

WHITMAN COUNTY
CIVIL SERVICE RULES

JULY 2007
(Includes revisions through December 2010)

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CIVIL SERVICE RULES

RULE 1 – AUTHORITY AND PURPOSE

1.01 RULES PRESCRIBED

In accordance with the laws of the State of Washington, the Civil Service Commission, of the County of Whitman hereby adopts the following rules and regulations for the carrying out of state and local laws. These rules shall have the force and effect of law and give effect to the provisions of RCW 41.14.

1.02 PURPOSE

These rules are prescribed for the purpose of carrying out the provision of law, assuring the continuance of the civil service system, promoting efficiency in the dispatch of public business, selecting and promoting employees on the basis of merit, and assuring fair and impartial treatment for all classified civil service employees in accordance with RCW 41.14.

1.03 EMPLOYMENT PRACTICES

No person in the classified civil service or seeking admission thereto shall be appointed, reduced or removed, in any way favored or discriminated against in his/her employment or opportunity for employment because of his/her race, creed, color, religion, sex, marital status, or political affiliations, or because of physical or sensory disabilities.

1.04 SEVERABILITY

If any rule, section, paragraph, sentence, clause or phrase of these rules is declared unconstitutional, illegal or void for any reason, such decision shall not affect the validity of the remaining portion of these rules. The Commission hereby declares that it would have prescribed and adopted these rules and each rule, section, paragraph, sentence, clause and phrase hereof irrespective of the fact that any one or more rules, sections, paragraphs, sentences, clauses or phrases be declared unconstitutional, illegal or void.

RULE 2 – DEFINITIONS

Unless otherwise required by the context, words used in these rules shall be understood to have the following special meanings:

2.01 ADJUSTED EXAMINATION SCORE When used shall mean the total of the actual grade of the examination and additional credits for school, seniority and veteran's preference where applicable.

2.02 ALLOCATION The assignment of a position to a class on the basis of the kind, difficulty and responsibility of the work position.

- 2.03 APPLICANT A person who has filed an application to take a civil service examination or is in the process of completing the civil service requirements.
- 2.04 APPOINTING AUTHORITY The county sheriff, invested by law with the power and authority to select, appoint or employ deputies and other necessary employees.
- 2.05 APPOINTMENT – PROVISIONAL The appointment of a person to a position in the absence of an appropriate eligibility list for the class.
- 2.06 APPOINTMENT – REGULAR The tendering of an offer and acceptance of it by a person on an eligibility list, either on a permanent or temporary basis.
- 2.07 BREAK IN SERVICE Any interruption in continuous service, except for absences on approved leave or absences to serve in the Armed Forces of the United States.
- 2.08 CANDIDATE A person who has completed all civil service requirements and whose name has been placed on a civil service eligibility list.
- 2.09 CLASS A group of positions sufficiently similar with respect to duties and responsibilities so that the same title may be reasonably applied to each position, the same qualifications are required, and the same salary range is applied with equity.
- 2.10 CLASSIFIED CIVIL SERVICE All positions in the service of the County covered under civil service with the exception of those specified in RCW 41.14.070.
- 2.11 COMMISSION The Whitman County Civil Service Commission.
- 2.12 DEMOTION Reduction in employment status to a class having a lower maximum rate of pay.
- 2.13 DISCHARGE Separation of a regular employee from the classified service for cause.
- 2.14 ELIGIBILITY LIST A list of names of persons who have completed the civil service requirements for a specific position.
- 2.15 PROBATION OR PROBATIONARY The status of an employee during a trial period following appointment. During this trial period an employee is required to demonstrate by performance of the duties fitness for the position to which the person has been certified and appointed.
- 2.16 POSITION Any group of duties and responsibilities in the classified civil service requiring the full or part-time employment of one person.
- 2.17 QUALIFIED FEDERAL, STATE, OR MUNICIPAL LAW ENFORCEMENT AGENCY Shall also include the United States Border Patrol and Customs, the Federal Bureau of Investigation, the United States Treasury Department and State Highway Patrol.

- 2.18 REDUCTION The reassignment of an employee from a higher to a lower class in lieu of layoff or other reasons not associated with demotion. Such reduction may be at the employee's request with the concurrence of the appointing authority and the Commission.
- 2.19 REINSTATEMENT Reappointment after a break in service due to layoff from a position in which status was formerly held.
- 2.20 REINSTATEMENT REGISTER A list of names of persons laid off from regular positions arranged in order of their right to reinstatement.
- 2.21 SENIORITY The total amount of continuous service in the subordinate position when applied to a promotional position.
- 2.22 SEPARATION Leaving a position, including resignation, discharge and layoff.
- 2.23 SUSPENSION Temporary termination of services without pay.
- 2.24 TEMPORARY Employment on a basis other than regular or probationary.

RULE 3 – ADMINISTRATION

3.01 ORGANIZATION

There shall be three members of the Civil Service Commission. Two members shall constitute a quorum. Accord of two members is required for the transactions of any official business.

3.02 ELECTION OF CHAIRPERSON

The Commission can rotate the chairmanship at any time it so desires.

3.03 DUTIES OF THE CHAIRPERSON

The chairperson shall preside at all meetings of the Commission and act as spokesperson for the Commission.

3.04 SECRETARY-CHIEF EXAMINER

A chief examiner shall be appointed who shall serve as secretary.

3.05 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. In all fairness to employees of the Sheriff's Office under purview of these rules, amendments or changes to these rules will be discussed in an open regular or special meeting at least one meeting prior to adoption, whenever practical.

3.06 EFFECTIVE DATE OF RULES

All rules and amendments shall become effective immediately upon their adoption by the Commission unless some later date is specified.

3.07 COPIES OF RULES

A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as feasible to the Sheriff's Office. A copy shall be maintained in the office of the Secretary-Chief Examiner for public inspection, and copies shall be available for free distribution, as required by state law.

RULE 4 – MEETINGS OF THE COMMISSION

4.01 REGULAR MEETINGS

Regular meetings shall be held monthly at 12:00 p.m. on the 4th Monday of each month unless the same shall be a holiday then meetings shall be held the next business day, or on a date designated by the Commission. If there is no business to come before the Commission, the meeting may be cancelled, but notice of the cancellation shall be publicly posted.

4.02 SPECIAL MEETINGS

Any two Commissioners may order a special meeting at any time by the Chairperson or by delivering personally, by mailing, by fax or electronic mail written notice to each member of the Commission, and the Sheriff and to each newspaper which has on file a written request to be notified. Notification of said meeting, with agenda items, shall be posted on the official bulletin board not less than twenty-four hours prior to the meeting. (revised 10-26-2009)

4.03 PLACE OF MEETINGS

All meetings shall be held in the Whitman County Board of County Commissioners' conference room unless the Commission determines to meet elsewhere.

