

CITY OF MERCER ISLAND

CIVIL SERVICE RULES AND REGULATIONS

In accordance with the provisions of the laws of the State of Washington pertaining to police civil service in cities, the Civil Service Commission of the City of Mercer Island hereby adopts the following rules for carrying out the purposes of said laws. These rules shall be subject to change or amendment by the Commission when necessary.

This revised version of the Police Department Civil Service Commission Rules was adopted on January 17, 2024.

TABLE OF CONTENTS

SECTION 1: GENERAL PROVISIONS	3
SECTION 2: ADMINISTRATION AND OPERATIONS	3
SECTION 3: SECRETARY-CHIEF EXAMINER	4
SECTION 4: DEFINITIONS.....	5
SECTION 5: RULE-MAKING	6
SECTION 6: CLASSIFIED SERVICE	6
SECTION 7: APPOINTMENTS TO CLASSIFIED SERVICE.....	7
SECTION 8: APPLICATIONS	8
SECTION 9: CONTINUOUS TESTING	9
SECTION 10: QUALIFICATIONS FOR POLICE OFFICER.....	9
SECTION 11: QUALIFICATIONS FOR PROMOTION	10
SECTION 12: EXAMINATIONS FOR NEW HIRES	10
SECTION 13: PROMOTIONAL EXAMINATION PROCEDURES	11
SECTION 14: DISCIPLINE.....	12
SECTION 15: APPEALS	12
SECTION 16: TRANSFERS	13
SECTION 17: LEAVES OF ABSENCE	13

SECTION 1: GENERAL PROVISIONS

- A. **AUTHORITY AND APPLICATION.** These rules are promulgated pursuant to the authority grant by Chapter 41.12 RCW, Civil Service for City Police. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of Chapter 41.12 RCW, and the enabling ordinance providing for civil service, provisions of collective bargaining agreements that the City of Mercer Island ("City") has entered into with any impacted union will supersede any potentially conflicting provisions in these Rules.
- B. **SCOPE AND PURPOSE.** These rules govern the continuing administration of the Civil Service System of the City of Mercer Island. The purpose of these rules is to assure that the Civil Service System in the City of Mercer Island is administered in accordance with the ordinances of the City of Mercer Island, and that all proceedings before the Commission are conducted in an orderly, fair, and timely manner.
- C. **PRESUMPTION OF VALIDITY.** The Civil Service System implemented by these rules substantially accomplishes the purpose of Chapter 41.12 RCW. Variation from state models is based on local conditions and are intended to maintain the purposes of civil service systems: merit selection, tenure, and an independent civil service commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purpose of Chapter 41.12 RCW, provisions of collective bargaining agreements that the City has entered into with any impacted union will supersede any potentially conflicting provisions in these Rules.
- D. **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 word is declared to be severable.

SECTION 2: ADMINISTRATION AND OPERATIONS

- A. **COMMISSION-MEETINGS-QUORUM.** In the necessary conduct of its work, the Commission shall set a day and time to meet by teleconference unless there is no pending business requiring Commission action. Special meetings of the Commission may be called at any time upon twenty-four (24) hours' notice by the Chair of the Commission or by any two (2) members thereof. Notice of special meeting 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 these rules. Two members of the Commission shall constitute a quorum and no action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or as required, shall be open and public provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act. See RCW 42.30.140(1) and (2). The public may attend the meeting by watching the teleconference at the Mercer Island Community & Event Center (8236 SE 24th Street, Mercer Island, WA 98040).
- B. **CHAIR.** At the first regular meeting in January of each year, the Commission shall elect one of its members as Chair for a term of one year. Should a Chair resign or be removed from the position prior to the expiration of their term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair.

