RULES

FOR THE

CIVIL SERVICE COMMISSION

KING COUNTY WASHINGTON

RULES FOR THE CIVIL SERVICE COMMISSION

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RULES FOR THE
CIVIL SERVICE COMMISSION
KING COUNTY, WASHINGTON

RULE 1: PURPOSE, EFFECT, AMENDMENT AND ADMINISTRATION

Section 1.1 Purpose

These rules shall give effect to the provisions of RCW Chapter 41.14, as amended, of the State of Washington providing Civil Service for Deputy Sheriffs. They set forth the principles and procedures which are to be followed in the conduct and administration of the Civil Service program. The rules are designed to provide the public, the Appointing Power and his employees with assurance that personnel actions and personnel problems will be carried out and dealt with uniformly and equitably. Merit principles and scientific personnel methods form the basis of these rules. These rules shall not be waived or modified except as provided in Section 1.3.

Section 1.2 Effect

These rules, when processed and adopted by the Civil Service Commission, shall have the force and effect of law subject to RCW 41.14, as amended.

Section 1.3 Amendment

The Civil Service Commission or the Manager may initiate recommendations for amendments or revisions to the Civil Service Rules. Recommendations may be submitted to the Civil Service Commission by the Sheriff-Director, employees of the Department of Public Safety or their representatives and interested citizens. The Civil Service Commission shall conduct public hearings after due notice before taking final action on such amendments or revisions. Any amendments or revisions not inconsistent with RCW Chapter 41.14, as amended, shall become effective, when

adopted by the Civil Service Commission.

Due notice as used in this section shall mean that at least two weeks prior to such meeting the Secretary and Manager shall see that public notice is provided as set forth in Section 3.28 of these rules.

Section 1.4 Administration

The Manager shall be charged with the responsibility for the administration of these rules.

RULE 2: POSITIONS COVERED BY THESE RULES

Section 2.1 Classified and Unclassified Services

The Department of Public Safety is divided by RCW Chapter 41.14, as amended, into the Classified and Unclassified Services:

A. The Unclassified Service shall consist of the positions of Sheriff-Director, Under-sheriff, Inspector, Chief Criminal Deputy, Chief Civil Deputy, Jail Superintendent and one Private Secretary or such equivalent positions as may be determined by the Sheriff-Director. The Unclassified Service is exempt from the provisions of these rules.

B. The Classified Service shall consist of all police officers and other employees of the Department of Public Safety not specifically included in the Unclassified Service.

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

Section 3.1 Advancement

"Advancement" shall mean a salary increase for a position made without examination based upon satisfactory or better performance ratings and a scheduled time grade within the same classification.

Section 3.2 Advance Notice

"Advance Notice" shall mean giving an advisory by Public Notice at least five working days in advance of a public Civil Service hearing taking place other than the Regular Monthly Meeting and Special Meetings of the Commission.

Section 3.3 Allocate

"Allocate" shall mean the act of assigning each position to its proper class on the basis of similarity of duties and responsibilities or required qualifications.

Section 3.4 Appoint

"Appoint" shall mean the act of the Appointing Power in assigning to a position such eligible or eligibles as have been certified or are being employed in such positions.

Section 3.5 Appointing Power

"Appointing Power" shall mean the Sheriff-Director or a person designated by him with authority to appoint, discipline or remove subordinate employees, subject to these rules.

Section 3.6 Assignment

"Assignment" shall mean the delegation of Civil Service personnel to duties of the same class for which added compensation by budget action is authorized.

Section 3.7 Certify

"Certify" shall mean the act of the Commission in supplying the appointing power with the names of applicants who are eligible for appointment to the class and positions in the Classified Service for which certification is requested.

Section 3.8 Class

"Class" shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

Section 3.9 Classified

"Classified" shall mean the assignment of an individual position to a class by the Commission.

Section 3.10 Classes, Series of

"Classes, Series of" shall mean two or more classes similar as to line of work and differing as to responsibility and difficulty, arranged in a ladder of steps in a normal line of promotion.

Section 3.11 Continuous Service

"Continuous Service" shall mean employment in the Department of Public Safety as a regular or probationary employee which is uninterrupted except for authorized leave of absence, disability leave, or separation due to layoff; however, time lost due to layoff, disability leave or approved absence in excess of 30 days without pay shall not be included in the determination of length of continuous service unless required by federal or state statute.

Section 3.12 Demotion

"Demotion" shall mean the assignment of an employee to a position in a lower class than the position from which the assignment is made.

Section 3.13 Discharge

"Discharge" shall mean separation of an employee for cause.

Section 3.14 Eligible

"Eligible" shall mean a person listed on an active eligible list and who has rights under these Rules to be certified for appointment.

Section 3.15 Eligible List (Amended 4/21/76)

"Eligible List" shall mean a list of all persons who have qualified for appointment to positions within a certain class under the provisions of these Rules, who have not yet been appointed to such class and who have not been removed from such list in accordance with these Rules. The six types of eligible lists are: Reemployment, In-Series Reemployment, Out-of-Series Reemployment, Reinstatement, Promotional and Open Competitive.

Section 3.16 Employee

"Employee" shall mean a person occupying a position and who is paid a salary or wage for services rendered.

Section 3.17 Grievance

"Grievance" shall mean a cause for complaint on the part of an employee or employees.

Section 3.18 Layoff

"Layoff" shall mean the interruption of service and pay of an employee because of lack of work or funds.

Section 3.18.1 Manager

"Manager" shall mean the Manager of the Personnel Division of King County or designee.

Section 3.18.2 Open Competitive List (Added 8/18/76)

"Open Competitive List" shall mean an eligible list comprised of qualified applicants who have successfully completed an open competitive examination pursuant to Section 8.8 and/or Rule 15.

Section 3.19 Personnel Action

"Personnel Action" shall mean actions and procedures governing appointments, promotion, transfer, layoff, dismissal, disciplinary measures and others related to employment of people.

Section 3.20 Position

"Position" shall mean a group of current duties and responsibilities, described by an approved job specification, which has been assigned or delegated by the Appointing Power, requiring the full-time or part-time services of an employee.

Section 3.21 Probationary Employee

"Probationary Employee" shall mean any employee who is serving his probationary period prior to being permanently appointed to a position.

Section 3.22 Probationary Period

"Probationary Period" shall mean that one-year period during which an employee's skills, aptitudes and adjustments are made in accordance with RCW 41.14.130 prior to his permanent appointment to that position.

Section 3.23 Promotion (Amended 4/21/76)

"Promotion" shall mean the change in status of an employee to a position in a higher class than that of the position previously occupied.

Section 3.24 Promotional List (Amended 4/21/76)

"Promotional List" shall mean an eligible list comprised of employees in the classified service, who have successfully completed a promotional examination, pursuant to Section 8.9.

Section 3.25 Provisional Appointment

"Provisional Appointment" shall mean a noncompetitive appointment made for a period not to exceed four months for any one person in any one fiscal year to fill a classified position pending establishment of an eligible list for the class.

Section 3.26 Provisional Employee

"Provisional Employee" shall mean any employee filling a position without competition pending the establishment of an employment list.

Section 3.27 Public Hearings

"Public Hearings" shall mean a hearing held at any regular monthly meeting of the Civil Service Commission or one called by the Commission.

Section 3.28 Public Notice

"Public Notice" shall mean giving notice in writing by posting on bulletin boards kept for that purpose by the County Personnel Office and in at least two conspicuous public places in the County Courthouse, or by publication in two or more newspapers having broad circulation within King County.

