

CIVIL SERVICE RULES



Civil Service Commission for Kitsap County Sheriff's Employees

Approved and Adopted

Dated this ~~22nd day of August, 2016~~ (TBD)

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RULE 1: PURPOSE, AMENDMENT, ADMINISTRATION, EFFECT AND DISTRIBUTION

Section 1.1 Purpose: It is the purpose of these rules to supplement the provisions of RCW Chapter 41.14 which provides for a merit system of civil service employment for Sheriff's Office employees. The rules set forth the principles and procedures which are to be followed in the conduct and administration of the Kitsap County Civil Service program. The rules are designed to provide the public, the Sheriff and employees with assurance that the Kitsap County Civil Service Program will be carried out and dealt with uniformly, equitably and that all proceedings before the Commission are conducted in an orderly, fair, and timely manner.

Section 1.2 Amendment: Proposals for amendments to these rules may be submitted in writing to the Commission by a Commissioner, the Sheriff, an employee or any other interested person. Prior to the adoption, revision or repeal of any rule, the Commission shall conduct at least one public hearing after due notice. Notice of such hearing shall be given by providing the Sheriff with, and posting on the employee bulletin board, copies of the proposed amendment together with notice of the time, date and place of such hearing.

- **Section 1.2.01:** The Chief Examiner shall keep a record of all proposed amendments to these rules together with any action taken thereon.
- **Section 1.2.02 Effective Date of Amendment:** All rules and amendments shall become effective immediately upon their adoption by the Commission, unless some later date is specified therein.

Section 1.3 Administration: The Chief Examiner shall be charged with the responsibility for the administration of these rules.

Section 1.4 Effect: These rules shall be in force and effect when adopted by the Civil Service Commission and shall have the force and effect of law insofar as they apply to positions covered by said rules.

Section 1.5 Distribution: The Sheriff shall provide each employee a copy of these rules, RCW Chapter 41.14, and any amendments to either, and maintain a record of such issuance.

RULE 2: POSITIONS COVERED BY THESE RULES

Section 2.1 Classified and Unclassified Services: The Sheriff's Office is divided into the Classified and Unclassified Services.

Section 2.1.01 Unclassified Service: Up to six (6) appointed positions which are exempt from the provisions of these Rules and Regulations pursuant to RCW 41.14. The Sheriff shall notify the Commission in advance through the Chief Examiner of all positions that are appointed as unclassified, and keep the commission apprised of changes or revisions.

Section 2.1.02 Classified Service: All employees of the Sheriff's Office not specifically included in the Unclassified Service.

RULE 3: DEFINITIONS OF TERMS USED IN THESE RULES AND REGULATIONS

Unless a different meaning is plainly required by the context, the following words and phrases, as used in these Rules and Regulations, shall have the meanings indicated:

ACTUAL SERVICE: Employment in the Sheriff's Office as a regular or probationary employee in either the classified or unclassified service. All line-of-duty disabilities leaves up to six months in duration and all paid leaves of absence shall be included in computing continuous service; however, except as otherwise provided by law, time lost due to unpaid leaves of absence, disciplinary suspension, that portion of line-of-duty disability leaves exceeding six months in duration, or layoff shall be subtracted in calculating the length of service.

ALLOCATE: The act of assigning each position to its proper class.

APPLICANT: An individual who in accordance with these rules has submitted a complete application for employment within the publicized recruiting period and on the prescribed methods.

APPOINTING AUTHORITY: The Sheriff who is empowered to appoint or remove employees, delegates his/her duties, and is subject to these rules.

ASSIGNMENT: An employee may be assigned to a position which may carry additional compensation and/or additional limited responsibilities and is within the scope of the specification for the class from which assignment is made.

BREAK IN SERVICE: A separation in Civil Service status with a loss of accumulated service credit as occasioned by a "layoff," "resignation," "discharge," or "retirement."

BUSINESS RELATIONSHIP: Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Sheriff's Office employee's annual interest, compensation, investment or obligation is greater than \$250.

CANDIDATE: An applicant that has successfully passed through all phases of the examination process and has been placed on an employment register.

CERTIFY: The act of the Chief Examiner in supplying the appointing authority with the names of candidates who are eligible for appointment.

CLASSIFICATION: The systematic arrangement of positions into groups or categories according to established criteria such as type and level of work duties and/or responsibilities, skills, abilities, qualifications and conditions common to various individual positions of employment. Classifications are adopted by the Commission. Positions are assigned to classifications to facilitate pay administration, recruitment and other personnel actions.

COMMISSION: The Kitsap County Civil Service Commission.

COMMISSIONER: Any one of the members of the Commission.

CONFLICT OF INTEREST: Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

CONTINUOUS TESTING: Continuous testing shall mean a written examination and/or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards whose results shall be valid for a defined period. Continuous testing may, at the discretion of the Commission, be offered through the Chief Examiner or Secretary or pursuant to a subscription testing agreement.

DEMOTION: The movement of an employee to a position in a lower pay range.

EMERGENCY APPOINTMENT: Appointments made by the Appointing Authority in cases of riot, conflagrations, or other emergencies which threaten life, property or the general welfare of the County, but such appointments may not continue longer than thirty (30) calendar days.

EMPLOYEE CLASSIFICATION:

- **Regular Employee:** An employee who has been appointed upon completing the full probationary period.
- **Classified Employee:** An employee who is subject to the Civil Service rules and regulations.
- **Unclassified Employee:** An employee who is not subject to Civil Service rules and regulations.
- **Probationary Employee:** An employee who has not yet completed the specified trial period of employment.
- **Provisional Employee:** An employee appointed provisionally to a position without competition pending the establishment of an employment register.
- **Extra Help Employee:** Non-regular employees who are at-will for the entire period of employment and may be terminated at any time by the ~~Employing Official~~ appointing authority or designee. Extra-help employees only receive those benefits required by federal or state laws.

EXAMINATION: The process of testing the fitness and qualifications of applicants for positions in a class.

- **Open Examination:** An examination open to any member of the public meeting the requirements as stated in the official job posting.
- **Promotional Examination:** An examination limited to employees meeting the requirements stated in the official job posting.

FINAL EXAMINATION SCORE: Total of earned exam scores plus additional veteran's preference for which an applicant is eligible.

LAYOFF: The termination of an employee from the active work force due to lack of funds, lack of work, or organizational changes.

LISTS:

- **Applicant List:** A list of applicants who are being screened for qualifications and may be eligible, in the process of or have taken the Civil Service examinations.
- **Eligibility List:** A list of qualified candidates ranked on the Employment Register and who have rights under these rules to be certified for appointment.
- **Employment Register:** A ranked list of successful candidates for a given class from which certification for eligibility may be made to fill vacancies in such class.
- **Extra Help List:** An unranked list of individuals qualified to be appointed as extra help. A separate extra help list shall be established for each classification for which the Sheriff requests and the Civil Service Commission determines is appropriate. The list shall be established when

an individual submits a completed civil service application for extra help. The list shall contain no more than 25 names at any one time; additional applicants shall be placed on a waiting list in the order of the date received and shall be screened for placement on the extra help lists as vacancies on the list occur.

- **Promotion List:** A register established by a promotional examination.
- **Reappointment List:** A register, by classification, of names of persons who were regular or probationary employees who have been demoted in lieu of layoff.
- **Reinstatement List:** A register, by classification, of names of persons who were regular or probationary employees who have been laid off, or regular employees who have resigned from employment in good standing and have been approved for reinstatement pursuant to Section 10.2.

NEPOTISM: The practice of showing favoritism to relatives in appointment, employment, promotion or advancement to influence personnel decisions.

PERSONAL RELATIONSHIP: Includes marriage, cohabitation, dating or any other intimate relationship beyond friendship.

POSITION: A budget reference assigned a group of specific duties and responsibilities requiring the full-time or part-time employment of one person. Positions are created by the Board of County Commissioners.

PROBATIONARY PERIOD: A trial period prior to regular appointment. This trial period is a part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position.

PROMOTION: The appointment of an eligible employee to a position in a higher class or to a position of higher skill or responsibility level, excluding any temporary and/or provisional appointment.

PROVISIONAL APPOINTMENT: A non-competitive and temporary appointment made to fill a vacancy in the classified service.

RECLASSIFICATION: The allocation of a position to a different class in the Classification Plan.

REINSTATEMENT: Reappointment of an employee to a position in a class in which the employee was a regular employee.

RELATIVE: A relationship which exists between two persons, whether by blood (whole or half), marriage or adoption: ~~spouse, child (includes child in law), grandchild (includes grandchild in law), sibling (includes sibling in law).~~ This includes (biological/step/adopted/in-laws): mother, father, son, brother, daughter, sister, husband, wife and grandchildren.

RESIGNATION: Voluntary termination of an employment relationship with the County by an employee.

RETIREMENT: The termination of employment for service or disability pursuant to applicable retirement laws.

SECRETARY: Secretary to the Commission and Chief Examiner.

