



# **CIVIL SERVICE COMMISSION RULES**

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1. GENERAL PROVISIONS.

1.01 AUTHORITY AND APPLICATION.

These rules are promulgated pursuant to the authority granted by Chapter 41.08 RCW, Civil Service for City Firemen; Chapter 41.12 RCW, Civil Service for City Police. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of the referenced RCW chapter, and the enabling ordinance providing for the civil service.

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

1.03 PRESUMPTION OF VALIDITY. The Civil Service System implemented by these rules substantially accomplishes the purpose of RCW 41.08 and RCW 41.12. Variation from state models are based on local conditions and are intended to maintain the purposes of civil service systems: merit selection, tenure, and an independent civil service commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW 41.08 and RCW 41.12.

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

2. ADMINISTRATION AND OPERATIONS.

2.01 COMMISSION—MEETINGS—QUORUM.

In the necessary conduct of its work, the Commission shall meet on the 3rd Thursday of each month, at 2:00 pm, in the City of Oak Harbor Mayor's Conference Room unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act. See RCW 42.30.140(1) and (2).

2.02 CHAIR—VICE CHAIR. At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair and another member to serve as Vice Chair for a term of one year. Should a Chair and/or Vice Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair and/or Vice Chair.

2.03 RULES OF ORDER. Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two commissioners such rules may be waived or modified. In quasi-judicial proceedings, the Commission shall be guided, but not bound by, the Civil Rules for Superior Court.

2.04 COMMISSIONERS—CHALLENGE. Any challenge to a Commissioner's participation at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged Commissioners shall review and rule on the challenge prior to proceeding with the hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to commencement of a hearing.

2.05 COMMISSIONERS—CHALLENGE—NECESSITY. If, as a result of disqualification(s) pursuant to Rule 2.04, there is no longer a lawfully constituted quorum available, then by reason of necessity, the disqualified Commissioners(s) shall return and proceed with the hearing.

2.06 OFFICE. The office and post office address of the Civil Service Commission is 865 SE Barrington Drive, Oak Harbor, WA 98277.

2.07 PUBLIC RECORDS. Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charged for inspection of public records. Inspection will be

permitted during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by the City of Oak Harbor ordinance. These rules shall be printed for free public distribution.

- 2.08 RECORD OF PROCEEDINGS. The Commission shall keep a record of its proceedings. The record of the Commission will not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his/her own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission, or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary.
- 2.09 REPORTS—APPLICANTS, ELIGIBLES, EMPLOYEES.
- 2.09.01 Each applicant, eligible and employee shall keep the Commission informed, by written notice to the Secretary, of current address and telephone number, and shall report any change of name through marriage or otherwise.
- 2.09.02 Each eligible shall keep the Secretary informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefor.
- 2.10 REPORTS—DEPARTMENT HEADS. A department head shall immediately report to the Secretary in such detail and on such forms as the Secretary may prescribe:
- 2.10.01 Every appointment, transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, assignment, change of position within a class or within an assignment title, change of title, change of compensation;
- 2.10.02 Every separation from the service with the reasons therefor;
- 2.10.03 Every refusal or failure to accept appointment by a person whose name has been certified.

3. SECRETARY-CHIEF EXAMINER.
- 3.01 SECRETARY-CHIEF EXAMINER—APPOINTMENT. A Secretary-Chief Examiner (hereinafter, “Secretary”) shall be appointed by the Commission.
- 3.02 The Secretary shall be appointed as a result of a competitive examination, which examination may be either original and open to all properly qualified citizens of the city, or promotional and limited to persons already in the service of the police, fire or other city department as the Commission may decide.
- 3.03 SECRETARY—DISCIPLINE. The Secretary may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.
- 3.04 SECRETARY—AUTHORITY. In addition to acting as Secretary of the Commission, the Secretary shall:
- 3.04.01 Be the general manager and executive officer of the Civil Service Department, responsible to the Commission, and shall direct the activities of all personnel in the Civil Service Department, including their appointments and removals;
- 3.04.02 Delegate duties where necessary and supervise the work of all persons employed in the Department, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;
- 3.04.03 Report to the Commission from time to time as directed concerning the details of the work of the Department;
- 3.04.04 Prepare the budget for the Department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Department;
- 3.04.05 Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
- 3.04.06 Determine which examinations shall be conducted, the minimum qualification of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he or she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination; and [Note: see Rule 8.01, “Ordering Examinations.”]

- 3.04.07 Perform all other functions necessary for the proper carrying-out of these rules and the provisions of law relating to the Civil Service System, and such additional duties as may be assigned to the Secretary from time to time by the Commission.
- 3.05 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY.
- 3.05.01 The Commission on its own motion may review or modify any action or decision of the Secretary.
- 3.05.02 Any person adversely affected by any action or decision of the Secretary may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the receipt of notice of such action unless established otherwise in these Rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

4. DEFINITIONS.

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

4.01 ACTUAL SERVICE. Time in which a given employee has been engaged under Civil Service appointment in the performance of the duties of a position or positions and shall include absences with pay.

4.02 ALLOCATION. The locating or placing in the classified service of a position in the class appropriate to it on the basis of duties and responsibilities and required qualifications of such position.

4.03 APPLICANT. Anyone who has filed an application to take a Civil Service examination.

4.04 APPOINTMENT

4.04.01 APPOINTMENT—REGULAR. The appointment of a certified eligible.

4.04.02 APPOINTMENT—PROVISIONAL. A limited appointment of (a) certified [or non-certified] person to a classified position which is not vacant, but is currently unfilled due to an authorized leave of absence; or (b) a non-certified person to a classified position for which there is no current eligible register.

4.04.03 APPOINTMENT—TEMPORARY. A limited appointment other than from an eligible register for the purpose of performing work belonging in the classified service. Temporary appointment includes emergency appointment.

4.05 ASSESSOR. An assistant to the Police and Fire Chief, and approved by the Commission, selected for special knowledge in recommending, scheduling, and/or administering testing for the Oak Harbor Police and Fire Department.

4.06 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.

4.07 BREAK IN SERVICE. A separation from Civil Service status with a loss of accumulated service credit as occasioned by a “quit,” “resignation,” “discharge” or “retirement.”

4.08 CANDIDATE. Any applicant who has completed, or is in the process of completing, a Civil Service examination.

4.09 CAUSE. Cause shall mean good, sufficient or just cause as determined by the Commission; exercised by the department head in good faith and without discrimination on the basis of religion, politics or other protected classification;

and, in consideration of the total context of a disciplinary action, including procedural fairness and consideration of an employee's work record.

- 4.10 CERTIFICATION. [Certified Eligible List] A list of names from an eligible register transmitted by the Civil Service Commission to the department head from which such department head may fill a vacancy.
- 4.11 CERTIFY. Verification to the department head that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.
- 4.12 CITY. The City of Oak Harbor.
- 4.13 CIVIL SERVICE EMPLOYEE. Any employee who has Civil Service status.
- 4.14 CIVIL SERVICE REGISTER. See Eligible Register.
- 4.15 CLASS. A position or group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.
- 4.16 CLASS SERIES. Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as Police Officer, Police Sergeant.
- 4.17 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.
- 4.18 COMMISSION. The Civil Service Commission. "Commissioner" means any one member of the Commission.
- 4.19 CONTINUOUS SERVICE. Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.
- 4.20 DEMOTION. Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.
- 4.21 DEPARTMENT. Any department of the City subject to civil service as established by ordinance. The legal head of any such department is the "Department Head" or Department Head's designee.
- 4.22 DISCHARGE. Termination, separation, dismissal, or removal from the service for cause.

- 4.23 ELIGIBLE. Anyone qualified for a given class through examination and placed on the proper eligible register; also, “Certified Eligible.”
- 4.24 ELIGIBLE REGISTER. A register or list of successful examinees for a given class from which certification may be made to fill vacancies in such class; also, “Register of Eligibles.”
- 4.25 EMPLOYEE. Anyone holding a position in the Civil Service System of the City of Oak Harbor.
- 4.25.01 EMPLOYEE—REGULAR. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.
- 4.25.02 EMPLOYEE—TEMPORARY. Any employee appointed to fill an emergency, temporary or short-term need [or to fill a position for which no register is available].
- 4.25.03 EMPLOYEE—EXEMPT. Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the department head.
- 4.25.04 EMPLOYEE—PROBATIONARY. A person appointed from a certification who has not yet completed the specified trial period of employment.
- 4.25.05 EMPLOYEE—PROVISIONAL. Any employee appointed provisionally to a position. Note: A regular employee is the only employee with rights under Rule 19.01.
- 4.26 EXAMINATION. The process of testing the fitness and qualifications of applicants for positions in a class.
- a. EXAMINATION—OPEN ENTRANCE. An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.
  - b. EXAMINATION—PROMOTIONAL. An examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.
- 4.27 EXAMINATION BULLETIN. An examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and the other pertinent information. The examination announcement shall be posted on the City’s website on the Human Resources Department page and at the Oak Harbor Fire Department or Police Department and in other suitable locations.
- 4.28 FINAL EXAMINATION SCORE. Total of earned exam score plus additional veteran’s preference or Paid on Call (POC) preference points for which an applicant is eligible.

