



## **CIVIL SERVICE RULES AND REGULATIONS**

The Civil Service Commission, appointed by the Mayor of the City of Duvall and confirmed by the City Council, under Duvall Municipal Code § 2.13.020, adopts the following rules and regulations to carry out the purpose of said Chapter. These rules apply to all proceedings before the Civil Service Commission and should be read with relevant provisions and ordinances. The positions and employees covered by the Civil Service System are specified in the Duvall Municipal Code and its ordinances.

### **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 Mayor or their 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 Duvall Police Department filled by full-time, fully commissioned police officers and subject to these regulations' provisions as defined by Chapter 2.13 of the Duvall Municipal Code, excluding the Chief of Police.

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

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 sergeant to fulfill the responsibilities of a lieutenant; 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.

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 an 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 their return.

Section 1.15 COMMISSIONED POLICE OFFICER – FULL-TIME. A full-time, commissioned police officer who is 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 under the full-time work schedule adopted by the police department.

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

Section 1.17 LAYOFF. Layoff means terminating employment because of a lack of funds, work, or a 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 before 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 under 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 2.13 of the Duvall 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.

Section 1.23 RANK. See *CLASS* in Section 1.3 of these rules.

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 before demotion, suspension, or discharge because the employee has completed their 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. A temporary appointment is when a qualified person is hired from an employment or promotion list to fill a position for a limited time. This could be to cover someone on leave or vacation, or to fill a role that only exists for a set period.

Section 1.29 VOLUNTARY REDUCTION IN RANK. Voluntary reduction in rank occurs when an employee requests a position in a lower classification.

Section 1.30 WRITTEN NOTICE. Written notice, as required under these civil service regulations, means serving notice in writing directly or by mail to the last known address. If by mail, the serving shall be deemed completed when 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 first Wednesday of each month at the Duvall Police Department and start at 17.00 Pacific Time. Special meetings shall be held at times and places as the Commission may occasionally determine. Unless the same day is a holiday, meetings shall be held on the next business day or a date designated by the Commission.

Section 2.2 ORGANIZATION MEETINGS. When appointed, members of the Civil Service Commission 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 chief examiner shall attend all meetings and record the actions to be presented to the Commission for approval or correction at the next meeting. Upon approval, the minutes shall be signed by the secretary chief examiner and become 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. The Commission may adjourn any regular or adjourned meetings to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

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

1. Appoint a secretary chief examiner per Section 3.1.
2. Approve minutes of its meetings and records of its procedure.
3. Implement the classification plan prepared by the appointing authority, as provided in Chapter 6.
4. Provide for the holding of competitive tests under the supervision of the Secretary 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.
5. Hear and determine appeals arising from the administration of Chapter 2.13 of the Duvall Municipal Code and these regulations.
6. Investigate and report on all matters related to the enforcement and effect of the Civil Service Act and these regulations.
7. Have such additional powers and duties as Chapter 2.13 of the Duvall Municipal Code provides.

Section 2.4 ELECTION OF A CHAIRPERSON. At the first regular meeting in January each year, the Commission shall elect a Chairperson for a one-year term or until a successor is elected.

Section 2.5 DUTIES OF A CHAIRPERSON. The Chairperson presides at all Commission meetings, acts as its spokesperson, and is responsible for ensuring that all proceedings are conducted in an orderly, fair, and timely manner. The Chairperson also plays a key role in setting the agenda for Commission meetings and ensuring that all Commissioners can express their views. In the Chairperson's absence, the Chairperson Pro Tempore, whom the Chairperson designates, will assume the Chairperson's responsibilities. The three present Commissioners will choose a pro tempore commissioner if no designation is made.

Section 2.6 COMMISSIONER TERMS. Under RCW 41.12.030, the appointment terms to the Civil Service Commission shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for two years, one to serve for a period of four years, and one to serve for six years. Any member of such commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance in office, or other good cause: provided, however, that no member of



the commission shall be removed until the Commissioner has been provided with the justification for removal by either the Mayor Duvall or the Duvall City Council and the Commissioner has had an opportunity to respond in front of the Duvall City Council. The City Administrator will schedule and coordinate the opportunity for the Commissioner to appear before the Duvall City Council.

Section 2.7 RESIGNATION FROM COMMISSION. A Commissioner may decide to resign to their appointment to the Civil Service Commission by tendering their letter of resignation to the Mayor and the Chairperson of the Civil Service Commission.

