



Snohomish County
Human Resources
Civil Service Commission

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SNOHOMISH COUNTY

CIVIL SERVICE COMMISSION

RULES & REGULATIONS

TABLE OF CONTENTS

RULE I PURPOSE, AMENDMENT, ADMINISTRATION & DISTRIBUTION

- 1.1 Purpose
- 1.2 Amendment
- 1.3 Administration
- 1.4 Distribution
- 1.5 Gender

RULE II DEFINITION OF TERMS

RULE III ORGANIZATION

- 3.1 Chairman
- 3.2 Meetings
- 3.3 Chief Examiner
- 3.4 Procedures Governing Appeals of a Non-Disciplinary Nature

RULE IV THE CLASSIFICATION PLAN

- 4.1 Classification, Allocation, Appointments – General
- 4.2 Revisions
- 4.3 Composition of the Classification Plan
- 4.4 Class Titles
- 4.5 Class Specifications
- 4.6 Use of Classification Plan
- 4.7 Maintenance of the Classification Plan
- 4.8 Status of Employees Affected by Reallocation
- 4.9 Allocation Appeals
- 4.10 Perform Duties of Class
- 4.11 Reporting Violations of Classification Regulations
- 4.12 Requests by Appointing Power for Allocation or Reallocation

RULE V RECRUITMENT & ELIGIBILITY

- 5.1 Announcement of Examination
- 5.2 Filing of Applications
- 5.3 Change of Applicant's Address &/or Phone Number
- 5.4 Qualifications
- 5.5 Proof of Qualifications

- 5.6 Rejection of Application
- 5.7 Sheriff's Supplemental Questionnaire

RULE VI EXAMINATIONS

- 6.1 Examinations
- 6.2 Identity of Examinees Concealed
- 6.3 Scoring Examinations
- 6.4 Minimum Scores on Examinations
- 6.5 Review of Written Examination and Answer Key
- 6.6 Protest of a Written Examination
- 6.7 Notification of Examination Results
- 6.8 Review of Individual Written Examination Results
- 6.9 Veteran's Preference
- 6.10 Promotional Examinations
- 6.11 Announcement of Promotional Examinations
- 6.12 Time Interval
- 6.13 Postponement or Cancellation
- 6.14 Review of Assessment Center Examination Results
- 6.15 Protest of Examinations Other Than Written Examinations

RULE VII ELIGIBILITY LISTS

- 7.1 Establishment of Eligibility Lists
- 7.2 Duration
- 7.3 Removal from Eligibility List
- 7.4 Appeal of Removal of Names from Eligibility Lists
- 7.5 Transfers under RCW 41.14.250, RCW 41.14.260 and RCW 41.14.270

RULE VIII APPOINTMENTS

- 8.1 General Provisions
- 8.2 Request for Certification
- 8.3 Certification
- 8.4 Effective Length of Job Certification
- 8.5 Notice of Certification to Candidates
- 8.6 Provisional Employees, Hiring of
- 8.7 Provisional Employees, Qualifications
- 8.8 Provisional Employees, Duration of Employment
- 8.9 Probationary Period
- 8.10 Medical Examination

- 8.11 Selective Certification
- 8.12 System Severability

RULE IX SEPARATION, SENIORITY, LEAVE OF ABSENCE

- 9.1 Resignations in Writing
- 9.2 Layoff
- 9.3 Seniority
- 9.4 Circumstances Not Affecting Seniority Status
- 9.5 Adjustments to Seniority Dates
- 9.6 Broken Service
- 9.7 Non-Educational Leaves of Absence
- 9.8 Educational Leave
- 9.9 Maternity Leave

RULE X POLITICAL ACTIVITY, RACE & CREED

- 10.1 Political Activity
- 10.2 Race, Color, Creed, Sex, Age, National Origin, Political Affiliation or Belief

RULE XI RECORDS & FILES

- 11.1 Security of Material
- 11.2 General Files

RULE XII DISCIPLINARY PROCEEDINGS

- 12.1 Removal, Suspension Without Pay, Reduction of Rank or Deprivation of Privileges – Causes for
- 12.2 Investigations
- 12.3 Demand for Investigation
- 12.4 Service of Papers
- 12.5 Prehearing Statement of Proof
- 12.6 Exhibits at Hearings

RULE XIII POLICE CORPS

- 13.1 Background
- 13.2 Applicability
- 13.3 Eligibility and Examinations
- 13.4 Appointment

RULE I PURPOSE, AMENDMENT, ADMINISTRATION & DISTRIBUTION

Section 1.1 - Purpose: It is the purpose of these rules to supplement the provisions of RCW Chapter 41.14 which provides for a merit system of civil service employment for classified employees of the Sheriff's Office. The rules set forth the principles and procedures, which are to be followed in the conduct and administration of the Snohomish County Civil Service program. The rules are designated to provide the public, the Sheriff and his employees with assurance that personnel actions and personnel problems will be carried out and dealt with uniformly, equitably and upon the basis of merit.