4.04 PUBLIC MEETINGS

All meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any meetings of the Commission.

4.05 RULES OF ORDER

Except at otherwise provided herein, Robert's Rules of Order – Newly Revised, shall guide the Commission in its proceedings.

4.06 QUORUM

Two members shall constitute a quorum.

4.07 COMMUNICATIONS

Communications and requests to the Commission, when feasible, shall be in writing. The substance of each request and the action of the Commission thereon shall be noted in the minutes.

4.08 INVESTIGATIVE RESPONSIBILITY

The Commission shall make investigations on its own initiative and upon complaints from citizens as deemed necessary to insure that the intent of RCW 41.14 and these rules is adhered to.

The Commission shall have such powers as necessary to enable it to conduct such investigations, including but not limited to:

- a. right of access to work sites
- b. power to administer oaths and subpoenas
- c. ability to require attendance of witnesses
- d. ability to compel production of pertinent documents

4.09 MINUTES

The Secretary-Chief Examiner shall 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, a Commissioner's dissent or approval with 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-Chief Examiner shall be open to public inspection.

RULE 5 – HEARINGS

5.01 RIGHT TO A HEARING

Any person entitled to a hearing before the Commission under state law or these rules or adversely affected by an action or decision of the Secretary-Chief Examiner or of the Commission, made without notice to and opportunity for such person to be heard, may petition for a hearing before the Commission.

5.02 PETITION FOR HEARING

Such petition shall be in writing, signed by the petitioner, giving the mailing address, the ruling from which the petitioner appeals, and in plain language and in detail the facts and the reasons

upon which the petition is based. A hearing may be denied if the petition fails to state specific facts and reasons or if, in the opinion of the Commission, the facts or reasons stated, if true would not entitle the petitioner to any relief, but such denial shall be without prejudice to the filing of an amended petition if the time for requesting a hearing has not expired.

5.03 TIME WITHIN WHICH PETITIONS MUST BE FILED

If a petition for hearing before the Commission is requested because of an action taken or a ruling made, it must be filed within ten business days of the action taken or the ruling from which the petitioner appeals.

The Commission may extend the time for filing a petition where good cause for delay is shown, and it is shown that other parties are not likely to suffer substantial hardship from such delay.

5.04 NOTICE

The Commission shall set the matter for hearing and shall give the petitioner notice in writing at least ten business days prior to the date and place of such hearing. Notice shall also be given to the appointing authority.

5.05 RIGHTS OF THE PETITIONER

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

- a. be represented by counsel at such hearings;
- b. subpoena witnesses to testify;
- c. cross-examine all witnesses appearing against the petitioner;
- d. present such exhibits and other evidence as the Commission deems pertinent to the inquiry;

The appointing authority, the Secretary-Chief Examiner, and any other person whom the Commission finds to be interested in the matter shall be entitled to the same privileges.

5.06 FAILURE OF THE PETITIONER TO APPEAR

In all hearings on the petition of an employee, the failure of the petitioning employee to appear in person or by counsel at the time and place set for hearing without good cause given to the Commission in advance shall be deemed a withdrawal of the petition and consent to the action or ruling from which the appeal was taken.

5.07 EVIDENCE

Hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of

the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

5.08 EXCLUSION OF WITNESSES

The Commission may, at its discretion, exclude witnesses not under examination except the Secretary-Chief Examiner, the petitioner, or person to be discharged or reduced, the appointing authority, and counsel. When hearing testimony of scandalous or indecent conduct, all persons not having a direct interest in the hearing shall be excluded.

5.09 BURDEN OF PROOF

In discharge or reduction hearings, the burden of proof shall be on the appointing authority. In all other types of hearings, unless in conflict with state or federal law, the burden of proof shall be on the petitioner.

5.10 FINDINGS AND DECISION

The Commission shall announce its decision as soon as possible after the hearing and enter the same in its minutes.

Unless the decision provides otherwise, it shall be effective immediately. Notice of the decision shall be mailed promptly to the petitioner and to any interested party. Except for the correction of clerical errors, such decision shall be final and conclusive.

RULE 6 – CLASSIFICATION

6.01 CLASSIFICATION PLAN

The Secretary-Chief Examiner shall:

- a. Analyze the duties and responsibilities of each position to be classified.
- b. Consult with the appointing authority, individual employees, or groups of employees, or their representatives, about the duties and responsibilities of each position to be classified.
- c. Prepare a classification plan.

The classification plan will group all positions to be classified based upon the duties and responsibilities of the positions.

The plan will include:

- a. title, statement of duties and responsibilities, and statement of qualifications required for applicants for each class
- b. descriptive and explanatory class specifications

Within the classification plan, the “examples of duty” shall not be construed as prescribing the specific duties of any position or limiting the power of the appointing authority to modify the tasks involved in the performance of any position.

6.02 APPROVAL

The Secretary-Chief Examiner shall submit the classification plan to the Civil Service Commission, which shall review and approve the plan.

The Commission may amend the plan. After the Civil Service Commission has approved it, the classification plan shall be submitted to the Board of County Commissioners for their approval.

6.03 ADJUSTMENTS

After investigation by the Civil Service Commission, the addition, division, combination, alteration or abolition of classes may be made by the Commission on its own initiative or at the request of the appointing authority.

No person shall be appointed or employed by an appointing authority in a new position until the position has been properly classified and an appropriate employment or promotional list established.

When a new class is created and a position in that class replaces an old position, the Civil Service Commission may approve the appointment or transfer from the old position to the new one of the incumbent without examination, if:

- a. the old position has been abolished or otherwise discontinued, and
- b. the duties of the old and new positions are of overlapping or closely related nature.

6.04 RECLASSIFICATION

Any changes in classification shall be sent to the Commission, the appointing authority, the Board of County Commissioners, and the incumbent of that position, if any.

When a substantial change of duties is made in a position, such change shall be reported to the Commission so the position may be considered for a possible reclassification.

Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the position, except for a reasonable adjustment period approved by the Commission unless the incumbent gains eligibility for the new class and receives an appointment thereto in accordance with these rules.

Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the new class as held in the former class.

If a position is reclassified to a higher class of position, the incumbent may:

- a. upon approval of the Commission be advanced to the reclassified position if he or she passes a non-competitive examination for the class, or
- b. at his or her option, the incumbent may be transferred to a vacant position in the same class to which his or her position formerly was allocated, or
- c. if the Commission approves, he or she may be demoted to a lower class of position for which he or she is qualified, or
- d. his or her name may be placed on the re-employment list for the class to which the position was allocated.

6.05 REVIEW AND APPEALS

If the appointing authority or any employee is affected by any classification action, he or she may request the Commission and Secretary-Chief Examiner to review such action. Such request shall be made in writing within ten days of notification of such action.