- 4.29 IN-HOUSE REGISTER. A list of the names of civil service employees, in the order of final examination rating, who have passed an examination for an entrance position or class.
- 4.30 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.
- 4.31 OFFICIAL NEWSPAPER. The newspaper designated as official by the City of Oak Harbor, or as otherwise designated by the Commission.
- 4.32 POSITION. Any group of duties and responsibilities in the service of the City of Oak Harbor which one person is required to perform as full[- or part-time] employment, and which is included in the City of Oak Harbor budget.
- a. POSITION—REGULAR. A position included in the official annual budget that is neither specified as temporary employment, nor limited for a period of less than the budget year; also any such position established during a given budget year, unless the Department Head certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
  - b. POSITION—REGULAR PART-TIME. Employment in a regular position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.
- 4.33 PROBATION OR PROBATIONARY. The status of an employee during a trial period following a regular 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.
- 4.34 PROMOTION. The appointment of an employee to a higher class or to a position of higher skill or responsibility level. Any change in employment other than by a temporary or provisional appointment (1) from a lower class to any position in any higher class in the same promotional series of classes as determined by the Commission, or (2) to a position which although an entrance position is of higher skill and/or responsibility, shall constitute a promotion.
- 4.35 QUIT. Any voluntary separation of an employee from the City of Oak Harbor service without acceptance of a resignation by the department head.
- 4.36 REALLOCATION. The allocation of a position to a different class in the Classification Plan.

- 4.37 REDUCTION. The removal of an employee from a higher class to a lower class of employment for reasons other than cause.
- 4.38 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 department head for consideration for employment. See 4.25, “Eligible Register.”
- 4.39 REINSTATEMENT. Reappointment of a regular employee to a position in a class in which the employee was a regular employee.
- 4.40 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.
- 4.41 RESIGNATION. A written request by an employee for separation from a class or from the City of Oak Harbor service. To be valid, such request must show written approval of the department head.
- 4.42 RETENTION CREDIT. The employee’s service credit in a given class or position and any higher position in a series or any other credit used by the Commission to determine order of lay-off.
- 4.43 RETIREMENT. The termination of employment for service or disability pursuant to applicable retirement laws.
- 4.44 SECRETARY. Secretary-Chief Examiner as defined in Chapter 3.
- 4.45 STANDING—REGULAR. The full Civil Service status of a regular employee.
- 4.46 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.
- 4.47 UNCLASSIFIED SERVICE. The positions in the City of Oak Harbor that are not subject to civil service and are identified as exempt positions, assignment levels, or other positions authorized by law.
- 4.48 VETERANS’ PREFERENCE. Preference in examinations and employment, based on military service, as provided and defined by applicable laws.
- 4.49 PAID ON CALL (POC). Classification within the Oak Harbor Fire Department of non-Civil Service members.
- 4.50 PAID ON CALL (POC) PREFERENCE Preference in examinations and employment based on service as a Paid on Call (POC) with the Oak Harbor Fire Department.

5. RULE-MAKING.

5.01 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.

Unless upon emergency declared by all Commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption. Upon declaration of emergency, a rule amendment may be adopted at the meeting at which the amendment is first proposed.

5.02 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.

5.03 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 the City Clerk and to each affected department of the City of Oak Harbor and the Civil Service Commission. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available for free public distribution as required by state law.

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

6. CLASSIFICATION.
- 6.01 CLASSIFICATION PLAN. A class specification shall be prepared and maintained for each class in the Civil Service System. Such specifications shall describe generally the class, distinguish it from other classes, give examples of typical duties of the class, and contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.
- 6.02 ADMINISTRATION OF POSITION CLASSIFICATION. The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council; or upon request of the department head or an affected employee if title classification of such position has not been reviewed within the last 12 months.
- 6.03 CLASSIFICATION OF POSITIONS
- 6.03.01 Each position in the classified service shall be classified at the direction of the Secretary and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:
- (a) The same descriptive title may be used to designate each position in the class;
  - (b) The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents; and
  - (c) Similar tests may be used to select incumbents.
- 6.03.02 All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.
- 6.03.03 Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.
- 6.03.04 In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationship to other classes. The examples of duties in a specification shall not be construed as exclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

- a. ASSIGNMENT. An employee may be assigned to a position which carries additional salary and limited additional duties and responsibilities and is within the scope of the specification for the class from which assignment is made. If the duties of the position for which an assignment is proposed are beyond the scope of the official specification for the base class, such position must be separately classified and eligibility established by examination. No permanent or vested rights shall be acquired by reason of such assignment, and such assignments shall be subject to review and change by the department head at any time.

6.04 RECORDS

6.04.01 Separate records of each position in the classified Civil Service shall be maintained by the Civil Service in the following manner:

- (a) Each position record shall include a notation of the authority for establishing the position, the name of each successive incumbent, all classification actions relating to it, its organizational and physical location in the department, and a current description of its duties.
- (b) In the human resource department, a personnel record for each employee shall be kept with a record of the position occupied by the incumbent.
- (c) It shall be the duty of each department head to supply to the Secretary, in writing, all necessary information to enable the Civil Service Commission to maintain such records described in (1) and (2) above, including any significant change in the duties of the position to another position in the same or to a different class.

6.04.02 The Secretary shall report any personnel status to the department head concerned and to the City Council. The department head shall be responsible for notifying subordinates of any classification action affecting status or allocation of positions.

6.05 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT

6.05.01 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 held in the former class.

6.05.02 Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment in accordance with these rules.

6.05.03

Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the department head and the Commission, elect to take a voluntary reduction to the lower class or, at the employee's option and with the concurrence of the department head and the Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which the employee has regular standing.

7. APPLICATIONS AND APPLICANTS.

7.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS.

7.01.01 All applicants for examinations for positions in the classified Civil Service must file a written application on a form prescribed by the Secretary; 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.

7.01.02 In order to file an application for examination, the applicant must:

- (a) Meet the requirements specified in these rules and in the official examination bulletin as of the closing day of the official filing period;
- (b) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Secretary.

7.01.03 Time for filing applications:

- (a) All applications for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of the examination, provided that upon written evidence of extenuating circumstances acceptable to the Secretary, late applications may be accepted. Applications received by mail in the office of the Commission must be postmarked on or before the closing date.
- (b) The time for filing applications may be extended by the Secretary as the needs of the service require, provided that the examination shall then be re-advertised on the City's website and in the official newspaper.

7.02 FIRE DEPARTMENT TESTING REQUIREMENTS FOR APPLICANTS.

7.02.01 The approved testing agency will conduct the written and Candidate Physical Abilities Test (CPAT). Candidates must receive a minimum score of 70% on the written test and must pass the CPAT according to the testing agency's standards. The candidates who pass both tests are certified pursuant to Section 10 and then sent to the Human Resources Manager/Director by the Civil Service Secretary.

7.02.02 If the candidate passes the written exam but fails the CPAT, the candidate has one more opportunity to re-take the CPAT. If the candidate fails the CPAT a second time, that individual cannot be added to the Certified list and must wait an additional six (6) months from the date of the second CPAT failure to re-take both the written exam and the CPAT.

- 7.02.03 When there is an opening, the Human Resources Manager/Director will send application packets to the candidates. Application packets will include a return deadline date. Applications not received by the deadline will be removed from the Hiring Register. Veterans and/or Paid On Call (POC) percentages will be added to the applicable candidate's score.
- 7.02.04 The top 15 applicants may be invited for an interview by an oral board consisting of fire officials and possibly community professionals. If an applicant declines an interview, the applicant's name will be removed from the list. If an oral board is included in the process, the applicants will be ranked based on the combined scores of their written and oral boards. The list will be submitted to the Commission for approval. Candidates will be advised of their ranking.
- 7.02.05 The top candidates will be sent to the Fire Chief for interviews, see sections 10.04.03.
- 7.03 POLICE DEPARTMENT TESTING REQUIREMENTS FOR APPLICANTS.
- 7.03.01 The approved testing agency will conduct the written and Physical Abilities Test (PAT). Candidates must receive a minimum score of 70% on the written test and must pass the PAT according to the testing agency's standards. The candidates who pass both tests are certified pursuant to Section 10 and then sent to the Human Resources Manager/Director by the Civil Service Secretary.
- 7.03.02 If the candidate passes the written exam but fails the PAT, the candidate has one more opportunity to re-take the PAT. If the candidate fails the PAT a second time, that individual cannot be added to the Certified list and must wait an additional six (6) months from the date of the second PAT failure to re-take both the written exam and the PAT.
- 7.03.03 When there is an opening, the Human Resources Manager/Director will send application packets to the Certified candidates. Application packets will include a return deadline date. Applications not received by the deadline will be removed from the Hiring Register. Veterans and/or Reserve Officer Percentages will be added to the applicable candidate's score.
- 7.03.04 The top 15 candidates may be invited for an interview by an oral board consisting of law enforcement officials and possibly community professionals. If an applicant declines an interview, the applicant's name will be removed from the list. If an oral board is included in the process, the applicants will be ranked based on the combined scores of their written and oral boards. The list will be submitted to the Secretary for approval. Candidates will be advised of their ranking.
- 7.03.05 The top candidates will be sent to the Police Chief for interviews, see sections 10.03.04.