- C. **RULES OF ORDER.** Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two commissioners such rules may be waived or modified. In quasi-judicial proceedings, the Commission shall be guided, but not bound by, the Civil Rules for Superior Court.
- D. **COMMISSIONERS – CHALLENGE.** Any challenge to a Commissioner’s participation at a hearing shall be made by an interested party prior to the commencement of a hearing. The non-challenged Commissioners 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 by a party prior to commencement of a hearing.
- E. **COMMISSIONERS-CHALLENGE-NECESSITY.** If, as a result of disqualification(s) pursuant to Rule 2.07, there is no longer a lawfully constituted quorum available, a qualified temporary Commissioner shall be appointed by the City Manager for the duration of the matter.
- F. **OFFICE HOURS.** The office address of the Civil Service Commission is 9611 SE 36th Street, Mercer Island, WA 98040. The regular office hours of the Commission shall be 8:30 am to 5:00 pm.
- G. **PUBLIC RECORDS.** Public records of the Commission shall be available for inspection and copying during the regular office hours of the Commission staff. No fee will be charged for inspection of public records. Inspection will be permitted during office hours in a space provided by the Commission staff, and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by the City of Mercer Island ordinance. These rules shall be printed for free public distribution.
- H. **RECORD OF PROCEEDINGS.** The Commission shall keep a record of its proceedings. The record of the Commission will not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding at their own expense may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission, or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review, transcription, and certification of a record of proceedings shall be arranged by the Secretary.
- I. **REPORTS – DEPARTMENT HEADS.** A department head shall immediately report to the Secretary in such detail and on such forms as the Secretary may prescribe:
 - 1. 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;
 - 2. Every separation from the service with the reasons therefor;
 - 3. Every refusal or failure to accept appointment by a person whose name has been certified.

SECTION 3: SECRETARY-CHIEF EXAMINER

- A. **SECRETARY-CHIEF EXAMINER – APPOINTMENT.** A Secretary-Chief Examiner (hereinafter “Secretary”) shall be appointed by the City Manager.

- B. **SECRETARY – AUTHORITY.** In addition to acting as Secretary of the Commission, the Secretary shall:
1. Be the general manger and executive officer of the Civil Service Department, responsible to the Commission, and shall direct the activities of all personnel in the Civil Service Department, including appointments and removals;
 2. Delegate duties where necessary and supervise the work of all persons employed in the Department, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;
 3. Report to the Commission from time to time as directed concerning the details of the work of the Department;
 4. Prepare the budget for the Department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Department;
 5. Classify all Civil Service positions in the classified service by rank, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;
 6. Determine which examinations shall be conducted, the minimum qualification of applicants as stated in these rules and the applicable Collective Bargaining Agreement, 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 examinations, appointing such experts, special examiners, and other persons he or she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from ruling or appeals from any part of the examination; and
 7. Perform all other functions necessary for the proper carrying out of these rules and the provisions of law relating to Civil Service, and such additional duties as may be assigned to the Secretary from time to time by the Commission.
- C. **REVIEW OF AND APPEAL FROM ACTIONS OR DECISION OF THE SECRETARY.**
1. The Commission by its own motion may review or modify any action or decision of the Secretary.
 2. Any person adversely affected by any action or decision of the Secretary may request the Commission to revise and modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the date of notice of such action unless established otherwise in these Rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

SECTION 4: DEFINITIONS

- A. “Appointing Authority” - means the Police Chief for appointments to positions in the Police Department.
- B. “Bargaining Unit” - means the labor unions responsible for collection bargaining on behalf of the police officers in the Police Department of the City of Mercer Island.
- C. “Classified Service” - means all full time, fully compensated police officers in the Police Department of the City of Mercer Island.