Section 3.29 Reemployment List (Amended 4/21/76)

"Reemployment List" shall mean a list containing, in inverse order of layoff, names of persons who have been employed in the Classified Service as Regular or Probationary Employees and who have been separated pursuant to the provisions of Section 11.2. Other types of reemployment lists are:

In-Series Reemployment List: A list which allows a laid off employee to be considered for referral to a position in a lower classification within the same series in lieu of layoff, pursuant to Section 11.3.

Out-of-Series Reemployment List: A list outside of the classification from which the employee was laid off, which allows a laid-off employee to be considered for referral to out-of-series positions if he/she meets the necessary out-of-series requirements, pursuant to Section 11.3.

Section 3.29.1 Reinstatement List (Added 4/21/76)

"Reinstatement List" shall mean a list containing names of persons who have been employed in the Classified Service as regular or probationary employees, who have resigned and been subsequently determined as eligible for reinstatement, pursuant to the provisions of Section 11.1.

Section 3.30 Regular Employee

"Regular Employee" shall mean any employee in the Classified Service who has been permanently appointed after serving a probationary period to a County budgeted position and normally involving continuous year-round service.

Section 3.31 Retention List (Deleted 4/21/76)

Section 3.32 Retention Standing (Deleted 4/21/76)

Section 3.33 Step Increase

"Step Increase" shall mean the next higher within class salary increment to which an incumbent of a job class is entitled. Step increases are generally periodic and prescribed in number by budgetary allotment. Satisfactory or better services attested to by the Appointing Power as contained in reported Performance Ratings and Commission approval are conditions precedent to allocation of step increases.

Section 3.34 Suspension

"Suspension" shall mean temporary termination of services without pay for disciplinary purposes.

Section 3.34.1 Vacancy (Added 3/24/82)

A vacancy exists in a classified position upon the death, resignation, or dismissal of the incumbent, or when the Commission determines there is cause to believe the incumbent will not return to duty.

Section 3.35 Working Days

"Working Days" shall mean Monday through Friday, excluding official holidays.

Section 3.36 Written Notice

"Written Notice" shall mean the service of a notice of any action of the Commission in writing either on the person directly or by mail. When the service is by mail, the notice must be deposited in the United States Post Office with postage prepaid and addressed to the person to whom it is to be served at his last known address as it appears on the records of the Civil Service Commission. Such notice shall be deemed completed at the time of deposit in the receptacle provided by the Post Office Department. The method of service of notice shall be exclusively within the jurisdiction of the Commission.

RULE 4: ORGANIZATION

Section 4.1 The Civil Service Commission

The Civil Service Commission shall immediately after appointment of the Commission elect one of its members Chairman and thereafter a Chairman shall be elected annually by the Commission at its regular monthly meeting in February.

Section 4.2 Meetings

The Civil Service Commission shall hold regular meetings at least once a month open to the public. Day of the month and time of meetings shall be fixed by resolution. Additional meetings may be held by the Commission as may be required for the proper discharge of its duties and at the call of the Chairman.

Advance notice shall be given of such meetings.

Section 4.3 The Personnel Manager

The Personnel Manager shall, subject to the regulation of the Commission:

A. Prepare such forms and initiate such procedures as may be considered necessary, appropriate, or desirable to fulfill the Civil Service Commission's responsibilities and duties.

B. Maintain the Position-Classification Plan based on the duties, responsibilities and nature of work of positions in the Classified Service.

C. Provide for the establishment and maintenance of such records as the Civil Service Commission deems advisable or necessary.

D. Provide a system of checking payrolls, so as to determine that all persons in the Classified Service have been properly appointed and are being paid in accordance with RCW 41.14.150.

E. Develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the King County Department of Public Safety. Prepare eligible lists based upon results of competitive examinations.

F. Act as Secretary to the Civil Service Commission by providing for the keeping of the minutes of meetings, submitting same for approval of the Commission and signature of the Chairman. Perform other duties related to meetings as may be assigned to him by the Commission.

G. Perform such other activities with reference to personnel administration, not inconsistent with RCW 41.14, as amended, and these Rules, as may be deemed necessary or desirable and as the Civil Service Commission may direct.

RULE 5: THE CLASSIFICATION PLAN

Section 5.1 Classifications, Revisions, Allocations, Appointments, General

The Commission shall classify all positions listed under Section 2.1(B) thus providing a complete inventory of all positions in the Classified Service. Classifications shall be made so as to place each type of service into a separate group and by dividing each group into grades on the basis of equivalent functions and responsibilities. The Classification Plan shall standardize titles each of which shall be indicative of a range of duties and responsibilities and have the same meaning throughout the Classified Service.

Section 5.2 Revisions

Requests for revisions to position classifications by the Appointing Power shall be accompanied by organization charts, position classification recommended and position specifications. No allocations, appointments or promotion to any position shall be made except as provided for herein.

Section 5.3 Composition of the Classification Plan

The Classification Plan shall consist of:

A. A grouping into classes of positions which are of approximately equal difficulty, responsibility and authority which require the same general qualifications and could use the same testing recruits for qualification, and which can be equitably compensated for within the same range of pay under similar working conditions.

B. A class title, descriptive of the work of the class, which shall identify each class.

C. Written class specifications for each class of position, containing a description of the nature of the work and of the relative responsibility of positions in the class, examples of work which are illustrative of duties of positions allocated to the class, requirements of work in terms of knowledge, abilities and skills necessary for performance of the work, and a statement of minimum experience and training, with appropriate substitutions, for recruitment into the class.

Section 5.4 Class Titles (Amended 4/16/75)

Class titles shall be used in all personnel, accounting, budgeting, appropriation and financial records. No person shall be appointed to, or employed in a position in the Classified Service Plan under a title not included in the Classification Plan.

Section 5.5 Class Specifications

The specifications of the classes of positions in the Classification Plan and their various parts shall be used as a guide in the classification of positions and have the following force and effect:

A. The specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities. Specifications are to be interpreted in their entirety and in relation to others in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a full definition of class.

B. In determining the class to which any position should be allocated, the specification of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities,

qualification requirements and relationships to other classes, as together affording a statement of the employments that the class is intended to so embrace.

Section 5.6 Use of the Classification Plan

The Classification Plan shall be used:

A. In preparing public announcements of examinations or vacancies.

B. As a guide in preparing examinations which may be used to appraise the qualifications of applicants for work in specific classes.

C. In determining promotional sequence.

D In providing uniform job terminology which is clearly understandable to county officers, employees and the general public.

E. In setting up appropriate employment lists from which personnel may be certified to fill vacancies.

F. As a guide in making appointments and assigning duties.

Section 5.7 Maintenance of the Classification Plan

The Manager is charged with the responsibility for the proper and continuous maintenance of the Classification Plan so that it will reflect on a current basis the duties being performed by each employee in the Classified Service and the class to which each position is allocated.

The Manager shall recommend, after a survey and consultation with the Appointing Power, to the Civil Service Commission necessary amendments to the Classification Plan in the form of new classes, revision of existing classes and the abolition of classes no longer required in the Plan. Upon the Civil Service Commission approving the establishment of a new classification or the abolition of an existing classification, the County Executive, County Council, and the Appointing Power shall be notified in

order that appropriate action may be taken in regard to compensation for the classes involved. Revisions of class specifications and reallocations within the Classification Plan shall be made as follows:

A. The Manager shall study the duties and responsibilities of each new position as it is created and on the basis of this study place the position in the appropriate class within the Classification Plan for the duties performed.

B. Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the Manager by the Appointing Authority. If these are determined to be permanent, are more than minor changes, and justify a reallocation to a different classification, the Manager shall place such position in its appropriate class.

