



City of Bothell™

Civil Service Rules and Regulations
for Police and Fire Departments

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CIVIL SERVICE RULES AND REGULATIONS FOR POLICE AND FIRE DEPARTMENTS

The Civil Service Commission appointed by the City Manager of Bothell in accordance with the terms of Chapter 2.48 of the Bothell Municipal Code, adopts the following rules and regulations for carrying out the purpose of said Chapter.

CHAPTER 1. DEFINITIONS OF TERMS

Section 1.1 ADVANCEMENT. Advancement means a salary increase with an arranged rate-of-pay schedule for a class or position made without examination.

Section 1.2 APPOINTING AUTHORITY. Appointing authority means the City Manager or his or her designee.

Section 1.3 CLASS. Class means a group of positions sufficiently similar in duties and responsibilities so that the same title may reasonably be used for each position, the same qualifications may be required, and the same salary range may be applied with equity. Class is also referred to as Rank.

Section 1.4 CLASSIFIED SERVICE. Classified service means all positions in the City police service and fire service which are filled by full time, fully commissioned police officers or firefighters, and which are subject to the provisions of these regulations as defined by Chapter 2.48 of the Bothell Municipal Code, excluding the chiefs of the fire and police departments.

Section 1.5 COMMISSION. Commission means the Civil Service Commission appointed for the City of Bothell.

Section 1.6 COMPENSATION. Compensation means any allowance, fee, salary, incentive pay, or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of such person's position or office.

Section 1.7 CONDITIONAL APPOINTMENT. Conditional appointment means an appointment from one position within a class to another position within the same class which does not involve a change in rank but which may involve a change in salary, e.g., the appointment of a police officer to fulfill the duties of a detective; the appointment of a firefighter to fulfill the duties of an inspector; or the appointment of a member of the classified service to fulfill the duties of assistant to the chief.

Section 1.8 CONTINUOUS TESTING. Continuous testing means a method of recruiting for an entry or lateral-entry level civil service position in which the duration of the recruitment is open-ended and applications are accepted at any time. Continuous testing does not include promotional examinations. During a continuous testing period, examinations are scheduled as needed. (Amended 4/16/2007)

Section 1.9 DEMOTION. Demotion means a reduction in class.

Section 1.10 DISCHARGE. Discharge means the separation for cause of a regular, post probationary employee from the classified service.

Section 1.11 ELIGIBLE. Eligible means having satisfied the conditions of qualifications set by the Commission.

Section 1.12 ELIGIBILITY OR EMPLOYMENT LIST. Eligibility or employment list means a list of names of persons, arranged in order of scores, who are eligible for appointment to a position within a class in the classified service.

Section 1.13 EMERGENCY APPOINTMENT. Emergency appointment means appointment to serve in a position covered by these rules under emergency conditions for the duration of the emergency.

Section 1.14 EMPLOYEE. Employee means a person who is regularly employed in the classified service of the city or who is on leave of absence authorized by the appointing authority, and whose position is held until his or her return.

Section 1.15 FIREFIGHTER AND COMMISSIONED POLICE OFFICER -- FULL TIME. Full time, commissioned police officer means an employee vested with full authority to perform the full range of law enforcement duties traditionally performed by police officers on a year round basis pursuant to the full-time schedule of work adopted by the police department. Full time firefighter means an employee vested with the full range of emergency service functions traditionally performed by firefighters, on a year round basis pursuant to the full-time schedule of work adopted by the fire department.

Section 1.16 LATERAL ENTRY. Lateral entry means entry into the Police or Fire Department by an applicant already trained and experienced in law enforcement or firefighting.

Section 1.17 LAYOFF. Layoff means the termination of employment because of lack of funds or work or because of material change in the classified service organization.

Section 1.18 POSITION. Position means any employment or office in the classified service.

Section 1.19 PROBATION. Probation means the period of trial service during which an employee works in a position prior to attaining regular status in such position, during which the employee is subject to rejection by the appointing authority with neither a hearing before the Commission nor the right to appeal.

Section 1.20 PROMOTION. Promotion means a change in employment in accordance with these civil service regulations from a lower to a higher class in the classified service.

Section 1.21 PROVISIONAL APPOINTMENT. Provisional appointment means an appointment to a position covered by Chapter 2.48 of the Bothell Municipal Code in the absence of an eligibility list for the position and pending the establishment of such list.

Section 1.22 PUBLIC NOTICE. Public notice means giving notice by posting in at least two conspicuous locations in a public place, or by publication in a newspaper, or both. In addition, such notice shall be posted as is required by the City of Bothell Affirmative Action Program and other factors.

Section 1.23 RANK. See CLASS.

Section 1.24 REGULAR EMPLOYEE. Regular employee means an employee who has attained regular status.

Section 1.25 REGULAR STATUS. Regular status means the status of an employee who has acquired rights to a hearing prior to demotion, suspension or discharge because the employee has successfully completed his or her probationary period or its equivalent.

Section 1.26 REJECTION. Rejection means the separation of a probationary employee from the service.

Section 1.27 SUSPENSION. Suspension means the temporary separation for disciplinary purposes of an employee from the service without pay.

Section 1.28 TEMPORARY APPOINTMENT. Temporary appointment means an appointment of an eligible or eligibles from any employment or promotional list to a position of specified, temporary duration or to fill a vacancy of specified duration caused by leave of absence or vacation.

Section 1.29 VOLUNTARY REDUCTION IN RANK. Voluntary reduction in rank occurs when an employee requests a position in a lower classification. (Amended 2/2/12)

Section 1.30 WRITTEN NOTICE. Written notice, as required under these civil service regulations, means serving notice in writing either directly or by mail to the last known address. If by mail, the serving shall be deemed completed at the time the notice is deposited in the post office.