Section 1.2 - Amendment: Proposals for amendments to these rules may be submitted in writing to the Commission by a Commissioner, the Sheriff, an employee or any other interested person. Prior to the adoption, revision or repeal of any rule, the Commission shall hold at least one public hearing to discuss the proposed amendment. Notice of such hearing shall be given by providing the Sheriff with, and posting on the employee bulletin board, a copy of the proposed amendment. The notice shall include the time, date and place of such hearing, and shall be distributed a minimum of ten (10) calendar days prior to the public hearing.

The Chief Examiner shall keep a record of all proposed amendments to these rules and any action taken thereon.

Section 1.3 - Administration: The Chief Examiner shall be charged with the responsibility for implementation of these rules.

Section 1.4 - Distribution: Each employee shall be given a copy of these rules, including RCW Chapter 41.14. Any amendments to these rules shall be distributed to each work unit and shall also be available in the Civil Service Office upon request.

Section 1.5 - Gender: If the masculine gender is used in these rules, it shall also include the feminine. If the feminine gender is used in these rules, it shall also include the masculine.

RULE II DEFINITION OF TERMS

ALLOCATE shall mean the act of assigning each position to its proper class.

APPOINT shall mean the act of the appointing power in assigning to a position an eligible applicant who has been certified by the Commission for assignment in such position.

APPOINTING POWER shall mean the county sheriff who is vested by law with power and authority to select, appoint, or employ any deputy, deputies or other necessary employees subject to civil service.

CHIEF EXAMINER shall mean the position of Secretary and Chief Examiner of the Commission.

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.

CLASSIFIED shall mean the assignment of an individual position to a class by the Commission

CLASSIFIED SERVICE shall include all positions within the Snohomish County Sheriff's Office except those specifically included in the unclassified service.

COMMISSION shall mean the Snohomish County Civil Service Commission.

COMMISSIONER shall mean any one of the members of the Commission.

CONTINUOUS SERVICE shall mean employment in the classified service which has not been broken by resignation, dismissal for cause or a leave of absence greater than one year, except as otherwise provided by these rules.

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

ELIGIBLE shall mean a person listed on an active eligibility list and who has rights under these rules to be certified for appointment.

ELIGIBILITY 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, and who have not

yet been appointed to such class or removed from such list in accordance with these rules.

EMPLOYEE shall mean a person occupying a position within the classified service and who is paid a salary or wage for services rendered.

EMPLOYEE BULLETIN BOARD shall mean a bulletin board or bulletin boards conspicuously and conveniently located on the premises of the office and on which notices to employees may be posted.

POSITION shall mean a group of current duties and responsibilities described by a job specification, which have been assigned or delegated by the appointing power and which require the full or part time services of an employee.

PROBATIONARY EMPLOYEE shall mean any employee who is serving his probationary period prior to being permanently appointed to a position.

PROBATIONARY PERIOD shall mean that period prior to permanent employment during which an employee's skills, aptitudes and adjustments are appraised in accordance with RCW 41.14.130 or current applicable labor contract(s).

PROMOTION shall mean the assignment of an employee to a position in a higher class than the position from which assignment is made.

PROMOTION LIST shall mean an eligibility list established by a promotional examination.

PROVISIONAL APPOINTMENT shall mean a non-competitive and temporary appointment made to fill a vacancy in the classified service pursuant to the procedures and limitations of Rule 8.6.

PROVISIONAL EMPLOYEE shall mean any employee filling a position by provisional appointment.

RCW shall mean the Revised Code of Washington and shall have reference to the provision of that code as they may now or hereinafter be amended.

REEMPLOYMENT LIST shall mean an eligibility list established by listing former regular or probationary employees who have been separated from the classified service by layoff or by a resignation withdrawn under the provisions of these rules or current employees who have been demoted in lieu of layoff from the class for which the reemployment list has been established.

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.

