



**DUVALL  
CIVIL SERVICE  
RULES AND REGULATIONS**

**2018**

CITY OF DUVALL  
DUVALL CIVIL SERVICE RULES AND REGULATIONS

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**RULE 1:           AUTHORITY AND PURPOSE**

**1.01    RULES PRESCRIBED**

In accordance with the provisions of RCW 41.12 of the laws of the State of Washington, the Civil Service Commission of the City of Duvall, a non-charter code city in said state, hereby adopts the following rules and regulations for carrying out the purposes of RCW 41.12, and City ordinance, and which shall have the force and effect of law.

**1.02    PURPOSE**

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

**1.03    EMPLOYMENT PRACTICES**

No person in the classified civil service or seeking admission thereto shall be appointed, reduced, or removed, or any way favored or discriminated against in his employment or opportunity for employment because of his race, creed, age (except as indicated in Rule 7), color, religion, sex, marital status, or political opinions or affiliations, or because of physical or sensory disabilities as prescribed in RCW 49.60. Recruiting, hiring and appointment practices shall be in accordance with the Affirmative Action Plan and Statement of the Commission and Police Department, which is included in the City of Duvall Affirmative Action Plan document.

**1.04    SEVERABILITY**

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



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**RULE 2:           DEFINITIONS**

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

- 2.01    ACTUAL SERVICE means time under civil service appointment engaged in the performance of the duties of a position or positions including absences with pay and successfully completed probationary time.
- 2.02    ALLOCATE means to locate or place a position in the appropriate class on the basis of similarity of duties and responsibilities or required qualifications.
- 2.03    APPLICANT means a person who has filed an application to take a Civil Service examination.
- 2.04    APPLICANTS FOR PROMOTION from within the Duvall Police Department shall be those individuals certified by the Chief (or designee) to the Chief Examiner as having the required minimum qualifications necessary to take a promotional examination.
- 2.05    APPOINTING AUTHORITY means the person, board, or Commission having authority to make appointments to and separations from a position.
- 2.06    APPOINTMENT – PROVISIONAL means the appointment of a person to a position in the absence of an appropriate eligibility list for the class.
- 2.07    APPOINTMENT – REGULAR means the tendering of an offer and acceptance of same by a person on an eligibility list, either on a regular or temporary basis.
- 2.08    BREAK IN SERVICE means any interruption in continuous service, except for absences on approved leave or absences to serve in the armed forces of the United States. Re-employment does not make the service continuous.
- 2.09    BUSINESS DAYS means calendar days exclusive of Saturdays, Sundays and legal holidays.
- 2.10    CANDIDATE means a person who has completed a civil service examination or is in the process of doing so.
- 2.11    CHAIRMAN means a person of either sex and is synonymous with chairperson.
- 2.12    CLASS means a group of positions sufficiently similar in respect of duties and responsibilities so that the same title may be applied to each position, the same qualifications may be required and approximately the same salary range may be applied with equity.
- 2.13    CLASSIFIED CIVIL SERVICE means all offices and positions in the service of the City under civil service.
- 2.14    COMMISSION means the Duvall Civil Service Commission.
- 2.15    CONTINUOUS SERVICE means employment without interruption except for absences on approved leave or absences to serve in the armed forces of the United States.
- 2.16    CITY means the City of Duvall.

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2.17 DEMOTION means the reassignment of an employee from a higher to a lower class because of incapability, nonfeasance, misfeasance or malfeasance of office.

**RULE 2: DEFINITIONS cont.**

2.18 DEPARTMENT means a major, functional unit of the government of the City of Duvall.

2.19 DISCHARGE means separation from service cause.

2.20 EDUCATIONAL CREDIT means preference in examinations based on the furnishing of proof that the individual requesting such credit possesses a degree from a college or university in the field of law enforcement.

2.21 ELIGIBILITY LIST means a list of names of persons who have passed a civil service examination for a specific class.

2.22 EXAMINATION means a process of testing the fitness and qualifications of applicants for position in a specific class.

2.23 LATERAL ENTRY means transfer of a uniformed Police Officer from another jurisdiction to probation level.

2.24 LAYOFF means separation from a regular position due to lack of funds, lack of work, or abolishment of the position.

2.25 OFFICIAL BULLETIN BOARD is the bulletin board in the City Hall upon which all official notices of the Commission shall be posted.

2.26 OPEN EXAMINATION means an examination open to the public and not limited to applicants from among regular employees in the Duvall Police Department.

2.27 POSITION means any group of duties and responsibilities in the classified civil service of the department requiring the full or part time employment of one person.

2.28 PROBATION OR PROBATIONARY means the status of an employee during a trial period following an appointment. This trial period is a working test during which an employee is required to demonstrate, by performance of the duties, fitness for the position to which the person has been certified and appointed.

2.29 PROBATIONER means an employee who has probationary status.

2.30 QUALIFIED FEDERAL, STATE OR MUNICIPAL LAW ENFORCEMENT AGENCY shall include the FBI, the US Treasury Department, State Highway Patrol, a law enforcement agency of a Class A county or larger, a law enforcement agency of a municipality having a population of at least twenty thousand.

2.31 REDUCTION means the reassignment of an employee from a higher to a lower class in lieu of layoff or for other reasons not associated with demotion. Such reduction may be at the employee's request with the concurrence of the appointing authority and Commission.

2.32 REGULAR means continuing for an indefinite period. In reference to employment status, it means the employee has successfully completed a probationary period for a specific class.

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2.33 REINSTATEMENT means reappointment after a break in service due to layoff, to a position in a class in which status was formerly held.

**RULE 2: DEFINITIONS cont.**

2.34 REINSTATEMENT RESISTER means a list of names of persons laid off from regular positions arranged in order of their right to reinstatement.

2.35 RULE OF FIVE means the appointing authority/Chief has the option of selecting a candidate to fill a vacancy from the five names standing highest of an eligibility list for the classification.

2.36 SENIORITY means the total amount of continuous service in a position or positions of a specific class. For purposes of layoff in a lower class, seniority in such class shall include any SERVICE in a higher class.

2.37 SEPARATION means having a position and includes resignation, discharge and layoff.

2.38 TEMPORARY means employment on a basis other than regular or probationary.

2.39 TRANSFER refers to the change of an employee from one position to a similar position in the same class within the department without examination.

2.40 VETERANS CREDIT means preference in examinations based on military service and provided and defined by Laws of the State of Washington.

2.41 ENTRY LEVEL Applicants interested in an entry level law enforcement position. (3-7-18)

2.42 EXCEPTIONAL ENTRY A candidate that has successfully completed the law enforcement academy but has not completed a twelve month probationary period with a law enforcement agency. (3-7-18)

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**RULE 3:           ADMINISTRATION**

**3.01   ELECTION OF CHAIRMAN**

At the first regular meeting in January of each year, the Commission shall elect one of its members as Chairman to serve for a term of one year or until his/her successor is duly elected and qualified.

**3.02   DUTIES OF CHAIRMAN**

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

**3.03   CHAIRMAN PRO TEM**

The chairman shall designate one of the Commissioners to act as chairman pro tem during the absence of the chairman. If no such designation has been made, the three Commissioners present shall agree who shall act as chairman pro tem.

**3.04   SECRETARY CHIEF EXAMINER**

The Secretary Chief Examiner appointed by the Commission shall carry out the following responsibilities in addition to acting as Secretary of the Commission:

- a. Be responsible to the Commission.
- b. Keep the minutes and records of the Commission and certify to the same when required.
- c. Administer and enforce the provisions of these Rules.
- d. Make the recommendations to the Commission relative to matters of policy and for necessary amendments to these Rules.
- e. Report to the Commission from time to time, as directed, concerning the details of the work to be performed.
- f. Prepare the budget for the Commission, approve accounts and generally administer the expenditure of funds appropriate for the operation of the Commission.
- g. Prepare for testing in an orderly fashion, including the following duties:
  - 1. Determine the examinations to be conducted.
  - 2. Order or prepare appropriate tests.
  - 3. Prepare and post bulletins announcing examinations.