CHAPTER 2. THE CIVIL SERVICE COMMISSION

Section 2.1 REGULAR MEETING DATES. Regular meetings shall be held on the third Wednesday of each month at Bothell City Hall. Special meetings shall be held at such times and places as may be determined from time to time by the Commission.

Section 2.2 ORGANIZATION MEETINGS. Members of the Civil Service Commission, when appointed by the City Manager, shall proceed until subsequent reorganization of the Commission becomes necessary. All meetings of the Commission shall be public. Two members shall constitute a quorum and two affirmative votes shall be required for the transaction of any official business. The secretary and chief examiner shall attend all meetings and shall record the actions to be presented to the Commission for approval or correction at the next regular meeting. Upon approval, the minutes shall be signed by the chairperson and countersigned by the secretary and chief examiner and shall become a

part of the permanent files of the Commission. Robert's Rules of Order Revised shall govern all questions of procedure and parliamentary law not otherwise provided by these civil service regulations.

Section 2.3 POWER AND DUTIES. The Civil Service Commission shall:

- (a) Appoint a secretary and chief examiner in conformity with Section 3.1.
- (b) Approve minutes of its own meetings and records of its procedure.
- (c) Implement the classification plan prepared by the appointing authority, as provided in Chapter 6.
- (d) Provide for the holding of competitive tests under the supervision of the Secretary and Chief Examiner or some other delegate to determine the relative qualifications of persons for employment in the classified service and prepare a list of eligible candidates for vacancies and certify the same.
- (e) Conduct all civil suits necessary for the proper enforcement of Chapter 2.48 of the Bothell Municipal Code and these regulations. Any civil action shall be initiated by the City Attorney in the name of the City upon demand of the Commission.
- (f) Hear and determine appeals arising from the administration of Chapter 2.48 of the Bothell Municipal Code and these regulations.
- (g) Investigate and report on all matters touching the enforcement and effect of the Civil Service Act and these regulations.
- (h) Have such additional powers and duties as are provided by Chapter 2.48 of the Bothell Municipal Code.

CHAPTER 3. THE SECRETARY AND CHIEF EXAMINER

Section 3.1 SELECTION. The Secretary and Chief Examiner, who need not be a resident of the city, shall be appointed in conformance with the provisions of Section 2.48.040 of the Bothell Municipal Code. The position of Secretary and Chief Examiner shall not be covered by civil service.

Section 3.2 DUTIES. The Secretary and Chief Examiner shall attend and record all meetings of the Commission; keep the records of the Commission; preserve all reports made to it; superintend and keep a record of all examinations held under its direction; and perform such other duties as the Commission may prescribe.

CHAPTER 4. HEARING OF APPEALS

Section 4.1 RIGHT TO A HEARING. Any regular civil service employee who is suspended, terminated, reduced in rank, or denied other rights protected by Chapter 2.48 of the Bothell Municipal Code, may petition for a hearing before the Civil Service Commission.

Section 4.2 PETITION FOR HEARING. A petition for a hearing before the Commission shall be in writing, signed by the petitioner, giving the petitioner's mailing address, the action from which the petitioner appeals, and, in detail, the facts and the reasons upon which the petitioner's case is based. Such petition shall be filed with the Secretary and Chief Examiner within ten (10) days of the receipt by the petitioner of the notice of the action of the appointing authority to which the employee objects.

Section 4.3 HEARING REQUIRED--NOTICE.

- (a) Whenever the Commission shall receive a timely, petition for hearing, the Commission shall schedule a hearing in order to conduct such investigation. The hearing shall be open to the public, except as otherwise provided in this Chapter, and shall be held not less than twenty (20) days, nor more than sixty (60) days, after receipt of the written demand for investigation, unless good cause is shown for either an earlier or later scheduling.
- (b) Written notice of the scheduled hearing shall be mailed by certified mail, return receipt not less than ten (10) days prior to the date selected for the hearing. The notice shall be mailed to the petitioner, or the petitioner's attorney or representative designated in the demand, and also to the appointing authority. The notice shall identify the case to be heard, the names of the parties and their representatives, if any, and shall specify the time and place of the hearing.

Section 4.4 HEARINGS--LEGAL COUNSEL. Both the appointing authority and the petitioner shall have the right to be represented by legal counsel at all stages of the Commission's investigation and hearing. In addition, the Commission may, in its discretion, retain independent counsel at City expense to assist the Commission in the conduct of the hearing process.

Section 4.5 HEARINGS--SCOPE AND STANDARD OF REVIEW. Hearings upon demand for investigation or review of disciplinary actions taken by the appointing authority shall be quasi-judicial in nature and shall be conducted de novo; that is, the inquiry of the Commission shall be limited in such matters to the determination of the question of whether the removal, suspension, demotion, or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause.

Section 4.6 CONDUCT OF HEARING--EVIDENCE.

- (a) The chairperson or acting chairperson of the Commission shall conduct the hearing in an orderly manner and shall rule on all procedural matters, objections and motions made by any party.
- (b) The testimony of all witnesses shall be under oath. All documents which any party wishes to have the Commission review as part of the evidence shall be introduced as exhibits. A recording of the proceeding shall be kept.
- (c) All portions of the hearing shall be open to the public, with the following exceptions:
 - (1) Where all parties agree to a closed hearing; or
 - (2) Where the chairperson determines that, because of the sensitive nature of a witness' testimony, the hearing should be closed during that testimony in order to prevent unnecessary embarrassment to the witness; or
 - (3) Where the Commission determines to exclude witnesses who have not yet testified or who may be recalled to testify during the testimony of other witnesses; or
 - (4) During the deliberations of the Commission.
- (d) The chairperson shall determine the proper order of the hearing. As a general rule, the hearing shall proceed as follows:
 - (1) The appointing authority and the appealing party shall each be offered the opportunity to make an oral opening statement, setting out briefly a statement of the facts, disputes and issues in the case. Either party may waive opening statement.
 - (2) After opening statements, the appointing authority shall introduce all evidence in his or her case.
 - (3) After the close of the appointing authority's case, the appealing party may then introduce all evidence in his or her case.
 - (4) Rebuttal evidence from the appointing authority will be received after the close of the appealing party's case.
 - (5) Upon completion of rebuttal testimony and evidence, each party shall be given an opportunity to make a closing statement to the Commission setting forth that party's view of the evidence and its relation to the issues before the Commission.
 - (6) After completion of closing statements, the Commission shall deliberate and render a decision.