SENIORITY shall mean the length of continuous service as a probationary or regular employee in the class in which the individual is employed, subject to adjustment as provided by these rules. The length of continuous service in the class shall include service in a temporary or acting appointment as well as service interrupted by a demotion followed by later reappointment to that class.

SHERIFF shall mean the Snohomish County Sheriff.

STATUS shall mean legal entitlement to a position.

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

UNCLASSIFIED SERVICE shall consist of the County Sheriff and six additional positions to be determined by the Sheriff pursuant to RCW 41.14.070.

VACANCY shall mean a position existing or newly created which is not occupied, and for which funds are available.

WORK DAYS, for the purpose of any notice period providing for herein, shall mean Monday through Friday, excluding legal holidays.

RULE III ORGANIZATION

Section 3.1 - Chairman: The Commission shall elect one of its members chairman and one of its members vice-chairman at its regular monthly meeting in February. In the event that the chairman is not present at a regular or special meeting, the meeting shall be conducted by the vice-chairman.

Section 3.2 - Meetings: The regular monthly meeting of this Commission shall be held on the first Wednesday of each month at 10:15 a.m. The location of each meeting shall be stated in the meeting notice. If a regular meeting falls on a holiday, the regular meeting shall be held on the following Wednesday. Special meetings and executive sessions may be called by the Chairman or by the Chief Examiner at the direction of a majority of the Commission in accordance with the provisions of Chapter 42.30 RCW. The date of a regular meeting may be changed by the chairman, in which case notice of the new date shall be given as provided for special meetings in Chapter 42.30 RCW and by posting an announcement on the bulletin board at least five (5) days in advance of the new meeting date.

Section 3.3 - Chief Examiner: The Chief Examiner shall, subject to the direction by the Commission:

- a. Prepare such forms and initiate such procedures as may be considered necessary, appropriate, or desirable to fulfill the Commission's responsibilities and duties.
- b. Maintain the Classification Plan provided for in Rule IV.
- c. Provide for the establishment and maintenance of such records as the Commission deems advisable or necessary.
- d. Certify or refuse to certify payrolls in accordance with RCW 41.14.150. If certification is refused, the Chief Examiner shall notify the Commission at its next regular meeting of such refusal and the reasons therefor.
- e. Develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of competent applicants and prepare eligibility lists based upon results of competitive examinations.
- f. Act as secretary to the Commission at its regular and special meetings by taking, transcribing and maintaining minutes of such meetings, submitting the same for approval of the Commission and the signatures of Commissioners who attended

the meetings, and performing such other duties related to meetings as may be assigned to him from and by the Commission.

- g. Perform such other duties, not inconsistent with RCW 41.14 or these rules, as the Commission may direct.

Section 3.4 - Procedures Governing Appeals of a Non-Disciplinary Nature: The purpose of this hearing will be to determine whether or not the Sheriff's Office has followed the proper procedures for hiring. All appeals of a non-disciplinary nature shall be conducted in accordance with the following procedures:

- a. **Submission of Written Materials in Advance of Hearing on Appeal.** Any documents either party wishes the Commission to consider shall be submitted to the Chief Examiner, for distribution to the Commission for its review, at least seven (7) business days prior to the scheduled hearing date.
- b. **Order of Appeal Hearing Presentations.** The order of presentations at an appeal hearing shall be as follows:
 - 1. The agenda item shall be introduced by the Chairman of the Commission.
 - 2. The Chairman shall remind the appellant that, by proceeding with an appeal under Rule 7.4 or Rule 7.5, he or she is waiving any expectation of privacy related to the information to be presented.
 - 3. The Chief Examiner shall give a report concerning any information regarding receipt of the appeal and any responses or comments received by the Commission prior to the hearing pertaining to the appeal.
 - 4. If the appeal is of a determination of ineligibility for transfer under Rule 7.5, or of a disqualification under Rule 7.4, the Sheriff shall be asked to summarize, in three (3) minutes or less, the grounds on which that determination was made.
 - 5. The appellant shall be given the opportunity to be heard. If appellant elects to make an oral presentation, appellant's presentation should not exceed thirty (30) minutes in duration and should include, but is not limited to, the following information:
 - A. a statement that identifies the nature of and grounds for the appeal;
 - B. background and information supporting the grounds for the appeal;