C. The Manager shall periodically review the classification of positions, and, upon the basis of his investigation, make appropriate changes in allocations or recommend changes in the Classification Plan.

Section 5.8 Status of Employees Affected by Reclassification (Amended 12/2/85)

This section describes the method for assigning employees affected by a reclassification in connection with administration of the Classification Plan. For purposes of this section, "former class" refers to the class containing the position held by the employee immediately prior to the reclassification and "new class" refers to the class to which the position held by the employee has been allocated.

A. Where a position has been reallocated to a class with a lower salary range, the employee holding the position shall be assigned to a vacant

position in the former class. If no such vacancy is available, the employee will be assigned a position in the new lower class and placed on the reemployment list for the former class, without limitation of time. The employee shall have the same regular or probationary status in the new lower class that had been achieved in the former class.

B. Where a position has been reallocated to a class with a higher salary range, a regular employee holding the position shall be assigned to the new class and shall have the same status in the new class that had been achieved in the former class, i.e., regular or probationary, if the Commission determines that the additional duties and responsibilities of the position had been added at least one year before it was reallocated. In all other cases, the employee holding the position shall be assigned to the former class and the position shall be filled by appointment from an eligible list.

C. Where a position has been reallocated to a class which the Commission determines is substantially equivalent to the former class, the employee holding the position shall be assigned to the new class and shall have the regular or probationary status in the new class that had been achieved in the former class.

Section 5.9 Allocation Appeals

The Appointing Power or any employee who believes his position has been improperly allocated or reallocated to a class may appeal within thirty days of the allocation or reallocation to the Commission. This time limit may be waived by the Commission. Such appeals shall be in writing and fully set forth the reasons therefore. The appellant and the Appointing Power shall be given a reasonable opportunity to be heard by the

Commission. Any decision of the Commission, under this provision, which allocates a position to a different class in the Classification Plan shall be retroactive to the date the appeal was first filed.

Section 5.10 Perform Duties of Class

The Appointing Power shall not require or permit an employee to perform duties outside his proper class, except in emergencies reported to the Commission and only for a maximum period of 30 calendar days, extendable at the option of the Commission.

Section 5.11 Reporting Violations of Classification Regulations

Whenever any employee believes he is being required to perform duties outside the proper scope of his class, he shall report the facts in writing to the Appointing Power. Should he not be satisfied that the situation has been corrected within three weeks, he shall report the facts in writing to the Commission.

The Commission shall then investigate fully the facts involved and shall report its findings to the Appointing Power and employee involved.

Section 5.12 Reallocations

Whenever it becomes necessary in the administration of any department to change, add to, or take from a position duties which may change the allocation of the position, the Appointing Power shall report such fact to the Commission with a request for investigation. He shall submit, along with his request, organizational charts showing "before and after" organization, classification recommended and revised job specification.

Section 5.13 Time for Filing Requests for Reallocation

Requests for reallocation of a position shall be made, whenever possible, before the annual budget is submitted for the succeeding year.

Section 5.14 Compensation Not Affecting Classification

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

RULE 6: QUALIFICATION FOR EXAMINATION

Section 6.1 Citizenship

An applicant for a position of any kind under civil service must be a citizen of the United States who can read, write and speak the English language so as to be easily understood.

Section 6.2 Age

The minimum age limit, unless specifically designated otherwise by the Commission or state law, shall be 18 years at the time of appointment.

The maximum age limit, unless specifically designated otherwise by the Commission or state law, shall be relatable to that physical condition adequate for the demands of the job classification as determined by the Commission's Examining Physician during the medical examination prior to certification to a job vacancy.

Section 6.3 Age at Time of Filing for Employment

The Commission may permit filing by applicants not more than one year under the specified minimum age. If they are successful in passing the examination, their eligibility shall be held in abeyance until they reach the required minimum age, when they must so report in writing to claim their rights. They shall then take their places on the register in accordance with their final examination ratings. Any eligibility so attained shall expire with that of other eligibles from the same examination.

Section 6.4 Special Qualifications

The Commission may demand evidence of a satisfactory degree of education, training or experience, or for any lawful requirements in examinations for classes requiring technical, professional or scientific knowledge and experience, or where special qualifications are required.

Section 6.5 Physical Standards

For jobs other than Police Officer, Sergeant, Lieutenant, and Captain, the Commission Examining Physician, on the basis of the job requirements and the medical examination results, is the final authority on whether an applicant being examined is capable of physically performing the job.

RULE 7: RECRUITMENT AND APPLICATION FOR EXAMINATIONS

Section 7.1 Announcement of Examinations (Amended 11/20/74)

Notice of examinations shall be given at least fifteen days in advance of the last date for filing of applications by publication in two or more newspapers of general circulation published in King County, by posting announcements on bulletin boards kept for that purpose by the County Personnel Office and in such other places and in such other manner as the Manager may deem advisable.

Section 7.2 Filing of Applications

All applicants for positions in the Classified Service must submit a signed application on the Commission prescribed form. All applications must be received in the Commission's Office within the time limit fixed in the official announcement of examination.

Section 7.3 Change of Applicant's Address

The applicant is responsible for notifying the Commission in writing within two working days of any change of address.

Section 7.4 Applications for Examinations

General requirements for filing applications:

A. In order to be admitted to any examination for a position in the Classified Service one must have filed an application upon forms provided by the Commission.

B. Every person making application must meet the requirements as shown in the announcement of examination for the particular position for which he is applying.

RULE 8: EXAMINATIONS

Section 8.1 Examinations Shall Be Impartial

All examinations shall be impartial and shall relate to those matters which will test fairly the capacity and fitness of the candidate to discharge efficiently the duties of the position to be filled. Examinations may be assembled or unassembled, and may include written, oral, physical fitness and performance tests or any combination of these. They may take into considerations such factors as education, experience, aptitude, knowledge, physical fitness or any other qualifications or attributes which, in the judgment of the Commission, enter into the determination of the relative fitness of applicants. The results of personality tests, if given, may not be used as part of the scoring in the establishment of the certified list.

Section 8.2 Identity of Examinees Concealed

The identity of all persons taking a competitive written test shall be concealed from the examiners by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have all been rated. Any papers carrying the name of the applicant, or any other identification mark, or any candidate who reveals his identification number to the Manager or any member of his staff, directly or indirectly, may be disqualified and the candidate so notified.

Section 8.3 Rating Examinations

Appropriate scientific techniques and procedures shall be used in rating results of examinations and in determining the relative ratings of the competitors. Final examination grades shall be expressed on, or con-

verted to, a scale of 100 for maximum possible attainment and the required passing grade may be set by either the Commission or the Manager. Whenever oral tests are given, the weight given such tests shall not normally carry more than 50% of the total grade of the examination.

Section 8.4 Minimum Grades on Each Section

The Commission may determine the minimum grade for any part or parts of the examination. Any candidate who fails to attain at least this minimum grade shall be considered to have failed the total examination and shall not be examined on any further parts, if any are planned.

Section 8.4.1 Commission Review of Examination Results (Added 7/16/75)

Prior to certification from a new employment list, the overall test results must be accepted by the Commission. If the Commission rejects the results, it must state publicly its reasons for so doing. Notice of this discretionary power of the Commission will be clearly stated on all recruiting announcements.

Section 8.5 Review of Examination by Applicants (Amended 4/16/75;7/16/75; 3/08/77;6/22/77)

Any applicant shall have the right to personally inspect a copy of the written examination questions and answers and/or oral examination questions within seven calendar days immediately following the conclusion of each portion of the examination for all participants. Such inspection shall be made in the presence of the Manager or the Commission's authorized representative. Copies of examination questions and answers may not be removed from the designated place of review.

