



McCleary Civil Service Commission

Tuesday, September 22, 2026 – 4:30 PM

McCleary City Hall Council Chambers

Agenda

Call to Order/Roll Call

Agenda Modifications/Acceptance

New Business

- [1.](#) 09/02/2026 Meeting Minutes

Old Business

2. Hiring of Lateral Police Officer Update
- [3.](#) Updated Civil Service Rules

Executive Session

Adjourn

Please turn off Cell Phones- Thank you

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request.

The City of McCleary is an equal opportunity provider and employer.

La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.



McCleary Civil Service Commission Meeting

Wednesday, September 2, 2026 – 5:30PM

McCleary City Hall

Minutes

1. Call to Order

Meeting was called to order at 5:00PM.

2. Roll Call

Commissioner Mark Vessey, Commissioner John Heley, Commissioner Jeannie Anderson, and Clerk-Treasurer Julie Pope were present.

3. Approval of the Agenda

Commissioner John Heley made a motion to approve the agenda. It was seconded by Commissioner Jeannie Anderson. Motion carried.

4. Updates

MCPD Update: Clerk-Treasurer Pope went over the written update that was provided by Police Clerk Dani Reeves.

5. New Business

Approval of 2026 1st Quarter Payroll: Commissioner Heley made a motion to approve. Commissioner Anderson seconded. Motion Carried.

Approval of 2026 2nd Quarter Payroll: Commissioner Anderson made a motion to approve. Commissioner Heley seconded. Motion carried.

Hiring of Lateral Police Officer: Clerk-Treasurer Pope stated the City has received four applications. She stated the process to hire will start when the two investigations are completed.

6. Old Business

Updated Civil Service Rules: This was tabled until the next meeting.

6. Executive Session: The commission met for approximately 15 minutes to discuss the performance of a public employee.

7. Adjourn

The meeting was adjourned at 6:15 PM.

Please turn off Cell Phones- Thank you

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City of McCleary

Civil Service Rules

Adopted September 22, 2026

McCLeary Civil Service Rules

STATEMENT OF POLICY

The purpose of these Rules is to establish, for the City of McCleary, a system of personnel administration based on modern principles and methods of governing the appointment, promotion, transfer, layoff, recruitment, retention, classification, removal, discipline and welfare of its Civil employees. It is intended that these Rules will supersede all previous rules established by this and former City of McCleary Civil Service Commissions.

APPLICATION OF CHAPTER

The classified civil service and provisions of this chapter shall include all full-time paid employees of the McCleary police department, and other employees of the city of McCleary who may be included within the coverage of the city's civil service system by ordinance.

GENERAL PROVISIONS

RULE 1 – CIVIL SERVICE COMMISSION CREATED

1.01 APPOINTMENT--TERMS--REMOVAL--QUORUM.

There is hereby created in the City of McCleary a Civil Service Commission which shall be composed of three persons.

The members of such Commission shall be appointed by the mayor, and confirmed by the City Council. The members of such Commission shall serve without compensation.

No person shall be appointed a member of such Commission who is not a citizen of the United States, A. a resident of McCleary at the time of appointment and at all times during the service thereon; B. an elector of Grays Harbor County; C. Not have held compensated employment with the city within three years preceding the appointment; D. Not have been an officer of a political party for a period of one year immediately prior to such appointment and not be or become a candidate for partisan elective office during the term of the appointment; and E. Exhibit an interest and belief in and a commitment to the merit principle of employment within any agency covered by such principle.

The term of office of such Commissioners shall be for six years, except that the first three members of such Commission shall be appointed for different terms, as follows:

One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such Commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: Provided, however, that no member of the Commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such Commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter.

1.02 CHAIR PRO TEM.

In his/her absence, the Chair, Pro-Tem, shall have all the powers of the Chair. If no such designation has been made, the majority of the Commissioners present shall agree who shall act as Chair Pro-Tem.

1.03 SECRETARY-CHIEF EXAMINER

The Commission shall appoint a ~~City Administrator shall serve as~~ Secretary/Chief Examiner of the Commission. The City Administrator may designate a person chosen from among employees of the City to serve in his or her absence. In addition to acting as Secretary of the Commission, shall:

- A. Be responsible to the Commission;
- B. Delegate his/her duties where necessary;
- C. Keep the minutes and other records of the Commission and certify the same when required; record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners except when the action is unanimous. When requested by him/her, a Commissioner's dissent or approval with his/her reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof, certified by the Secretary or Secretary Pro Tem, shall be open to public inspection.
- D. Administer and make effective the provisions of these Rules;
- E. Make recommendations relative to matter of policy and for necessary amendments to the Rules;
- F. Report to the Commission from time to time as directed concerning details of his/her work;
- G. With the prior approval of the Commission, order and prepare all examinations in that he/she shall:
 - 1. Determine the examinations to be conducted;
 - 2. Determine the subjects to be covered in each examination, methods of testing, and the relative weights to be given each portion of the examination;
 - 3. Prepare and post bulletins announcing examinations;
 - 4. Make arrangements for the examinations, appointing such experts, special examiners and other persons as he/she may deem necessary;
 - 5. Pass upon all questions relating to the eligibility of applicants, except the minimum requirements for those who have served in an McCleary Department, which requirements must be certified by the Department Head, the examination extensions of time and all questions arising during the course of an examinations, subject as to appeal of the Commission as provided in Rule 10;
 - 6. Establish passing grades and grade the written examination papers and the qualification of applicants;
 - 7. Prepare a complete report of each examination for submission to the Commission, together with a report on all appeals from his/her ruling or appeals from any part of the examination.
- H. Certify in the name of the Commission payrolls or accounts in accordance with State laws, when such Certification authority is exercised by the Commission;
- I. Perform all other functions necessary for the proper carrying out of these Rules and the provisions of the State law and City laws and ordinances relating to the civil service and such additional duties as may be assigned to him/her from time to time by the Commission.

1.04 SECRETARY PRO TEM

In the absence of the Secretary/Chief Examiner or his or her designee, the Commission shall appoint a Secretary Pro Tem to act as Secretary of the Commission until the return of the Secretary/Chief Examiner.

