FILED
CITY OF SEATTLE
2015 MAY -7 AM 8:43
CITY CLERK

CITY OF SEATTLE
PUBLIC SAFETY
CIVIL SERVICE COMMISSION

RULES OF PRACTICE AND PROCEDURE

Approved December 20, 2013
Amended November 20, 2014

ORIGINAL

TABLE OF CONTENTS

RULE		PAGE
1	GENERAL PROVISIONS	1
2	ADMINISTRATION AND OPERATIONS	1
3	DEFINITIONS	4
4	RULE MAKING	8
5	DISCIPLINE AND DISCHARGE	8
6	HEARINGS	9
7	CLASSIFICATION	12
8	APPLICATIONS AND APPLICANTS	15
9	EXAMINATIONS	17
10	REGISTERS AND ELIGIBILITY	23
11	CERTIFICATION AND APPOINTMENT	27
12	PROBATION	29
13	SERVICE CREDIT	30
14	TRANSFER	32
15	LAYOFF	33
16	LEAVES OF ABSENCE	34
17	RESIGNATION	34
18	VETERANS	34
19	RETIREMENT AND DISABILITY	35
20	ENFORCEMENT OF ORDERS	36
21	MISCELLANEOUS SEVERABILITY REPEALS AND SAVINGS COMPUTATION OF TIME	36

1. GENERAL PROVISIONS

1.01 AUTHORITY AND APPLICATION. These rules are promulgated pursuant to the authority granted by the Charter of The City of Seattle, the 1978 City of Seattle Public Safety Civil Service Ordinance (Ordinance 107791, as amended) and the Administrative Code of The City of Seattle (Ordinance 102228, as amended). These rules are applicable to proceedings before the Public Safety Civil Service Commission and should be read in conjunction with the specific provisions of the City Charter and the Public Safety Civil Service Ordinance.

1.02 SCOPE AND PURPOSE. These rules govern the continuing administration of the public safety personnel system of The City of Seattle. The purpose of these rules is to assure that the public safety personnel system in The City of Seattle is administered in accordance with the Charter and ordinances of The City of Seattle, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

2. ADMINISTRATION AND OPERATIONS

2.01 COMMISSION – MEETINGS – QUORUM. In the necessary conduct of its work, the Commission shall meet on the third Friday of each month, at 10:00 a.m., in the Commission offices unless there is no pending business requiring Commission action. Commissioners may attend by electronic means. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by the City's Administrative Code. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein.

2.02 OPEN PUBLIC MEETINGS. All Commission meetings or hearings, both regular and special, shall be open and public unless provided otherwise in the Open Public Meetings Act (Chapter 42.30 RCW, as amended).

2.03 SELECTION OF CHAIR. The Chair shall be elected from among the Commissioners by majority vote for a one- year term.

2.04 DUTIES OF THE CHAIR - The Chair:

A. Shall preside over Commission meetings.
B. Shall rule on matters of parliamentary procedure.
C. Shall act as hiring authority and primary supervisor for the Executive Director.
D. May sign correspondence on behalf of the Commission.

2.05 ACTIONS OF THE CHAIR

The Chair's actions are subject to review and modification by a majority vote of the full Commission.

2.06 DELEGATION OF CHAIR'S DUTIES

In the absence of the Chair, the Chair's authority shall be delegated to another member of the Commission.

2.07 COMMISSIONERS – CHALLENGE. Any challenge to a commissioner presiding over a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged commissioner shall review and rule on the challenge prior to proceeding with the hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party, unless in the exercise of reasonable diligence a basis for challenge is unknown to a party prior to commencement of a hearing.

2.08 COMMISSIONERS – REPLACEMENT. The Commission may select a replacement commissioner as provided in SMC 4.08.200

2.09 OFFICE AND HOURS. The office and post office address of the Public Safety Civil Service Commission is: 700 5th Avenue, Suite 1670, P.O. Box 94729, Seattle, Washington, 98124-4729. The regular office hours of the Commission shall be Monday through Friday, excluding official City holidays, as staffing permits.

2.10 PUBLIC RECORDS. Public records of the Commission shall be available for inspection and copying during the office hours of the Commission staff as provided in RCW Chapter 42.56. No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by City ordinance.

2.11 RECORD OF PROCEEDINGS. The Commission shall keep a record of its proceedings. In addition, a party to a proceeding may, at his or her own expense, have a court reporter record all or part of a proceeding. A party seeking review of any Commission action shall bear the cost of transcribing the record of proceedings, when such transcription is required. On appeal, costs of such transcription may be recovered by an appellant who prevails at the discretion of the reviewing court or the Commission. If there are multiple appeals from Commission action, the parties appealing shall share the cost of transcription. Transcription and certification of a record of proceedings shall be arranged by the Executive Director.

2.12 EXECUTIVE DIRECTOR. The Executive Director shall be appointed by the Commission. The Executive Director shall:

a. Be the general manager and executive officer of the Public Safety Civil Service Commission, responsible to the Commission, and shall direct the activities as directed by the Commission;

b. Appoint and remove staff; delegate duties where necessary and supervise and direct the work of all persons employed in said department;

c. Report to the Commission from time to time as directed concerning the details of the work of the department;

d. Prepare the budget for the department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the department;

e. With the cooperation and advice from the Personnel Department, classify all public safety positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;

f. Prepare an initial recommendation, subject to the Commission's further consideration and final approval, regarding which examinations shall be conducted, the minimum qualifications of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons as the Executive Director may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare a report of each examination for the Commission, together with a report on all appeals from the Director's rulings or appeals from any part of the examination; and

g. Perform all other functions necessary for the proper carrying out of these rules and the provisions of the Charter relating to the Public Safety Civil Service system, and such additional duties as may be assigned to him or her from time to time by the Commission.

2.13 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE DIRECTOR.

a. The Executive Director may review and/or modify any decision made on behalf of the Commission by the Personnel Director or his/her designee. The Commission on its own motion may review and/or modify any action or decision of the Executive Director.

b. Any person adversely affected by any action or decision of the Executive Director 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 10 days from the date of notice of such action unless established otherwise by City Charter or elsewhere in these Rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

2.14 ARBITRATION – EFFECT. The Commission shall dismiss any appeal of a grievance that a party has submitted to binding arbitration pursuant to a collective bargaining agreement, whether such submission occurs prior or subsequent to the commencement of the appeal to the Commission.

2.15 REFERRAL. An appeal or petition alleging a violation of a rule or ordinance related to employment enforced by another City agency, shall be referred by the Commission to the agency of the City having jurisdiction over such alleged violation.

2.16 REPORTS – APPLICANTS, ELIGIBLES, EMPLOYEES.

a. Each applicant, eligible and employee shall keep the Commission informed, by written notice to the Personnel Director, of current address and telephone number, and shall report any change of name.

b. Each eligible shall keep the Personnel Director informed, in writing, regarding availability and any refusal to accept appointment or promotion and the reasons therefore.

2.17 REPORTS – DEPARTMENT HEADS. A department head shall immediately report to the Executive Director in such detail and on such forms as the Executive Director may prescribe:

a. Every appointment, transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, assignment, change of position within a class or within an assignment title, change of title, change of compensation;

b. Every separation from the service with the reasons therefore;

c. Every refusal or failure to accept appointment by a person whose name has been certified.

3. DEFINITIONS. The following words and phrases shall have the meanings hereinafter described unless the context in which included clearly indicates otherwise.