SENIORITY: For the purpose of these rules, the length of actual service as a probationary or regular employee in the specific class involved and in all higher classes to which such employee has been

appointed. The length of actual service in the class shall include service in a provisional or emergency appointment, or to an unclassified position. Where length of actual service is equal, seniority shall be established by position on the register.

SEPARATION AND TERMINATION: Whenever in these rules the term separated, separation, terminated, termination, retire, retirement and lay off are used, they shall mean the discontinuation of the employment relationship.

SUBSCRIPTION TESTING SERVICE: A person or organization which administers exams and maintains lists of candidates for employment.

SUSPENSION: The temporary removal of an employee from employment with or without pay for cause, or pending determination of charges against the employee which could result in demotion or discharge.

VACANCY: A position existing or newly created, which is not occupied, and for which funds are available.

VETERANS' PREFERENCE SCORING CRITERIA STATUS: ~~Preference~~ [Scoring criteria status](#) in examinations and employment, based on military service, as provided and defined by applicable laws.

RULE 4: ORGANIZATION AND ADMINISTRATION

Section 4.1 Chair: The Commission shall elect one of its members Chair at its regular monthly meeting in February. Term of Chair shall commence on the month immediately following the election, and shall be for 12 calendar months. Should a Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair for the remainder of the term.

Section 4.2 Meetings: In the necessary conduct of its work, the time and place of the regular monthly meeting of this Commission shall be set by resolution, which shall be posted on the County Civil Service website, email distribution list, employee bulletin boards, and local public news outlets. If there is no pending business requiring Commission action, notice of cancellation shall be posted. Special meetings and executive sessions may be called by Chair as may be required for the proper discharge of its duties; notice shall be provided as required by the Open Public Meetings Act. The Commission shall conduct hearings as required by these rules. All Commission meetings or hearings shall be open and public **provided**, however, that the Commission may meet in executive session pursuant to the Open Public Meetings Act. In the absence of the Chair, the attending two Commissioners may appoint a member as acting Chair and conduct Commission business.

Section 4.3 Rules of Order: Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two Commissioners such rules may be waived or modified.

Section 4.4 Commissioners– Challenge: Any challenge to a Commissioner's sitting at a hearing shall be made by an interested party prior to the commencement of a hearing. The unchallenged Commissioners shall review and rule on the challenge prior to proceeding with the hearing. Failure to raise a challenge within the prescribed time frame shall constitute a waiver of the Challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to commencement of a hearing.

Section 4.5 Commissioners - Challenge – Necessity: If, as a result of disqualification(s) pursuant to Section 4.4 there is no longer a lawfully constituted quorum available, then by reason of necessity, the disqualified Commissioner(s) shall return and proceed with the hearing.

Section 4.6 Chief Examiner: Shall be appointed as a result of a competitive examination.

- **Section 4.6.01 Discipline:** The Chief Examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.
- **Section 4.6.02 Authority:** The Chief Examiner shall:
 - **Section 4.6.02.a.** Be the general manager and executive officer of the Civil Service Unit, responsible to the Commission, and shall direct the activities of all personnel in the Civil Service Unit, including their appointments and removals;
 - **Section 4.6.02.b.** Delegate duties where necessary and supervise the work of all persons employed in the Unit, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;
 - **Section 4.6.02.c.** Report to the Commission from time to time as directed concerning the details of the work of the Unit;

- Section 4.6.02.d. Prepare the budget for the Office, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Office;
 - Section 4.6.02.e. Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
 - Section 4.6.02.f. Determine which examinations shall be conducted, the minimum qualification of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he or she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination;
 - Section 4.6.02.g. Certify or refuse to certify payrolls in accordance with RCW 41.14.150. If certification is refused, the Chief Examiner shall notify the Commission at its next regular meeting of such refusal and the reasons therefor.
 - Section 4.6.02.h. Act as secretary to the Commission at its regular and special meetings including keeping a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Chief Examiner of such meetings, submitting the same for approval of the Commission and performing such other duties related to meetings as may be assigned to him/her from and by the Commission.
 - Section 4.6.02.i. Insure that a verbatim record is available for all contested proceedings before the Commission.
 - Section 4.6.02.j. Perform all other functions necessary for the proper carrying-out of these rules and the provisions of law relating to the Civil Service System, and such additional duties as may be assigned to him/her from time to time by the Commission.
- Section 4.6.03 Review of and Appeal From Actions or Decisions of the Chief Examiner:
 - Section 4.6.03.a. The Commission on its own motion may review or modify any action or decision of the Chief Examiner.
 - Section 4.6.03.b. Any person adversely affected by any action or decision of the Chief Examiner may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the date of notice of such action unless established otherwise in these rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

Section 4.7 Public Records: Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by County rule. The availability of records is subject to the Washington State Public Records retention schedule.

Section 4.8 Reports--Applicants, Candidates, and Employees:

- Section 4.8.01: Each applicant, candidate, and employee shall keep the Commission informed, by written notice to the Chief Examiner, of current address and telephone number, and shall report any change of name through marriage or otherwise.
- Section 4.8.02: Each candidate shall keep the Chief Examiner informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefore.

Section 4.9 Reports--Appointing Authority. The Appointing Authority shall immediately report to the Chief Examiner in such detail and on such forms as the Chief Examiner may prescribe:

- Section 4.9.01: Every appointment, transfer, promotion, refusal or failure to accept appointment, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, separation (including reason) and return to duty.

RULE 5: THE CLASSIFICATION PLAN

Section 5.1 Objective: The Classification Plan, which consists of a class specification for each class, shall provide a complete inventory of all positions in the classified service. The plan shall standardize titles, each of which shall be indicative of a definite range of duties and responsibilities and shall have the same meaning throughout the Classified Service. No allocations, appointments or promotion to any position shall be made except as provided for herein.

Section 5.2 Composition of the Classification Plan: The Classification Plan shall consist of:

- **Section 5.2.01:** A grouping into classes of positions which are of approximately equal difficulty and responsibility, which require the same general ~~qualifications~~ qualifications, and which can be equitably compensated for within the same range of pay under similar working conditions.
- **Section 5.2.02:** A class title descriptive of the assigned work shall identify each class.
- **Section 5.2.03:** Written class specifications for each class of positions, containing a description of the nature of the work and of the relative responsibility of positions within the class, examples of work which are illustrative of duties of positions allocated to the class, requirements of work in terms of knowledge, abilities and skills necessary for performance of the work, and a statement of minimum education, experience and training, with appropriate alterations, for recruitment into the class.

Section 5.3 Class Titles: Class titles shall be used in all personnel, accounting, budgeting, appropriation and financial records. No person shall be appointed to, or employed in a position in the Classified Service under a title not included in the Classification Plan. Titles used in the course of Official routine to indicate level of authority or administrative rank may continue to be used for such purpose.

Section 5.4. Class Specifications: Each position in the classified service shall be classified at the direction of the Chief Examiner and allocated to its appropriate class. The class specifications shall be used as a guide in the classification of positions and have the following force and effect:

- **Section 5.4.01:** The specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which are allocated to a particular class as determined by their duties, responsibilities, and qualifications. Specifications are to be interpreted in their entirety and in relation in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class.
- **Section 5.4.02:** In determining the class to which a particular position should be allocated, the specifications of each class shall be considered as a whole. Consideration shall be given to the general duties, essential job functions, the specific tasks, the responsibilities and the required and desirable qualifications for such position and the relationship to other classes.
- **Section 5.4.03:** Qualifications commonly required of all incumbents of the different classes such as acceptable physical condition, United States Citizenship, suitable age, honesty, and sobriety, shall be deemed to be implied as qualification requirements for entrance to each class even though they may not be specifically mentioned in the specifications.

Section 5.5. Use of Classification Plan: The Classification Plan shall be used:

- **Section 5.5.01:** In preparing public announcements of examinations or vacancies.
- **Section 5.5.02:** As a guide in preparing examinations which may be used to appraise the relative abilities and qualification of applicants for work of specific classes.
- **Section 5.5.03:** In determining promotional sequences.

- Section 5.5.04: In providing uniform job terminology which is understandable to county officials, employees and the general public.
- Section 5.5.05: In setting up appropriate registers from which candidates may be certified to fill vacancies.
- Section 5.5.06: As a guide for the Appointing Authority in assigning duties.

Section 5.6 Maintenance of the Classification Plan:

- Section 5.6.01: The Chief Examiner is charged with the responsibility for the proper and continuous maintenance of the Classification Plan so that it will reflect the duties and responsibilities currently being performed by each employee in the Classified Service and the class to which each position is allocated. The recommendations of the Appointing Authority shall be given consideration in all classification actions.
- Section 5.6.02: The Chief Examiner shall recommend to the Commission, after a survey and consultation with the Sheriff, necessary amendments to the Classification Plan in the form of new classes, revision of existing classes and the abolition of classes no longer required in the Plan. Upon the Commission's approval of the establishment of the new classification or the revision or the abolition of an existing classification, the Board of Commissioners and the Sheriff shall be notified in order that appropriate action may be, at the Board of County Commissioners' discretion, taken in regard to compensation for the affected classes. Revisions of Class Specifications and reallocations within the Classification Plan shall be made, pursuant to the approval of the Commission, as follows:
- Section 5.6.03: The Chief Examiner shall study the duties and responsibilities of each new position as it is created and on the basis of this study allocate the position in the appropriate class within the Classification Plan.
- Section 5.6.04: Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the Chief Examiner by the Appointing Authority. If such changes are determined to be permanent and sufficient to justify a reallocation to a different classification, the Chief Examiner shall reallocate such position to its appropriate class.
- Section 5.6.05: The Chief Examiner shall periodically review or delegate the review of positions whenever it is deemed necessary; whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the County Board of Commissioners; or upon request of the Appointing Authority or an affected employee if Classification of said position has not been reviewed within the last 12 months. Upon the basis of that investigation, the Chief Examiner shall make appropriate changes in allocations or recommend changes in the Classification Plan, subject to the limitations of the annual budget.