1.05 AMENDMENTS OF RULES

The Commission may amend these Rules or adopt new Rules by majority vote of the Commission at any

regular or special meeting of the Commission.

1.06 EFFECTIVE DATE OF RULES

All Rules and Amendments shall become effective immediately upon their adoption by the Commission unless some later date is specified therein.

1.07 COPIES OF RULES

A copy of these rules and a copy of all subsequent Rules or Amendments shall be sent as soon as practicable after adoption to each affected department of the City; a copy shall be maintained in the office of the Commission for public inspection and of the City Clerk-treasurer; and copies shall be available for public distribution as required by State law.

1.08 DECEPTIVE PRACTICES, FALSE MARKS, ETC., PROHIBITED

No Commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered.

1.09 POLITICAL CONTRIBUTIONS AND SERVICES--NOT REQUIRED--SOLICITATION AND COERCION PROHIBITED

No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose.

1.10 POWER TO CREATE OFFICES, MAKE APPOINTMENTS AND FIX SALARIES NOT INFRINGED

All offices, places, positions and employments coming within the purview of this chapter, shall be created by the mayor and the city council. The mayor is vested by law with the power and authority to select, appoint, or employ any person coming within the purview of this chapter, and nothing herein contained shall infringe upon the power and authority of the city council to fix the salaries and compensation of all employees employed hereunder.

RULE 2 – DEFINITIONS

As used in this chapter, the following terms shall have the following described meanings:

The following words and phrases shall have the meanings hereinafter described unless the context in which they are included clearly indicates otherwise.

2.01 ACTING PROMOTIONAL APPOINTMENT: An appointment made from within the service to a supervisory or managerial position temporarily vacated by a permanent employee, not to exceed 120 calendar days.

2.02 ALLOCATION: The assignment of a position to a job.

2.03 APPLICANT. Anyone who has filed an application to take a civil service examination.

2.04 APPOINTING AUTHORITY: Means the mayor.

2.05 ASSIGNMENT: An employee may be assigned to a position which carries additional salary and

additional limited responsibilities and is within the scope of the specification for the class from which assignment is made.

- 2.06 CERTIFICATION:** A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.
- 2.07 CERTIFY:** Verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.
- 2.08 CITY:** The City of McCleary.
- 2.09 CLASS:** A group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.
- 2.10 CLASS SPECIFICATION:** A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.
- 2.11 CLASSIFICATION:** Identification of positions, or groups of positions, sufficiently similar in duties so that the same requirements of training, experience or skill and the same title, examination and salary range may be applied.
- 2.12 CLASSIFIED SERVICE:** All positions in the City Service subject to the provisions of these rules.
- 2.13 COMMISSION:** Means the civil service Commission created in this chapter, and the term "Commissioner" means any one of the three Commissioners of that Commission.
- 2.14 DEMOTION:** A change of a permanent employee from a position in one class to a position in a lower class having lesser entrance salary.
- 2.15 DEPARTMENT HEAD:** The head of the police department, the Chief or his/her designee.
- 2.16 DISCHARGE:** Termination, separation, dismissal, or removal.
- 2.17 DISMISSAL:** The termination of an individual's employment for cause as specified in these rules.
- 2.18 ELIGIBLE:** Anyone qualified for a given class through examination and placed on the proper eligible register; also, "certified eligible."
- 2.19 ELIGIBLE REGISTER:** A list of successful examinees for a given class from which certification may be made to fill vacancies in such class.
- 2.20 EMPLOYEE:** Anyone holding a position in the Civil Service System of the City of McCleary.
- **REGULAR EMPLOYEE:** Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.
 - **TEMPORARY EMPLOYEE:** Any employee appointed to fill an emergency, temporary or short-term need, or to fill a position for which no register is available
 - **PROBATIONARY EMPLOYEE:** Any person appointed from a certification who has not yet completed 12 months, (insert applicable period) of employment.
 - **PERMANENT EMPLOYEE:** An employee who has successfully completed a probationary period and has had no break in service.
- 2.21 EXAMINATION:** The process of testing the fitness and qualifications of applicants for positions in a specific class.
- 2.22 LAYOFF:** The interruption of service and pay of any regular or temporary employee because of lack of work or funds, except that the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.
- 2.23 LEOFF:** For the City's purposes, shall refer to Washington State Law Enforcement Officers.
- 2.24 MINIMUM QUALIFICATIONS:** The training, experience, and other qualifications established for admission of an applicant to the examination for a given class.
- 2.25 OFFICIAL BULLETIN:** The examination announcement containing basic information about the class of positions, the requirements for filing, how to apply, and the other pertinent information which is posted in the Commission's office and in other suitable locations.
- 2.26 OFFICIAL NEWSPAPER:** The newspaper designated as official by the McCleary City Commission, or as otherwise designated by the Commission.
- 2.27 PERMANENT POSITION:** A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position

- established during a given budget year, unless the appointing authority certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
- 2.28 POSITION:** Any group of duties and responsibilities in the service of the City of McCleary which one person is required to perform on a full- or part-time employment.
- 2.29 PROBATION OR PROBATIONARY:** The status of an employee during a trial period following a permanent appointment from an eligible register. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed.
- 2.30 PROBATIONARY PERIOD:** The period of employment beginning with the date of original appointment or reemployment, into the classified service and continuing for one year.
- 2.31 PROMOTIONAL EXAMINATION:** An examination limited to employees meeting the requirements stated in the official bulletin announcing such examination.
- 2.32 PROMOTIONS:** A change of a permanent employee from a position in one class to a position in a higher class having higher entrance salary.
- 2.33 QUIT:** Any voluntary separation of an employee from the Police service without acceptance of a resignation by the appointing authority.
- 2.34 REDUCTION:**
- A. Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.
 - B. The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 2.35 REDUCTION-IN-FORCE:** A separation from service because of a lack of funds and/or work and without cause on the part of the employee.
- 2.36 REGISTER:** A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment. See 4.22, "Eligible Register."
- 2.37 REGULAR APPOINTMENT:** The appointment of a certified eligible.
- 2.38 REGULAR STANDING:** The full civil service status of a regular employee.
- 2.39 REINSTATEMENT:** Reappointment of a regular employee to a position in a class in which he was a regular employee.
- 2.40 REINSTATEMENT REGISTER:** A list of names of persons who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement.
- 2.41 RESIGNATION:** A written request by an employee for separation from a class or from the classified service.
- 2.42 SECRETARY/EXAMINER:** The Commission shall appoint a ~~City Administrator shall serve as~~ Secretary/Chief Examiner of the Commission. The City Administrator may designate a person chosen from among employees of the City to serve in his or her absence. In addition to acting as Secretary of the Commission, shall:
- A. Be responsible to the Commission;
 - B. Delegate his/her duties where necessary;
 - C. Keep the minutes and other records of the Commission and certify the same when required; record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners except when the action is unanimous. When requested by him/her, a Commissioner's dissent or approval with his/her reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof, certified by the Secretary or Secretary Pro Tem, shall be open to public inspection.