Section 2.8 TRAINING FOR COMMISSION MEMBERS. Within 6 months of selection as Civil Service Commissioners, new appointed members shall complete a training session to cover such topics as rules and regulations, information on testing procedures, and conducting formal proceeding. This training will be coordinated through the Secretary Chief Examiner. Annually all members of the Civil Service Board will be given updates on civil service rule and regulation changes.

### **CHAPTER 3. THE SECRETARY CHIEF EXAMINER**

Section 3.1 SELECTION. The Secretary Chief Examiner, who need not be a resident of the City, shall be appointed by the Civil Service Commission and must be an employee of the City of Duvall's Police Department. Their office terms shall expire when the employee leaves the City of Duvall Police Department.

Section 3.2 DUTIES. The Secretary Chief Examiner shall attend and record all Commission meetings; keep the Commission's records; 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 HEARING. Any regular civil service employee suspended, terminated, reduced in rank, or denied other rights protected by Chapter 2.13 of the Duvall 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 for the petitioner's case. 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 HEARINGS, REQUIRED NOTICE.

1. Whenever the Commission receives a timely petition for hearing, the Commission shall schedule a hearing to conduct such investigation. The hearing shall be open to the public, except as otherwise provided in this Chapter. It 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 an earlier or later scheduling.
2. Written notice of the scheduled hearing shall be mailed by certified mail, return receipt, not less than ten (10) days before the date selected for the hearing. The notice shall be mailed to the petitioner, the petitioner's attorney or representative designated in the demand, and 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. 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 request, from the City Administrator, legal services for the purpose of the hearing. Should the Commission believe it requires legal counsel, it will request such from the City Administrator with at least fourteen (14) days' written notice. The request shall be in writing, with sufficient detail for the City Administrator to ascertain the legal services requested and the scope of work. The City Administrator, in their discretion, shall determine whether legal services shall be assigned and in what manner.

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 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.

1. The chairperson or acting chairperson of the Commission shall conduct the hearing in an orderly manner and rule on all procedural matters, objections, and motions made by any party.
2. All witnesses shall testify under oath. All documents that any party wishes to have the Commission review as part of the evidence shall be introduced as exhibits. A recording of the proceedings shall be kept.
3. All portions of the hearing shall be open to the public, with the following exceptions:
  - a. Where all parties agree to a closed hearing and the City Attorney for Duvall has agreed that a closed hearing would be appropriate under the particular circumstances of that proceeding; or



- b. Where the chairperson determines that, because of the sensitive nature of a witness's testimony, the hearing should be closed during that testimony to prevent unnecessary embarrassment to the witness; or
      - c. 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
      - d. During the deliberations of the Commission.
4. The chairperson shall determine the proper order of the hearing. Generally, the hearing shall proceed as follows:
  - a. The appointing authority and the appealing party shall each be offered the opportunity to make an oral opening statement, briefly stating the facts, disputes, and issues in the case. Either party may waive the opening statement.
  - b. After opening statements, the appointing authority shall introduce all evidence in the case.
  - c. After the appointing authority's case is closed, the appealing party may introduce all evidence in their case.
  - d. Rebuttal evidence from the appointing authority will be received after closing the appealing party's case.
  - e. Upon completion of rebuttal testimony and evidence, each party shall be allowed 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.
  - f. After completion of closing statements, the Commission shall deliberate and render a decision.
5. 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.
6. The Commission shall not be bound by the technical rules of evidence in conducting the hearing. The Commission may receive and examine any and all evidence that it considers relevant to the issues before it.
7. During the presentation of the testimony, each party shall be allowed direct examination, if the party calls the witness in their 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 witnesses.

#### Section 4.7 DECISION OF COMMISSION, FINDINGS AND CONCLUSIONS REQUIRED.

1. After the hearing, the Commission shall deliberate and decide on 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.

2. In rendering its decision, the Commission shall make findings and conclusions supporting it and document such in a Memorandum of Decision. The findings shall:
  - a. Be in writing.
  - b. Be issued by the Commission within fourteen (14) days of the hearing unless the parties to the hearing agree to an extension of time.
  - c. Contain a detailed and specific summary of the evidence relied upon by the Commission to reach its decision.
  - d. Be issued separately from the meeting minutes.
  - e. Contain conclusions that indicate, with specificity and relating back to the evidence presented during the hearing, the Commission's reasoning in applying the standard of review outlined in Section 4.5 to the facts.
3. 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 when the notice of appeal is filed. Within thirty (30) days after filing such notice and the payment of fees, the Commission shall 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 Chief of Police, or in their stead, the City Administrator, or their designee, shall investigate employee disciplinary issues as deemed necessary, including retaining the assistance of external professional investigators. The Commission shall have such powers required to enable such investigations, including, but not limited to, granting 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. The Commission shall remain independent from the investigation and only be presented with its findings during a hearing.

