (5) years as a fully commissioned, Municipal, County, or State Police officer or equivalent combination of education and experience. The probationary period for each grade above First Class shall be six (6) months. The Civil Service Commission reserves the right to waive regulations pertaining to promotion whenever a situation which is deemed by a majority of the Commission members to be of an emergency nature exists.

Section 11. Promotion. If a promotional examination is failed in any of the first three classes, the person failing such examination shall not be eligible to take another promotional examination for the same position

until six (6) months have elapsed. Failure on a second examination and for failure to achieve First Class status within five (5) years following the date of original appointment to probationary status shall be grounds for dismissal, subject; however, to approval of such dismissal by the Commission.

Section 12. Examinations. The promotional examinations for the three lower classes may be constructed and administered by the Police Chief with the approval of the Commission.

Section 13. Examining Board. The Police Chief or his/her duly appointed delegate may sit on the examining board for new employees and promotional examinations regarding his/her department, with the following exceptions:

1. Neither chief or his/her delegate shall sit on the examining board for any chief's examination or for any examination for promotion above the first three classes.
2. No delegate shall sit on an examining board where the examination is for a position for which he/she is competing.

Section 14. Continuous Examinations: For classifications in which the need continually exceeds the availability of appointees in the opinion of the Commission, continuous examinations may be administered as applications are received with results merged into one eligible list according to final ratings.

Section 15. Oral Board. The oral board for entrance examinations may consist of the City Manager or his/her appointed delegate, the Commission Secretary, the three Commission members, and/or other qualified examiners selected by the Secretary, in addition to the chief or his/her delegate, who may be sitting on said board pursuant to Section 13 above. A quorum shall consist of four persons.

RULE VIII. ELIGIBILITY LISTS

Section 1. Order of Names on Lists. Names on eligibility lists for a class shall be in order of preference according to final earned rating in the examination, including veteran preference credits, except that employees laid off from a position in that class shall be given prior preference over original applicants in inverse order of lay-off. Whenever two or more persons have equal claim to a position on a list, their names shall be arranged according to the date of application, and if the same, alphabetically.

Section 2. Effective Life of Lists. Eligibility lists shall become effective upon the approval thereof by the Commission, as evidenced by the Secretary/Chief Examiner's signature certifying that the list was legally prepared and represents the relative rating of the names appearing thereon. Eligibility lists, including promotional lists, shall remain in effect six (6) months and may be extended by action of the Civil Service Commission for up to an additional six months. If there is a need for continual examinations, the eligible list will include the candidates six (6) month expiration date, candidates will be removed from the list after six (6) months, unless the Civil Service Commission extends that candidate for an additional six (6) months. Persons who are laid off for other than disciplinary reasons, or who resign, may upon written request have their names remain on any then current eligibility list for a period of not more than one (1) year following the effective date of such lay-off or resignation (refer also to Rule XIII, Section 3.).

Section 3. Removal of Names from Lists. The name of any person appearing on an eligibility list will be removed by the Secretary/Chief Examiner, if the candidate fails to respond to a notice of certification, or if he/she is not located by postal authorities for delivery of any notices related thereto, or if he/she declines an appointment without a reason satisfactory to the Commission, or if the candidate fails to satisfactorily meet the standard requirements set forth in the selection process. In case of such removal, the Secretary/Chief Examiner shall send notice in writing to the candidate affected at his/her last known address by certified mail, delivered

to addressee only. The name of a person so removed may be reinstated on such list only if satisfactory explanation of the circumstances is made to the Commission.

Section 4. Notice of Address Change. Each person on an eligibility list shall file with the Commission written notice of any change of name or address, and failure to do so may cause removal of his/her name from the list.

Section 5. Revocation of List. An eligibility or promotional list may be revoked and another examination ordered only when, upon recommendation of the Secretary/Chief Examiner and approval of the Commission, such action is deemed advisable on account of fraud, errors, or of obviously inappropriate standards prescribed in connection with the examination and of clearly inadequate results obtained therefrom. Such lists shall not be altered or revoked except upon written notice mailed to all persons whose standing may be affected and upon entry of the reasons in the minutes of the Commission.

RULE IX. APPOINTMENT

Section 1. Procedure. All vacancies in the classified service shall be filled either by original appointment, temporary appointment, provisional appointment, re-employment, promotion, transfer or demotion. The Secretary/Chief Examiner will suggest to the appointing authority the methods to be employed in each instance, but the final decision will be left to the appointing authority. Upon being advised by the appointing authority as to the type of appointment to be made, the Secretary/Chief Examiner shall immediately certify those eligible in accordance with these rules, if there are eligible persons on a list which the Secretary/Chief Examiner deems appropriate. The Secretary/Chief Examiner shall certify the names of the top three eligible for each position available, beginning from the top of the appropriate list and the appointing authority shall have the option of selecting any one of the top three for the position.