- D. Administer and make effective the provisions of these Rules;
 - E. Make recommendations relative to matter of policy and for necessary amendments to the Rules;
 - F. Report to the Commission from time to time as directed concerning details of his/her work;
 - G. With the prior approval of the Commission, order and prepare all examinations in that he/she shall:
 - 1. Determine the examinations to be conducted;
 - 2. Determine the subjects to be covered in each examination, methods of testing, and the relative weights to be given each portion of the examination;
 - 3. Prepare and post bulletins announcing examinations;
 - 4. Make arrangements for the examinations, appointing such experts, special examiners and other persons as he/she may deem necessary;
 - 5. Pass upon all questions relating to the eligibility of applicants, except the minimum requirements for those who have served in an McCleary Department, which requirements must be certified by the Department Head, the examination extensions of time and all questions arising during the course of an examinations, subject as to appeal of the Commission as provided in Rule 10;
 - 6. Establish passing grades and grade the written examination papers and the qualification of applicants;
 - 7. Prepare a complete report of each examination for submission to the Commission, together with a report on all appeals from his/her ruling or appeals from any part of the examination.
 - H. Certify in the name of the Commission payrolls or accounts in accordance with State laws, when such Certification authority is exercised by the Commission;
 - I. Perform all other functions necessary for the proper carrying out of these Rules and the provisions of the State law and City laws and ordinances relating to the civil service and such additional duties as may be assigned to him/her from time to time by the Commission.
- 2.43 SUSPENSION:** Temporary removal of an employee from employment with or without pay, for cause, or pending determination of charges against the employee which could result in demotion or discharge.
- 2.44 TEMPORARY APPOINTMENT:** Non-permanent assignment normally lasting less than six months, when possible, and having an end in sight. An appointment other than from an eligible register for the purpose of performing short term work belonging in the classified service. A reduction of a regular employee is not a temporary appointment.
- 2.45 TEMPORARY STAFFING EMERGENCY:** A situation where it is necessary in the judgment of the Civil Service Secretary/Chief Examiner or Civil Service Commission to make a non-permanent assignment due to the absence of a permanent employee on leave or for a similar circumstance which creates the need for an interim assignment, or to accomplish the additional work created by a short term special project or to accommodate a cyclical increase in work on a short term basis; such emergency normally lasting less than six months, when possible, and having an end in sight.
- 2.46 TRANSFER:** The change of a permanent employee, with no break in service, from one to another classified position having an identical salary range.
- 2.47 TRIAL SERVICE PERIOD:** A six-month trial period of employment of a permanent employee service, as provided and defined by applicable laws.
- 2.48 VETERAN'S PREFERENCE:** Preference in examinations and employment based on military service, as provided and defined by applicable laws.

RULE 3 – MEETINGS OF THE COMMISSION

3.01 PLACE OF MEETINGS

All meetings shall be held in the Council Chambers in the McCleary City Hall, unless the notice of a special meeting, the Commission determines at a prior meeting to meet at some other place.

3.02 REGULAR MEETING

Regular meetings of the Commission shall be held four (4) times per calendar year. The date and time for such meetings shall be determined by the Commission, but at least quarterly. All meetings shall comply with the Open Public Meetings Act.

3.03 QUORUM

Two members of such Commission shall constitute a quorum and the votes of any two members of such 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 under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments by any legislative body shall be required.

3.04 EMERGENCY MEETINGS

If, because of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Chair of the Commission.

3.05 EXECUTIVE SESSIONS

The Commission may hold executive sessions to consider the employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing as well as for any other purposes allowed by the laws of this state.

3.06 RULES OF ORDER

Except as otherwise provided herein, Robert's Rules of Order shall guide the Commission in its proceedings.

RULE 4 – CLASSIFICATION

4.01 CLASSIFICATION PLAN

The Commission shall adopt and maintain a classification plan for all positions in the classified service.

Each class in the classification plan shall be defined by a class specification which shall include the class title, a general description of the work, examples of typical duties, and the minimum qualifications required.

Each position shall be allocated to the appropriate class based upon the duties and responsibilities of the position.

4.02 NEW POSITIONS

4.04 RECLASSIFICATION OF A POSITION

- A. Whenever a position is reclassified from one class to a higher class, and if the incumbent meets the minimum qualifications for the higher class, he/she may be appointed to the position in the higher class without examination as approved by the Commission.
- B. Whenever a position is reclassified from one class to a lower class, the incumbent may elect to retain the position in the lower class. If the incumbent declines to retain the position in the lower class, a layoff list shall be created and the position filled by reduction in lieu of layoff in accordance with the provisions of the Chapter for layoff.
- C. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as he/she held in the former class.

RULE 5 – APPLICATIONS & APPLICANTS**5.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS**

Fd.

- A. All applicants for examinations for positions in the classified Civil Service must file written application on a form prescribed by the Secretary/Examiner; and 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.
- B. In order to file an application for examination, the applicant must:
 - 1. Meet the requirements specified in these rules and in the official examination bulletin and of the closing day of the official filing period; and
 - 2. Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary/Examiner.
- C. Time for filing applications:
 - 1. All applications for examination shall be filed with the Secretary/Chief Examiner during office hours and within the time limit fixed in the official announcement of examination, provided that upon written evidence of extenuating circumstance acceptable to the Secretary/Chief Examiner late applications may be accepted. Applications received by mail in the office of the Commission must be postmarked on or before the closing date.
 - 2. The time for filing applications may be extended by the Secretary/Examiner, as the needs of the service require, provided that the examination shall then be re-advertised in the official newspaper of the City.