- D. "Commission" - means the Civil Service Commission of the City of Mercer Island, created under authority of RCW Chapter 41.12.
- E. "Commissioner" - means any one member of the Commission.
- F. "Department" - means the Police Department of the City of Mercer Island created and established by City of Mercer Island Ordinance No. 06C-06, with functions and duties including crime prevention and suppression, traffic control, civil defense, and such other related functions and duties as may be assigned from time to time by the City Manager.
- G. "Secretary and Chief Examiner" - means the person appointed by the Civil Service Commission of the City of Mercer Island pursuant to state statute as well as by rules and regulations of the Commission.
- H. "Lateral Police Officer" – means a full-time, fully commissioned, and certified law enforcement officer with at least 24 months of the last 36 months in that position. Additionally, the applicant must possess a Washington State Peace Officer certification or the equivalent.
- I. "Experienced Police Officer" - means a full-time, fully commissioned, and certified law enforcement officer with less than 24 months of the last 36 months in that position. Additionally, the applicant must possess a Washington State Peace Officer certification or the equivalent.
- J. "Subscription Testing Agreement" - means an agreement with an outside agency or company that assists with the testing process.

SECTION 5: RULE-MAKING

- A. AMENDMENTS OF RULES. The Commission may amend these rules or adopt new rules by majority vote of the Commission at any regular or special meeting of the Commission. Changes will be submitted to the appropriate bargaining unit for notice and an opportunity to bargain.
- B. EFFECTIVE DATE OF RULES. All rules and amendments shall become effective immediately upon their adoption by the Commission unless some later date is specified therein. It is recognized that some changes to these rules may need to be bargained before adoption.
- C. COPIES OF RULES. A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to the City Clerk and to the Police department. A copy shall be maintained in the office of the Commission for public inspection, and copies shall be available for free public distribution as required by state law.
- D. EFFECT OF RULES. The terms and conditions of Civil Service employment are governed by these rules, applicable statute [and ordinance], and applicable collective bargaining agreements.

SECTION 6: CLASSIFIED SERVICE

- A. Classified civil service lists for the Police Department shall be kept by the Secretary/Chief Examiner. The list shall contain the title of each position in the classified service and shall show for each officer and employee, the title of their office and the nature of their position, the time they have been in

such office or employment, the time they have been in the classified service for the City of Mercer Island, and the positions in the classified service they have held.

B. The classes contained within the Police Department are as follows, listed in ascending order:

1. Police Officers
2. Police Corporals
3. Police Sergeants
4. Police Lieutenants

SECTION 7: APPOINTMENTS TO CLASSIFIED SERVICE

A. ELIGIBILITY LISTS/REINSTATEMENTS/REAPPOINTMENTS

1. **LAYOFF REINSTATEMENT REGISTER:** A layoff reinstatement register shall be kept by class, which shall contain the names of those laid off because of reduction in force. The order of the list shall be based on the seniority of those on the list. The reinstatement register shall continue for a period of two (2) years unless extended or terminated by the Commission, with proper notice to the bargaining units and opportunity to bargain. When filling a vacancy, the appointing authority shall first appoint an available person from the reinstatement register in the order of seniority. No certification shall be made from any eligibility list until the reinstatement register for such position in such branch of service in the classified service is exhausted.
2. **ENTRY LEVEL/NEW HIRE LIST:** All applicants who pass an examination for a position in the classified service and who pass a medical, physical, and psychological examination shall be eligible for appointment to a position for which the examination was taken, subject to the fulfillment of the requirements of Section 7(F). The names shall be entered upon an eligibility list in order of total score under such class. Whenever two (2) or more persons have equal claim to a position on a list, they shall have the same numerical rank.
3. **PROMOTIONAL ELIGIBILITY LIST:** All applicants who pass an examination for a promotional position in the classified service shall be eligible for appointment to a position for which the examination was taken, subject to the fulfillment of the requirements of Section 7 and Section 3(B). The names shall be entered upon an eligibility list in order of total score under such class. Whenever two (2) or more persons have equal claim to a position on a list, they shall have the same numerical rank. The promotion eligibility list shall last for two (2) years from the date the list is accepted by the Commission unless extended or terminated by the Commission.
4. **REAPPOINTMENT AFTER RESIGNATION:**
 - a) An employee who resigns after permanent appointment may be reinstated to the service within one (1) year after resignation, without a new written or oral examination, and at the rank held at the time of resignation or at a lower rank, provided:
 1. That there is an opening in the classified service;
 2. That there is no reinstatement register in existence; and
 3. That the appointing authority recommends reinstatement to the Commission in writing.
 - b) All reinstatements shall be subject to the following conditions:
 1. The employee may be required to pass testing and/or evaluation processes as designated by the appointing authority prior to appointment;