- C. any argument appellant wishes to make concerning his/her position; and
 - D. a request for action by the Commission of a specific nature.
6. The respondent shall be given the opportunity to be heard and should confine its presentation to not more than thirty (30) minutes in duration.
 7. The appellant shall be given the opportunity, in not more than fifteen (15) minutes, to rebut statements made by any respondents and to make any closing statements.
 8. Any member of the Commission may request that the appellant and respondent present final argument, in which case each party's final argument shall be limited to five (5) minutes.
 9. Any member of the Commission may move to extend the time allowed to either party.
- c. **Questions.**
1. Members of the Commission will always have the right to ask questions of any party to an appeal.
 2. The Chairman may, in his or her discretion, allow questions from persons present at the hearing at any time during the hearing process.
- d. **Evidentiary Matters.**
1. If a party to an appeal wishes to have the testimony of witnesses made under oath, it shall so indicate and the Chief Examiner shall administer the oath.
 2. The conduct of the hearing shall not be bound by the rules of evidence.
- e. **Conduct of Parties at Appeal Hearing.** The parties are in all cases expected to treat one another and any witnesses of either party with courtesy and respect.
- f. **Decision on Appeal.** The Commission will review all information presented and notify the appellant of its decision in writing.

RULE IV THE CLASSIFICATION PLAN

Section 4.1 - Classification, Allocation, Appointments - General: The Commission shall classify all positions which pursuant to RCW 41.14.070 fall within the classified service, thus providing a complete inventory of all such positions. Classification Plan shall standardize title, each of which shall be indicative of a range of comparable duties and responsibilities and shall have the same meaning throughout the Classified Service. No allocations, appointments or promotion to any position shall be made except as provided for herein.

Section 4.2 - Revisions: Requests for revision of position classifications by the Appointing Power shall be accompanied by organization charts, position classification recommended and position specifications.

Section 4.3 - 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, which enable use of the same tests for qualification, and which can be equitably compensated for within the same range or pay under similar working conditions.
- b. A class title descriptive of the assigned work shall identify each class.
- c. Written class specifications for each class of positions, containing a description of the nature of the work and of the relative responsibility of positions within 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 alterations, for recruitment into the class.

Section 4.4 - Class Titles: Class titles shall be used in all personnel, accounting, budgeting, appropriation and financial records. No applicant or employee shall be appointed to, or employed in, a position in the Classified Service under a title not included in the Classification Plan.

Section 4.5 - Class Specifications: The class specifications 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 which are allocated to a particular class as determined by their comparable duties and responsibilities. Specifications are to be interpreted in their entirety and in relation to other class specifications.
- b. In determining the class to which a particular position should be allocated, the specifications of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities and qualification requirements of a class and to the relationships to other classes, as together affording a statement of the positions which the class is intended to embrace.

Section 4.6 - Use of 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 test the relative abilities of applicants to perform the work of specific sequences.
- c. In determining promotional sequences.
- d. In providing uniform job terminology which is understandable to county officials, employees and the general public.
- e. In setting up employment lists from which applicants may be certified to fill vacancies.
- f. As a guide for the Appointing Power in assigning duties.

Section 4.7 - Maintenance of the Classification Plan: The Chief Examiner is charged with the responsibility for the proper and continuous maintenance of the Classification Plan so that it will reflect the duties and responsibilities currently assigned to each position in the Classified Service and the class to which each position is allocated. The Chief Examiner shall periodically recommend to the Commission after a survey and consultation with the Sheriff, necessary amendments to the Classification Plan in the form of new classes, revisions of existing classes and the abolition of classes no longer required in the Plan. Upon the Commission's approving the establishment of a new classification or the revision or abolition of an existing classification, the County Council and the Sheriff shall be notified in order that appropriate action may be taken in regard to the compensation of the members of the affected class. Revisions of class specifications and reallocations within the classification plan shall be made as follows:

- a. The Chief Examiner shall study the duties and responsibilities of each new position as it is created and on the basis of this study place the position in the appropriate class within the classification plan.
- 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 Chief Examiner by the Appointing Power. If such changes are determined to be permanent and sufficient to justify a reallocation to a different classification, the Chief Examiner shall reallocate such position to its appropriate class.
- c. The Chief Examiner shall periodically review the classification of positions and, upon the basis of such review, make appropriate changes in allocations or recommend changes in the classification plan.
- d. Written notice of changes to the Classification Plan or allocation or reallocation of positions shall be posted for thirty (30) days on the employee bulletin board.