5.02 REJECTION OF APPLICATION OR ELIGIBLE

The Secretary/Chief Examiner may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

- A. Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
- B. Is physically or mentally unfit to perform the duties of the position sought;
- C. Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);
- D. Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from City service; or has an unsatisfactory record of employment in the City service, or with any other agency or firm;
- E. Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;
- F. Would directly work for or supervise a relative, or would occupy a position in the same line of authority or fiduciary chain within the City. For the purposes of this rule a relative is defined to include spouses, parents, children, sons and daughters-in-law, brothers, sisters, brothers and sisters-in-law, fathers and mothers-in-law, stepparents, stepbrothers, stepsisters and stepchildren.
- G. Fails to appear for finger printing or other investigation as required;
- H. Has assisted in preparing the examination for which application is sought, or has in any other manner secured confidential information concerning such examination which would give the applicant information unavailable to the other applicants;
- I. After notification, did not promptly appear at the time and place designated for the examination;
- J. Has been discharged from the Armed Forces under dishonorable conditions.

K. Such actions contemplated by this rule may also be taken for other material reasons.

5.03 DEBARMENT FROM EMPLOYMENT

No one who has been dismissed from the service for cause involving moral turpitude shall be allowed to again enter the service, and anyone dismissed for other good cause shall be allowed to again enter the service only by express consent of the Secretary/Examiner.

5.04 NOTICE ON NON-ACCEPTANCE

Anyone against whom action is taken under Rule 4.03 shall be notified promptly by the Civil Service Department of the reasons therefore by oral notice at time of filing the application and written notice mailed to the applicant or eligible.

5.05 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 of the applicant.

5.06 AMENDMENT OF APPLICATION

The Secretary/Chief Examiner may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.

5.07 APPLICATIONS NOT RETURNED

All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

5.8 QUALIFICATION OF APPLICANTS--COMMISSION MAY NOT PRESCRIBE RESIDENCE REQUIREMENTS

An applicant for a position of any kind under civil service must be a citizen of the United States of America or a lawful permanent resident who can read and write the English language; provided, that in appropriate cases the Commission may waive the requirement as to literacy in the English language. The city shall not require any person applying for or holding any office, place, position or employment under the provisions of this chapter to reside within the limits of McCleary as a condition of employment or discriminate in any manner against any such person because of his residence outside the corporate limits of the city.

An applicant must meet all requirements of physical condition, health, behavioral characteristics assessment, and any other requirements specified in the official bulletin announcing the examination and as set forth in this and other applicable Rules, including those containing class specifications.

An applicant for a position of any kind under civil service must be of the age of twenty-one (21) ~~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.

Requirements for lateral officers include a minimum of 24 months of full-time law enforcement experience, within the last thirty-six (36) months; graduation from a state or regional Basic Law Enforcement Academy (BLEA); Active Washington State Peace Officer Certification or ability to obtain it through equivalency; no felony convictions, no domestic violence convictions, and no disqualifying misdemeanors; no sustained violations for excessive force or bias, and; a reduced physical fitness test and / or an oral board exam.

RULE 6 – EXAMINATIONS

6.01 EXAMINATION NOTICES

Examination notices shall be advertised in a manner which will attract a sufficient number of qualified persons to meet the needs of the City. The notice shall specify the title of the class for which applications are being accepted, opening and closing dates for acceptance of the applications, minimum or desirable qualifications, and any other information deemed necessary to attract applicants. The notice of examination shall be posted for thirty (30) days prior to the examination.

6.02 ORDERING EXAMINATIONS

The Secretary/Chief Examiner shall order an examination whenever necessary. Such order shall specify the class for which the examination is ordered. The order shall be reported to the Commission and be subject to its review.

6.03 PROMOTION EXAMINATIONS

Promotion examination notices shall be posted on the official bulletin board, advertised both internally and sent to all potential applicants within the agency. ~~conspicuous place.~~

6.04 COMPOSITION

The Commission shall determine, by objective standards, the appropriate examination for a class and the tests, or combination of tests or relative weights to be assigned. Where the examination consists of two or more parts, the Secretary/Chief Examiner may set a minimum score to be required in any part of such examination, and any applicant who fails to attain such minimum score shall be considered as having failed the entire exam and shall not be entitled to take the balance of the exam. The minimum score required and the part of the exam to which it is applicable shall be stated in the official bulletin or announced at the time of the examination.

Examinations shall consist of one or a combination of the following:

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

6.05 EXAMINATION - TIME AND PLACE

Examinations shall be held at such times and places as are necessary to meet the requirements of the City, provide economical administration, and are generally convenient for applicants. The Secretary/Chief Examiner will establish time and place for the examination.

6.06 RE-EXAMINATION

Upon applicant request, the Secretary/Chief Examiner may authorize an applicant to retake a test provided that:

- A. At least 180 calendar days have elapsed between the dates of the successive test administrations.
- B. The Commission finds that the applicant's failure to take or complete an examination was due to an obvious error for which the Secretary/Examiner, Commission staff, or the appointing authority is responsible.

6.07 EXAMINATION RATINGS COMPUTATION

All applicants for the same class shall be accorded uniform and equal treatment in all phases of the examination procedure. All scores shall be based on uniform and objective rating or scoring procedure. Final scores that are tied will be broken by giving a higher rank to the individual with the highest oral test score.

6.08 EXAMINATION RESULTS - NOTICE REQUIREMENTS

Each applicant shall receive prompt written notice of their final rating when it has been computed. Within thirty (30) calendar days following the test, the applicant may request and receive information regarding their score on any part of the examination. The same information may, upon request, be furnished to the appointing authority concerning a certified eligibility.