- (e) All matters to be proven by any party shall be proven by a preponderance of the evidence. The appointing authority bears the burden of sustaining a removal, suspension, demotion or discharge.
- (f) In conducting the hearing, the Commission shall not be bound by the technical rules of evidence. The Commission may receive and examine any and all evidence which it determines to be relevant to the issues before the Commission.
- (g) During the presentation of the testimony, each party shall be allowed direct examination, if the witness is called by the party in his or her case or rebuttal, or cross-examination, if the witness is called by an adverse party in such party's case in chief or rebuttal. In addition, each Commissioner and the Commission's legal counsel, if any, may question any witness.

Section 4.7 **DECISION OF COMMISSION--FINDINGS AND CONCLUSIONS REQUIRED.**

- (a) After the hearing has been completed, the Commission shall deliberate and reach a decision concerning the disciplinary action. If the Commission finds that the removal, suspension, demotion or discharge was made for political or religious reasons or was not made in good faith for cause, the Commission shall order the immediate reinstatement or reemployment of the petitioner in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. If the Commission finds that such removal, suspension, demotion or discharge was not made for political or religious reasons and was made in good faith for cause, the Commission may affirm the removal, suspension, demotion or discharge, or, in lieu thereof, may order such greater or lesser discipline as it deems appropriate under the circumstances. (Amended 2/2/12)
- (b) In rendering its decision, the Commission shall make findings and conclusions in support thereof. The findings shall contain a summary of the evidence relied upon by the Commission in reaching its decision and the conclusions shall indicate the Commission's reasoning in applying the standard of review set forth in Section 2.48.120 to the facts. The findings and conclusions of the Commission shall be certified in writing to the appointing power and shall be enforced by such power.
- (c) The petitioner may appeal from the Commission's decision or order to the King County Superior Court. Such appeal shall be taken by personally serving the Commission, within ten (10) days after the entry of the Commission's judgment or order, with a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all papers and exhibits on file in the office of the Commission affecting or relating to such judgment or order be filed by the Commission with such

court. The appealing party shall pay all costs of preparing the transcript at the time the notice of appeal is filed. The Commission shall, within thirty (30) days after the filing of such notice and the payment of costs, make, certify and file such transcript with the court. The King County Superior Court shall proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order made by the Commission was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

CHAPTER 5. PROCEDURAL INVESTIGATION

Section 5.1 INVESTIGATIVE RESPONSIBILITY. The Civil Service Commission shall make investigations as deemed necessary to ensure that the intent of Chapter 2.48 of the Bothell Municipal Code and these rules and regulations are being adhered to. The Commission shall have such necessary powers to enable it to conduct such investigations, including, but not limited to, the right of access to work sites, the power to administer oaths and subpoenas, and the ability to require the attendance of witnesses and/or the production of any pertinent documents.

Section 5.2 CITIZEN COMPLAINTS. The Commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, and setting forth in concise language, in writing, the necessity for such investigation.

CHAPTER 6. CLASSIFICATION

Section 6.1 PROCEDURE AND EFFECT. The City Council will create all offices, places, positions and employments within the classified service, and the appointing authority will assign to each position so created an appropriate title and establish the experience, knowledge, capacity, skill, education, and other qualifications and minimum prerequisites required for appointment to such position. As thus promulgated, the classification plan within the classified service shall be adopted by the Commission, which shall thereupon allocate every existing position within the police department and fire department to one of the classes as established in the plan. Thereafter, the class titles so established shall be used in all personnel, budget, accounting and other financial documents and communications of the City. If the City Council shall create additional classes, or divide, combine or abolish existing classes, a new classification plan shall be adopted in the manner of the original.

Section 6.2 WORK ASSIGNMENTS. Nothing in these rules or in the classification plan adopted pursuant to Rule 6.1 shall be construed to limit the appointing authority's ability to make work assignments within a job class which are not considered a promotion, and which do not involve a change in salary. All such work assignments shall remain within the sole discretion of the appointing authority.

CHAPTER 7. APPLICATIONS

Section 7.1 ANNOUNCEMENT OF VACANCY. Whenever there is need, the Secretary and Chief Examiner shall invite, by giving public notice, qualified persons to apply for employment in the classified service and for admission to the examination scheduled to select the most competent. Public announcement of the examination shall specify the title and salary range of the position, a brief outline of the duties of the position; the minimum qualifications required; and the final date upon which applications will be received. Alternatively, if a continuous testing process is utilized for entry or lateral-entry level positions, the duration of the recruitment is open-ended and applications shall be accepted at any time. Persons desiring to compete for positions in the classified service shall file signed applications with the Secretary/ Chief Examiner on forms approved by the Secretary/Chief Examiner. (Amended 2/2/12)

Section 7.2 ENTRY LEVEL MINIMUM REQUIREMENTS. All applicants shall be citizens of the United States of America or a lawful permanent resident, who can read and write the English language, in ordinary good health, and good moral character, and of temperate and industrious habits.

7.2.1 Police Department: The minimum education requirement shall be high school graduation, or qualification under general educational development tests.

