CIVIL SERVICE COMMISSION
GENERAL RULES AND REGULATIONS

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SECTION ONE - GENERAL PROVISIONS

1.01 Authority and Application: These Rules and Regulations (“Rules”) are promulgated pursuant to the City of Sequim Civil Service Ordinance No. 281, Sequim Municipal Code (“SMC”) 2.40 and apply to the establishment and activities of the City of Sequim Civil Service Commission (“Commission”). The statutory authority for Civil Service for City Police is found at Chapter 41.12 RCW.

1.02 Scope and Purpose: These Rules govern the administration of the City of Sequim Civil Service System. They provide for the selection, promotion, and Discipline of positions within the Police Department; provide for the Commission to oversee the merit system and hear appeals; and provide for investigation of matters relating to appeals of Disciplinary Actions or matters concerning the selection process.

1.03 Copies of Rules: Copies of these Rules will be available upon request.

1.04 Severability: If any provision of these Rules or their application to any person or circumstance is held invalid by a court with proper jurisdiction, the invalid provision does not affect any other provision or application of these Rules or the Civil Service Ordinance of the City of Sequim.

1.05 State Law Governs: Pursuant to SMC 2.40.030, the Commission will organize itself, hold meetings, adopt rules and regulations, and perform all duties and exercise all powers in accordance with State law.

1.06 Modifications: Any recommended changes to these Rules must be approved by the City Manager, the Chief of Police, the Chief Examiner, and by a vote of the Civil Service Commission.

1.07 Act: The Public Employees' Collective Bargaining Act, RCW 41.56 ("Act") provides for collective bargaining agreements between the City of Sequim and the union representing employees. The Act and collective bargaining agreements prevail over these rules in the event of conflict.

SECTION TWO - DEFINITIONS

2.01 "Applicant” – A person who has filed the necessary documents, as prescribed by the Chief Examiner, to take a Civil Service Examination.

2.02 "Appointing Authority" – The City Manager or the Chief of Police, as applicable.

2.03 "Appointment"

1. Regular Appointment – Hiring of a regular full-time position subject to the Civil Service System.

2. Temporary Appointment – A limited appointment other than from an Eligible List for the purpose of performing work belonging in the classified service. Temporary Appointments include emergency Appointments.

2.04 "Board" means the qualifications appraisal panel, also known as the "Interview Board" or “Oral Board.”

2.05 "Break in City Service" means a separation of employment, whether temporary or permanent, that exceeds 30 calendar days, regardless of paid status.

2.06 “Candidate” means an Applicant who has been reported as a qualified candidate by the Subscription Testing Service.

2.07 "Certification" (except when referring specifically to the certification conducted by the Washington State Criminal Justice Training Commission) refers to an eligibility determination made by the City’s Certified Hiring Eligibility List transmitted by the Chief Examiner to the affected Appointing Authority from which an Appointment may be made to fill a vacant position.

2.08 “Certified Hiring Eligibility List” (CHEL) – a list of Applicants who have completed the Oral Boards and whose score earns that Applicant’s placement on the hiring list that the Civil Service Commission has approved as certified. There may be multiple active certified lists: Entry-Level, Lateral, etc.

2.09 "Chief Examiner" means the Secretary of the Civil Service Commission.

2.10 "City" means the City of Sequim.

2.11 "City Service" means time in which an employee has been employed in a Civil Service position for the City of Sequim, excluding any Breaks in City Service as defined in 2.05. A Break in City Service for more than 12 consecutive months eliminates any prior City Service, and upon rehire, the employee is deemed a new hire.

2.12 "Class" means a group of positions designated as having similar duties and responsibilities, the same salary range, and qualifications to be grouped into a single classification for Examination purposes.

2.13 "Classified Position" means a position subject to the Civil Service System including regular, full-time budgeted positions of the Sequim Police Department in the following classifications, or as amended from time to time:

Police Specialist	Police Records Clerk
Police Officer	Deputy Chief
Police Sergeant	Animal Control / Code Enforcement Officer

2.14 "Commission" means the Civil Service Commission of the City of Sequim and

"Commissioners" means any one of the three Commissioners Appointed to that Commission by the City Manager.

2.15 “Continuous Initial Testing List” (CITL) – a list of Lateral or entry-level Applicants who have passed the written Examination and the physical ability testing (if required) and are therefore eligible to be on the Continuous Initial Testing List unless there are changes to an Applicant’s physical agility abilities. An Applicant is eligible to participate when the Chief Examiner schedules an Oral Board event to complete the testing process.

2.16 “Criminal Justice Training Commission” (CJTC) – is the Washington State agency authorized under RCW Chapter 43.101 to establish statewide standards and training programs for criminal justice professionals. The CJTC certifies and decertifies peace and corrections officers in Washington.

2.17 "Department Head" means the Police Chief.

2.18 "Discipline" or "Disciplinary Action" means personnel action by the Appointing Authority that is administered in good faith, that directly or adversely affects the employee's compensation, and that is appealable to the Civil Service Commission, including the following:

1. Discharge: Involuntary termination, also known as a dismissal, firing, or removal from employment for just cause.

2. Demotion: Involuntary moving of an employee from a higher classification to a classification having a lower salary range.

3. Suspension without pay: Involuntary temporary removal of an employee for cause, without pay.

4. Transfer: Involuntary transfer from one position to another position within the same classification which negatively affects the employee's compensation or benefits. Not all transfers are for Disciplinary Action purposes. Only transfers made in the course of Disciplinary Action are subject to Civil Service appeal.