- 7.04 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS
- 7.04.01 An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed who, in addition to meeting the requirements of Rule 7.01, has the requisite service credit and minimum qualifications for the position designated in the official bulletin.
- 7.04.02 When designated in the official bulletin, the Secretary may permit regular employees and probationers to file for and take a promotional examination for delayed eligibility accepting applications, if they meet lower specified minimum service requirements in the classes from which promotion is allowed.
- 7.05 FIRE DEPARTMENT QUALIFICATIONS FOR PROMOTION. As the needs of the City and of the Fire Department may require, promotional examinations may be conducted from time to time. Applicants for promotional examinations need not be current employees of the Oak Harbor Fire Department, but must be full-time Firefighters in a comparable size department, and must meet the minimum qualifications for the position and any other special requirements specified in the official bulletin.
- 7.05.01 Additional time in service and/or other requirements may be established at the discretion of the Commission.
- 7.05.02 The criteria for promotion of City of Oak Harbor Paid on Call (POC) Firefighters to the career position of lieutenant or captain shall be as follows:
- (a) POC Firefighters currently serving in an officer position or POC Firefighters with six (6) years of firefighting experience at time of application.
- 7.06 POLICE DEPARTMENT QUALIFICATIONS FOR PROMOTION. As the needs of the City and of the Police Department may require, promotional examinations may be conducted from time to time. Applicants for promotional examinations should be current, full-time employees of the Oak Harbor Police Department. Applicants who are Police Officers must possess a valid Peace Officer Certification from the Washington State Criminal Justice Training Commission.
- With approval from the Civil Service Commission, exceptions can be made to the promotion process offering it to external candidates if:
- (a) There are not enough qualified candidates to fulfill the Civil Service Requirements to complete a promotional test and/or;
  - (b) The position being advertised for is a newly created position.
- 7.06.01 Each applicant for a promotional series examination must meet the minimum qualifications for the position and any other special requirements specified in the official bulletin.

- 7.06.02 The following positions are non-Civil Service Positions and do not follow under the criteria listed under Section 7.06.01 above:
- (a) Police Chief,
  - (b) Police Captain.
- 7.07 SPECIAL REQUIREMENTS.
- 7.07.01 The Secretary may prescribe such limits and such other specific requirements, physical or otherwise, as in the Secretary's judgment are required by the work to be performed.
- 7.07.02 When designated on the official bulletins, the Secretary may permit filing by an applicant not more than one year under the specified minimum age on an open graded/entrance examination. A successful candidate will have delayed eligibility until the required minimum age or experience is attained.
- 7.08 CONDITIONAL ADMISSION. If there is reasonable doubt as to whether the applicant meets the minimum requirements, the Secretary may order that the applicant be admitted to the examination on the condition that the particular requirements are met to the satisfaction of the Secretary before the applicant is enrolled on an eligible register.
- 7.09 REJECTION OF APPLICANT OR ELIGIBLE. The Secretary 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:
- 7.09.01 Does not meet the requirements set forth in these rules or in the bulletin announcing the examination;
  - 7.09.02 Is physically or mentally unfit to perform the duties of the position sought;
  - 7.09.03 Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW)];
  - 7.09.04 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 the City of Oak Harbor service or has an unsatisfactory record of employment in the City of Oak Harbor service or with any other agency or firm;
  - 7.09.05 Has made any material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination;
  - 7.09.06 Fails to appear for fingerprinting or other investigation as required;

- 7.09.07 Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- 7.09.08 After notification, did not promptly appear at the time and place designated for the examination;
- 7.09.09 Has been discharged from the armed forces under dishonorable conditions;
- 7.09.10 For other material reasons.
- See Rule 3.05, "Review and Appeal From Actions or Decisions of the Secretary."
- 7.10 DEBARMENT FROM EMPLOYMENT.
- 7.10.01 No one who has been dismissed from the Oak Harbor Police Department or the Oak Harbor Fire Department 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;
- 7.10.02 Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.
- 7.11 NOTICE OF NON-ACCEPTANCE. Anyone against whom action is taken under Rule 7.09 shall be notified promptly by the Civil Service Commission of the reasons therefore by either oral notice at the time of filing the application and/or written notice mailed to the applicant or eligible.
- 7.12 ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary 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 Oak Harbor or the applicant.
- 7.13 AMENDMENT OF APPLICATION. The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application.
- 7.14 APPLICATIONS NOT RETURNED. All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.
- 7.15 APPLICATION FEE. [Reserved.]

8. EXAMINATIONS.

8.01 ORDERING EXAMINATIONS. An examination shall be ordered whenever it is deemed to be in the best interest of the City of Oak Harbor. The Secretary or designee shall administer examinations as provided by these rules.

8.02 EXAMINATION ANNOUNCEMENT. Public notice of examinations shall be given by the Secretary posted on the City's website on the Human Resources page and at the Oak Harbor Fire Department or Police Department and in any other publications which the Secretary may direct at least 14 days preceding such examination. The examination bulletin shall be posted in the Commission's office and distributed to appropriate departments for posting at all employment centers. In addition to the public notice, promotional examination notices shall be posted in the Commission office and in department offices not fewer than 14 days preceding the examination.

8.03 AMENDMENTS TO ANNOUNCEMENTS. The Secretary may amend any published announcement with appropriate public notice.

8.04 CONTINUOUS EXAMINATIONS. A continuous or periodic examining program may be ordered and administered by the Secretary or designee for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register, and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places and determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

8.04.01 NOTICE. Public notice of continuous examinations shall state that the period for filing applications and taking examinations shall remain open until further order and notice. Qualified applicants may take the examination at such times and places as specified in announced schedules which shall be posted in all places and departments where public notice of the examination is or should be posted and, to the extent practicable, shall be included in the Examination Bulletin.

8.04.02 DURATION AND CLOSING. Any open filing and examination period may be closed by order of the Examiner upon giving notice of the order by:

- (a) posting the notice of closing on the City's website on the Human Resources page and Oak Harbor Fire Department or Oak Harbor Police Department, whichever is applicable, at least seven (7) days prior to the date of closing.

- 8.04.03 To expedite certification and appointment and to maintain security of examination material, no keyed copy of the written test will be provided at any time. The eligible register may be promulgated immediately after the results are obtained.
- 8.04.04 Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations.
- 8.05 CHARACTER OF EXAMINATIONS. All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.
- 8.06 CONTENT OF EXAMINATIONS. Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.
- 8.07 PARTS AND WEIGHTS. Each examination shall contain 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.
- 8.07.01 A raw score (actual number of questions answered correctly) shall be the sole indicator of final score of a written examination, unless otherwise determined by the Commission prior to exam administration.
- 8.07.02 A rank order list shall be the final result of an assessment center or other type of examination presented by the Secretary and approved by the Commission. The rank ordering shall be determined by the number of points earned in an assessment center. Assessor(s) retained by the Commission shall have the latitude and flexibility of recommending individuals for the promotion in addition to not recommending individuals for promotion, thus not including those individuals on the eligibility list who do not receive recommendations.
- 8.07.03 A percentage weight shall be determined by multiplying the weight assigned to one or more parts of an examination and the sum of the resulting products, to be called the “weighted average.”
- 8.08 PASSING GRADES.
- 8.08.01 Tests consisting of interviews and evaluation of experience records shall be graded with 100% as the maximum and with 70% representing the passing grade for such tests.

- 8.08.02 Where an examination consists of two or more parts, the Commission 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.
- 8.09 PROMOTIONAL EXAMINATIONS. Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the Commission. Upon showing from a department that special training and knowledge gained within a department is essential to the proper filling of the vacancy, the Commission may limit an examination to a promotion within a department only.
- 8.10 OPEN GRADED EXAMINATIONS. An examination may be advertised as open graded when, in the judgment of the Commission, it is in the best interest of the service.
- 8.11 VETERANS' CREDIT. Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW, or other law.
- 8.12 SERVICE CREDIT
- (a) RESERVE OFFICER CREDIT. Reserve Officer Personnel who have passed an examination shall be entitled to a 5% credit. To be eligible for the credit the Reserve Officer must have served for 2 or more years and must have met the requirements for training and worked 288 hours within the previous year, and have met all the requirements for applicable certifications for one year prior to appointment. Furthermore, the Reserve Officer must be in good standing, with no verbal or written reprimands within the previous year.
- (b) OAK HARBOR FIRE DEPARTMENT POC CREDIT. POC Personnel who have passed a Civil Service Fire Department entrance examination shall be entitled to a 5% credit for continuous service added to the score of such examination. To be eligible for the credit the Oak Harbor Fire Department POC must have served for 2 or more years and must have met the requirements for training and response to emergencies within the previous year, and have met all the requirements for emergency medical service certification for one year prior to appointment. Furthermore, the POC must be in good standing, with no verbal or written reprimands within the previous year.
- 8.13 EXAMINATION—PROTEST.
- 8.13.01 Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the examiner within five (5) days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.