7.2.2 Fire Department: The minimum education requirement shall be high school graduation, or qualification under general educational development tests. All applicants shall otherwise meet the minimum medical and health standards established by these Civil Service Rules and the minimal medical requirements as delineated in the current edition of NRPA 1582. (Amended 11/26/2007, 2/2/2012, 9/5/2018)

Section 7.3. LATERAL ENTRY. In accordance with the needs of the Police or Fire Department, a lateral entry Eligibility List may be requested by that department head. The following minimum requirements shall apply.

7.3.1 Police Department: Applicants for lateral entry into the Police Department must have been employed as full-time law enforcement officers with a civilian law enforcement agency within the last twenty-four (24) months. That employment must have lasted a minimum of one year. Applicants shall have successfully completed probation and possess current basic certification upon application from the Washington State Criminal Justice Training Commission (WSCJTC), which can be obtained by successfully completing the WSCJTC Basic Law Enforcement Academy. Out of state candidates, who have been previously certified in another state, must pass the WSCJTC equivalency examination. All candidates must successfully pass an entrance interview and examination conducted by the Civil Service Examiner in accordance with Chapter 8 of these rules. (Amended 7/21/2004, 2/2/2012)

7.3.2 Fire Department: Applicants for lateral entry into the Fire Department shall have been employed within the past year as a firefighter/emergency medical technician and have served for a minimum of two (2) years in the

capacity of a full-time paid (career) Firefighter with documentation of completion of a structured recruit training program acceptable to the Fire Chief, possess a current E.M.T. (Emergency Medical Technician) level certification within the State of Washington, or equivalent certification from outside the State of Washington that is transferable and acceptable to the Medical Director of King County Emergency Medical Services, King County, Washington. All applicants must successfully complete and pass an entrance examination as prescribed by the Civil Service Examiner in accordance with Chapter 8 of these Rules. (Amended 2/2/12)

Section 7.4 ACADEMY GRADUATE ENTRY. In accordance with the needs of the Police or Fire Department, an Academy Graduate Entry Eligibility List may be requested by the department head. The following minimum requirements shall apply:

7.4.1 Police Department: Applicants for Academy Graduate Entry into the Police Department shall be either a) graduates of the WSCJTC Basic Academy holding a current and valid certification through the WSCJTC; or b) trainees attending the WSCJTC Basic Academy who have successfully completed the mid-term examination and are scheduled for graduation from the Academy within sixty (60) days of applying to be placed on the Academy Graduate Entry Eligibility List. All candidates must successfully pass an entrance interview and examination conducted by the Civil Service Examiner in accordance with Chapter 8 of these rules. (Amended 2/2/12)

7.4.2 Fire Department: Applicants for Academy Graduate Entry into the Fire Department shall possess a Firefighter Level I certificate from a structured recruit training program acceptable to the Fire Chief; and possess a current E.M.T. (Emergency Medical Technician) level certification within the State of Washington, or equivalent certification from outside the State of Washington that is transferable and acceptable to the Medical Director of King County Emergency Medical Services, King County, Washington. All candidates must successfully pass an entrance interview and examination conducted by the Civil Service Examiner in accordance with Chapter 8 of these rules. (Added 9/26/01, Amended 4/24/02)

Section 7.5 NON-ACCEPTANCE OF APPLICANT. The Secretary and Chief Examiner, subject to the right of any person aggrieved to appeal to the Commission as provided in Rule 5, may refuse to accept an application or to examine an applicant, or may withhold the name of a person from the eligible list or an eligible from certification or the Commission, after notice, may remove the name of an eligible from the eligible list who:

- (a) Does not meet the requirements set forth in these Rules or in the bulletin announcing the examination;
- (b) Is physically or mentally unfit to perform the duties of the position;
- (c) Is addicted to the use of intoxicating liquors or narcotics or habit forming drugs, although persons who are not current users and are in recovery may be considered;

- (d) Is addicted to gambling or immoral practices or habits;
- (e) Is guilty of conduct not compatible with City employment, whether or not it amounts to a crime;
- (f) Has been convicted of a crime of violence;
- (g) Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from City service; or whose record of employment has not been satisfactory in the City service, or with any other employer;
- (h) Has abandoned any position in the City service or has been absent from duty without leave of absence duly granted;
- (i) Has made any material false statement or who has attempted any deception or fraud in connection with this or any other civil service examination;
- (j) Refuses to execute any oath as prescribed by law;
- (k) Fails to appear, including but not limited to, medical, psychological, fingerprinting and drug screen;
- (l) Has assisted in preparing, conducting, or scoring the examination applied for, or who has in any other manner secured confidential information concerning such examination which might provide unfair advantage over other applicants in the examination;
- (m) Fails to appear for or fails to pass any post-certification examination requirements;
- (n) Refuses to furnish all information required to complete the application;
- (o) Who is knowingly a member of any organization which now advocates the overthrow of the Government of the United States or of this State by force or violence or other unlawful means, or who now advocates the support of a foreign government against the United States in the event of hostilities;
- (p) Who has been discharged from the armed forces under conditions other than honorable.

If in the Secretary/Chief Examiner's judgment the applicant should not be allowed to compete in the examination, the applicant shall be notified promptly in writing sufficiently prior to the scheduled examination so that the applicant may attempt to supply additional information to the Secretary and Chief Examiner prior to the examination. Should the matter not be able to be settled prior to the examination, the applicant shall be allowed to compete in the examination and the Commission shall make the final decision as to whether or not the applicant's name shall be included on the Eligibility List, if the applicant

passes the examination, at the time it approves the establishment of the Eligibility List resulting from the examination.