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**RULE 3:       ADMINISTRATION cont.**

4. Make arrangements for the examinations; make recommendations or select experts/special examiners to evaluate applicants for appointment.
  5. Review all questions relating to the eligibility of applicants, except the minimum requirements for those who have served in the Duvall Police Department as certified by the Chief or designee.
  6. Grade or have graded all written examination papers and establish a list of successful candidates.
  7. Prepare a complete report of each examination for submittal to the Commission together with a report on all appeals from the Secretary Chief Examiners rulings or appeals from any part of the examination.
- h. Certify in the name of the Commission payrolls or accounts in accordance with the state laws.
- i. Perform all other functions necessary for the proper implementation of these Rules and provisions of the state law and city laws and ordinances relating to Civil Service and such additional duties as may be assigned from time to time by the Commission.

**3.05    SECRETARY PRO TEM**

In the absence of the Secretary Chief Examiner, the Commission shall appoint a Secretary Pro Tem to act as Secretary to the Commission until the return of the Secretary Chief Examiner.

**3.06    AMENDMENTS OF RULES**

The Commission may amend these Rules or adopt new Rules by majority vote of the Commission at any regular or special meeting of the Commission. In all fairness to employees of the Police Department under preview of these Rules, amendments or changes to these rules will be discussed in an open regular or special meeting at least on meeting prior to adoption whenever practical.

**3.07    EFFECTIVE DATE OF RULES**

All Rules and Amendments shall become effective immediately upon their adoption by the Commission unless some later date is specified therein.

**3.08    COPIES OF RULES**

A copy of these Rules and a copy of subsequent Rules or Amendments shall be sent as soon as practicable after adoption to each affected department of the City. A copy shall be maintained at the office of the Commission for public inspection and copies shall be available for the free public distribution as required by law.

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**RULE 4: MEETINGS OF THE COMMISSION**

**4.01 REGULAR MEETINGS**

Regular meetings shall be held monthly at 5:00 p.m. on the first Wednesday of each month unless same shall be a holiday and then meetings shall be held the next business day or on a date designated by the Commission. \*Meeting time changed from 6:00pm to 5:00pm approved 10-3-18.

**4.02 ADJOURNED REGULAR MEETINGS**

The Commission may adjourn any regular or adjourned meeting to a time a place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

**4.03 SPECIAL MEETINGS**

A special meeting may be ordered at any time by the chairman or by any two Commissioners by delivering personally or by mail, written notice to each member of the Commission and all departments affected. Notification of said meeting with agenda items shall be posted on the official bulletin board not less than twenty-four hours prior to the meeting.

**4.04 PLACE OF MEETINGS**

All meetings shall be held in a conference room located in the Duvall Municipal Building unless the notice of the special meeting or the order of adjournment of a regular or adjourned meeting specifies some other place or unless the Commission determines at a prior meeting to meet at some other place.

**4.05 EMERGENCY MEETINGS**

If by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the chairman of the Commission.

**4.06 PUBLIC MEETINGS**

All meetings of the Commission shall be open and public. All persons shall be permitted to attend any meetings of the Commission except as otherwise provided in Rule 4.07.

**4.07 EXECUTIVE SESSIONS**

In accordance with RCW 42.30.110, the Commission may hold executive sessions to consider the employment or dismissal of a Police Officer or employee or to hear complaints or charges brought against the officer or employee by another Police Officer, person or employee, unless the officer or employee requests a public hearing. The Commission also may exclude witnesses and others as provided in Rule 5.09.

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**RULE 4: MEETINGS OF THE COMMISSION cont.**

4.08 RULES OF ORDER

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

4.09 QUORUM

Two members of the Commission shall constitute a quorum and the concurrence of two members shall be required for any action.

4.10 COMMUNICATIONS

Communications and requests to the Commission insofar as practicable shall be in writing. The substance of each request and the action of the Commission thereon shall be noted in the minutes.

4.11 MINUTES

The Secretary Chief Examiner or the Secretary Pro Tem shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission and the votes of the Commissioners except when the action is unanimous. When requested, Commissioner's dissent or approval with reasons shall be recorded. The minutes shall be written and presented for corrections and approval at the next regular meeting. The minutes or a true copy thereof, certified by the Secretary or the Secretary Pro Tem shall be open to public inspection.

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**RULE 5:        HEARINGS**

**5.01    RIGHT TO HEARING**

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

**5.02    PETITION FOR HEARING**

A petition shall be in writing, signed by the petitioner, giving the mailing address, the ruling from which the petitioner appeals and in detail the facts and the reasons upon which the petition is based. A hearing on the merits may be denied if the petition fails to state specific facts and reasons or if in the opinion of the Commission, the facts or reasons stated, if true, would not entitle the petitioner to any relief; but such denial shall be without prejudice to the filing of an amended petition if the time for requesting has not expired.

**5.03    TIME WITHIN WHICH PETITONS MUST BE FILED**

- a. Unless otherwise provided in these Rules, a petition for hearing before the Commission must be filed within the following time limits:
  - 1. In a discharge or reduction matter, ten business days after mailing of notice of discharge or reduction.
  - 2. In an appeal from any ruling of the Secretary Chief Examiner concerning any aspect of an examination, five business days after notice of such ruling or, if no notice of ruling is given, five business days after receipt by the Commission of the report of examination under Rule 8.
  - 3. In all other matters not later than five business days after the ruling or order complained of.
- b. The Secretary Chief Examiner of the Commission may extend the time for filing a petition where good cause for the delay is shown and it is shown that other parties are not likely to suffer substantial hardship from a delay.

**5.04    HEARING BOARD OR OFFICER**

On receiving a petition that complies with the foregoing Rule, the Commission shall determine whether the matter will be heard before the entire Commission or one or more named members of the Commission.



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**RULE 5:        HEARINGS cont.**

5.05    NOTICE

The Commission or the Hearing Board shall set the matter for hearing and shall give the petitioner at least five business days' notice in writing of the date and place of such hearing. In discharge or reduction hearings, similar notice shall be given to the appointing authority/Chief.

5.06    RIGHTS OF PETITIONER

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

- a. Be represented by Counsel at such hearings.
- b. Testify under oath.
- c. Subpoena witnesses to testify.
- d. Cross-examine all witnesses appearing against the petitioner.
- e. Impeach any witness before the Commission or Hearing Board.
- f. Present such affidavits, exhibits and other evidence as the Commission deems pertinent to the inquiry.
- g. Argue the case.

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

5.07    FAILURE OF PETITIONER TO APPEAR

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

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**RULE 5:           HEARINGS cont.**

5.08   EVIDENCE

Hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence that responsible persons are accustomed to rely on in the conduct of serious affairs; regardless of the existence of any common law or statutory rule that might make the admission of such evidence improper over objection in civil action. The Rules of privilege and of official or judicial notice shall be effective to the same extent as the civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

5.09   EXCLUSION OF WITNESS

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

5.10   TESTIMONY OF PETITIONER

In all hearings, the petitioning employee may be allowed to testify and may be cross-examined as to any matter relevant to the hearing.

5.11   BURDEN OF PROOF

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

5.12   FINDINGS AND DECISION

Formal findings of fact are not required. If such hearing is not before the full Commission, written findings shall be submitted to the Commission for its approval. If the Commission declines to accept such finding, it must hold a hearing de nova, after which it may adopt the finding made by the hearing board or make its own findings.