ACTUAL SERVICE: Time in which a given employee has been engaged under civil service appointment in the performance of the duties of a position or positions and shall include absences with pay.

ALLOCATION: The locating or placing in the classified service of a position in the class appropriate to it on the basis of duties and responsibilities and required qualifications of such position.

APPLICANT: Anyone who has filed an application to take a civil service examination.

APPOINTING AUTHORITY: A person who is authorized to employ others on behalf of the City, which means: (1) the Fire Chief with respect to any Seattle Fire Department position included in this system, or (2) the Chief of Police with respect to any Seattle Police Department position included in this system.

APPOINTMENT, REGULAR: The appointment of a certified eligible.

APPOINTMENT, TEMPORARY: An appointment other than from an eligible register for the purpose of performing work belonging in the classified service. A reduction of a regular employee is not a temporary appointment.

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

BREAK IN SERVICE: A separation from civil service status as occasioned by a "quit," "resignation," "discharge," or "service retirement."

BUSINESS DAYS: Monday through Friday, excluding official City holidays.

CANDIDATE: Any applicant who has completed a given civil service examination or is in the process of doing so.

CERTIFICATION: A list of names from an eligible register transmitted by the Public Safety Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.

CERTIFY: Verify to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.

CITY: The City of Seattle.

CITY COUNCIL: The City Council of the City of Seattle.

CLASS: A group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.

CLASS SERIES: Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion, such as Police Officer, Police Sergeant, Police Lieutenant.

CLASS SPECIFICATION: A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.

COMMISSION: The Public Safety Civil Service Commission and the term Commissioner means any one member of said Commission.

CONTINUOUS SERVICE: Employment each month for at least 75% of the designated work hours as prescribed by the legislative authority.

DAYS: Calendar days unless otherwise specified.

DEMOTION: Removal of an employee from a higher to a lower class of employment.

DEPARTMENT HEAD: Appointing authority.

DISCHARGE: Termination, separation, dismissal, or removal from the service for cause.

ELIGIBLE: Anyone qualified for a given class through examination and placed on the proper eligible register.

ELIGIBLE REGISTER: A list of successful examinees for a given class from which certification may be made to fill vacancies in such class.

EMPLOYEE: Anyone holding a position in the Public Safety Civil Service system of the City.

EMPLOYEE, REGULAR: Any employee who has been appointed from a register and who has satisfactorily served the full probationary period.

EMPLOYEE, TEMPORARY: Any employee appointed to fill an emergency, temporary, or short-term need, or to fill a position for which no register is available (provisional).

EMPLOYEE, EXEMPT: Any employee in a position of City employment which is subject to Public Safety Civil Service rules and regulations only to the extent provided in the Exemptions Ordinance, and in which one serves at the discretion of the appointing authority.

EMPLOYEE, PROBATIONARY: A person appointed from a register who has not yet completed one year's employment.

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

EXAMINATION, OPEN GRADED: An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing such examination.

EXAMINATION, PROMOTIONAL: An examination limited to employees meeting the requirements stated in the official bulletin announcing such examination.

LAYOFF: The interruption of service and pay of any regular, probationary or temporary employee because of lack of work or funds or abrogation of class, except that the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.

OFFICIAL BULLETIN: The examination announcement containing basic information about the class of positions, the requirements for filing, how to apply, and other pertinent information.

POSITION: Any group of duties and responsibilities in the service of the City which one person is required to perform as his or her full or part-time employment.

POSITION, REGULAR: A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position established during a given budget year, unless the appointing authority

certifies to the Public Safety Civil Service Commission that such position will not be continued in the succeeding year's budget.

POSITION, REGULAR PART-TIME: Employment in a regular position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular schedule.

PROBATION OR PROBATIONARY: The status of an employee during a trial period following a regular appointment from an eligible register.

QUIT: Any voluntary separation of an employee from the City service without acceptance of a resignation by the appointing authority.

REDUCTION: The removal or reduction of a regular employee from a higher class to a lower class of employment, in lieu of layoff, for economic or budgetary reasons or for reasons other than cause.

REGISTER: A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

REINSTATEMENT: Reappointment of a regular employee to a position in a class in which he or she was a regular employee.

REINSTATEMENT REGISTER: A list of names of persons who were regular or probationary employees in a given class who were laid off or reduced from a higher class for economic or budgetary reasons or for reasons other than cause, and are entitled to reinstatement in such class. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement.

RESIGNATION: A written request by an employee for separation from a class or from the City service. To be valid such request must show written approval of the appointing authority.

SERVICE CREDIT: Credit acquired by a regular employee for years of service subsequent to appointment to a regular position.

SERVICE POINTS: Points added to a passing grade on a promotional examination computed according to these rules for years of service subsequent to regular appointment to a regular position in the class from which candidates to the examination are drawn.

STANDING, REGULAR: The full civil service status of a regular employee.

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

VETERANS' SCORING CRITERIA STATUS: Scoring status in examinations and employment, based on military service, as provided and defined by applicable laws (RCW 41.04.010).

4. RULE MAKING

4.01 RULE MAKING – PROCEDURE. The Commission shall follow the rulemaking procedures required by the City's Administrative Code (Ordinance No. 102228, as amended).

4.02 PROCEDURES. The Commission may adopt procedures for the administration of these rules and delegate authority for administration of the Public Safety Civil Service Commission.

5. DISCIPLINE AND DISCHARGE

5.01 SUSPENSION – DISCHARGE:

a. A department head may suspend a subordinate, without pay, for a period not to exceed thirty (30) days for good cause shown.

b. A department head may discharge a subordinate for good cause shown.

5.02 DEMOTION:

a. Demotion of an employee to a lower class because of incapacity, inefficiency, misconduct, or other good cause may be made by the department head.

b. An employee so demoted shall lose all rights to the higher class.

c. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee or any probationer. The Executive Director shall satisfy him or herself as to the ability of such demoted employee to perform the duties of the lower class and shall require him or her to then complete a probationary period.

5.03 DISCIPLINE – GENERAL:

a. If the employee exhausts the available administrative procedures and continues to believe that good cause has not been shown, the employee may within ten (10) days after the final step of the procedure, request the Executive Director to return the appeal to the Commission for a hearing.

6. HEARINGS

6.01 HEARINGS – APPEALS.

a. Any regular employee who is demoted, suspended, or terminated may appeal such action to the Commission.

b. Any employee who is alleged to be probationary by the disciplining department may appeal to the Commission the questions of his or her probationary status and whether the procedures for discharge of probationers, as found in these Rules, were properly followed.

c. Any employee, or department, who is adversely affected by an alleged violation of Article XVI of the Charter of The City of Seattle, the Public Safety Civil Service Ordinance or the Public Safety Civil Service Commission Rules, may appeal such violation to the Commission.

6.02 APPEALS – TIME – FORM. A notice of appeal shall be filed at the Commission offices within ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal, and a concise statement of the reason for the appeal. Forms provided by the Commission may be used for such notice, but are not required.

6.03 EXHAUSTION OF ADMINISTRATIVE REMEDIES: (RESERVED)

6.04 AUTHORITY OF EXECUTIVE DIRECTOR / STAFF. The Commission may delegate to the Executive Director the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. The Executive Director may also conduct pre-hearing settlement conferences in order to encourage resolution of contested matters, issue subpoenas, and note depositions.