5. Other similar action imposed for Discipline purposes that results in loss of benefits.

2.19 "Eligible" means an Applicant who has been determined to be qualified for a given classification through proper Examination and placed on the City’s CHEL.

2.20 "Examination" means the process of testing the fitness and qualifications of Applicants, including the following:

1. Open Examination: A written and physical Examination process open to any member of the public who meets the qualifications as stated in the recruitment Examination Announcement.

2. Promotional Examination: An Examination that may be open only to City of Sequim Police Department employees in a specified classification, or to outside Applicants meeting the requirements as stated in the recruitment Examination announcement.

3. Lateral Examination: A written process open only to experienced persons who possess special skills and experience listed on the Class specification needed to fill a vacancy within the Department.

2.21 "Examination Announcement" means the official job recruitment prepared by the Chief Examiner or designee indicating the recruitment period, qualifications, summary of job description, closing date, Examination procedures if applicable, type of Examination, or other relevant information as determined by the Chief Examiner.

2.22 “Lateral Police Officer” means an Applicant who holds a current Certification by a general authority law enforcement agency to enforce criminal laws.

2.23 "Probationary Employee" means an employee who is serving a Probationary Period, as described in 2.24.

2.24 "Probationary Period" is to determine fitness by performance for the position Appointed, and means the status of an employee during the periods described below, excluding any unpaid leaves of absence [exceeding 30 days].

1. Newly Commissioned Officer: 12 months following academy completion.
2. Lateral Transfer Commissioned Officer: 12 months from the hire date.
3. Internally Promoted Sergeant or Deputy Chief: 12 months from the promotion date.
4. Lateral Hire Sergeant or Deputy Chief: 18 months from the hire date.
5. Non-Commissioned Positions: 6 months from the hire date.

2.25 "Reinstatement" means re-Appointment of an employee to a position in a classification where the employee previously held regular status and currently meets the necessary qualifications.

2.26 “Reinstatement List” means a list of names of individuals for each Class who previously held positions in those Classes with satisfactory permanent, Probationary, or temporary Appointment/promotion statuses and who have been laid off or separated voluntarily.

2.27 "Veterans' Credit" means a percentage added to the passing mark in Examination scoring criteria that is based upon prior military service, as provided for in RCW 41.04.010.

SECTION THREE - CIVIL SERVICE COMMISSION DUTIES AND PROCEDURES

3.01 Duties of the Commission:

1. Develop and propose rules for approval that implement and enforce the provisions of the Sequim Civil Service Ordinance. The Commission may amend existing rules or adopt new ones by majority vote during any regular or special meeting.

2. Investigate all matters within the scope of the Civil Service System's authority.

3. Conduct fair and impartial hearings regarding appeals of Disciplinary actions or other issues related to the administration of selection procedures or other matters governed by the Civil Service Ordinance. This includes administering oaths, issuing subpoenas, requiring the attendance of witnesses or gathering necessary documents for evidence, hearing witness testimony, and reviewing relevant documentation related to matters before the Commission.

4. Fulfill additional duties as prescribed or authorized by the Sequim Municipal Code.

3.02 Meetings of the Commission: The Civil Service Commission is mandated to meet at least monthly to perform its duties within the Civil Service System. Regular meetings are scheduled for the first Tuesday of each month. The Commission may convene special meetings as needed or cancel meetings if there are no necessary agenda items, as determined by the Commission Chair or Police Chief.

In compliance with the Open Public Meetings Act (RCW 42.30), notice for both regular and special meetings will be duly provided. The Commission consists of three members, with two members required to form a quorum for the transaction of business. Alternate Commissioners can contribute to reaching a quorum under the guidelines established in SMC 2.40.030(C).

All meetings and hearings conducted by the Commission will be open to the public in accordance with RCW 42.30. However, the Commission reserves the right to enter into an executive session as permitted by the Open Public Meetings Act.

3.03 Chair and Vice-Chair: At the first monthly meeting held in January of each year, the Commission will select one of its members to be Chair and another member to be Vice-Chair for a one-year term. Should the Chair or Vice-Chair resign or be removed from their position or from the Commission, the Commission will elect a new Chair and/or Vice-Chair to serve the remaining term of office.

3.04 Rules and Rulemaking:

1. Effective Date of Rules: All rules and amendments are effective immediately upon their adoption by the Commission, unless some later date is specified.
2. Copies of Rules: A copy of these rules and all subsequent rules or amendments will be made available as soon as practicable on the City's Civil Service website.
3. Effect of Rules: The terms and conditions of Civil Service employment are governed by these rules, applicable statutes, and Chapter 2.40 of the Sequim Municipal Code. No employee has a property interest in or as a result of these rules. These rules, and rules the Commission may enact, regulate the mode and Appointment of tenure in the Civil Service, and employees are subject to these rules and all amendments.

Robert's Rules of Order are the procedural authority on the questions of parliamentary process not otherwise provided for in these rules. The Commission may, by majority vote, waive these rules. No notice of such waiver need be given.

3.05 Business of the Commission: The Chief Examiner or designee will publish proper notice of Commission meetings. Any matters that the public wishes the Commission to address will be submitted to the Chief Examiner, together with any pertinent information, for the Commission to consider. The Chief Examiner will place them on the Commission's agenda. Additional items may be placed on the agenda upon motion of the Commission.