Section 5.7 Requests by Appointing Authority for Classification or Reclassification: It shall be the duty of the appointing authority to report in writing to the Chief Examiner any and all organizational changes which will abolish or effect changes in existing positions or establish new positions.

- 5.7.01 Requirements: The Appointing Authority shall submit to the Chief Examiner a written request for classification or reclassification accompanied by a statement of duties, responsibilities and qualification requirements for the position.
 - In those instances where gradual shifts in work emphasis or changing work conditions have effected material changes in existing positions, the Chief Examiner shall be notified in writing before the annual budget is submitted for the succeeding year.

- In those ~~instances~~instances, in which the duties of a position are materially changed for other reasons, the Chief Examiner shall be notified not later than ten (10) days of said change.

Section 5.8 Status of Employees Affected by Reclassification: The status of regular employees affected by reclassification occurring in the administration of the Classification Plan shall be resolved in the following manner:

- **Section 5.8.01 Title Change:** An employee whose class title is changed without a change in duties or responsibilities shall have the same status in the positions and classes to which they are allocated without examination, as held in the former classes.
- **Section 5.8.02 Upgrading:** An employee with regular civil service status whose position is reclassified to a higher class shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of a competitive appointment in accordance with these rules.
 - Exceptions to competitive appointment:
 - The changes in position duties have occurred due to an unanticipated change in service demands, business operations or re-organization;
 - The reason for the reclassification is the gradual accretion of new duties and responsibilities;
 - The ~~higher level~~higher-level duties and responsibilities are a preponderance of the work being performed;
 - The position incumbent has successfully performed the ~~higher level~~higher-level duties for a minimum of six (6) continuous months;
 - The incumbent must have successfully completed the probationary period in the initial appointed position and be in good standing in the position at the higher level of work;
 - The ~~higher level~~higher-level duties upon which the reclassification is requested have not previously been assigned to a position in a classification of the same or lower level; and
 - The incumbent must meet the minimum qualifications of the ~~higher level~~higher-level classification.
 - Other considerations:
 - When a position is reclassified to a ~~higher level~~higher-level classification because of any condition other than as specified above, the position shall be filled through re-employment, re-appointment, promotional appointment, original appointment or demotion, and in accordance with the provisions of Rule 9, Appointments, and
 - In the event the incumbent fails to meet the minimum qualifications, or does not successfully pass an examination, or is not selected, or does not successfully complete the period of probation, the Appointing Authority may revert or layoff the incumbent in accordance with the provisions of Rule 10.3, Layoff
- **Section 5.8.03 Downgrading:** An employee with regular civil service status whose position is reclassified to a lower class shall be assigned, if possible, to a vacant position having the same classification as that in which the employee has regular civil service status, or if not possible, the employee shall be assigned to the lower class without further examination and his/her name shall be placed on the appropriate reappointment list, without limitation of time for the higher class in which he/she holds regular civil service status.

Section 5.9 Classification Appeals: The Appointing Authority or any regular employee who believes his/her position has been improperly classified or reclassified may appeal within ten (10) days of

notification of the classification or reclassification to the Commission. Such appeals shall be in writing and fully set forth the reasons therefore. The appellant and the Appointing Authority shall be given a reasonable opportunity to be heard by the Commission. Any decision of the Commission pursuant to this provision, which classifies or reclassifies a position to a different class, shall be retroactive to the date the appeal was filed.

Section 5.10 Perform Duties of Class: The Appointing Authority shall neither require nor permit the employee to perform duties outside his/her proper class except in emergencies and then only for a maximum period of thirty (30) calendar days, unless permission for a larger period is given by the Commission.

Section 5.11 Reporting Violations of Classification Regulations: An employee who believes he/she is being required to perform duties outside the proper scope of his/her class may submit a complaint in writing to the Commission which shall undertake an investigation and report its findings and recommendations to the Sheriff and employee involved.

RULE 6: APPLICATIONS AND APPLICANTS

Section 6.1 General Requirements for Filing Applications.

- Section 6.1.01: Applicants must file a Kitsap County application and/or approved outside vendor employment application; no one shall be admitted to any examination without having followed the directions on the job posting including: filing an application on the proper form, and providing fully, truthfully, and accurately all information required.
- Section 6.1.02: In order to file an application for examination, the applicant must:
 - Section 6.1.02.a: Meet the requirements specified in these rules and in the official job posting as of the published closing date; and
 - Section 6.1.02.b: Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Chief Examiner.
- Section 6.1.03: Time for filing applications:
 - Section 6.1.03.a: All applications for examination shall be filed by the published closing date.
 - Section 6.1.03.b: –The published closing date for filing applications may be extended by the Chief Examiner as the needs of the service require, provided that the examination shall then be re-advertised pursuant to Section 7.2.

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Section 6.2 Change of Applicant's Demographic Information: The applicant is responsible for notifying the Commission in writing of any change of name, address, email and/or telephone number.

Section 6.3 Qualifications: To be eligible for examination, applicants must meet the qualifications as described in the job posting. Unless specifically designated otherwise by the Commission or state law, the following shall be qualifications for all positions:

- Section 6.3.01-Citizenship: ~~(RCW 41.08.070) An applicant must be a citizen of the United States and able to read, write and speak the English language so as to be easily understood. An applicant for a position if any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America or a lawful permanent resident who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, a good moral character and of temperate and industrious habit; these facts to be ascertained in such a manner as the commission may deem advisable.~~
- Section 6.3.02-Age: The minimum employee age shall be stated in the announcement of examination.
- ~~Section 6.3.03- Employment of Relatives:~~
 - ~~Section 6.3.03.a – A conflict of interest shall be deemed to exist when an employee has the authority or practical power to supervise, appoint, terminate, discipline, or is responsible for auditing the work, or where other circumstances exist which would reasonably place the employee and one of the relatives listed herein, in a situation of actual or potential conflict. The relatives to whom this section applies are as follows: mother, father, son, daughter, brother, sister, husband, wife, daughter in law, son in law, father in law, mother in law, sister in law, brother in law, step son, step daughter, step brother, step sister, stepmother and stepfather.~~
 - ~~Section 6.3.03.b The existence of a conflict of interest shall preclude the hiring, or the continued employment of one of the parties.~~

- ~~o Section 6.2.02: When it is necessary to exclude a person because of a conflict, the persons involved shall be given the opportunity to determine who shall have or retain employment. Should the persons involved be unable to determine who shall have or retain employment, the appointing authority shall make such determination.~~

Section 6.4 Proof of Qualifications: The Commission or Chief Examiner may demand evidence of a satisfactory degree of education, training or experience or of any other qualifications required for eligibility.

Section 6.5 Applications for Promotional Examination: An application shall be accepted from any regular appointed employee in the classes from which promotion is allowed who, in addition to meeting the requirements of Section 6.1, has the requisite service credit designated in the official examination announcement.

- **Section 6.5.01:** An application for any promotional examination shall be rejected from an applicant who has previously been suspended for a period in excess of ten (10) working days, demoted, discharged, or resigned in lieu of discharge, pursuant to Rule 11, for one year from the effective date of reinstatement, or one year from effective date of demotion, discharge, or involuntary resignation.

Section 6.6 Special Requirements: The Chief Examiner may prescribe special skills, abilities, physical requirements and/or knowledge determined in his/her judgment which is required by and related to the work to be performed.

Section 6.7 Conditional Admission. If there is reasonable doubt as to whether the applicant meets the minimum requirements, the Chief Examiner may order that the applicant be admitted to the examination on the condition that the particular requirements are met to the satisfaction of the Chief Examiner before the applicant is certified on the employment register.