- 8.13.02 When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest or appeal must be filed in writing within five (5) days after the notices of results have been mailed.
- 8.13.03 Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within five (5) days after the notices of results have been mailed.
- 8.13.04 All protests filed in accordance with this rule shall be considered by the Examiner and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.
- 8.14 CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected by the Secretary upon discovery at any time during the life of the eligible register, but no such correction shall affect an appointment made from a certification made prior to the correction.
- 8.15 EFFECTIVE DATE OF PROMOTIONAL EXAMINATION RESULTS. Results of an examination shall become effective on the date of certification and the certified list shall be posted on a bulletin board of the affected department
- 8.16 REEXAMINATION.
- 8.16.01 No one shall be reexamined for the same class within six months of the effective date of such examination, unless authorized by the Secretary upon determination that it would be in the best interest of the City of Oak Harbor.
- 8.16.02 If an eligible takes a succeeding examination for the same class, the result of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the register, and the eligibility that will provide the greatest advantage to the eligible shall be used.
- 8.17 EXAMINATION PAPERS. Examination papers of each eligible shall be kept on file in the office of the Commission until the expiration of eligibility.
- 8.18 ADDITIONAL EXAMINATION.
- 8.18.01 Eligibles certified pursuant to Rule 9 shall be subject to medical, physical, or psychological examination and to such other examinations administered by the Secretary or Department as authorized and approved by the Commission. Such other examinations include, but are not limited to, background examination and polygraph, provided, however, polygraph examination shall be allowed only for entry-level applicants under RCW 49.44.120. Reports of such examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Commission shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the eligible register.

- 8.18.02 The Secretary may designate a limited number of certified eligibles for additional Examination as provided in Rule 8.18, in order to maintain an ability to certify registers pursuant to Rule 10.
- 8.18.03 Before the department head refers a candidate for medical (including mental health) examination, a conditional offer of employment must be made.
- 8.19 MULTI-PART EXAMINATION. Where an examination consists of two or more parts, the Examiner may:
- 8.19.01 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 in the entire exam and shall not be entitled to take the balance of the exam;
- 8.19.02 assign weights to each part of the examination, with the examinee's earned examination score equaling the weighted average of the scores on each part;
- 8.19.03 (a) limit the number to be further considered or tested to a group of the highest scoring applicants, depending on the number of applicants who meet the minimum requirements for a position;
- 8.19.04 employ all or any of the above options for multi-part examinations in any examination.
- 8.20 NUMBER OF APPLICANTS—LIMITATIONS. The Secretary may restrict the number of qualified applicants to be examined whenever an examination for a position is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants, or may have adverse impact on protected groups.
- 8.20.01 RANDOM SAMPLE. The Secretary may provide for a random sample of qualified applicants to be drawn for an entry level examination by so stating in the Examination Bulletin. Those qualified applicants whose names are not drawn for the initial group to be examined shall be held on file. Should the initial group examined fail to yield an eligibility list of sufficient size to meet the needs for eligibles for that class, or should the list become exhausted before it expires, a sample from the remaining qualified applicants will again be drawn and the examination process repeated.
- 8.20.02 MULTI-PART EXAMINATIONS. The Secretary may limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of tests; provided, however, the number of examinees shall be established before administration of preliminary tests.

9. REGISTERS AND ELIGIBILITY.

- 9.01 ESTABLISHMENT OF ELIGIBLE REGISTERS. After each examination, an eligible register for the class shall be prepared on which the names of successful candidates shall be ranked as follows:
- 9.01.01 On a promotional register: relative rank shall be determined by the examination rating or grade plus percentage allowed by law for veterans' preference.
- 9.01.02 On an open graded register: relative rank shall be determined by the examination grade, plus percentage allowed by law for veterans' preference and/or percentage allowed for Oak Harbor POC or Oak Harbor Reserve Officers' preference.
- 9.01.03 The preference in rank of eligibles having equal final general averages shall be determined as follows, in the order stated:
- (a) The one who qualifies for veterans' preference in accordance with Washington state law. Eligibles on a promotional (and not open) register do not so qualify.
  - (b) When the examination is composed of two or more parts with separate grades, the one who has:
    - (1) The highest grade on the most heavily weighted part of the examination; if a tie still exists, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains.
    - (2) The highest grade on the written test if all parts are weighted equally.
  - (c) When the examination has only one part or the candidates have the same standing under (a) and (b) above:
    - (1) As between examinees who are City of Oak Harbor employees, the one having the greater service credit with the City of Oak Harbor, regardless of class or department;
    - (2) If one is a regular or probationary City of Oak Harbor employee and the others are not, the regular City of Oak Harbor employee has preference.
  - (d) By lot.

9.02 FIRE DEPARTMENT REGISTERS AND ELIGIBILITY

9.02.01 An entry-level Firefighter eligibility list is a continuous list. The list does not expire. The names expire. The written and CPAT passing scores are received from the approved testing agency and are ranked in a Contact Register. When the Contact Register names are certified by the Civil Service Secretary or Commission, scores are merged with the rank-ordered Hiring Register.

9.02.02 When there is an open position the Hiring Register will be closed (frozen) by the Commission. The top 15 candidates may be invited for an interview by an Oral Board. If a candidate declines an interview, the candidate's name will be removed from the list.

9.02.03 The ranked-list will be submitted to the Civil Service Secretary or Commission for certification. The candidates will be ranked based on the written and if an oral board is used, it will be based on combined scores with veterans' and Oak Harbor POC preference points included if applicable. The top five candidates on the certified ranked list may be interviewed by the Fire Chief.

9.03 POLICE DEPARTMENT REGISTERS AND ELIGIBILITY

9.03.01 An entry-level Police Officer eligibility list is a continuous list. The list does not expire. The names expire. The written and PAT passing scores are received from the approved testing agency and are ranked in a Contact Register. When the Contact Register names are certified by the Civil Service Secretary or Commission, scores are merged with the rank-ordered Hiring Register.

9.03.02 When there is an open position the Hiring Register will be closed (frozen) by the Commission. The top 15 candidates may be invited for an interview by an Oral Board. If a candidate declines an interview, the candidate's name will be removed from the list.

9.03.03 The ranked-list will be submitted to the Civil Service Secretary or Commission for certification. The candidates will be ranked based on the written score and if an oral board is used, it will be based on the combined scores with veterans' and Oak Harbor Reserve Officer preference points included if applicable. The top five candidates on the certified ranked list may be interviewed by the Police Chief or designee.

9.04 New names received during the current hiring process (when the Hiring Register for Police and Fire Departments is closed) will be placed in the Contact Register. When the open position is filled the Commission will open the closed Hiring Register. Names held in the Contact Register will be presented to the Commission for certification. Following certification the names will be merged with the reopened register for the next hiring process.

9.05 If an applicant is permitted to file for and take an examination for delayed eligibility, and if such applicant is successful in the examination, eligibility shall

remain in abeyance until the candidate meets the requirements for eligibility, which must be reported in writing. If otherwise eligible, the candidate's name shall be placed on the register in accordance with the final examination grade. Any such eligibility shall expire with that of other eligibles from the same examination.

9.06 RETURN TO REGISTER FOLLOWING LAYOFF. On layoff, an employee's name shall be placed on the proper eligible register for the class ranked by seniority for one year from the date of such layoff classification from which they were laid off for one year from the date of such layoff .

9.07 RETURN TO REGISTER AFTER RESIGNATION OR RETIREMENT.

9.07.01 A former employee who resigned or retired may request return of his or her name to the proper open graded eligible register for the class. Such request must be made within one hundred, eighty 180 days from the date of resignation or retirement, provided, the Secretary may extend the above time limitation for not to exceed an additional four (4) years upon satisfactory showing that such extension would be in the best interest of the City of Oak Harbor;

9.07.02 Any request for return to register following resignation or retirement must be supported by written recommendation of the former employing department;

9.07.03 A former employee whose eligibility is reinstated under this rule shall be certified according to Civil Service rules. However, the name of such an eligible need be considered only by the department which recommends the return of the name to the register.

9.07.04 The name of a former employee who resigned or retired may not be returned to a promotional register, unless recommended by the head of the former employing department and approved by the Civil Service Commission within one year from the date of resignation or retirement.

9.08 APPOINTMENT WITHOUT EXAMINATION. Except as provided in 9.04, 9.05, and 9.07, any return to the Civil Service shall be by examination only.

9.08 ESTABLISHMENT OF REINSTATEMENT REGISTERS.

9.08.01 The names of regular employees who have been laid off or, when requested in writing by the department head, 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;

9.08.02 Laid off employees may petition the Civil Service Commission to be placed upon a register for which the applicant is otherwise qualified for but is not an incumbent in. This requires approval from both the Civil Service Commission and the hiring authority.