3.06 Investigations by the Commission: The Commission may authorize the Commission staff to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a Disciplinary proceeding. Staff will report the results of the investigation to the Commission in an open meeting. On the basis of Staff's report, the Commission will 1) dismiss the report or appeal as being without basis, or 2) set the matter for a full hearing. To aid investigations authorized by the Commission, the Chief Examiner may subpoena any documents that would be discoverable for purposes of hearing preparation and may take and record depositions of any person who may have relevant knowledge. All depositions must be kept as part of the Commission's records.

3.07 Legal Counsel of the Commission: The Commission's legal counsel is the City Attorney or designee, unless circumstances, such as a conflict of interest, require the Commission to retain outside counsel after consultation with the City Attorney. Legal counsel will be available at the Commission's request to advise and represent the Commission if matters require possible legal action or legal opinions for the Commission. Retaining outside counsel is subject to budgetary authorization by the City Council.

3.08 Address of the Commission: The official address of the Civil Service Commission is the City of Sequim, 152 W. Cedar Street, Sequim, WA 98382.

3.09 Record of Commission Proceedings: The Commission's official record is the minutes of Commission meetings. As approved by the Commission, the Chief Examiner will keep public records of the Commission meetings and actions. A party to a proceeding may have a court reporter record all or part of a hearing. The cost of the court reporter and preparation of a transcript will be borne by the appealing party, unless otherwise determined by the Commission.

3.10 Removal of a Commission Member: Members of the Civil Service Commission may be removed from office for the following reasons: malfeasance, incompetency, dereliction of duty, incompatibility of duty, or a material violation of the City's policies against discrimination, harassment, retaliation, bullying, or conflicts of interest. The Appointing Authority has the power to remove the member, subject to the member's right to appeal the decision in a public hearing before the City Council. The appeal must be filed within 10 calendar days after the member's receipt of the notice of removal. The City Council may affirm or reverse the Appointing Authority's decision upon majority vote.

SECTION FOUR - CHIEF EXAMINER DUTIES AND PROCEDURES

4.01 Appointment: Per SMC 2.40, The Civil Service Secretary/Chief Examiner authorized by RCW 41.12.040 will be Appointed by the Commission from among qualified City employees selected and recommended by the City Manager.

4.02 Duties/Authority: The duties of the Chief Examiner will be conducted in a fair and impartial manner and include the following:

1. Serve as Secretary to the Civil Service Commission, as directed by the Commission, and perform such duties under the authority of the Civil Service Ordinance.

2. Oversee the preparation and circulation of recruitment announcements, preparation and scheduling of Examinations, and scoring of exams or coordination with a testing service to do so.

3. Report to the Commission, as needed, concerning the Chief Examiner's work relative to the Civil Service function.

4. Classify Civil Service positions and prepare and maintain job descriptions for each classification.

5. Ensure that all recruitment, Examination, and testing is based solely on merit and fitness.

SECTION FIVE - SUBSCRIPTION TESTING SERVICES (Commissioned only)

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

5.02 Subscription Testing Service defined: "Subscription Testing Service" means a person, vendor, or organization offering a service that tests and maintains lists of Candidates for employment who have successfully completed the Subscription Testing Service process.

5.03 Process Verification: The Secretary will verify that the Subscription Testing Service provides qualified testing resources that are content valid and job related.

5.04 Certification:

1. All Applicants reported as a qualified Candidate by the Subscription Testing Service may be placed on the City's CITL (entry-level or Lateral-level, as appropriate) by date of testing. The Appointing Authority may request the Chief Examiner or the Commission to determine if and when the City needs to conduct the Oral Board Examination process.
2. By motion or other approval, the Commission may delegate to the Chief Examiner the review and approval of Candidates. Upon such delegation, the Chief Examiner will verify that Candidates for placement on the CITLs meet the minimum eligibility requirements for employment.

5.04 Additional Testing: Candidates qualified to be placed on the CHEL(s) are subject to such additional testing as may be required by the Commission or the Appointing Authority. Such testing includes, but is not limited to, a background investigation, including social media accounts and any affiliation with extremist organizations, a polygraph test, psychological screening, physical ability testing (in the case of entry-level Applicants), drug screening, and/or medical Examination.

SECTION SIX - CONTINUOUS TESTING (Commissioned only)

6.01 Continuous Initial Testing List(s): The Secretary/Chief Examiner, following approval by the Commission, may establish an entry-level CITL and a Lateral CITL for use by Applicants tested through the Subscription Testing Service.

6.02 Continuous Testing: Continuous testing means that a written Examination and/or a standardized physical fitness/ability test conducted pursuant to set and commonly applied standards are offered and accepted on a continuous basis. An Applicant's placement on the CITL is valid for a period of one calendar year from the date of Certification to the City's CITL. For the purposes of this section, Certification to the CITL occurs when an Applicant passes the written and physical testing and is added to the CITL by the Subscription Testing Service. Physical agility testing is not required of Lateral Applicants. As new Applicants are placed on the CITL, the placement of all others on the list will be adjusted according to his/her score, as necessary. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a Subscription Testing Service agreement.

6.03 Certification: Applicants drawn from a CITL as a part of the continuous testing process will be placed on the appropriate CHEL upon successfully passing the Oral Board interview. After combining the Applicant's scores from the written Examination and the Oral Board interview, the Applicant will be placed on the CHEL according to their score. The placement of others on the CHEL will be adjusted accordingly. The CHEL will then be certified in accordance with the rules and regulations of the Commission. Such adjustment to the CHEL and subsequent Certification by the Commission may occur as often as requested by the Chief Examiner.