Section 6.8 Rejection of Applicant or Eligible. The Chief Examiner may reject an applicant for any one of the following reasons:

- **Section 6.8.01:** Does not meet the requirements set forth in these rules or in the official examination announcement.
- **Section 6.8.02:** Is physically or mentally unable to perform the duties (with reasonable accommodations) of the class, as determined by a competent medical authority, or refuses a pre-employment examination.
- **Section 6.8.03:** Has been convicted of any felony or a misdemeanor involving moral turpitude;
- **Section 6.8.04:** Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from County service or has an unsatisfactory record of employment in the County service or with any other agency or firm;
- **Section 6.8.05:** Has made any material false statement or has attempted any deception or fraud in connection with this or any other Civil Service examination;
- **Section 6.8.06:** Fails to appear for fingerprinting or other investigation as required;
- **Section 6.8.07:** Has assisted in preparing the examination for which application is sought or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- **Section 6.8.08:** After notification, did not promptly appear at the time and place designated for the scheduled examination session;
- **Section 6.8.09:** Has been discharged from the armed forces under dishonorable conditions;

- Section 6.8.10: The applicant has directly or indirectly paid or promised to pay any money or other items of value to any person to achieve the appointment, promotion or reemployment; or
- Section 6.8.11: For other material reasons.
- Section 6.8.12. Nepotism and Conflicting Relationships. To avoid nepotism or other inappropriate conflicts, due to the following Sheriff’s Office restrictions:

- 6.8.12.a Sheriff’s Office employees are prohibited from directly supervising, occupying a position in the direct line of supervision or being directly supervised by any other employee who is a relative or with who they are involved in a personal or business relationship.
- 6.8.12.b A conflict of interest shall be deemed to exist when an employee has the authority or practical power to supervise, appoint, terminate, discipline, or is responsible for auditing the work, or where other circumstances exist which would reasonably place the employee in a situation of actual conflict with a relative or with who they are involved in a personal business relationship. Therefore, if there is existence of a conflict of interest, it shall preclude the hiring or promotion of the applicant.
- 6.8.13.c. If the hiring or promotion of an applicant may cause a ‘potential’ conflict of interest, prior approval from the appointing authority will be required. Approval from the appointing authority should only be granted if the appointing authority is able to accommodate the request in an effort to avoid an actual conflict.
- 6.8.13.d. When it is necessary to exclude a person because of an actual conflict of interest, the persons involved shall be given the opportunity to determine who shall have or retain employment prior to being removed from an eligibility register. Should the persons involved be unable to determine who shall have or retain employment, the appointing authority shall make such determination.
- 6.8.13.e. In the event that an appointing authority granted approval and circumstances now present a conflict of interest, the appointing authority shall give the opportunity to the persons involved the opportunity to determine to demote to a previously held position in order to retain employment or resign. Should the persons involved be unable to determine who shall have or retain employment, the appointing authority shall make such determination.

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Section 6.9 Debarment From Employment

- Section 6.9.01: Any individual who has been dismissed from employment for cause involving moral turpitude shall be debarred from employment;
- Section 6.9.02: Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be debarred from employment in the Civil Service.

Section 6.10 Notice of Non-Acceptance. Anyone against whom action is taken under Section 6.9 shall be notified by the Chief Examiner of the reasons.

Section 6.11 Admission to Examination Pending Appeal. The Chief Examiner may admit to the scheduled examination session anyone whose application was not accepted, pending final disposition of an appeal, such admission to be without prejudice to either the County or the applicant.

Section 6.12 Applications Not Returned. All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

Section 6.13 Applications Confidential. No information regarding applicants shall be made public unless required by state, federal or local law.

RULE 7: EXAMINATIONS AND JOB POSTINGS (ANNOUNCEMENTS)

Section 7.1 Ordering Examinations. Examination shall be ordered whenever it is deemed to be in the best interest of the County. The Chief Examiner, or his/her assignee, shall administer examinations as provided by these rules.

Section 7.2 Announcement of Examination:

- **7.2.01 Examination – Open Competitive:** Public notice is required for open competitive examination (job posting), including on the Kitsap County Official Employment website and in local publications as determined by the Chief Examiner.
- **7.2.02 Examination – Promotional:** Public notice is not required for promotional examinations open only to current Sheriff's Office employees. Announcement of promotional examinations shall be posted not less than ten (10) business days in advance of the last date for filing of applications, or consistent with the terms of applicable collective bargaining agreements. The official job posting for promotional positions shall be posted on the internal Kitsap County Employment website and sent to the appointing authority.

Section 7.3 Amendments to Job Postings. The Chief Examiner may amend any published announcement with appropriate public notice.

Section 7.4 Examination Shall Be Impartial: All examinations shall be competitive, impartial and shall relate to those matters which will test fairly the capacity and fitness of the candidate to discharge efficiently the duties of the position to be filled. All examinations shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard. Examinations include all rating factors used to evaluate and select applicants for appointment.

Section 7.5 Examination Content. Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of education, training and experience, interviews, any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates.

Section 7.6 Examination Fee: All applicants for entry level examination shall pay an examination fee in the amount established by the Commission prior to admittance to such examination. The Chief Examiner may waive payment of the examination fee for indigent applicants who are able to demonstrate their indigence.

Section 7.7 Identity of Examinees Concealed. The Chief Examiner may require that the identity of all persons taking a competitive test be concealed from the examiners by use of an identification number for all or specific parts of the examination process.

Section 7.8 Examination Parts and Weights: Acceptable testing techniques and procedures shall be used in rating results of examinations and in determining the relative rating of the applicants. The required passing grade for each examination part shall be set by the Commission or Chief Examiner. Said testing techniques and procedures for rating shall be reduced to writing prior to the examination.

Section 7.9 Minimum Grades on each Section: The Commission or Chief Examiner may set a minimum grade for any part or parts of the examination **and** limit the number to be further considered or

tested to a group of the highest scoring applicants, depending on the number of applicants who meet the minimum requirements for a position. Any candidate who fails to attain such minimum grade shall be considered to have failed the entire examination.

Section 7.10 Promotional Examinations: When the determination is made by the Commission or Chief Examiner that vacancies will be filled through a promotional examination, the Commission shall establish, in addition to other eligibility requirements, the minimum period of service in the lower classification or classifications which shall not be less than one year.

Section 7.11 Notification of Results: Each applicant taking an examination shall be given notification of the results thereof, and if successful, of his/her total earned rating and his/her relative position on the employment register. Results of an examination shall become effective on the date of the official notice.

Section 7.12 Copy Inspection and Examination Protest.

- **Section 7.11.01** Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Chief Examiner within three (3) working days immediately following the administration of such part or within the time limit specified on the examination instruction sheet.
- **Section 7.11.02 Integrity of Examinations** To maintain integrity, no examination material will be provided for applicant review at any time.
- **Section 7.11.03** When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified, and any protest or appeal must be filed in writing within three (3) working days after the notices of results have been mailed.
- **Section 7.11.04** Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within three (3) working days after the notices of results have been mailed
- **Section 7.11.05** All protests filed in accordance with this rule shall be considered, and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

Section 7.13 Veteran's Preference Scoring Criteria Status: Honorably discharged veterans who obtain a passing grade on the examination for original appointment shall receive a preference status in accordance with RCW 41.04. To receive such credit, an [Office of Defense Certification No. DD 214](#), [USDVA Verification Letter](#) or a [Statement of Military Service](#) must be presented. In addition, the applicant must certify that he/she has not previously used such veteran's preference.

Section 7.14 Correction of Clerical Errors. Any clerical error may be corrected by the Chief Examiner upon discovery at any time during the life of the eligible register, but no such correction shall affect an appointment made from a certification made prior to the correction.

Section 7.15 Time Interval. Any person who failed any part of an examination for a particular class shall not be eligible to compete in another examination for the same class within six months of the establishment of the Register resulting from the first examination unless otherwise authorized by the Chief Examiner.

Section 7.16 Examination Papers. Examination papers of each applicant shall be kept on file in the office of the Commission until the expiration of eligibility.

Section 7.17 Number of Applicants--Limitations. The Chief Examiner may restrict the number of qualified applicants to be examined whenever a job posting is likely to attract large numbers of qualified applicants, and when job-related testing processes are prohibitively costly or impractical to administer to all qualified applicants.

Section 7.18 Multi-Part Examinations. The Chief Examiner may limit eligibility in subsequent exam parts to those scoring highest on a preliminary test or series of tests; provided, however, the number of examinees shall be established before administration of preliminary tests.

Section 7.19 Postponement and Cancellation: Any examination may be postponed or canceled at the discretion of the Chief Examiner. Each applicant shall be notified of the postponement or cancellation.

Section 7.20 Continuous Testing

- **Section 7.20.01 Examinations:** Under the direction of the Civil Service Commission, the Chief Examiner may order continuous or periodic examinations for written exams and/or standardized physical fitness/agility test conducted pursuant to a set and commonly applied standards and may select to go through a subscription test service to establish an applicant list.
- **Section 7.20.02- Process Verification:** The Chief Examiner shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related.
 - **7.20.02.a:** Following qualification of applicants pursuant to the procedure set forth in the contract with the Subscription Testing Service;
 - **7.20.02.b:** The Chief Examiner shall verify that applicants for placement on the employment register meet the minimum eligibility requirements for employment.

Section 7.21 Additional Examination.

- **Section 7.21.01:** Eligible candidates shall be subject to medical, physical, or psychological examination and to such other examinations administered by the Appointing Authority as authorized and approved by the Commission. Such other examinations include, but are not limited to, background examination and truth verification examinations. Lie detection examinations shall be allowed only for entry-level applicants under RCW 49.44.120. The term “truth verification” includes a truth verification, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical or electrical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual. Reports of such examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Chief Examiner shall consider such recommendation, may require further examination, and may order the eligible’s name dropped from the eligible register.