6.9 EXAMINATION - ORAL EXAMINING BOARD

The Oral Board shall be as directed by the Civil Service Commission. The Commission may request technical expertise to assist in the oral examinations. Scoring of the applicant shall be done as directed by the Commission.

6.10 EXAMINATIONS - PHYSICAL

Before appointment, applicants shall be required to satisfactorily pass a health and physical examination adopted by the Law Enforcement Officers' and Fire Fighters' (LEOFF) Retirement System.

6.11 EXAMINATIONS - RECORDS AND RETENTION

Applications and other necessary records shall be kept during the life of the register. Applications or copies of the appointees' applications may be transmitted to the appointing authorities on request. Examination records of applicants may be destroyed in accordance with the Washington State Records Retention Schedule and City records policies.

6.12 EXAMINATION - VETERANS' PREFERENCE

In all competitive examinations for entrance to the City service, in addition to all other credits, a credit of up to 10 percent of the final earned score in such examination shall be given to all persons passing the examination who have and who qualify for Veteran's credit for such service as provided for and defined by the laws of the State of Washington. , as amended.

6.13 CONTINUOUS TESTING SERVICES

Notwithstanding anything to the contrary in these Rules, a continuous or periodic examination program may be ordered and administered by the Secretary/Chief Examiner with the approval of the Commission for any class of positions to establish an eligible list. The names of qualified eligibles resulting from such examination shall be entered on the eligible list and certifications for appointments shall be made in the same manner as from any eligible list. Names of the eligibles from successive examinations in the same program shall be entered on the eligible list for the class at the appropriate places as determined by final grades and without regard to priority of examination. Names may be withheld from certification or removed from eligible lists in the same manner and for the same reasons as from any eligible list. Names shall be dropped from such eligible lists after remaining thereon for one year.

Rule 7 – REGISTERS AND ELIGIBILITY

7.01 ELIGIBLE LISTS CREATED

After approval by the Commission, the Secretary/Chief Examiner shall promulgate lists resulting from examinations as provided for in Rule 8. The eligible list, including the names of all those who passed the examinations, shall be open to public inspection.

7.02 ORDER OF NAMES

The names of applicants who pass an examination shall be entered upon the eligible list for the class in order of their grades including veteran's credit or other applicable credits.

7.03 TIE SCORES

The preference in rank of applicants on an eligibility list who have the same final grade shall be determined by which applicant had the highest grade on the most heavily weighted part of the examination.

7.04 ESTABLISHMENT OF REINSTATEMENT REGISTERS

- A. The names of regular employees who have been laid off or, when requested in writing by the appointing authority, probationary employees who have been laid off, shall be placed upon a reinstatement register for the same class and for the department from which laid off, for a period of one year from the date of layoff;
- B. Upon the request of an appointing authority, the Secretary/Chief Examiner may approve the certification of anyone on such a reinstatement register as eligible for appointment on an open competitive basis in the department requesting certification.
- C. Anyone on a reinstatement register who becomes a regular employee in another department shall lose reinstatement rights in the former department.
- D. Anyone accepting a permanent appointment in the class from which laid off and in a department

other than that from which lay off is not to be certified to the former department unless eligibility for that department is restored.

- E. Refusal to accept permanent work from a reinstatement register shall terminate all rights granted under this chapter; provided, no one shall lose reinstatement eligibility by refusing to accept appointment in a department other than the one from which laid off.

7.05 CANCELLATION OF ELIGIBILITY

Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the City or dismissal from the service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from City Service shall be deemed cause for cancellation of eligibility.

7.06 RESTORATION OF NAMES TO ELIGIBLE REGISTERS

When the name of a person has been withheld or removed from an eligible list, he/she may be restored to his/her original position by the Secretary/Chief Examiner, or by the Commission upon decision on an appeal, under specified circumstances where good cause is shown.

RULE 8 – CERTIFICATION AND APPOINTMENT

8.01 GENERAL PROVISIONS

Upon request for certification of names to fill a vacancy, the Secretary/Chief Examiner shall certify to the appointing authority or department head the three names or such lesser number as may then be on the list of applicants standing highest on the appropriate eligible list and willing to accept the position for which certification is made.

In filling vacancies by appointment from an eligible list, the three applicants standing highest on the appropriate list willing to accept the position, or such less number as may then be remaining upon the list, shall be certified to the appointing authority. The appointing authority shall have discretion to appoint any of the individuals from said eligible list.

~~REGULAR APPOINTMENT~~

A regular appointment to fill a vacancy must be made from the names contained on the official certification. The Secretary/Chief Examiner certifies to the Appointing Authority the names of three (3) available eligibles that stand highest on the appropriate register. The official appointment report shall show the name of the person appointed, the effective date, the salary, the nature or duration of the appointment, and any other information required.

An appointee has fifteen (15) days to respond to a job offer or waiver of certification before it is considered non-responsive and sufficient cause to remove them from the employment roster.

8.02 PROMOTIONAL APPOINTMENT

Promotions are based on merit, efficiency, and fitness, often determined through competitive exams. Upon promotion to a new class, employees generally serve a trial service period of six to twelve months. If a permanent employee is promoted and fails to pass the trial service period, they may have rights to return to a position in their previous class.

8.03 TEMPORARY APPOINTMENT

Where there is no suitable eligible register from which certification can be made or when the Secretary/Chief Examiner approves a request from the appointing authority to declare a "Temporary Staffing Emergency," the Secretary/Chief Examiner may allow the appointing authority to make a temporary appointment.

A temporary appointment may be made in a position for a period of up to six (6) months. An extension may be requested for good cause, but such position may only be temporarily filled for a time not to exceed twelve (12) months. No person shall serve as a temporary appointee for more than one six (6) month appointment in any twelve (12) month period. The time spent as a temporary appointee shall not be credited to any

probationary period or be utilized for computing any privilege in regard to placement on registers coming before the Civil Service Commission for certification.

When there is notice that the temporary staffing emergency situation has been resolved or when notice that a proper eligible register for such class is available, the temporary appointment shall not exceed thirty (30) days from date of notice; provided, an extension to the thirty (30) days may be granted by the Secretary/Chief Examiner upon satisfactory written explanation by the appointing authority that an extension is necessary and that such extension will not cause that particular temporary appointment to exceed the twelve month limitation, or any temporary appointee to exceed the six (6) month appointment.