6.04 Removal of Names: The names of Candidates certified to the CHEL will remain on the list until the expiration of one year from the date of Certification or until the Candidate has been hired by another public safety organization or otherwise withdraws from consideration. Applicants who fail to respond to agency requests for information within a reasonable timeframe will be considered withdrawn. Names may be removed upon notification by the Candidate or upon the notification of another public safety employer or an entity providing subscription testing. Names will also be removed from the CHEL if a Candidate fails any portion of the pre-employment testing as defined in Section 8.09.

SECTION SEVEN - APPLICATIONS

7.01 Application Requirement: All Applicants must submit a City of Sequim employment application. Each application must be completed and signed, ensuring that all responses are complete, truthful, and accurate. Applicants will not be permitted to participate in an oral Examination without an appropriately submitted application.

7.02 Acceptance for Examination: To be eligible for Examination, Applicants must

meet specific educational and experience criteria as outlined in the recruitment announcement.

7.03 Application Filing Timeline: Applications must be submitted to the City of Sequim Human Resources office within the timeframe specified in the recruitment announcement. Any applications sent by mail must be postmarked by the stated closing date to ensure they are considered submitted on time.

7.04 Extension of Application Deadline: The Chief Examiner may extend the application deadline if an insufficient number of applications are received to conduct an Examination. In such cases, a public announcement regarding the extension will be made using the appropriate method, as determined by the Chief Examiner.

7.05 Rejection of Applicant: The Chief Examiner may reject an Applicant for Examination, withhold an Applicant's name from a List or from Certification, or remove an Applicant from a List in the following circumstances as relevant to the position:

1. Applicant does not meet the requirements set forth in the job announcement.
2. Applicant fails to pass any required exam.
3. Applicant has a previous unsatisfactory work record with or dismissal from the City of Sequim.
4. Applicant has been convicted of any felony, or convicted of a misdemeanor involving moral turpitude, or other conviction which is job related.
5. Applicant has a direct or indirect supervisor/subordinate relationship with a family member; or an actual conflict of interest or the appearance of a conflict of interest.
6. Applicant has made any materially false statement or has attempted any deception or fraud in connection with an application to seek employment.
7. Applicant has assisted in preparing any portion of the Examination or has in any other manner secured confidential information concerning such Examination that might give an unfair advantage over other Applicants in the Examination.
8. After notification, the Applicant did not promptly appear at the time and place designated for the Examination.
9. Applicant has been dishonorably discharged from military service for cause equivalent to conviction of a felony or misdemeanor involving moral turpitude or other job-related criminal act.
10. Applicant does not have the ability to gain Certification by the Washington State CJTC.
11. Applicant does not have the legal right to carry a firearm.
12. Applicant is not able to provide consistently credible testimony in a court of law based on prior history of deception, bias, or criminal conduct as defined in case law.

7.06 Admission to Examination Pending Appeal: The Chief Examiner may admit to the Examination anyone whose application was not accepted, pending final disposition of an appeal. Such admission will be without prejudice to the City or the Applicant.

7.07 Amendment of Application: The Chief Examiner may permit an Applicant to amend the information on the application or file additional information before any phases of the testing process have begun.

7.08 Applications Not Returned: All applications when filed become the City's property and will not be returned to the Applicant.

SECTION EIGHT - EXAMINATIONS

8.01 Examination Announcements: Public notice of Subscription Testing Service Examination or other Examinations open to the public will be published in job announcements, as determined by the Chief Examiner. The official job announcement will be posted on the Human Resources website and may be distributed to additional recruitment sources to attract qualified Applicants.

8.02 Type of Examinations: All Examinations will be competitive, impartial, and job related. They will be used to qualify and rank Applicants in terms of their relative fitness for the duties of the classification. Examinations may include written tests, assessment of education and training qualifications, physical or performance tests, background investigations, or any other suitable evaluation of fitness, or any combination of such tests. The Examinations will evaluate education, experience, aptitude, knowledge, skill, physical condition, and other qualifications to determine the Applicant's relative fitness. An Examination is deemed to be competitive when Applicants are tested as to their relative qualifications and abilities, or when a single Applicant is scored against a fixed standard.

8.03 Interview/Assessment (Oral) Board: The Interview/Assessment Board must consist of at least three persons, approved by the Commission or the Chief Examiner. One member will be a layperson who is a resident of Sequim or has a professional or volunteer association with the City. The other two members should be police professionals with relevant experience and expertise for the position being interviewed. However, a City employee cannot serve as a police professional member for promotional exams. For entry-level and Lateral Examinations, the police professional may be from a supervisory or line-level position within the City's Police Department or from another law enforcement agency.

8.04 Examination Components and Passing Criteria: Each Examination component is graded independently. For example, Written and Oral Board Examination scores are averaged to determine the Candidate's total score for placement on

the Eligible List (CHEL). For Entry/Lateral Police Officer positions, both the written and Oral Board Examination contribute equally, with each accounting for 50% of the final Examination score. Candidates must achieve a minimum passing grade of 70% for each of these Examinations.

Candidates must pass the written Examination to qualify for the Oral Board Examination. For entry-level, fully commissioned positions, passing a physical ability test is also required before proceeding to the Oral Board Examination. Candidates who fail the physical ability test have the option to retake it in accordance with Subscription Testing Service guidelines. Failure in any other Examination component leads to disqualification from further participation in the process. Disqualified Candidates must restart the application process if they choose to reapply.