RULE 8: LISTS AND REGISTERS

Section 8.1 Establishment of Lists and Registers: The Chief Examiner shall establish and maintain such lists for the various classes of positions in the Classified Service as are necessary to meet the needs of the Service.

- **8.1.01 Applicant List:** The Chief Examiner establishes the applicant list at the time of the position closing. Applicants on the list are subject to review of qualifications, testing and other requirements set forth in the job classification and posting before being eligible for the Employment Register.
- **8.1.02 Employment Register:** The Chief Examiner establishes and certifies an Employment Register upon completion of the initial examinations for relative qualifications for the position as specified in the classification plan. Candidates receiving passing score(s) on an examination shall be ranked in order of their final score (including veteran's preference if applicable) on the applicable employment register and notified of their score and ranking. In open competitive examinations, ties in grade shall be resolved by lot.
 - **8.1.02.a:** When it becomes necessary to obtain additional eligible applicants, the Chief Examiner shall consolidate the new lists with existing lists for the same class. The applicants who attain a passing score from the subsequent applicant lists will be placed on the register and all other applicants will be adjusted at that time with the exception of the candidates that have been placed on the Eligibility List.
 - **8.1.02c – Types of Employment Registers**
 - Reappointment
 - Reinstatement
 - Promotional
 - Open Competitively (or Lateral)

8.1.03 Eligibility List: The Chief Examiner will certify the ranking of candidates on the Employment Register.

Section 8.2 Duration: The duration of each Register shall normally be for six months and in no event longer than two (2) years.

Section 8.3 Removal from Lists or Registers: The Chief Examiner may at any time remove the name of an applicant or candidate from lists and/or registers for any one or more of the following causes:

- **Section 8.3.01:** A written request from the applicant/candidate that his/her name be removed.
- **Section 8.3.02:** Failure to respond to the Commission's inquiry regarding applicant/candidate's availability for employment.
- **Section 8.3.03:** Failure to respond to notice to appear for medical/psychological examination, truth verification, or employment interview.
- **Section 8.3.04:** Declining an offer of appointment to a regular position.
- **Section 8.3.05:** For attempted deception, fraud or other impropriety in connection with any application or test.
- **Section 8.3.06:** In any case where the Chief Examiner finds that an applicant/candidate is or has in any manner become disqualified for the position for which he/she is listed in accordance with Section 6.9 of the Rules.
- **Section 8.3.07:** Failure to notify the Chief Examiner of changes in name, address, and telephone number.
- **Section 8.3.08:** In the case of promotional lists only, upon separation, other than layoff, from the service.

- **Section 8.3.9:** Failure to satisfactorily complete any phase of the Appointing Authority's background investigation including, but not limited to, truth verification, psychological profile, employment check, neighborhood check, credit check and physical examination. Such failure shall be documented by the Appointing Authority to the Chief Examiner prior to removal from the list.

Section 8.4 Notification of Removal From Register. Whenever any person's name is removed from an employment list for any one or more of the causes, the Chief Examiner shall immediately notify that person in writing.

Section 8.5 Restoration of Name to Register. The person whose name was removed from the register may, within five (5) working days after the notice has been sent, make a written request to the Chief Examiner for restoration of his/her name to such list for the duration of that person's eligibility. The request shall set forth the reasons for the conduct resulting in the removal of the name from the list, and shall further specify the reasons advanced for restoration of the name. Upon timely receipt of the written request, the Chief Examiner shall send a notice to that person and to the Appointing Authority setting the time, date and place for the Commission's review. At the scheduled time, the Commission shall review the file and hear testimony, if any, and affirm or reverse the removal of the person's name.

Section 8.6 Reappointment Register

- **Section 8.6.01:** The names of regular or probationary employees who were demoted in lieu of layoff shall be placed upon a reappointment list and such placement shall be without limitation of time while employed with the office of the sheriff.
- **Section 8.6.02:** Upon request of the Appointing Authority to fill a vacancy, in a classification for which a reappointment list exists, the Chief Examiner shall certify the name of the person for reappointment.

Section 8.7 Reinstatement Employment Register.

- **Section 8.7.01:** The names of regular or probationary employees who were laid off, or regular employees who have resigned from employment in good standing and have been approved for reinstatement, shall be placed upon a reinstatement list for the same class for a period of one year.
- **Section 8.7.02:** Upon request of an appointing authority to fill a vacancy in which a reinstatement list exists, the Chief Examiner may approve the certification of anyone on such list as eligible for appointment.

Section 8.8 Unclassified Position Rights: Any person from the classified service may, when accepting an appointed or elective position within the Sheriff's Office, freeze his/her rights on any promotional list or lists for the duration of that list by making written application for such action to the Chief Examiner within five working days from the date of accepting the appointed or elective position.

RULE 9: APPOINTMENTS

Section 9.1 General Provisions: Vacancies in the classified service shall be filled by reappointments, reinstatement, promotional appointment, original appointment, or demotion. Whenever the Appointing Authority wishes to fill a vacancy, a requisition for an employee shall be submitted to the Chief Examiner on the form prescribed by him/her. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Chief Examiner to determine who may be available for appointment or if necessary, to establish a class or employment list. When vacancies are to be filled by appointment from register, the lists shall be drawn from the following order:

1. Appointment of an eligible candidate from reappointment registers.
2. Appointment of an eligible candidate from reinstatement registers.
3. Appointment of an eligible candidate from promotional registers.
4. Appointment of an eligible candidate from open competitively employment registers.

Section 9.2 Requisitions: Whenever the Appointing Authority desires to fill a vacancy, a requisition form shall be submitted to the Chief Examiner stating the number of positions or vacancies to be filled, the class titles of the vacant positions and any other information the Chief Examiner may require.

Section 9.3 Certification: Upon receipt of a written requisition, the Chief Examiner shall certify to the Appointing Authority on a certification form the names of the appropriate number of candidates. When a reappointment or reinstatement register exists for the class in which the vacancy is to be filled, the Chief Examiner shall certify the name of the person highest on that list. Where there is no reappointment or reinstatement register, the Chief Examiner shall certify the names of the three persons highest on the employment register for the class. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The Appointing Authority shall forthwith appoint a person from these names to the vacant position or positions.

- **Section 9.3.1 Sponsorship:** All candidates for consideration for sponsorship by Kitsap County shall be reviewed and approved by the Commission and the Kitsap County Sheriff. By motion or other approval, the Commission may delegate its review and approval authority of candidates to the Chief Examiner. Upon such delegation, the Chief Examiner shall verify that candidates for sponsorship meet the minimum eligibility requirements for County employment.
- **Section 9.3.2 Candidate Qualifications:** Candidates for Police Corps sponsorship by the County shall be subject to initial testing and evaluation to determine fitness for County employment. Such testing and evaluation shall include, but not be limited to, personal qualifications, evaluations of education, training and experience, interviews, background, truth verification, psychological, and physical agility testing. Upon satisfactory completion of such testing, the County may sponsor the candidate. Sponsorship shall be approved by the Sheriff and by the Commission, acting by motion or upon approval of the Chief Examiner.
- **Section 9.3.3 Record of Program Completion:** Following sponsorship by the Sheriff and the Commission, the candidate may be admitted to the Police Corps Program and subject to the Program as conducted by the Washington Criminal Justice Training Center (“CJTC”). Upon successful completion of the CJTC Program, and certification of the candidate for employment under the Program, the information shall be submitted to the Chief Examiner. Additional administration of tests authorized in Section 9.3.2 to confirm the continuing eligibility of the candidate for employment may be administered by the Chief Examiner. Following successful completion of further testing, the Chief examiner shall place the name of the candidate on the register.

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- Section 9.3.4 Certification to Appointing Authority: Candidates sponsored by the County and successfully completing the Police Corps Program shall be certified by Chief Examiner to the Sheriff for appointment. Candidates appointed shall be employed in a probationary status and shall be subject to all policies, rules, regulations, and collective bargaining agreements applicable to probationary employees of the County.

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Section 9.4 Provisional Employees—

- 9.4.01 Hiring of: When there is no suitable employment list from which certification can be made, the Chief Examiner may allow the Appointing Authority to make a temporary provisional appointment. Written notice of all provisional appointments shall be given to the Commission.
- 9.4.02 Qualifications: Provisional employees shall meet such minimum qualifications as shall be set by the Appointing Authority, subject to the review and approval of such qualifications by the Chief Examiner. No person shall receive more than one temporary provisional appointment in any 12-month period.
- 9.4.03 Employment: No provisional appointment shall exceed 45 days without Commission approval. The Commission may authorize provisional appointments, provided that the provisional appointment shall not exceed four (4) months upon such terms and conditions as will further the general purposes of these rules.

Section 9.5 Emergency Appointment: Within limitation of the annual budget, emergency appointments may be made by the Appointing Authority in cases of riot, conflagration, or other emergency which threatens life, property or the general welfare of the county, but such appointments may not continue longer than thirty (30) calendar days. Emergency appointees need not be taken from employment lists.