- 9.08.03 Upon the request of the department head, the Secretary 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.
- 9.08.04 Anyone on a reinstatement register who becomes a regular employee in another department shall lose reinstatement rights in the former department.
- 9.08.05 Anyone accepting a regular appointment in the class from which laid off and in a department other than that from which laid off is not to be certified to the former department unless eligibility for that department is restored.
- 9.09 AVAILABILITY OF ELIGIBLES.
- 9.09.01 It shall be the responsibility of an eligible to notify the Civil Service Commission in writing immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment.
- 9.09.02 The name of an eligible who submits a written statement restricting the eligibility for employment shall be withheld from certifications if the restrictions do not meet the conditions specified for appointment. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.
- 9.10 CANCELLATION OF ELIGIBILITY.
- 9.10.01 Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of bad character or other unfitness; fraudulent conduct; false statements by the eligible or by others with the eligible's collusion; material physical or mental disability; or, other disqualifying factor in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the City of Oak Harbor 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 of Oak Harbor service shall be deemed cause for cancellation of eligibility;
- 9.10.02 Separation from the service will terminate any promotional eligibility;
- 9.10.03 Upon report of the department head that an eligible has failed to respond to call or has refused to accept employment, the Secretary may strike the eligible's name from the register;
- 9.10.04 Failure to respond to the canvass of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible from the register;
- 9.10.05 Refusal to accept reemployment in a regular position shall constitute separation from the service except as provided in Rule 9.07;

9.10.06 Such action contemplated by this rule may also be taken for other material reasons.

9.11 **RESTORATION OF NAMES TO ELIGIBLE REGISTERS.** The name of an eligible which has been removed from a register may be restored upon written request to the Secretary for such restoration. The request must specify the reasons for the requested restoration. The Secretary may approve the request if it is deemed that the evidence submitted justifies such approval.

10. CERTIFICATION AND APPOINTMENT.
- 10.01 GENERAL PROVISIONS. Vacancies in the classified Civil Service shall be filled by reinstatement, promotional appointment, assignment, original appointment, transfer, reduction, or demotion. In the absence of an appropriate register, the Secretary may authorize a temporary or provisional appointment.
- 10.02 REQUEST FOR CERTIFICATION. Whenever a department head wishes to fill a vacancy, a request for certification shall be submitted to the Secretary. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment and any other details for full description of the position to be filled.
- 10.03 CERTIFICATION
- 10.03.01 ELIGIBLE REGISTER. Certification to fill a vacancy shall be made by the Civil Service Secretary or Commission. When there is an opening, the register will be frozen and the names on the current register will be used to fill the vacancy. New names received will be certified by the Civil Service Secretary or Commission during the next hiring process. All names from the registers will be selected in the following order and as provided in this rule:
- (1) Reinstatement
  - (2) Promotional
  - (3) Original including lateral entry register.
- 10.03.02 REQUIREMENTS FOR POLICE AND FIRE ENTRY-LEVEL CERTIFICATION. Candidates applying for Oak Harbor Police and Fire Departments must pass the written exam with a 70% minimum score and must also pass the PAT or CPAT. Police Officer and Firefighter candidates have one more opportunity to re-take the PAT and CPAT, see Sections 7.02.02 and 7.03.02. Once the candidate has successfully passed both exams, that individual will be certified by the Civil Service Secretary or Commission.
- 10.03.03 ORDER OF REINSTATEMENT—ELIGIBLE.
- (a) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:
    - (1) Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be first reinstated;

(2) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.

(b) Upon request from the department head, the Secretary may authorize reinstatement out of such regular order upon a showing of efficiency or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

(c) Nothing in this rule shall prevent the reinstatement of any regular or probationary employee for the purpose of transfer to another department, either for the same class or for voluntary reduction in class, as provided in these rules.

10.03.04 CERTIFICATION – RULE OF FIVE. If a vacancy is to be filled from a promotional or original register, the Secretary shall certify to the department head the names of five (5), if available, eligibles that stand highest on the appropriate register.

10.03.05 MULTIPLE VACANCIES. If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.

10.03.06 ADDITIONAL NAMES. If a department head makes an acceptable showing that any of the eligibles certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.

10.03.07 SPECIAL SKILLS. Where a certification of eligibles with special experience, training, or skills is requested in writing by the department head as being necessary for satisfactory performance in a particular position, and the Secretary determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles who possess the special qualifications.

10.03.08 PRIOR SERVICE. If a temporary vacancy is to be filled from an open or a promotional register, those eligibles with three (3) months of service who are shown on the register as having been laid off within the last twelve (12) months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligibles for certification according to rule.

10.03.09 APPLICATION/EXAMINATION. The application and the examination papers of a certified eligible shall be available for inspection by the department head.

10.04 DEFERMENT OF CERTIFICATION. The Secretary may grant deferment of certification of an eligible, upon receipt from the eligible, of a written request with satisfactory reason therefor. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has

given written notice of his or her desire to be returned to the register, and such return has been approved by the Secretary.

- 10.05 DURATION OF CERTIFICATION. Certification shall be in effect for one year from its date of issuance, except as provided in Sections 7.02.02 and 7.03.02. The department head must file a report of any appointment from such certification with the Secretary. Upon request, the Secretary may extend such certification for an additional one year. Expiration of eligibility shall not cancel the validity of a certification.
- 10.06 REGULAR APPOINTMENT. A regular appointment to fill a vacancy must be made from the names contained on the official certification. 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.
- 10.07 PROVISIONAL APPOINTMENT.
- 10.07.01 Where there is no suitable eligible register from which certification can be made, the Secretary may allow the department head to make a provisional appointment. A provisional appointment may be made for a period of up to four (4) months. No person shall receive more than one provisional appointment in any 12-month period, unless no register has been established and the Commission has extended the period for provisional service.
- 10.07.02 No temporary or acting appointment shall continue for a period exceeding four (4) months and no person shall receive more than one such appointment in any twelve month period.
- 10.07.03 All provisional employment in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a proper eligible register for such class is available; provided, an extension may be granted by the Secretary upon satisfactory written justification by the department head, if such extension will not cause the provisional appointment to exceed the four (4)-month limitation.
- 10.08 TEMPORARY APPOINTMENT.
- 10.08.01 Temporary appointment is appointment from an eligible or promotional list in the usual manner, but to fill a position the duration of which does not exceed four (4) months. In making such an appointment, the department head shall make requisition to the Secretary in the manner provided for regular appointment but shall indicate the time at which it is estimated the position terminates. The Secretary shall notify the person or persons appearing on the appropriate list, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The names highest on the eligible register/official certification consistent with Rule 10.04.03 willing to accept may

be certified for appointment. Active POC may be considered for temporary appointments.

10.08.02 In the event of the need to fill a position for a limited duration not to exceed four (4) months, and there is either (1) no suitable eligible register from which certification can be made; or, (2) no eligible is willing to accept temporary appointment, the Secretary may authorize the department head to make a temporary appointment.

10.08.03 No temporary appointment shall be continued and no person shall be employed on a temporary basis for more than four (4) months in any one year. Temporary service shall not be credited to the probationary period or to calculation of service credit.

10.09 **EMERGENCY APPOINTMENT.** To meet the immediate requirements of an emergency condition which threatens life or property, the department head may employ any person or persons when they may be legally empowered to appoint. Such appointment shall be without restriction under these Rules. Emergency employment shall be limited to the duration of the emergency period and shall in no event exceed thirty (30) days without Commission approval.

10.10 **EXTENSION OF APPOINTMENTS.** Notwithstanding the provisions of Sections 10.08 and 10.09 above, and in recognition of the staffing issues created by disability leave and retirement periods under Chapter 41.26 RCW, military service leaves, and other programs, the Commission may extend provisional and temporary appointment authority beyond four (4) months upon application of the department head. Such an extension may be granted when a position is vacant as a result of a disability leave, active military service, or for such other reason as the Commission finds may preclude a timely and regular appointment.

- 11. PROBATION.
- 11.01 PROBATIONARY PERIOD.
- 11.01.01 After each full-time or part-time regular appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete. The purpose of the probationary period is to provide a trial period during which the department may observe the performance of the probationary employee before civil service status is acquired.
- 11.01.02 If a probationer transfers in the same class from one department to another, the receiving department may, with the approval of the Secretary, require that a complete probationary period be served in that department.
- 11.01.03 LENGTH OF PROBATIONARY PERIOD FOR POLICE AND CORRECTION OFFICER. The period of probation shall be equivalent to 12 months of full-time service following 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 will approve a departmental request for an extension of the probationary period. For entry-level police personnel and corrections personnel, the probationary period shall commence upon certification from the Washington State Law Enforcement Academy and Corrections Academy.
- 11.01.04 LENGTH OF PROBATIONARY PERIOD FOR FIRE DEPARTMENT PERSONNEL. The period of probation shall be equivalent to 12 months of full-time service following 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 will approve a departmental request for an extension of the probationary period. For entry-level fire personnel, the probationary period shall commence upon certification as a Firefighter I.
- 11.02 The department head, by assigning in writing to the Commission, the reasons therefore, may request an extension to a probationary period for an employee. The request must be made prior to the end of the probationary period and with sufficient time for review and consideration by the Commissioners at a regularly scheduled meeting. The Commission may approve or deny the extension. Notice must be mailed to or personally served on the employee and proof of notice filed with the Secretary.
- 11.03 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.

