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CIVIL SERVICE RULES
CIVIL SERVICE COMMISSION
FOR
PIERCE COUNTY SHERIFF'S EMPLOYEES

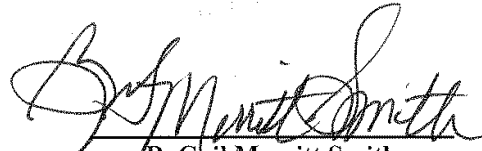
Approved April 19, 2007



Richard Sokolowski
Chair



Michael Branchini
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Commissioner

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**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 1 - PURPOSE, EFFECT, AMENDMENT AND ADMINISTRATION

Section 1.1 Purpose: These Rules shall give effect to the provisions of Initiative No. 23 of the State of Washington providing Civil Service for Classified employees of the Sheriff's Department. All appointments shall be made based solely on merit, efficiency and fitness. In accordance with RCW 41.14.010, Declaration of Purpose, these Rules shall provide a meritorious system of employment for Sheriff's Department employees. The Rules set forth the principles and procedures which are to be followed in the Civil Service program to the end that the Sheriff's Department and its employees may have reasonable assurance that personnel problems will be dealt with on a uniform and equitable basis and that the citizens of Pierce County may derive the benefits and advantages which can be expected to result from a competent staff of Sheriff's employees.

Section 1.2 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 1.3 Amendment: The Civil Service Commission may initiate, or make recommendations for, amendments or revisions to the Civil Service Rules. Amendments or revisions may be submitted to the Civil Service Commission by the Sheriff, the Chief Examiner, employees of the Sheriff's Department or their representatives and interested citizens. The Civil Service Commission shall conduct public hearings after due notice before taking final action on such amendments or revisions. Any amendments or revisions shall become effective when adopted by the Civil Service Commission.

Section 1.4 Administration: The Chief Examiner shall be charged with the responsibility for the administration of these Rules.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 2 - POSITIONS COVERED BY THESE RULES

The Sheriff's Department is comprised of employees appointed to the Classified and Unclassified Services, as follows:

- A. The Unclassified Service may consist of twenty (20) appointed positions in accordance with RCW 41.14.070 and authorized by the Pierce County Executive. The Unclassified Service is at will and exempt from the provisions of these Rules. The Sheriff shall notify the Civil Service Commission through the Chief Examiner of all positions that are appointed as unclassified, and keep the Commission apprised of changes or revisions.
- B. The Classified Service shall consist of all commissioned and non-commissioned employees of the Sheriff's Department not specifically included in the Unclassified Service.
- C. See Appendix A for a listing of Unclassified Service positions and Appendix B for Classified Service positions.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 3 – DEFINITIONS

- **Appointment** shall mean the placement of an employee or a candidate from the appropriate employment register into a funded position.
- **Appointment - Regular** shall mean an appointment to a full-time or part-time position which is regularly funded on a continuous year-round basis.
- **Appointment – Provisional or Temporary** shall mean a limited appointment, not to exceed four months to a classified position for which there is no current employment register or where conditions prevent using the normal recruitment/examining and selection process. (Rule 9.5; Rule 9.6)
- **Appointment – Emergency** shall mean 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. Emergency appointments may not continue longer than thirty (30) calendar days. (Rule 9.7)
- **Appointment – Probationary** shall mean any regular appointment to a classification where the employee must successfully complete a twelve (12) month probationary period, or a period extended beyond twelve (12) months as provided by Rule 9.4.
- **Appointing Authority** shall mean the Sheriff who is empowered to appoint or remove employees, subject to these Rules. As the Appointing Authority, the Sheriff may delegate these duties.
- **Business Day** shall mean Monday through Friday, 8:30 a.m. until 4:30 p.m. for the Civil Service Commission staff, excluding recognized Pierce County holidays.
- **Certify** shall mean the referral to the Appointing Authority by the Chief Examiner of those individuals who have been placed on an employment register as eligible for appointment to a specific classification. (Rule 9.3)

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 3 – DEFINITIONS (continued)

- **Classification** shall mean a description of a position or group of positions having sufficiently similar duties, responsibilities and authority that the same descriptive title may be used to designate each position allocated to the class; that essentially similar requirements as education, experience, ability and other qualifications should be required of the incumbents; that similar tests of fitness may be used to choose qualified employees; and that similar schedules of compensation can be made to apply with equity. (Rule 5)

- **Classification Description** shall mean a descriptive and explanatory guide reflecting distinctive characteristics of representative duties, responsibilities, and authority normally assigned to positions allocated to the classification and for which similar desirable qualifications, knowledge, abilities and skills are needed. Classification specifications are normally generic descriptions of the general kind and level of work performed and are not intended to list all functions performed in all positions of the classification.

- **Classification Series** shall mean two or more classes with the same descriptive title and with duties similar in nature but differing in level of difficulty, responsibility, supervision, entrance qualifications and compensation. Positions in a classification series are typically arranged in a normal line of progression in an occupational group, such as Deputy Sheriff, Sergeant, Lieutenant.

- **Classify** shall mean the act of assigning each position to its proper classification for inclusion in the classification plan. (Rule 5.3)

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 3 – DEFINITIONS (continued)

- **Continuous Service** shall mean paid employment in the Sheriff's Department as a regular or probationary employee in either the Classified or Unclassified Service.

The following circumstances will not be considered a break in continuous service, and there will not be a deduction of time from the total length of continuous service:

- Leave due to disability in the line of duty, not to exceed a period of six (6) months.
- Leave of absence compensated by the County.
- Military leave, paid or unpaid, as provided by State and Federal law.

The following circumstances constitute a break in service and will be deducted from time served in continuous service:

- Time lost due to unpaid leaves of absence or leave without pay.
- Time lost due to unpaid disciplinary suspension.
- Unpaid leave due to disability incurred in the line of duty exceeding a period of six (6) months.
- Time in a non-paid status due to layoff.
- Any non-paid time due to separation of employment. (Rule 7.10.4; Rule 10.2)

- **Demotion** shall mean the movement of an employee to a position in a classification having a lower minimum and maximum salary than the employee's current position, whether voluntary or involuntary. (Rule 9; Rule 10)

- **Employee** shall mean a person occupying a classified, unclassified, or temporary position, and who is paid a salary or wage for services rendered. The following defines the type of employees covered under these Rules:

- Probationary Employee. Any employee who is serving an initial probationary period following appointment to a specific position or classification. (Rule 9.4)
- Regular Employee. Any employee who is retained in a position after successful completion of a probationary period, and who is assigned to a regularly funded full- or part-time position.
- Provisional Employee. Any employee appointed to a position for a limited amount of time, not to exceed four (4) months. (Rule 9.5)
- Temporary Employee. Any employee occupying a position on a temporary basis, with a specified period of time of employment not to exceed four (4) months. (Rule 9.6)
- Emergency Employee. Any employee occupying a position on a temporary basis, with a specified period of time of employment not to exceed thirty (30) calendar days. (Rule 9.7)

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 3 – DEFINITIONS (continued)

- **Employment Register** shall mean a listing of all persons who have qualified for appointment to positions within a certain classification under the provisions of these Rules, and who have not yet been appointed to such classification and who have not been removed from the register in accordance with these Rules.

- **Good Standing for All Purposes Other Than Resignation** shall mean the employee is not currently serving and/or has not had an interruption in service caused by disciplinary suspension for one year, does not have a period of deferred suspension in effect, or does not have a work contract in effect as a result of disciplinary action. (Rule 7.10.2; Rule 8.3.2)

- **Good Standing for Purposes of Resignation** shall mean written notice at least five (5) consecutive business days before leaving, stating the effective date. (Rule 10.1)

- **Fiscal Year** shall mean the calendar year of January through December.

- **Lateral Entry** shall mean entrance into a Deputy Sheriff or Correctional Officer position through an open-competitive testing process, where candidates are required to be currently employed in like classification and meet specific experience qualifications as specified on the classification description. (Rule 8.4)

- **Layoff** shall mean the termination or voluntary demotion of an employee due to lack of work, lack of funds or reorganization, 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 temporary or provisional employees serving in the same classification for which the regular or probationary employee is eligible and available. (Rule 10.2)

- **Position** shall mean a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full-time or part-time services of an employee, and which is funded in the County budget (FTE).

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 3 – DEFINITIONS (continued)

- **Probationary Period** shall mean a period of twelve (12) months from the date of appointment that constitutes the final step of the competitive process for Civil Service employees, during which an appraisal of an employee's skills, aptitudes and adjustments are made prior to appointment to regular status in that position. For the job classification of Deputy Sheriff, the probationary period shall commence on the date of hire and shall end (1) year after successful graduation of the Basic Law Enforcement Academy and/or any law enforcement equivalency academy. Deputy recruits will be sent to the academy based on their hire date seniority and/or rank order on the employment register (most senior being offered to go to the earliest available academy session). (Rule 9.4) (Rev. 7/9/19)

- **Promotion** shall mean the appointment of an employee certified from the appropriate promotional register to a position in a classification having a higher minimum and maximum salary than the employee's current position.

- **Promotional Register** shall mean a list of names in order of score established through promotional competitive examination. (Rule 8.1.1; Rule 8.3)

- **Re-Appointment Register** shall mean an employment register established by listing regular or probationary employees who have been demoted within the Classified Service in lieu of layoff. (Rule 8.2; Rule 10.2)

- **Reduction-in-Force** shall mean the elimination of a position, group of positions, class or class series which results in the reduction in the size of the Sheriff's Department workforce. A reduction in force may result in the layoff, voluntary demotion, transfer or reassignment of one or more employees.

- **Re-Employment Register** shall mean an employment register established by listing former regular or probationary employees who have been separated from the Classified Service as a result of layoff. (Rule 8.2; Rule 10.2)

- **Referral** shall mean the names certified by the Chief Examiner to the Appointing Authority in response to a request to refer names to fill a position. (Rule 9.3)

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 3 – DEFINITIONS (continued)

- **Reinstatement** shall mean the appointment to the formerly held position without competitive examination of an employee who separated from the Classified Service while in good standing, who has completed the probationary period in the classification, and who has maintained the qualifications for the position. (Rule 9.9)
- **Resignation** shall mean a voluntary separation from employment initiated by an employee in writing.
- **Revert (or “reversion”)** shall mean the return of an employee to a previously held classification, when the action is not the result of layoff or demotion. (Rule 5.6.E)
- **Seniority** for the purposes of these Rules, shall be the length of continuous service as a probationary or regular employee in the specific classification involved and in all higher classifications to which such employee has been subsequently appointed. For those employees who have attained regular status in the Classified Service, “higher classifications” shall include appointment to an unclassified position. Where length of continuous service is equal, seniority shall be established by position on the employment register for the classification currently held. (Revised and approved 7/14/92)
- **Service Credit** shall mean credit at the rate of one-fourth of one point for each year of continuous service as a regular employee in the Classified Service, to a maximum of five (5) points, which is added to the total passing promotional examination score. (Rule 7.10.4)
- **Suspension** shall mean an involuntary removal of an individual from their regularly assigned duties for a specified period with or without pay, imposed for disciplinary or investigative purposes.
- **Trainee Appointment Program Appointment** shall mean an appointment made due to a labor market shortage and through open competitive examination. (Rule 9.14)
- **Washington State Police Corps Program** shall mean that program sponsored and administered by the Washington State Criminal Justice Training Commission which provides for an alternative, merit-based method of entry into the Classified Service. (Rule 9.13)

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 4 - ORGANIZATION

Section 4.1 The Civil Service Commission: The Civil Service Commission shall immediately, after appointment of the Commission, elect one of its members as Chair and thereafter a new Chair shall be elected annually by the Commission.

Section 4.2 Meetings: All meetings of the Civil Service Commission shall be conducted in accordance with RCW 42.30, Open Public Meetings Act.