6.05 APPEALS – INITIAL REVIEW. The Executive Director shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed from is a final action. Upon a determination that the appeal is not timely, the Executive Director may issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final.

6.06 APPEALS – NOTICE OF HEARING. Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to the parties to the case. As soon as possible thereafter, a hearing before the Commission shall be set, with each party to be afforded not less than twenty (20) days notice of such hearing, unless all parties agree to waive such notice. Subsequent hearings on the same appeal shall have seven (7) days notice unless waived by the parties.

6.07 APPEALS – AUTHORITY OF DEPARTMENT. The exercise of jurisdiction by the Commission over a matter does not preclude a party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

6.08 SERVICE OF PROCESS.

a. The Commission staff shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document, or paper.

b. Documents due to the Commission may be filed electronically. Documents sent electronically and before 5 p.m. will be deemed filed on that business day. Documents received after 5 p.m. will be deemed received on the following business day. All notices, documents, or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, or by regular mail with written acknowledgement of such mailing attached to the papers so served, or electronically. Written acknowledgment shall be by affidavit of the person who mailed the papers, or by certificate of any attorney or the Executive Director.

c. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail (U.S. or inter-City), upon deposit in the mail properly stamped and addressed, or when delivered electronically.

d. Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission staff at the Commission office. All papers except the original appeal notice shall be served with the original and three copies, unless filed electronically. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in said documents. Documentary evidence is not required to be filed but, rather, proved at hearing.

e. An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

6.09 DISCOVERY

a. Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be brought before the Executive Director. The Executive Director may issue an order regarding resolution of discovery disputes

b. Upon the failure of any party to comply with an order of the Executive Director or Commission compelling discovery, the Executive Director shall schedule the matter before the Commission for review and determination of appropriate sanctions.

c. The Commission shall not entertain any motion or objection with respect to the relevancy or access to discovery unless it affirmatively appears that the parties have met and conferred with respect thereto. Telephonic conference is sufficient for purposes of this rule. The moving or objecting party shall arrange such a conference. If the Commission finds that any party, upon whom a motion or objection in respect to matter

covered by such rules is served, willfully refuses or fails to meet and confer, or having met, willfully refuses or fails to confer in good faith, the Commission may take appropriate action to encourage future good faith compliance.

6.10 SUBPOENAS

a. Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents, or things under that person's control.

b. Upon application of any party or his or her representative, the Executive Director shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly served. Such requests for subpoenas shall be submitted to the Commission offices at least three (3) days prior to the hearing.

c. Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.

d. The person serving the subpoena shall make proof of service by filing the subpoena at the Commission office; and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.

e. Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:

(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(2) Condition denial of a motion to quash or modify upon just and reasonable conditions.

6.11 BURDEN OF PROOF. At any hearing on appeal from a demotion, suspension, or termination, the disciplining authority shall have the burden of showing that its action was in good faith for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

6.12 EVIDENCE.

a. Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the State of Washington.

b. Witnesses in any hearing may be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and the Commission.

c. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.

d. At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Executive Director.

e. Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.

6.13 DELIBERATION. The Commission may deliberate in closed session when taking a case under advisement. The Executive Director and legal counsel to the Commission may be present during deliberations, and no person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

6.14 DECISION. In any appeal of proceeding the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. A decision ordinarily shall be issued within ninety (90) days of the close of the hearing of an appeal or other proceeding heard only by the Commission, unless the Commission determines that the interests of justice require additional time.

6.15 REMEDIES. The Commission may issue such remedial orders as deemed appropriate.

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

6.17 WAIVER. Upon stipulation of all parties to a proceeding, or upon a showing that the purposes of the Charter and ordinances of The City of Seattle would be better served, the commission may waive the requirements of any of these rules concerning hearings under Chapter 6.

6.18 REPRESENTATION OF APPELLANT- Attorneys representing a party shall serve the Commission and the other party with a Notice of Appearance.

7. CLASSIFICATION

7.01 CLASSIFICATION PLAN. A class specification shall be prepared and maintained for each class in the classified Public Safety Civil Service System. Such specification shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these Rules.

7.02 ADMINISTRATION OF POSITION CLASSIFICATION. The Executive Director shall make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary, whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established by the City Council; or may do so upon request of an appointing authority or department head or an effected employee if the classification of such position has not been reviewed within the last 12 months.

7.03 CLASSIFICATION OF POSITIONS:

a. Each position in the classified service shall be classified at the direction of the Executive Director and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:

(1) The same descriptive title may be used to designate each position in the class;

(2) The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents;

(3) Similar tests may be used to select incumbents;

(4) One schedule of compensation will apply with equity under substantially the same employment conditions.

b. All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.

c. Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.

d. In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationship thereof to other classes. The examples of duties set forth in such specification shall not be construed as all inclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

e. No one whose position has been allocated to its appropriate class shall be assigned or required to perform duties generally performed by persons holding positions in other

classes, except in case of emergency or for limited periods of time when approved by the Executive Director; provided, that nothing in this provision shall be construed as preventing the assignment of duties of a higher rank as part of a training period, or for relief periods, and provided, further, the clause in any specification "and to perform related work as required" shall be liberally construed.

f. It shall be the duty of responsible administrative officers in the various departments to report to the Commission any and all organization changes which will abolish or effect changes in existing positions or establish new positions. When an appointing authority requests the establishment of any new or additional position of more than 60 days duration, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Commission, accompanied by a statement of the duties, responsibilities and qualification requirements of the position. In those instances where gradual shifts in work emphasis or changing work conditions have effected material changes in existing positions, the Executive Director shall be notified in writing by the affected department before the end of the budget year. In those instances in which the duties of a position are materially changed for other reasons, the Executive Director shall be notified immediately and not later than 10 days from the date of such change.

g. ASSIGNMENT: An employee may be assigned to a position which carries additional salary and limited additional duties and responsibilities and is within the scope of the specification for the class from which assignment is made. If the duties of the position for which an assignment is proposed are beyond the scope of the official specification for the base class, such position must be separately classified and eligibility established by examination. No permanent or vested rights shall be acquired by reason of such assignment, and such assignments shall be subject to review and change by the Commission at any time.

7.04 RECORDS

a. Separate records of each position in the Classified Civil Service shall be maintained by the Public Safety Civil Service Commission in the following manner:

(1) Each position record shall include a notation of the authority for establishing the position, the name of each successive incumbent, all classification actions relating to it, its organizational and physical location in the department, and a current description of its duties.

(2) A personnel record for each employee shall be kept with the record of the position occupied by the incumbent.

(3) It shall be the duty of each appointing authority to supply to the Executive Director, in writing, all necessary information to enable the Public Safety Civil Service Commission to maintain such records described in (1) and (2) above, and including any significant change in the duties of the position to another position in the same or to a different class.

b. The Executive Director shall report any classification action to the department head concerned and to the City Council. The department head shall be responsible for notifying subordinates of any classification action affecting their status or allocation of their positions.

7.05 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT:

a. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as he or she held in the former class.

b. Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment thereto in accordance with these Rules.

c. Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the appointing authority and the commission, elect to take a voluntary reduction to the lower class; or at his or her option and with the concurrence of the appointing authority and the Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which he or she has regular standing.