- 11.04 SERVICE IN ANOTHER CLASS. Service in a class or office other than the one to which an eligible is regularly appointed may be credited toward completion of a probationary period if the Secretary has approved the written statement of the department head to the effect that the probationary period may be properly judged on the basis of service in the other class or office.
- 11.05 REMOVAL OF PROBATIONER.
- 11.05.01 GROUNDS. The department head, 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.
- 11.05.02 PROCEDURE. The department head must file a prescribed form stating the reasons for the removal with the Secretary prior to the end of the probationary period. Notice must be mailed to or personally served on the employee and proof of notice filed with the Secretary.
- 11.05.03 RIGHTS RETAINED. A promotional probationer, unless discharged for cause, retains all civil service rights to the position from which appointed. Such rights shall be retained whether promotion is to an entrance or promotional position.
- 11.06 DEMOTION. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he was appointed, in accordance with Rule 17.02 on demotion, or may be allowed eligibility for another position in the same class, for which he is deemed qualified by the department head, subject to approval by the Commission.
- A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.
- 11.07 PROTESTS. Any probationer may file a written protest with the Secretary protesting a termination of probationary status or demotion. All protests must be filed within ten (10) days of notice of the action taken. The Secretary will give due consideration to and take appropriate action on all timely-filed protests. Probationers may appeal a decision of the Secretary to the Commission under Rule 17.

12. SERVICE CREDIT.
- 12.01 Service credit in a class for a regular employee shall be computed to cover all service subsequent to regular appointment in that class and shall be applicable in the department in which employed.
- 12.02 DETERMINATION.
- 12.02.01 The determination of a regular employee's earned service credit shall be made on the basis of the available payroll, personnel and other records. If payroll records are not available for any particular period, it shall be rebuttably presumed that each regular employee employed during such period, as shown by other records, earned full service credit in the particular class and department in which employed, for the entire length of such period.
- 12.02.02 Following the requisite probationary period and upon appointment or reappointment, the seniority and service credit of the employee shall begin anew and be computed without benefit or credit of any prior service except as the Commission may otherwise authorize for the good of the service.
- 12.03 REQUESTS FOR CONFIRMATION.
- 12.03.01 REQUESTS. Any regular employee, or an association or union on behalf of such employee, or the head of an employee's department may request a determination of the employee's earned service credit as of a designated date in any specified class and department in which he has served. If the request is made at a reasonable time and interval, and subject to such directives as may be then in effect, the Secretary shall as soon as practicable but within ten (10) days ascertain the requested computation, and shall so notify the requesting employee, association, union or department head in writing.
- 12.03.02 PROTESTS. If any employee, association, union or department head has cause to object to the computation of the employee's service credit, written protest may be filed with the Secretary setting forth with particularity the reason and basis for his objection. Such protests must be filed within ten (10) days. The Secretary shall give due consideration to all timely-filed protests and take such action as deemed appropriate.
- 12.04 SERVICE COVERED.
- 12.04.01 GENERALLY. Once a regular employee acquires regular Civil Service status and regular standing in any given class in a particular department, the employee shall receive full service credit for the entire length of time served in such class and department, whether such service is continuous or interrupted.
- 12.04.02 PROBATIONARY PERIOD. After completion of an original or promotional probationary period, a regular employee shall receive credit for actual service during such period. If a probationer fails to complete satisfactorily the required

probationary period and is returned to the former regular class, actual service during such period shall be credited to the former class.

- 12.04.03 TEMPORARY OR PROVISIONAL APPOINTMENT. If a temporary or provisional appointment is followed by a regular appointment to the same class, such employee shall receive credit in such class for actual, continuous service during the temporary or provisional appointment. A regular employee shall receive service credit in the regular class for the period after the regular appointment, served under a temporary or provisional appointment to another class or department or to an exempt position, if the employee returns to the regular class after the expiration or termination of such service.
- 12.04.04 ON ASSIGNMENT. A regular employee shall be credited to the regular class for the entire length of time served under an assignment.
- 12.04.05 LEAVES WITH PAY. A regular employee shall receive full credit for any leave with pay.
- 12.04.06 LEAVES WITHOUT PAY. No service credit shall be allowed for time that an employee is on a leave of absence without pay. The only exception to this is a military leave of absence.
- 12.04.07 SUSPENSION. No service credit shall be allowed while an employee is on a suspension without pay, unless the suspension is modified, reversed or nullified on appeal.
- 12.05 CHANGE IN CLASS OR DEPARTMENT.
  - 12.05.01 GENERALLY. No service credit earned by a regular employee in any one class and department shall be carried over upon appointment, promotion, reinstatement, transfer, demotion or voluntary reduction to or from another class or department, but such service credit shall be permanently retained in and be credited to the class and department in which it was earned, unless expressly provided by these Rules.
  - 12.05.02 ABOLITION OF CLASS. In the event that a regular employee's former class is abolished or changed, all service credit earned in such class prior to its abolition or change and not lost or forfeited shall be credited to another class in the same department which is substantially similar to, and is neither higher nor lower than, the abolished or changed class.
  - 12.05.03 COMBINATION—COMPUTATION. Whenever the service credit of a regular employee earned in two or more classes, or in the same class in different departments, is to be combined under these Rules as hereinafter prescribed, the service credit earned and not lost or forfeited in each such class and department shall be computed separately and shall be added together, and the total sum shall represent the employee's service credit for the particular purpose in question.

- 12.06 PROMOTION—COMPUTATION OF CREDIT. Upon completion of the probationary period for a promotional position, an employee shall receive credit for all service in the promotional class and particular department, which shall be credited to that class and department. All prior service credit earned in the lower class and department shall be retained by the employee, but such service credit shall be credited only to that latter class and department.
- 12.07 TRANSFER—COMPUTATION OF CREDIT. A regular employee shall be entitled to retain all service credit earned in any class and department prior to an authorized transfer therefrom, which shall be credited to such former class and department. Service credit earned in the new class or department to which transferred shall be credited to such new class or department, from the effective date of the transfer. If the transfer becomes regular, the required trial period, if any, shall be credited to the new class or department. Otherwise such trial period as served shall be credited to the former class or department.
- 12.08 DEMOTION—COMPUTATION OF CREDIT. Upon the involuntary demotion of an employee in accordance with these Rules, all service credit earned in the class and department from which demoted, up to the effective date of the demotion shall be retained by the employee, unless otherwise provided in the demotion order and approved by the Commission. From that time, the employee shall be entitled to such service credit earned in the lower class to which demoted, plus whatever service credit formerly earned in such class and department and not lost or forfeited. Any required trial period, if satisfactorily served, shall be credited to that lower class and department. If not satisfactorily served and demoted again, such trial period as actually served shall be credited to the next lower or other class in which the employee acquires regular standing or, in the event of a layoff, to the class and department from which the employee is laid off.
- 12.09 VOLUNTARY REDUCTION—COMPUTATION OF CREDIT. Upon the voluntary reduction of a regular employee to a lower class in the same or different department as provided by these Rules, such employee shall retain all earned retention credit in the higher class and department from which reduced, prior to such reduction, if not lost or forfeited.
- 12.10 REALLOCATION—COMPUTATION OF CREDIT.
- 12.10.01 SIMILAR CLASSES. If a regular employee's position is reallocated to a different class which is substantially equivalent to the former class, all the service credit previously earned in the former class and same department and not lost or forfeited shall be credited to the new class. In addition thereto, the employee shall receive all service credit subsequently earned in the new class and the same department.
- 12.10.02 DISSIMILAR CLASSES. If the position is reallocated to a class which is not substantially similar, the service credit earned in the former class shall be credited only to such former class and department.

- 12.11 LAYOFF—COMPUTATION OF CREDIT. No service credit shall accrue or be allowed during the period in which an employee is laid off, but all service credit earned and not lost or forfeited up to the effective date of the layoff shall be retained by the employee.
- 12.12 SERVICE CREDIT UPON SEPARATION FROM SERVICE. Upon separation from the service, no credit shall be given or allowed for any prior service or employment up to the time of such separation, and except as otherwise specifically provided by these Rules, service credit shall be forfeited and not be reinstated upon reemployment by the City of Oak Harbor.

13.           TRANSFER—REDUCTION.
- 13.01       GENERAL. The transfer of an employee shall not constitute a promotion in the service, except as provided in Rule 13.03.04, below.
- 13.02       INTRA-DEPARTMENTAL TRANSFERS. A department head may transfer an employee from one position to another position in the same class in the same department without prior approval of the Secretary but must report any such transfer to the Civil Service Commission within five (5) days of its effective date.
- 13.03       PROCESS. Transfers may be made upon consent of the department head and with the Secretary's approval as follows:
- 13.03.01    Transfer in the same class from one department to another; such a transfer may be made concurrent with the appointment of an employee to another class;
- 13.03.02    Transfer to another class in the same or a different department in case of injury in line of duty either with the City of Oak Harbor service or with the armed forces in time of war, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;
- 13.03.03    Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department, upon showing that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and regular appointment.
- 13.03.04    Transfer, in lieu of layoff, may be made with limited standing to a single position in another class when such transfer would constitute a promotion or advancement in the service; provided, a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced and when transfer in lieu of layoff under Rule 13.03.03 is not practicable. Regular standing in the new class may be attained by the employee only through examination and regular appointment.
- 13.03.05    The Secretary may approve a transfer under this Rule 13.03 with the consent of the department head of the receiving department only, upon a showing of circumstances justifying such action.
- 13.04       LIMIT OF RULE. These rules have no authority or effect on positions or departments not subject to the Civil Service. Transfer to or from positions or departments not subject to the Civil Service are unaffected by these rules.