Section 9.6 Extra Help Employment: If the Sheriff believes that an upcoming situation will require extra help, and a budgeted position does not exist, the Sheriff may request in writing from the Civil Service Examiner name(s) from the current extra help list for the appropriate classification. The extra help appointment should usually be for a short time period and may be made numerous times throughout the year.

Section 9.7 Probationary Periods:

- Section 9.7.01: Probationary period shall be a minimum of twelve (12) months and regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to his/her position, and for rejecting an employee whose performance or adjustment is not satisfactory. Any loss of time during the probationary period such as a leave of absence without pay, sick leave in excess of six (6) days, or a lay-off, disability leave, or demotion in lieu of lay-off, shall extend the probationary period for a like amount of time. The probationary period shall also be extended for a like amount of time in the event any detail or temporary assignment during the probationary period in which the employee is unable to fully perform all of the required elements of the employee's regular assignment due to the employee's temporary physical or mental disability, including but not limited to pregnancy disability.
- Section 9.7.02: All appointments, except those made from reappointment or reinstatement lists, shall be probationary for a period of one (1) year after appointment. Appointments made from reappointment or reinstatement lists shall be probationary for the period of probation remaining unserved at the time of the layoff, separation, or demotion in lieu of layoff. The Appointing Authority shall make such periodic reports during the probationary period as the Commission requires and shall certify to the Chief Examiner, on the prescribed form, the name of each employee who satisfactorily completes the probationary period. At any time during the

probationary period, the Appointing Authority may remove an employee whose performance or adjustment is not satisfactory, provided that the Appointing Authority shall notify the employee and the Chief Examiner of the reasons for such action. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission.

- Section 9.7.03: If an employee promoted to a higher class as a result of certification from a promotional list, is found unsuited for the work of the higher class during the probationary period, the employee shall be reinstated to the position or other position in the class from which the employee was promoted, provided that the employee had regular status in that class.

Section 9.8 Medical and Psychological Examination for Entry Level Applicants:

- Section 9.8.01: Candidates for entry level positions in the Classified Service may be required to undergo and satisfactorily complete a medical and/or psychological examination to determine physical and mental fitness to perform work in the position to which appointment is to be made. An applicant finally determined to be physically or mentally unfit shall not be considered for appointment.
- Section 9.8.02: Where a candidate or employee for an entry level position in the Classified Service shall be reported by the examining physician or other health care provider to be physically or mentally unfit to perform work in the position to which appointment is or has been made, the Appointing Authority shall determine if such applicant or appointee is physically and/or mentally fit to perform work in said classification. Such candidate or employee shall have a period of three (3) working days from the date of notification by the Chief Examiner of the medical disqualification to petition, in writing, that the Chief Examiner consider the opinion of the examining physician or other health care provider relied upon by the Appointing Authority along with a report of an examining physician chosen by the entry level applicant. The cost of the applicant's or appointee's physician's examination and report shall be borne by the applicant or appointee. The determination of the Chief Examiner as to the physical or mental fitness of the applicant or appointee to perform the duties of the position after duly considering the written reports of the physicians or health care providers shall be based solely upon the medical condition(s) as indicated by the diagnosis and whether the medical conditions diagnosed are disqualifying pursuant to the standards set forth in the Washington Association of Sheriffs and Police Chiefs, Washington State Law Enforcement medical/Physical Standards Manual.
- Section 9.8.03: An applicant finally determined to be physically or mentally unfit shall not be considered for appointment. When an employee is finally determined to be physically or mentally unfit for service, such employee shall be demoted in accordance with these Rules or separated from the Classified Service.

Section 9.9 Medical and Psychological Referral of Employees.

Section 9.9.01: All employees during their period of employment may be required by the Appointing Authority to undergo medical and/or psychological examinations while employed, if the Appointing Authority has cause to question the employee's fitness to perform the work of the position in which they are employed, provided, that if an employee objects to such examination the employee may be required to undergo said examination with prior approval of the Civil Service Commission. The purpose of any such examination shall be to assess and render an opinion as to the physical and/or mental fitness of the employee to perform the work of the classification in which the employee is employed. The examination shall be conducted by a physician or other health care professional designated by the Appointing Authority.

- Section 9.9.02: Upon receipt of the examining physician's report, the Appointing Authority may terminate the inquiry and restrict or limit access to the report in such manner as the Appointing Authority deems appropriate. Following the examination, as a result of the report, the Appointing

Authority shall provide a copy of the examining physician's or other health care professional's report to the employee.

- Section 9.9.03: If the Appointing Authority determines that the employee is unfit to perform work in the classification to which appointment has been made, such employee shall be given a reasonable opportunity to be examined by a physician or other health care professional of the employee's choice at the employee's expense and the report of such physician or other health care professional, if any, shall be reviewed and considered by the Appointing Authority prior to any final decision by the Appointing Authority regarding the fitness of the employee for duty in the classification in which the employee is employed.
- Section 9.9.04: An employee who is determined by the Appointing Authority to be physically and/or mentally unfit for service shall be demoted or separated from the classified service in accordance with these rules. In the event the employee objects to the Appointing Authority's decision following the Appointing Authority's review and consideration of the employee's requested reports, the question of the employee's physical or mental fitness to perform duties of the classified service may be finally determined by the Civil Service Commission in accordance with Civil Service Rules.

RULE 10: SEPARATION, SENIORITY, LEAVE OF ABSENCE

Section 10.1 Resignation ~~10.1 Resignation~~: An employee wishing to leave the Classified Service in good standing shall file with the Appointing Authority and Chief Examiner at least two weeks before leaving, a written resignation stating the effective date of the resignation and the reason for such resignation. Failure to comply with this procedure may be considered cause for denying such employee future employment in the Classified Service. Unauthorized absence from work for a period of three (3) consecutive days may be considered by the Appointing Authority as an implied resignation.

Section 10.2 Reinstatement: At the request of the Appointing Authority and upon approval by the Civil Service Commission, and except as provided in Section 10.3.03,

- **Section 10.2.01**: An employee who has separated from the Classified Service in good standing and who had attained regular status prior to his/her separation may, within one (1) year from the effective date of his/her separation, be reinstated to a vacant position in the same class as the position he/she held at the time of his/her separation, provided there are no employees of the Office who have been laid off and whose names appear on the reappointment or current reinstatement list of the class.
- **Section 10.2.02**: An employee who has been promoted from one classified position to another within the Sheriff's Office, and who is in good standing; may, during their probationary period be reinstated to a vacant position in the same class as the position he/she previously held prior to promotion. Provided there are no employees of the Office who have been laid off and whose names appear on the reappointment or current reinstatement list of the class.
- **Section 10.2.03**: An employee of the Classified Service accepting appointments to unclassified positions within the Sheriff's Office may, upon request, return to their former position. Notice of intent to exercise this option must be given by notifying the Sheriff and the Commission, through its Chief Examiner, in writing, at least thirty (30) calendar days after the end of the appointment to the unclassified position. Exercise of the option entitles the employee to bump the least senior classified employee promoted into the employee's former classification.

Section 10.3 Layoff:

- **Section 10.3.01**: The Appointing Authority may lay off an employee in the Classified Service whenever such action is made necessary by reason of a shortage of work or funds, the abolition of a position because of changes in organization or other reasons outside the employee's control which do not reflect discredit on the services of the employee; however, no regular or probationary employee shall be laid off while there are provisional employees serving in the same class of position for which the regular or probationary employee is eligible and available.
- **Section 10.3.02**: Layoff of probationary or regular employees shall be made in inverse order of seniority in the class involved. Whenever seniority does not establish a definite seniority differential, the order of layoffs shall be determined by the relative standing on the employment list from which appointed. In lieu of layoff, a regular or probationary employee may request a demotion to a position in a lower classification within the same promotional series, thereby filling the position in a lower classification within the same promotional series, thereby filling the position held by the employee with the least seniority in the lower classification. No such demotion shall result in the layoff or demotion in lieu of layoff of a regular employee who has greater seniority in the relevant class.
- **Section 10.3.03**: The names of regular or probationary employees laid off, or having received written notice of layoff resigns in lieu of layoff, shall be placed in order of seniority on the reinstatement list for the class from which the layoff took place. The period of eligibility for

appointment from the reinstatement list due to layoff shall be two years from the employee's separation date.

Section 10.4 Seniority:

- Section 10.4.01: Seniority for purposes of layoff, demotion in lieu of layoffs and reemployment shall be the length of actual service as a probationary or regular employee in the class in which the individual is employed.
- Section 10.4.02: Seniority shall be evidenced by a seniority date for each employee, which shall be the date of his/her appointment to the class involved, subject to adjustment as provided in Section 10.6. The seniority date for an employee promoted as a result of certification from an employment list to a provisional appointment which later becomes regular shall be the date of that provisional appointment.
- Section 10.4.03: Within each class, employees shall be ranked in order of seniority. Where seniority dates do not establish a definite seniority differential, seniority ranking shall be determined as follows:
 - Section 10.4.03.a if employees with identical seniority dates were appointed from the same employment list, they shall be ranked in order of their relative standing on that employment list.
 - Section 10.4.03.b if employees with identical seniority dates were appointed from successive employment lists, the employee appointed from the earlier employment list shall take precedence over the employee appointed from the later employment list.
 - Section 10.4.03.c if employees with identical seniority dates were appointed from different and non-successive employment lists and the identity of dates is the result of adjustment as provided in Section 10.6, the employee with the earlier dates of appointment to the class shall take precedence over the employee with the later date of appointment.