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

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

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**RULE 5:           HEARINGS cont.**

5.13   REPORTS OF HEARINGS

Hearings will be recorded by a stenographic reporter or recording device.

5.14   TRANSCRIPTS OF HEARINGS

A transcript of hearing will, upon request, be furnished to the petitioner or appointing authority/Chief at the requesting party's expense.

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**RULE 6: CLASSIFICATION**

6.01 CLASSIFICATION PLAN

Recommendations for new class specifications and revisions of existing class specifications shall be considered by the Commission at a regular Commission meeting and if approved, shall be set forth in Rule 22.

Class specifications shall be prepared and maintained by the Secretary Chief Examiner and the Chief or all classes in City Police service. Such specifications or true copies thereof, shall be open to public inspection and available for public distribution. Each specification shall describe the class generally, distinguish it from other classes and give examples of typical duties assigned to positions in class. It shall also contain a statement of minimum requirements not otherwise provided in these Rules for applicants of positions in the class. Any changes in classification shall be sent to the Mayor, City Council and to the incumbent of that position if any.

6.02 REVIEW AND APPEALS

- a. If the appointing authority/Chief or any employee is affected by any classification action, he or she may request the Commission and Secretary Chief Examiner to review such action. The request shall be made in writing within thirty days of notification of the action.
- b. After notification of the results of a review, the employee or appointing authority/Chief so affected may appeal to the Commission. Such appeal shall be made no later than five business days after date of notification of results or review and shall be made in accordance with Rule 5.

6.03 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT

- a. Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the position except for a reasonable adjustment period approved by the Commission unless the incumbent gains eligibility for the new class and received an appointment thereto in accordance with these Rules.
- b. Whenever a position is reclassified from one class to a lower class, the incumbent may elect to retain the position in the lower class. If the incumbent declines to retain the position in the lower class, a layoff list shall be created and the position filled by reduction in-lieu of layoff in accordance with the provisions of the Rule for layoff. Any person reduced involuntarily to fill a position reclassified downward shall be placed on a reemployment list in accordance with the provision for the rule for reemployment. If the position cannot be filled by reduction in-lieu of layoff, it shall be filled by certification from an appropriate eligibility list for the lower class.
- c. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the re-titled class as held in the former class.

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**RULE 7: APPLICATIONS AND APPLICANTS**

**7.01 QUALIFICATIONS OF APPLICANTS**

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

- a. An applicant must be a citizen or \*lawful permanent resident of the United States and able to read and write the English language as specified in RCW 41. \*per Senate Bill 6145 adopted 9-5-18.
- b. Unless otherwise provided in these Rules, no person will be admitted to an entrance examination for Police Officer who is less than 21 years of age at the time of examination.
- c. An applicant must file a completed application form prescribed by the Commission giving fully, truthfully and accurately all information required. A certification to the truth and completeness of the information contained in the application and applicant's signature shall be required on each application.
- d. An applicant must have successfully graduated from high school at a State accredited school or have earned a GED certificate. If veterans' or education credit is claimed, copies of the appropriate documents must accompany the application.
- e. An applicant for lateral Police Officer must have at least 12 months sworn law enforcement experience in the last 36 months; passed a State law enforcement training academy; and if from out-of-state, must successfully pass a State of Washington law enforcement equivalency examination within one year of date of employment *\*or successful completion of the Washington State Criminal Justice Training Commission, Basic Training Academy or approved Basic Training (see WAC 139-05-210) within the last 24 months.*  
*\*Amended (3-14-11)*
- f. *\*An applicant considered for Exceptional Entry Police Officer must be certified with the Washington State Basic Law Enforcement Academy (BLEA) or an equivalent academy to the Washington State Criminal Justice Training Commission (WSCJTC) training academy. In addition, the candidate must have been employed full time as a paid Police Officer, Deputy Sheriff, Tribal Officer or State Trooper not greater than 12 months past certification, without completing FTO, up to 36 months. A valid academy peace officer certificate must be provided. \*Amended \*(8-3-16)*

**7.02 FILING TIME FOR APPLICATION**

- a. Applications must be received in the office of the Commission not later than 4 p.m. on the last day of filing or as posted on the official bulletin board of the Commission or as contained in the official announcement.
- b. Applications will be subject to amendment not later than 4 p.m. on the last day for filing. The burden of proof of meeting requirements shall lie with the applicant.

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**RULE 7: APPLICATIONS AND APPLICANTS cont.**

- c. In case of any dispute as to the time of filing, the Commission's official date or time recorded on the application shall be conclusive.
- d. The time for filing applications may be extended or reopened by the Secretary Chief Examiner as ordered by the Commission as the needs of the service require, provided notice is immediately posted in the same manner as originally advertised.

**7.03 NON-ACCEPTANCE OF APPLICANT**

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

- a. Does not meet the requirements set forth in these Rules or in the bulletin announcing the examination.
- b. Is deemed by competent medical authority to be physically or mentally unfit to perform the duties of the position.
- c. Has been convicted of a felony.
- d. Has been convicted of a misdemeanor within the last 5 years.
- e. Has made any materially false statement or who has attempted any deception or fraud in connection with this or any other civil service examination.
- f. Refuses to furnish all information required to complete the application.
- g. Who is knowingly a member of any organization which is included in the official list of subversive organizations or who is knowingly a member of any organization which, to his knowledge, now advocates the overthrow of the government of the United States or of this State by force or violence or other unlawful means, or who now advocates the support of a foreign government against the United States in the event of hostilities.

**7.04 NOTICE OF NON-ACCEPTANCE**

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

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**RULE 7: APPLICATIONS AND APPLICANTS cont.**

**7.05 APPEALS**

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

**7.06 ADMISSION TO EXAMINATION PENDING APPEAL**

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

**7.07 AMENDMENT OF APPLICATIONS**

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

**7.08 APPLICATIONS NOT RETURNED**

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

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**RULE 8:           COMPETITIVE AND PROMOTIONAL EXAMINATIONS**

**8.01    ORDERING EXAMINATIONS**

The Secretary Chief Examiner shall order an examination whenever necessary. Such order shall specify the class for which the examination is ordered. The order shall be reported to the Commission and be subject to its review. Examinations for promotion shall be practical in character and shall embrace such subjects as will test the technical, supervisory or managerial qualifications of the applicant for the position involved.

**8.02    PERIODIC EXAMINING PROGRAMS**

Notwithstanding anything to the contrary in these Rules, a periodic examining program may be ordered and administered by the Secretary Chief Examiner with the approval of the Commission for both entrance and promotional examination to establish eligibility lists.

**8.03    NOTICE OF EXAMINATION**

A written notice of each examination shall be posted and advertised by the Secretary Chief Examiner a minimum of ten (10) days prior to exam.

**8.04    TIME AND PLACE OF EXAMINATIONS**

Whenever applicants are required to appear for an examination, the time and place shall be designated in the official announcement on the official bulletin board or the applicants shall be notified in person, by email, mail or by telephone. The Secretary Chief Examiner when he/she finds the good of the service requires it, may at his/her discretion have an examination given more than one session and/or more than one place either within or outside the City of Duvall.

**8.05    POSTPONEMENT OR CANCELLATION OF EXAMINATIONS**

The administration of an examination or any part thereof may be postponed or cancelled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board at the place originally set for the examination (if necessary) and emailed, mailed or telephoned to the applicants.

**8.06    LATE APPLICANTS**

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



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**RULE 8:           COMPETITIVE AND PROMOTIONAL EXAMINATIONS cont.**

**8.07   PARTS AND WEIGHTS**

Entry, Lateral and promotion examinations shall consist of one or more parts to which a raw score, rank order, percentage weight or pass/fail method shall be assigned. One or more of the following options shall be utilized in scoring an examination.