Section 2. Failure to Respond. Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the Secretary/Chief Examiner or the appointing authority within five (5) business days next succeeding the mailing of such notice of certification, or fails to accept appointment when offered it within the same period, or within the next succeeding business day when notification is supplied verbally or by telephone or telegraph, he/she may be deemed to have declined appointment.

Section 3. Dropping Name from List. Any person who declines certification of appointment or who fails to report shall be permanently dropped from the list on which his/her name appears unless he/she shows satisfactory cause to the Commission for his/her action.

Section 4. Emergency Appointment. To meet the immediate requirements of an emergency condition which threatens life or property, appointing authority may employ any person or persons whom they may be legally empowered to appoint without restriction of civil service law and rules. Such employment shall be limited to the duration of the emergency period and shall in no event exceed ten (10) working days.

Section 5. Provisional Appointment. Provisional appointment may be made only in the absence of lists appropriate for the position to be filled. In such case, the appointing authority may select a person meeting the minimum prerequisites, and having an appropriate level of training and or experience, to work safely and effectively in the class to which the position is allocated, for nomination to the Secretary/ Chief Examiner. The Secretary/Chief Examiner shall interview, or may use any other method to determine whether or not the nominee possesses the necessary experience, training and other prerequisites for the position. As soon as possible, the Secretary/Chief Examiner shall announce and conduct the examination and shall certify a name for regular appointment in the usual manner. No provisional appointment shall be continued longer than six (6) months and no person appointed provisionally shall be again appointed in the same year unless he/she qualified by competitive examination and is appointed in the regular manner. No time spent as a provisional appointee shall be credited to the probationary period or be utilized for computing any privilege accruing under civil service law or these rules.

Section 6. Temporary Appointment. Temporary appointment is appointment from a current eligibility or promotional list in the usual manner to fill a position the duration of which does not exceed six (6) months in a calendar year. In making such an appointment, the appointing authority shall make requisition to the Secretary/Chief Examiner in the manner provided for regular appointment but shall indicate the time at which it is estimated the position will terminate. To determine those qualified the Secretary/Chief Examiner shall interview, or use any other method to determine whether or not the persons from said list possess the necessary experience, training and knowledge to immediately fill the position. During the determination process, the Secretary/Chief Examiner shall include whether or not the person or persons are willing to accept temporary appointment. If no qualified person appears on the list, the appointing authority may appoint from other resources. The most qualified person or persons willing to accept shall be certified for appointment.

No temporary appointment shall be continued and no person shall be employed on a temporary basis for more than six (6) months in any calendar year. Temporary service shall not be credited on any probationary period or be used in computing any privilege accruing under civil service law or these rules.

Section 7. Certification. In order to be certified for employment, persons on the eligibility list must first pass a prescribed physical examination, medical evaluation and background verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, and in addition, police candidates must pass a polygraph examination, and psychological examination, each to be paid for by the employer.

Section 8. Voluntary Return-based Appointment. The appointing authority may approve, with prior written notice to the Secretary/Chief Examiner and without competitive examination, the voluntary return of an employee in the unclassified service of the police department who has previously served in the department's classified service, to a vacant position in the department's classified service in which the employee has previously satisfactorily completed a probationary period. Upon such return to permanent status, the employee shall receive the salary and benefits of the classified position, including restoration of previously earned seniority rights.

RULE X. PROBATIONARY PERIOD

Section 1. Length of Period. No person shall achieve regular status in a position until he/she has satisfactorily served a probationary period as stated in Rule VII, Section 10. Persons re-employed who have formerly achieved regular status in a particular class shall not be subject to probation if reinstated within one (1) year after a voluntary separation.

Section 2. Rejection of Probationer. During the probationary period, the appointing authority at his/her discretion may terminate a probationary employee without appeal. Notice of termination with the reason therefore shall be given the probationer and a copy forwarded to the Secretary/Chief Examiner.

Section 3. Termination of Probationary Status. Every three (3) months during probation, the appointing authority shall evaluate the probationer's service and efficiency. The evaluation shall contain an appraisal indicative of the employee's service value to the City and shall be placed in the employee's permanent personnel file. The evaluation shall be available to the Commission.

Section 4. Rejection after Promotion. A promotional appointee who is rejected during the probationary period from the position to which he/she was promoted shall be restored to the position from which he/she was promoted, if promoted from within the department.