Section 10.5 Circumstances Not Affecting Seniority Status: An employee's seniority date and ranking shall not be affected by any of the following circumstances:

- Section 10.5.01: Absence from work during which the employee is in pay status, including Law Enforcement Officers and Fire Fighters sick or disability leave as provided by RCW Chapter 41.26.
- Section 10.5.02: Absence from work resulting from injury in the line of duty during which the employee is on approved leave of absence without pay or disability retirement, ~~Provided~~ provided that the total absence, including both paid and unpaid time, does not exceed six (6) months.
- Section 10.5.03: Official leave of absence granted pursuant to Section 10.9.
- Section 10.5.04: Educational leave of absence granted pursuant to Section 10.10 lasting one year or less.
- Section 10.5.05: Separation due to layoff lasting thirty (30) calendar days or less.
- Section 10.5.06: As required by state or federal statute.

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Section 10.6 Adjustments to Seniority Dates: An employee's seniority date shall be moved forward for each and every day off work under the following circumstances:

- Section 10.6.01: Approved leave of absence without pay exceeding the first thirty (30) calendar days of such leave, except as otherwise provided by these rules.
- Section 10.6.02: Separation due to layoff beyond the first thirty (30) calendar days of such layoff.
- Section 10.6.03: Disciplinary suspension.
- Section 10.6.04: Medical or disability retirement, except as otherwise provided by Section 10.5.02.
- Section 10.6.05: Any other absence not exempted under the provisions of Section 10.5.

- Section 10.6.05.a: In the event of a voluntary demotion, demotion in lieu of layoff, demotion for cause, failure to satisfactorily complete his/her probationary period following an appointment from one class to another, or return to regular status following a provisional appointment, an employee's seniority date shall be the date of his/her original appointment to the class to which he/she has demoted or in which he/she has been reinstated, subject to adjustment as provided above. Should the employee later be reappointed to a position in the higher class, his/her seniority date shall be the date of his/her first appointment to that class moved forward for each and every day during which he served in the lower class, subject to further adjustment as provided above.

Section 10.7 Appeal Seniority Adjustment. An employee who believes his/her seniority date has been improperly adjusted may appeal within ten (10) days of the notification of adjustment to the Commission. Such appeals shall be in writing and shall fully set forth the reasons therefore. Upon receipt of such appeal the Chief Examiner shall set the matter for an informal hearing. Written notice setting out the nature of the appeal and the date, time and place of the hearing shall, at least five (5) days prior to the hearing, be given to the appellant, the Appointing Power and ~~an employees~~ an employee whose seniority ranking might be affected by the outcome of the appeal and posted on the employee bulletin board.

Section 10.8 Broken Service: An employee who resigns his/her position in the Classified Service and whose resignation is not in good standing pursuant to Section 10.1, who is dismissed for cause and not reinstated by the Commission, or who takes a leave of absence without pay longer than one year shall forfeit all accumulated seniority; **Provided that** this provision shall not apply to leaves granted pursuant to Sections 10.10 and 10.11, and **Provided further, that** the Commission may waive this provision where a leave of absence greater than one year is necessitated by extenuating circumstances such as medical disability or military service during the time of war or national emergency.

Section 10.9 Leaves of Absence: Leaves of absence without pay request may be granted by the Appointing Authority to an employee under Civil Service provided the Appointing Authority gives notice of such leave in writing to the Commission. No leave shall be granted by the Appointing Authority for more than one year without Commission approval.

Section ~~10.10 Official~~ 10.10 Official Leaves: Any person granted a leave of absence by the Appointing Authority who has been appointed to, accepts and occupies continuously an unclassified position or duties of a higher order of authority, responsibility and importance within the Office shall retain his/her civil service status.

- Section 10.10.01: He/she must within thirty (30) days after termination of his/her appointive term in the unclassified position inform the Commission, in writing, of his/her intention to assume his/her former classified position under Civil Service Rules.
- Section 10.10.02: His/her seniority ~~standing~~ standing, and benefits shall be computed on the same basis as though he/she had rendered service in a classified position as set forth in these rules.
- Section 10.10.03: Should no vacancy exist in the classified position that he/she held at the time he/she accepted his unclassified ~~position~~ position; a vacancy shall be created by the Commission by removing from such position the incumbent with the lowest seniority standing.

Section 10.11 Educational Leave: The Appointing Authority may grant an employee a leave of absence without pay for the purpose of enabling such employee to obtain education or other training which is law enforcement related and which the Appointing Authority determines will be of benefit to the Office. Such leave shall be specifically designated as educational leave of absence and shall be for a specified period which period shall not exceed one year without Commission approval. The seniority standing of a

person granted and fulfilling an educational leave of absence shall be computed on the same basis as though continuous service had been rendered.

Section 10.12 Military Leave: Employees who are members of the Washington National Guard or of the Army, Navy, Air Force, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave pursuant to established State or Federal Laws and Regulations.

Section 10.13 Protests Related to Leave: All protests to any action pertaining to leaves of absence shall be filed with the Chief Examiner within ten (10) days of notice of such action. The Chief Examiner shall give due consideration to and take appropriate action on all timely-filed protests.

RULE 11: DISCIPLINE AND DISCHARGE

Section 11.1 Suspension:

- **Section 11.1.01:** The Appointing Authority may suspend a subordinate, with or without pay, for a period not to exceed thirty (30) days for good cause.
- **Section 11.1.02:** Any deprivation by the Appointing Authority of any vacation or other paid leave, compensatory time-off or other privilege involving pay or compensation either directly or indirectly, to which an employee is otherwise entitled under law and these Rules, shall be deemed to be a suspension without pay and shall be subject to the above provisions.

Section 11.2 Demotions--Discharge:

- **Section 11.2.01:** The Appointing Authority may discharge an employee or demote an employee to a lower class for cause. An employee so demoted shall lose all rights to the higher class. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer.
- **Section 11.2.02:** The Chief Examiner shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class. The demoted employee may be required to actually and serve actively a trial period in the class to which demoted, for such time and upon such terms and conditions as the Appointing Authority may provide in the demotion order, for the sole purpose of determining that he/she is capable of satisfactorily performing the functions and duties of such class.
- **Section 11.2.03:** Upon the satisfactory completion of the prescribed trial period or upon the effective date of the demotion if no such period is required, the demoted employee shall have the status, rank and standing of the lower class to which demoted, and such class shall be deemed to be his regular class for purposes of these Rules until an authorized change is made.
 - **Section 11.2.03.a:** Demotion of an employee to a lower class for good cause may be made by the Appointing Authority.
 - **Section 11.2.03.b:** An employee so demoted shall lose all rights to the higher class.
 - **Section 11.2.03.c:** If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer. The Chief Examiner shall be satisfied as to the ability of such demoted employee to perform the duties of the lower class and shall require the completion of a probationary period.

Section 11.3. Discipline--Good Cause--Illustrated. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other good cause:

- **Section 11.3.01:** Incompetency, inefficiency, inattention to, or dereliction of duty;
- **Section 11.3.02:** Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any other act of omission or Commission tending to injure the public service, or any other willful failure on the part of the employee to properly conduct himself;
- **Section 11.3.03:** Mental or physical unfitness for the position which the employee holds;
- **Section 11.3.04:** Dishonest, disgraceful, or prejudicial conduct;
- **Section 11.3.05:** Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service;
- **Section 11.3.06:** Conviction of a felony, or a misdemeanor involving moral turpitude;

- Section 11.3.07: False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;
- Section 11.3.08: Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;
- Section 11.3.09: Willful or intentional violation of any of the provisions of these rules.
- Section 11.3.10: Violation of reasonable requirements promulgated by the Sheriff's Written Rules.
- Section 11.3.11: Failure to meet the essential functions of the position, because personal circumstances have now created an actual conflict of interest created by relatives working together in a supervisor-subordinate relationship and there is no ability to transfer, demote or otherwise change employment status to avoid the conflict of interest. The Appointing Authority shall give the persons involved the opportunity to determine which employee would change employment status, including demotion or resignation, to avoid the actual conflict. Should the persons involved be unable to determine who shall have or retain employment, the appointing authority shall make such determination.
- Section 11.3.2+1: Any other cause, act or failure to act which, under law or these Rules, or the judgment of the Commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

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RULE 12: EMPLOYEE HEARINGS

Section 12.1 Hearings--Appeals.

- **Section 12.1.01:** Any regular employee who is demoted, suspended or terminated may appeal such action to the Commission.
- **Section 12.1.02:** An employee who is alleged to be probationary by the disciplining Office may only appeal to the Commission the questions of probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.
- **Section 12.1.03:** The Appointing Authority or an employee who is adversely affected by an alleged violation of Civil Service Rules may appeal such violation to the Commission.