After notification of the results of such review, the employee or appointing authority so affected may appeal therefrom to the Commission. Such appeal shall be made not later than five business days after date of notification of results of review and shall be made in accordance with Rule 5.

RULE 7 – APPLICATIONS AND APPLICANTS

7.01 QUALIFICATIONS OF APPLICANTS

In order to apply for examination, at the time of filing:

- a. An applicant must be a citizen of the United States and be able to read and write the English language.
- b. Unless otherwise provided in these rules, no person will be admitted to an entrance examination for Deputy Sheriff who is less than 21 years of age.
- c. An applicant must file a completed application form prescribed by the Commission giving fully, truthfully, and accurately all information required. A certification as to the truth and completeness of the information contained in the application and a notarized applicant's signature shall be required on each application.
- d. An applicant must provide proof to the Commission of education (if claiming education credit), service discharge document (if claiming veteran's credit), and proof of citizenship.
- e. Lateral Entry Level – Currently employed a minimum of twelve (12) consecutive months of full-time paid service, or ending employment no earlier than 12 months prior to application after employment of 12 consecutive months, as a sworn police officer in a: civilian governmental jurisdiction; tribal police officer in Washington state; natural resource investigator employed by the Washington department of natural resources; special agent employed by the Washington state gambling

commission; or liquor enforcement officer. In addition, successful completion of the Washington State Basic Training Academy or State training academy in the state in which they are currently employed and the ability to successfully complete the Washington State Basic Training Equivalency Test within one (1) year after employment. (revised 06-22-2009)

7.02 FILING TIME FOR APPLICATION

Applications must be received at the office of the Commission not later than 5:00 p.m. on the last day for filing as posted in the job description.

Applications will be subject to amendment not later than 5:00 p.m. of the last day for filing. Burden of proof of meeting requirements shall lie with the applicant.

In case of any dispute as to the time of filing, the Commission's official time recorded on the application shall be conclusive.

The time for filing applications may be extended or reopened by the Secretary-Chief Examiner as ordered by the Commission and as the needs of the service require, provided notice is immediately posted on the official bulletin board.

7.03 NON ACCEPTANCE OF APPLICANT

The Secretary-Chief Examiner, subject to the right of any person aggrieved to appeal to the Commission, as provided in Rule 5, may refuse to accept an application or to examine an applicant or may withhold the name of any person from the eligibility list who:

- a. lacks any of the minimum qualifications set forth in the examination announcement;
- b. does not meet the medical or physical requirements of the position for which appointment is sought;
- c. has made false statement(s) in his/her application with regard to any material fact or has practiced or attempted to practice any deception or fraud in his/her application or examination, in securing his/her eligibility, or appointment or promotion;
- d. was previously in the Classified Civil Service in the same or any other type of employment and was removed for cause or did not resign in good standing;
- e. has used or attempted to use any political pressure to further his/her eligibility or appointment or promotion;
- f. is addicted to the excessive use of drugs or intoxicating beverages which has or will affect work performance;
- g. has been convicted of a felony or gross misdemeanor within the last seven years, or admitted to criminal activity determined to have a direct relationship to the position for which application is made for any law enforcement officer position. Such rejection shall take into consideration the seriousness of the offense, how recent the offense, and the age of the applicant at the time of the occurrence. Such

rejection is made except that conviction of a felony shall automatically disqualify an applicant for any law enforcement officer position;

- h. has been dismissed from previous employment for delinquency or misconduct;
- i. refuses to furnish all information required to complete the application;
- j. is knowingly a member of any organization which is included in the official list of subversive organizations, or who is knowingly a member of any organization which, to his/her knowledge, now advocates the overthrow of the government of the United States by force or violence or other unlawful means, or who now advocates the support of a foreign government against the United States in the event of hostilities.

7.04 NOTICE OF NON ACCEPTANCE

The person against whom action is taken under Rule 7.03 shall be notified promptly of the reasons therefore. Oral notice at the time of filing the application shall be sufficient except where written notice is requested. Written notice mailed, postage prepaid, to the address shown on the application shall be effective on mailing.

7.05 APPEALS

Any person aggrieved by any ruling of the Secretary-Chief Examiner concerning an examination or the eligibility or disqualification of applicants, or the withholding of name from certification, may appeal to the Commission in writing within ten business days after notice of such ruling as provided in Rule 5.

7.06 ADMISSION TO EXAMINATION PENDING APPEAL

The Secretary-Chief Examiner shall admit to the examination any person whose application was not accepted; pending final disposition of the appeal; such admission to be without prejudice to either party.

7.07 AMENDMENT OF APPLICATIONS

The Secretary-Chief Examiner shall permit any applicant, whether or not the application has been accepted, to amend the application or to file an amended application prior to the closing date and time for acceptance of applications.

7.08 APPLICATIONS NOT RETURNED

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

7.09 APPLICATION FEE

A fee may be charged for taking the examination. The Commission shall have the authority to waive the application fee.

RULE 8 – COMPETITIVE EXAMINATIONS

8.01 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.

8.02 NOTICE OF EXAMINATION

A written notice of each examination shall be posted and advertised by the Secretary-Chief Examiner. Such notice shall be made for two weeks preceding the examination. Notice of Lateral Entry Deputy Sheriff examinations shall be posted continuously, however Lateral Entry Deputy Sheriff examinations will not be advertised.

The notice shall include, but is not limited to:

- a. title and salary range of the position.
- b. minimum qualifications required.
- c. basic responsibilities of the position.
- d. insofar as possible the approximate number of candidates likely to have opportunity for employment as a result of the test.
- e. likely location where candidates would be called to serve.

The notification procedure will include:

- a. publication in one or more newspapers of general circulation in Whitman County.
- b. posting announcements on the official bulletin board.
- c. notification in other places and other manners as the Secretary-Chief Examiner may deem advisable.

Applicants will receive written notice of confirmation after the closing date of the applications.

8.03 TIME AND PLACE OF EXAMINATIONS

Whenever applicants are required to appear for an examination, the time and place shall be designated in the official job announcement or the applicants shall be notified in person, by mail or by telephone. The Secretary-Chief Examiner, when he/she finds the good of the service requires it, may, at his/her discretion, have examinations given simultaneously in one or more locations, either within or outside the County.

No limit shall be made of the number of applicants to be received for examination. The Civil Service Commission may limit the number of persons to be examined at any one time according to the needs of the service or for convenience in conducting examinations. Confirmatory notice mailed to each applicant in accordance with 8.02 of this rule shall be considered the official

admission document and presentation of the notice at the appointed time will entitle the holder to enter the examination. In addition, the applicant must be prepared to present a driver's license or other form of photo identification.