CHAPTER 8. EXAMINATIONS

Section 8.1 CONDUCT MAY BE DELEGATED. The Secretary and Chief Examiner shall arrange for the use of testing facilities and equipment for the conducting of examinations. The Commission shall designate the persons or agency who shall conduct and score the examination. (Amended 2/2/12)

Section 8.2 SCOPE OF EXAMINATION. All examinations shall be practical and impartial and shall consist of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which appointment is to be made.

Section 8.3 CHARACTER OF EXAMINATION. The qualification and fitness of applicants shall be determined either individually or in a group or groups by methods which may include, but are not limited to:

Pre Job Offer:

- (a) Written tests;
- (b) Oral tests of knowledge or ability;
- (c) Oral Board evaluation and/or assessment center evaluation;
- (d) Interview covering general qualifications, education, training and/or experience;
- (e) Physical tests of strength, stamina, agility or dexterity;
- (f) Complete background investigation, including criminal record checks, character references and financial references;
- (g) Polygraph examination by a certified polygrapher in the case of police department positions only;

Post Job Offer:

- (h) Psychological tests conducted by a certified practitioner;
- (i) Complete medical examination by a doctor of the City's choosing;
- (j) Evaluation of education, training, experience or qualifications as shown by the application, or by other information submitted, or by the record;

- (k) Any medical examination likely to elicit information about an applicant's disability shall be given following a conditional offer of employment. (Amended 2/2/12)

Section 8.4 RELATIVE WEIGHTS. The relative weight of each examination shall be designated by the Civil Service Commission as would be applicable according to the examination process being used; i.e., PASS/FAIL for written and/or oral examination; 40 percent for the written examination and 60 percent for the oral examination; or any other combination of scores.

Old scores may be used in a centralized testing process providing the applicant has successfully passed the test within one year of Bothell's certification date of the Eligibility List.

Section 8.5 QUALIFYING GRADE. Where an examination consists of two or more parts, the Commission may set a minimum score to be required in any part if the examination and any applicant who fails to attain such minimum score shall be considered as having failed the entire examination. The minimum score required and the part of the examination to which it is applicable shall be stated in the official bulletin or announced at the time of examination.

Section 8.6 IDENTITY OF EXAMINEES. The identity of persons taking competitive written tests shall be concealed from the examiners by use of an identification number, which shall be used on all test papers. Any paper bearing the name of the applicant or any other identifying mark other than the number, may be rejected by the examiner and the candidate so notified.

Section 8.7 RATING AND PREPARATION OF LISTS. The names of persons successful in all parts of an examination shall be arranged in order of their earned ratings, except that a scoring criteria status shall be accorded to the total score of all applicants who have veterans' credit as approved in Section 8.8. (Amended 2/2/12)

Section 8.8 VETERANS' CREDIT. In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the city shall give scoring criteria status to all veterans as defined in RCW 41.04.007, by adding to the passing mark, grade or rating only, based upon a possible rating of 100 points as perfect, a percentage in accordance with RCWs 41.04.005 and 41.04.010. (Amended 2/2/12)

Section 8.9 FOREIGN LANGUAGE PROFICIENCY CREDIT FOR ENTRY AND LATERAL POLICE CANDIDATES. Candidates who pass the oral board interview for Entry Level or Lateral Police Officer position and indicate proficient in a language other than English, the Police Department will arrange for candidates to take the LTI Oral Proficiency Interview test. Candidate who take the proficiency examination and are rated as "ACTFL Intermediate Mid or Intermediate High" will be awarded 2% credit to their written examination score. Candidates who take the proficiency examination and receive a rating of "ACTFL Advanced Low, Advanced Mid, Advance High, or Superior" will be awarded 4% credit to their written examination score. (10/18/2017)

Section 8.10 PEACE CORPS CREDIT FOR POLICE CANDIDATES. Candidates who pass the oral board interview for Entry Level Police Officer positions who have served a two-year Peace Corps tour will be awarded 5% credit to their written examination score. (9/20/2017)

Section 8.11 PROMOTIONAL EXAMINATIONS. As the needs of the service may require, promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent tests. All candidates for promotion must possess the minimum prerequisites as set forth in the specifications of the class to which promotion is sought at the time of appointment to that class.

It shall be the policy of the Civil Service Commission that promotional examinations be limited to regular employees in the classified service of the city when, in the opinion of the department head, qualified candidates are available within the respective departments.

Section 8.12 NOTIFICATION OF RESULTS. Each competitor shall be notified by mail of the results of the examination and, if successful, of his or her final earned rating and relative placement on the eligibility list.

Section 8.13 REVIEW OF EXAMINATION PAPERS AND CHALLENGES.

8.13.1 Police Department: Within five (5) days after notice of the candidate's final score has been mailed, any competitor may review his or her examination papers and may have his/her score reviewed and corrected if an error is found to have been made. Should a candidate wish to challenge any questions, the candidate shall submit to the Secretary and Chief Examiner within ten (10) days after notice of the candidate's final score has been mailed, authoritative written proof of the validity of the candidate's claim. All such written challenges shall be considered by the Commission. If the Commission is satisfied as to the validity of the challenge, it shall order that the examinations be re-graded accordingly, the eligibility list restructured, and notices mailed to everyone on the eligibility list indicating the action ordered and its effect on their individual ranking on the eligibility list.