Section 4.8 - Status of Employees Affected by Reallocation: The status of regular employees affected by reallocation occurring in the administration of the Classification Plan shall be resolved in the following manner:

- a. Any employee with permanent civil service status whose position is reallocated to a lower class shall be assigned, if possible, to a vacant position having the same classification as that in which the employee has permanent civil service status, or if not possible, the employee shall be assigned to the lower class without further examination and his name shall be placed on the appropriate

reemployment list, without limitation of time, for the higher class in which he holds permanent civil service status.

- b. Employees whose positions are reallocated to a substantially equivalent class shall be given regular status in the positions and classes to which they are allocated. The affected employee may be placed on a reemployment list, without limitation of time, for the class in which he holds permanent civil service status.

Section 4.9 -- Allocation Appeals: Any employee who is aggrieved by the allocation or reallocation of his position by the Appointing Power may appeal the final action within thirty (30) days to the Commission. Such appeals shall be in writing and fully set forth the reasons therefor, including citation to the rule or rules under which the appellant seeks relief. Upon receipt of such appeal, the Chief Examiner shall set the matter for an informal hearing at which interested persons shall be given an opportunity to be heard. Written notice setting out the nature of the appeal and the date, time, and place of the hearing shall be at least five (5) days prior to the hearing be given to the appellant and the Appointing Power and posted on the employee bulletin board. Any decision of the Commission pursuant to this provision, which allocates or reallocates a position to a different class, shall be retroactive to the date the appeal was filed.

Section 4.10 - Perform Duties of Class: The Appointing Power shall neither require nor permit the employee to perform duties outside his proper class except in emergencies and then only for a maximum period of thirty (30) calendar days, unless permission for a larger period is given by the Commission.

Section 4.11 -- Reporting Violations of Classification Regulations: Any employee who believes he is being required to perform duties outside the proper scope of his class may complain in writing to the Commission which shall undertake an investigation and report its findings and recommendations to the Sheriff and employee involved.

Section 4.12 - Notices by Appointing Power of Allocation or Reallocation: Whenever it becomes necessary to establish new positions or to significantly alter the duties and responsibilities of an existing position, the Appointing Power shall submit to the Chief Examiner a written notice of allocation or reallocation accompanied by "before and after" organization charts and position specifications. The action to allocate or reallocate a position shall be come final on the thirtieth (30th) day after the posting of the notice. Whenever possible, such a notice shall be come final before the annual budget is submitted for the succeeding year.

RULE V RECRUITMENT & ELIGIBILITY

Section 5.1 - Announcement of Examination: Notice of open competitive examinations shall be given at least ten (10) days in advance of the last date for filing of applications. Advertising may be in a local newspaper, on the Snohomish County website, by posting announcements on the employee bulletin board or in such other places and in such other manners as the Commission or the Chief Examiner may determine appropriate for the position being advertised.

Section 5.2 - Filing of Applications: All applicants for positions in the Classified Service must submit a signed application on the form prescribed by the Commission. All applications must be received in the Commission's office within the time limit specified in the job announcement.

Section 5.3 - Change of Applicant's Address &/or Phone Number: The applicant is responsible for notifying the Commission in writing of any change of address and/or phone number.

Section 5.4 - Qualifications: To be eligible for examination, applicants must meet the qualifications stated in the job announcement. Applicants for open competitive positions must meet the minimum qualifications at the time of application. In the case of promotional examinations, applicants must meet the minimum qualifications by the expiration date of the current eligibility list or by the closing date for submission of applications, whichever is later. The Commission shall determine the minimum qualifications that are necessary for job performance. Unless specifically designated otherwise by the Commission or by state law, the following shall be qualifications for all positions:

- a. **Citizenship.** An applicant must be a citizen of the United States or a lawful permanent resident, and be able to read, write and speak the English language so as to be easily understood.

- b. **Age.** The minimum employee age shall be stated in the job announcement. There shall be no maximum age requirement for any position within the classified service.

The Commission shall permit filing by applicants who are within one (1) year of the specified minimum age. If such applicants pass the examination, their eligibility shall be held in abeyance until they reach the required minimum age. Applicants must notify the Commission in writing when they reach the minimum age. Their name shall then become active on the eligibility list and will be certified for consideration in the order of their ranking on the eligibility list. Eligibility shall expire on the expiration date of the eligibility list that was established as a result of the examination process for that particular classification.

Section 5.5 - Proof of Qualifications: The Commission may demand proof of a education, training, experience or of any other qualifications required to determine eligibility for the position being applied for.