8.04 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

The administration of an examination or any part thereof may be postponed or canceled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board and mailed or telephoned to the applicants. In an emergency, where time does not permit such notice, an examination may be postponed or cancelled or the place of examination changed by posting a notice on the official bulletin board as soon as possible and in a conspicuous location at the place and time originally set for the examination.

8.05 LATE APPLICANTS

Whenever applicants are required to assemble for a test and the examination has started, no applicant will be admitted after the designated time.

8.06 PARTS AND WEIGHTS

Each examination shall embrace one or more parts to which a raw score, rank order or percentage weight shall be assigned. One or more of the following options shall be utilized in scoring an examination.

- a. All applicants will take the same standardized test and each applicant will be ranked according to the results of that standardized test with a passing grade being required for further consideration.
- b. A rank order list shall be the final result of the examination. The number of points earned in the examination shall determine the rank ordering.
- c. Oral examinations may be required of all applicants. The purpose of these oral examinations will be to assess the character of the applicant.
- d. The qualifications and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods.
 - i. Written tests
 - ii. Oral tests of knowledge or ability
 - iii. Interviews covering general qualifications, education, training and/or experience
 - iv. Physical test of strength, stamina, agility or dexterity
 - v. Psychological tests conducted under fully competent guidance
 - vi. Evaluation of education, training, experience, or qualifications as shown by the application, or by other information submitted, or by the record
- e. Each portion or subtest of the examination must be passed prior to proceeding to the next portion or subtest.

8.07 EXAMINATION RULES

- a. No guns, knives, or weapons of any sort will be allowed at the test location.
- b. Before the examination begins, all candidates will:
 - i. Receive an admonition that any willful false statement regarding past record or experience will be grounds for withholding the name of a candidate from an eligibility list, be grounds for discharge, and shall disqualify the candidate from any future examination.
 - ii. Receive all other necessary explanations.
- c. Examiners are forbidden to explain the meaning of any questions or make any remarks or suggestions that might aid in the solution of any question.
- d. All communication by competitors with each other is prohibited.
- e. During an examination no competitor will be allowed to leave the room except in the case of extreme necessity. In such a case the competitor will give notice to an examiner and will be accompanied by an authorized individual.
- f. No help of any kind will be allowed during the examination. Any written or printed material that might be of aid during the examination must be given to the examiner prior to the start of the examination.
- g. Any attempt to cheat or to copy from a competitor will render the guilty person ineligible for classified service at any time.
- h. An applicant who withdraws from an examination after filling out his or her identification sheet and receiving a copy of the written test shall be considered as failed.

8.08 PASSING GRADES

The Civil Service Commissioners shall determine minimum passing scores.

Where an 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 job announcement or announced at the time of the examination.

Points for education, reserve or veteran's preference will be added to the applicant's passing grade, provided that an applicant may in no instance get credit under two or more of the educational preferences listed in 8.09(c) i, ii, or iii of this rule.

8.09 VETERAN'S, RESERVE OR EDUCATIONAL CREDIT

Points are computed as follows:

- a. In all competitive examinations for entrance into the Civil Service in addition to all other credits, except educational credits, a percentage credit of the final earned average score in such examinations shall be given to all persons passing the

examination who have, or who shall have, served in the armed forces of the United States, as defined by RCW 41.04.007; proof of such service to be filed with the Secretary-Chief Examiner prior to taking any portion of the examination. All veteran's preferences must be claimed by a veteran on the application form. The percentage, based upon a possible grade of 100 points as perfect is as follows:

- i. Ten (10) percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and is not receiving any veteran's retirement. The percentage shall not be utilized in promotional examinations;
 - ii. Five (5) percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving veteran's retirement payments. The percentage shall not be utilized in promotional examinations;
 - iii. Five (5) percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall not be added to promotional examinations until the first promotion only;
 - iv. All veterans' scoring criteria may be claimed upon release from active military service. (rev. 8-3-09, to comply with RCW)
- b. The percentage, if any, for veteran's credit shall be added to the final score, except that such credit shall not be added unless the final score is at least equal to the passing grade determined for the examination. (rev. 8-3-09, to comply with RCW)
- c. An applicant may receive as education preference points:
- i. Four (4) points for a Master's Degree, or
 - ii. Three (3) points for a Bachelor's Degree, or
 - iii. Two (2) points for an Associate's Degree from a two-year institution, and
 - iv. One (1) point if the degree is in police science or criminal justice.
- d. Those Entry Level Deputy Sheriff candidates who are Washington State Training Commission (WSTC) certified and have been a reserve officer for a minimum of 2 years may have five (5) percent applied to their score.

8.10 LATERAL ENTRY DEPUTY SHERIFF EXAMINATIONS

Lateral entry deputy sheriff examinations shall be completed through the mail and returned to the Civil Service Commission within 14 days. Each exam must be completed in the applicant's own handwriting.

Lateral Entry Deputy Sheriff examinations shall be assigned confidential identification numbers and sent to three qualified, independent graders for scoring. They shall then be returned to the Civil Service Commission. The Secretary-Chief Examiner shall then average the scores, convert the scores to percentages and place them on the eligibility list.

Lateral Entry Deputy Sheriff lists shall be effective on a continuous basis. Individual candidates may remain on the list for a maximum of one year before their eligibility expires. The Civil

Service Commissioners may extend the candidates eligibility for one year at a time. The candidate may retest only after their eligibility has expired. (rev. 7-26-10)

If a Lateral Entry Deputy Sheriff candidate is removed from the eligibility list or declines a position, he/she must wait for the expiration of his/her eligibility before retesting.

Candidates for the Lateral Entry Deputy Sheriff position shall be placed in the appropriate position on the eligibility list in relation to the other candidates' scores. Because this position is in a continuous testing process, a candidate's position on the eligibility list may change anytime a new application is evaluated.

Once a Lateral Entry Deputy Sheriff candidate is certified to the Sheriff's Office for screening, higher scores being received by the Civil Service Commission do not affect applicant's status. However, when the certification of a name is returned to Civil Service, the applicant is returned to the eligibility list as his/her score indicates. This return may not necessarily be to his/her former position.

8.11 NOTIFICATION OF TEST RESULTS

After all parts of an examination have been completed and scored, the eligibility list shall be certified by the Civil Service Commission and published by the Secretary-Chief Examiner.

8.12 INSPECTION OF RATING STANDARDS AND SCORING KEY

No questions will be shown to any applicant following the test. The applicants shall be allowed a period of five business days following the posting of an eligibility list in which each may indicate a desire or request the opportunity in writing to inspect their scored answer sheet which is legally available. This also applies to any rating standards and scoring keys by which the applicant has been rated during any part of the examination which are legally available. Appropriate arrangements will be made by the Secretary-Chief Examiner to comply with said request.