8.04 PROVISIONAL APPOINTMENTS

A provisional appointment without examination may be made when there is no appropriate eligible list or persons on the list are not available or cannot be contacted. Such provisional appointment must be approved by the Commission; the provisional appointee must meet the requirements for and file application for examination for the class and such appointment may continue only until such time as the position can be filled from an eligible list. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year, except where such need for appointment continues due to an extended absence of a person who is already appointed to the position on a permanent basis.

8.05 EMERGENCY APPOINTMENTS

- A. An emergency appointment may be made when the appointing authority (City Manager) or department head (Chief of Police) certifies and supports with adequate facts that an emergency exists.
- B. An emergency exists when:
 - 1. Life, health, or property is in jeopardy;
 - 2. The immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties;
 - 3. The work program of a city department will be impaired if the position is left vacant and the work cannot be deferred or reassigned;
 - 4. A vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.
- C. Emergency appointments shall not exceed six months without Commission approval.

8.06 LEAVES OF ABSENCE--NOTICE--FILLING VACANCY

Leave of absence, without pay, may be granted by any appointing power to any person under civil service: Provided, that such appointing power shall give notice of such leave to the Commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

RULE 9 – PROBATION

9.01 PROBATIONARY PERIOD

After each permanent appointment from an eligible list, an employee shall serve a complete period of probation before appointment or promotion is complete. No new probationary period results from a transfer or reduction of an employee who previously completed a probationary period.

9.02 LENGTH OF PROBATIONARY PERIOD

The period of probation shall be a period which commences upon the date of appointment to a permanent position and ends twelve months from the date of successful completion of any state-mandated training program required to hold such position. By way of example, for police officers that shall be the program leading to appropriate certification provided by the Criminal Justice Training Commission.

If an employee is absent from duty for a prolonged period while on approved leave during a probationary period, and the appointing authority or department head does not have a reasonable opportunity to evaluate

the performance of the employee, the appointing authority or department head may, with the approval of the Commission, calculate the probationary period on the basis of actual days worked.

The Department Head may extend the probationary period for up to an additional six (6) months for good cause. (Good cause is a substantial, legitimate reason – such as health, language barriers, or military duty – that excuses a failure to act, appear, or respond to a job notice, often justifying a delay or disqualification.)

9.03 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE

A probationer 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.

9.04 PROBATIONARY DISCHARGE OR DEMOTION

- A. The appointing authority, by assigning in writing to the Commission the reasons therefore, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission except as provided in Rule 10.02.
- B. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, in accordance with Rule 10.02 on demotion; or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the appointing authority, subject to approval by the Commission.
- C. A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

RULE 10 – LEAVES OF ABSENCE

10.01 LEAVES OF ABSENCE WITH PAY

Leaves of absence from regular duties with pay may be granted by the appointing authority or department head only under such conditions and for such periods as may be authorized by the Mayor.

10.02 LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence from regular duties without pay for such purposes as recovery from a prolonged illness or injury or to restore health, or for military service, parental leave, education or training, or assisting another public agency, may be granted by the appointing authority or department head when such leave is in the best interests of the City. Provided, that such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

- A. Parental leave for pregnancy, childbirth, adoption, or foster care placement shall be granted in accordance with applicable federal and state law.
- B. Any decision regarding parental leave shall be made in accordance with applicable law, taking into consideration all relevant factors including the health and welfare of the individual employee and the requirements of the position.
- C. Family and medical leave shall be granted in accordance with the Family and Medical Leave Act and applicable state law.

10.03 EXPIRATION OR TERMINATION OF LEAVES

The appointing authority or department head may terminate any leave of absence by written notice to the employee concerned whenever the conditions or reasons justifying the leave no longer exist. Upon termination or expiration of leave, the employee shall return to duty forthwith. An employee who fails to return to duty upon termination or expiration of leave shall be considered as absent without leave and subject to disciplinary action.

10.04 REPORTS OF LEAVES

All leaves of absence granted shall be reported to the Commission promptly and in writing.

10.05 APPEALS TO COMMISSION

In the event the appointing authority or department head terminates an employee's leave of absence pursuant to Rule 9 the employee may file an appeal of such termination to the Commission within five (5) business days of the written notice of such termination in accordance with the provisions of Rule 10.2.

RULE 11 – DISCIPLINE, DISCHARGE, DEMOTION AND RESIGNATION

11.01 TENURE OF EMPLOYMENT--GROUNDS FOR DISCHARGE, REDUCTION, OR DEPRIVATION OF PRIVILEGES

The tenure of everyone holding a position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

- A. Incompetency, inefficiency or inattention to or dereliction of duty;
- B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or Commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;
- C. Mental or physical unfitness for the position which the employee holds;
- D. Dishonest, disgraceful, immoral or prejudicial conduct;
- E. Drunkenness or use of intoxicating liquors, controlled substance, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;
- F. Conviction of a felony, or a misdemeanor, involving moral turpitude. Commission

11.02 PROCEDURE FOR REMOVAL, SUSPENSION, DEMOTION OR DISCHARGE--INVESTIGATION--HEARING--APPEAL

No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the person charged, and a duplicate filed with the Commission.

11.03 INVESTIGATIONS

Any person so removed, suspended, demoted or discharged by an appropriate authority may within ten days from the time of his removal, suspension, demotion or discharge, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation; provided, that in the event the appointing authority, upon the basis of a written accusation a copy of which has been served upon the person charged, and the response of the person charged, has suspended, without pay, a person for three days or less from his position, the Commission shall not have jurisdiction to conduct an investigation and the suspension shall be without appeal. An investigation shall be confined to the determination of the question of whether such removal, 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. After such investigation, the Commission may affirm the removal, or if it finds that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment

of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The Commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the Commission shall be certified, in writing, to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the Commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the subject employee of the time and place of such hearing, at which hearing the subject employee shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense; provided, that to the extent allowed by the laws of the state of Washington, including but not limited to RCW [42.30.110](#), such hearings may be closed to the public upon the request of the subject employee and with the consent of the Commission.