8.05 Veterans' Credit: Veterans who have passed all required portions of an Examination, including promotional Examinations, are entitled to a 5-10% scoring criteria credit, as provided for in RCW Chapter 41.04 as now exists and as may be amended.

8.06 Effective Date and Distribution of Examination Results: Results of written Examinations conducted by the Subscription Testing Service are effective on the date upon which the Candidate passed the exam. Results for Oral Board and written exams conducted by the City are effective on the date the CHEL is certified by the Commission.

Results of Examinations administered by the City will be distributed directly to the Candidates via email after the Eligibility List is approved by the Civil Service Commission.

8.07 Examination Protest: Any protest relative to the scope, content, or applicability of any specific question of a written Examination administered by the City must be filed with the Chief Examiner within the time allotted for the Examination. The protest must clearly identify the nature of the challenge, the correct answer if known, together with a possible source to verify the answer. No keyed copy of the Examination will be provided for inspection. However, the Applicant may request that the Chief Examiner verify the scoring for possible errors.

Any protest against scoring or any allegation of clerical error in the final results of an oral or written Examination administered by the City must be filed in writing within five business days after notice of the results has been distributed in accordance with 8.06 above.

When a qualifying grade or score is required on any part of an Examination administered by the City, any protest or appeal must be filed via email within five business days of the date on the notice of results were distributed (excluding protest challenges to specific questions, as noted above). Protests

must be in a “reply” to the distribution email; the contents of the protest must clearly set forth the reasons for the protest, provide supporting analysis and documentation if any, and the desired outcome.

All protests filed in accordance with this Rule will be reviewed and any proper corrections made to clerical errors. If corrections are applicable to other Examinations, the corrections will be made and proper notice provided to Applicants if the Applicant’s score was affected.

Any protest relative to an Examination conducted by the Subscription Testing service must be taken up by Candidate directly with the Subscription Testing Service. The Subscription Testing Service will then determine the process for the appeal and be solely responsible for the decision. Subscription Testing Service’s decision is final.

8.08 Correction of Clerical Errors: Any clerical error may be corrected by the Chief Examiner upon discovery at any time during the life of the Eligible List, but such correction cannot affect an Appointment made based on a Certification issued before the correction.

8.09 Examination Records: Examination records of all Candidates will be retained according to the State Archivist’s retention schedule.

8.10 Pre-Employment Testing: Candidates certified from the CHEL are subject to pre-employment testing, including medical and psychological examinations (post offer), background investigation, and reference checks. Polygraphs will be administered as prescribed by state law (RCW 43.101.095 and WAC 139.07.040). Candidates failing any pre-employment exam will be removed from the CHEL by the Chief Examiner. Background investigations will include a review of the Applicant’s social media accounts and determination of whether Applicant is on an impeachment disclosure list or has any affiliation with an extremist organization identified by the CJTC. Disqualifying conduct is described in RCW 43.101.095; as enacted and as may be amended.

SECTION NINE - CERTIFICATION AND APPOINTMENT

9.01 General Provision: Vacancies in the Police Department may be filled by Reinstatement, promotional Appointment, or open Appointment. In the absence of an appropriate List, the Chief Examiner may authorize a temporary Appointment consistent with Section 9.08.

9.02 Establishment of Eligible Lists: After each Examination, an Eligible List for the classification will be prepared with the names of Candidates ranked.

1. On a promotional Examination List: relative rank will be determined

by the Examination final score, together with any applicable percentage allowed by law for Veterans' Credit for promotional positions.

2. On an open Examination List: relative rank will be determined by the total of all Examination scores, together with applicable percentage allowed by law for Veterans' Credit.

3. If a tie exists on the final score, all Candidates will be certified to the Department Head for consideration, consistent with Section 9.05(2).

4. The Eligibility List will show each Candidate's name, score, ranking, and date in order of the Candidate's final score with the highest total score first on the list.

5. After the Certification of the Eligibility List, the Chief Examiner will provide written notice to each Candidate of their individual Examination results, showing the Candidate's total score and rank as computed in accordance with the final Certification.

9.03 Duration of an Eligible List: An Eligible List becomes effective on the date it is signed by the Chief Examiner and is typically valid for a period of 12 months. However, Lateral or Entry Level CHELs may be continuous, as outlined in Section 6.02. In such cases, the list remains active until it is formally terminated by the Commission or at the request of the Chief Examiner. Even with a continuous CHEL list, an individual Candidate's name will be retained on the list for no longer than 12 months.

Upon request by the Police Chief, and at the discretion of the Civil Service Commission, individuals on a certified promotional Examination List may have their eligibility extended beyond the initial 12-month period, up to a maximum of 24 months, as approved by the Commission.

An Eligible List will be canceled by the Commission and a new Examination will be ordered if (a) there has been fraudulent conduct by one or more Candidates that compromises the integrity of the Examination, or (b) there are an insufficient number of qualified Candidates remaining on the Eligible List.

9.04 Request for Certification: Whenever an Appointing Authority wishes to fill a vacancy, the Appointing Authority will submit a request for Certification to the Chief Examiner. The request must show the number of positions to be filled, the classification title, and cause of the vacancy, or whether it is a new position.

9.05 Certification:

1. Certification to fill a vacancy is made by the Chief Examiner from

established Lists. In fully commissioned, non-promotional positions, the Appointing Authority may choose either the Entry Level or Lateral CHEL.