8.13 PROTESTS AGAINST RATINGS TO THE SECRETARY-CHIEF EXAMINER

If the applicant believes an error has been made in the application of the written test-scoring key, or in the score given to any part of the examination, or that any other error has been made, the applicant may make a protest in writing stating specifically where it is believed errors have been made. Each protest shall give specific authoritative references or opinions of recognized experts where such exist. No protest may be made after the seventh day following the inspection provided for in Rule 8.12. Upon receipt of written protest or request for re-scoring or re-rating, the Secretary-Chief Examiner shall make a review of the protest. The Secretary-Chief Examiner shall review all such protests or requests and recommend to the Commission any necessary corrections in grades or ratings.

8.14 REPORT OF EXAMINATION

After the expiration of the five-day period, as provided in Rule 8.12, the seven-day period provided for in Rule 8.13, and the review, as provided in Rule 8.13, the Secretary-Chief Examiner shall submit a report on each examination to the Commission. The report shall include applicants' names, grades and all protests in connection with the examination and the disposition of such protests.

8.15 APPEAL TO COMMISSION

Any person aggrieved may appeal to the Commission from the ruling of the Secretary-Chief Examiner pursuant to Rule 5 within ten business days after notice of such ruling. No correction made by the Secretary-Chief Examiner under Rule 8.13 or by the Commission shall affect any appointment made from a certification made prior to the correction.

8.16 CORRECTION OF CLERICAL ERRORS

The Secretary-Chief Examiner upon discovery may correct any clerical error at any time during the life of the eligibility list, but no such correction shall affect an appointment made from certification made prior to the corrections.

8.17 PERMANENT RECORD OF EXAMINATION

The Commission shall preserve as a permanent record of each examination the report of examination (as provided in Rule 8.14) containing the names and scores of all applicants on each part of the examination and the total examination.

8.18 OTHER RECORDS OF EXAMINATION

All original records prepared or received in connection with any written or oral examination shall be retained for a period of at least 90 days after the date of promulgation of the eligibility list. Such records may then be destroyed if no longer required for administrative purposes.

8.19 EXAMINATIONS TO BE IMPARTIAL

All examinations shall be fair and impartial. No persons shall reveal, before the completion of an examination, any information about such examination except by announcement to all applicants or candidates equally.

8.20 PROMOTIONAL EXAMINATIONS

Promotional examinations at the discretion of the Civil Service Commission may be service wide or may be limited to a particular branch: services, operations or administration, as specified in the position's job description.

Except where in conflict with this rule, promotional examinations will be conducted under the same general rules that apply to entrance employment examinations.

Notice of promotional examinations will be posted within the department for two weeks prior to the examination.

To be eligible for promotion, an employee must:

- a. have served satisfactorily through his or her probationary period
- b. be of the eligible-department if candidacy is limited to a department in accordance with this rule
- c. otherwise meet the minimum requirements of the position as of the effective date of the promotional list when established
- d. not have competed in a promotional exam for the same class within the last six months, without the approval of the appointing authority

All promotional examinations will be graded on the basis of weighted scores as established by the Civil Service Commission.

A total passing score on an examination shall be 60%. The commission shall establish a passing score of other than 60% if it determines that such a score reflects the skill requisite to the position. The test shall not be graded on a curved basis. (rev. 10-15-07)

The Secretary-Chief Examiner, with the approval of the Civil Service Commission, may establish different passing scores on different portions of the examination. Each portion or sub-test then must be passed before an applicant may proceed to the next portion or sub-test.

Ties on promotional examinations will be broken by awarding the tie to the applicant who has the longest continuous employment in the department.

RULE 9 – ELIGIBILITY LISTS

9.01 ELIGIBILITY LISTS CREATED

The eligibility list for original employment shall become effective when signed by the chairperson of the Commission. The Secretary-Chief Examiner shall prepare employment, promotional and re-employment eligibility lists which rank individuals who have qualified for certification to the appointing authority. The Secretary-Chief Examiner shall publish eligibility lists resulting from examinations, as provided for in Rule 8.

9.02 ORDER OF NAMES ON ELIGIBILITY LISTS

The names of applicants who pass an examination shall be entered upon the eligibility list for the class in order of their grades, including veterans or educational credits, and without prejudice. The ranking shall be based on the results of the examination.

9.03 TIE SCORES

Whenever two or more applicants in an examination have the same final grade, priority shall be determined by the highest grade on the oral part of the examination. If the scores still remain the same, the Commission shall determine additional appropriate components to the examination process. This does not apply to promotional examinations.

9.04 DISCLOSURE OF NAMES OR PERSONS ON ELIGIBILITY LISTS

The eligibility list, including the names of all those who passed the examination, shall be open to public inspection. However, ranking or scores are not open to the public.

9.05 DURATION OF ELIGIBILITY LISTS

An eligibility list shall be in effect for one year from the date of signature of the Chairperson of the Civil Service Commission. Before the expiration of an eligibility list, the Commission may extend the period of eligibility for one year at a time, as long as there are at least three names remaining on the list that are available for employment.

An eligibility list, which has been extended, shall be terminated automatically upon promulgation of an eligibility list from a new examination for the class.

9.06 SEASONAL LISTS

A season list will be established to fill seasonal positions. Ranking will be determined by oral examination.

9.07 PRIORITY LISTS

When a reinstatement list exists for the class in which a vacancy exists, it shall be exhausted before any certification can be made for an eligibility list. The order of certification shall be:

- a. re-employment list
- b. promotional list
- c. employment list

9.08 CANVASS OF ELIGIBILITY LISTS

Whenever he/she believes the needs of the service require, the Secretary-Chief Examiner shall ascertain the availability for employment under certain specified employment conditions of persons whose names appear on an eligibility list.

9.09 REJECTION OF CANDIDATE – DROPPED FROM LIST

The name of any person may be removed from the eligibility list for any of the reasons in Rule 7.03, or if the candidate:

- a. is addicted to the use of intoxicating liquors or narcotics or habit forming drugs;
- b. is addicted to gambling;
- c. refuses to execute any oath, as prescribed by law;
- d. fails to be present for fingerprinting, as required by the Commission;
- e. has assisted in preparing, conducting or scoring any examination for which the candidate applies or who has any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- f. fails to be present for or fails to pass the medical examination prescribed by the Commission;
- g. submits a written request that his/her name be removed;
- h. fails to respond to notice to appear for employment interview within the time limited in such notice unless the candidate is on the promotional list and shall have specifically waived his/her right to a promotional appointment;
- i. declines regular appointment, provided however, that the number one eligible on any promotional list shall have the right to waive a promotional appointment and the waiver of such appointment shall not affect his/her status or standing on said list as to the appointment, or appointments specifically waived. In the event of waiver by the number one eligible, then the number two eligible on a promotional list shall be deemed, for the purposes of that appointment, the number one eligible on said list;
- j. attempts deception or fraud in connection with any application or test;
- k. willfully or corruptly makes any false statement, certification, mark, grading, or report in regard to any test for appointment held or made under the provisions of these rules and the laws of Whitman County;
- l. is or has in any manner become disqualified for the position for which he/she is listed, in accordance with any of these rules;
- m. fails to notify the Secretary-Chief Examiner of changes in address or phone number;
- n. is appointed to a permanent position through certification from an eligible list for this class or another class at the same or higher salary;
- o. in the case of promotional lists; separates, other than layoff from County service;
- p. is not appointed from an eligible list after certification three times to the appointing authority;
- q. fails to pass the polygraph examination;
- r. fails any Oral Board;
- s. fails to pass a pre-employment interview or background investigation, the purpose of which is to determine if the applicant has the background and ability to function as an effective law enforcement officer;
- t. was previously in the Classified Service in the same or any other type of employment and was removed for cause or did not resign in good standing: and/or
- u. has been dismissed from previous employment for delinquency or misconduct.