Section 5.2 RESIDENT COMPLAINTS. The Commission may also instigate an investigation of a resident complaint alleging irregularities or abuses by employees of the Duvall Police



Department provided that the complaint is filed with the Civil Service Commission, in writing. The Commission shall follow the investigative responsibilities outlined in Section 5.1.

## **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 to one of the classes established in the plan. Thereafter, the established class titles shall be used in all the City's personnel, budget, accounting, and other financial documents and communications. If the City Council shall create additional classes, divide, combine, or abolish existing classes, a new classification plan shall be adopted as the original.

Section 6.2 WORK ASSIGNMENTS. Nothing in these rules or the classification plan adopted under Rule 6.1 shall be construed to limit the appointing authority's ability to make work assignments within a job class that are not considered a promotion, and that 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 a need, the Secretary Chief Examiner shall invite, by giving public notice, qualified people 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 Chief of Police.

Section 7.2 ENTRY LEVEL MINIMUM REQUIREMENTS. All applicants shall be a citizen of the United States of America, a lawful permanent resident, or a deferred action for childhood arrivals recipient (DACA), who can read and write the English language, in ordinary good health, of good moral character, and temperate and industrious habits. The minimum education requirement shall be high school graduation or a qualification under the general educational development tests.



Section 7.3. LATERAL ENTRY. The Chief of Police may request a lateral entry Eligibility List based on the department's needs. The following minimum requirements shall apply. 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 completed probation and possess current basic certification upon application from the Washington State Criminal Justice Training Commission (WSCJTC), which can be obtained by 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 pass an entrance interview and examination conducted by the Civil Service Examiner following Chapter 8 of these rules.

Section 7.4 ACADEMY GRADUATE ENTRY. Following the needs of the Police Department, the Chief of Police may request an Academy Graduate Entry Eligibility List. 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 trainees attending the WSCJTC Basic Academy who have 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 pass an entrance interview and examination conducted by the Civil Service Examiner under Chapter 8 of these rules.

Section 7.5 NON-ACCEPTANCE OF APPLICANT. The Secretary Chief Examiner, subject to the right of any person aggrieved to appeal to the Commission as provided in Rule 5, may refuse to accept an application or to examine an applicant, or may withhold the name of 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:

1. Does not meet the requirements outlined in these Rules or the bulletin announcing the examination;
2. Is physically or mentally unfit to perform the duties of the position;
3. Is addicted to the use of intoxicating liquors, narcotics, or habit-forming drugs, although persons who are not current users and are in recovery may be considered;
4. Is addicted to gambling;
5. Is guilty of conduct not compatible with City employment, whether or not it amounts to a crime;
6. Has been convicted of a crime of violence;
7. Has been dismissed or has resigned in place 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;
8. Has abandoned any position in the City service or has been absent from duty without leave of absence duly granted;
9. Has made any material false statement or attempted any deception or fraud in connection with this or any other civil service examination;



10. Refuses to execute any oath as prescribed by law;
11. Fails to appear, including but not limited to, medical, psychological, fingerprinting, and drug screen;
12. Has assisted in preparing, conducting, or scoring the examination applied for, or has in any other manner secured confidential information concerning such examination, which might provide unfair advantage over other applicants in the examination; Fails to appear for or fails to pass any post-certification examination requirements;
13. Refuses to furnish all information required to complete the application;
14. 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;
15. 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 before the scheduled exam so that the applicant may attempt to supply additional information to the Secretary and Chief Examiner before the examination. Should the matter not be able to be settled before 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 Chief Examiner shall arrange to use testing facilities and equipment to conduct examinations. The Commission shall designate the persons or agency conducting and scoring the examination.

Section 8.2 SCOPE OF EXAMINATION. All examinations shall be practical and impartial and consist of subjects that will reasonably determine the capacity of persons examined to perform the position's duties and 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 groups by methods which may include, but are not limited to:

1. 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, and financial references.
- g. Polygraph examination by a certified polygrapher in the case of police department positions only.