2. Rule of Five: The Appointing Authority may choose from the top five Candidates from any certified CHEL. If more than one vacancy is to be filled, the next name on the certified list will be available to the Appointing Authority for each such additional vacancy. Should any of the Candidates from any list be removed from the list, or disqualified in some manner, an additional name from the same list will be certified to the Appointing Authority to select for a hiring decision. The Appointing Authority may select any of the five (or more, if there are additional vacancies) to proceed with the pre-employment testing as defined in Section 8.10.

3. If an Appointing authority makes an acceptable showing that any of the Eligibles certified are not available or that they do not respond, sufficient additional names may be furnished to complete the Certification.

9.06 Inactive Status: An Eligible Candidate may request inactive status on a CHEL by submitting a written request to the Chief Examiner. If granted, inactive status will render the Candidate ineligible for Certification. While on inactive status, the Candidate cannot be certified for a position until after they have submitted a written request to return to active status and a subsequent vacancy arises. The Candidate must also continue to meet all qualifications for the position to be considered for Certification.

9.07 Regular Appointment: The Appointing Authority has the right to not fill any subordinate position under their authority due to economy, lack of funds, operational needs, or other good cause. A vacancy will not be authorized and will not be filled until it is declared as a vacancy by the Appointing Authority.

A regular Appointment to fill a vacancy must be made from the names from a valid CHEL who have successfully completed the background investigation process, which includes the polygraph, psychological, and medical Examinations. The Department Head, after making the selection, will inform Human Resources to proceed with the standard hiring process.

9.08 Temporary Appointment: Where there is no suitable Eligible List from which Certification can be made, the Chief Examiner may allow the Appointing Authority to make a temporary Appointment. A temporary Appointment may be made for a period of up to 4 months and may not be extended for a longer period of time, unless the Commission grants special dispensation. No person may receive more than one temporary assignment in any 12-month period without the Commission's specific authorization.

9.09 Availability of Eligible: The Eligible Candidate must notify the Chief Examiner in writing immediately of any changes in address, telephone number, name

change through marriage or otherwise, or any changes that may affect availability for employment. Failure to provide the City with proper notice will result in removal of their name from the CHEL. The name of the next available Eligible certified will be placed on the CHEL.

9.10 Working Conditions: Any Eligible who submits a written statement restricting the conditions under which they are available for employment will be withheld from Certifications that do not meet the specified conditions. New written statements may be filed at any time within the duration of CHEL modifying conditions under which employment would be accepted.

9.11 Cancellation of Eligibility:

1. An addition to reasons listed in 7.05, a Candidate's name may be removed from a CHEL for failure to pass any portion of the background investigation, including polygraph Examination, psychological Examination, medical Examination or if the Appointing Authority learns of other unfitness or fraudulent conduct.

2. A Break in City Service will terminate any promotional eligibility.
3. Failure to respond to a recall or refusal to accept employment within 14 calendar days of notice.

If an Eligible is disqualified, the Chief Examiner will strike the Eligible's name from the applicable list and notify the Eligible in writing of the basis for such action.

SECTION TEN - DISCIPLINARY ACTIONS AND INVESTIGATIONS

10.01 Causes for Appointing Authority Action: The Appointing Authority may remove, suspend, demote, or discharge for cause an employee for reasons that may include, without limitation:

1. Lack of mental or physical fitness for the position the employee holds.

2. Conduct subject to Disciplinary Action as outlined by the Personnel Policy Manual, Collective Bargaining Agreement, and/or department policy and procedure.

3. Any other behavior as described in RCW 41.12.080.

10.02 Pre-Disciplinary Hearings. Supervisors will provide and arrange for a pre-disciplinary *Loudermill* hearing before demotion, suspension, or discharge of a subordinate as detailed in Personnel Policy Manual. The hearing is not subject to Section 11 – Appeal Hearings, and does not require witnesses, presentation of evidence, or other formalities. It is an opportunity for an

employee to present to the Appointing Authority the employee's response before the decision on Discipline.

The Commission may not consider, on appeal, any basis for Disciplinary Action not previously presented to an employee.

10.03 Investigation and Public Hearing: No employee will be removed, suspended, demoted, or discharged except for cause as determined by a written decision by the Appointing Authority.

1. The employee will be served a written notice of a Disciplinary Action with a copy to the Commission. Any employee served with such an action may file a written request for an investigation by the Commission as described in RCW 41.12.090.

2. The Commission will only hear appeals on actions that include removal, suspension, demotion, and/or discharge. The employee may choose to have a union representation or private attorney represent the employee during the investigation.

3. An employee may request in writing for the Commission to delay an investigation; however, the Commission has the authority to grant, modify, or reject that request.

4. The investigation will be confined to the determination that the action was not made for political or religious reasons and was for cause and in good faith.

5. All requested investigations must be conducted in a public hearing as described in Section 11.

SECTION ELEVEN - APPEAL HEARINGS

11.01 Types of Administrative Appeals:

1. Regular Classified Employee Appeals: A regular classified employee may appeal any Disciplinary Action taken against them directly to the Commission.

2. Employment Applicant Appeals: An employment Applicant can appeal any action or decision made by the Chief Examiner to the Commission. Such appeals are limited to decisions that affect their candidacy or eligibility for employment under the Civil Service System.

3. Probationary Employees: Probationary Employees do not have a right to appeal under these Rules.

To prevent a conflict of interest, the Commission has the authority to Appoint a temporary Secretary/Chief Examiner to oversee appeals specifically concerning the Chief Examiner's actions or decisions to avoid conflicts of interest or bias.