9.10 EFFECTS OF APPEALS

No appeal shall affect the eligibility list or an appointment made from a certification during the pendency of the appeal. When the appeal is terminated, the Secretary-Chief Examiner shall add

the name of the appellant to the eligibility list at the appropriate place if it has been determined the appellant is entitled to be on the eligibility list.

RULE 10 – CERTIFICATION AND APOINTMENT

10.01 CERTIFICATION FROM ELIGIBILITY LIST

Whenever an appointing authority requires the services of a person to fill a vacancy in the classified service, a written requisition will be given to the Secretary-Chief Examiner. The requisition will include the number of positions to be filled in each class, the class title and other information as requested by the Secretary-Chief Examiner.

Upon request for certification of names to fill a vacancy, the Secretary-Chief Examiner shall certify to the appointing authority the names of three persons standing highest on the appropriate eligibility list and willing to accept the position for which certification is made. Or, in the absence of an appropriate eligibility list, the appointing authority may authorize provisional appointment for a period not to exceed four calendar months. No person shall receive more than one provisional appointment or serve more than four calendar months as a provisional appointee in any one fiscal year. (See Rule 12.02)

10.02 WITHHOLDING NAMES FROM CERTIFICATION OR REMOVING NAMES FROM ELIGIBILITY LISTS

The name of a candidate may be withheld from certification or removed from an eligibility list when the candidate;

- a. expresses unwillingness or inability to accept appointment or refuses offer of an appointment without adequate explanation;
- b. fails to respond within ten business days after the mailing of written inquiry regarding availability for regular employment or request to appear for interview regarding such employment;
- c. fails to be present for duty at the time agreed upon after having accepted an appointment;
- d. cannot be reached in time for appointment when immediate temporary employment is required, but shall apply only to such immediate temporary employment;
- e. fails to present a license, registration, certification, or any credential required; the name of any such candidate may be restored to certification when the particular requirement has been met;
- f. fails to maintain a record of current address with the Commission as evidenced by the return of a properly addressed unclaimed letter or other evidence;
- g. is not qualified to perform the duties of the class based upon a finding by the Commission
- h. willfully violates any of the provisions of these rules or any applicable law;
- i. Is not qualified for any reason enumerated in Rule 7.03.

10.03 RESTORATION TO CERTIFICATION

When the name of a person has been withheld from an eligibility list, from certification or has been removed from the list, it may be restored to its original position by the Secretary-Chief Examiner on successful appeal to the Commission by the appellant taken within ten business days after notice of decision, but only under the following circumstances:

- a. where withholding or removal was because the person accepted a permanent appointment with the County and where the person is still in County service; or where the person has been separated therefrom without fault or delinquency on the employee's part and the good of the County and justice to the employee requires that the employee be restored to the eligibility list to be eligible for certification;
- b. where the withholding or removal was because of the unwillingness or inability of the employee to accept appointment, or failure to respond to inquiry as to availability to appear for interview, or to present a good and valid reason for such unwillingness, inability or failure, and where the employee now certifies to the Secretary-Chief Examiner a willingness to accept appointment;
- c. where the withholding or removal for a reason stated in Rule 7.03 and such reason no longer exists.

10.04 EFFECTS OF REMOVAL, WITHHOLDING, OR RESTORATION

The removal or withholding of a name shall automatically advance all of the names below it on the eligibility list.

Should any person whose name is removed or withheld file an appeal of this removal or withholding within the stipulated time allowed for filing of such appeals, no permanent appointment shall be made from those names under the name removed prior to the disposition of the appeal, unless said appeal cannot be concluded within sixty days. The acceptance or refusal by a candidate of temporary appointment shall not affect his certification from the eligibility list for permanent employment.

10.05 APPOINTMENT OF CANDIDATES

In filling vacancies by appointment from an eligibility list, the appointing authority, if it desires to fill the vacancy, shall appoint a person or persons from among the three people highest on the eligibility list for the class to which the vacant position has been allocated. The candidates must be willing to accept the position and be certified in accordance with these rules.

RULE 11 – PROBATION

11.01 PROBATIONARY PERIOD

After each regular appointment from an eligibility list, an employee shall serve a complete period of probation before appointment or promotion is complete, in accordance with these rules, union contract language and Whitman County Policies and Procedures.

No new probationary period results from a demotion of an employee who previously completed a probationary period.

11.02 LENGTH OF PROBATIONARY PERIOD

The period of probation shall be equivalent to 12 months of full-time service following regular appointment from an eligible register. Minor absences due to vacations, annual military leave, illnesses, etc., shall not be construed as interrupting the probationary period unless an absence or absences are considered to be excessive to the extent that the Secretary-Chief Examiner will approve a departmental request for an extension of the probationary period.

11.03 INTERRUPTION OF PROBATIONARY PERIOD

Whenever the probationary period of an employee in a position in one class is interrupted due to his/her appointment to a position of another class and the employee subsequently returns to a position in the first class during the secondary probationary period, his/her probationary period for the first appointment shall continue until completed.

11.04 PROBATIONARY DISCHARGE OR DEMOTION

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 5.01.

A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, in accordance with Rule 15.14 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.

A probationer demoted to a class in which he or she had not held regular standing shall start a new period of probation.

RULE 12 – TEMPORARY APPOINTMENTS AND PROVISIONAL APPOINTMENTS

12.01 TEMPORARY APPOINTMENTS

A person may be employed in a temporary position only for the duration of the temporary work. If the position is made regular, it must be filled by appointment on a regular basis in accordance with Rule 10. A person given a temporary appointment may not be transferred or changed to any other position except on a temporary basis and shall never attain regular status from such appointment. Such temporary employment may continue only so long as the facts exist justifying a temporary appointment.