11.04 APPEAL

If such judgment or order is concurred in by the Commission or a majority thereof, the accused may appeal therefrom to the Superior Court of the state of Washington in and for Grays Harbor County. Such appeal shall be taken by serving the Commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the Commission affecting or relating to such judgment or order be filed by the Commission with such court. The Commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the Commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

11.05 APPEALS--TIME--FORM

A notice of appeal shall be filed with the Commission within ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be served upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal, and a concise statement of the reason for the appeal.

11.05 AUTHORITY OF SECRETARY/EXAMINER/STAFF

- A. The Secretary/Chief Examiner to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Secretary/Chief Examiner may also conduct pre-hearing settlement conferences in order to encourage resolution of contested matters, issue subpoenas, and take depositions.
- B. The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.
- C. As an aid to investigations authorized by the Commission, the Secretary/Chief Examiner may subpoena any documents that would be discovered for purposes of hearing preparation and may take depositions by tape recorder of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

11.06 APPEALS--INITIAL REVIEW

The Secretary/Chief Examiner shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed from is a final action. Upon a determination that the appeal is not timely, the Secretary/Chief Examiner shall issue a written order of dismissal with prejudice, setting forth the basis of the 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.

11.07 APPEALS--NOTICE OF HEARING

Upon receipt of a notice of appeal, the Commission shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) days, a hearing before the Commission shall be set, with each party to be afforded not less than twenty (20) days' notice of such hearing. Subsequent hearings on the same appeal shall have one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this Section.

11.08 DECISION

After receiving evidence presented in hearings on disciplinary actions:

- A. The Commission may affirm the disciplinary action;
- B. If the Commission finds the disciplinary action was made for political, religious, or racial reasons or not in good faith for cause, or the reasons are otherwise not sufficient to justify such action, the Commission may order such relief it deems necessary and appropriate, including immediate reinstatement of the employee without any loss of pay;
- C. The Commission, in lieu of affirming the disciplinary action, may modify the disciplinary action by directing such penalty as it deems appropriate taking into consideration all factors it deems relevant. The penalties available include a suspension without pay for a given period, and a subsequent restoration to duty or a demotion in classification or pay.

The findings of the Commission shall be certified in writing to the appointing authority or department head and shall be forthwith enforced by such official.

11.09 SUSPENSION AND DISCHARGE

- A. A department head may, in accordance with City Personnel Policies and the Collective Bargaining Agreement, suspend a subordinate, with or without pay, for a period not to exceed thirty (30) days for good cause.
- B. A department head may, in accordance with City Personnel Policies and the Collective Bargaining Agreement, discharge a subordinate for good cause.

11.11 PROBATIONARY PERIOD FOLLOWING FIRST APPOINTMENT

An employee who has not yet completed his/her first probationary period may be discharged or demoted in accordance with Rule 11.01 by appointing authority by written notice served on the employee and a copy filed with the Commission. Unless otherwise required by law, the notice need not state the grounds for the action. To the extent that then applicable law requires such information, the notice shall contain information specifying the grounds and the particular facts on which the discharge or demotion is based.

An employee shall be entitled to answer, explain, or deny the charges in writing within ten business days, but unless otherwise required by then applicable law shall not be entitled to a hearing except in case of fraud or of discrimination because of political or religious opinions, racial extraction, or union affiliation.

11.12 PROBATIONARY PERIOD FOLLOWING SECOND APPOINTMENT

Nothing in Rule 10.05 or elsewhere in these Rules shall be construed to permit the discharge from City service without a hearing of an employee during his/her probationary period in a second appointment where before such appointment he/she had completed his/her probationary period in another class. Such employee shall

be considered a permanent employee for such purposes and under such circumstances may be discharged from City service only pursuant to preceding applicable sections of this Chapter with the right to a hearing if requested.

11.13 CONSENT OF COMMISSION

In the case of a probationary employee, notice to the Commission must be given of a discharge or demotion under Rule 11.11.

To the extent that the termination gives rise to a right for a review by the Commission under the law then applicable and there is filed an answer by the employee and such answer alleges fraud, or discrimination because of political or religious opinions, racial extraction, or union affiliation and requests a hearing, the Commission shall immediately set such a hearing.

No consent need be secured to the discharge or demotion of a temporary employee.

11.14 TIME FOR DISCHARGE OF PROBATIONER

To be effective, the written notice of discharge or demotion of a probationary employee must be served and become effective before midnight of the last day of his/her probationary period.

11.15 RESIGNATIONS

Resignations shall be in writing and shall be directed to the appointing authority or department head. A resignation shall be effective on the date designated therein and if no date is designated, it shall be effective immediately.

A resignation claimed to have been obtained by duress or fraud may be treated by the Commission as a notice of discharge, provided the employee notifies the Commission that such resignation was not voluntary and demands a hearing within ten (10) business days after the filing with the Secretary/Chief Examiner of a report showing such resignation.

11.16 WITHDRAWAL OF RESIGNATION

The Secretary/Chief Examiner may permit the withdrawal of a resignation only upon a written request filed 30 days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendations of the appointing authority or Department Head.

A resignation, once it has become effective or has been accepted by the appointing authority or department head, may not be withdrawn without the consent of the appointing authority or department head and the Commission.

11.17 CHARGES FILED BY A CITIZEN

When written charges are filed by any citizens or taxpayers of the City against any person in the classified Civil Service pursuant to applicable state law, the Commission shall refer such charges to the appointing authority or department head for investigation and such action as he/she deems necessary.

No hearing on such charges shall be held, unless the appointing authority or department head discharges or demotes such employee for the reasons stated in the charges and the employee requests a hearing in accordance with the Rules applicable thereto, or unless the Commission finds the charges, if true, reflect on the integrity of the Civil Service System or show serious violations of the Civil Service provisions of the law or Rules and that a public hearing is desirable.

RULE 12 – COOPERATION OF CITY OFFICERS AND EMPLOYEES ENJOINED

It shall be the duty of all officers and employees of the city of McCleary to aid in all proper ways of carrying out the provisions of this chapter and such rules and regulations as may, from time to time, be prescribed by the Commission thereunder and to afford the Commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the Commission or any Commissioner.