- a. A raw score (actual number of questions answered correctly) shall be the final indicator of a written examination or oral board interview.
- b. A rank order list shall be the final result of any assessment center examination. The order shall be determined by the number of points earned through consensus scoring. Assessors shall have the flexibility to recommend participants for promotion and inclusion on the eligibility list in addition to failing participants as unqualified for promotion.
- c. A percentage weight shall be determined by multiplying the weight assigned to one or more parts of an examination and the sum of the resulting products shall be called the weighted average.
- d. A pass/fail interview with no points or weight assigned shall be utilized, whereby a majority agreement is required to place an applicant on an eligibility list.

**8.08   PASSING GRADES**

- a. A final minimum passing score required shall be seventy (70%) percent.
- b. Where an examination consists of two or more parts, the Commission may set a minimum score to be required in any part of the examination. Any applicant who fails to attain such minimum score shall be considered as having failed in the entire exam and shall not be entitled to take the balance of the exam. \*Oral Board Passing Score is 70%.  
\*Amended (12-3-09)

**8.09   SELECTION PROCESS**

The selection process used to screen, rank and select candidates for positions shall be job related for the position and fairly assess the candidates for the qualifications, knowledge, abilities, skills and temperament needed to successfully perform the job.

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**RULE 8:           COMPETITIVE AND PROMOTIONAL EXAMINATIONS cont.**

8.10   EXAMINATION COMPONENTS

Applicants for Police Department positions shall be required to participate in a competitive examination for placement on a class eligibility list. Examinations and components may vary for specific positions and may consist of one or more of the following steps or devices:

- a. Written examination.
- b. Physical skill/agility test.
- c. Assessment center.
- d. Work samples/simulation exercise.
- e. Oral test.
- f. Psychological profile.
- g. Structured reference check/background investigation.
- h. Polygraph examination (initial application for Police employment only).
- i. Medical evaluation.

8.11   VETERANS CREDIT

In all competitive examinations for entrance into the City Service, a percentage credit of the final earned score in such examinations shall be given to all persons passing the examination who, have or who shall have, served in the armed forces of the United States in accordance with state law as defined in RCW 41.04.005 and RCW 41.04.010. Proof of such service will be filed with the Secretary Chief Examiner upon initial application.

8.12   EDUCATIONAL CREDIT

The all competitive examinations for entrance into the City Service, a credit of four percent of the final earned score shall be given to all persons passing the examination who have earned at the time of taking the examination a bachelor's degree from a four-year college or University ~~\*in the field of law enforcement~~, or a person possessing a two-year applied science degree ~~\*in law enforcement~~ will receive a two percent credit.

\*Commission approved to remove "law enforcement" from Rule 8.12. (January 5, 2017).

The percentage for veterans' or educational credit shall be added to the ~~weighted~~ average or final score, except that credit shall not be added unless the ~~weighted~~ average or final score is at least equal to the passing grade determined for the examination. *Applicant must meet the standard first then the additional credit is allowed.* Approved to remove the word weighted. (2-7-18).

Eligible applicants shall receive either veterans' or educational credit, whichever is the larger amount.

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**RULE 8:           COMPETITIVE AND PROMOTIONAL EXAMINATIONS cont.**

8.12a   CURRENT EMPLOYEE CREDIT

Any of the following three categories of City of Duvall Police Department employees shall receive in addition to any other credit, five additional percentage points towards their final grade. The percentage for veterans' or educational credit shall be added to the weighted average or final score, except that credit shall not be added unless the weighted average or final score is at least equal to the passing grade determined for the examination.

- a. Current temporary full-time employees.
- b. Current part-time paid employees.
- c. Current reserve officers who are at the reserve grade level four or above.

8.13   PROMOTIONAL EXAMINATIONS/FREQUENCY OF/ADVANCE NOTICE

Promotional examinations will be given as determined by department need. Promotional eligibility lists may not be extended beyond the expiration date. Promotional examinations shall be open to members of the City of Duvall Police Department who have been employed three consecutive years or more in law enforcement and who have held their present rank or position for one year or more with the City of Duvall Police Department subsequent to their regular appointment and meet the minimum job requirements as contained in the position classification description. Advance notice of not less than 60 days prior to an impending examination shall be posted to provide sufficient time for test preparation.

~~8.14   CHIEF-SPECIAL REQUIREMENTS~~

~~In testing for the position of Chief of the department, a psychological evaluation and polygraph screening will be obtained. Removed (5-4-16)~~

8.15   EFFECTIVE DATE OF LISTS

An eligibility list shall become effective on the date it is approved by the Secretary Chief Examiner as being accurate, complete and legally prepared. The Secretary Chief Examiner shall notify the Commission in writing that the eligibility list was approved. Such approval is subject to Commission review.

8.16   INSPECTION OF RATING STANDARDS AND SCORING KEY

The applicants shall be allowed a period of five business days following the posting of an eligibility list in which each may request the opportunity in writing to inspect the scored answer sheets and any rating standards and scoring keys by which the applicant has been rated during any part of the examination. Appropriate arrangements will be made by the Secretary Chief Examiner to comply with the request.

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**RULE 8:           COMPETITIVE AND PROMOTIONAL EXAMINATIONS cont.**

**8.17    PROTEST AGAINST RATINGS TO THE SECRETARY CHIEF EXAMINER**

If the applicant believes an error has been made in the application of the written test, scoring key or in the rating given on any part of the examination or that any other error has been made, the applicant may make a protest in writing stating specifically where it is believed errors have been made. Each protest shall give specific authoritative references or opinions of recognized experts where such exist. No protest may be made after the seventh day following the inspection provided for in RULE 8.16. Upon receipt of a written protest or request for rescoring or re-rating, a review of the protest shall be made by the Secretary Chief Examiner who shall recommend to the Commission any necessary corrections or adjustments in grades and ratings.

**8.18    REPORT OF EXAMINATION**

After the expiration of the five-day period as provided in RULE 8.16, the seven-day period provided in RULE 8.17 and the review as provided in RULE 8.17, the Secretary Chief Examiner shall submit a report on each examination to the Commission. The report shall include applicants' names, grades and all protests in connection with the examination and the disposition of such protests.

**8.19    APPEAL TO COMMISSION**

Any person aggrieved may appeal to the Commission from the ruling of the Secretary Chief Examiner pursuant to RULE 5 within seven business days after notice of such ruling. No correction made by the Secretary Chief Examiner under RULE 8.17 or by the Commission shall affect any appointment made from a certification made prior to the correction.

**8.20    CORRECTION OF CLERICAL ERRORS**

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

**8.21    PERMANENT RECORD OF EXAMINATION**

The Commission shall preserve the following as permanent record of each examination.

- a. The report of examination as provided in RULE 8.18 containing the names and scores of all applicants on each part of the examination and in the total examination.
- b. A summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various parts, the time and place each part was given, the minimum scored required, if any and the names of the examiners.

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**RULE 8:           COMPETITIVE AND PROMOTIONAL EXAMINATIONS cont.**

**8.22   OTHER RECORDS OF EXAMINATION**

All original records prepared or received in connection with any examination shall be retained for a period of at least 90 days after the date the eligibility list is established.

**8.23   EXAMINATIONS TO BE IMPARTIAL**

All examinations shall be fair and impartial. So far as practicable, written examinations shall be conducted so that the examiners or other persons scoring the answers will not know the identity of applicants. So far as practicable, different parts of an examination shall be scored separately without the examiners or other persons scoring a part of the examination knowing the applicants scores in the other parts of the examination. No person shall reveal before the completion of an examination any information about such examination except in the official bulletin or by announcement to all applicants or candidates equally.

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**RULE 9: SUBSCRIPTION TESTING SERVICES**

9.00 SUBSCRIPTION TESTING SERVICES AUTHORIZED

The Secretary Chief Examiner following approval by the Commission may enter into contracts with one or more Subscription Testing Services.