4.2.1 Regular Meetings. The Civil Service Commission shall hold its regular monthly meetings on the second Tuesday of each month at 5:00 p.m., unless there is no pending business requiring Commission action, and such meetings shall be open to the public. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

4.2.2 Special Meetings. A special meeting may be called at any time by the Chair, or by a majority of the members of the Commission, by providing a written notice to each member of the Commission and to each local newspaper of general circulation and to each local radio or television station that has on file with the Commission a written request to be notified of such special meeting, provided that such notice must be delivered at least twenty-four (24) hours prior to the scheduled start time of the special meeting. The meeting notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter than listed on the Notice of Special Meeting.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 4 – ORGANIZATION (continued)

Section 4.2 Meetings: (continued)

4.2.3 Executive Session. The Commission Chair may convene an executive session of the Civil Service Commission. Prior to convening an executive session, the purpose for excluding the public and the time when the executive session will be concluded will be announced by the Chair. Executive session may be extended to a stated later time by announcement of the Chair. Formal action or final disposition of any matter shall be taken only during open public meeting and shall not be taken during executive session. Executive sessions may only be conducted to consider matters as listed below:

- To receive and evaluate complaints or charges brought against a public officer or employee.
- To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee.
- To discuss with legal counsel representing the County matters relating to County
- enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

4.2.4 Quorum. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein.

Section 4.3 Chief Examiner:

4.3.1 Chief Examiner - Appointment. The Commission shall appoint a Chief Examiner who shall also serve as Secretary to the Commission. The County Human Resources Director will be responsible to conduct a recruitment and provide the Commission with qualified candidates to be considered by the Commission. The recruitment must be open to all properly qualified citizens of the County, provided that no appointee of the Commission, either as Chief Examiner or as an Assistant to the Chief Examiner, shall be an employee of the Sheriff's Department. The day-to-day management and supervision of the Chief Examiner shall be delegated to the Human Resources Director.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 4 – ORGANIZATION (continued)

Section 4.3 Chief Examiner: (continued)

4.3.2 Chief Examiner – Discipline. The Chief Examiner may be subject to suspension, reduction or discharge by the Commission or Human Resources Director in the same manner and subject to the same limitations as are provided in the case of members of the Classified Service.

4.3.3 Chief Examiner – Duties and Authority.

The Chief Examiner shall:

- A. Under the direction and authority of the Civil Service Commission, administer these Rules to carry out the purpose of RCW 41.14, conducting such procedures and processes as are necessary for general personnel administration and management.
- B. Be the general manager and executive officer of the business of the Civil Service Commission and shall direct the activities of all personnel assigned to the Civil Service function, including appointment, evaluation, discipline and removal.
- C. Serve as secretary for all meetings of the Commission. This requires the maintenance of accurate minutes, which are the official record of all Commission proceedings. Copies of approved minutes shall be made available to interested parties. The proceedings of the open public meetings of the Commission shall be electronically recorded and such tapes will be maintained by the Chief Examiner. The Chief Examiner will formally respond to correspondence and maintain appropriate records as necessary.
- D. Delegate duties where necessary and supervise the work of all persons assigned to Civil Service, including the preparation, conduct and scoring of examinations, and maintenance of the classification plan.
- E. Report to the Commission from time to time as directed or as necessary concerning the details of the work of the Civil Service function.
- F. Prepare the budget for Civil Service operations, approve accounts and administer generally the expenditure of funds appropriated for the operation of the Civil Service function.
- G. Insure that all members of the Classified Service have been properly appointed and that they are being paid in accordance with these Rules.
- H. Classify all positions in the Classified Service, maintain a schematic list of all such classifications in the classification plan, and prepare and maintain descriptions for each classification.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 4 – ORGANIZATION (continued)

Section 4.3 Chief Examiner: (continued)

4.3.3 Chief Examiner – Duties and Authority. (continued)

- I. Determine which examinations shall be conducted, 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, except as provided otherwise by these Rules or collective bargaining agreements; supervise the conduct of examinations, appointing such experts, special examiners, proctors, or other persons as deemed 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.
- J. Prepare and maintain current employment registers.
- K. Whenever the Appointing Authority requests a certified register for a classified position, the Chief Examiner shall furnish such register in a timely manner, not to exceed 120 days.
- L. Establish and maintain a roster of all members of the Classified Service, and such other personnel records as the Commission deems advisable or necessary.
- M. Cooperate with members of the Sheriff's Department and Union representatives on matters pertaining to these Rules.
- N. 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 from time to time by the Commission or Human Resources Director.

4.3.4 Review of and Appeal from Actions or Decisions of the Chief Examiner.

- A. The Commission on its own motion may review or modify any action or decision of the Chief Examiner.
- 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) business days from the date of notice of such action unless established otherwise in these Rules. The Commission shall, if in its opinion good cause is shown, conduct a hearing thereon.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 5 - THE CLASSIFICATION PLAN

Section 5.1 Objective: The Classification Plan shall provide a complete inventory of all positions in the Classified Service. The Classification Plan shall standardize classification titles, each of which shall be indicative of a definite range of duties and responsibilities and have the same meaning throughout the Classified Service.

Section 5.2 Composition of the Classification Plan:

- 5.2.1 Grouping of Positions. All positions in the Classified Service will be grouped into a specific classification having sufficiently similar duties, responsibilities and authority so that the same descriptive title may be used to designate each position allocated to the class; that essentially similar requirements as education, experience, ability and other qualifications are required of the incumbents; that similar tests of fitness may be used to choose qualified employees; and that similar schedules of compensation can be made to apply with equity.
- 5.2.2 Classification Series. A classification series consists of two or more classes with duties similar in nature but differing in level of difficulty, responsibility, supervision, entrance qualifications and compensation. Positions in a classification series are typically arranged in a normal line of progression, such as Deputy Sheriff, Sergeant, Lieutenant. Positions in a classification series are distinguished by recruiting requirements, required knowledge, skills and abilities, types of specialized or specific work or occupation, and may be distinguished by classification title.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 5 - THE CLASSIFICATION PLAN (continued)

Section 5.2 Composition of the Classification Plan: (continued)

- 5.2.3 Classification Descriptions. The Classification Plan shall consist of classification descriptions which are the official description of the representative and essential job duties, responsibilities and supervisory relationships of a classification. The descriptions of the classifications in the Classification Plan and their various parts shall be used as a guide in the classification of positions, consist of the following and have the following force and effect:
- A. Interpretation of Classification Descriptions. The content of any classification description is intended to be descriptive rather than restrictive. Classification descriptions shall be liberally construed as a general description of work characteristics of similar positions properly allocated to that classification, and not as prescribing what the duties of any individual position shall be. The use of specific expressions should not be interpreted in such a way as to preclude other related requirements which are similar in kind or quality, nor are others excluded which are consistent with the overall classification concept but are not specifically mentioned. An example of a typical task, or combination of two or more examples, shall not be taken, without relationship to all parts of the description, as determining a position should be included within a classification.
 - B. Classification Description Content. The classification description shall set forth for each Classified Service classification: a title; general function; essential job functions; knowledge, abilities and skills essential for satisfactory performance in the classification, supervisory relationships, physical requirements and working conditions, and requirements or qualifications for employment. Descriptions should highlight those aspects of a classification which are significant for classification purposes. Classification descriptions describe the concept and nature of the classification as a whole and are not meant to describe any specific position in detail.
 - C. Qualifications to Apply. Minimum requirements to apply, special requirements or qualifications and standards required for positions in the Classified Service shall be noted on each classification description. Pierce County Sheriff's Department standards for the Classified Service not noted on the classification description are subject to the review, interpretation and concurrence of the Commission or the Chief Examiner, when such standards have the effect of disqualifying candidates from the hiring process or having any other adverse effect on the candidate.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 5 - THE CLASSIFICATION PLAN (continued)

Section 5.2 Composition of the Classification Plan: (continued)

5.2.3 Classification Descriptions. (continued)

D. In the absence of a written classification description, the examination announcement may serve as the written classification description for a limited period of time.

5.2.4 Classification Titles. Classification 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.

Section 5.3 Classification of Positions: In determining the classification to which any position should be assigned, the classification description shall be considered as a whole. When assigning a position to a classification, consideration shall be given to the general duties, specific tasks, the responsibility and difficulty level, required and desirable qualifications for such position, and its relationship to other classifications.

5.3.1 Positions shall be assigned to a given classification when:

- The same descriptive title may be used to designate each position in the classification;
- The duties and responsibilities of positions are similar in scope, purpose and nature of work;
- The same level of education, experience, knowledge, ability and other qualifications may be required of incumbents; and
- Similar measurements may be used to evaluate and select incumbents.

5.3.2 All classifications involving the same character of work but differing in level of difficulty, responsibility, supervision, entrance qualifications and compensation shall, when appropriate, be assembled into a classification series.

5.3.3 Compensation shall not be a factor in determining the classification of any position, nor shall the standing or performance of any individual position incumbent.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 5 - THE CLASSIFICATION PLAN (continued)

Section 5.4 Use of Classification Plan: The Classification Plan shall be used:

- A. As the established and approved classifications to be used in making appointments and assigning duties within the Sheriff's Department.
- B. To prepare public announcements of examinations or position vacancies.
- C. As a guide to determine and prepare examinations which may be used to evaluate the qualifications, skills, knowledge and abilities of applicants for work in a specific classification.
- D. To establish qualification requirements for the classification.
- E. To determine promotional sequences.
- F. To provide uniform job terminology which is clearly understandable to County officers, employees and the general public.
- G. To determine and establish appropriate employment registers from which candidates may be certified to fill position vacancies.

Section 5.5 Administration of the Classification Plan: The Chief Examiner is charged with responsibility for the proper and continuous administration and maintenance of the Classification Plan so that it will reflect on a current basis the duties being performed by each employee in the Classified Service and the appropriate assignment of each position to a classification. The recommendations of the Appointing Authority shall be given due consideration in all classification actions.

The Chief Examiner shall recommend to the Civil Service Commission necessary amendments to the Classification Plan in the form of new classifications, revisions to classification requirements and/or qualifications, or substantive changes to duties and essential functions of existing classifications and the abolishment of classifications no longer required in the Plan. Routine changes to classification descriptions intended to update existing verbiage or correct errors may be made by the Chief Examiner. Upon the Civil Service Commission's approval of the establishment of a new classification or the abolishment of an existing classification, the Human Resources Director or designee shall be notified in order that appropriate action may, at the Human Resources Director's discretion, be taken in regard to compensation for the classification involved. Position assignments to appropriate classifications within the Classification Plan shall be made as follows:

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 5 – THE CLASSIFICATION PLAN (continued)

Section 5.5 Administration of the Classification Plan: (continued)

- A. Classification of New Position. The Chief Examiner shall study the duties and responsibilities of each new position as it is created and on the basis of this study, place the position in the appropriate classification within the Classification Plan for the duties performed.
- B. Reclassification of Existing Position. 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 the duties and responsibilities of a position have substantially changed to the extent that the preponderance of the work is no longer representative of the assigned classification, the changes are determined to significantly modify the level of responsibility and accountability and are the continuous principal work assignment, the Chief Examiner shall place such position in its appropriate classification. Reclassification of a position shall be based on the gradual accretion of new duties and responsibilities. If criteria as set forth in these Rules for reclassification to a position having a higher maximum salary is not met, a competitive examination to fill the new classification will be required and a register established.
- C. Maintenance of Classification Plan. The Chief Examiner shall periodically review the classification of positions, and upon the basis of that investigation, make appropriate changes in classification or recommend changes in the Classification Plan. Budgetary implications of classification changes are subject to the approval of designated County officials.