8.13.2 Fire Department: Within five (5) business days after notice of the candidate's score has been mailed (written, tactical, assessment center scores), a competitor may have two (2) hours to review his/her examination papers alone and may have his/her score corrected if an error is found to have been made. Should a candidate wish to challenge any area of the test, the candidate shall submit to the Secretary/Chief Examiner within the same five (5) business day review period, authoritative written proof of the validity of the candidate's claim. All such written challenges shall first be reviewed and decided by the Secretary/Chief Examiner unless the Secretary/Chief Examiner determines that the decision regarding the challenge should be submitted to the Commission for a ruling. If the Secretary/Chief Examiner or Commission is satisfied as to the validity of the challenge, it shall order the examinations be re-graded accordingly, and the eligibility list restructured. Once the final five (5) business day protest period

expires, and all challenges have been determined, the list will be submitted to the Commission for approval. (Amended 2/2/12)

CHAPTER 9. ELIGIBILITY LISTS

Section 9.1 ORDER OF NAMES ON LISTS. Names on eligibility lists for a class shall be in order of score according to final earned rating on the examination, including veteran's scoring criteria, which is added to the total score, and other criteria established by the Commission, except that employees laid off from a position in that class shall be given preference over other applicants, in inverse order of layoff. Whenever two or more persons have equal claim to a position on a list, their names shall be arranged according to the date and time of application and, if the date and time of application is the same, the names shall be arranged alphabetically. Candidates who successfully pass an examination as the result of continuous testing for entry or lateral-entry positions shall have their names integrated with the existing eligibility list. (Amended 2/2/12)

Section 9.2 EFFECTIVE LIFE OF LISTS. Eligibility lists shall become effective upon the certification thereof by the Commission. The signatures of the Secretary and Chief Examiner and Civil Service Commission Chairperson on the list signifies that the list was legally prepared and represents the relative rating of the names appearing thereon.

9.2.1 Police Department: Eligibility lists for Police, including promotional lists, shall remain in effect for one year, and may be extended by action of the Civil Service Commission for not more than one more year. Successful candidates emerging from a continuous testing process for entry, lateral-entry or academy graduate entry positions shall have their names integrated with the current eligibility list. The Commission shall certify the eligibility list each time new names are merged onto the current list, and a candidate's name shall remain on the list for a one (1) year period. Names of employees laid off shall be carried on a rehire eligibility list for at least two (2) years from the date of layoff. (Amended 2/2/12)

9.2.2 Fire Department: Eligibility lists for Fire, shall remain in effect for one year, and may be extended by action of the Civil Service Commission for not more than one more year. Successful candidates emerging from a continuous testing process for entry, lateral-entry or academy graduate entry positions shall have their names integrated with current eligibility list. The Commission shall certify the eligibility list each time new names are merged onto the current list, and a candidate's name shall remain on the list for a one (1) year period. Names of employees laid off shall be carried on a rehire eligibility list for at least two (2) years from the date of layoff. (Amended 8/30/06, 4/16/07, 2/2/2012, 11/15/2017)

Promotional lists shall remain in effect for two (2) years, and may be extended by action of the civil Service Commission for not more than one (1) year for a total of three (3) years.

Section 9.3. WITHHOLDING NAMES FROM CERTIFICATION OR REMOVING NAMES FROM ELIGIBILITY LISTS. The name of an eligible may be withheld from certification by the Secretary and Chief Examiner or removed from an eligibility list by the Commission when the person:

- (a) Expresses unwillingness or inability to accept appointment, or refuses offer of an appointment without adequate explanation;
- (b) Fails to respond within ten business days of the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment;
- (c) Fails to report for duty at the time agreed upon after having accepted an appointment;
- (d) Cannot be reached in time for appointment when immediate temporary employment is required, but this shall apply only to such immediate temporary employment;
- (e) Has accepted temporary appointment from the list and is so employed at time of certification for other temporary employment;
- (f) Fails to present the license, registration, certificate or any other credentials required; the name of any such eligible may be restored for certification when the particular requirement has been met;
- (g) Fails to maintain a record of current address with the Commission as evidenced by the return of a properly addressed unclaimed letter, or other evidence;
- (h) Willfully violates any of the provisions of these Rules or any applicable law;
- (i) Or for any reason enumerated in Section 7.5. (Amended 2/2/12)

Section 9.4 NOTICE OF ADDRESS CHANGE. Each individual on an eligibility list shall be responsible for notifying the Secretary and Chief Examiner of a change of address. Failure to do so may cause the removal of the individual's name from the eligibility list.

Section 9.5 REVOCATION OF LIST. An employment or promotional list may be revoked and another examination ordered when, upon recommendation of the Secretary and Chief Examiner and approval of the Commission, such action is deemed advisable on account of fraud, errors, or of inappropriate standards prescribed in connection with the examination or where the Commission determines that results obtained therefrom were inadequate. No lists shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons in the minutes of the Commission.

CHAPTER 10. APPOINTMENTS

Section 10.1 PROCEDURE. Whenever a vacancy in entry-level or lateral-entry positions in the classified service exists, an appointment of one of the three top ranked applicants or the top 25% highest ranked applicants, whichever is greater, will be made from the applicable certified eligibility list. When a vacant promotional position exists, an appointment of one of the top three ranked applicants will be made from the applicable certified eligibility list. If all such persons (or person) are/is unwilling to accept the appointment, are/is disqualified, or if for any other reason, there is no such list for the class, the appointing authority may make a provisional appointment to the vacant position. In the event such person is a provisional appointee, the person shall be replaced by selecting one candidate according to the procedure described in this section following the examination given pursuant to Section 10.4.

Section 10.2 FAILURE TO RESPOND. Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the Secretary and Chief Examiner or of the appointing authority within ten (10) days after the mailing of such notice of certification, or fails to accept an appointment when offered it within the same period, or within the next succeeding day when notification is supplied orally or by telephone, the candidate may be deemed to have declined appointment. If a candidate accepts appointment within the period outlined and fails to report for duty as assigned without an acceptable reason, the candidate will be deemed to have declined the appointment. (Amended 2/2/12)

Section 10.3 EMERGENCY APPOINTMENTS. To meet the immediate requirements of an emergency condition which threatens life or property, the appointing authority may employ any person or persons whom they may be legally empowered to appoint without restriction of civil service law and these regulations. Also, the appointing authority may make an emergency appointment if within one week the Civil Service Commission does not provide required names or name from the current eligibility list. Such employment shall be limited to the duration of the emergency period.