9.01 DEFINITION OF TESTING SERVICE

Subscription Testing Service means a person or organization offering a service that tests and maintains lists of candidates for employment who have successfully completed the Subscription Testing Service process.

9.02 PROCESS VERIFICATION

The Secretary Chief Examiner shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job related.

9.03 CERTIFICATION

- a. All applicants certified as a qualified candidate by the Subscription Testing Service shall be reviewed and approved by the Commission prior to referral to the appointing authority. Following qualification of candidates pursuant to the procedure set forth in the contract with the Subscription Testing Service, candidates may be certified as eligible for appointment to the Appointing Authority.
- b. By motion or other approval, the Commission may delegate to the Secretary Chief Examiner the review and approval of candidates. Upon such delegation, the Secretary Chief Examiner shall verify that the candidates for placement on the eligible register meet the minimum eligibility requirements for employment.

9.04 CONTRACT REGISTER

Candidates qualified for appointment pursuant to the procedures established in this RULE shall be placed in a separate register, entitled Contract Register. Candidates will be placed on this register in the same rank and order as lists maintained by the Subscription Testing Service.

Candidates rejected by the Commission for the following reasons shall be removed from the eligible register:

- a. Not satisfying any test requirement.
- b. Not completing probation.
- c. Not responding to the appointing authority for consideration following certification.

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**RULE 9: SUBSCRIPTION TESTING SERVICES cont.**

9.05 ADDITIONAL TESTING

Candidates qualified pursuant to a Subscription Testing Service shall be subject to such additional testing as may be required by the Commission or the appointing authority. Such testing shall include, but not be limited to:

- a. Background.
- b. Polygraph.
- c. Psychological.
- d. Physical agility.

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**RULE 10: CONTINUOUS TESTING**

**10.01 CONTINUOUS TESTING ELIGIBILITY LIST**

The Secretary Chief Examiner, following approval by the Commission, may establish any eligibility list for use by applicants tested through and certified for eligibility through this continuous testing process.

**10.02 CONTINUOUS TESTING DEFINED**

Continuous testing shall mean a written examination or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards whose results shall be valid for a period on one Calendar year from date of certification to a Continuous Testing Initial Eligibility list. Continuous testing may, at the discretion of the Commission, be offered through Secretary Chief Examiner or pursuant to a subscription testing agreement.

**10.03 CERTIFICATION**

Applicants certified pursuant to a continuous testing process shall be placed on a Continuous Testing Initial Eligibility list. Certification shall be in accordance with the rules and regulations of this Commission. As each applicant is placed in accordance with his or her scores and veterans' preference, education and employee credit, the placement of all others on the list shall be adjusted.

**10.04 ADDITIONAL TESTING**

Applicants placed upon this eligibility list shall be subject to such other testing processes as the Commission shall direct, including but not limited to oral boards or any other testing process conducted by the Commission or by a subscriber pursuant to RULE 9.

**10.05 REMOVAL OF NAMES**

The names of candidates certified on the eligibility list shall remain on the list until either certified to a secondary hiring list following an oral board or other testing as established by the Commission, the expiration of 15 months from the date of certification or until the candidate has been hired by another public safety organization. Names may be removed upon notification by the candidate, upon the written notification of another public safety employer, or an entity providing subscription testing.



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**RULE 11:       MEDICAL STANDARDS FOR EMPLOYMENT**

11.01   MEDICAL STANDARDS

The Civil Service Commission shall validate and adopt basic medical standards required for entrance into the Police Service.

11.02   MEETING THE MEDICAL STANDARDS

The Secretary Chief Examiner shall require each candidate to meet the general standards of the City as specified in these Rules:

- a.   Police Officers must meet medical standards as set forth by the Duvall Civil Service Commission as described in the minimum medical and health standards and receive a favorable evaluation from a licensed psychologist and successful completion of polygraph testing.
- b.   Other employees under the jurisdiction of the Civil Service Commission must pass those tests necessary to determine that the applicant is physically and mentally capable of discharging the duties of the position.

11.03   FAILURE TO MEET MEDICAL STANDARDS

Candidates who fail to meet the applicable medical standards shall not be employed.

A candidate who has failed to meet the applicable medical standards may present new or additional medical evidence within ten business days after notification of disqualification (see RULE 13.08) relating to the case in order to be reconsidered for appointment within the duration of the eligibility list. The evidence and request for reconsideration just be in writing; the burden of proof shall be on the candidate; the Commission shall consider the evidence and render a decision. The decision shall be final.

11.04   SPECIAL MEDICAL REEVALUATION

With the approval of the Commission, the Secretary Chief Examiner or the appointing authority/Chief may require a medical or psychological reevaluation of the employee at any time. Such reevaluation shall be concerned only with the medical conditions related to the satisfactory performance of the required duties or with protecting the health, safety and welfare of the employee or public.

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**RULE 11:       MEDICAL STANDARDS FOR EMPLOYMENT cont.**

11.05   PATIALLY OR FULLY INCAPACITATED EMPLOYEES

Whenever, upon reevaluation, an employee who has previously qualified is found to be unable to perform the duties on the position satisfactorily due to a medical incapacity of a continuing nature:

- a. The employee may submit a request to the appointing authority of department head for voluntary reduction or assignment to another position for which the employee has the qualifications. Any voluntary reduction or reassignment under this Rule must be with the approval of the Civil Service Commission. Any such reassignment shall not constitute a promotion.
- b. The appointing authority/Chief may reassign the employee to another position for which the employee is qualified, or may reduce the employee to a lower level position for which the employee is qualified, subject to the employee's right to appeal as provided in these Rules.
- c. If there is not a suitable position in which the employee can perform satisfactorily, the appointing authority/Chief may discharge the employee subject to the employee's rights of appeal as provided in these Rules; said discharge to be without prejudice as to reemployment should the condition improve, or the employee may be retired on disability as provided by the applicable retirement program.

Any layoffs resulting from the restoration, reduction, or reassignment of an employee under this Rule will be in accordance with the provisions of the Rule of layoff.

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**RULE 12:       PHYSICAL STANDARDS FOR UNIFORMED POLICE SERVICES**

12.01   REQUIREMENT

- a.   Medical/physical examination administered by a licensed physician/surgeon as set forth under provisions of RCW 18.71.
- b.   A medical history will be supplied by each applicant to the examining physician. The medical history will include information on past and present diseases, injuries and operations.
- c.   Applicant must possess normal vision. They must demonstrate normal visual functions and visual acuity not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and not less than 20/30 in the lesser eye. Normal color vision must be possessed.
- d.   Applicant must be at least twenty-one years of age at the time of appointment (Police Officer only).

12.02   PROCEDURE

- a.   Completion of the Report of Medical History by the applicant.
- b.   The physical examination will be conducted by a licensed physician/surgeon after a review of the Report of Medical History completed by the applicant.
- c.   The physician shall record the findings on the Report of Medical History and shall note any past or present defects, diseases, injuries, operations, or conditions of an abnormal or unusual nature and indicate whether applicant is or is not qualified.
- d.   Physical examination reports shall be placed in permanent files by the Civil Service Commission and kept as long as State law requires.

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**RULE 13: ELIGIBILITY LISTS**

**13.01 ELIGIBILITY LISTS CREATED**

The Secretary Chief Examiner shall establish eligibility lists resulting from examinations as provided in Rule 8.