Section 5.6 Effect of Classification Changes on Incumbents:

- A. Reclassification will normally be effective on the first day of a pay period following the date the completed and signed position description questionnaire is received in the Human Resources/Civil Service office.
- B. Whenever the classification description title is changed without a corresponding change in salary range, an incumbent will not be required to be re-qualified, no new probationary period will be served and the periodic increment date shall not be changed.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 5 - THE CLASSIFICATION PLAN (continued)

Section 5.6 Effect of Classification Changes on Incumbents: (continued)

- C. Whenever a position is reclassified from one classification to another classification having a higher salary range maximum because of a gradual accretion of higher level duties which have become the continuous and principal work assignment, the incumbent may be reclassified with the position and be allowed to continue in the position. In order for the current incumbent to be considered for reclassification with the position under the provisions of this subsection, the following criteria must be satisfied:
1. The changes in position duties have occurred due to an unanticipated change in service demands, business operations or re-organization.
 2. The reason for the reclassification is the gradual accretion of new duties and responsibilities.
 3. The higher level duties and responsibilities are a preponderance of the work being performed.
 4. The position incumbent has successfully performed the higher level duties for a minimum of six (6) continuous months.
 5. 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.
 6. The 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.
 7. The incumbent must meet the minimum qualifications of the higher level classification.
- D. When a position is reclassified to a higher level classification because of any condition other than as specified in B or C 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.
- E. In the event the incumbent fails to meet the minimum qualifications pursuant to C.7. above, 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 10.2, Layoff.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 5 - THE CLASSIFICATION PLAN (continued)

Section 5.6 Effect of Classification Changes on Incumbents: (continued)

- F. Whenever a position is reclassified from one classification to a classification having a lower salary range maximum, the incumbent may, if qualified, be:
1. Transferred to a vacant position for which they are qualified within their current classification; or
 2. Voluntarily demoted with the position without further examination and the employee's name shall be placed on the appropriate re-employment list, without limitation of time, for the higher class in which the employee holds regular Civil Service status; and/or
 3. In the event of layoff, afforded placement on re-employment/re-appointment registers as provided under Rule 10.2, Layoff.

Section 5.7 Reclassification Appeals: The Appointing Authority or any employee who believes his/her position has been improperly reclassified or whose reclassification request is denied may appeal to the Civil Service Commission within ten (10) business days of the notification date of the action. Such appeals shall be in writing and 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 Civil Service Commission, under this provision, which classifies a position to a different classification in the Classification Plan as a result of appeal shall be retroactive to the first day of the pay period following the date the appeal was filed.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 6 - RECRUITMENT AND APPLICATIONS

Section 6.1 Announcement of Examinations: Examination announcements shall include:

- A. The classification title.
- B. The rate of pay.
- C. The essential duties and responsibilities of the classification.
- D. Education and/or experience required or any other desirable qualifications.
- E. Any special requirements, e.g., physical examination including urinalysis for controlled substances, Sheriff's Department background investigation, credit check, criminal history check, behavioral assessment, polygraph examination, driver's license, licenses and certifications, or other requirement.
- F. The location and last date to file applications, provided that announcements may be open continuously or may be determined to be "open until filled" at the discretion of the Chief Examiner.

6.1.1 Open Competitive Examinations. Public announcement of open competitive examinations shall be conducted in a manner which will attract a sufficient number of qualified applicants for at least ten (10) business days in advance of the last date to file applications. The announcement shall be posted on the Pierce County Human Resources website for at least ten (10) business days. **(Rev. 11/12/19)**

6.1.2 Promotional Examinations. 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. Promotional examination announcements shall be posted in the Human Resources Office/Civil Service Office, and on Sheriff's Department employee bulletin boards determined by the Department to be the most accessible to employees in order to maximize notification of qualified and interested employees. Posting on employee bulletin boards is the responsibility of the Sheriff's Department. Public notice is not required for promotional examinations open only to current Sheriff's Department employees.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 6 – RECRUITMENT AND APPLICATIONS (continued)

Section 6.2 Application Forms: (REVISED 5/7/13) Application must be made on a Pierce County, Civil Service Commission or approved outside vendor employment application bearing the original signature of the applicant or, if approved by the Chief Examiner, by resume of the applicant if such resume substantially provides the information sought by the employment application and is accompanied by a transmittal device bearing the original signature of the applicant. Photo copies, fax copies and other electronically transmitted or received applications may be accepted and considered to contain the original signature and affidavit of the applicant.

All applications, photo copies, fax copies or electronically transmitted applications submitted for Pierce County employment must contain a statement attesting, under the penalty of perjury, to the truthfulness of the application and a release of liability to conduct reference checks and other background investigations, if required.

Section 6.3 Filing of Applications: All applications shall be completed and filed as required in the recruitment announcement within the published closing date for filing.

- 6.3.1 Change of Address and Phone Number. Applicants are responsible to notify the Chief Examiner of address or telephone number changes.
- 6.3.2 Qualifications Evidence. Applicants may be required to provide documentary evidence of qualifications listed on their applications.
- 6.3.3 Applications Not Returned. (REVISED 5/7/13) Applications, supplemental questionnaires, résumés', or other materials submitted by the applicant for consideration become the property of the County or approved outside vendor and, whether accepted or rejected, will not be returned. A record of each recruitment and examination process indicating the status of the applicants will be kept by the Human Resources Department or approved outside vendor for the length of time specified by state law or other applicable regulations.
- 6.3.4 Applications Confidential. No information regarding applicants shall be made public unless required by state, federal or local law or statute.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 6 – RECRUITMENT AND APPLICATIONS (continued)

Section 6.4 General Requirements for Filing of Applications:

- A. Every person making application must meet the minimum requirements to apply, special requirements or qualifications and standards as shown in the announcement of examination for the particular position for which the person is applying as of the closing date of the application filing period.
- B. The Civil Service Commission may prescribe such limits of age and such other specific requirements, physical or otherwise, as in their judgment are required by the nature of the work to be performed.
- C. An applicant for a position of any kind under Civil Service under the provisions of this chapter, must be a citizen of the United States or a lawful permanent resident who can read and write the English language as required by RCW 41.14.100. **(Rev. 6/12/18)**

Section 6.5 Rejection of Application: The Chief Examiner may reject any application or refuse to admit an applicant to an examination, or after examination may disqualify an applicant or remove an applicant's name from an employment register for reasons consistent with, but not limited to, the following:

- A. The applicant is found to lack any of the minimum requirements to apply, special requirements or qualifications and standards for the position.
- B. The applicant, with or without reasonable accommodation, is unable to perform the essential functions of the classification as determined by a competent medical authority or refuses to submit to a required examination.
- C. The applicant has been convicted of any felony or a misdemeanor involving moral turpitude, has been guilty of a crime or of infamous or disgraceful conduct, or has been dismissed from previous employment for delinquency or misconduct.
- D. The applicant has made false statement(s) or willful misrepresentation or omission on the application or during any phase of the selection process.
- E. The applicant was previously in the Classified Service in the same or any other type of employment and was removed for cause, was terminated during the probationary period or did not resign in good standing within one (1) year of making application.
- F. The applicant, after notification, did not promptly appear at the time and place designated for the examination.
- G. The applicant has been removed from a Civil Service employment register within one (1) year of the job close date.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 6 – RECRUITMENT AND APPLICATIONS (continued)

Section 6.5 Rejection of Application: (continued)

- H. The applicant has used or attempted to use political pressure or bribery to secure advantage in the selection process.
- I. The applicant has directly or indirectly obtained information regarding the examination to which the applicant was not entitled.
- J. The applicant has failed to submit a complete and correct application or the application is not submitted within the prescribed time limits.
- K. The applicant has participated in the compilation, administration, or correcting of the examination for which the applicant has applied.
- L. The applicant has otherwise violated any provision of these Rules.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS

Section 7.1 Examinations Shall Be Impartial: All examinations shall be 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. Examinations may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness or any other published qualifications or attributes which, in the judgment of the Civil Service Commission, enter into the determination of the relative fitness of applicants.

Section 7.2 Examination Fees: (REVISED 5/7/13) All applicants for open competitive examinations administered by Civil Service staff shall pay a non-refundable examination fee not more than the estimated pro rata cost of purchase or rental of such examination, inclusive of postage, handling, scoring and other support services, prior to admittance to such examination; examination fees are waived for active military duty personnel, upon providing proof of current active military service. No examination fee shall be charged for any examination developed or prepared by the Chief Examiner or employees of Pierce County representing the Commission or Pierce County. The Chief Examiner may waive payment of the examination fee for indigent applicants who are able to demonstrate their indigence in accordance with the written procedures established by the Chief Examiner.

Section 7.3 Postponement or Cancellation of Examinations: (REVISED 5/7/13) Any examination may be postponed or cancelled at the discretion of the Civil Service Commission or Chief Examiner. Approved outside vendors may postpone or cancel only those examinations they are administering. In either case, each applicant shall be notified of the postponement or cancellation.

Section 7.4 Identity of Examinees Concealed: The identity of all persons taking a competitive promotional written examination shall be concealed from the examiners by use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until all examination papers have been rated. Any papers improperly carrying the name of the applicant, or any other identification mark, or any candidate who reveals his/or her identification number to the Chief Examiner or any member of the Examiner's staff, directly or indirectly, shall be disqualified and the candidate so notified.

Open competitive examination papers that are scored electronically, or are completed by using an electronic or computer keyboard, or are experience and training assessments, are exempt from this Rule.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 – EXAMINATIONS (continued)

Section 7.5 Improper Conduct at Examination: The Chief Examiner or designated Examination Administrator may disqualify an applicant who the administrator has reason to suspect of improper conduct during the course of an examination. The Chief Examiner or Examination Administrator shall refuse to allow such disqualified applicant to continue, gather the test material from the applicant and order the applicant to leave the premises.

Section 7.6 Examination Defined: Examinations may consist of one or any combination of the following forms of competition:

- Written examination
- Structured oral examination
- Oral interview examination
- Evaluation of education, training and experience
- Performance of tasks required
- Assessment centers
- Any other valid method of examination

Examinations may include a variety of rating factors used to evaluate and select candidates for employment.

Section 7.7 Rating Examinations: (REVISED 5/7/13) Appropriate scientific techniques and procedures shall be used in rating results of examinations and in determining the relative ranking of the candidates. Examination grades shall be expressed on a scale of 100 for maximum possible attainment. When score computation results in other than a whole number (i.e. 99.99), the score will be carried to two decimal places. For entry level and lateral examinations, scores will be rounded, and for promotional examinations, scores will not be rounded up or down.

7.7.1 An evaluation of education, experience and training may substitute for a written examination for open competitive positions only. Specific points will be allowed for each area with a total score of one hundred (100) possible. All other computations will be consistent with scoring methods as provided in this Rule.

7.7.2 With respect to the scoring of promotional examinations, see specific collective bargaining agreement language, where applicable.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.7 Rating Examinations (continued)

- 7.7.3 Unless otherwise provided by a collective bargaining agreement, if the number of candidates for promotion exceeds the practical number which can be fully evaluated through the selected testing method(s), a preliminary written examination may be given to qualify a manageable number of candidates for more extensive testing.
- 7.7.4 Unless otherwise provided by a collective bargaining agreement, all candidates receiving a grade of 70% or above on the written examination shall advance to the remaining portions of the examination. No candidate receiving a grade below 70% on the written examination will advance to the remaining portions of the examination.
- 7.7.5 The Assessment Center Testing method, as that term is defined by the Guidelines and Ethical Considerations for Assessment Center Operations, as most recently endorsed by the International Congress on Assessment Center Methods, shall be considered a performance examination and, as such, shall not be subject to the percentage limitation applied to oral interview examination. Assessment Center scores shall be represented on a scale of 0 to 100, with no failing grade.
- 7.7.6 Oral interview tests shall not be weighted more than 25% of the total test score for open-competitive examinations and 40% for promotional examinations, except for Sergeant and Detective. Where a written multiple-choice examination is part of the promotional examination for Sergeant and Detective, the written examination and oral interview board or structured oral examination shall be of equal value, each at 50% of the final score. In the case of promotional examinations, service credit shall be in addition to the passing grade.