Section 8.6 Protest of Examination Questions and Answers (Amended 4/16/75; 3/08/77;2/03/78)

Should a person complete the review provided for in Section 8.5 and desire to protest the written examination, a written protest shall be filed with the Manager within seven calendar days of the examination review. Should an applicant desire to protest the oral examination, a written protest shall be filed with the Manager within three calendar days of the examination review period. Should an applicant desire to protest a physical agility test or other performance examination, a written protest must be filed with the Manager within seven calendar days of the applicant's examination date.

Section 8.7 Examination Appeal Hearing (Amended 7/16/75; 3/05/77)

Within thirty-one calendar days of the filing of the written protest discussed in Section 8.6, the Commission shall hold a hearing at which the candidate may present all relevant and material evidence to show the invalidity or incorrectness of the examination question or answer protested. The Commission may, in its discretion, consolidate any appeals filed under Rule 8.6 for hearing. Neither the candidate nor the Commission shall be bound by formal rules of evidence. The candidate shall have the right to be represented by counsel, to testify in his own behalf, to call witnesses, and to cross-examine witnesses against him. A written record shall be kept of all proceedings. The candidate must prove the validity of his challenge by a preponderance of the evidence. The Commission shall make a decision based on the evidence and shall notify the candidate in writing of their decision within ten calendar days immediately following the hearing. If the Commission is satisfied as to the validity of the changes proposed by

the candidate, such changes shall be made part of the examination answer key. The original examination answer key, together with any changes approved by the Commission, shall then constitute the final answer key effective immediately upon notification of the candidate or candidates that have pursued review under this section. No further requests for change in the examination answer key will be considered after the Commission has resolved all changes filed in compliance with the provisions of this section. No certified list will be finalized until the resolution by the Commission of all challenges directed to the examination upon which it is based.

Section 8.8 Open Competitive Examinations (Amended 8/16/76)

Positions shall normally be filled through open competitive examinations in which both qualified employees and the general public may compete; however, the Commission may choose to administer a promotional examination, pursuant to Section 8.9. This rule shall be applicable only insofar as it is not inconsistent with Rule 15.

Section 8.9 Promotional Examinations (Amended 3/17/76)

Upon the action of the Civil Service Commission, vacancies for positions higher than entry level may be filled through closed promotional recruiting and testing, open only to eligible employees in the classified service.

Section 8.10 Announcement of Promotional Examination (Amended 8/31/77)

All promotional examinations must be publicized at least fifteen days in advance of the last date for filing of applications by posting announcements on bulletin boards in the corridors of County buildings, and in such other places and in such other manner as the Manager or the Commission may deem advisable under these Rules.

Section 8.11 Medical Examination for Promotion (Amended 3/17/76)

All promotional candidates may be medically examined, with Commission concurrence, prior to their certification to a vacancy. The examining physician appointed by the Commission will report his findings based upon physical standards for promotion to Sergeant, Lieutenant, and Captain. Those candidates reported not medically fit will have their cases reviewed by the Appointing Power who will recommend to the Commission whether or not the candidate should be certified. All recommendations will be considered by the Commission.

Section 8.12 Pistol Qualification for Promotion or Assignment to Higher Grade (Deleted 3/17/76)

Section 8.12.1 Promotional Examination and Appointment Eligibility for Commissioned Officers (Added 3/17/76)

Commissioned personnel applying for promotion may only apply for the next higher grade from that of their present classification. Prior to appointment from a promotional eligible list, a candidate must meet the minimum length in service qualifications for the higher classification, as established in the classification specifications.

Section 8.12.2 Promotional Tests - Ties in Scores (Moved from Section 10.13 - 3/17/76)

Lieutenants, Sergeants, and Police Officers and others competing in promotional tests, who receive tie scores within the classification grades for which they are competing, will have such ties resolved by going back to their prior promotion dates of next lower grades and if necessary until their dates of first employment are reached. In each instance the tie is broken by the individual and/or individuals with senior standings.

Section 8.13 Time Interval

Any person who unsuccessfully competes in an examination for a particular class shall not be eligible to compete in another examination for the same class within six months of the establishment of the employment list resulting from the first examination unless it is otherwise authorized by the Commission.

RULE 9: EMPLOYMENT LISTS

Section 9.1 Eligible Lists (Amended 3/17/76)

The Manager shall establish and maintain such eligible lists for the various classes of positions in the Classified Service as are necessary to meet the needs of the Service. Candidates receiving a passing grade in examinations shall be notified and be placed upon the proper employment list in the order of their relative grades. When tie grades exist, all persons with the highest score shall be submitted to the Appointing Power, who shall then choose one person from the list. Ties in promotional tests are governed by the provisions of 8.12.2.

Section 9.2 Duration of Lists (Amended 9/30/83)

The term of eligibility of each list and/or the names appearing thereon normally shall be for one year unless extended. The Commission may, however, approve a shorter term of eligibility at the time it establishes a particular list. Any list that has been in effect for as long as two years by special permission of the Commission shall be abolished.

Section 9.3 Duration of Promotional Eligible Lists (Amended 4/21/76)

Promotional Eligible Lists for Captain, Lieutenant and Sergeant will be effective for two calendar years from the effective date of that list. The Commission will be the sole authority for determining whether to administer promotional examinations.

Section 9.4 Removal From Employment List (Amended 12/3/81)

The Manager may at any time remove the name of an eligible person from an employment list for any one or more of the following causes:

A. A written request from the eligible person that his name be temporarily or permanently removed.

B. Failure to respond to the Commission's inquiry regarding eligible's availability for certification.

C. Failure to respond to notice to appear for medical examination, employment interview or Rejection Appeal Hearing.

D. Declining an offer of permanent appointment.

E. Where reasonable evidence indicates attempted deception, fraud or other impropriety in connection with any application or test.

F. In any case where the Manager finds that an eligible is or has in any manner become disqualified for the position for which he is listed, in accordance with Section 7.5 of these Rules.

G. Failure to notify the Manager of changes in address.

H. Appointment to a permanent position through certification from an employment list for another class at the same or higher salary. Any person whose name is so removed may have his name restored for the duration of his eligibility to the list, or lists, other than the one from which appointment was made, by making written application for such action to the Manager within five working days from the date of removal.

Section 9.5 Restoration of Names to Employment Lists

Whenever any person's name is removed from an employment list for any one or more of the causes mentioned in the preceding section, he shall immediately be notified in writing. Such person may, within five working days from the date of removal, make a written request to the Manager for restoration of his name to such list for the duration of his eligibility. The request shall clearly set forth the reasons advanced for restoration of

the name to the list. The Manager, after full consideration of the request, may restore the name to the employment list or may refuse such request. The person shall be notified in writing of the Manager's action. Should he wish to appeal that decision, he must notify the Commission within five working days of his notification by the Manager. The Commission shall then review the file and affirm or reverse the Manager's action.

Section 9.6 Order of Use of Eligible Lists (Added 4/21/76)

In the event that more than one eligible list exists for a particular classification, the order of use of lists shall be: Reemployment, In-Series Reemployment, Out-of-Series Reemployment, Reinstatement, Promotional and Open Competitive.

RULE 10: APPOINTMENTS

Section 10.1 General Provisions (Amended 4/21/76)

Vacancies in the Classified Service shall be filled by reemployment, promotional appointment, original appointment, transfer or demotion. Whenever the Appointing Power wishes to fill a vacancy, a requisition for an employee shall be submitted to the Manager on a prescribed form. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Manager to determine who may be available for appointment or if necessary, to establish a class or list of eligibles.