**13.02 ORDER OF NAMES ON ELIGIBILITY LISTS**

The names of applicants who pass an examination shall be entered upon the eligibility list for the class in order of their grades, including veterans' credit or other applicable credits, or as otherwise provided in Rule 8.08, without preference as to the priority of time of examination. The names of applicants for Lateral and Exceptional Entry\* (3-7-18) Police Officer who pass oral board test shall be entered upon the eligibility list in an unranked fashion and shall remain on the list for a period of one year from the initial date of application. \*Additional names may be added to the list using a like process. \*(9-17-15)

**13.03 THE SCORES – ENTRY LEVEL EXAMINATIONS**

Whenever two or more applicants in an examination have the same final grade, priority shall be determined by highest grade on the most heavily weighted part of the examination. If the scored still remain the same, the Commission shall determine additional appropriate components to the examination process.

**13.04 DISCLOSURE OF NAMES OF PERSONS ON ELIGIBILITY LISTS**

The eligibility list, including the names of all those who passed the examination, shall be open to public inspection.

**13.05 DURATION OF ELIGIBILITY LISTS**

An entrance eligibility list shall be in effect for one year from date approved by the Secretary Chief Examiner. Before the expiration of an eligibility list, the Commission may extend the period of eligibility for one year at a time for all eligible who are available for employment. An extended eligibility list shall be terminated automatically upon approval of an eligibility list from a new examination for the class. An eligibility list for Lateral and Exceptional Entry\* (3-7-18) Police Officer shall be carried on a continuous basis.

Promotional eligibility lists shall be in effect for one year from date of approval and may be extended for one additional year.

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**RULE 13: ELIGIBILITY LISTS cont.**

**13.06 REJECTION OF CANDIDATE –DROPPED FROM LIST**

The name of any person may be removed from the eligibility list for any of the reasons in Rule 7.03 or the following;

- a. Is addicted to the use of intoxicating liquors or narcotics or habit-forming drugs.
- b. Is addicted to gambling.
- c. Refuses to execute any oath as prescribed by law.
- d. Has assisted in preparing, conducting, or scoring any examination for which the candidate applies or who has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination.
- e. Fails to be present for or fails to pass the medical examination prescribed by the Commission. (See Rule 11).
- f. Fails to pass the background investigation as evidenced by information received from past/present employers, references, etc.
- g. Fails to receive a favorable psychological evaluation prescribed by a licensed psychologist appointed by the Commission.

**13.07 EFFECT OF APPEALS**

No appeal shall affect the eligibility list or any appointment made from a certification during the pendency of the appeal. When the appeal is terminated, the Secretary Chief Examiner shall add the name of the appellant to the eligibility list at the appropriate place if it has been determined the appellant is entitled to be on the eligibility list.

**13.08 REMOVAL OF NAMES FROM LISTS**

The Secretary Chief Examiner may remove the name of any eligible applicant from a list if the eligible applicant fails to respond to a notice of employment, declines an appointment without reason satisfactory to the Secretary Chief Examiner, cannot be located or fails to pass a portion of the selection process not scored or used to establish rank on the list, such as the medical examination (Rule 11.03) or background investigation. In the case of such removal, the Secretary Chief Examiner shall notify the eligible applicant in writing at his/her last known address or email.

The names of eligible on promotional lists who resign from the City shall automatically be removed from promotional lists.

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**RULE 14: CERTIFICATION AND APPOINTMENT**

**14.01 CERTIFICATION FROM ELIGIBILITY LIST**

Upon request for certification of names to fill a Police Department vacancy, with the exception of Lateral and Exceptional Entry\* (3-7-18) Police Officer, the Secretary Chief Examiner shall certify to the appointing authority/Chief, the names of the five persons highest on the appropriated eligibility list. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. When a vacancy is to be filled for Lateral or Exceptional Entry\* (3-7-18) Police Officer, the appointing authority/Chief shall review candidates from the eligibility list and request certification of the five candidates whose skill, experience, and education most closely meet the needs of the department for the existing vacancy.

In the absence of an appropriate eligibility list, the appointing authority may authorize a provisional appointment for a period not to exceed four months. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in a fiscal year.

When a vacancy exists for a Chief, the Mayor shall act as the appointing authority. The Mayor shall select from the three candidates recommended as a result of a competitive selection process.

**14.02 CERTIFICATION OF PROTECTED CLASS FROM ELIGIBILITY**

The appointing authority may request certification from the eligibility list of a member of a protected class (minority or female) when employment statistics indicate under-utilization, or when needed to meet affirmative action goals.

**14.03 PRIORITY OF LISTS**

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

**14.04 WITHHOLDING NAMES FROM CERTIFICATION OR REMOVING NAMES FROM ELIGIBILITY LISTS**

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

- a. Expresses unwillingness or inability to accept appointment or refuses offer of an appointment without adequate explanation.
- b. Fails to respond within ten business days after the mailing of written inquiry regarding availability for regular employment or request to appear for interview regarding such employment.
- c. Fails to be present for duty at the time agreed upon after having accepted and appointment.

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- d. Cannot be reached in time for appointment when immediate temporary employment is required, but this shall apply to only such immediate temporary employment.

**RULE 14: CERTIFICATION AND APPOINTMENT cont.**

- e. Fails to present a license, registration, certificate, or credential required; the name of any such candidate may be restored for certification when the particular requirement has been met.
- f. Fails to maintain a record of current address with the Commission as evidenced by the return of a properly addressed, unclaimed letter, or other evidence.
- g. Is not qualified to perform the duties of the class based upon a finding by the Commission.
- h. Willfully violates any of the provisions of these Rules or any applicable law.
- i. Is not qualified for any reason enumerated in Rules 7.03 and 12.01.

**14.05 RESTORATION TO CERTIFICATION**

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

- a. Where the withholding or removal was because the person accepted a regular appointment with the City and where the person is still in City service; or where the person has been separated there from without fault or delinquency on the employee's part and the good of the City and justice to the employee requires that the employee be restored to the eligibility list to be eligible for certification.
- b. Where the withholding or removal was because of the unwillingness or inability of the employee to accept an appointment, or failure to respond to inquiry as to availability to appear for interview or to present a good and valid reason for such unwillingness, inability or failure, and where the employee now certifies to the Secretary Chief Examiner a willingness to accept appointment.
- c. Where the withholding or removal was for a reason stated in Rules 7.03 to 12.01 and such reason no longer exists.

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**RULE 14: CERTIFICATION AND APPOINTMENT cont.**

14.06 EFFECT OF REMOVAL, WITHHOLDING OR RESTORATION

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

Should any person whose name is removed or withheld file an appeal of this removal or withholding within the stipulated time allowed for filing of such appeals, no regular appointment shall be made from those names under the name removed pending the disposition of the appeal, unless the appeal cannot be concluded within sixty day.

The acceptance or refusal by a candidate of temporary appointment shall not affect his/her certification from the eligibility list for regular employment.

14.07 APPOINTMENT OF CANDIDATES

In filling vacancies by appointment from an eligibility list, the persons certified in accordance with these Rules shall be appointed, except as noted in Rule 14.02



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**RULE 15:        PROBATIONARY PERIOD**

15.01    PURPOSE

A probationary period is an integral part of the examination process. It shall be utilized as an opportunity to observe the employee's work, to provide special training and to assist the employee in adjustment to his/her new position and as an aid in making the decision to reject any employee whose work performance or personal conduct is unsatisfactory.

15.02    LENGTH OF PERIOD

No person shall be finally appointed to an entry level or promotional position until he/she has satisfactorily served a probationary period of twelve (12) months following successful completion of basic training academy. Upon request of the appointing authority, the probationary period may be extended for an additional three (3) months. Persons re-employed, who have formerly acquired permanent status in the class shall not be subject to probation.

15.03    DISMISSAL DURING ENTRANCE PROBATION PERIOD

At any time, during the entrance probationary period, the appointing authority may terminate the appointment of the person certified to him if, during the performance test thus afforded, upon observation or consideration of the performance of duty, he/she is found unfit or unsatisfactory. Provided, however, that the appointing authority shall forthwith notify the Commission in writing of any such termination of employment. Such action by the appointing authority is no subject to appeal.