2. An employee may apply for reinstatement only once. Seniority rights accrued to the employee at the time of the employee's original resignation may be granted by the Commission and added on to seniority rights accruing from the date of reinstatement upon completion of one (1) year of satisfactory service after the date of reinstatement upon written recommendation to the Commission by the appointing authority.

B. FILLING VACANCIES

1. Whenever a vacancy is to be filled in the classified service other than by reinstatement, the appointing authority shall make requisition upon the Secretary of the Commission for certification of a list of eligible persons.
2. Whenever a request has been made for certification of a list of eligible persons, the Secretary of the Commission shall, in writing, certify to the appointing authority in the case of initial appointment, the names of the five (5) highest ranking eligible persons on any of the three lists (lateral, experienced or entry level) or all eligibility list(s) for the position. In the case of promotion, the Secretary of the Commission shall, in writing, certify to the appointing authority the names of the three (3) highest ranking eligible persons. The appointing authority may make an appointment of any one of the eligible persons who are certified from either list.
3. If deemed necessary, the Commission may authorize the appointing authority to make an appointment on a provisional or temporary basis from the list of eligible persons. If there is no such list, the Commission shall authorize a provisional or temporary appointment based on seniority for such class from which provisional or temporary appointments may be made by the appointing authority following the rule of 3. Such appointments shall not continue for more than four (4) months, nor shall any person receive more than one (1) provisional or temporary appointment or serve more than four (4) months as a provisional appointee in any one twelve (12) month period.
4. Whenever the Commission is notified by the appointing authority that unique qualifications are needed in the position to be filled, it shall certify the names of the persons on the eligibility list who have the qualifications for the position. The appointing authority may appoint any one of the eligible persons who are certified. The Commission may direct that a proficiency examination in the qualification area, if applicable, shall be given.
5. An eligible person may decline an appointment, or prior to certification may waive certification, upon giving reasons satisfactory to the Commission, without losing their position on the register.
6. Probationary Period: No appointment to any position in the classified service shall be deemed complete until successfully completing six (6) months as a solo police officer or until the expiration of an eighteen (18) month probationary period in the case of initial employment as a firefighter, or twelve (12) months in the case of a lateral or experienced police officer or a firefighter who is certified as Firefighter I, or until after the expiration of a six (6) month probationary period for a promotional opportunity. During such times the appointing authority may terminate the employment of a person newly appointed or return a person promoted to their former position, if during the performance test thus afforded, upon observation and consideration of the performance of duty, (s)he finds the person unfit or unsatisfactory for service. The appointing authority shall then forthwith notify the Commission in writing of any such termination of employment or return to former position.

SECTION 8: APPLICATIONS

- A. Any false statement made by any person in, or in connection with their application for appointment, shall be cause for their exclusion from the register of applicants, or for removal or discharge from probation or other employment.
- B. A defective application shall be returned with notice to amend the same. The application must be in order before the examination is administered. Where it appears that the applicant is disqualified for examination (s)he must be so notified forthwith.