Section 7.8 Minimum Grades: Any candidate who fails to attain at least a minimum grade of 70% on each section shall be considered to have failed the examination and shall not be examined on any further parts, if any are planned, unless otherwise noted for specific examinations as provided by these Rules or collective bargaining agreements.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.9 Veteran's Scoring Criteria: In accordance with RCW 41.04.010 (See Appendix C), applicants who meet the definition of "veteran", as defined in RCW 41.04.007 (See Appendix C), and claim veteran's status, will receive veteran's scoring criteria. Veteran's scoring criteria is added to the total passing score in accordance with the following:

- A. Ten percent (10%) to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 (See Appendix C) and is not receiving military retirement.
- B. Five percent (5%) to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 (See Appendix C) or is receiving military retirement.
- C. Five percent (5%) to a veteran who was called to active military service from employment with the Sheriff's Department for promotional examinations until the first promotion only.
- D. All veterans' scoring criteria specified above may be claimed:
 - (a) Upon release from active military service with an honorable discharge or a discharge for medical reasons with an honorable record, where applicable; or
 - (b) Upon receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable.

(Rev. 6/12/18)

7.9.1 Return from Active Military Service - Promotional Opportunities. All provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) with regard to testing and promotional opportunities upon return from active military service shall apply.

Section 7.10 Promotional Examinations: Vacancies in positions above entry-level in the Classified Service shall be filled by the promotion of employees in the Classified Service in classifications indicated as "promotional" in Appendix B, the Classification Plan for Classified Positions. "Employees in the Classified Service" includes employees who have been appointed to unclassified, exempt positions within the Department, who previously held regular status in a classified position in the service.

7.10.1 Promotional Eligibility. To be eligible for promotional examinations, employees must meet the prior service requirements as illustrated in Appendix B, the Classification Plan for Classified Positions. In addition to the prior service requirement, the Civil Service Commission may prescribe other reasonable requirements for the entrance to promotional examinations and shall publish all such requirements in the announcement of such examination.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.10 Promotional Examinations: (continued)

7.10.2 Good Standing. To be eligible for promotional examination, employees must be in good standing in the Department as of the closing date of the promotional examination announcement. Good standing requires:

- A. that the employee is not currently serving, and/or has not had an interruption in service caused by, disciplinary suspension for one year prior to the closing date of the promotional announcement.
- B. that the employee does not have a period of deferred suspension in effect.
- C. that the employee does not have a work contract in effect as a result of disciplinary action.

7.10.3 Prior Service Requirement. The prior service requirement, as illustrated in Appendix B, Classification Plan for Classified Positions, must be satisfied on or prior to the closing date of the promotional exam announcement. Service in a higher classified position or a higher exempt appointive position with the Department may be substituted for the required prior service in the lower classification or classifications, with the exception that there is no substituted service credit if the probationary period in the lower classification has not been completed. Prior service will be computed as shown in the following examples: (Examples shown denote a Sergeant qualifying for promotion to Lieutenant)

Example A: Position: Sergeant

Probationary Period: Complete prior to closing date of exam announcement

Time in Unclassified Position: 2 years

Qualifying Service as Sergeant for promotion: 3 years
(1 probationary year + 2 years in unclassified position)

Prior Service Satisfied: Yes

Example B: Position: Sergeant

Probationary Period: Not completed before appointment to unclassified position

Time in Unclassified Position: 3 years

Qualifying Service as Sergeant for promotion: None

Prior Service Satisfied: No

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.10 Promotional Examinations: (continued)

- 7.10.3 Prior Service Requirement (continued). In Example B, should the employee return to the Classified Service from the Unclassified Service appointment and completes the probationary period as Sergeant, the employee will receive credit for the probationary year when applying for future promotion.
- 7.10.4 Service Credit in Promotional Examination. Regular employees in the Classified Service who receive a passing grade on examinations for promotional appointment in the Classified Service shall have a credit for continuous service added to such grade.

Service credit shall be computed in the following manner: One-fourth of one point shall be added for each full year of continuous service, up to a maximum of five (5) points, as a regular employee in the Classified Service. Upon return to employment from approved military duty, service credit for promotional examination purposes shall include time spent on approved military duty, as if continuously employed, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other applicable laws. Service credit shall be computed up to the closing date of the promotional announcement.

Section 7.11 Review of Examination Materials:

- 7.11.1 Open competitive applicants may, upon request, personally inspect the applicant's own examination answer sheet in the presence of the Chief Examiner or designee, within ten (10) business days after certification of the employment register resulting from the examination. An error in grading or ranking, if called to the attention of the Chief Examiner within the inspection period, shall be corrected. Tests and answer keys for copyrighted or purchased examinations are not available for review.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.11 Review of Examination Materials: (continued)

7.11.2 Where the nature of the examination permits, the Chief Examiner shall, upon request, permit the promotional candidate to review that candidate's test answers, the test questions and the answer key. Answer keys for copyrighted examinations are not available for review except as noted in collective bargaining agreements. No notes may be made by the candidate.

A review of the examination by a promotional candidate shall be requested within ten (10) business days immediately following the examination unless otherwise provided by other timelines in collective bargaining agreements. During this period, any promotional candidate may review the candidate's own test materials in the presence of the Chief Examiner or the Examiner's authorized representative and discuss any answers to which the candidate takes exception.

Should a promotional candidate, after such review and discussion, wish to challenge any answer contained in the answer key, the candidate shall submit to the Chief Examiner, within an additional five (5) business day period, in writing, authoritative proof of the validity of such claim. All such written challenges shall be considered by the Chief Examiner. If the Chief Examiner is satisfied as to the validity of such proposed changes, they shall be made a part of the examination answer key. The original examination answer key, together with any changes, shall constitute the final answer key. No further requests for changes in the examination answer key will be considered following determination of the final answer key. The final examination answer key shall be used in scoring all examination papers.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.12 Failure to Pass Promotional Examination: An applicant failing any phase of the promotional examination process may, upon request, inspect the applicant's own examination papers within ten (10) business days of the date of the notice of failure to pass that phase of the examination unless otherwise provided by other timelines in collective bargaining agreements. An error in grading or ranking, if called to the attention of the Chief Examiner within the inspection period, shall be corrected.

Section 7.13 Notification of Examination Results: (REVISED 5/7/13) Each applicant taking the examination shall be given written or electronic notice of the results thereof, and if successful, of the applicant's own final score and relative ranking on the employment register. Until all phases of the examination process administered by Civil Service staff are completed, passing scores will be kept confidential, and individual passing scores will not be released until the employment register is completed.

Section 7.14 Medical Examinations for Open-Competitive Applicants: Applicants for open-competitive positions in the Classified Service may be required to satisfactorily complete a medical examination including controlled substance screening, and/or psychological examination prior to actual employment to determine physical and mental fitness to perform work in the appointed position. Medical and/or psychological examinations may only be required after a conditional offer of employment has been made, and appointment is contingent upon satisfactory completion of required examinations.

Where an applicant for an open competitive position in the Classified Service is reported by the examining physician or other health care professional to be unable to perform the essential functions, the applicant does not meet the minimum medical standards provided to the physician, and/or or does not meet the physical and mental requirements of the position, it shall be determined if such applicant is able to perform the essential functions of the position in question, with or without reasonable accommodation. If accommodation can be made for the applicant to perform the essential functions and/or meet medical standards, or meet physical and mental requirements of the position, the Chief Examiner will notify the candidate of the accommodation and conditions of employment, if any.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.14 Medical Examinations for Open-Competitive Applicants: (continued)

If accommodation cannot be made for the applicant to perform the essential functions, meet medical standards, and/or meet physical and mental requirements of the position, the conditional offer will be rescinded and the Chief Examiner will notify the applicant. The applicant shall have a period of three (3) business days from the date of notification by the Chief Examiner of the withdrawal of the conditional offer to request, in writing, that the Chief Examiner consider the opinion of an examining physician chosen by the applicant. The cost of the examination and physician's opinion requested by the applicant shall be borne by the applicant. The Appointing Authority may elect to require a third opinion of a physician or other health care provider prior to making a final determination. The cost of an examination and physician's opinion required by the Appointing Authority shall be borne by the Appointing Authority.

The determination by the Chief Examiner as to the physical or mental fitness of the applicant to perform the duties of the position, after considering all written opinions provided by all examining physician(s), shall be based solely upon the existence of the medical condition(s) as indicated by the physician's opinion(s) and whether the medical condition(s) are disqualifying pursuant to the medical, physical and psychological standards currently in use by the Chief Examiner.

Applicants are required to participate in any medical examinations deemed necessary by the Chief Examiner to assess their ability to perform the essential functions with or without reasonable accommodation.

Section 7.15 Fitness for Duty Examination – Current Employees: (REVISED 9/11/07) An employee may be required by the Appointing Authority to undergo a medical and/or psychological examination if the Appointing Authority has cause to question the employee's physical and/or mental fitness to perform assigned duties. The Appointing Authority is responsible to determine when a fitness for duty examination is necessary and to schedule the examination within a reasonable time period of that determination. 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. The employee shall be notified in writing of the specific reasons for requiring the fitness for duty examination.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.15 Fitness for Duty Examination – Current Employees: (continued)

If an employee objects to such an examination, the employee may request review of the Department's decision by the Civil Service Commission, who shall consider the totality of the circumstances to determine whether the employee will be required to submit to such examination.

The employee shall be notified in writing of the physician's determination of whether or not the employee is able to perform the duties of the assigned classification and the reasons cited by the physician for that determination. If the Appointing Authority determines that the employee is unable 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. The opinion of the physician or other health care professional 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. The Appointing Authority may elect to require a third opinion of a physician or other health care provider prior to making a final determination. The cost of an examination and physician's opinion required by the Appointing Authority shall be borne by the Appointing Authority.

An employee who is determined by the Appointing Authority to be physically and/or mentally unfit for service shall be transferred, demoted or separated from the Classified Service in accordance with these Rules, related County policies and state or federal laws. The employee may appeal the Appointing Authority's decision to the Civil Service Commission, in accordance with Civil Service Rule 10.4, Removal, Suspension, Demotion-Procedure-Appeal.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 7 - EXAMINATIONS (continued)

Section 7.15 Fitness for Duty Examination – Current Employees: (continued)

Application of this Rule shall comply with the provisions of the Washington State Laws Against Discrimination, the Americans with Disabilities Act, HIPAA and Pierce County Administrative Guidelines regarding Equal Employment Opportunity.

All medical records obtained by the Appointing Authority or Civil Service Commission are confidential and will be stored in separate medical files in a secure, locked location. Medical reports, records or information may be released to employees as allowable under applicable state or federal laws regarding access to medical information.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 8 - EMPLOYMENT REGISTERS

Section 8.1 Establishment of Employment Registers: The Chief Examiner shall establish and maintain employment registers for the various classifications of positions as necessary to meet the needs of the Classified Service. Employment registers will be established through testing for relative qualifications for the position as specified in the Classification Plan. Candidates receiving a passing score on an examination shall be ranked in order of their final score on the proper employment register and notified of their score and ranking.

8.1.1 Employment registers may be established in any of the following categories:

A. Re-employment/re-appointment registers (Rule of 1)

B. Promotional registers (Rule of 5)

For promotion to Correctional Sergeant and Correctional Lieutenant the Rule of 3 will be used.

C. Open competitive registers (Rule of 5)

D. Open competitive/lateral entry registers (Rule of 5)

(Revised 11/10/2020)

Section 8.2 Re-employment/Re-appointment Registers: A re-employment/re-appointment register shall be established by classification as a result of separation from the Classified Service due to layoff, demotion in lieu of lay-off, or when notice of intended lay-off has been given.

Placement on a re-employment/re-appointment register shall begin on the date of notice of intent to layoff, demotion in lieu of layoff, or separation from employment due to layoff. The individuals on the re-employment/re-appointment registers shall be ranked in order of seniority based on the classification held at the time of separation, notice of intent to layoff, or demotion.