Section 10.2 Requisitions

Whenever the appointing authority requires the services of a person to fill a vacancy in the Classified Service a requisition form shall be made to the Manager stating the number of employees desired together with class titles of the vacant positions and any other information the Manager may desire.

Section 10.3 Certification (Amended 12/3/81)

Upon receipt of a written requisition form, the Manager shall certify to the Appointing Authority on a certification form the names of the three persons highest on the list for the class, unless selective certification is to be applied in accordance with Civil Service Commission Rule 15. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The Appointing Power shall appoint in a timely manner, a person or persons to the vacant position or positions, except as provided in Section 10.14.

Section 10.4 Effective Life of Job Certification (Amended 6/22/77)

Certification of a name from a list in response to the Appointing Power's requisition for an eligible to fill a vacancy shall be in effect for 45 days from the date of issuance. Report of any appointment from such certification must be filed at the office of the Commission within the above stated period of time. Failure to make such a report within the 45-day period will automatically void any certification unless authority for its continuance has been granted by the Commission.

Section 10.5 Notice of Certification to Eligibles

Eligibles certified in response to a properly executed requisition shall be notified by the Manager to appear for an interview with the Appointing Power within such time as may be designated by the Manager.

Section 10.6 Provisional Employees, Hiring of

The Sheriff-Director, prior to hiring provisional employees will submit names of persons and their application forms to the Commission. Approval to hire prospective provisional employees must be received prior to placement of their names on payrolls of the Public Safety Department.

Section 10.7 Provisionals, Performance Requirements

Provisional employees may be employed for four months only and must meet the Civil Service requirements as well as applicable physical and educational standards set by the Commission.

Section 10.8 Performance Tests

A performance test will be given to prospective provisionals by the Commission as considered necessary. Performance requirements for typing, stenography, spelling, etc., must be met prior to employment authorization being granted by the Commission to the Appointing Power.

Section 10.9 Emergency Appointment

Emergency appointments to the Department of Public Safety may be made by the Appointing Power in case of a serious emergency which threatens life, property or the general welfare of the County, but such appointments may not continue longer than thirty calendar days. Emergency appointees need not be taken from employment lists.

Section 10.10 Probationary Period (Amended 4/21/76; 8/16/78)

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to the position, and for rejecting any employee whose performance or adjustment is not satisfactory.

All appointments, and employment, excepting those made from reemployment lists under provisions of Section 11.2, shall be probationary for a period of 12 months of actual service after assuming the duties of a classification. Classification comparability and the date of assumption of duties will be verified by the Manager and approved by the Commission. Appointments made from reemployment lists under authority of Section 11.1 will begin their probationary period anew starting from the date of the appointment from the reinstatement list. Appointments made from reemployment lists under the authority of Section 11.2 shall be probationary for the period of probation remaining unserved at the time of layoff. At any time during the probationary period, the Appointing Power may remove any employee whose performance or adjustment is not satisfactory, provided that the employee and the Commission shall be notified of such action by the Appointing Power. If an employee, promoted to a higher class as a result

of certification from a promotional list, is found unsuited for work of the class during the probationary period, the employee shall be reinstated to a position in the class from which he/she was promoted.

Section 10.11 Medical Examination

Applicants for positions in the Classified Service may be required to undergo an examination to determine physical and/or mental fitness to perform work in the position to which appointment is to be made. An applicant finally determined to be physically or mentally unfit shall not be considered for appointment.

Appointees to permanent positions in the Classified Service may be required to satisfactorily complete an examination prior to actual employment to determine physical and/or mental fitness to perform work in the position to which they are appointed.

Any employee during his/her period of employment may be required by the Commission or the Appointing Power to undergo examinations to determine his/her physical and/or mental fitness to perform the work of the position in which he/she is employed.

Determination of physical or mental fitness will be by an appropriate licensed professional designated by the Commission and Appointing Power. When an employee is finally determined to be physically or mentally unfit for service, such employee shall be, in accordance with these rules, demoted or terminated if the duties of such employees cannot be adjusted to allow for continuation of productive employment.

Section 10.12 Retention of Civil Service Status: Conditions

Any person granted a leave of absence by the Appointing Power, who has been appointed to, accepts and occupies continuously, an unclassified position or duties of a higher order of authority, responsibility and importance within the Department or with another public law enforcement agency or public legislative, governmental or executive department responsible for monitoring, controlling and budgeting for law enforcement activities, shall retain his civil service status.

He must, within 30 days after termination of his appointive term in an unclassified position, inform the Commission of his intention to assume his former classified position under civil service rules.

His seniority standing and benefits shall be computed on the same basis as though he had rendered service in a classified position as set forth in these Rules.

Should no vacancy exist in the grade and classification that he held at the time he accepted his unclassified position, one shall be created by the Commission by removing from like position, grade and classification the incumbent with the lowest seniority standing.

Section 10.13 Promotion Tests - Ties in Scores (Moved to 8.12.2)

Section 10.14 Appointment Standards and Rejection Appeal Procedure

(Amended 2/19/75; 3/21/75; 9/23/81)

The background of all candidates for civil service employment with the Department shall be subject to review by the Commission. The following standards shall apply:

1. Cooperation with Background Investigation. The applicant must cooperate with background investigators by providing true, complete statements to job-related questions, without intentional falsifications, omissions, or misleading statements, as may be revealed by a polygraph examination or otherwise. (Applies to all DPS classifications.)

2. Criminal History. The applicant must have a record free of a criminal conviction, or admission of criminal activity, (including unlawful contact with controlled substances, such as marijuana), except that the seriousness of the offense, its recency, and the age of the applicant at the time of the occurrence will be taken into consideration. (Applies to all DPS classifications.)

3. Employment History. Any documented history of employment must show a pattern of maturity, responsibility and honesty; must be free of excessive tardiness and/or absenteeism, and must be free of a pattern of disciplinary actions, and/or terminations, for justifiable causes. (Applies to all DPS classifications.)

4. Physical and Mental Fitness. Until such time as other final standards are adopted by the Civil Service Commission, interim medical standards of physical and mental health will be those contained in Minimum Medical and Health Standards, L.E.O.F.F. Retirement Systems, State of Washington Retirement Board, 1971, (as those standards relate to job performance in the classification of King County Police Officer.) A candidate for any DPS classification must be free of any physical or mental condition which renders the person unable to perform the duties of the position sought.

5. Driving History. The candidate must have a record free of serious driving violations or multiple minor driving violations during the previous 36-month period. A copy of the violations schedule used to determine the driving qualification is available for review with the Department of Public Safety and the Civil Service Commission. (Applies to all DPS positions involving use of County vehicles.)

6. Misconduct. The candidate must have a record free of acts or a pattern of conduct which, if the applicant were hired by the Department, would detract from public confidence in the Department, or which would impair the security of the Department should such conduct recur. (Applies to all DPS classifications.)

If the Department of Public Safety, acting as the delegated agency to conduct an investigation, finds the candidate unsuitable according to the above standards, the candidate may file an appeal with the Commission within one week of the candidate's written notification by the Department. A hearing will be scheduled, and at the hearing the Department and the candidate may present evidence on the candidate's suitability. The Manager may be delegated to conduct the hearing, in which case the Manager will transmit a record of this hearing to the Commission. The Commission may take additional evidence as it deems necessary to supplement the record. Based on this record, the Commission will make the final determination on the candidate's suitability for employment.

Section 10.15 Performance Ratings

Job Performance Evaluations may be required of all employees by the Sheriff-Director. The Department of Public Safety will establish form, content and schedule or rating. As an aid to examination validation, upon Commission request, a copy of each evaluation report will be forwarded to the Manager.