RULE XI. TRANSFERS AND LAY-OFFS

Section 1. Transfers. Transfers consist of the change of an employee from one position to another position in the same or comparable class. The change of an employee from a position in a class with a lower, to a position with a higher maximum rate of pay should be deemed a promotion and may be accomplished only in the manner provided in these rules for making promotional appointments. A transfer of an employee from a position in a class with a higher maximum pay rate to a position with a lower maximum rate of pay shall be deemed a demotion and may be accomplished in the manner provided in these rules for demotions. No increase or advance in salary shall be made upon transfer unless the rules governing salary advances are complied with and no decrease in salary shall be made unless the rules regarding reductions in salaries are complied with. Transfers of employees from one department or organization unit may be made with the approval of the appointing authority and the Secretary/Chief Examiner. The approval of the appointing authority may at any time transfer an employee from one position to another within the same class under his jurisdiction.

Section 2. Lay-off. Whenever the appointing authority contemplates a reduction of staff because of shortage of funds, lack of work, or material reorganization of the department, notice shall be sent to the Secretary/Chief Examiner who shall cooperate with the appointing authority in determining the most advisable procedure and readjustment as to personnel and reassignment of duties. In the case of personnel reduction, the employee having the least seniority in the affected departments shall be laid off first. Any complaint by a regular employee that the lay-off was in bad faith shall be investigated by the Secretary/Chief Examiner who shall submit his/her report and recommendation to the Civil Service Commission. If the Commission finds that the lay-off was irregular, it may order the reinstatement of the regular employee or employees. Notices of lay-off shall be given the employee concerned and the Secretary/Chief Examiner at least one (1) week before the effective date thereof. Employees laid off shall have their names placed on the eligibility list of the class to which their position was allocated in accordance with these rules. No new employee shall be hired until the laid off employee has been given the opportunity to return to work within a two (2) year period.

Section 3. Rehire Benefits. When a laid-off employee is rehired, he/she shall maintain prior seniority rights. The original date of hire shall be modified to reflect the period of time the employee was laid off.

RULE XII. SUSPENSIONS, DEMOTIONS, DISCHARGES

Section 1. Suspension, Demotion and Discharge. The appointing authority may suspend without pay, demote or discharge a regular employee for just cause. A suspension without pay shall not exceed thirty (30) days in any twelve (12) month period. Such disciplinary action shall be reduced to writing and furnished to the employee. A copy shall be filed with the Civil Service Commission by delivery to the Secretary/Chief Examiner no later than five (5) days after the effective date of the disciplinary action. Within ten (10) days after the effective date of the suspension, demotion or discharge, the employee may file a written demand for a public hearing before the Civil Service Commission by delivering the demand to the Secretary/Chief Examiner. The public hearing conducted by the Commission shall satisfy the investigation requirements set forth in RCW section 41.12.090. The Commission within thirty (30) days after receipt of the written demand for hearing, shall hold, or set for hearing, a public hearing at which the employee shall be afforded an opportunity of appearing in person and by counsel, and presenting his/her defense. The Secretary/Chief Examiner shall give reasonable notice to the employee and to the appointing authority of the time and place of the hearing. The hearing shall be informal, and the Commission shall not be bound by the technical rules of evidence. The hearing shall be confined to the determination of the question of whether such suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause. The Commission may affirm, reverse or modify the suspension, demotion or discharge in accordance with its authority set forth in RCW section 41.12.090. The Commission shall certify its decision and findings in writing to the appointing authority within twenty (20) days of the conclusion of the hearing. The Commission's decision shall include findings showing in what respects it found the suspension, demotion or

discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.

Section 2. Cause for Discharge. In addition to those listed in the Civil Service law, the following are declared to be cause for discharge from the classified service, although charges may be based on causes other than those enumerated:

- (1) Incompetency, incapacity, or inefficiency in performance of duties.
- (2) Violation of law, of official rules or regulations, or orders, or failure to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or serious breach of discipline.
- (3) Acceptance for personal use of a fee, gift or other valuable thing in the course of work when given in the hope or expectation of receiving a favor or better treatment than that accorded the public generally.
- (4) Failure to pay just debts if such non-payment may injure the credit rating of workers in Civil Service.
- (5) Conviction of a felony or for any infamous or disgraceful offense.
- (6) Willful or repeated negligence in performing duties and conduct unbecoming an officer or employee or the City.
- (7) Conduct which offends the public or which is detrimental to the efficiency or morale of the service.
- (8) Misuse of public funds.
- (9) Falsifying reports or records.
- (10) Intoxication or drinking intoxicating liquor while on duty.
- (11) A history of conduct as disclosed by an employee's total employment record with the City, indicating numerous violations of applicable rules, regulations or directives and/or an inability or unwillingness of the employee to comply with and perform within the requirements of the City.
- (12) Failure to successfully complete the Basic Law Enforcement Academy or the equivalency examination within the first fifteen (15) months of employment as required under RCW 43.101.200.