8. APPLICATIONS AND APPLICANTS.

8.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS:

a. All applicants for examinations for positions in the classified civil service must file an application in the manner prescribed by the official announcement of examination; and no one shall be admitted to any examination without having first filed an application in the proper manner, giving fully, truthfully, and accurately all information required.

b. In order to file an application for examination the applicant must:

(1) Meet the requirements specified in these Rules and in the official examination bulletin.

(2) Produce evidence of education, training, experience, or any lawful requirement for a class, as directed by the Commission.

c. Time for filing applications:

(1) All applications for examination shall be filed with the Personnel Director within the date and time limit fixed in the official announcement of examination; provided that upon written evidence of extenuating circumstances acceptable to the Executive Director late applications may be accepted. Applications received

by mail in the office of the Personnel Director must be postmarked on or before the closing date.

(2) The time for filing applications may be extended by the Executive Director as the needs of the service require; provided, that the examination shall then be re-advertised in the normal manner for official announcements of examination.

8.02 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS:

a. An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed who has the requisite service credit as designated in the official bulletin.

b. Employees and probationers may only file for and take a promotional examination for delayed eligibility if, as of the date of expiration of the new register, they will meet the specified minimum service requirements for promotion to the rank for which they are testing.

8.03 SPECIAL REQUIREMENTS:

a. The Commission may prescribe such limits of age and such other specific requirements, physical or otherwise, as in the Commission's judgment are required by the nature of the work to be performed.

b. When designated on the official bulletin, the Executive Director may permit filing by an applicant who at the time of the application filing period deadline is not more than one year under the specified minimum age on an open graded examination. A successful candidate will have delayed eligibility until the required minimum age is attained.

8.04 REJECTION OF APPLICATION OR ELIGIBLE: Any applicant for examination may be rejected, the name of an eligible may be withheld from a register or from certification, or the name of an eligible may be removed from a register if the applicant or eligible does not meet the eligibility standards set by the Commission and/or the Department's appointing authority.

8.05 DEBARMENT FROM EMPLOYMENT:

a. No one who has been dismissed from the service for a cause involving moral turpitude or violation of the provision of Article XVI of the City Charter shall be allowed to again enter the service, and anyone dismissed for other good cause shall be allowed to again enter the service only by express consent of the Executive Director;

b. Any applicant for appointment, promotion, reemployment, increase of salary, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Public Safety Civil Service of the City.

8.06 NOTICE OF NON-ACCEPTANCE. Anyone against whom action is taken under Rule 8.05a shall be notified promptly by the Public Safety Civil Service Commission of the reasons therefore by either oral notice at time of filing the application and/or written notice mailed to the applicant or eligible.

8.07 ADMISSION TO EXAMINATION PENDING APPEAL. The Executive Director or designee from the Personnel Department may admit to the examination anyone whose application was not accepted, pending final disposition of his or her appeal, such admission to be without prejudice to either the City or the applicant.

8.08 AMENDMENT OF APPLICATION. The Executive Director may permit any applicant, before or after acceptance of the application, to amend the application or to file an amended application.

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

9. EXAMINATIONS

9.01 ORDERING EXAMINATIONS. The Executive Director shall order an examination whenever it is deemed to be in the best interests of the City.

9.02 EXAMINATION ANNOUNCEMENT. Public notice of examinations shall be given by the Executive Director on the City's official website at least ten (10) days preceding such examination and in any other publications which the Executive Director may direct. The official announcement for promotional examinations shall be sent electronically to the Seattle Fire Department and/or Seattle Police Department for distribution not less than on hundred eighty (180) days preceding the examination.

9.03 AMENDMENTS TO ANNOUNCEMENTS. The Executive Director may amend any published announcement with appropriate public notice.

9.04 FIRE EXAMINATIONS. For promotional Fire examinations, a description of the subject matter to be covered by each promotional Fire examination shall be provided to IAFF, Local 27 and sent electronically to the Seattle Fire Department for distribution not less than 90 days prior to the examination. Text and reference materials that are suitable and may be used for study purposes will be made available to all employees at least 90 days prior to the examination.

9.05 CONTINUOUS EXAMINATIONS:

a. A continuous or periodic examining program may be ordered and administered by the Executive Director for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register and certifications for appointments shall be made in the same manner as from any eligible register. Names may be

withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

b. To expedite certification and appointment and to maintain security of examination material, no keyed copy of the written test will be provided at any time. The eligible register may be promulgated immediately after the results are obtained.

c. Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations.

9.06 CHARACTER OF EXAMINATIONS. All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank candidates in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when a single applicant is scored against a fixed standard.

9.07 PRIOR ACCESS TO EXAMINATIONS. No Seattle Fire Department personnel except members of the Promotional Development Committee, including those outside the bargaining unit, shall have prior access to or prior notice of specific examination procedures or questions. Seattle Fire Department personnel other than candidates and appropriate examination monitors shall be excluded from the examination areas.

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

9.09 PROMOTIONAL DEVELOPMENT COMMITTEE. For Fire examinations, a Promotional Development Committee made up of representatives of the Seattle Fire Department shall meet with representatives of the Personnel Department to provide subject-matter expertise necessary in the development of specific examinations.

9.10 PARTS AND WEIGHTS. Each examination shall contain one or more parts to which percentage weights shall be assigned, which weights shall total 100%. Each part shall be graded independently. This earned grade shall be multiplied by the percentage weight assigned to such part, and the sum of the resulting products shall be called the Examination Grade.

9.11 DESIGN OF EXAMINATIONS. For Fire examinations, subjects that include the design of the examinations, including the relative weights used in scoring different components of the examination process, shall be a proper subject to be addressed in the labor-management committee process.

9.12 PASSING GRADE:

a. No examinee shall have his or her name entered on an eligible register without attaining a passing grade in the examination as established by the Executive Director.

b. For the Fire promotional exams, tests consisting of interview and evaluation records shall be graded with 100% as the maximum and no minimum score shall be set on the oral exam. Candidates will receive whatever score attained on the oral exam up to 100%

c. Except as provided in Rule 9.12 b above, the Executive Director may, before identification of papers, authorize a grading schedule for tests with a minimum passing score which represents an acceptable degree of fitness on such subjects for the class of positions.

9.13 QUALIFYING GRADE. Where any part or parts of an examination relate to qualifications deemed essential to the proper performance of the duties of the class, the Executive Director may determine the minimum qualifying grade for each such part or parts. Failure to attain such grade shall disqualify an examinee, without regard to over-all examination grade, and shall disqualify the examinee from participation or rating on other parts of the examination.

9.14 PROMOTIONAL EXAMINATION. Vacancies in the higher classes of positions shall be filled by promotion whenever practicable in the judgment of the Commission. Upon showing from a department that special training and knowledge gained within a department is essential to the proper filling of the vacancy; the Commission may limit an examination to promotional department only.

9.15 MILITARY PERSONNEL AND PROMOTIONAL EXAMS

Definitions: The following definitions apply solely to Rule 9.15.

"Accommodated employee" means an employee who missed a scheduled examination because he or she was on active military service on the scheduled examination date or for more than 30 consecutive days during the preparation period and requested the accommodation within 30days of returning to City service.

"Current register" means the register created from the most recent promotional examination.

"Preparation period" means the time starting with the publication of the final examination bibliography and ending with the scheduled examination.

"Previous register" means the register created from the promotional examination that the employee missed because of active military service.

"Regular employee" means a person appointed from a register who has satisfactorily completed a one (1) year period of probationary employment.

"Scheduled examination" means an examination administered to create a register for a given position.