Individuals on the re-employment/re-appointment registers will be referred using the Rule of 1, based on seniority. Where seniority is equal, it shall be established by rank on the employment register from which the employee was appointed to the current classification, or in accordance with collective bargaining agreement provisions.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 8 - EMPLOYMENT REGISTERS (continued)

Section 8.3 Promotional Registers: Employment registers for promotion within the Classified Service will be established for those positions noted in the classification plan that require previous experience in the Classified Service and are not open competitive.

8.3.1 Unclassified Position Rights for Promotion.

- A. Any classified employee may accept an appointment to an unclassified position within the Sheriff's Department and maintain his/her relative position on a promotional register for the duration of that register. The employee must make written application to remain on the applicable promotional register(s) within five (5) business days from the effective date of the appointment to the unclassified position.
- B. Any person from the Classified Service serving in an unclassified appointive or elective capacity within the Sheriff's Department may apply for and compete in any promotional examination for which that person qualifies. If successful, the employee shall, during the duration of that register, retain the employee's relative position on the promotional register, or upon written application, the employee may, during the duration of that register, hold that position on the promotional register, while waiving appointment to the higher or equal classified position.

8.3.2 Good Standing While on Promotional Register.

- A. An employee must be in good standing in the Department at the time the employee's name is placed on the promotional register and must remain in good standing in the Department up to and including the date of the employee's actual selection for promotion. An employee who is not in good standing will not be placed on the promotional register; similarly, an employee who fails to maintain good standing in the Department shall be removed from the promotional register.
- B. Good standing requires that an employee is not currently serving, and/or has not had an interruption in service caused by disciplinary suspension for one year.
- C. Eligibility on the promotional register shall be suspended for the period of time that an employee is serving a period of deferred suspension and/or is working under a work contract due to disciplinary action.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 8 - EMPLOYMENT REGISTERS (continued)

Section 8.4 Lateral Entry Employment Registers: Lateral entry registers shall contain the names of candidates who are required to be currently employed in like classification and meet specific experience qualifications as specified on the classification description. The lateral entry register will be established through open competitive examination.

For each position requested to be filled by lateral entry, five (5) names will be referred to the Appointing Authority from the established lateral entry register consistent with the Rule of 5 and in accordance with Rule 9.1.1, Priority of Employment Registers.

(Revised 11/10/2020)

Section 8.5 Continuous Testing and Merging of Open Competitive Registers: A continuous or periodic examination may be ordered and administered by the Chief Examiner for any examination other than promotional.

The Chief Examiner may authorize the merging of an open competitive register which has not yet expired with a subsequent open competitive register when the selection processes used to create the registers are the same or substantially similar in content, design and scoring standards and when there exists a reasonable basis for comparing the performance of applicants in both. The registers shall be merged as follows:

- A. The names of candidates may remain active on the merged register for up to one (1) year after placement on the original register unless the candidate elects to participate in a subsequent examination for the same classification.
- B. Names of candidates qualified in subsequent examinations may remain on the register for up to one (1) year after the date of placement on the merged register.
- C. The names of persons who attain a passing score in subsequent examinations shall be merged on the existing register in the order of their final scores.
- D. Candidates entered on the original register may compete in subsequent examinations provided that the scores earned in the subsequent examination shall be used for the ranking of the candidates on the merged register.

Section 8.6 Tie Scores: Ties in employment register scores shall be resolved in open competitive entrance examinations by lot and in promotional examinations by seniority.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 8 - EMPLOYMENT REGISTERS (continued)

Section 8.7 Duration of Registers: Employment registers will remain effective and candidate eligibility will expire as noted below:

- Re-employment/Re-appointment Register. There is no limitation on the eligibility of candidates or length of time a re-employment/re-appointment register is effective.
- Promotional Register. The term of eligibility of each promotional register and of the names appearing thereon shall be two (2) years.
- Open-competitive Register. The names of candidates shall not remain on an open competitive employment register for more than twelve (12) consecutive calendar months. However, names of candidates may remain on the register for more than twelve (12) consecutive calendar months if the life of the register is extended by action of the Commission or by the merging of eligible registers in accordance with Section 8.5, Continuous Testing and Merging of Open Competitive Registers.
- Open competitive/Lateral Entry Register. A lateral entry register may be established for a definite or indefinite period of time, as determined by the Chief Examiner to meet the needs of Civil Service; however, individual names shall not remain on the register for more than two (2) years.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 8 - EMPLOYMENT REGISTERS (continued)

Section 8.8 Removal from Employment Register: The Chief Examiner may at any time remove the name of a candidate from an employment register upon giving written notice to the candidate, including any appeal rights and procedures, for any of the following reasons:

- A. The candidate refuses to submit to a required examination or is unable to perform the essential functions of the classification, with or without reasonable accommodation, as determined by a competent medical authority.
- B. Upon receipt of proof of fraudulent conduct, bad character, conviction of a felony or a misdemeanor involving moral turpitude, or any other act or condition which, in the judgment of the Chief Examiner, is sufficient to demonstrate the candidate as unsuitable to be employed with the Sheriff's Department.
- C. Failure to satisfactorily complete any phase of the Appointing Authority's background investigation including, but not limited to, polygraph, psychological profile, employment check, neighborhood check, credit check and medical examination. Such failure shall be documented by the Appointing Authority to the Chief Examiner prior to removal from the register.
- D. Referral and consideration of the eligible candidate for the same classification three (3) times without being appointed, except for those candidates on promotional registers, who shall not be removed if referred and not appointed.
- E. Upon the refusal by a candidate of an offer of employment.
- F. Failure to appear for a scheduled interview or any other required phase of the selection process.
- G. Failure to appear as scheduled after accepting an offer of employment, without proper notice to the Appointing Authority.
- H. The candidate cannot be located despite reasonable efforts to contact at the address or telephone number on file in the Civil Service Office.
- I. The candidate has requested removal in writing.
- J. The candidate has made a false statement, misrepresentation or omission on the employment application, or during any phase of the selection process.
- K. For cause as determined by the Civil Service Commission.
- L. Regular appointment to a budgeted position through certification from an employment register for another classification at the same or higher salary.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 8 - EMPLOYMENT REGISTERS (continued)

Section 8.8 Removal from Employment Register: (continued)

8.8.1 Separation from the Classified Service will terminate any promotional eligibility and the promotional candidate will be removed from the register. Acceptance of a position in the Unclassified Service will not constitute separation from the Classified Service.

8.8.2 A candidate on a certified re-employment/re-appointment register, who refuses to accept re-employment/re-appointment in a regular position in accordance with these Rules, will be removed from the re-employment/re-appointment register.

Section 8.9 Restoration of Names to Employment Registers: Whenever any person's name is removed from an employment register for any of the causes mentioned in the preceding section, that person shall immediately be notified of the removal from the register and the reason for the removal. Such person may, within ten (10) business days from date of removal, make a written request to the Chief Examiner to restore his/her name to such register for the duration of the register. The Chief Examiner, after full consideration of the request, may restore the name to the employment register or may refuse such request. The person shall be notified of the Chief Examiner's action.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 - APPOINTMENTS

Section 9.1 General Provisions: Vacancies in the Classified Service shall be filled through re-employment, re-appointment, promotional, probationary, provisional, temporary or emergency appointment, or demotion. 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 classification or appropriate employment register.

9.1.1 **Priority of Employment Registers.** When vacancies are to be filled by appointment from employment registers, the registers shall be used in the following priority order:

1. By appointment of candidates from re-employment or re-appointment registers (Rule of 5).
2. By appointment of candidates from promotional lists (Rule of 5). The promotional list for Deputy Sheriff may be used in conjunction with the open competitive and lateral registers. (Revised: 11/8/05) The Rule of 3 will be used for promotions to Correctional Sergeant and Correctional Lieutenant.
3. By appointment of candidates from open competitive registers (Rule of 5) or by appointment from a lateral entry register at the option of the appointing authority. (Revised 11/8/05)
(Revised 11/10/2020)

Section 9.2 Requisitions for Referral from Register: Whenever the Appointing Authority wishes to fill a vacancy in the Classified Service, a written request shall be made to the Chief Examiner stating the number of positions to be filled together with the classification titles of the vacant positions and any other information the Chief Examiner may require.

Section 9.3 Referral of Names from a Certified Employment Register: Upon receipt of a written requisition from the Appointing Authority, the Chief Examiner shall refer from a certified register the names of the five (5) persons highest on the employment register for the classification, provided no re-employment/re-appointment register exists. For Correctional Sergeant and Correctional Lieutenant, the names of the three (3) persons highest on the employment registers will be referred for the classification, provided no re-employment/re-appointment register exists. In the event a re-employment/re-appointment register exists, the Chief Examiner shall refer one (1) name in order of inverse seniority prior to referring names from any other register.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.3 Referral of Names from a Certified Employment Register (continued)

If more than one vacancy is to be filled, one additional name shall be referred for each additional vacancy. The Appointing Authority shall forthwith appoint a person from those referred to the vacant position or positions.

(Revised 11/10/2020)

Section 9.4 Probationary Appointment: All appointments, excepting those made from re-employment or re-appointment registers, shall be probationary for a period of one (1) year after appointment or as extended. For the job classification of Deputy Sheriff, the probationary period shall commence on the date of hire and shall end (1) year after successful graduation of the Basic Law Enforcement Academy and/or any law enforcement equivalency academy. Deputy recruits will be sent to the academy based on their hire date seniority and/or rank order on the employment register (most senior being offered to go to the earliest available academy session). (Rev. 7/9/19)

Appointments made from re-employment or re-appointment registers shall be probationary for the period of probation remaining unserved at the time of layoff or demotion in lieu of layoff, except that, time spent in temporary step-ups or appointments while in a lower classification as a result of layoff will be credited to the probationary period.

The Appointing Authority shall make such periodic reports during the probationary period as the Chief Examiner requires and shall certify to the Chief Examiner, on the prescribed form, the name of each employee who satisfactorily completes the probationary period.

9.4.1 Probationary Period. The probationary period is a period of twelve (12) months (except for Deputy Sheriff, see Section 9.4 above) from the date of appointment that constitutes the final step of the competitive process for Civil Service employees and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to the position, and for rejecting any employee whose performance or adjustment is not satisfactory. (Rev.7/9/19)

9.4.2 Extension of Probationary Period. Any excessive loss of time during the probationary period such as leave of absence without pay or a layoff, disability leave, appointment to an unclassified position, military leave or demotion in lieu of layoff, shall extend the probationary period for a like amount of time. Minor absences due to vacations, annual military leave, illnesses, etc. shall not be construed as interrupting the probationary period unless an absence or

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

9.4.2 Extension of Probationary Period. (continued)

absences are considered to be excessive as determined by the Chief Examiner. The probationary period shall also be extended for a like amount of time in the event of 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.

The Appointing Authority may request up to a seven (7) accruable pay cycle extension of the probationary period. The request shall be submitted to the Civil Service Commission in writing prior to the end of the probationary period and shall indicate the reasons for the extension. If the requested extension is approved, the Appointing Authority shall notify the employee in writing of the extension and purpose of the extension.

All requests for extension of a probationary period must be approved by the Civil Service Commission.

9.4.3 Removal of Probationary Employee.

A. Grounds. The Appointing Authority may discharge any probationer and submit in writing to the Commission the reasons for the action. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission.

B. Rights Retained. A promotional probationer, unless discharged for cause, retains all civil service rights to the position from which appointed. The employee shall be reverted to a position in the classification from which the employee was promoted, provided that the employee held regular status in that classification.