2. Post Job Offer:

- a. Psychological tests conducted by a certified practitioner.
- b. Complete medical examination by a doctor of the City's choosing.
- c. Evaluation of education, training, experience, or qualifications as shown by the application, other information submitted, or the record.
- d. Any medical examination likely to elicit information about an applicant's disability shall be given following a conditional offer of employment.

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; forty percent for the written exam and sixty percent for the oral examination; or any other combination of scores. Old scores may be used in a centralized testing process, provided the applicant has successfully passed the test within one year of Duvall'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 a 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 using 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 criterion status shall be accorded to the total score of all applicants with veterans' credit as approved in Section 8.8.

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 under RCWs 41.04.005 and 41.04.010.



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 proficiency 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 “ACTFL Advanced Low, Advanced Mid, Advanced High, or Superior” rating will be awarded 4% credit to their written examination score.

Section 8.10 PROMOTIONAL EXAMINATIONS. As the needs of the service may require, promotional examinations may be conducted from time to time. They 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 outlined in the class specifications 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. The department head also has the ability to look at external candidates for promotion as needed.

Section 8.11 NOTIFICATION OF RESULTS. Each competitor shall be notified by mail of the examination results and, if successful, of his or her final earned rating and relative placement on the eligibility list.

Section 8.12 REVIEW OF EXAMINATION PAPERS AND CHALLENGES. Within five (5) days after notice of the candidate’s final score has been mailed, any competitor may review their examination papers and have their 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. The Commission shall consider all such written challenges. If the Commission is satisfied as to the validity of the challenge, it shall order that the examinations be regraded accordingly, the eligibility list restructured, and notices mailed to everyone on the eligibility list indicating the action ordered and its effect on their ranking on the eligibility list.

## **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. If the date and time of application are the same, the names shall be arranged



alphabetically. Candidates who successfully pass an examination due to continuous testing for entry or lateral-entry positions shall have their names integrated with the existing eligibility list.

Section 9.2 EFFECTIVE LIFE OF LISTS. Eligibility lists shall become effective upon the Commission's certification thereof. The signatures of the Secretary, Chief Examiner, and Civil Service Commission Chairperson on the list signify that it was legally prepared and represent the relative rating of the names appearing thereon. Eligibility lists, 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 additional 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 one (1) year. Names of employees laid off shall be carried on a rehire eligibility list for at least two (2) years from the layoff date. Promotional lists shall remain in effect for one (1) year, and may be extended by action of the Civil Service Commission, at the request of the appointing authority for not more than one (1) year for a total of two (2) 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 Chief Examiner or removed from an eligibility list by the Commission when the person:

1. Expresses unwillingness or inability to accept an appointment, or refuses an offer without adequate explanation.
2. Fails to respond within ten business days of the mailing of a written inquiry regarding availability for permanent employment or a request to appear for an interview regarding such employment.
3. Fails to report for duty at the agreed-upon time after accepting an appointment.
4. Cannot be reached in time for an appointment when immediate temporary employment is required, but this shall apply only to such immediate temporary employment.
5. Has accepted a temporary appointment from the list and is so employed at the time of certification for other temporary employment.
6. 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.
7. 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.
8. Willfully violates any of the provisions of these Rules or any applicable law.

Section 9.4 NOTICE OF ADDRESS CHANGE. Everyone on an eligibility list shall be responsible for notifying the Secretary 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 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, one of the top three ranked applicants will be appointed 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. If such a 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 under 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 Chief Examiner or 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 an 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.

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 the required names or names 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 Chief Examiner shall announce and conduct the examination and shall certify a name for regular appointments in the usual manner.



Section 10.5 TEMPORARY APPOINTMENT. In making such an appointment, the appointing authority shall make requisitions to the Secretary Chief Examiner in the manner provided for regular appointment. Still, it shall indicate when the position will be estimated to terminate. The Secretary 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 a temporary appointment. The Commission shall certify the names 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 on a temporary or provisional basis for more than 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 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.

Section 10.7 CONDITIONAL APPOINTMENTS. Conditional appointments shall be made at the sole discretion of the appointing authority under 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 outlined 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 the 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 processes are complied with.

## **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 twelve (12) months after completing the Basic Law Enforcement Academy. Lateral-Entry Police Officer: Twelve (12) months' probation following the hire date. 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 based on 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. The promotion's probationary period shall be 12 months from the effective date of the promotion or transfer. 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. Probation periods may be extended for cause at the request of the appointing authority for a period up to twelve (12) months.