Section 10.4 PROVISIONAL APPOINTMENT. As soon as possible following a provisional appointment, the Secretary and Chief Examiner shall announce and conduct the examination and shall certify a name for regular appointment in the usual manner.

Section 10.5 TEMPORARY APPOINTMENT. In making such an appointment, the appointing authority shall make requisition to the Secretary and Chief Examiner in the manner provided for regular appointment, but shall indicate the time at which it is estimated the position will terminate. The Secretary and Chief Examiner shall notify the person or persons appearing on the appropriate list, or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The Commission shall certify the name of the three persons standing highest on such list or lists who are willing to accept temporary appointments.

Section 10.6 DURATION OF TEMPORARY APPOINTMENT. No temporary or provisional appointment shall be continued and no person shall be employed in a position on a temporary or provisional basis for more than twelve 12 months. Exception: a

temporary or provisional appointment may be extended for up to an additional six (6) months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact continue to be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the discretion of the Commission warrants an additional extension of such provisional or temporary appointment. (Amended 2/2/12)

Section 10.7 **CONDITIONAL APPOINTMENTS.** Conditional appointments shall be made at the sole discretion of the appointing authority pursuant to RCW 41.08.110 and 41.12.110 and with notice to the Commission. Conditional appointments are not considered a promotion, are not considered a defined civil service rank, and are not subject to the appointment, removal or appeal process of Civil Service.

Section 10.8 **REAPPOINTMENT AFTER RESIGNATION.** Notwithstanding the procedure set forth in Section 10.1, the appointing authority shall have the right to reappoint a former employee who has resigned to a vacant position for which the employee is still qualified, but not to a level higher than the previous position. However, this section shall not be construed to prevent appointment of a former employee to a vacant position higher than the employee's previous position if the competitive testing requirements and certification of eligibles process specified in Chapters 7-10 are complied with. (Amended 2/2/12)

CHAPTER 11. PROBATIONARY PERIOD

Section 11.1 **LENGTH OF PERIOD.** No person shall be regularly appointed to a position until having satisfactorily served a probationary period. The probationary period for new employees shall be as follows:

11.1.1 Police Officer: Entry-Level Police Officer: Twelve (12) month probation following the completion of Basic Law Enforcement Academy. Lateral-Entry Police Officer: Twelve (12) month probation following the date of hire. For all probationary employees, any period of absence from full duty in the position, other than for regularly scheduled days off, shall be excluded from the calculation of the probationary period on the basis of the required twelve (12) months of actual service and the probationary period shall be extended by the same number of days as the cumulative leave time. (Amended 6/20/2018, 10/3/2018)

11.1.2 Firefighter: Twelve (12) month probation, following the date of hire. (Amended 11/15/2017)

The probationary period for promotions and transfers shall be as follows:

11.1.3 Police Officer: The probationary period for promotions shall be 12 months from the effective date of the promotion or transfer.

11.1.4 Firefighter: The probationary period for promotions or transfers to positions with different job descriptions shall be twelve (12) months from the effective date of the promotion or transfer. (Amended 11/15/2017)

Persons re-employed who have formerly acquired regular status in the class shall not be subject to probation provided they are rehired within two years of separation. (Amended 4/3/91, 7/18/01, 2/2/2012, 7/18/2012)

Section 11.2 TERMINATION DURING PROBATIONARY PERIOD. During the probationary period the appointing authority at his or her discretion may terminate the employment of a probationary employee. Notice of such termination, shall be given the probationer, and a copy forwarded to the Secretary and Chief Examiner.

Section 11.3 COMPLETION OF PROBATIONARY STATUS. After completion of the probationary period, the appointing authority shall report to the Commission on the probationer's service and efficiency. The appointing authority may, in its discretion, extend probation for any appointee up to an additional three (3) months after expiration of the original probationary period. (Amended 2/2/12, 9/20/2017)

Section 11.4 TERMINATION AFTER PROMOTION. A promotional appointee who is terminated during the probationary period from the position to which promoted shall be restored to the position from which the appointee was promoted.

CHAPTER 12. TRANSFER, LAYOFFS, AND REDUCTIONS

Section 12.1 TRANSFERS. Transfers consist of the change of an employee from one position to another position in the same or comparable class. The change of an employee from a position in a class with a lower, to a position in a class with a higher, maximum rate of pay shall be deemed a promotion and may be accomplished only in the manner provided in these regulations for making promotional appointments. A transfer of an employee from a position in a class with a higher, to a position in a class with a lower, maximum rate of pay shall be deemed a demotion and may be accomplished only in the manner provided in these regulations for making demotional appointments.

Section 12.2 LAYOFF. Whenever the appointing authority contemplates a reduction of staff because of shortage of funds, lack of work, or material reorganization of the department, notice thereof shall be sent by the appointing authority to the Secretary and Chief Examiner. Employees holding positions within a class shall be laid off in inverse order to their length of service to the City. Any complaint by a regular employee that layoff was in bad faith shall be investigated by the Civil Service Commission. If the Commission finds that the layoff was not made in accordance with these regulations, it may order the reinstatement of the regular employee or employees.

Notice of layoff shall be given the employee concerned and the Secretary and Chief Examiner at least two (2) weeks before the effective date thereof. Employees laid off shall have their names placed on a rehire eligibility list of the class to which their position was allocated in accordance with these regulations for two years. (Amended 2/2/12)

Section 12.3 VOLUNTARY REDUCTION IN RANK. When an employee is notified of pending layoff, the employee may apply to the hiring authority for voluntary demotion to a lesser grade for which the employee is qualified. If more than one employee applies for Voluntary Reduction in Rank, the individual with the best qualifications and past performance will be selected. If the qualifications and past performance are equal, the person with the most seniority with the City will be selected. Any demotion to prevent a layoff of the employee will be reversed when the position is reinstated.