SECTION 9: CONTINUOUS TESTING

- A. The Secretary/Chief Examiner will establish an eligibility list of applicants tested through and certified for eligibility through this continuous testing process.
- B. Continuous testing shall mean a written examination, or a standardized physical fitness/agility test conducted pursuant to set and commonly applied standards whose results shall be valid for a period of one calendar year from the date of certification to a Continuous Testing Initial Eligibility list. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a subscription testing agreement.
- C. Entry level applicants certified pursuant to a continuous testing process shall be placed on a Continuous Testing Initial Eligibility list. Certification shall be in accordance with the rules and regulations of this Commission, as each applicant is placed in accordance with their scores.
- D. The City shall establish a separate eligibility list for experienced and lateral applicants. Experienced and lateral applicants shall not be required to take a written or physical fitness test as part of the screening process but shall instead submit to an oral board examination process. Each applicant is placed in accordance with his or her oral board scores.
- E. The names of candidates certified to this eligibility list shall remain on the list until either certified to a secondary hiring list following an oral board or other testing as established by the Commission, the expiration of one year from the date of testing or until the candidate has been hired by another public safety organization. Names may be removed upon written notification by the candidate, upon the written notification of another public safety employer or an entity providing subscription testing.
- F. Secondary hiring lists, also known as 'New Hire Eligibility lists', are established following the oral board process. The secondary hiring list must be certified by the Commission. Candidates shall remain on the New Hire Eligibility List for a period of 180 days or until all candidates become ineligible for hire. The Commission may extend the expiration date of any secondary hiring list at its discretion.

SECTION 10: QUALIFICATIONS FOR POLICE OFFICER

- A. An applicant for a position in the classified service must meet the qualification requirements found in RCW Chapter 41 and must possess a valid driver's license at time of appointment.
- B. The burden of proof shall be upon the applicant to satisfactorily show the Commission that (s)he possesses the qualifications prescribed for eligibility to the position for which (s)he applied.

- C. Unless otherwise ordered by the Commission, no person shall be initially appointed to the position of police officer who is less than twenty-one (21) years of age at the time of appointment.
- D. Following a conditional offer of employment, each prospective appointee shall be given a medical and psychological examination. All such examinations shall be made at the expense of the City of Mercer Island and shall be conducted by regularly licensed medical service provider, as chosen by the employer. The examination shall include a drug test to determine whether any controlled substance, as that term is defined in Chapter 69.50 RCW, has been used by the prospective appointee. A positive test result showing use of a controlled substance will terminate the hiring process for an appointee unless the appointee can demonstrate through a physician's certification that the use of the controlled substance was proper under the circumstances or that the test results were inaccurate. The inaccuracy may be established by obtaining another drug test or tests, at the expense of the prospective appointee. The results of drug tests are confidential and are available only to the appointing authority. Failure to satisfactorily pass the medical or psychological examination will result in removal from the eligibility list.
- E. No appointment shall be made until a thorough background investigation of the prospective appointee is completed. If, from the background investigation, it is determined that the prospective appointee may be disqualified, the Police Chief may remove such prospective appointee from the list.

SECTION 11: QUALIFICATIONS FOR PROMOTION

- A. Whenever a vacancy occurs in any grade, it shall, whenever practical, be filled by a promotion from the next lower rank within the Department, except for the position of Police Sergeant, which shall be filled, whenever practical, by a promotion of either Police Officers that qualify (see Sub-section C) or Police Corporals. Promotion shall be made upon the merit of the person promoted as shown by their previous record, as well as upon merit shown by the examination process.
- B. No police officer shall be admitted to any examination for promotion from the grade of police officer who has not served for at least three (3) years in grade. However, for good cause shown, a lesser period of service may be acceptable at the discretion of the Commission, which may factor in equivalent training, education, and practical experience in making a determination. In addition, a police officer who has been determined eligible to take a promotional examination is simultaneously qualified to take the Police Corporal and/or the Police Sergeant examination. Police Corporals do not have a minimum time in grade before being allowed to take a promotional examination for the position of Sergeant. All other promotions shall require service for at least two (2) years in the lower grade, unless the Commission for good cause should otherwise direct, which may factor in equivalent training, education, and practical experience in making a determination. Only qualifying Police Sergeants will be eligible to take the Police Lieutenant examination.