Judicial appeals as described in Section 11.17 are available after the employee has exhausted applicable administrative appeal remedies.

11.02 Time and Notice: A Notice of Appeal must be filed by the employee/Candidate with the Commission and all affected parties within 10 calendar days of the action or knowledge of the action that is the subject of the appeal. The notice of appeal must be in writing and include:

1. The appellant's mailing address.
2. A detailed description of the facts giving rise to the appeal.
3. A concise statement of the reason for the appeal.
4. The requested remedy to the complaint.

Failure to submit an appeal within the time limits and in the manner specified results in a denial of the appeal. All Notices of Appeal must be directed to the Chief Examiner of the Commission and filed by certified mail or hand-delivered to the City Clerk's Office at the Civic Center, 152 West Cedar Street, Sequim WA 98382.

11.03 Appeals - Initial Review: The Chief Examiner will review all appeals to ascertain whether the employee has filed the appeal within the required timeframe and whether the action being appealed is final. If it is determined that the appeal is not timely, the Chief Examiner will issue a written order dismissing the appeal, including the rationale for the dismissal. If the action is not final, the appeal will be stayed until the action becomes final. These orders may be separately appealed to the Commission and will be heard as distinct appeals.

11.04 Scheduling: Within 10 calendar days of receipt of the Notice of Appeal, the Commission will direct the Chief Examiner or temporary Secretary to forward a copy of the notice to other affected parties and set a date for a pre-hearing conference. Each party must receive 10 calendar days' notice of such hearing. Subsequent hearings on the same appeal will require at least 7 calendar days' notice unless all parties agree to waive these notice requirements and time limits. All parties have the option to mutually agree on waiving the notice provisions and time limits outlined in this section.

Following the pre-hearing conference, the Commission will set a special appeals hearing as a public hearing for the Commission to hear the matter, conduct any investigation as necessary, and rule relative to the appeal. The hearing will be set within 30 calendar days of the Commission's receipt of the Notice of the Appeal. The parties may agree upon a one-time extension, not to exceed 90 calendar days, unless approved in advance by the Commission. If the appeal is not heard within such time period at the fault of the Applicant, the

Commission may dismiss the appeal.

11.05 Filing and Service:

1. The Commission will direct the Chief Examiner or temporary Secretary to serve all orders, notices and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper must be served by the party filing the notice, document or paper.

2. The appellant must file the initial appeal with the Commission and all affected parties and served by the appellant upon every other party and their legal counsel, if any, by personal delivery or certified mail. Proof of service must be filed with the Commission.

3. An initial appeal is considered filed with the Commission upon actual receipt by the City Clerk's Office as evidenced by the Clerk's date stamp.

4. Papers filed subsequent to the initial appeal must be served by the party that is filing them. Service can occur by personal delivery or by certified or regular mail and must be completed at least 48 hours prior to the scheduled hearing.

5. When the Chief Examiner is responsible for issuing a document, such as a subpoena or order, on behalf of the Commission, the Chief Examiner must ensure proper service upon the parties and their legal counsel, if any.

6. Papers filed by a party subsequent to the initial appeal are considered filed with the Commission upon actual receipt by the Clerk's Office as evidenced by a date stamp. Documentary evidence does not need to be filed in advance but should be presented at the hearing. However, a list of exhibits and stipulations must be filed with the Commission at least five days before the hearing and served upon all other parties or, if applicable, their legal counsel.

11.06 Subpoenas: The form and content of subpoenas must substantially comply with Washington State Civil Rule 45 as now enacted or as amended.

11.07 Discovery: In alignment with Washington State Court Civil Rules of discovery, parties involved in a proceeding must provide reasonable access to all relevant documents and information pertinent to the matter before the Commission. Any disputes regarding relevancy or access will be resolved by the Commission's order before the hearing commences.

11.08 Evidence: Oral evidence must be given under oath or affirmation. The Commission will only consider evidence presented during the hearing or

investigation. While assessing the admissibility of evidence, the Commission will consider, but is not bound by, the Washington State Court Rules of Evidence. Subject to other rule provisions, all relevant and complete evidence is admissible as determined by the Commission. Parties are encouraged to agree on the admissibility of documentary exhibits. To facilitate this, parties seeking stipulation should request such agreements from other parties at least three business days before the hearing, barring unusual circumstances. The party receiving the request must respond no later than one business day prior to the hearing.

1. When an objection is made regarding the admissibility of evidence, the evidence may be provisionally accepted, pending a later determination. The Commission reserves the right to exclude inadmissible or hearsay evidence and may decide to halt cumulative evidence at its discretion, irrespective of objections. Any party objecting to the introduction or exclusion of evidence must clearly state the grounds for their objection at the time the evidence is offered or rejected. Continuing to participate in the hearing does not constitute a waiver of objections that were properly raised.

2. During any hearing before the Commission where documentary exhibits are to be introduced as evidence, the original document must be filed with the Chief Examiner together with sufficient copies to be distributed to the entire Commission. The filing party must also serve copies on the opposing party.

3. Witnesses in any hearing will testify verbally, under oath or affirmation, and are subject to cross-examination by opposing parties as well as questioning by the Commission.

11.09 Burden of Proof: At any hearing on appeal from a Disciplinary Action, the Appointing Authority has the burden of showing that its action was for cause. At any other hearing, the petitioner or appellant has the burden of proof by a preponderance of the evidence.