"Updated register" means the previous register that was adjusted to include the accommodated employee as though he or she did not miss the examination due to active military service.

Application of this Rule

The provisions of this Rule apply to a regular employee who was unable to take a scheduled examination because he or she was on active military service

A. on the scheduled examination date; or
B. for more than 30 consecutive days during the preparation period.

The Department's Chief has final appointing authority on promotional decisions.

Examination Accommodation

Any regular employee may request accommodation if he or she was on active military service on the date of the scheduled examination or for more than thirty (30) consecutive days during the preparation period. The accommodation request must be made within thirty (30) days of returning to City service. The Commission will provide the following accommodations.

A. The accommodated employee shall take the earliest scheduled examination unless he or she missed thirty (30) consecutive days of the scheduled examination's preparation period due to active military service. In such case, the accommodated employee can choose to
    1. take the earliest scheduled examination; or
    2. take the following scheduled examination.

B. If the accommodated employee is available and chooses to take the earliest scheduled examination, he or she
    1. may submit an application up to fifteen (15) days prior to the scheduled examination date; and
    2. waives the accommodations provided in Sections D-F of this rule.

C. The accommodated employee may review the most recent promotional examination provided
    1. the accommodated employee can only review the examination and answers once;
    2. the accommodated employee must schedule the review with the Personnel Department's Fire & Police Unit;
    3. the review will take place under the supervision of the Personnel Department's Fire & Police Unit;
    4. the review must occur within sixty (60) days of the accommodated employee's return to City service; and
    5. the accommodated employee will not be granted access during the sixty (60) days immediately preceding the accommodated employee's scheduled examination.

D. The Personnel Department's Fire & Police Unit shall work with the examination consultant to determine where on the previous register the accommodated employee would have been had he or she taken the missed promotional exam.

E. If any of the employees promoted from the previous register fall below the accommodated employee's position on the updated register, the accommodated employee shall be placed in the first position on the current register. If more than one accommodated employee is placed atop of the current register, the accommodated employees will be placed in order of their current examination scores.
F. If the accommodated employee is promoted from the current register, he or she shall be given retroactive salary and service credits beginning with the later of

1. the date that the first employee below the accommodated employee on the updated register was promoted; or
2. the accommodated employee's return to City service.

9.16 OPEN GRADED EXAMINATIONS. An examination may be advertised as open graded when, in the judgment of the Commission, it is in the best interests of the service.

9.17 VETERANS' SCORING CRITERIA STATUS. Anyone who is entitled to war veterans' scoring criteria status according to State of Washington law and who submits acceptable proof of release from active service in the armed forces under conditions other than dishonorable, shall have percentage points added to the grade of competitive City of Seattle examinations he or she passes after release from active service, as prescribed by law.

9.18 PREFERENCE FOR CITY SERVICE. In an open graded examination, candidates who are City employees and who have one full year of regular service in a lower class of related work, as defined in the class specification, and receive a passing grade in the examination shall have 5% of their examination grade added to such grade. Said credit may be applied anytime during the life of the examination register.

9.19 PREFERENCE FOR SERVICE AS POLICE RESERVE. In an open graded examination for police officer, candidates who receive a passing grade and who have served satisfactorily at least two (2) consecutive years as a police reserve in the Seattle Police Department shall have 5% of their examination grade added to such grade. Said credit may be applied anytime during the life of the examination register. Candidates who qualify under this Rule as well as Rule 9.18 shall be limited to the application of only one of the two rules and a total of only 5% added to the examination score.

9.20 SERVICE CREDIT IN PROMOTIONAL EXAMINATIONS:

a. Regular appointed employees in classified civil service positions in the Fire Department who receive a passing grade on a promotional examination shall have service credits, computed as of the register expiration date in accordance with Rule 13.01(d) added to such grade and computed as follows:

For members testing for Fire Lieutenant, Fireboat Engineer, or Fireboat Pilot, in-service credits shall be computed as follows:

"In-service credit" shall be computed and added to the score at the rate of one-half point (.5 point) for each full year of service in the Seattle Fire Department (pro-rated for each calendar month of service), to a maximum credit of twenty (20) years = ten (10) points.

For members testing for Fire Captain or Battalion Chief, credit shall be computed as follows:

(1) "Total in-service credit" shall be computed and added to the score at the rate of one tenth of one point (.1 point) for each full year of service (pro-rated for each calendar month of service) in the Seattle Fire Department, to a maximum credit of twenty (20) years = two (2) points; and

(2) "In-position credit" shall be computed and added to the score at the rate of four tenths of one point (.4 point) for each full year of service (pro-rated for each calendar month of service) in the candidate's current position in excess of the minimum service specified for entrance to the examination, to a maximum credit of twenty (20) years = eight (8) points.

Total service credits computed and added under the provisions of this rule are limited to a total of ten (10) points for any candidate on any examination.

Regular appointed employees (Police) in the classified civil service who receive a passing grade on a promotional examination shall have service credit, computed as of the register expiration date in accordance with Rule 13.01(d), added to such grade. Credit shall be given for a maximum of 20 years extra service with a maximum of 10 points and computed in the following manner: a point for each full year for the first 4 years of service in excess of the minimum service specified for entrance to the examination; ½ point for each full year of the next 8 years of service; and ¼ point for each additional full year of service.

9.21 KEYED COPY INSPECTION AND EXAMINATION PROTEST:

a. Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Personnel Director or his/her designee within three business days immediately following the administration of such part or within the time limit specified on the examination instruction sheet.

b. When a keyed copy is provided, protests against the proposed keyed answers must be filed in writing within three business days or the time limitation specified on the examination instruction sheet. No keyed copy will be provided for inspection on standardized tests or on continuous or periodic examinations.

c. When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest must be filed in writing within three business days after the notices of results have been mailed.

d. Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within three business days after the notices of results have been mailed.

e. All protests filed in accordance with this rule shall be considered and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

9.22 CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected by the Executive Director upon discovery at any time during the life of the eligible register, but no such correction shall affect an appointment made from a certification made prior to the correction.

9.23 EFFECTIVE DATE OF EXAMINATION RESULTS. Results of an examination shall become effective on the date official notice is published by the Public Safety Civil Service Commission.

9.24 RE-EXAMINATION:

a. No one shall be reexamined for the same class within six months of the effective date of such examination, unless authorized by the Executive Director upon showing that it would be in the best interest of the City.

b. If an eligible takes a succeeding examination for the same class, the result of such examination shall not nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the register and the eligibility that will provide the greatest advantage to the eligible shall be used.

9.25 EXAMINATION PAPERS. Examination papers of each eligible shall be kept on file in a place designated by the Executive Director until the expiration of eligibility.

9.26 ADDITIONAL EXAMINATION. Certified eligibles for the uniformed services of the Police and Fire Departments shall be subject to such other examination as determined by the Department's appointing authority. Reports of such an examination shall be filed with the Commission in the event the findings of the examination recommend that the eligible be rejected. The Commission shall consider such recommendation, may require further examination, and may order the eligible's name-dropped from the register. Promotional eligibles and Civil Service employees accepting appointment to another class shall be subject to examination at the discretion of the department head, to the extent of determining whether they will be physically and temperamentally able to perform the duties of the position involved.