RULE 11: SEPARATION, SENIORITY, LEAVE OF ABSENCE

Section 11.1 Resignations (Amended 11/20/74; 7/14/76)

Resignation of an employee from the service shall be made in writing to the Appointing Power and the fact of resignation shall be transmitted to the Commission prior to the start of the next pay period. The Appointing Power may comment as appropriate relative to the background for the resignation.

The Civil Service Commission may permit the withdrawal of a former employee's resignation and placement of that person's name upon a reinstatement list for the previously held classification only upon a written request filed by the person with the Commission within two years of the effective date of the resignation, provided such request for withdrawal and placement upon the reinstatement list is supported by the Appointing Power.

Section 11.2 Layoff (Amended 8/20/75; 4/21/76/ 3/24/82)

The Appointing Power may lay off any employee in the Classified Service whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position because of changes in organization, the return or reemployment or demotion of another employee to a position, or other reasons outside the employee's control which do not reflect discredit on the services of the employee; however, no regular or probationary employee shall be laid off while there are temporary or provisional employees serving in the class of position for which the regular or probationary employee is eligible and available. Layoff of probationary or regular employees shall be made in inverse order of seniority in the class of work involved. In the event that there are two or more employees eligible for layoff with the same classification and seniority, the

Sheriff-Director will determine the order of layoff based on employee performance. In lieu of layoff, a regular or probationary employee may request demotion to a position in a lower classification within the same series, thereby filling the position (i.e., bumping) held by the employee with the least seniority in the lower classification; provided that the employee requesting demotion (i.e., exercising his/her right to bump) has more seniority in the lower classification than the employee who is being bumped. In like manner, a regular or probationary employee may request transfer to an out-of-series classification, thereby filling the position held by (i.e., bumping) the employee with the least seniority in the out-of-series classification. Provided that the employee requesting transfer (i.e., exercising his/her right to bump) has more seniority in the out-of-series classification than the employee who is being bumped.

Section 11.3 Reemployment Lists (Replaced 11.3 "Reduction in Force", 4/21/76; Amended 12/03/81)

The names of laid-off employees will be placed on the Reemployment List for the classification previously occupied in inverse order of layoff. The Reemployment List will remain in effect until all laid-off employees are rehired or the employee requests that his/her name be removed from the list.

In accordance with the provisions of Rule 11.2, an employee may request that the Manager place his/her name on the reemployment list for a lower classification within the same series; said list to be known as an "In-Series Reemployment List." Placement and ranking on the In-Series Reemployment List will be based on seniority as defined in Section 11.4.

In like manner, an employee may request that the Manager place his/her

name on the reemployment list(s) for a position in a classification series outside of the classification series from which the employee was laid off. Provided that the employee, prior to holding the position from layoff occurred, held Civil Service status in said outside series in the same or higher classification as the one to which the list(s) will apply; said list(s) to be known as the "Out-of-Series Reemployment List(s)." Placement and ranking on the Out-of-Series Reemployment List(s) will be based on seniority as defined in Section 11.4.

Names placed on any reemployment list(s) will remain on the list(s) for a maximum of two years.

At the time of employee notification of reduction in force or other layoff action, the Appointing Power shall advise the employee of all rights and options designated in this section.

Section 11.4 Seniority (Amended 4/21/76)

Seniority, for the purposes of layoff, demotion in lieu of layoff, transfer in lieu of layoff (out-of-series reemployment) or reemployment, shall be the length of continuous Civil Service certified employment as a probationary or regular employee in the specific class involved. Employees originally hired or promoted on the same date from the same eligible list of the specific class involved shall be ranked, for the purpose of establishing their seniority, in order of their position on the eligible list; i.e., a person who placed higher on the list would have greater seniority than a person who placed lower.

Section 11.5 Broken Service (Amended 6/18/76)

Employment service of classified employees of the Public Safety Department broken by resignation or leaves of absence greater than two years, shall not be counted in computing the years of service attained by classified employees, for their seniority, except if such absence from the Public Safety Department payroll is due to extenuating circumstances, such as:

A. Employee is, according to the records of his local draft board, subject to service in the military and who is drafted or who, prior to being drafted, enlists in the United States military service of his choice before being officially drafted.

B. Employee is called into military service by the United States Government because he possesses special skills, background and experience declared in short supply by the government in time of peace, and he remains in the service until released, honorably.

C. Employee is called or volunteers for military service in time of war for any reason.

D. Employee is granted medical disability leave for injury or sickness or disease incurred while employee is carried on the payrolls of the Public Safety Department.

E. Employee is granted a leave of absence to work in an unclassified status and is on the payroll of King County or another official public law enforcement agency or public governmental executive department; his special knowledge, skills and experience as a law enforcement officer must have been in need and are in short supply at the other agency or department mentioned.

Each request made by the employee for annual extension of leave of absence prescribed in Section 11.6 of these Rules must be timely and approved by the Appointing Power and then the Commission. Within thirty days of his termination of his employment in the unclassified position he must declare his intention and be willing to report for work in the Public Safety Department within 30 days.

Section 11.6 Leaves of Absence

Leaves of absence without pay may be granted by the Appointing Power to any person under Civil Service provided the Appointing Power gives notice of the leave in writing to the Commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the Classified Civil Service, provided further that no leave shall be granted by the Appointing Power for more than one year without Commission approval.

Section 11.7 Granting Maternity Leave

A woman who substantially fulfills the notice requirements of this section shall be entitled to take a leave of absence for childbirth for a reasonable length of time and thereafter return to her job under the uniform terms and conditions as any other employee consistent with policy on temporary disability. She shall not be required to leave work at the expiration of any arbitrary time period during pregnancy but shall be allowed to work as long as she is capable of performing the duties of her job and as long as her physician concurs. To be entitled to maternity leave under this section, a woman shall inform the Appointing Power in advance of her intention to take leave and the approximate time she expects to return to work, and within 30 days after childbirth, shall inform the Appointing Power of the specific day when she will return to work. If the

Appointing Power and woman cannot agree on what is a reasonable time, either may submit the facts to the executive secretary of the Washington State Human Rights Commission for a ruling by him or her, or a member of the Commission's staff designated by him or her, after he or she has obtained the pertinent facts from both sides by telephone or otherwise.

Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are for all job-related purposes, temporary disabilities and should be treated as such. Written and unwritten employment policies and practices involving matters such as the availability of extensions of leave time, the accrual of benefits and privileges, such as seniority, retirement, pension rights, and other service credits and benefits, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

RULE 12: POLITICAL ACTIVITY, RACE AND CREED

Section 12.1 Political Activity (Amended 9/17/75)

A. Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: Provided, that members of the Civil Service shall not be prohibited from soliciting dues or contributions from members of their associations. No person shall solicit on state or county property any contribution to be used for political purposes.

B. Employees of the Civil Service shall have the right to vote and express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan political campaign. They shall further have the right to participate fully in campaigns relating to constitutional amendments, referendums, initiatives and issues of a similar character, and for nonpartisan offices.

C. Civil Service employees whose salaries are financed in total or primarily by federal grant-in-aid funds may be subject to the rules and regulations governing political activity that have been adopted by the United States Civil Service Commission.

Section 12.2 Race, Color, Creed, Sex, Age, National Origin, Political Affiliation or Belief

The right of any person to an appointment or promotion to any position in the Department of Public Safety shall not be withheld because of race, color, creed, sex, age, national origin, political affiliation or belief, nor shall any employee be dismissed, demoted, or reduced in grade for such reason.