15.04    UNSATISFACTORY PERFORMANCE DURING PROMOTIONAL PROBATIONARY PERIOD

At any time during the twelve month promotional probationary period, the appointing authority may terminate the promotional appointment of the person certified to him/her if, during the performance test thus afforded, upon observation or consideration of the performance of duty, he/she is found unfit or unsatisfactory: Provided, however, that the appointing authority shall forthwith notify the Commission in writing of such termination of a promotional appointment. The appointed employee shall have the right to revert to a position in his last held permanent class. Such action on the part of the appointing authority is not subject to appeal.

15.05    TERMINATION OF PROBATIONARY PERIOD

During the probationary period the appointing authority, at his/her discretion, may terminate the employment of a probationary employee. Notice of such termination, with the reason therefore, shall be given to the probationer and a copy forwarded to the Secretary Chief Examiner.

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**RULE 15:        PROBATIONARY PERIOD cont.**

15.06    TERMINATION OF PROBATIONARY STATUS

Upon completion of the entrance probationary period, the appointing authority shall report to the Commission on the probationer's service and efficiency and can request that the probationary status be terminated. No increase in salary shall be paid for the services of any probationer following the expiration of the probationary period until the appointing officer of department has filed with the Commission a statement in writing that the services of the probationary employee were satisfactory and that his/her retention in the service is desired. Upon request from the appointing authority, the probationary period may be extended for an additional three (3) months.

15.07    TERMINATION AFTER PROBATION

A promotional appointee who is terminated during the probationary period from the position to which he/she was promoted shall be restored to the position from which he/she was promoted.

15.08    REMOVAL FROM ELIGIBILITY LIST

If an appointment is not made permanent because of the department's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, he/she shall no longer be on the eligibility list for the position.

15.09    ACTING OR TEMPORARY APPOINTMENTS

If an employee's appointment to a position is acting or temporary appointment, the time during which the employee performs the duties of the position in the acting or temporary capacity shall not be credited toward the employee's completion of a later probationary period for an equivalent position.

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**RULE 16:        TEMPORARY AND PROVISIONAL APPOINTMENTS**

16.01   TEMPORARY APPOINTMENTS

A person may be employed in a temporary position only for the duration of the temporary work. If the position is made permanent, it must be filled by appointment on a regular basis in accordance with Rule 13. A person given a temporary appointment may not be transferred or changed to any other position except on a temporary basis and shall never attain regular status from such appointment. Temporary employment may continue only so long as the facts exist justifying a temporary appointment. No person shall receive more than one temporary appointment or serve more than four months as a temporary appointee in any one fiscal year.

16.02   PROVISIONAL APPOINTMENTS

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

An emergency exists when:

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

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**RULE 17:        ASSIGNMENTS, TRANSFERS AND REASSIGNMENTS**

17.01    ASSIGNMENTS

The assignment of a candidate to a position or of an employee from one position to another position within the class and department for which he/she has been certified by the Secretary Chief Examiner pursuant to these Rules is a matter of departmental administration except as provided in Rule 20.

\*add transfers and reassignments to Rule 17 or does Rule 20 suffice?

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**RULE 18: LEAVE OF ABSENCE**

**18.01 LEAVE OF ABSENCE WITHOUT PAY**

A leave of absence without pay from regular duties for the purpose of recovering from a prolonged illness, an injury, pregnancy, child bearing, education or training or assisting another public agency may be granted by the appointing authority/Chief for one year when such leave is in the best interest of the City.

**18.02 MILITARY LEAVE OF ABSENCE**

Military leave of absence shall be granted by the appointing authority/Chief in accordance with provisions of the laws of the State of Washington.

**18.03 MATERNITY LEAVE OF ABSENCE**

- a. It shall be the policy of the Commission to adhere to the Revised Washington Administrative Code (WAC 356-18-150, as amended) on maternity leave of absence.
- b. Pregnant employees will be allowed to continue working up to the time of birth, provided they are able to perform the duties of the position they are holding.
- c. In no case will the employee lose seniority or benefits during pregnancy leave.
- d. The period of disability immediately following birth will be normally a period of six weeks.

**18.04 EXPIRATION OR TERMINATION OF LEAVE OF ABSENCE**

The appointing authority/Chief may terminate any leave of absence by written notice to the employee concerned whenever the conditions or reasons justifying the leave no longer exist unless upon appeal of the employee to the Commission, it is found that the termination is not justified. Upon termination or expiration of leave, the employee shall return to duty. The employee shall be returned to the same class of position as occupied when the leave of absence was granted. An employee who fails to return to duty upon termination or expiration of leave shall be considered as absent without leave and subject to disciplinary action. Disciplinary action may not be taken by the appointing authority/Chief prior to a Commission decision if an appeal has been filed.

**18.05 REPORTS OF LEAVE OF ABSENCE**

All leaves of absence shall be reported to the Commission promptly and in writing.

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**RULE 19: DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND REGULATIONS**

19.01 CAUSES FOR DISCHARGE, DEMOTION, SUSPENSION AND OTHER DISCIPLINARY ACTIONS

A regular employee may be discharged from City service or demoted or deprived of vacation or Other privileges or suspended without pay only after notification in writing of the reasons for such action for any of the following reasons:

- a. Incompetency, inefficiency or inattention to or dereliction of duty.
- b. Dishonesty, intemperance, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to conduct himself/herself properly, or any willful violation of the provisions of these Rules and Regulations.
- c. Physical or emotional unfitness for the position that the employee holds.
- d. Use of intoxicating liquors, narcotics, or any other habit-forming drug or liquid or preparation to such an extent that the use thereof interferes with the efficiency or physical fitness of the employee, or which precludes the employee from performing properly the functions and duties of his/her position under Civil Service.
- e. Conviction of a felony or misdemeanor involving moral turpitude.
- f. Directly or indirectly receiving or soliciting political contribution or campaigning for any party or municipal political purpose while on duty or in uniform.
- g. Use of Police equipment for personal business or pleasure.

19.02 CONDITIONS OF DISCHARGE, DEMOTION, SUSPENSION AND OTHER DISCIPLINARY ACTIONS

A regular employee may be discharged from City service or demoted or suspended without pay or deprived of vacation or other privileges only after notification in writing of the reasons for such action. Such notice shall state the specific grounds and the particular facts upon which the disciplinary action is based and the employee shall be allowed ten business days from the date of service of notice in which to reply in writing and request a hearing before the Commission. Such notice of disciplinary action shall state the time allowed for answer and for requesting a hearing before the Commission. A copy of the notice and a copy of the reply, if any, must be filed in duplicate with the Commission. The appointing authority/Chief shall submit evidence to the Commission showing the employee has been served with the notice of disciplinary action, either personally or by certified or registered mail, addressed to the employees last known address and the date of such service.

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**RULE 19: DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND REGULATIONS cont.**

19.03 HEARING ON REASONS FOR DISCIPLINARY ACTION

If the regular employee is to be discharged, demoted, suspended or otherwise disciplined pursuant to Rule 19.02, the Commission shall proceed in accordance with Rule 5. A public hearing pursuant to Rule 5 shall be held by the Commission or by the hearing Board, whenever a timely request for hearing has been filed.

19.04 CRIMINAL ACTS

Where the facts alleged in the notice of disciplinary action constitute a crime and the employee has requested a hearing under Rule 19.03 within the time allowed in Rule 5, the employee may at any time, up to one day before the date of the hearing, request a continuance of the Civil Service hearing for a reasonable period to determine whether a criminal charge will be filed or until after termination of the criminal case.