Section 12.4 VOLUNTARY REDUCTION IN RANK – OTHER. For purposes other than avoiding a layoff, an employee may apply to the hiring authority for voluntary demotion to a lesser grade for which the employee is qualified. The hiring authority may but is not required to, authorize the voluntary demotion as long as the voluntary demotion does not result in the involuntary layoff of another employee. (Amended 2/2/12)

CHAPTER 13. SUSPENSIONS, DEMOTIONS, DISCHARGES

Section 13.1 SUSPENSION. The appointing authority may suspend a person in the classified service with or without pay for a period not to exceed thirty (30) days in any fiscal year only for cause and upon written accusation by the appointing authority, or by any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the employee and a duplicate filed with the Commission. A suspended employee may, within ten (10) days from the date of suspension, file with the Commission a written request for an investigation and hearing, which the Commission shall conduct. The Commission shall set a hearing at which the employee and the appointing authority shall have the privilege of being heard. All hearings shall be held as provided under Chapter 4 and shall be conducted with the object of obtaining the facts in the matter, and of arriving at a just and equitable conclusion as to whether or not the suspension was made for religious or political reasons, or for cause in good faith. If the decision orders a modification of the suspension, it shall be accompanied by findings and conclusions showing wherein the Commission believes religious or political prejudice was practiced, that bad faith was exemplified, or that cause was lacking.

Section 13.2 INVOLUNTARY DEMOTION AND DISCHARGE. The appointing authority may cause the involuntary demotion or discharge of a member of the classified service only for cause, and only upon written accusation of the appointing authority or any citizen or taxpayer, a written statement of which accusation in general terms shall be served upon the employee and a duplicate filed with the Commission. Within ten (10) days from date of the dismissal or demotion, the employee may file a written request for hearing before the Commission. The Commission shall set a hearing at which the employee and the appointing authority shall have the privilege of being heard, either personally or through counsel. All hearings shall be held as provided under Chapter 4 and shall be conducted with the object of obtaining the facts in the matter and arriving at a just and equitable conclusion as to whether or not bad faith was exemplified, or that cause was lacking.

Section 13.3 CAUSE FOR DISCIPLINE. The following are declared to be cause for discipline from the classified service, although charges may be based on cause other

than those enumerated. Any of these charges shall be spelled out in full detail and be clearly defined.

- (a) Incompetency, inefficiency or inattention to or dereliction of duty;
- (b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee or any other act of omission or Commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this Chapter or the rules and regulations to be adopted hereunder;
- (c) Mental or physical unfitness for the position which the employee holds;
- (d) Dishonest, disgraceful, immoral or prejudicial conduct;
- (e) Drunkenness or use of intoxicating liquors, 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;
- (f) Conviction of a felony, or a misdemeanor, involving moral turpitude or illegal drug use;
- (g) Promotion of dissatisfaction among members of the department;
- (h) Manhandling, mishandling or inhumane treatment of a civilian or person under arrest;
- (i) Accepting and/or soliciting payment, gifts or any item of value for services performed while on duty, whether or not the services are performed on behalf of the City or whether or not City vehicles, equipment, or supplies are used;
- (j) Failure to pay just debts if scandal is caused the service because of that failure;
- (k) Conduct subversive of public order and discipline, or conduct detrimental to the efficiency and morals of the service;
- (l) Failure to promptly report upon expiration of a leave of absence;
- (m) Inability or failure to satisfactorily perform the duties of the position which the employee holds;
- (n) Violation of Department or City Policy;

- (o) Such other and further basis as may be established from time to time by the department or the appointing authority; or
- (p) Any other act or failure to act which in the judgment of the Civil Service Commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. (Amended 2/2/12)

CHAPTER 14. RECORDS AND REPORTS

Section 14.1 EXAMINATION RECORDS. The Secretary and Chief Examiner shall maintain applications, tests and interview scores for tested individuals. These records will be maintained in accordance with the citywide retention schedule set forth by the State Archivist. Access to these records shall be restricted to the appointing authority and members of the Civil Service Commission except as provided in Chapter 8.

Section 14.2 RECORDS OPEN TO THE PUBLIC. The minutes of all Civil Service Commission meetings shall be open to the public during office hours of the City Hall and may be inspected upon application to the Secretary and Chief Examiner.

Section 14.3 DESTRUCTION OF RECORDS. The minutes of the Civil Service Commission shall be kept permanently. All other records pertaining to personnel, including applications, correspondence, examinations, and reports may be destroyed in accordance with the Citywide retention schedule, as set forth by the State Archivist.

Section 14.4 ANNUAL REPORT. The Secretary and Chief Examiner shall prepare a summarized annual report of the Examiner's and the Commission's activities for approval by the Commission and submission to the City Manager.

CHAPTER 15. SEVERABILITY

Section 15.1 SEVERABILITY. If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and such shall not affect the remaining rules and regulations or remaining portions of the rules and regulations.

CHAPTER 16. AMENDMENTS

Section 16.1 AMENDMENTS. After adoption, these rules may be amended at any regular meeting, the date of which is fixed by law or rule, or at a special meeting of which public notice has been given, as provided in Section 2.1, upon the affirmative vote of two members of the Commission, and such amendment shall be effective upon the date of its passage.

APPROVED AND ADOPTED by the City of Bothell Civil Service Commission on the 14th Day of November 2018.



Robert Posey, Chairperson



Benjamin Mahnkey, Commissioner



Michael Fann, Commissioner



Secretary and Chief Examiner