RULE 13: GENERAL

Section 13.1 Security of Material

General records, examinations, answer keys, examination instruction manuals, or material pertaining thereto must be kept in a secured area.

Persons entrusted with handling or processing of examinations shall exercise proper security control so as to prevent access of such material to persons without the need to know.

Section 13.2 Security Violation

Violation of the above rules shall be cause for removal and separation of the person or persons from the employ of the Commission.

Section 13.3 General Files

General file records may, unless prohibited by law, be destroyed after seven years if no further business or historical use exists.

RULE 14: DISCIPLINARY PROCEEDINGS

Section 14.1 Removal, Suspension Without Pay, Reduction of Rank or Deprivation or Privileges, Causes for

The removal, suspension without pay, reduction of rank or deprivation of privileges of employees can be effected by the Appointing Power as provided by RCW 41.14, as amended, and these Rules. The following are declared to be adequate causes for removal or other disciplinary action, although such action may be based upon other than these enumerated, namely:

1. False statements or fraudulent conduct as an applicant, examinee, eligible, or employee, or such actions by others with his connivance.
2. Conviction of a criminal offense or misdemeanor involving moral turpitude.
3. Willful violation of any of the provisions of the civil service law.
4. Willful violation of any lawful and reasonable regulation, order or direction made or given by a superior officer where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the County or to the public.
5. Habitual and excessive use of intoxicating liquor or intoxication while on duty.
6. Imcompetency or inefficiency in the performance of the duties of his proper position.
7. Wantonly offensive conduct or language toward the public or fellow officers or employees.
8. Carelessness or negligence in the use of County property.

9. Failure to pay or make reasonable provisions for future payment of just debts.

10. Use of, or attempts to use, political influence in securing promotion, transfer, leave of absence or increase of pay.

11. Violation of Section 12.1 of these rules.

Section 14.2 Complaint in Writing

No person in the classified civil service who has been permanently appointed or inducted into civil service, shall be removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer. A written statement of such accusation, in general terms, shall be served upon the accused, and a duplicate shall be filed with the Commission.

Section 14.3 Right to Investigation

Any person who is removed, suspended or demoted as the result of the filing of a complaint may within ten days from the time of his removal, suspension, or demotion, file with the Commission a written demand setting forth in concise detail the subject matter to be heard or investigated. The name, address, date and signature of the person or person making the request must appear on the document. Upon receipt of such a demand the Commission shall conduct such an investigation.

Section 14.4 Conduct of Investigation

All investigations conducted by the Commission shall be by public hearing, after at least ten days notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. In the conduct of such hearings and investigation, the Commission shall not

be bound by technical rules of evidence. Hearings may be conducted in informal fashion. The investigation shall be confined to the determination of the question of whether or not the removal, suspension or demotion was made in good faith for cause.

Section 14.5 Investigation Results

After such investigation the Commission may affirm the removal, or if it finds that removal, suspension, or demotion was not made in good faith for cause, shall order the immediate reinstatement or replacement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the Commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion.

The Commission upon such investigation, in lieu of affirming a removal, may modify the order by directing the suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the Commission shall be certified, in writing to the Appointing Power and interested parties within fifteen days, and shall be forthwith enforced by such officer.

RULE 15: SELECTIVE CERTIFICATION - VOLUNTARY AFFIRMATIVE ACTION STAFFING PLAN (Amended 9/15/76)

Section 15.01 Statement of Voluntary Plan Agreement

The King County Civil Service Commission (hereinafter referred to as the Commission), in a voluntary effort to increase the number and percentage of qualified under-represented protected classes (also known as "affected classes,") including, males, females, Asians, or Pacific Islanders, Blacks (not of Hispanic origin), American Indians or Alaskan Natives, Hispanics, and Caucasians, on the staff of the Department of Public Safety, agrees to implement corrective employment measures immediately. Further, the Commission adopts the principles embodied within Washington Administrative Code Ch. 162-18-010 through -070 as indicative of the spirit and intent with which this corrective employment program is initiated.

The Affirmative Action Employment Program is consistent with and part of the overall corrective affirmative action hiring plan for King County, which was written as part of the two signed conciliation agreements between King County and the Washington State Human Rights Commission.

1. Case #ES-1657 (Marilyn A. Onstot v. King County Department of Assessments, December 13, 1973). Provision No. 2 of this conciliation agreement reads as follows:

   "King County will develop and submit an Affirmative Action Program to the Washington State Human Rights Commission for approval. This Affirmative Action Program will be constructed according to the guidelines contained in the revised Order 4 of the U.S. Department of Labor. This program will be completed and submitted by January 2, 1974."

2. Case #SE-272-74 (Judith M. Sheperd v. King County, June 18, 1974). Provision No. 1 of that agreement reads as follows:

"The Respondent shall adopt a corrective employment program which shall comply with the provisions of Chapter 162-18 of the Administrative Code and which shall qualify as an affirmative action program under the affirmative action guidelines of the Office of Federal Contract Compliance, 41 CFR, Part 60-2, as last amended 31 January 1973 (Revised Order No. 4). Said corrective employment program shall be fully implemented within ninety (90) days of the date of the issuance of an order by the Commission setting forth the terms and conditions of this agreement and shall address itself to under-utilization of females, members of ethnic minority groups and persons possessing physical, mental, and sensory handicaps."

3. The King County Civil Service Commission agrees to voluntarily implement this hiring plan with the use of "selective certification" because of certain internal County conditions and because of the State's legal opinions relating to anti-discrimination law.

Internal Conditions

A. Department Statistics: The Department reports twenty-two (22) minority males and ten (10) minority females, for a total of 32 or 6.29 percent. The 6.29 percent minority figure is lowest of ten County departments which, totally, report a 9.6 percent minority employment.

The Department reports 72 white females, which is 14.15 percent of the employment force. Thirty-nine (39) of that number are in the job category Office/Clerical.

The Commissioned Police Officers Unit is low in numbers of minorities and women. Total number of Officers, 323; 8 females - 2.47 percent and 13 minorities - 4 per cent. There is one (1) minority Lieutenant, one (1) minority Sergeant and one (1) female Sergeant, and no minorities or females of higher rank.

B. Testing: Tests used by the King County Personnel Office have not been validated according to EEOC guidelines, however, attempts have been made to modify discrimination effects of County Civil Service examinations. The fact remains, that Civil Service examinations have had the effect of discriminating against minority (and in some instances, women) applicants in that they tend to place at the lower end of eligible registers and, therefore, have little or no chance of being employed, especially with the "rule of one" in effect.

c. Recruiting: King County, until very recently, has not made any planned attempts to recruit minorities and women other than by traditional means; i.e., use of affirmative action mailing lists and sporadic, one-shot recruiting efforts.

State's Legal Opinions

The recent legal opinion rendered by the late Justice Robert C. Finley in the Brabant case, and the Washington State Human Rights Commission regulation on corrective employment programs, upholds the authority of King County to voluntarily use "selective certification" as a corrective employment measure.

A. Case #43750 (April 8, 1976) Michael E. Lindsay, et al, Plaintiffs, Wesley Brabant, Appellant, v. the City of Seattle, et al, Respondents. In a unanimous decision the Washington State Supreme Court upheld the

authority of the City of Seattle to "selectively certify minority employment applicants when necessary to carry out an affirmative action program". The court further stated that "discrimination may be inferred from statistics which show underrepresentation of minorities in an employment work force and where such a condition exists, affirmative action is necessary to eliminate the effects of past discrimination." Conflicting state and local laws concerning the selection of public employees must not impede the purposes of federal anti-discrimination legislation.