13.05 REDUCTION.

13.05.01 AUTHORIZED. As defined in Rule 4.38, a reduction is the movement of an employee from a higher class to a lower class of employment for reasons other than cause. A reduction may be made only upon an employee's written request, and consistent with these Rules.

13.05.02 APPLICABLE CLASSES. A reduction may be approved for

- (a) the next lower or any lower class in the Class Series containing the class from which reduced;
- (b) any lower class in which the employee has previously acquired Regular Standing, provided there has been no intervening forfeiture; or
- (c) any lower class which is substantially similar to any lower class (in the employee's current class series) in the position classification plan; or
- (d) employees seeking return to employment or reemployment from a disability, to a vacant position in another permissible class or department for which the employee qualifies.

13.05.03 PROCEDURE.

- (a) A request for reduction must be submitted in writing to the Secretary. The request must include statement of justifiable or satisfactory reason, including a showing that the employee meets the qualifications of the lower class.
- (b) The reduction must be approved by the Human Resources Manager/Director and the Mayor, department head in which the lower class is located, and reported to the Commission.
- (c) The reduction shall take effect on the date ordered by the Secretary.

13.05.04 EFFECT OF REDUCTION.

- (a) Upon the effective date, or following satisfactory completion of any trial period, the reduction shall be complete and the employee shall have Regular Standing in the lower class and department to which reduced.
- (b) An employee reduced shall be able to return to the former position only by examination and regular appointment. In the event of a

recovery from disability, an employee reduced in class may be eligible for appointment from a reinstatement register.

13.05.05 REDUCTION AVAILABLE.

- (a) By Employee. A voluntary reduction may be sought by an employee for any vacant position in a class under Section 13.05.02.
- (b) By Department.
  - (1) Employees with Standing. Reduction involuntarily of an employee from a higher civil service class to a lower civil service class is governed by Rule 14, Layoff. Return of an employee from an exempt position to a civil service position is governed by Rule 15, Leaves of Absence.
  - (2) Employees without Standing. When an employee is reduced from an exempt position, the employee may petition in writing the Commission within 10 days of the end of employment in the exempt position for placement on a reinstatement register for a class for which the employee is deemed eligible. In considering the placement of the employee, the Commission may consider the employee's experience, the record of City employment, or such other factors as deemed in the best interest of the System. The Commission's decision shall be deemed permissive and discretionary, and an employee shall have no claim or cause for denial of placement on a reinstatement register.

13.05.06 The Secretary may, in its judgment and discretion, provide in the order granting or approving any reduction that the employee shall serve a designated trial period, not to exceed one (1) month's service from the effective date of the reduction, in the position to which reduced for the sole purpose of satisfying the Commission that employee is capable of satisfactorily performing the functions and duties of such position or class.

Provided, the Commission may for cause shown, at any time during the prescribed trial period, extend, shorten, modify or waive in whole or in part the duration or balance of such period.

14.           LAYOFF.
- 14.01        In a given class in a department, the following shall be the order of layoff:
- 14.01.01    Provisional appointees;
- 14.01.02    Temporary or intermittent employees not earning service credit;
- 14.01.03    Probationers (except as their layoff may be affected by military service during probation);
- 14.01.04    Regular employees in the order of their length of service, the one with the least service being laid off first.
- 14.02        LAYOFF OUT OF ORDER. The Secretary may grant permission for layoff out of the regular order, upon showing by the department head of a necessity therefore in the interest of efficient operation of the department, after giving any affected employee or employees an opportunity to be heard.
- 14.03        REDUCTION IN LIEU OF LAYOFF. At the time of any layoff, a regular employee or a promotional probationer, shall be given an opportunity to accept reduction to the next lower class in a series of classes in his department, or he may be transferred as provided by Rule 13.03.03,
- 14.04        TRANSFER IN LIEU OF LAYOFF. An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with Service Credit Rule 12.

15. LEAVES OF ABSENCE.

15.01 DURATION OF LEAVES.

15.01.01 A leave of absence without pay may be granted by the department head.

15.01.02 A leave of absence without pay for a period not exceeding 60 consecutive days may be granted by the department head, who shall give notice of such leave to the Commission.

15.01.03 A request for a leave of absence longer than 60 days bearing the favorable recommendation of the employee's department head may be granted by the Secretary, who shall give notice of such leave to the Commission.

15.01.04 No employee shall be given leave to take a position outside the City service for more than 60 days in any calendar year, except where it appears in the best interest of the City.

15.02 CANCELLATION/REVOCATION. Any or all leaves of absence without pay within a department may be cancelled whenever any necessity arises in the good-faith judgment of the department head. The department head may revoke an individual employee's leave without pay if it is found that the employee is using the leave for purposes other than that for which it was granted. Employees may be ordered to return to work immediately or as soon as practicable on written notice from the department head of the cancellation or revocation of leave. A copy of such notice shall be filed with the Secretary.

15.03 OTHER OFFICES

15.03.01 LEAVE TO TAKE CITY OF OAK HARBOR OFFICES. Whenever a regular employee is appointed or elected to any office of the City of Oak Harbor which is exempt from the Civil Service System, including, but not limited to, an office which is the head of a department subject to the System, the Commission shall grant, and such employee must take, a leave of absence from the civil service position, without pay thereof, for the entire length of time that the office is held. Original probationers so appointed may be granted such leaves, depending upon the circumstances of each particular case, or they may be dropped from the service upon assumption of office.

15.03.02 LEAVE TO TAKE OTHER PUBLIC OFFICE. Whenever a regular employee is elected or appointed to a salaried elective office, or is appointed to a salaried appointive office of the State of Washington or of any of its political or municipal subdivisions or corporation other than the City of Oak Harbor or of the United States or any of its agencies, commissions, board or departments, the Commission may grant such employee, upon written request a leave of absence without pay for the entire length of time that such office is held, or for such shorter, designated time, and upon such terms and conditions as the Commission may deem proper in the particular case, consistent with the best interests of the city and the Civil

Service System. Original probationers so elected or appointed shall not be granted such leaves, but shall be dropped from the service upon assumption of the office.

If a regular employee so elected or appointed fails to file a request for a leave of absence, or if such request is denied, the employee may be separated from the service upon assumption of the elective or appointive office.

- 15.03 RETURN FROM LEAVE. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit as determined by these rules.
- 15.04 MILITARY LEAVE. See the City of Oak Harbor personnel policies and state and federal law relating thereto.
- 15.05 FILLING VACANCY. All temporary employment caused by leave of absence shall be made pursuant to Rule 10.
- 15.06 PROTESTS. All protests to any action pertaining to leaves of absence shall be filed with the Secretary within ten (10) days of notice of such action. The Secretary shall give due consideration to and take appropriate action on all timely-filed protests.

16. RESIGNATION.

16.01 HOW SUBMITTED. Resignation of any employee from the service shall be made in writing and filed with the Secretary after approval by the department head.

16.02 WITHDRAWAL OF RESIGNATION. The Secretary may permit the withdrawal of a resignation only upon a written request filed within one hundred eighty (180) days from the effective date of the resignation (See Rule 9.05) and if such request for withdrawal bears the favorable recommendation of the department head.

16.03 INVOLUNTARY RESIGNATION. Any resignation may be voided and set aside and the employee reinstated or restored to active duty by order of the Commission upon its determination that the resignation was made involuntarily or under duress or coercion, after giving the department head reasonable notice and an opportunity to be heard on the matter. Such action by the Commission may only be taken upon the written petition of the resigned employee filed with the Human Resources Manager/Director within ten (10) days from the effective date of the resignation. If no such petition is filed within the ten (10) day limit, a resignation shall be conclusively presumed to have been made voluntarily and without duress or coercion.

16.04 IMPLIED RESIGNATION. The department head may presumptively consider any employee to have impliedly resigned upon finding that such employee has been absent from duty without leave or authorization or has failed to report for duty following the expiration or termination of any suspension for five (5) or more consecutive working days or has quit or “orally resigned” and has been absent from duty for three (3) or more consecutive working days without leave or authorization. An employee will not be determined to have resigned under this rule until five (5) days after proof of service of a written notice by delivery or by registered or certified mail to the employee’s last known address as filed with the Human Resources Manager/Director. No resignation order shall take effect if, prior thereto, the employee reports for active duty, applies for restoration or reinstatement, or otherwise gives notice to the department head or the Human Resources Manager/Director which, in the judgment of the Commission, rebuts the presumption of resignation.