10. REGISTERS AND ELIGIBILITY

10.01 ESTABLISHMENT OF ELIGIBLE REGISTERS. After each examination an eligible register for the class shall be prepared on which the names of successful candidates shall be ranked as follows:

a. On a promotional register relative rank shall be determined by the examination grade, plus any additional points for service credit and departmental preference, plus percentage allowed by law for veterans' scoring criteria status.

b. On an open graded register relative rank shall be determined by the examination grade, plus any percentage preference accorded City employees for one full year of regular service in a lower class of related work, plus percentage allowed by law for veterans' scoring criteria status.

c. Priority of time of examination shall not give any preference in rank on the register;

d. The preference in rank of eligibles having equal final scores shall be considered to have the same rank on the register.

e. If an applicant is permitted to file for and take an examination for delayed eligibility and if such applicant is successful in the examination, eligibility shall be held in abeyance until the candidate meets the requirements for eligibility, which must be reported in writing. If otherwise eligible, the candidate's name shall be placed on the register in accordance with the final examination grade. Any such eligibility shall expire with that of other eligibles from the same examination.

10.02 RETURN TO REGISTER FOLLOWING LAYOFF. On layoff, a regular or probationary employee's name shall be placed upon the current reinstatement register for the class and the person will remain eligible until appointed and/or the register expires, unless the person can be found ineligible to be reinstated for cause.

10.03 RETURN TO ELIGIBLE REGISTER AFTER RESIGNATION OR RETIREMENT:

a. A former employee who resigned or retired may request return of his or her name to a supplemental register to be considered with the open graded eligible register for the class. Such request must be made within one year from date of resignation or retirement; provided, the Executive Director may extend the above time limitation for not to exceed an additional four years upon satisfactory showing that such extension would be to the best interests of the City;

b. Any request for return to register following resignation or retirement must be supported by written recommendation of the former employing department's appointing authority;

c. A former employee whose eligibility is reinstated under this rule shall be certified according to civil service rules. However, the name of such an eligible need be considered only by the department which recommends the return of the name to the register.

d. The name of a former employee who resigned or retired may not be returned to a promotional register, unless recommended by the head of the former employing department and approved by the Public Safety Civil Service Commission within one year from the date of resignation.

e. Except as provided in 10.02 and 10.04 any return to the City service shall be by examination only.

10.04 ESTABLISHMENT OF REINSTATEMENT REGISTERS:

a. The names of regular employees and, when requested in writing by the appointing authority, probationary employees who have been laid off or who have been reduced, in grade, in lieu of layoff, shall be placed upon a reinstatement register for the same class and for the department from which laid off or reduced, in grade, for a period which will last for the length of the affected employee's career in that department.

b. Upon the request of an appointing authority, the Executive Director may approve the certification of anyone on such a reinstatement register as eligible for appointment on an open competitive basis in the department requesting certification.

c. Anyone on a reinstatement register who becomes a regular employee in the same class in another department shall lose reinstatement rights in their former department.

d. Anyone accepting a regular appointment in the class from which laid off and in a department other than that from which laid off is not to be certified to their former department unless eligibility for that department is restored.

e. Refusal to accept regular work from a reinstatement register shall terminate all rights granted under this rule; provided, no one shall lose reinstatement eligibility by refusing to accept appointment in a department other than the one from which laid off.

10.05 DURATION OF ELIGIBLE REGISTERS:

a. In no event shall a promotional register remain in force for longer than two years, unless the register is a reinstatement register or is being used to fill a vacancy that occurred while the list was effective in accordance with section 10.06 below.

b. No promotional register shall remain in effect after promulgation of a register from a subsequent examination, except as provided below:

An eligible in the military service of the United States shall be entitled to extended eligibility equivalent to the period to which he or she was entitled at the time of entering the military service; provided, written request for extended eligibility is filed with the Public Safety Civil Service Commission within ninety (90) days of termination of active military service.

If the eligible also requests accommodation under section 9.15, the eligible is entitled to the highest register placement available for the duration of the extended eligibility period. When the extended eligibility period expires, the eligible shall be placed on the register according to the score received on the examination administered under section 9.15.

c. Entry-level registers from each examination will remain in effect for a minimum of one year from the date official results are published by the Public Safety Civil Service Commission, except as provided below:

d. An employee who accepts a position in another class in the same department, or accepts an appointment in another department, or is laid off, shall retain all earned eligibility for the periods provided for in Rule 15, except that if an appointment is accepted in another department (whether following a layoff or otherwise), continuation of the departmental promotional eligibility for the first department shall be at the option of that department.

10.06 DURATION OF ELIGIBLE REGISTERS FOR FIRE POSITIONS:

a. All promotional vacancies shall be filled by the appropriate promotional lists that shall be valid for two years. The appropriate promotional list shall be the list that was current at the time the position became vacant.

b. A new examination shall be conducted prior to expiration of the current list unless otherwise mutually agreed to be the City and IAFF Local 27. The new list shall become effective upon the expiration of the current list. The promotional list shall be used to provide acting officers in addition to promotional candidates.

c. All promotional vacancies shall be filled within 45 days from the date the position became vacant, unless otherwise for a business reason.

10.07 AVAILABILITY OF ELIGIBLES:

a. It shall be the responsibility of an eligible to notify the Public Safety Civil Service Commission in writing immediately of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment.

b. The name of an eligible who submits a written statement restricting the conditions under which available for employment shall be withheld from certifications which do not meet the conditions specified. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.

10.08 CANCELLATION OF ELIGIBILITY:

a. Anyone's name may be removed from an eligible register for failure to pass a required medical examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct or false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the City or dismissal from the service, or dismissal from any position, public or private, for any cause which would be a cause for dismissal from City service shall be deemed cause for cancellation of eligibility;

b. Separation from the service will terminate any promotional eligibility;

c. Upon report of an appointing authority that an eligible has failed to respond to call, or has refused to accept employment, the Executive Director may strike the eligible's name from the register;

d. Failure to respond to the canvass of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible from the register;

e. Refusal to accept reemployment in a regular position shall constitute separation from the service except as provided in Rule 10.04e.

f. Such action contemplated by this rule may also be taken for other material reasons.

10.09 RESTORATION OF NAMES TO ELIGIBLE REGISTERS. The name of an eligible which has been removed from a register may be restored upon written request to the Commission for such restoration. The request must specify the reasons for the requested restoration. The Commission may approve the request if it is deemed that the evidence submitted justifies such approval.

11. CERTIFICATION AND APPOINTMENT

11.01 GENERAL PROVISIONS. Vacancies in the classified civil service shall be filled by reinstatement, promotional appointment, assignment, open graded appointment, transfer, reduction, demotion, or in the absence of an appropriate register the Executive Director may authorize a temporary appointment.

11.02 REQUEST FOR CERTIFICATION. Whenever an appointing authority wishes to fill a vacancy, a request for certification shall be submitted to the Executive Director. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment, and any other details necessary for full description of the position to be filled.

11.03 CERTIFICATION:

a. Certification to fill a vacancy shall be made by the Public Safety Civil Service Commission from registers in the following order and as provided in this rule:

(1) Reinstatement

(2) Promotional

(3) Open Graded

b. Order of reinstatement:

(1) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:

(a) Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be first reinstated;

(b) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together;

(2) Upon request from the appointing authority, the Executive Director may authorize reinstatement out of such regular order upon a showing of efficiency

or that such action is for the good of the service, after giving the employees adversely affected an opportunity to be heard.