19.05 DECISION

After receiving evidence presented in hearings on disciplinary actions:

- a. The Commission may affirm the disciplinary action.
- b. If the Commission finds the disciplinary action was made for political, religious or racial reasons, or not in good faith for cause, or the reasons are otherwise not sufficient to justify such action, the Commission shall order immediate reinstatement of the employee without any loss of pay.
- c. The Commission, in lieu of affirming the disciplinary action, may modify the severity of the disciplinary action by directing a suspension without pay for a given period and a subsequent restoration to duty or demotion in classification or pay.

The findings of the Commission shall be certified in writing to the appointing authority/Chief and shall be enforced by said officials.

19.06 PROBATIONARY PERIOD FOLLOWING FIRST APPOINTMENT

The Chief may discharge an employee who has not yet completed his/her probationary period in accordance with Rule 19.08 with the concurrence of the Commission. The action requires a written notice to the employee and a copy to the Commission specifying the grounds and the particular facts on which the discharge is based.

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**RULE 19: DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND REGULATIONS cont.**

**19.07 PROBATIONARY PERIOD FOLLOWING SECOND APPOINTMENT**

Nothing in Rule 19.06 or elsewhere in these Rules shall be construed to permit the discharge from the Police Department without a hearing of an employee during the probationary period in a second appointment where, before such appointment, the employee completed the probationary period in another class. "Second" refers to any appointment of a regular employee that starts a new period of probation under Rule 15.

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

During the probationary period in the second appointment, an employee may be demoted, pursuant to Rule 19.06, without a hearing to a position in the class in which the employee was last employed before such second appointment. In the event of such demotion and if no vacancy exists in the class and department in which the employee served the first appointment, a vacancy may be created by layoff or reduction in accordance with Rule 20.

**19.08 CONSENT OF COMMISSION**

In the case of a probationary employee, the consent of the Commission must be secured for a discharge or demotion under Rule 19.06 and/or 19.07. The Commission shall consent if it believes the grounds and facts alleged, if true, justify the discharge or demotion of a probationer and that no fraud or discrimination because of political or religious opinions, racial extraction, or union affiliation exists.

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

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

**19.09 TIME FOR DISCHARGE OF PROBATIONER**

To be effective, the written notice of discharge or demotion of a probationary employee must be served and become effective before midnight of the last day of the probationary period. The consent of the Commission must also be requested by the appointing authority/Chief within such time, but the fact that the action of the omission is delayed by reasons of a request for hearing or otherwise until after the expiration of the probationary period shall not invalidate the discharge or demotion.



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**RULE 19: DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND REGULATIONS cont.**

19.10 RESIGNATIONS

Resignations shall be in writing and shall be directed to the appointing authority/Chief. A resignation shall be effective on the date designated and if no date is designated it shall be effective immediately. A resignation, once it has become effective or has been accepted by the appointing authority/Chief, may be withdrawn only with the consent of the appointing authority/Chief and the Commission.

A resignation claimed to have been obtained by duress or fraud may be treated by the Commission as notice of discharge, provided the employee notified the Commission that such resignation was not voluntary and the employee demands a hearing within ten business days after the filing with the Secretary Chief Examiner of a report showing such resignation.

19.11 CHARGES FILED BY A CITIZEN

When written charges are filed by a citizen to the City against any person in the classified Civil Service pursuant to the applicable state law, the Commission shall refer such action as deemed necessary. The person against whom the charges are filed may file an answer to such charges. No hearing on such charges shall be held unless the appointing authority/Chief discharges or demotes such employee for the reasons stated in the charges and the employee requests a hearing in accordance with the applicable Rules, or unless the Commission finds the charges, if true, reflect on the integrity of the Civil Service system or show serious violations of the Civil Service provisions of the law or Rules and that a public hearing is desirable to restore confidence in the Civil Service system or to secure compliance with the Civil Service provisions.

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**RULE 20: LAYOFF AND REINSTATEMENT REGISTER**

20.01 LAYOFFS

The Chief may layoff or reduce an employee when necessary, due to the lack of funds, lack of work, or abolishment of the position.

20.02 EMPLOYMENT STATUS AND ORDER OF LAYOFF

Whenever it becomes absolutely necessary, through lack of finances or for any other reasonable and just cause, to reduce the number of employees of this unit, such reductions shall be carried out in the following order:

1. Temporary appointees.
  - a. Civilian personnel.
  - b. Commissioned Officers.
2. Probationers (first appointment).
  - a. Civilian personnel.
  - b. Commissioned Officers.
3. Regular Employees in order of length of service; the one with the least service/credit years being laid off first.

20.03 REDUCTION IN LIEU OF LAYOFF

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

20.04 TRANSFER IN LIEU OF LAYOFF

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

20.05 REINSTATEMENT LIST

The names of persons laid off or reduced in accordance with these Rules shall be entered upon a reinstatement list in inverse order of layoff. Lists from different times for the same class of position shall be combined into a single list. The Chief shall use such list when a vacancy arises in the same or lower class of position before certification is made from an eligibility list. When a vacancy occurs, the

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Chief shall appoint the person highest on the reinstatement list who is available, who was laid off from a position in the department.

**RULE 20: LAYOFF AND REINSTATEMENT REGISTER cont.**

After six months in a laid-off status a physical examination is a prerequisite for reemployment. A reinstated employee shall serve a period of probation as defined in 15.02 if the employee has been laid off for a period of more than two years.

20.06 NAME DROPPED

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

20.07 RESTORATION TO REINSTATEMENT LIST

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

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**RULE 21:        CERTIFICATION OF SALARY ACCOUNTS**

21.01    CERTIFICATION OF ACCOUNTS

The Commission shall certify the salary account for each employee in the Police Department of the City when it is satisfied that the employee has been appointed and is performing service in accordance with the provisions of Chapter 41 of the state law and of these Rules.

21.02    BASIS FOR CERTIFICATION

In making the certification required in Rule 21.01, the Commission may rely on the reports submitted by the respective appointing authority/Chief and may rely on the absence of a more recent report as showing that there has been no change in conditions since the submission of the last report on file with the Commission.

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**RULE 22:       REPORTS REQUIRED**

22.01   REPORTS FROM THE APPOINTING AUTHORITY/CHIEF

The appointing authority/Chief shall report immediately to the Secretary Chief Examiner in detail the following:

- a. Appointment.
- b. Suspension.
- c. Separation.
- d. Reinstatement.
- e. Layoff.
- f. Transfer.
- g. Demotion.
- h. Reduction.
- i. Reassignment.
- j. Refusal or failure to accept an appointment on the part of a candidate certified by appointment.
- k. Changes of duties.

22.02   OTHER REPORTS

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

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**RULE 23:        PERFORMANCE EVALUATION**

23.01    PERFORMANCE EVALUATION

The Chief shall evaluate the comparative efficiency and performance of each employee during the employee's one-year probation period following an appointment or a promotion in relation to standards for efficient performance of the work. The Chief shall maintain a file of the evaluations and make them available for examination by the employee when reasonably requested.

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**RULE 24: CLASS SPECIFICATIONS FOR UNIFORMED POLICE SERVICES**

24.01 CLASS SPECIFICATIONS FOR THE UNIFORMED POLICE SERVICE

As prescribed in Rule 6, Classification of all paid, uniformed and non-uniformed employees of the Duvall Police Department shall be established on the basis of duties performed, level of responsibility, authority assigned and qualifications required. Medical and physical requirements for all classes in police service shall be prescribed in Rule 11 and Rule 12.

24.02 POLICE CLERK-SECRETARY

24.03 POLICE OFFICER

24.04 POLICE CORPORAL

24.05 POLICE SERGEANT

24.06 POLICE LIEUTENANT

~~24.07 POLICE COMMANDER~~ Removed (5-4-16)

~~24.08 POLICE CHIEF~~ Removed (5-4-16)