12.02 PROVISIONAL APPOINTMENTS

A provisional appointment without examination may be made when there is no appropriate eligibility list or persons on the list are not available or cannot be contacted and when the appointing authority certifies and supports with adequate facts that an emergency exists. The Commission must approve such provisional appointment and the provisional appointee must meet the requirements and file application for examination for the class. Such appointment may continue only until such time as the position can be filled from an eligibility list. No person shall receive more than one provisional appointment or serve more than four calendar months as a provisional appointee in any one fiscal year.

An emergency exists when:

- a. life, health or property is in jeopardy; or
- b. the immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties; or
- c. the work program of the department will be impaired if the position is left vacant and the work cannot be deferred or reassigned;
- d. a vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.

RULE 13 – ASSIGNMENTS, TRANSFERS AND REASSIGNMENTS

The assignment of a candidate to a position, or of an employee from one position to another position within the class and department for which he/she has been certified by the Secretary-Chief Examiner pursuant to these rules, is a matter of departmental administration, except as provided in Rule 16.

RULE 14 – LEAVES OF ABSENCE

14.01 LEAVES OF ABSENCE

Leaves of absence not exceeding 30 days and without pay may be granted by the appointing authority to any person under civil service, provided notice is given by the appointing authority.

Leaves of absence in excess of 30 days may be granted by the Civil Service Commission upon written request of the employee and written endorsement by the appointing authority.

The Commission may terminate any leave of absence by written notice to the employee whenever circumstances require such action.

The employee shall be:

- a. required to return to duty forthwith and
- b. required to return to the same class or position as he or she occupied when the leave was granted, or
- c. returned to any other position as authorized by the Commission.

An employee who fails to return to duty upon termination or expiration of leave shall be considered absent without leave and subject to disciplinary action.

14.02 LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay from regular duties for the purpose of recovering from a prolonged illness, an injury, pregnancy, childbearing education or training, or assisting another public agency, may be granted by the authority pursuant to policies adopted by Whitman County.

14.03 MILITARY LEAVES OF ABSENCE

Military leaves of absence shall be granted by the appointing authority in accordance with provisions of RCW 38.40.060.

RULE 15 – DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND RESIGNATIONS

15.01 CAUSES FOR DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS

An employee may be discharged or suspended without pay from the Sheriff's Office or demoted or deprived of vacation or other privileges for any of the following reasons:

- a. Incompetence, inefficiency or inattention to or dereliction of duty.
- b. Dishonesty, intemperance, 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 conduct himself properly; or any willful violation of the provisions of these rules.
- c. Physical or emotional unfitness for the position that the employee holds.
- d. Use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such an extent that the use thereof interferes with the efficiency or physical fitness of the employee, or which precludes the employee from performing properly the functions and duties of his/her position under Civil Service.
- e. Conviction of a felony or a misdemeanor involving moral turpitude.
- f. Directly or indirectly receiving or soliciting political contributions or campaigning for any party or municipal political purpose while on duty or in uniform
- g. Use of County equipment for personal business or pleasure.

15.02 CONDITIONS OF DISCHARGE, DEMOTIONS, SUSPENSION AND OTHER DISCIPLINARY ACTIONS

A regular employee may be discharged from County service or demoted or suspended without pay, or deprived of vacation or other privileges only after notification in writing of the reasons for such action. Such notice shall state the specific grounds and the particular facts upon which the disciplinary action is based, and the employee shall be allowed ten business days from the

date of service of such notice in which to reply thereto in writing and request a hearing before the Commission. Such notice of disciplinary action shall state the time allowed for answer and for requesting a hearing before the Commission. A copy of such notice and a copy of the reply, if any, must be filed in duplicate with the Commission. The appointing authority shall submit to the Commission evidence showing the employee has been served with the notice of disciplinary action, either personally or by certified or registered mail addressed to his/her last known address and the date of such service.

15.03 HEARING ON REASONS FOR DISCIPLINARY ACTION

If the regular employee to be discharged, demoted, suspended or otherwise disciplined pursuant to Rule 15.02 so requests, the Commission shall proceed in accordance with Rule 5. A public hearing pursuant to Rule 5 shall be held by the Commission or by the Hearing Board whenever a timely request for a hearing has been filed.

15.04 CRIMINAL ACTS

Where the facts alleged in the notice of disciplinary action constitute a crime and the employee has requested a hearing under Rule 15.03 within the time allowed in Rule 5, the employee may at any time up to one day before the date of the hearing request a continuance of the civil service hearing for a reasonable period to determine whether a criminal charge will be filed or until after termination of the criminal case.

15.05 DECISION

After receiving evidence presented in hearing 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 shall order 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 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 and shall be forthwith enforced by said officials.

15.06 PROBATIONARY PERIOD FOLLOWING FIRST APPOINTMENT

An employee who has not yet completed his/her first probationary period may be discharged in accordance with Rule 15.01 by the appointing authority by written notice served on the employee and a copy filed with the Commission specifying the grounds and the particular facts on which the discharge is based.

15.07 PROBATIONARY PERIOD FOLLOWING SECOND APPOINTMENT

Nothing in Rule 15.01 or elsewhere in these rules shall be construed to permit the discharge from the Department without a hearing of an employee during the probationary period in a second appointment where before such appointment the employee completed the probationary period in another class. "Second" refers to any appointment of a regular employee, which starts a new period of probation under Rule 11.

Such employee shall be considered a regular employee for such purposes and under such circumstances may be discharged from County service only pursuant to preceding applicable sections of this rule with the right to a hearing, if requested.

During the probationary period in the second appointment, such an employee may be demoted, pursuant to Rule 15.06, without a hearing to a position in the class in which the employee was last employed before such second appointment. In the event of such demotion and if no vacancy exists in the class and department in which the employee served the first appointment, a vacancy may be created by layoff or reduction in accordance with Rule 16.

15.08 CONSENT OF COMMISSION

In the case of a probationary employee, the consent of the Commission must be secured for a discharge or demotion under Rule 15.06 or 15.07. The Commission shall consent if it believes the grounds and facts alleged, if true, justify the discharge or demotion of a probationer and that no fraud or discrimination because of political or religious opinions, racial extraction, or union affiliation exists.

If the Commission has consented prior to the filing of an answer by the employee and such answer alleges fraud or discrimination as above stated and requests a hearing, the Commission shall immediately set aside its consent. The hearing shall be limited to the question of fraud or discrimination. After such hearing, the Commission may consent to the discharge or demotion or may order the employee reinstated and, unless said order otherwise provides, it shall be effective as of the date of the discharge or demotion.

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

15.09 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 the probationary period. The consent of the Commission must also be requested by the appointing authority within such time, but the fact that the action of the Commission is delayed by reason of a request for hearing or otherwise until after the expiration of the probationary period shall not invalidate the discharge or demotion.