Section 11.2 TERMINATION DURING PROBATIONARY PERIOD. During the probationary period, the appointing authority, at their discretion, may terminate the employment of a probationary employee. Notice of such termination shall be given to 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.

Section 11.4 TERMINATION AFTER PROMOTION. A promotional appointee 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 involve changing an employee from one position to another in the same or a comparable class. The change of an employee from a position in a class with a lower maximum rate of pay to a position in a class with a higher maximum rate of pay shall be deemed a promotion. It may be accomplished only in the manner these regulations provide for making promotional appointments. A transfer of an employee from a position in a class with a higher maximum rate of pay to a position in a class with a lower maximum rate of pay shall be deemed a demotion. It may be accomplished only in the manner these regulations provide for making demotional appointments.

Section 12.2 LAYOFF. Whenever the appointing authority contemplates a reduction of staff because of a shortage of funds, lack of work, or material reorganization of the department, notice thereof shall be sent by the appointing authority to the Secretary Chief Examiner. Employees holding positions within a class shall be laid off in inverse order to their length of service to the City.. If the Commission finds the layoff did not follow these regulations, it may order the regular employee or employees to be reinstated. Notice of layoff shall be given to the employee concerned and the Secretary and Chief Examiner at least two (2) weeks before the effective date. Employees laid off shall have their names placed on a rehire eligibility list of the class to which their position was allocated under these regulations for two years.

Section 12.3 VOLUNTARY REDUCTION IN RANK. When an employee is notified of a 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 chosen. Any demotion to prevent employee layoff 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.

## **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. The investigation will follow the procedures outlined in Chapter 5 and the hearing shall be conducted pursuant to the procedures in Chapter 4. The Commission shall set a hearing at which the employee and the appointing authority shall be heard. All hearings shall be held as provided under Chapter 4 and conducted to obtain the facts in the matter, and to arrive at a just and equitable conclusion as to whether or not the suspension was made for religious or political reasons, or any other 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 the date of the dismissal or demotion, the employee may file a written request for a hearing before the Commission. The Commission shall set a hearing at which the employee and the appointing authority shall be heard, either personally or through counsel. All hearings shall be held as provided under Chapter 4 and conducted to obtain the facts and arrive at a just and equitable conclusion as to whether bad faith was exemplified or that cause was lacking.

Section 13.3 CAUSE FOR DISCIPLINE. The following are declared causes for discipline from the classified service, although charges may be based on a cause other than those enumerated. Any of these charges shall be outlined in full detail and clearly defined.

1. Incompetency, inefficiency, or inattention to or dereliction of duty.



2. 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.
3. Mental or physical unfitness for the position that the employee holds.
4. Prejudicial conduct.
5. 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.
6. Conviction of a felony or a misdemeanor involving moral turpitude or illegal drug use.
7. Promotion of dissatisfaction among members of the department.
8. Roughly handling, mishandling, or inhumane treatment of a civilian or person under arrest.
9. 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.
10. Failure to pay just debts if a scandal in the service because of that failure.
11. Conduct subversive of public order and discipline, or conduct detrimental to the efficiency and morals of the service.
12. Failure to promptly report upon expiration of a leave of absence.
13. Inability or failure to perform satisfactorily the duties of the employee's position.
14. Violation of the Duvall Police Department or City of Duvall Policy.
15. Such other and further basis as may be established from time to time by the department or the appointing authority; or
16. 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.

## **CHAPTER 14. RECORDS AND REPORTS**

Section 14.1 EXAMINATION RECORDS. The Secretary Chief Examiner shall maintain applications, tests, and interview scores for tested individuals. These records will be kept under 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. All Civil Service Commission meeting minutes shall be open to the public during the Duvall Police Department office hours. They may be inspected upon application to the Secretary Chief Examiner.

Section 14.3 DESTRUCTION OF RECORDS. The minutes of the Civil Service Commission shall be kept permanently. All other records about personnel, including applications, correspondence, examinations, and reports, may be destroyed under the Citywide retention



schedule, as set forth by the Washington Secretary of State in its Local Government Common Records Retention Schedule (CORE).

Section 14.4 ANNUAL REPORT. The Secretary 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 Council as a written report.

## **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.

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APPROVED AND ADOPTED by the City of Duvall Civil Service Commission on the 3rd Day of December 2025.