SECTION 12: EXAMINATIONS FOR NEW HIRES

- A. All examinations shall be practical and impartial, shall consist of subjects which will fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made, and may include tests of physical fitness and/or performance skills. It is the intent of the Commission that this test be closely related to the operations and duties of a police officer or

firefighter. It is the intent that the written examination shall not contain questions that are biased against persons within legally defined protected classes.

- B. The relative weight of each examination shall be as ordered by the Commission. In those cases where an oral exam is given, the appointing authority shall, when practical, appoint a minimum of three (3) members, with one being a Human Resources representative for Police oral board exams.
- C. In accordance with RCW Chapter 41, as now existing and hereafter amended, a veterans' preference percentage will be applied to qualifying candidates.
- D. If a written test, physical performance test, and oral examination are given, only those who attain a passing grade on the written examination shall be eligible to take the physical performance test and oral examination.
- E. Those applicants who attain a passing grade in the written examination may be required to take a physical performance test on a pass or fail basis. Applicants who fail the physical performance test will be ineligible for further consideration.
- F. Up to the top-scoring twenty-five applicants will be invited to the oral examination. If more than the designated number of applicants score the cutoff grade, those applicants shall also be invited to the oral examination. If an applicant declines the invitation to the oral examination, the next highest scoring applicant will be invited to the process. All the remaining applicants will be ineligible for consideration.

SECTION 13: PROMOTIONAL EXAMINATION PROCEDURES

- A. Promotional examinations shall consist of written questions, oral questions, or other performance tests or in such other categories as the Commission may determine. Examinations may be given on oral questions only or written questions or a combination of both written and oral questions, and other categories as applicable. Police promotional examination scores shall be weighted as follows: 50% supervisors' evaluation of each candidate and 50% assessment center score.
- B. The Commission may approve recommendations from the Secretary/Chief Examiner of the procedures for the conduct of each promotional examination.
- C. In case any applicant is dissatisfied with the grade (s)he receives on any promotional examination, (s)he may, within ten (10) days after receiving notice of their grade, appeal the matter to the Commission by submitting a written notice to the Commission stating that (s)he is dissatisfied with such grade and that (s)he desires the same to be reviewed; whereupon the Secretary/Chief Examiner, in conjunction with two members of the Commission appointed by the Chairman of the Commission, shall re-examine the grade and either approve or change the grade as may appear just and proper, and the grade so established through this proceeding shall be conclusive except as otherwise provided by law.
- D. After the promotional examination results are tabulated, each person shall be notified of their standing as ascertained from the entire examination process. Written examination papers and grading sheets utilized by the oral board examiners are privileged records of the Commission and are not available for public inspection. They shall remain in the files of the Commission and shall not

be placed in the Department personnel files. Examination papers and grading sheets may be inspected by the person examined with prior approval of the Chief Examiner and/or in accordance with public records disclosure laws. Such approval shall be granted only upon written request and shall not be unreasonably withheld.

SECTION 14: DISCIPLINE

- A. Discipline is any action by the appointing authority that threatens the advancement or tenure of any member of the classified service. Examples of discipline include, but are not limited to: Removal, suspension, demotion, discharge, reduction in salary, forfeiture of accumulated time (vacation, holiday, or compensatory time), written reprimand, and transfer for the purpose of punishment.
- B. The tenure of everyone holding an office, place, position, or employment under the provisions of state law and these rules shall be only during good behavior and any such person may be disciplined by the appointing authority for violations of policies, rules, and/or laws to include, but not limited to the following reasons:
 - 1. Incompetence, inefficiency, inattention to, or dereliction of duty.
 - 2. Dishonesty, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself/herself, or any willful violation of the provisions of law, or of these rules and regulations
 - 3. Mental or physical unfitness for the position which the employee holds.
 - 4. Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such an extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions or duties of any position under the classified service.
 - 5. Conviction of a felony, or a misdemeanor involving moral turpitude.
 - 6. Any willful or inexcusable failure to pay any just debt or obligation.
 - 7. Acceptance for personal use of a fee, gift, or other valuable thing in the course of work when given in the hope or expectation of receiving a favor or better treatment than that afforded the public generally.
 - 8. Any other act or failure to act which, in the judgment of the Commission, is sufficient to show the offender to be an unsuitable or unfit person to be employed in the classified service.
- C. No person in the classified service who shall have been permanently appointed or inducted into the classified service under the provisions of these rules and regulations shall be disciplined except for cause, and only upon the written accusation of the appointing authority.