Section 9.5 Provisional Appointment: In situations where an employment register is not available to fill a regularly funded vacant position, there is an urgency to fill or other special condition exists which prevents using the normal recruitment, examination and selection process, the Chief Examiner may authorize the Appointing Authority to make a provisional appointment, subject to the following conditions:

A. Prior to, or concurrent with selection of a provisional appointee, the Appointing Authority shall advertise the vacancy to insure that all qualified applicants under their purview are afforded ample opportunity to submit application for the vacancy. Upon completion of the above, the request to authorize the provisional appointment shall be submitted to the Chief Examiner for approval prior to the time the selected appointee reports to work. All such requests shall contain justification to support the action.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.5 Provisional Appointment: (continued)

- B. All persons appointed on a provisional basis must possess the qualifications for the position filled.
- C. Provisional appointments shall be used when an appropriate employment register does not exist or in unusual circumstances and shall not be allowed to substitute for or to circumvent the normal competitive selection process.
- D. No provisional appointment shall continue for more than four months; however, a provisional appointment may be extended if the Chief Examiner continues to advertise and test for the position. If, after one year from the date the initial provisional appointment was made, there are less than five persons on the eligible register for the class, the Appointing Authority may fill the position with any person or persons on the eligible register. (Revised 11/10/2020)
- E. No provisional appointment shall be continued for more than thirty (30) calendar days, after an appropriate employment register has been established.
- F. The appointee shall be advised in writing of the provisional status of the appointment.
- G. Provisional appointment of a current employee shall be made in accordance with collective bargaining agreement provisions, where applicable.

Section 9.6 Temporary Appointment: Within the limitation of the annual budget, temporary appointments may be made by the Appointing Authority as follows:

- A. Work performed in the absence of an employee on leave; or
- B. Extra work required at a work load peak or special projects, or cyclic work loads not to exceed one hundred and twenty (120) calendar days.
- C. Temporary appointees shall, insofar as practical, be taken from employment registers.
- D. All persons appointed on a temporary basis must possess the qualifications for the position filled.
- E. The appointee shall be advised in writing of the temporary status of the appointment.

Section 9.7 Emergency Appointment: Within the limitations of the annual budget, emergency appointments may be made by the Appointing Authority in cases of riot, conflagrations, or other emergency which threatens life, property or the general welfare of the County, but such appointments may not continue longer than a total of thirty (30) consecutive calendar days. Emergency appointees need not be taken from employment registers.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.8 Demotion for Physical or Medical Incapacity: When an employee becomes physically or medically incapacitated for the performance of the duties of his/her position, the employee may be given status and appointed to a vacant position, the duties of which the employee is able to perform, in a classification carrying a lower compensation without regard to previous status in the lower classification and without competitive process, when such action is as a result of reasonable accommodation in compliance with the Americans With Disabilities Act (ADA) and related County policies.

Section 9.9 Reinstatement: At the request of the Appointing Authority and upon approval of the Civil Service Commission, any employee who has resigned or terminated in good standing and who had, prior to separation, attained regular status may, within two (2) years from the effective date of such separation, be reinstated to a vacant position in any classification stipulated as open-competitive according to Civil Service Rule 5, Classification Plan (Appendix B), in which the employee has previously held regular status. Reinstatements will not be allowed when there is a valid re-employment/re-appointment register for the classification. Reinstatement is allowed only to a classification that is stipulated as open-competitive according to Civil Service Rule 5, Classification Plan (Appendix B). **(Revised: 2/20/08)**

Section 9.10 Return to Classified Service from Unclassified Service: Any employee of the Classified Service accepting an appointment to an unclassified position within the Sheriff's Department may return to the employee's former regular position at the conclusion of the unclassified appointment.

An employee must apply to return to Classified Service, by notifying the Sheriff and the Commission, through the Chief Examiner, within thirty (30) calendar days of:

- 1) termination of employment in such exempt position; or
- 2) termination of employment in any other exempt position in which the employee subsequently serves provided there was no break in service with the County of more than thirty (30) calendar days.

Return to Classified Service entitles the employee to bump the least senior classified employee in the employee's former classification. The employee returning to Classified Service is returned to the probationary or regular status of the position previously held.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.11 Voluntary Demotion: Any employee of the Classified Service may request a return to a formerly held classification. An employee requesting this option must have held status as a regular employee as defined in these Rules in the former classification. An employee requesting this option does not have bumping rights. Requests for voluntary demotion must be provided in writing to the Sheriff and the Commission, through its Chief Examiner. The Sheriff may approve such requests if it is determined that the request is voluntary in nature, and that no other classified employee is adversely affected by the request.

- 9.11.1 Voluntary demotion as a result of return to the Classified Service by an employee currently appointed to an unclassified position within the Sheriff's Department is governed by Section 9.10 of these Rules.
- 9.11.2 Voluntary demotion as a result of reduction-in-force allows the employee to return to a previously held position as provided in these Rules or applicable collective bargaining agreement.
- 9.11.3 Individuals who voluntarily demote to a previously held classification may be reinstated to the higher level position. In order to return to the previously held higher classification, there must be a vacant position in the higher classification; the employee must have successfully completed the probationary period in the higher classification; the employee must be in good standing at the time of the request; and the request for return to the higher level classification must occur within two (2) years of the effective date of the voluntary demotion. Reinstatement to a higher classification following a voluntary demotion will not be allowed when a promotional register exists for the higher classification.

The employee must submit a request for return to the higher level classification to the Appointing Authority, who shall approve or deny the request. Upon approval by the Appointing Authority, the request must be approved by the Civil Service Commission.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.12 Leave of Absence Without Pay: The Appointing Authority has the power to grant leaves of absence without pay for up to thirty (30) days. Leave without pay beyond thirty (30) days must be approved by the Civil Service Commission, except that Commission approval is not required for leave of absence without pay due to service in the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) or other applicable laws. All temporary employment caused by leaves of absence shall be filled from appropriate employment registers. (Revised 2/03)

9.12.1 Permissible Uses. The following types of leaves of absence without pay may be granted:

- A. Recovery from physical or mental illness or injury or maternity.
- B. Sabbatical leave, which shall mean work, education or other experience which reasonably adds to the skills or understanding of the employee and is related to the employee's present or future County position or classification.
- C. Personal growth and experience leave or other reason if granting the leave would be in the best interests of the County.
- D. Recovery from an on-the-job injury.
- E. To run for or take public office.

9.12.2 Limitation. A leave of absence without pay may be granted for a period of up to one (1) year.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.13 Washington State Police Corps Program: If requested by the Appointing Authority, the Chief Examiner shall verify that the selected candidate(s) has been accepted into the Washington State Police Corps (WSPC) program.

- 9.13.1 Eligibility. A WSPC candidate shall be subject to and must successfully pass/complete all normally required exams and processes regularly administered for the job classification of Deputy Sheriff to determine fitness for appointment in the Pierce County Sheriff's Department. Upon satisfactory completion of examinations, the WSPC candidate(s) shall be ranked on the Police Corps eligibility register which may be used in conjunction with a Deputy Sheriff register, at the discretion of the Appointing Authority.
- 9.13.2 Appointment. Candidates who have completed the Washington State Basic Law Enforcement Academy through the Police Corps program shall be considered fully qualified and eligible for appointment as a Deputy Sheriff. The Chief Examiner shall verify that the candidate(s) meets this requirement and shall certify the candidate(s) to the Appointing Authority in accordance with Rule 9.3.
- 9.13.3 Applicable Provisions. Any person hired from a WSPC eligibility register shall serve a probationary period pursuant to Section 9.4 of these Rules. Any person hired from a WSPC register shall be subject to all policies, rules, regulations and other statutes or laws as they apply to a Deputy Sheriff in Pierce County and the State of Washington.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.14 Trainee Appointment Program: Within the limitation of the annual budget, whenever the current labor market has a shortage of qualified persons meeting the department's hiring objectives for entry level positions; upon the request of the Appointing Authority, the Chief Examiner may conduct an open competitive examination for a Trainee Appointment Program (TAP) position. TAP positions may only be established in accordance with the provisions set forth in this section of the Civil Service Rules. To the extent this section conflicts with any other provision of the Civil Service Rules for Pierce County Sheriff's Employees, the provision of this section shall control TAP appointments. Provisions for TAP positions and appointments are as follows:

- A. Chief Examiner's Finding. Before a TAP appointment may be authorized, the Chief Examiner must make a written finding that the current labor market has a shortage of qualified applicants possessing the desired skills and characteristics to meet the department's hiring objectives. That finding must be presented at a meeting of the Civil Service Commission and be adopted by a majority of the Commissioners.
- B. Recruitment Procedures. Upon adoption of the Chief Examiner's finding by the Civil Service Commission, the Examiner shall recruit, examine and develop a TAP employment register in accordance with Rules 6, 7 and 8.
- C. Appointment. Appointment to a TAP position(s) shall be made from persons certified to the Appointing Authority in accordance with Rule 9.3, Referral of Names from a Certified Employment Register. The Appointing Authority shall notify the Chief Examiner of the individual(s) selected for TAP appointment.
- D. Terms of Appointment. A TAP position is a unique training position which is not part of the Classified Service. The person(s) selected for the position serves at the will of the Appointing Authority and such appointments shall not exceed eleven (11) months.

9.14.1 No Guarantee of Employment. Selection for a TAP position shall not be regarded as a guarantee of employment by the Pierce County Sheriff's Department at the time of appointment or in the future. A TAP position appointee may be separated from employment at any time with or without cause. An individual separated from employment in a TAP position shall have no right of appeal to the Civil Service Commission as such person(s) serves solely at the will of the Appointing Authority.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 9 – APPOINTMENTS (continued)

Section 9.14 Trainee Appointment Program: (continued)

- 9.14.2 Testing. The Chief Examiner shall prepare or cause to be prepared an examination to gauge when a TAP appointee has gained sufficient knowledge and experience to be placed upon an employment register for the Classified Service position the TAP was adopted to supplement. At any time during the TAP appointment, upon request of the Appointing Authority, the Chief Examiner shall prepare or cause to be prepared a test of the appointee for the Classified Service position for which the TAP was established. If the TAP appointee successfully passes the examination, the appointee will immediately be placed upon the Classified Service employment register for the position tested. If a TAP appointee fails the examination, that person shall be ineligible to continue in TAP.
- 9.14.3 Not Part of Probation. The period spent as a TAP appointee shall not be included for the purposes of calculating the completion of the probationary period in the event a TAP appointee is selected for a vacancy in the Classified Service. The TAP appointment is a separate program approved by the Civil Service Commission to insure the availability of persons with skills necessary to enter the Classified Service. TAP appointments shall not ripen into regular positions in the Classified Service, but represent a training opportunity to supplement insufficient employment registers for vacancies in the Classified Service.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 10 - SEPARATION AND DISCIPLINARY ACTION

Section 10.1 Resignation: Any employee wishing to leave the Classified Service in good standing shall file with the Appointing Authority and the Chief Examiner, at least five (5) consecutive business days before leaving, a written resignation stating the effective date of the resignation. Failure to comply with this procedure may be considered cause for denying such employee future employment in the Classified Service.

10.1.1 Unauthorized absence from work for a period of five (5) consecutive days may be considered by the Appointing Authority as a voluntary resignation.

Section 10.2 Layoff: The Appointing Authority may layoff any employee in the Classified Service whenever there is an elimination of a position due to lack of work, lack of funds or reorganization, 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 temporary or provisional employees serving in the same classification for which the regular or probationary employee is eligible and available.

Layoff of probationary or regular employees shall be made in inverse order of seniority in the classification of work involved. Wherever a definite seniority differential is not established, the order of layoffs shall be determined by the relative standing on the employment register from which appointed. In lieu of layoff, a regular or probationary employee may request demotion to a 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 employee so demoted shall displace a regular employee except in the order of seniority as determined in these Rules.