(3) Nothing in this rule shall prevent the reinstatement of any regular or probationary employee for the purpose of transfer to another department, either for the same class or for voluntary reduction in class, as provided in these rules.

c. (1) If a vacancy is to be filled from a promotional register, the Executive Director shall certify to the appointing authority the names of the available eligibles with the five highest final scores on the appropriate register However, if the highest five scores include eligibles with equal final scores, they shall all be certified, regardless of number.

(2) If a vacancy is to be filled from an open graded register, the Executive Director shall certify to the appointing authority the names of the five available eligibles or 25% of the total available eligibles whichever is greater who stand highest on the appropriate register(s). If a supplemental register exists, a supplemental certification will also be issued.

d. In determining the number of names on the eligible register for the purpose of certifying twenty-five percent thereof, only the names of those available will be considered. If the number is not exactly divisible by four, the remainder number shall be increased to the next highest number divisible by four.

e. If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.

f. If an appointing authority makes an acceptable showing that any of the eligibles certified are eligible for deferral, are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification, upon request from the appointing authority.

g. Where a certification of eligibles with special experience, training or skill is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position, and the Executive Director determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles who possess the special qualifications.

h. If a temporary vacancy is to be filled from an open or a promotional register, those eligibles with three months of service who are shown on the register as having been laid off within the last 12 months from the department in which the vacancy exists shall be placed in grade order at the head of the list of eligibles for certification according to rule.

i. Inspection of papers by appointing authority: The application and the examination papers of a certified eligible shall be available for inspection by the appointing authority.

11.04 DEFERMENT

a. DEFERMENT BEFORE CERTIFICATION. The Executive Director may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefore. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his or her desire to be returned to the register, and such return has been approved by the Executive Director.

b. DEFERMENT AFTER CERTIFICATION. The Executive Director may grant deferment of an eligible upon receipt from the eligible or appointing authority of a written request with satisfactory reason therefore. Deferment after certification will remove such eligible from consideration for employment until the next vacancy occurring.

11.05 DURATION OF CERTIFICATION. Certification shall be in effect for sixty (60) days, one hundred eighty (180) days for entry level police officer, lateral police officer and firefighter positions, from its date of issuance. The appointing authority must file a report of any appointment from such certification with the Executive Director. Upon request the Executive Director may extend such certification for additional 30-day periods. Expiration of eligibility shall not cancel the validity of a certification.

11.06 REGULAR APPOINTMENT. A regular appointment to fill a vacancy must be made from the names contained on the official certification. The official appointment report shall show the name of the person appointed, the effective date, the salary, the nature or duration of the appointment, and any other information required.

11.07 TEMPORARY APPOINTMENT. Where there is no suitable eligible register from which certification can be made, the Executive Director may allow the appointing authority to make a temporary appointment. A temporary appointment may be made for a period of up to four months, and may not be extended for a longer period of time. No person shall receive more than one temporary appointment in any twelve-month period. All temporary employment in a class shall cease at the earliest possible date and shall not exceed thirty (30) days from date of notice that a proper eligible register for such class is available; provided, an extension may be granted by the Executive Director upon satisfactory written showing by the appointing authority, if such extension will not cause the provisional appointment to exceed the four-month limitation.

12. PROBATION

12.01 PROBATIONARY PERIOD:

a. After each full-time or part-time regular appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete

b. If a probationer transfers in the same class from one department to another, the receiving department may, with the approval of the Executive Director, require that a complete probationary period be served in that department.

c. A regular employee who has been reduced to a lower class in which he or she has not had regular standing shall have probationary status in the lower class for twelve months from the date of such reduction.

12.02 LENGTH OF PROBATIONARY PERIOD. The period of probation shall be equivalent to 12 months full-time service following regular appointment from an eligible register. Minor absences due to vacations, annual military leaves, illnesses, etc., shall not be construed as interrupting the probationary period unless they are considered to be excessive to the extent that the Executive Director will approve a departmental request for an extension of the probationary period.

Following initial employment for positions of police officer, regular appointment, and the one-year probationary period shall not begin until satisfactory completion of the Washington State Basic Law Enforcement Training Academy program.

For position of fire fighter, the probationary period may be extended for up to ninety days, for cause, at the discretion of the appointing authority.

12.03 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE. A probationer who engages in active military service on an extended basis shall be considered as having an interrupted probationary period. Such employee may continue his or her probationary period following return from military leave.

12.04 SERVE IN ANOTHER CLASS. Service in a class or office other than the one to which an eligible is regularly appointed may be credited toward completion of a probationary period if the Executive Director has approved the written statement of the appointing authority to the effect that the probationary period may be properly judged on the basis of service in the other class or office.

12.05 PROBATIONARY DISCHARGE OR DEMOTION:

a. The appointing authority by assigning in writing to the Commission the reasons therefore may discharge any probationer.

b. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which he or she was appointed, in accordance with Rule 5.02 on demotion; or may be allowed eligibility for another position in the same class, for which he or she is deemed qualified by the appointing authority, subject to approval by the Commission.

c. A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

13. SERVICE CREDIT

13.01 Service credit in a class for a regular employee shall be computed to cover all service subsequent to regular appointment to a regular position in that class and shall be applicable in the department in which employed and specifically as follows:

a. General Provisions:

(1) After completion of the probationary period, service credit will be given for employment in the same, an equal or higher class, and shall include any temporary or intermittent employment served in the same class under a regular appointment prior to the regular appointment;

(2) Subject to approval by the Executive Director service credit will be given for service in positions exempt from civil service or in positions in other departments;

(3) Service credit will be given for previous regular employment of an incumbent in a position which has been reallocated and in which he or she has been continued with recognized standing;

(4) Credit will be given for service prior to an authorized transfer;

(5) Credit will be given for time lost during:

(a) Jury duty;

(b) Disability incurred in line of service;

(c) Illness or disability compensated for under any plan authorized and paid for by the City;

(d) Service as a representative of a union affecting the welfare of City employees;

(e) Service with the armed forces of the United States, including but not to exceed twenty-one (21) days prior to entry into active service and not to exceed ninety (90) days after separation from such service;

(f) Service with the armed forces during the annual leave for military training.

b. No service credit shall be given:

(1) For service of a regular employee in a lower class to which he or she has been reduced and in which he or she has not had regular standing, except from the time of such reduction;

(2) For any employment prior to a separation from the service other than by a resignation as provided by Rules 13.01d (6) and 17.02 (layoff of a regular employee does not constitute a separation from the service).

c. Service Credit for Military Service during Probationary Periods. If military service as specified in Rule 12.03 is during the probationary period, such time shall be credited at straight time after the probationer returns to work and completes the required probationary period.

d. Service Credit for Promotion. Credit as specified in this rule shall be allowed for:

(1) Recognized service in all the classes from which promotion is allowed;

(2) Service in classified assignments and in higher positions in the same series of classes;

(3) Time lost during military service as specified in Rule 13.01a(5)(e);

(4) Time lost due to injury or disability incurred on the job;

(5) Time spent as a union representative of a union affecting the welfare of City employees, while on leave of absence under the provision of Ordinance No. 79798 to serve as a union official or on union business affecting the welfare of City employees.

(6) A former regular employee who is rehired within five years following his or her resignation shall receive full service credit from previous employment for determining his or her eligibility to take a promotional examination and his or her relative ranking in scoring the examination. A former regular employee who is rehired after more than five years following resignation shall receive one-half service credit from previous employment for such purposes.

e. Special Provisions for Service Credit in Layoff. In layoff, credit shall be given as specified in Rule 13.01a (1) through (5) inclusive.

f. Service Credit for Salary Increase. Service for salary increases shall be as prescribed by the legislative authority.