RULE XIII. LEAVES AND RESIGNATIONS

Section 1. Leaves of Absences Without Pay. Subject to the approval of the Secretary/Chief Examiner, an appointing authority may grant a regular employee leave of absence without pay not to exceed one (1) year. No leave without pay shall be granted except upon written request of the employee. A military leave may not exceed five (5) years in length. The person returning from military leave is placed immediately at the head of the eligibility list in the department from which he/she took leave, upon his/her written request. Whenever granted such leave shall be in writing and signed by the appointing authority; a copy shall be filed with the Secretary/Chief Examiner. Upon the expiration of a regularly approved leave without pay, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on written leave to report promptly at the expiration of a leave shall be cause for discharge. Veterans will be reinstated after leave in conformity with existing federal laws.

Section 2. Resignation. An employee wishing to leave the classified service of the City in good standing shall file with the appointing authority at least two (2) weeks before leaving a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the Commission with a statement by the appointing authority as to the resigned employee's service performance and any pertinent information concerning the cause for resignation. Failure to comply with this rule shall be entered on the service record of the employee and may be cause of denying future employment by the City. The resignation of an employee who fails to give notice shall be reported by the appointing authority immediately.

Section 3. Reinstatement. Within one (1) year, a resigned employee, with the approval of the appointing authority and consent of the Secretary/Chief Examiner, may be reinstated in the position from which he/she resigned, if vacant, or in a vacant position in the same or comparable class; or with the approval of the Civil Service Commission, may be placed on the eligibility lists for the class to which his/her former position was allocated. No person resigning during the probationary period shall be reinstated, but with the approval of the Secretary/Chief Examiner and the appointing authority, may be placed on the list from which he/she was certified and appointed.

RULE XIV. RECORDS AND REPORTS

Section 1. Roster Card. The Secretary/Chief Examiner shall maintain a personnel record for each employee in the classified service showing the name, title of positions held, the division within the employing department to which assigned, the salary, changes in employment status, leaves and all other information that may be considered pertinent, including but not limited to records of commendations and/or disciplinary measures.

Section 2. Examination Records. The Secretary/Chief Examiner shall maintain an examination card for every applicant giving the name, address, age, sex, the date and title of the examination, completed ratings earned and the grade obtained.

Section 3. Access to Public Records. The Secretary/Chief Examiner shall have access to all departmental and institutional public documents and records pertaining to these Rules and Regulations.

Section 4. Records Open to the Public. All Civil Service records shall be open to the public during office hours and may be inspected upon application to the Secretary/Chief Examiner.

Section 5. Destruction of Records. Examination records and the minutes of the Civil Service Commission shall be kept permanently. All other records pertinent to unsuccessful employment applicants, including applications, correspondence, examinations and reports may be destroyed after two (2) years.

RULE XV. TRAINING

Section 1. Responsibility of Officers. Department heads and supervising officials are responsible for the induction and training of employees in the specific duties of their position and for explaining the policies, objectives and methods of the department and the relationship between the department and its operations and other departments and their operations. On request, the Secretary/Chief Examiner and the Commission shall cooperate with the supervising officials in the execution of this function and purpose.

Section 2. Special Training Permissible. Special training for employees may be permitted and arranged under such terms and conditions as the appointing authority shall determine in each instance.

RULE XVI. AMENDMENTS

Section 1. Procedure. After adoption these rules may be amended by submission and reading of the proposed amendment at any regular or special meeting. Public notice of the proposal shall be given, and a vote thereon shall be taken at the next regular or special meeting. If approved by at least two (2) members of the Commission, the amendment shall be in immediate effect.

RULE XVII. MEDICAL STANDARDS FOR EMPLOYMENT

Section 1. Any new commissioned Police Officers must meet the City of Ellensburg's medical standards, which are the standards established by the Washington Association of Sheriffs and Police Chiefs Washington State Law Enforcement Medical Physical Standards in 1982, which is by this reference incorporated herein as Appendix A hereto.

Section 2. Periodic Medical Re-Evaluation. The appointing authority may require a periodic physical examination for any employee covered by these rules and regulations in accordance with the medical standards in Appendix A.

RULE XVIII. POLICE DEPARTMENT POSITIONS

Classified position means a position subject to the laws of the State of Washington as they pertain to Civil Service (RCW 41.12), including all full paid employees of the police department of the City of Ellensburg in the following classifications, or as amended from time to time:

Lieutenant	Police Officer Probationary
Sergeant	Secretary/Records Clerk
Corporal	Crime and Intelligence Analyst
Police Officer First Class	Animal Control Officer
Police Officer Second Class	Code Enforcement Officer
Police Officer Third Class	

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