The names of regular or probationary employees laid off or demoted in lieu of layoff shall be placed in order of seniority on the re-employment/re-appointment register for the classification from which the layoff took place. The period of eligibility for re-employment by appointment from the re-employment/re-appointment register shall be without limitation from the date of layoff.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 10 - SEPARATION AND DISCIPLINARY ACTION (continued)

Section 10.3 Discharge, Demotion or Suspension of Regular Employees: The tenure of every person holding an office, place, position, or employment under the provisions of these Rules shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

- A. Failure to meet reasonable work performance standards and requirements, including, but not limited to, incompetence, inefficiency, inattention to or dereliction of duty.
- B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other action, omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself/herself.
- C. Mental or physical incapacity to perform essential job functions.
- D. Dishonest, disgraceful, or prejudicial conduct, including falsification of a relevant official statement or document.
- E. Possessing or using narcotics or alcohol in County offices or being at work under the influence of same.
- F. Conviction of a felony, or a misdemeanor involving moral turpitude.
- G. Any willful violation of these Rules and any related ordinance, County rule, Departmental regulation or laws governing these Rules or prescribing the conduct of commissioned officers or any other act or failure to act which, in the judgment of the Civil Service Commission, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.
- H. Making threats or exhibiting threatening behavior, committing acts of intimidation or violence toward another employee, visitors or other users of County services in conflict with Departmental regulations or otherwise violating the Pierce County Workplace Violence Prevention Policy or Domestic Violence in the Workplace Policy.
- I. Failure to cooperate with the implementation and application of the Pierce County Equal Employment Opportunity Policy.
- J. Misuse of medical or personal health information.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 10 - SEPARATION AND DISCIPLINARY ACTION (continued)

Section 10.4 Removal, Suspension, Demotion -- Procedure -- Appeal: The Pierce County Civil Service Commission has adopted Guidelines for Procedure and Evidence in Disciplinary Actions, attached as Appendix D to these Rules. All procedures and evidence pertaining to hearings or proceedings of the Civil Service Commission held for investigation or review of disciplinary actions taken by the Appointing Authority will be conducted according to these Guidelines.

No person in the Classified Service who has been appointed to a classified position subject to these Rules and who has completed the probationary period, shall be removed, discharged, suspended, or demoted except for cause, and only upon written accusation by the Appointing Authority or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the Commission.

Any person so removed, suspended, or demoted may within ten (10) calendar days from the time of his/her removal, discharge, suspension or demotion, file with the Commission, a written demand for an investigation, whereupon the Commission shall conduct such investigation. The Commission shall set a date for a public hearing within ten (10) calendar days of the receipt of the written appeal, and such public hearing will be held within thirty (30) days from the date of receipt of the written appeal, unless good cause is shown for either an earlier or later hearing. The investigation shall be confined to the determination of the question of whether the removal, discharge, suspension or demotion was made in good faith for cause.

Written notice of scheduled hearings shall be mailed by certified mail, return receipt requested, not less than ten (10) calendar days prior to the date selected for hearing.

All investigations made by the Commission pursuant to this section shall be by public hearing, at which hearing the affected employee shall be afforded an opportunity to appear in person and be represented by counsel and present a defense.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 10 - SEPARATION AND DISCIPLINARY ACTION (continued)

Section 10.4 Removal, Suspension, Demotion -- Procedure -- Appeal: (continued)

After such investigation, the Commission may affirm the removal, suspension, demotion, or discharge, or if it finds that removal, suspension, demotion or discharge, was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which the employee was removed, suspended, demoted, or discharged, which reinstatement or re-employment shall, if the Commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, demotion or discharge. The Commission, upon such investigation, in lieu of affirming a removal, suspension, demotion or discharge, may modify the order by directing the removal, suspension, demotion, or discharge, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the Commission shall be certified in writing by the Chief Examiner to the Appointing Authority and shall be forthwith enforced.

If an order of removal, suspension, demotion or discharge is concurred in by the Commission or a majority thereof, the affected employee may appeal to the Superior Court of the County wherein he/she resides. Such appeal shall be taken by serving the Commission, within thirty (30) days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the Commission affecting or relating to its order be filed by the Commission with the Court. The Court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, demotion or discharge made by the Commission was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the Superior Court may be appealed to the Supreme Court or the Court of Appeals.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 11 - EQUAL EMPLOYMENT OPPORTUNITY

Section 11.1 Equal Employment Opportunity: No person subject to these Rules will be subjected to employment discrimination on the basis of race, creed, religion, color, national origin, sex, sexual orientation, marital status, age, disability, veteran status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a disabled person.

Section 11.2 Pierce County Administrative Guidelines – Equal Employment Opportunity Policy:

It is the intent of the Civil Service Commission to recognize and adhere to all provisions of the Pierce County Administrative Guidelines regarding Equal Employment Opportunity. The Civil Service Commission will consider the provisions of the Equal Employment Opportunity policy in any related action coming before the Commission.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 12 - POLITICAL ACTIVITY

Section 12.1: 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.

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.

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.

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.

Section 12.2: Nothing in this Rule shall prohibit a member of the Classified Service from participating fully in campaigns relating to elected offices, constitutional amendments, referenda, initiatives and similar issues, provided such activity complies with the County Code of Ethics (PCC 3.12) and state laws regarding campaign activities (RCW 42.14).

Use of County time, equipment or resources to participate in or conduct campaign activities is prohibited.

**PIERCE COUNTY CIVIL SERVICE COMMISSION
RULES**

RULE 13 - SEVERABILITY CLAUSE

If any section or part of a section of these Rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these Rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

**CIVIL SERVICE RULES
APPENDIX A**

CIVIL SERVICE UNCLASSIFIED POSITIONS

UPDATED JULY 9, 2019

PURSUANT TO RULE 2 – POSITIONS COVERED BY THESE RULES

Undersheriff (1)
Bureau Chief (4)
Budget & Fiscal Manager (1)
Physician/Medical Director (1)
Chief of Contract Services (1)
Assistant to the Sheriff (1)
Assistant to the Chief (1)
Program Coordinator (1)
Communications Assistant (1)

**CIVIL SERVICE RULES
APPENDIX B**

**CLASSIFICATION PLAN
PIERCE COUNTY CIVIL SERVICE FOR
SHERIFF'S DEPARTMENT CLASSIFIED EMPLOYEES**

Classified Position Title	Recruitment Type	(Promotional Only) Prior Service Required
Accounting Assistant 2	Open Competitive	
Accounting Assistant 3	Open Competitive	
Administrative Aide	Open Competitive	
Administrative Assistant	Open Competitive	
Animal Control Officer	Open Competitive (adopted 9/27/11)	
Animal Control Supervisor	Open Competitive (adopted 9/13/11)	
Captain	Promotional	3 years as a Lieutenant including probation
Clinic Administrative Assistant	Open Competitive	
Community Services Officer	Open Competitive	
Computer Systems Business Analyst 2	Open Competitive (adopted 9/14/10)	
Cook 2	Open Competitive	
Correctional Captain	Promotional	3 years as a C/Lieutenant including probation
Correctional Lieutenant	Promotional	3 years as a C/Sergeant including probation
Corrections Deputy	Open Competitive Lateral	
Correctional Sergeant	Promotional	3 years as C/Deputy including probation
Correctional Technician	Open Competitive	
Crime Research Analyst	Open Competitive	

One year probation in current class must be completed for promotional classifications.

**CIVIL SERVICE RULES
APPENDIX B**

**CLASSIFICATION PLAN
PIERCE COUNTY CIVIL SERVICE FOR
SHERIFF'S DEPARTMENT CLASSIFIED EMPLOYEES**

Classified Position Title	Recruitment Type	(Promotional Only) Prior Service Required
Department Computer Support Specialist 1	Open Competitive (adopted: 9/14/10)	
Department Computer Support Specialist 2	Open Competitive (adopted: 9/14/10)	
Department Computer Support Specialist 3	Open Competitive (adopted 9/14/10)	
Deputy Sheriff (Adopted: 11/8/05)	Promotional	Must be currently employed as a Pierce County Sheriff's Dept. Corrections Deputy with a minimum of 3 years service including the probationary year.
Deputy Sheriff	Open Competitive Lateral	
Detective	Promotional	3 years as a Deputy Sheriff including probation
Detective Sergeant Revised: 2/8/08 (MOU)	Promotional	5 years of combined service as a Deputy, Detective and/or Sergeant.
Forensic Investigation Manager	Open Competitive	
Forensic Investigator, Lead	Promotional	3 years as Forensic Investigator including probation
Forensic Investigator	Open Competitive or successful completion of Trainee program	
Forensic Investigator Trainee	Open Competitive	
Forensic Technician	Open Competitive	
Legal Assistant 1	Open Competitive	
Legal Assistant 2	Open Competitive	
Legal Assistant 4	Open Competitive	
Licensed Practical Nurse	Open Competitive	
Lieutenant	Promotional	3 years as a Sergeant or Detective Sergeant including probation

**CIVIL SERVICE RULES
APPENDIX B**

**CLASSIFICATION PLAN
PIERCE COUNTY CIVIL SERVICE FOR
SHERIFF'S DEPARTMENT CLASSIFIED EMPLOYEES**

Classified Position Title	Recruitment Type	(Promotional Only) Prior Service Required
Mental Health Evaluation Specialist	Open Competitive (adopted 5/31/11)	
Mental Health Manager	Open Competitive (adopted 9/13/11)	
Nurse Practitioner (ARNP)	Open Competitive (adopted 5/31/11)	
Nurse Supervisor	Open Competitive	
Office Assistant 4	Promotional/Open Competitive	Promotional: Four years experience as an Office Assistant 3 within the Sheriff's Department.
Office Assistant 3	Promotional/Open Competitive	Promotional: Two years experience as an Office Assistant 2 within the Sheriff's Department.
Office Assistant 2	Promotional/Open Competitive	Promotional: Two years experience as an Office Assistant 1 within the Sheriff's Department.
Office Assistant 1	Open Competitive	
Physician Assistant	Open Competitive	
Pharmacist	Open Competitive	
Pre-Trial Services Screener	Open Competitive	
Pre-Trial Services Screener, Sr.	Promotional	18 months as Pre-Trial Services Screener including lead or supervisory experience
Program Coordinator	Open Competitive (adopted 3/15/11)	
Property Room Manager	Open Competitive	
Property Room Officer	Open Competitive	
Property Room Officer, Sr.	Promotional	3 years as a Property Room Officer including probation

One year probation in current class must be completed for promotional classifications.

**CIVIL SERVICE RULES
APPENDIX B**

**CLASSIFICATION PLAN
PIERCE COUNTY CIVIL SERVICE FOR
SHERIFF'S DEPARTMENT CLASSIFIED EMPLOYEES**

Classified Position Title	Recruitment Type	(Promotional Only) Prior Service Required
Public Information Officer	Lateral or Promotional as detailed in Memo of Understanding dated November 4, 1996 between Pierce County and Deputy Sheriff's Independent Guild #1889	
Registered Nurse	Open Competitive	
Sergeant Revised: 2/8/08 (MOU)	Promotional	Five (5) years of combined service as a Deputy, Detective and/or Detective Sergeant.
Sex Offender Registration (SOR) Specialist	Open Competitive (adopted: 4/10/12)	

One year probation in current class must be completed for promotional classifications.

CIVIL SERVICE RULES APPENDIX C

RCW 41.04.010 - VETERAN'S SCORING CRITERIA

In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations shall give a scoring criteria status to all veterans as defined in RCW 41.04.007, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

- 1) Ten percent (10%) to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;
- 2) Five percent (5%) to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;
- 3) Five percent (5%) to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only.
- 4) All veterans' scoring criteria may be claimed:
 - (a) Upon release from active military service with an honorable discharge or a discharge for medical reasons with an honorable record, where applicable; or
 - (b) Upon receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable.