16.05 RETURN TO ELIGIBLE REGISTER FOLLOWING RESIGNATION. (See Rule 9.05).

17. DISCIPLINE AND DISCHARGE.
- 17.01 SUSPENSION.
- 17.01.01 A department head may suspend a subordinate, with or without pay, for a period not to exceed thirty (30) days for cause.
- 17.01.02 Any deprivation by a department head of any vacation or other paid leave, compensatory time-off or other privilege involving pay or compensation either directly or indirectly, to which an employee is otherwise entitled under law and these Rules, shall be deemed to be a suspension without pay and shall be subject to the above provisions.
- 17.02 DEMOTION—DISCHARGE.
- 17.02.01 A department head may discharge an employee or demote an employee to a lower class for cause. An employee so demoted shall lose all rights to the higher class. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer.
- 17.02.02 The Secretary shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class. The demoted employee may be required to actually serve a trial period in the class to which demoted, for such time and upon such terms and conditions as the head of the department may provide in the demotion order, for the sole purpose of determining the capability to satisfactorily perform the functions and duties of such class.
- 17.02.03 Upon the satisfactory completion of the prescribed trial period or upon the effective date of the demotion if no such period is required, the demoted employee shall have the status, rank and standing of the lower class to which demoted, and such class and department shall be deemed to be the employee's regular class and department for purposes of these Rules until an authorized change is made.
- 17.03 DISCIPLINE—CAUSE—ILLUSTRATED. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other cause:
- 17.03.01 Incompetency, inefficiency, inattention to, or dereliction of duty;
- 17.03.02 Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, 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;
- 17.03.03 Mental or physical unfitness for the position which the employee holds;
- 17.03.04 Dishonest, disgraceful, or prejudicial conduct;

- 17.03.05 Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service;
- 17.03.06 Conviction of a felony, or a misdemeanor involving moral turpitude;
- 17.03.07 False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;
- 17.03.08 Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;
- 17.03.09 Willful or intentional violation of any of the provisions of these rules.
- 17.03.10 Any other cause, act or failure to act which, under law or these Rules, or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

18. PREDISCIPLINARY HEARING.
- 18.01 PREDISCIPLINARY HEARING—REQUIRED. A department head shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate. The hearing under this Rule 18 is not subject to Rule 19, and does not require witnesses, presentation of evidence or other formalities. It is an opportunity for an employee to present to the department head the employee's response prior to the decision on discipline.
- 18.02 PREDISCIPLINARY HEARING—STANDARDS/NOTICE OF DISCIPLINE.
- 18.02.01 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.
- 18.02.02 The employee may have legal counsel or union representation present at a predisciplinary hearing.
- 18.02.03 The department's explanation of the department's evidence at the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This rule, however, shall not be construed to limit the employer at subsequent, post-disciplinary hearing from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.
- 18.02.04 Should the department head determine to discipline following the predisciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.
- 18.02.05 The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to an employee.

19.           HEARINGS.
- 19.01       HEARINGS—APPEALS.
- 19.01.01    Any regular employee who is demoted, suspended or terminated may appeal such action to the Commission.
- 19.01.02    Any employee who is alleged to be probationary by the disciplining department may only appeal to the Commission issues regarding probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.
- 19.01.03    Any employee, or department, who is adversely affected by an alleged violation of Civil Service or City of Oak Harbor personnel policies may appeal such violation to the Commission.
- 19.02       APPEALS—TIME—FORM. A notice of appeal shall be filed at the Commission offices 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 made 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. [Forms provided by the Commission may be used for such notice but are not required.]
- 19.03       EXHAUSTION OF ADMINISTRATIVE REMEDIES.
- 19.03.01    The Secretary may when not inconsistent with the terms of a collective bargaining agreement direct the employee to exhaust available administrative procedures regarding a disciplinary matter before scheduling the matter for hearing before the Commission.
- 19.03.02    If the employee exhausts the available administrative procedures and continues to believe that cause has not been shown, the employee may within ten (10) days after the final step of the procedure request the Secretary to return the appeal to the Commission for hearing.
- 19.04       AUTHORITY OF SECRETARY-CHIEF EXAMINER AND STAFF.
- 19.04.01    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).
- 19.04.02    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.

- 19.04.03 As an aid to investigations authorized by the Commission, the Secretary-Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder or otherwise of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.
- 19.04.04 The Commission may direct a hearing officer of its selection to carry out the proceedings, including the activities of the Secretary, under Rule 19.
- 19.05 **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 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.
- 19.06 **APPEALS—NOTICE OF HEARING.** Upon receipt of a notice of appeal, the Commission staff 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 scheduling/pre-hearing conference before the Commission shall be set, with each party to be afforded not fewer than ten (10) days' notice of such hearing. Subsequent hearings on the same appeal shall have at least 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.
- 19.07 **APPEALS—AUTHORITY OF DEPARTMENT.** The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.
- 19.08 **SERVICE OF PROCESS—PAPERS.**
- 19.08.01 The Commission staff shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or paper.
- 19.08.02 All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by

registered or certified mail, electronic mail or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers or by certificate of any attorney or Secretary-Chief Examiner.

- 19.08.03 Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or inter-city), upon properly stamped and addressed deposit in the mail system.
- 19.08.04 Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the Commission office. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in such brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.
- 19.08.05 An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.
- 19.09 DISCOVERY.
- 19.09.01 Parties to a proceeding are required to provide to each other reasonable access to and discovery of all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Secretary.
- 19.09.02 Upon the failure of any party to comply with an order of the Secretary compelling discovery, the Secretary shall schedule the matter before the Commission for review and determination of appropriate sanctions.
- 19.10 SUBPOENAS.
- 19.10.01 Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents, or things under that person's control.
- 19.10.02 Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having the subpoena properly served. Requests for subpoenas shall be submitted to the Commission offices at least three (3) days prior to the hearing.

- 19.10.03 Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.
- 19.10.04 The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office, and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.
- 19.10.05 Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:
- (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
  - (2) Condition denial of a motion to quash or modify upon just and reasonable conditions.
- 19.11 BURDEN OF PROOF. At any hearing on appeal from a demotion, suspension or termination, the disciplinary authority shall have the burden of showing by a preponderance of the evidence that its action was for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.
- 19.12 EVIDENCE.
- 19.12.01 Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence (ER) governing civil proceedings in the superior courts of the State of Washington.
- 19.12.02 A witness in any hearing may be examined orally, under oath or affirmation and shall be subject to cross-examination by opposing parties and the Commission.
- 19.12.03 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- 19.12.04 At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Secretary-Chief Examiner.

- 19.12.05 Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.
- 19.12.06 An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.
- 19.13 **DELIBERATION.** The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Secretary-Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.
- 19.14 **DECISION.** In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall be issued within sixty (60) days of the close of the hearing of an appeal or other proceeding heard only by the Commission.
- 19.15 **REMEDIES.** The Commission may issue such remedial orders as deemed appropriate.
- 19.16 **RECONSIDERATION.** A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.
- 19.17 **WAIVER.** Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinances of the City of Oak Harbor would be better served, the Commission may waive the requirements of any of these rules.

20. RETIREMENT AND DISABILITY.
- 20.01 RETIREMENT. Employees of the City of Oak Harbor who are members of pension fund systems as provided by law shall be retired on account of service or disability in accordance with provisions of law.
- 20.02 REINSTATEMENT AFTER DISABILITY RETIREMENT.
- 20.02.01 PROCEDURE. The Secretary shall review any report from a retirement system showing that a former employee who is on disability retirement has regained his or her health to the extent employable. Upon being satisfied that the employee is physically and mentally competent to perform the duties of the regular class, the Secretary shall:
- (a) Order return of the employee to former employment status as if a leave of absence had been granted; or
  - (b) Place the name on the reinstatement register for an available class and department.
- 20.02.02 EFFECT. The name of an employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement register for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Secretary. If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff. Any reinstatement in a class other than that in which last employed shall not result in a promotion.
- 20.02.03 DISCHARGE FOR CAUSE—EXCEPTION. The provisions of this rule shall not apply in the event an employee is discharged from the service, whether or not the employee receives a disability retirement.

21. MISCELLANEOUS.

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

21.02 COMPUTATION OF TIME.

21.02.01 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 Saturday, a Sunday, or a City of Oak Harbor legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a City of Oak Harbor legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

21.02.02 Any period of time except for the stated period of time set forth in Rules 19.02 and 19.06 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 end of the applicable time period.

21.02.03 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; (a) as provided in these Rules; (b) is mailed or (c) delivered personally to a party to a proceeding.

21.03 CIVIL SERVICE AND COLLECTIVE BARGAINING.

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

Approved and adopted by the Oak Harbor Civil Service Commission on the 16<sup>th</sup> day of December, 2013, effective immediately.

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Chairman Kent Dale

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Commissioner Francis Bagarella

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Commissioner Patty Encinas

Amended, approved and adopted by the Oak Harbor Civil Service Commission, effective immediately on date below.

Rule 7.05 Amended- June 18, 2015  
Rule 8.15 Amended- August 20, 2015  
Rule 7.06.01 Amended- October 15, 2015

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Chairman Francis Bagarella

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Commissioner Sandi Peterson

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Commissioner David Kobelin

Amended, approved and adopted by the Oak Harbor Civil Service Commission, effective immediately on date below.

Rule 7.05 Amended- July 13, 2016

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Chairman Francis Bagarella

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Commissioner Sandi Peterson

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Commissioner David Kobelin