14. TRANSFER

a. The transfer of an employee shall not constitute a promotion in the service, except as provided in c (4) below.

b. Intra-departmental transfers: An appointing authority may transfer an employee from one position to another position in the same class in his or her department without prior approval of the Executive Director but must report any such transfer to the Public Safety Civil Service Commission within five days of its effective date.

c. Other transfer may be made upon consent of the appointing authorities of the departments involved and with the Executive Director's approval as follows:

(1) Transfer in the same class from one department to another; such a transfer may be made concurrent with the appointment of an employee to another class;

(2) Transfer to another class in the same or a different department in case of injury in line of duty either with the City service or with the armed forces in time of war, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;

(3) Transfer, in lieu of layoff, may be made with limited standing to a single position in another class in the same or a different department, upon showing that the transferee is capable of satisfactorily performing the duties of the position, and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and regular appointment.

(4) Transfer, in lieu of layoff, may be made with limited standing to a single position in another class when such transfer would constitute a promotion or advancement in the service provided a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that a regular employee or probationer is not displaced and when transfer is lieu of layoff under Rule 14c (3) is not practicable. Regular standing in the new class may be attained by the employee only through examination and regular appointment.

(5) The Executive Director may approve a transfer under (1), (2), (3), or (4) above with the consent of the appointing authority of the receiving department only, upon a showing of circumstances justifying such action.

15. LAYOFF

a. In a given class in a department, the following shall be the order of layoff:

(1) Provisional appointees;

(2) Temporary or intermittent employees not earning service credit;

(3) Probationers (except as their layoff may be affected by military service during probation);

(4) Regular employees in the order of their length of service, the one with the least service being laid off first.

b. Layoff out of order. The Executive Director may grant permission for layoff out of the regular order, upon showing by the appointing authority of the department of a

necessity therefore in the interest of efficient operation of his or her department, after giving any employee or employees affected an opportunity to be heard.

c. Reduction in lieu of layoff. At the time of any layoff, a regular employee or a promotional probationer shall be given an opportunity to accept reduction to the next lower class in a series of classes in his or her department, or he or she may be transferred as provided by Rule 14c(3), Transfer in lieu of layoff. An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with the Service Credit Rule 13.

16. LEAVES OF ABSENCE

16.01 DURATION OF LEAVES:

a. A leave of absence without pay for a period not exceeding sixty (60) consecutive days may be granted by the appointing authority of a department;

b. A request for a leave of absence longer than sixty (60) days bearing the favorable recommendation of the employee's appointing authority may be granted by the Executive Director.

c. No employee shall be given leave to take a position outside the City service for more than sixty (60) days in any calendar year, except where it appears in the best interests of the City.

16.02 RETURN FROM LEAVE. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit as determined by these Rules.

16.03 MILITARY LEAVE. See City Ordinance and Washington State Law relating thereto.

17. RESIGNATION

17.01 HOW SUBMITTED. Resignation of any employee from the service shall be made in writing and filed with the Executive Director after approval by the appointing authority.

17.02 WITHDRAWAL OF RESIGNATION. The Executive Director may permit the withdrawal of a resignation only upon a written request filed within one hundred eighty (180) days from the effective date of the resignation and if such request for withdrawal bears the favorable recommendation of the appointing authority.

17.03 RETURN TO ELIGIBLE REGISTER FOLLOWING RESIGNATION. (See Rule 10.05)

18. VETERANS

18.01 REINSTATEMENT OF DISABLED VETERAN EMPLOYEES. A regular civil service employee who has been disabled while in the military service to the extent that he or she is no longer able to perform the duties of his or her class shall be reinstated as provided by applicable law.

18.02 VETERANS' PREFERENCE IN EXAMINATION.

a. Any person entitled to receive veteran's preference in an entry-level or promotional exam (as outlined by state law) will be given such preference in accordance with the criteria established in RCW 41.04.010, or other applicable law.

19. RETIREMENT AND DISABILITY

19.01 RETIREMENT:

a. Members of the Police and Fire Departments who are members of the respective pension fund systems as provided by Washington State Law shall be retired on account of age or disability in accordance with the pertinent provisions of State law. Retirement of employees under the general City retirement system shall be on the basis of age, service, or disability as provided by Charter and ordinances.

b. If an employee under the general City retirement system is given disability retirement, the appointing authority may, with the approval of the Executive Director, concurrently grant a leave of absence.

19.02 REINSTATEMENT AFTER DISABILITY RETIREMENT:

a. The Executive Director shall review any report from an Employees' Retirement System showing that a former employee who is on disability retirement has regained his or her health to the extent employable.

(1) Upon being satisfied that the employee is physically and mentally competent to perform the duties of the regular class, the Executive Director shall:

(a) Order return of the employee to former employment status as if a leave of absence had been granted, as provided in Rule 19.01b or

(b) Place the name on the reinstatement register for the same class and department.

(2) The name of an employee who is employable but not fully recovered shall be placed on the most advantageous reinstatement register for the same department, for an equivalent or lower class comprised of duties the employee is competent to perform, as determined by the Executive Director;

(3) If such an employee's name is placed on a reinstatement register, service credit acquired previous to retirement shall be continued. The employee shall be

reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff.

(a) Any reinstatement in a class other than that in which last employed shall not constitute a promotion.

(b) The provisions of this rule shall not apply in the event an employee is discharged from the service and concurrently given a disability retirement.

20. ENFORCEMENT OF ORDERS

20.01 ENFORCEMENT, CITY ATTORNEY. Upon the failure or refusal of any person to comply with the Commission's orders, the Commission shall invoke the aid of the City Attorney to take appropriate action in order to secure enforcement of the order or judgment.

21. MISCELLANEOUS

21.01 SEVERABILITY. If any provision of these Rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can be given effect without the invalid provision or application, and to this end any section, or work is declared to be severable.

21.02 REPEALS AND SAVINGS. All personal actions subject to the previous Public Safety Civil Service Rules may be heard under those Rules, or these Rules, at the choice of the petitioner or appellant. All other matters shall be subject to these rules, and to that extent, all pervious Public Safety Civil Service rules, as they affect appeals and hearings of this Commission, are hereby repealed.

21.03 COMPUTATION OF TIME:

(1) In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a City legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a city legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(2) Any period of time except for the stated period of time set forth in Rules 6 and 16 may be extended by the Executive Director for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the running of the applicable time period.

(3) The date of notice for purposes of these rules shall be the date on which notice of an action is posted in the Commission's office or is mailed to a party to a proceeding.

PUBLIC SAFETY CIVIL SERVICE COMMISSION
RULES OF PRACTICE AND PROCEDURE

FILED
CITY OF SEATTLE
2015 MAY -7 AM 8:43
CITY CLERK

APPROVED: DECEMBER 20, 2013
Commissioners
Terry Carroll, Chair
Joel A. Nark
Christian M. Halliburton

AMENDED: NOVEMBER 20, 2014
Approved By Commissioners:

/s/ Christian M. Halliburton, Chair

/s/ Joel A. Nark, Commissioner

/s/ Sam Pailca, Commissioner

Filed:
City of Seattle, City Clerk

ORIGINAL