RULE 13 – POLICE CHIEF CIVIL SERVICE STATUS

13.01 INCLUSION IN CLASSIFIED CIVIL SERVICE

Pursuant to RCW 41.12.050(1), because the City of McCleary Police Department consists of fewer than six Commissioned officers, the position of Police Chief, together with all other full paid members of the Police Department, shall be included in the classified civil service as provided in Chapter 41.12 RCW.

The Police Chief shall be subject to the applicable provisions of the City's civil service system and the rules of the Civil Service Commission governing classified employees, except as otherwise provided by state law or these rules.

Nothing in this section shall be construed to alter or limit the appointing authority or selection process for the Police Chief as provided by law.

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B. Applicability of Civil Service Rules

The Police Chief shall be subject to the applicable civil service rules and standards governing classified employees of the Police Department, including provisions relating to appointment, discipline, suspension, and discharge, except where otherwise provided by state law or these rules.

All actions affecting the employment status of the Police Chief shall be administered in accordance with Chapter 41.12 RCW and the rules of the Civil Service Commission.

C. Discipline and Removal

The Police Chief may be disciplined, suspended, or removed only for cause, as defined in the Civil Service Rules and applicable provisions of Chapter 41.12 RCW.

No disciplinary action resulting in suspension, demotion, or removal shall be final unless the following minimum due process procedures are provided:

1. Written notice of the specific charges or grounds for the proposed action;
2. A reasonable opportunity for the Police Chief to respond to the charges; and
3. The right to a hearing before the Civil Service Commission, conducted in accordance with its rules.

The Police Chief shall have the right to be represented by counsel or another representative at any hearing.

All final decisions of the Civil Service Commission shall be subject to appeal as provided by Chapter 41.12 RCW and other applicable state law.

D. Compliance with State Law

This section is intended to implement and comply with RCW 41.12.050(1) and Chapter 41.12 RCW. In the event of any conflict between this section and state law, state law shall control.

E. Severability

If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section shall not be affected and shall remain in full force and effect.

RULE 14 – LAYOFFS AND RE-EMPLOYMENT

14.01 LAYOFFS AUTHORIZED

The department head may lay off or reduce an employee when necessary:

- a) For reasons of economy or lack of work;
- b) Where there are more employees than positions in any class within the Department;
- c) For such other reasons as may be required under the circumstances.

14.02 EMPLOYMENT STATUS AND ORDER OF LAYOFF

Layoffs and reductions shall be made by class of position and by department. In each class of position in which there is to be layoff or reduction, employees shall be laid off according to employment status in the following order: Emergency, provisional, temporary, probationary, permanent.

Provisional and temporary employees shall be laid off according to the needs of the service as determined by the department head.

Probationary employees shall be laid off or reduced in inverse order of seniority in the class in the department.

Permanent employees shall be laid off or reduced as provided in Section 17.03 following.

14.03 ORDER OF LAYOFF – PERMANENT EMPLOYEES

Permanent employees within each category shall be laid off in reverse order of seniority in the class in the department.

14.04 REDUCTION IN LIEU OF LAYOFF

The department head may, if he/she deems it in the best interests of the City and with the approval of the Commission, make reductions in lieu of layoffs in higher classes and thereby cause layoffs in the lower classes. Such reductions shall be made in the same manner and subject to the same restrictions as provided for under Sections 17.02, 17.03, and 17.04.

14.05 VOLUNTARY REDUCTION IN LIEU OF LAYOFF

An employee who anticipates being laid off or who is so laid off may, not later than ten business days after notice of such layoff, request a reduction to a lower class in lieu of layoff. On receiving notice that such a request has been approved by the Commission, the department head must make such reduction, effective immediately, thus causing layoff only in the lower class.

14.06 RE-EMPLOYMENT LIST

A. As the result of layoff or reduction in force: The names of persons laid off or reduced in accordance with these rules shall be entered upon a re-employment list in inverse order of layoff. Lists from different departments or at different times for the same class of position shall be combined into a single list.

Such list shall be used by every department head when a vacancy arises in the same or lower class of position before certification is made from an eligible list. When a vacancy occurs, the department head shall appoint the person highest on the re-employment list who is available who was laid off from a position in the department. If no one was laid off from the department in which the appointment is to be made, then the department head shall appoint the person highest on such list among those laid off from other departments.

B. As the result of desire to return to employment after voluntary separation: Upon the written request of the former employee made within the time period set forth below, the name of any person who had obtained permanent status and then voluntarily left employment to assume a position with another comparable agency shall be entered upon a re-employment list in inverse order of date of separation from service; PROVIDED THAT, in the event that the request for reemployment is granted, the individual shall serve a probationary period of 6 months.

At such time as a vacancy occurs, the department head shall have the right to request names upon such list which may be used by the department head to fill a vacancy which has arisen in the same or lower class of position before certification is made from an eligible list; PROVIDED THAT, this list may not be utilized until the individuals qualified for the open position whose names appear on the list established pursuant to sub-paragraph (A) of this section has been exhausted.

An individual's name shall remain upon this list for a period of 3 months from the date that the individual requests that her or his name be placed upon the list but in no event longer than 6 months after separation from employment.

14.07 DURATION OF RE-EMPLOYMENT LIST

Names of persons laid off or reduced in lieu of layoff shall be carried on a re-employment list for two years, except that the names of persons appointed to permanent positions of the same level as that from which laid off shall, upon such appointment, be dropped from the list.

Persons reduced or re-employed in a lower class or re-employed on a temporary basis shall be continued on the list for the higher class for two years.

14.08 RESTORATION TO RE-EMPLOYMENT LIST

The name of any person who has been appointed to a permanent position from a re-employment list and is subsequently separated from the service without delinquency or fault on his/her part shall be restored to the re-employment list. This restoration shall have the effect of extending the time the employee's name is carried on the re-employment list for two years from date of latest separation

Adopted by Civil Service Commissioners:

Commissioner Mark Vessey

Commissioner John Heley

Commissioner Jeannie Anderson