SECTION 15: APPEALS

- A. Any member of the classified service who is disciplined, may within ten (10) days from the time of such discipline, file with the Chief Examiner of the Commission a written demand for an investigation whereupon the Commission shall conduct an investigation.
- B. The investigation required by Section A shall be confined to the determination of the question of whether such discipline was or was not made for political or religious reasons or was not made in good faith for cause, or was made for reasons of violating protected classes, as defined by law.

- C. After such investigation, the Commission may affirm or reverse the discipline, based on the outcome of the investigation, as defined in Section B. The Commission may provide in its discretion that a reversal be retroactive and entitle such person to compensation from the time the disciplinary action was first taken.
- D. The Commission, upon such investigation, in lieu of affirming the discipline, may modify the order of discipline. The findings of the Commission shall be certified in writing to the appointing authority and shall be forthwith enforced by the appointing authority.
- E. In accordance with RCW Chapter 42.30.140, all such investigations made by the Commission shall be by hearing after reasonable notice to the accused shall be afforded the opportunity of appearing in person, with or without legal counsel, and present their defense. If such judgment or order of the appointing authority were concurred by a majority of the Commissioners, the accused may appeal to the Superior Court of King County as provided by law.

SECTION 16: TRANSFERS

- A. Whenever it becomes necessary for the Police Department through lack of finances or for any other reason to reduce the number of personnel in the classified service, reduction shall be made in the following manner:
 - 1. In the case of reduction in the number of positions in a particular grade, reduction shall be accomplished by demotion to the next lower grade where practicable; thus, persons serving in a probationary capacity will be demoted and when there is no person serving in a temporary or probationary capacity, permanent employees will be demoted in the basis of seniority in grade. The most junior employee in time of service in the grade to be reduced will be demoted first, unless otherwise ordered by the Commission.
 - 2. In the case of reduction in the number of total personnel, reduction shall be accomplished by lay-off of personnel based on seniority, with the most junior employee in time of service in the lowest grade to be laid off first.
- B. Whenever an employee is laid off under this provision, their name shall be placed on the reinstatement register provided for by these rules, as described in Section 3.

SECTION 17: LEAVES OF ABSENCE

- A. LEAVES OF ABSENCE: A leave of absence may be granted by the appointing authority to any person under civil service providing that such appointing authority shall give notice of such leave to the Civil Service Commission.
- B. ELIGIBILITY FOR LEAVE OF ABSENCE: A person under Civil Service may become eligible for leave of absence only upon completion of the applicable probationary period except in emergency situations and/or leave of absences supported by state and/or federal law.
- C. MILITARY LEAVE: Military leaves of absence shall be granted by the appointing authority in accordance with the provisions of the applicable laws and chapter 38.40.060 RCW.
- D. EXPIRATION OR TERMINATION OF LEAVES OF ABSENCE: The appointing authority may terminate any leave of absence by written notice to the employee concerned whenever the conditions require

such action or state and/or federal law does not prohibit such action. The employee shall then be required to return to duty. The employee shall be returned to the same class (s)he occupied when the leave of absence was granted. An employee who fails to return to duty upon termination or expiration of leave shall be considered absent without leave and subject to disciplinary action.