Section 12.2 Appeals--Time--Form. A notice of appeal shall be filed with the Chief Examiner within ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal. Forms provided by the Commission may be used for such notice but are not required.

Section 12.3 Authority of Chief Examiner and Staff.

- **Section 12.3.01:** The Chief Examiner to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Chief Examiner may also conduct pre-hearing settlement conferences (in order to encourage resolution of contested matters), issue subpoenas, and note depositions.
- **Section 12.3.02:** The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The staff shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.
- **Section 12.3.03:** As an aid to investigations authorized by the Commission, the Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

Section 12.4 Appeals--Initial Review. The Chief Examiner shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the Chief Examiner shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.

Section 12.5 Appeals--Notice of Hearing. Upon receipt of a written notice of appeal, the Commission staff shall forward a copy of the notice to the other affected parties. Within ten (10) days of receipt of the written notice of appeal, a hearing before the Commission shall be set. A public hearing on the appeal shall be held within thirty (30) days of Commission receipt of written appeal.

Section 12.6 Appeals--Authority of Office. The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request

the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

Section 12.7 Service of Process--Papers.

- **Section 12.7.01:** The Commission staff shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or paper.
- **Section 12.7.02:** All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgement of such mailing attached to the papers so served. Written acknowledgement shall be by affidavit of the person who mailed the papers or by certificate of any attorney or Chief Examiner.
- **Section 12.7.03:** Service upon parties shall be regarded as complete when personal service has been accomplished or by U.S. mail, upon properly stamped and addressed deposit in the mail system.
- **Section 12.7.04:** Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the Commission office. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in said brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.
- **Section 12.7.05:** An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

Section 12.8 Discovery.

- **Section 12.8.01:** Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Chief Examiner.
- **Section 12.8.02:** Upon the failure of any party to comply with an order of the Chief Examiner compelling discovery, the Chief Examiner shall schedule the matter before the Commission for review and determination of appropriate sanctions.

Section 12.9 Subpoenas.

- **Section 12.9.01:** Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents, or things under that person's control.
- **Section 12.9.02:** Upon application of any party or his/her representative, the Chief Examiner shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly served. Such requests for subpoenas shall be submitted to the Chief Examiner at least three (3) days prior to the hearing.
- **Section 12.9.03:** Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.

- **Section 12.9.04:** The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office, and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.
- **Section 12.9.05:** Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:
 - **Section 12.9.05.a:** Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
 - **Section 12.9.05.b:** Condition denial of a motion to quash or modify upon just and reasonable conditions.

Section 12.10 Burden of Proof. At any hearing on appeal from a demotion, suspension or termination, the disciplinary authority shall have the burden of showing that its action was in good faith for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

Section 12.11 Evidence.

- **Section 12.11.01:** Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the State of Washington.
- **Section 12.11.02:** A witness in any hearing may be examined orally, under oath or affirmation and shall be subject to cross-examination by opposing parties and the Commission.
- **Section 12.11.03:** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.
- **Section 12.11.04:** At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Chief Examiner.
- **Section 12.11.05:** Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.
- **Section 12.11.06:** An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.

Section 12.12 Deliberation ~~12.12 Deliberation~~. The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

Section ~~12.13~~ Decision12.13 Decision. In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision shall be issued within ten (10) days of the close of the proceedings of an appeal or other proceeding heard only by the Commission.

Section 12.14 Remedies. The Commission may issue such remedial orders as deemed appropriate.

Section 12.15 Reconsideration. A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

Section 12.16 Waiver. Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules of the County would be better served, the Commission may waive the requirements of any of these rules.

RULE 13: POLITICAL ACTIVITY

Section 13.1 Political Activity.

- **Section 13.1.01:** No member of the Classified Service shall be required to contribute to any political fund or render any political service to any person or party, whatsoever, and no member of the Classified Service shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so.
- **Section 13.1.02:** No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any member of the Classified Service, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money, or service, or any other valuable thing, for any political purpose.
- **Section 13.1.03:** Members of the Classified Service shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this rule shall prohibit a member of the Classified Service from participating fully in campaigns relating to non-partisan offices, constitutional amendments, referenda, initiatives, and similar issues.
- **Section 13.1.04:** A Classified Civil Service employee shall not hold a part-time public office in a political subdivision of the State of Washington when the holding of such office is incompatible with, in conflict with, or substantially interferes with the discharge of the employee's official duties.

RULE 14: DISCRIMINATION

Section 14.1 Discrimination. Appointment or promotion to any position in the Classified Service shall be made solely on merit, efficiency and fitness and no such appointment or promotion shall be withheld or denied because of race, color, creed, national origin, political affiliation or belief, sex, sexual orientation, marital status, age or presence of any mental, physical or sensory disability unless based upon a bona fide occupational qualification, nor shall any person be dismissed, demoted or reduced in grade for such reason.

RULE 15: MISCELLANEOUS

Section 15.1 Repeals and Savings All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

Section 15.2 Computation of Time

- **Section 15.2.01:** In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a County legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a County legal holiday. When the period of time prescribed or allowed is five (5) days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- **Section 15.2.02:** Any period of time except for the stated period of time set forth in Rules 12.2 and 12.5 and 12.13 may be extended by the Chief Examiner for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Chief Examiner prior to the running of the applicable time period.
- **Section 15.2.03:** The date of notice for purpose of these rules shall be the date on which notice of an action is posted in the Kitsap County Human Resources Office; (a) as provided in these Rules; (b) is sent or (c) delivered personally to a party to a proceeding.

APPENDIX A: CIVIL SERVICE UNCLASSIFIED POSITIONS

PURSUANT TO RCW 41.14.070

Undersheriff

Chief Criminal Deputy

Inspector

Corrections Superintendent

Administrative Manager

Program Tech

APPENDIX B: CIVIL SERVICE CLASSIFICATIONS PLAN

PURSUANT TO RCW 41.14.070

Classified Position Title	Recruitment Type(s)	(Promotional Only)
		Prior Service Required
Corrections Lieutenant	Open Competitive/ Promotional	Two years of commissioned experience as a Sergeant with a federal, state or local law enforcement or correctional agency.
Corrections Sergeant	Open Competitive/ Promotional	<u>A current Corrections Officer with the Kitsap County Sheriff's Office; AND a minimum of five years as a commissioned Corrections Officer with the Kitsap County Sheriff's Office. Sixty continuous months (five years) of experience working as a full-time, paid Corrections Officer.</u>
Corrections Officer 1	Open Competitive	
Corrections Officer 2	Open Competitive	One year of full-time experience as a federal, state, county or municipal Corrections Officer; Successful completion of the agency's corrections FTO and probationary programs; Applicants must be currently employed or not be separated from employment as a federal, state, county or municipal Corrections Officer.
Deputy Sheriff 1	Open Competitive	

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Deputy Sheriff 2	Open Competitive	One year of employment as a full-time (full police powers) commissioned law enforcement officer for a state police/patrol, county sheriff's office or municipal police agency; Successfully completed an agency's law enforcement patrol FTO and probationary program; Applicants must be currently employed or not be separated from employment for more than one year as a full-time, commissioned law enforcement officer by a state police/patrol, county sheriff's office or municipal police agency at the time of application.
Classified Position Title	Recruitment Type(s)	(Promotional Only) Prior Service Required
Fiscal Support Tech	Open Competitive Promotional	
<u>Fiscal Support Supervisor</u>	<u>Open Competitive</u> <u>Promotional</u>	
<u>Program Specialist</u>	<u>Open Competitive</u> <u>Promotional</u>	
<u>Sheriff's Lieutenant</u>	<u>Promotional</u>	<u>Candidates for promotion to the rank of Lieutenant must currently be a fully Commissioned Sergeant with the Kitsap County Sheriff's Office; AND</u> <u>A minimum of two years in the rank of Sergeant with the Kitsap County Sheriff's Office.</u>
<u>Sheriff's Sergeant</u>	<u>Promotional</u>	<u>A current Deputy Sheriff with the Kitsap County Sheriff's Office; AND</u> <u>A minimum of five years as a commissioned Deputy Sheriff with the Kitsap County Sheriff's Office.</u>

Sheriff Support Coordinator	Open Competitive Promotional	
Sheriff's Lieutenant	Promotional	Candidates for promotion to the rank of Lieutenant must currently be a fully Commissioned Sergeant with the Kitsap County Sheriff's Office; AND A minimum of two years in the rank of Sergeant with the Kitsap County Sheriff's Office.
Fiscal Support Supervisor	Open Competitive Promotional	
Program Specialist	Open Competitive Promotional	
Sheriff's Sergeant	Promotional	A current Deputy Sheriff with the Kitsap County Sheriff's Office; AND A minimum of five years as a commissioned Deputy Sheriff with the Kitsap County Sheriff's Office.
Sheriff Support Specialist	Open Competitive	
Sheriff Support Supervisor	Open Competitive Promotional	

~~One year p~~Probation in current class must be completed for promotional classifications.