11.10 Commissioners – Challenge: Any challenge to a Commissioner's participation at a hearing may be made by a party before the hearing begins. The unchallenged Commissioners must review and rule on the challenge before proceeding with the hearing. Failure to timely raise a challenge constitutes a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party before the hearing begins. If the disqualification of a Commissioner results in a lack of a quorum, even after considering Alternate Commissioners, the disqualified Commissioner(s) must return and proceed with the hearing to maintain quorum.

11.11 Deliberation: The Commission may deliberate in executive session when

considering a Discipline case. Deliberations by the Commission are otherwise subject to RCW 42.30. No person, other than legal counsel, may attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing. The Commission may request each party to submit post hearing briefs and/or draft proposed findings of fact and conclusions of law for the Commission's consideration.

11.12 Decision: Following the conclusion of the hearing, the Commission will issue a detailed written decision, which includes findings of fact, conclusions of law, and any orders regarding the appeal. These documents will be distributed to each party or their legal counsel of record. If post-hearing briefs are submitted, parties must adhere to the deadline specified by the Commission for their submission.

11.13 Authority of Department: The exercise of the Commission's jurisdiction over a matter does not preclude the parties from withdrawing, modifying, or otherwise compromising the matter before the matter goes to hearing. Upon resolution of a matter before the hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission before dismissal.

11.14 Remedies: The Commission may issue such remedial orders as deemed appropriate consistent with RCW 41.12.090 as enacted and amended.

11.15 Reconsideration: A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within 10 calendar days of the Commission's decision. Such motion for reconsideration will be decided on statements under penalty of perjury, absent special showing that testimony is necessary.

11.16 Waiver: Upon stipulation of all parties to a proceeding, and upon a written showing that the purposes of the rules or ordinances of the City would be better served, the Commission may waive the requirements of any of these Rules.

11.17 Judicial Review: If a party wishes to challenge a final action or decision made by the Commission, they must initiate court proceedings within 15 calendar days of receiving the decision. The responsibility for the costs associated with preparing any necessary transcripts for judicial review lies with the party seeking the review. This ensures that parties are aware of their rights and obligations following the Commission's decisions.

SECTION TWELVE - LAYOFFS

12.01 Layoffs: The Appointing Authority may reduce an employee(s)' hours or lay off

employee(s), when necessary due to lack of funds, lack of work, abolishment of position, for any other reasonable and just cause, or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. The Appointing Authority must give at least two weeks' written notice specifying the reasons for the layoff or reduction to the affected employee, the employee's union representative, and to the Commission.

12.02 Employment Status and Order of Layoff: Whenever it becomes necessary or useful to reduce the number of employees of this unit, such reductions will be carried out in accordance with the Collective Bargaining Agreements or the City's Personnel Policy, as applicable.

12.03 Layoff Out of Order: The Appointing Authority may lay off employees out of regular order upon a showing of necessity therefor, in the interest of the Department's efficient operation, after giving any affected employee or employees an opportunity to be heard by the Commission.

12.04 Reduction in Lieu of Layoff: At the time of any layoff, employees in Classified Positions will be given an opportunity to accept reduction to the next lower Class in the Department. Any employee so reduced is entitled to credit for any previous regular service in the lower Class and to any other City Service time.

12.05 Transfer in Lieu of Layoff: Transfers in lieu of layoff may be made to a different position within the Department upon showing that the transferee is qualified and capable of satisfactorily performing the duties of the position and that an employee in a Classified Position or probationer is not displaced.

12.06 Placement on Reinstatement List: Placement on the list will be in accordance with Section 13 below.

SECTION THIRTEEN - REINSTATEMENT LIST

13.01 Reinstatement List: The Commission will maintain separate Reinstatement Lists for each Class of position, according to grade. To be placed on the appropriate Reinstatement List, individuals must submit a written application to the Civil Service Commission, except in cases of layoffs where names will be placed automatically. Names will be ordered according to seniority of service, with most senior employees being named first.

13.02 Duration of Reinstatement List: Eligibility to remain on a Reinstatement List is for two years or as otherwise dictated by the applicable Collective Bargaining Agreement(s) and may be extended for an additional year by the Chief Examiner.

13.03 Reinstatement Rules: Individuals on Reinstatement Lists, including probationers with satisfactory service records, will retain all previously accrued seniority and rights. Employees will be placed in the Reinstatement List if they

qualify for the Class based on experience, training, City employment record, and other pertinent factors. An eligible person who declines an offer of Appointment from a Reinstatement List will be removed from the List.

13.04 Certification and Appointment: Upon the request of the Appointing Authority, the Chief Examiner may approve the Certification of anyone on a Reinstatement List as eligible for Appointment on an open competitive basis.

13.05 Contact Information: It is the employee's responsibility to notify the Civil Service Commission in writing immediately of changes in address, telephone number, name change, or any changes that may affect availability for re-employment.

13.06 Restrictive Working Conditions: Any employee who submits a written statement restricting the conditions under which they are available for employment will be withheld from Certifications that do not meet the specified conditions. New written statements may be filed at any time within the duration of Reinstatement List modifying conditions under which re-employment would be accepted.

APPROVED AND ADOPTED by the City of Sequim Civil Service Commission on April 14, 2026.

Cathy Kurtz
Civil Service Commission Chair

Charles Pratt
Civil Service Commission Vice Chair

Approved as to form:

Mike Hill
Chief of Police

Kristina Nelson-Gross
City Attorney