B. Washington State Human Rights Commission's regulation on corrective employment programs (WAC 18-040 (2)) provides, in part:

> "The purpose of a corrective employment program is to include persons of the underrepresented protected class into the employment process; not to exclude others from it . . . It is permissible to ask for applicants of only the underrepresented protected class of persons from a particular source, or at a particular time, if other applicants are not excluded from the total hiring process but have access from another source, or are considered at another time."

Section 15.02 Definitions

1. "Protective Services" shall mean and include all Police Officers and Security Aides employed by the King County Department of Public Safety.
2. "Support/Supervisory Personnel" shall mean and include all Sergeants, Lieutenants, Captains and all other classifications within the classified service of the King County Department of Public Safety.

3. "Eligible" shall mean those persons who have taken examinations pursuant to 8.01 - 8.13 and are placed upon employment lists pursuant to 9.01 - 9.06.
4. "Classification" shall mean "class" as defined in Section 3.8 of these rules.

The above definitions will be applicable only for purposes of Civil Service Commission Rule 15.

Section 15.03 Affected Class

For all purposes within Section 15 of the Civil Service Rules, the certification of minority/female eligibles will be processed as follows:

1. Affected classes which include males, females, Asians or Pacific Islanders, Blacks (not of Hispanic origin), American Indians or Alaskan Natives, Hispanic, and Caucasians, who shall be defined in conformity with current Equal Employment Opportunity Commission standards for inclusion in said ethnic groups, will be hired in accordance with Civil Service Rule 15.04 and with respect to the minority/female availability in the Seattle-King County labor force. The Seattle-King County labor force figures shall be determined by use of the statistical information from the U.S. Department of Commerce, Bureau of Census (1960 and 1970 or later years); Washington State Employment Security Department; Washington State Office of Program Planning and Fiscal Management and such other sources as deemed appropriate.
2. In order to achieve the purpose of Civil Service Rule 15.04, minority female eligibles and their certification shall be made eligible by counting them as either female or minority, depending upon the basis for their selective certification, with respect to the certification

ratio of 15.04, Subsection (1) and the same interpretation shall apply as to others in analagous situations.

3. Separate affected class eligible lists shall be maintained in order that the recommending reports and the Civil Service Commission may look to these lists in reaching a decision as specified in Section 15.05.

4. The enumerated sources of recommending reports and the Commission shall, in effecting selective certification, be mindful that equality of employment opportunity should be viewed both as to specific civil service classes as well as the larger defined job categories. To this end, the recommending reports and the Commission shall reasonably attempt to see that an equal opportunity employment balance is maintained both in specific job classifications and larger job categories.

Section 15.04 Protective Services and Support/Supervisory Certification

Vacancies in the classified civil service shall be filled in accordance with Civil Service Rule 10.01 and 9.06 and the following provisions. Vacancies shall be considered to be those occurring at both entry level and promotional level of employment. It is further provided that upon commission action in conformity with Civil Service Rules 15.04, Section 3 and 4, certification of a designated minority or female shall be done by review and application of eligible lists pursuant to Civil Service Rule 9.6 until such eligible minority or female is found to be available. If no appropriate eligible minority or female is found on any established eligible list, then open competitive examination shall be conducted. With regard to promotional level certification, an intradepartmental promotional examination shall be used. With regard to entry level certification, an out-of-department open competitive examination shall be used. The examinations,

both at promotional level and the entry level, shall be governed by the following limitations:

A. If prior to the enactment of this section said examination lists exist for a vacancy and there is no appropriate eligible minority or female on such list, another said examination shall be given in an attempt to qualify an eligible minority or female. If following the administration of the said examination, there still does not exist an eligible minority or female, the commission may make such certification as it deems appropriate under civil service rules.

B. If prior to enactment of this rule there is no said examination list for a vacancy, then the commission shall conduct said examination in order to find an eligible minority or female. If following said examination no eligible minority or female is found, then the commission shall make certification for the vacancy as provided by the Civil Service Rules.

C. No other examinations are authorized, except as under (a) and (b), but the commission shall have the option of authorizing the recruiting for and administration of one supplemental examination if at the time of selective certification the Commission determines there are insufficient affected class members available on an eligible list to carry out the intent of this plan. The qualifications, examinations and standards used shall be identical to those used in the establishment of the then-existing list. If, after this supplemental recruiting and examination, there are no appropriate eligible affected class members on the eligible list, then the Commission shall certify for a vacancy as if Rule 15 and its subsections were inapplicable.

1. The Appointing Power will make known to the King County Equal Employment Opportunity Officer (hereinafter, EEO Officer) as well as the Manager the presence of a vacancy to be filled. The Appointing Power will forward the requisition to the Manager with the designated cover form. Upon such notification, it will be the duty of the Appointing Power, the EEO Officer, and the Manager to review the filling of such vacancy. The Manager will immediately call a meeting with the Appointing Power representative and the EEO Officer to review the requisition in relation to existing Appointing Power statistics, with no reference to the existing lists prior to a determination that selective certification is appropriate. Each member of this review will then complete his/her respective section on the selective certification recommendation form. This review shall be to effect the implementation of the Affirmative Action Program of the Civil Service Commission by requesting employment of ratios of affected class employees in all classifications and job categories of Department of Public Safety employment until such time as employment ratios approximately equal the ratios of the same groups in the total King County labor force, not to exceed a certification and employment ratio of two eligibles from each affected class to other eligibles.
2. The Appointing Power, the EEO Officer, and the Manager shall then forward to the Civil Service Commission their reports which shall include a recommendation as to whether the position to be filled will be by a member of an affected class.
3. The Civil Service Commission shall review the recommendations given

to fully justify the request, and if affirmatively acted upon, a certification of the three highest ranking eligibles of the particular affected class as designated in the request, will be made, consistent with Rule 10.03. Upon receipt of the recommendation forms by the individual commissioner, he/she will complete his/her respective sections and return them to the Manager. Copies of the completed forms will be forwarded by the Manager to the Appointing Power representative, the EEO Officer, and the Civil Service Commission.

Secton 15.05 Civil Service Commission Decision

1. The Commission shall make up to a maximum of two findings in the following order:
   a. Whether or not selective certification is appropriate; and
   b. If such certification is appropriate, whether a specific affected class member will be certified.

   A concurrence of two of the three members of the Commisson shall be required to mandate the findings of (a) and (b).
2. In the case of 15.05 (1)(b), if there is the concurrence of two recommending reports, then the Commission may certify the highest-ranking appropriate eligibles under Rule 15 as recommended in the reports. In the event the Commission does not follow the recommendation of the two concurring recommending reports, the Commission shall determine and selectively certify the highest-ranking appropriate eligibles under Rule 15 as contained on the eligible lists.

Personnel

March 18, 1986 INTRODUCED BY RON SIMS

PROPOSED NO. 86-134

ORDINANCE NO. 7558

AN ORDINANCE implementing special personnel rules for the Sheriff's Civil Service system as mandated by Ordinance 7480 and declaring the standards and policies of the King County Council relating to the administration of the Sheriff's Civil Service system.

PREAMBLE:

This ordinance implements Ordinance 7480.

SECTION 1. The Rules for the Sheriff's Civil Service system as attached hereto and as may subsequently be amended from time to time by the Civil Service Commission are hereby approved and adopted and by this reference made a part hereof.

INTRODUCED AND READ for the first time this 31st day of March, 1986.

PASSED this 7th day of April, 1986.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Audrey Gruger
Chair

ATTEST:

Dorothy M. Owens
Clerk of the Council

APPROVED this 17th day of April, 1986.

[signature]
King County Executive