Effective: July 27, 2003

Revised effective: June 12, 2018

CIVIL SERVICE RULES APPENDIX C

RCW 41.04.005 - VETERAN DEFINED FOR CERTAIN PURPOSES

- 1) “Veteran” includes every person, who at the time he or she seeks the benefits of RCW 41.04.005, 41.16.220, 41.20.050 or 41.40.170 has received an honorable discharge, is actively serving honorably, or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:
 - a) The person has served between World War I and World War II or during any period of war, as defined in subsection (2) of this section, as either:
 - i) A member in any branch of the armed forces of the United States
 - ii) A member of the women’s air forces service pilots;
 - iii) A U.S. documented merchant mariner with service aboard on oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or
 - iv) A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or
 - b) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:
 - i) In any branch of the armed forces of the United States;
 - ii) As a member of the women’s air forces service pilots.
- 2) A “period of war” includes:
 - a) World War I;
 - b) World War II;
 - c) The Korean conflict;
 - d) The Vietnam era which means:
 - i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;
 - ii) The period beginning August 5, 1964 and ending on May 7, 1975;
 - e) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on February 28, 1991, or ending November 30, 1995, if the participant was awarded a campaign badge or medal for such period;
 - f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and
 - g) Any armed conflicts, if the participant was awarded the respective campaign badge or medal, or if the service was such that a campaign badge or medal would have been

awarded, except that the member already received a campaign badge or medal for a prior deployment during that same conflict.

Revised effective: June 9, 2020

CIVIL SERVICE RULES APPENDIX C

RCW 41.04.007 - VETERAN DEFINED FOR CERTAIN PURPOSES

“Veteran” includes every person, who at the time he or she seeks the benefits of RCW...*, 41.04.010... has received an honorable discharge, received a discharge for medical reasons with an honorable record, where applicable, or is in receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable, and who has served in at least one of the following capacities:

- 1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;
- 2) As a member of the women’s air forces services pilots;
- 3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
- 4) As a civil service crewmember with service aboard a U.S. army transport or service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31,1946; or
- 5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945.
- 6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950 through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

*RCW cites not applicable to these Rules have been removed.



Pierce County

CIVIL SERVICE COMMISSION FOR SHERIFF'S EMPLOYEES

**GUIDELINES FOR PROCEDURE AND EVIDENCE
IN
DISCIPLINARY ACTIONS**

**CIVIL SERVICE RULES
APPENDIX D**

**APPROVED BY THE CIVIL SERVICE COMMISSION
NOVEMBER 15, 2000**

**CIVIL SERVICE RULES
APPENDIX D**

**GUIDELINES FOR PROCEDURE AND EVIDENCE IN DISCIPLINARY ACTIONS
Approved by the Pierce County Civil Service Commission
November 15, 2000**

ITEM 1. Scope of these Rules:

The following guidelines of procedure and evidence pertain to hearings or proceedings of the Civil Service Commission held pursuant to a written demand by a member of the classified service for investigation or review by the Civil Service Commission of disciplinary actions taken by the appointing authority.

ITEM 2. Hearings--Scheduling of Hearings:

As soon as a demand for investigation has been filed with the Civil Service Commission, a hearing shall be scheduled. The date for the hearing shall be not less than twenty (20) nor more than thirty (30) days after the filing of the demand, unless good cause is shown for either an earlier or later scheduling.

ITEM 3. Hearings -- Notice:

Written notice of scheduled hearings shall be mailed by certified mail, return receipt requested, not less than ten (10) days prior to the date selected for hearing. The notice shall be mailed to the member who made the demand, or his attorney or representative designated in the demand, and also to the appointing authority. The notice shall identify the case to be heard, the names of the parties and their representatives, if any, and shall specify the time and place of hearing, and that the hearing is to be held pursuant to RCW 41.14, the Civil Service Rules, and these rules of procedure and evidence.

**GUIDELINES FOR PROCEDURE AND EVIDENCE IN DISCIPLINARY ACTIONS
CIVIL SERVICE RULES
APPENDIX D**

ITEM 4. Hearings-- Continuances- Dismissals - Pre-Hearing Conference:

If, prior to the hearing date, a party finds that he or she will not be able to present all necessary or appropriate evidence at the scheduled hearing, such party shall file a written request for continuance with the Commission, setting forth the reasons therefore as soon as such reasons are known. If reasons requiring a continuance of a hearing are not known in time to permit compliance with the above requirement, application for continuance may be made orally at the hearing. Applications for a continuance made under either of the foregoing provisions shall only be granted upon a proper showing of good cause or to prevent manifest injustice. In order to show "good cause", the party applying for a continuance because of the unavailability of a witness or witnesses shall show that due diligence was exercised in attempting to obtain the presence of such witness or witnesses at the time set for hearing and the reasons for their unavailability, and shall identify the witnesses and explain, in substance, what he or she intends to prove by the testimony of such witnesses. In all cases in which continuances are granted, subsequent hearings shall be scheduled for specific dates and times set forth in the order of continuance.

If the party demanding investigation or review of the appointing authority's disciplinary action fails to appear at the scheduled hearing and fails to obtain a continuance as provided heretofore, the demand shall be dismissed, except to prevent manifest injustice or unless such party can show good cause for such failure.

On the motion of any party, or upon its own motion, the Commission may in its discretion hold a prehearing conference. The prehearing conference may be held in person or by conference call and may consider:

- 1) Simplification of the issues;
- 2) The possibility of obtaining admissions of fact and of authenticity of documents which may avoid unnecessary proof;
- 3) The limitation of the number of expert or lay witnesses;
- 4) Dates for submitting prehearing memoranda; and
- 5) Such other matters as may aid in the disposition of the hearings.

**GUIDELINES FOR PROCEDURE AND EVIDENCE IN DISCIPLINARY ACTIONS
CIVIL SERVICE RULES
APPENDIX D**

ITEM 5. Hearings -- Procedures at Hearings:

- 1) Quorum. For all hearings held under these guidelines of procedure and evidence, no less than two (2) members of the Commission shall constitute a quorum. Any Commissioner not attending the majority of the hearing or proceeding may not vote on the matter.
- 2) Chair The chair or acting chair of the Commission shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions made by any party.
- 3) Order of Presentation of Evidence. The chair shall determine the proper order of presentation of evidence. As a general rule: (1) The appointing authority shall initially introduce all evidence in his or her case in chief. The appointing authority has the burden of proving that the disciplinary action was taken in good faith for cause. (2) The adverse party or member may then introduce the evidence necessary to his or her case in chief. (3) Rebuttal evidence from the appointing authority will then be received. However, witnesses may be called out of order in contravention of this rule, by agreement of the parties, or when necessary for convenience of the witnesses, upon order of the chair.
- 4) Opening Statements. Unless the chair rules otherwise, all parties may present an oral opening statement setting out briefly a statement of the basic facts, disputes and issues in the case.
- 5) Experts. Any party who plans to introduce the testimony of an expert witness at the hearing shall submit to the Commission and all other parties at the outset of the hearing, or such other time as the Commission has set at the prehearing conference, a written statement of the qualifications, experience and expertise of such expert witness.
- 6) Objections. Objections to the admission or exclusion of evidence shall be in short form, succinctly stating the legal grounds of objection relied upon. Extended argument or debate will be cut off by the chair.
- 7) The chair, on objection by a party or on its own motion, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with the admissibility criteria set forth below.

ITEM 6. Hearings--Scope of Review:

Hearings upon demand for investigation or review of disciplinary actions taken by appointing authority shall be quasi-judicial in nature and shall be conducted de novo unless otherwise required by law.

**GUIDELINES FOR PROCEDURE AND EVIDENCE IN DISCIPLINARY ACTIONS
CIVIL SERVICE RULES
APPENDIX D**

ITEM 7 Hearings --Standard of Review:

In deciding upon a demand for investigation or a request for review of the appointing authority's disciplinary action, the Civil Service Commission shall make its decision considering the following:

- 1) Consistency with the requirements of RCW 41.14.
- 2) Consistency with the Civil Service Rules of the Civil Service Commission for Sheriff's employees of Pierce County.
- 3) Whether the decision of the appointing authority was taken in good faith for cause.

ITEM 7A.

All matters to be proven by any party shall be proven by a fair preponderance of the evidence.

ITEM 8. Rule of Evidence -- Admissibility Criteria:

Subject to the other provisions of these rules, all relevant evidence is admissible, which in the opinion of the chair, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the chair shall give consideration to, but shall not be bound to follow the rules of evidence governing civil proceedings in non-jury trials in the Superior Courts of the State of Washington. The right to cross-examination shall remain inviolate.

ITEM 9. Rules of Evidence --Official Notice:

The Civil Service Commission, upon request by any party before or during a hearing, will officially notice the federal constitution, federal statutes and regulations, state constitution, state statutes and decisions of state administrative agencies, and local ordinances of Pierce County, Washington.

**GUIDELINES FOR PROCEDURE AND EVIDENCE IN DISCIPLINARY ACTIONS
CIVIL SERVICE RULES
APPENDIX D**

ITEM 10. Rules of Evidence -- Official Notice--Material Facts:

In the absence of controverting evidence, the Civil Service Commission may, upon request made before or during a hearing, officially notice:

- 1) Other Proceedings. The pendency of, the issues and positions of the parties therein, and the disposition of any other proceeding then pending before or theretofore concluded by the Civil Service Commission;
- 2) Business Customs. General customs and practices followed in the transaction of business;
- 3) Notorious Facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not limited to, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department or agency;
- 4) Statement. Where an initial or final decision of the Commission rests in whole or in part upon official notice of a material fact, such facts shall be clearly and precisely stated in such decision.
- 5) Evaluation of Evidence. Nothing herein shall be construed to preclude the members of the Commission from utilizing their experience, technical competency, and specialized knowledge in the evaluation of the evidence presented to them.

ITEM 11. Rules of Evidence --Tentative Admission:

When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The chair may, in his or her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence or repetitive evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

**GUIDELINES FOR PROCEDURE AND EVIDENCE IN DISCIPLINARY ACTIONS
CIVIL SERVICE RULES
APPENDIX D**

ITEM 12. Rules of Evidence-- Additional Evidence by Commission:

Any members of the Commission may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented during the investigation of the Civil Service Commission shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any such evidence so presented by the chair or other members of the Commission, he or she shall make application therefore immediately following the conclusion of such evidence.

ITEM 13. Transcripts:

Absent judicial review of the Commission's decision on any matter subject to these rules, it shall be discretionary for the Board to cause a transcript to be made. However, if less than all members of the Commission were present at any of the hearings or proceedings, and an absent Commission member desires to vote on the matter, the Commission shall cause a transcript to be printed for the Commission's review. Any party may obtain a transcript ordered to be made for the above reasons, upon payment of the reasonable cost thereof. If any other case, when the Commission shall not cause a transcript to be printed, it shall be the obligation of the party desiring a transcript to order the same and assume the cost of printing the same.

ITEM 14. Decisions, Findings and Conclusions:

Upon completion of all hearings, or upon review of the transcript by any absent Commission member, a written final decision and order signed by all Commission members participating in the decision shall be adopted by the Commission. The decision shall contain findings of fact and conclusions of law as to each contested issue of fact and law. Such final decision and order shall be the final decision of the Commission for purposes of judicial review. At such time as the decision and order, including findings and conclusions, has been signed by each of the members of the Commission participating in the decision, such decision and order shall be certified by the Secretary/Chief Examiner of the Commission, as being the decision of the Commission on the matter, to the appointing authority. Thereafter, the decision and order of the Commission shall be forthwith enforced by the appointing authority, subject to such appointing authority's right to seek judicial review of such decision, pursuant to the law of the State of Washington. The certification should be accomplished within ten(10) days after all Commission members have signed the final decision, unless exigent circumstances prevent such certification.

**GUIDELINES FOR PROCEDURE AND EVIDENCE IN DISCIPLINARY ACTIONS
CIVIL SERVICE RULES
APPENDIX D**

ITEM 15. Judicial Review:

Judicial review of the Commission's decision may be had by the member of the classified service in accordance with RCW 41.14.120.

ITEM 16. Liberal Construction:

These guidelines of procedure and evidence shall be liberally construed by the Commission so as to most expeditiously reach the truth of the matters contested and so as to do substantial justice between the parties.