15.10 RESIGNATIONS

Resignations shall be in writing and shall be directed to the appointing authority. A resignation shall be

effective on the date designated therein and, if no date is designated, it shall be effective immediately. A resignation, once it has become effective to have been accepted by the appointing authority, may be withdrawn only with the consent of the appointing authority and the Commission.

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 notified the Commission that such resignation was not voluntary and demands a hearing within ten business days after filing with the Secretary-Chief Examiner or a report showing such resignation.

15.11 CHARGES FILED BY A CITIZEN

When a citizen or taxpayer of the County against any person files written charges in the classified civil service pursuant to applicable state law, the Commission shall refer such charges to the appointing authority for investigation and such action, as he/she deems necessary. The person against whom charges are filed may file an answer to such charges. No hearing on such charges shall be held unless the appointing authority 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. If the Commission finds the charges, if true, reflect negatively on the integrity of the Civil Service system or show serious violations of the Civil Service provision of the law or rules and that a public hearing is desirable to restore confidence in the Civil Service system or to secure compliance with Civil Service provisions.

15.12 PREDISCIPLINARY HEARING – REQUIRED

The appointing authority shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate in accordance with County policy and union contract language.

15.13 PREDISCIPLINARY HEARING - STANDARDS/NOTICE OF DISCIPLINE

An employee shall be provided, in writing, with a notice of the charge and an explanation of the department's evidence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's proposed action should not be taken.

The employee may have legal counsel or union representative present at a predisciplinary hearing.

The department's explanation of the department's evidence at the predisciplinary hearing shall be sufficient to appraise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.

Should the appointing authority determine to discipline following the predisciplinary procedure, written notice of discipline shall be given to the employee.

The Commission shall not consider, or appeal, any basis for disciplinary action not previously presented to the employee.

15.14 DEMOTION

The appointing authority may make demotion of an employee to a lower class for good cause.

An employee so demoted shall lose all rights to the higher class.

If the employee had not had previous standing in the lower class, such demotion shall not displace any other regular employees to any probationer. The Secretary-Chief Examiner shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class and shall require the completion of a probationary period.

Demotion is distinguished from reduction. Demotion is a disciplinary matter, requiring the employer to show good cause for the action taken. "Reduction" is defined as "removal from a higher class to a lower class of employment for reasons other than causes."

RULE 16 -LAYOFFS AND REINSTATEMENT REGISTER

16.01 LAYOFFS

The appointing authority may lay off or reduce an employee when necessary due to lack of funds, lack of work, or abolishment of the position.

16.02 EMPLOYMENT STATUS AND ORDER OF LAYOFF

Whenever it becomes necessary through lack of finances or for any other reasonable cause to reduce the number of employees under the provisions of these rules, such reductions shall be carried out as deemed appropriate by the appointing authority, which shall give primary consideration to performance, and secondary consideration to seniority when making reduction decisions. Temporary employees and probationers shall be the first to be laid-off.

16.03 LAY OFF OUT OF ORDER

The appointing authority may lay off out of the regular order, upon showing of necessity therefore, in the interest of efficient operation of the department, after giving any employee or employees affected an opportunity to be heard.

16.04 REDUCTION IN LIEU OF LAYOFF

At the time of any layoff, certified employees shall be given an opportunity to accept reduction to the next lower class in the department, provided, that any employee so reduced should be entitled to credit for any previous regular service in the lower class and to any other service credit.

16.05 TRANSFER IN LIEU OF LAYOFF

Transfers in lieu of layoff may be made to a different position with the department upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a certified employee or probationer is not displaced.

16.06 REINSTATEMENT LIST

The names of persons laid off or reduced in accordance with these rules shall be entered upon a reinstatement list in inverse order of layoff. Lists from different times for the same class of position shall be combined into a single list. The appointing authority shall use such list when vacancy arises in the same or lower class of position before certification is made from an eligibility list. When a vacancy occurs, the appointing authority shall appoint the person highest on the reinstatement list who is available who was laid off from a position in the department.

16.07 NAME DROPPED

Names of persons laid off or reduced in lieu of layoff shall be carried on a reinstatement list for two years, except that the names of persons appointed to regular positions of the same level as that from which they were laid off shall, upon such appointment, be dropped from the list. Persons reduced or reinstated in a lower class or reinstated on a temporary basis shall be continued on the list of the higher class for two years.

16.08 RESTORATION TO REINSTATEMENT LIST

The name of any person who has been appointed to a regular position from a reinstatement list and subsequently is separated from the service without delinquency or fault on his/her part shall be restored to the reinstatement list. This restoration shall have the effect of extending the time the employee's name is carried on the reinstatement list.

RULE 17 - AUTHORITY TO REVIEW SALARY ACCOUNTS

17.01 REVIEW OF ACCOUNTS

The Commission shall have the authority to review the salary account for each employee in the Whitman County Sheriff's Office to assure that the employee has been appointed and is performing service in accordance with the provisions of these rules.

17.02 BASIS FOR CERTIFICATION

In making the review outlined in Rule 17.01, the Commission may rely on the reports submitted by the respective appointing authority and may rely on the absence of a more recent report as showing that there has been no change in conditions since the submission of the last report on file with the Commission.

RULE 18 - REPORTS REQUIRED

18.01 REPORTS FROM THE APPOINTING AUTHORITY

The appointing authority shall report immediately to the Secretary-Chief Examiner in detail every appointment, suspension, separation, reinstatement, layoff, transfer, demotion, reduction, reassignment, refusal or failure to accept an appointment on the part of a candidate certified for appointment, and changes of duties or of compensation.

18.02 OTHER REPORTS

The Secretary-Chief Examiner may require or request other information as necessary for the proper administration of the Civil Service system.

18.03 PERFORMANCE EVALUATION

The appointing authority or designee shall evaluate the comparative efficiency and performance of each employee during the employee's one-year probation period following an appointment or a promotion in relation to standards for efficient performance of work. The appointing authority shall maintain a file of such evaluations and make the same available for inspection by the Secretary-Chief Examiner or other members of the Commission when requested to do so and available for examination by the employee when reasonably requesting the same.

RULE 19 - MISCELLANEOUS

19.01 REPEALS AND SAVINGS

All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

19.02 COMPUTATION OF TIME

In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a day off or a County legal holiday, in which event the period runs until the end of the next day which is neither a day off nor a County legal holiday. When the period of time prescribed or allowed is five (5) days or less, intermediate days off and legal holidays shall be excluded in the computation.

Any period of time except for the stated period of time set forth in Rules 5.03, 6.05, 7.02, and 7.05 may be extended by the Secretary-Chief Examiner for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the running of the applicable time period.

The date of notice for purpose of these rules shall be the date on which notice of an action is posted in the Commission's office or is mailed to a party to a proceeding.