Section 5.6 - Rejection of Application: The Chief Examiner shall reject an application or applicant from appointment, promotion or re-employment for any of the following reasons:

- a. The applicant lacks the minimum qualifications set forth in the job announcement.
- b. The applicant has made a false statement in his application with regard to any material fact.
- c. The applicant has been dismissed for cause from the regular service within the preceding twelve (12) months.
- d. The applicant, after notification, did not present himself at the time and place designated for examination.
- e. The applicant has directly or indirectly paid or promised to pay money or other valuable thing to any person in order to achieve appointment, promotion or re-employment.
- f. The applicant failed to complete and/or return the supplemental questionnaire with his employment application in accordance with Section 5.7 of these Rules.
- g. The applicant violated an instruction relating to administration of an examination, which, in the judgment of the Chief Examiner, merits rejection of the application or applicant.

Section 5.7 - Sheriff's Supplemental Questionnaire: The Appointing Power may request the Commission to distribute one or more supplemental questionnaires to applicants for classified positions. The purpose of the supplemental questionnaire(s) is to solicit information of interest to the Appointing Power, and to advise applicants of facts the Appointing Power will consider in making hiring decisions. The Chief Examiner shall distribute each supplemental questionnaire that has been approved by the Commission or Chief Examiner. The Chief Examiner shall forward responses to the Appointing Power along with a copy of the application form when the applicant is certified for consideration in filling a vacancy.

RULE VI EXAMINATIONS

Section 6.1 - Examinations: All examinations shall be impartial and shall relate to those matters which will test fairly the capability and fitness of the candidate to perform the duties of the position being tested. Examinations may include a written or video examination, an oral interview, a physical ability test, performance tests such as a keyboard examination, or any combination of these tests. The testing process may include such factors as education, experience, skills, knowledge, physical ability or other qualifications or attributes which, in the judgment of the Commission or Chief Examiner, enter into the determination of the relative fitness of applicants for the position. Examinations administered by an approved outside vendor may require a fee to be paid by the applicant.

Before administering a written examination for promotional positions, the Chief Examiner shall present the examination to an administrator of a law enforcement agency for review and comment. Selection of the administrator shall be in the discretion of the Chief Examiner.

Section 6.2 - Identity of Examinees Concealed: The identity of all persons taking a competitive examination shall be concealed from the examiners by the use of an identification number. This number shall be assigned by the Chief Examiner and shall be used from the beginning of the examination until all papers have been rated. This rule shall not apply to keyboard examinations, examinations that are scored electronically, or to examinations that are conducted by an approved outside vendor.

Section 6.3 - Scoring Examinations: Final examination scores shall be expressed on, or converted to, a scale of 100 for maximum possible attainment with the required passing grade set by the Commission or the Chief Examiner, prior to the test date. Whenever oral tests are utilized, the weight given such tests shall not normally constitute more than 50 percent of the total score of the examination, unless the oral interview is the only component of the examination.

Section 6.4 - Minimum Scores on Examinations: The Commission or the Chief Examiner may set a minimum score for any part or parts of the examination. Any candidate who fails to attain such minimum score shall be considered to have failed the examination.

Section 6.5 - Review of Written Examination and Answer Key: An applicant shall have the right to request to review a keyed copy of the examination. The request must be made within three (3) working days immediately following conclusion of a written examination. Such review, if timely requested, shall be scheduled and conducted within five (5) working days immediately following the conclusion of the examination. The

review shall be made in the presence of the Chief Examiner. No notes may be taken by the applicant during the review.

Section 6.6 - Protest of a Written Examination: An applicant may protest a question or an answer on a written examination by filing a written complaint with the Commission within seven (7) working days immediately following the examination. Such complaint shall state specifically the applicant's objection to the question or answer. All such written complaints shall be considered by the Commission at a special meeting or at its next regular meeting. If the Commission is satisfied as to the validity of the complaint, changes shall be made to the examination answer key. No eligibility list shall be established until the complaint has been resolved. No scores shall be released for any examination until expiration of the protest period or, if a protest is filed, until final action is taken by the Commission.

Section 6.7 - Notification of Examination Results: Each applicant participating in an examination shall be given written or electronic notification of his final score.

Section 6.8 - Review of Individual Written Examination Results: An applicant shall have the right to request to personally compare his answer sheet to the answer key. This request must be made in writing within five (5) working days from the date on the result notification letter. Such inspection, if timely requested, shall be scheduled within five (5) working days from receipt of the request, and shall be made in the presence of the Chief Examiner. No notes may be taken by the applicant. A mechanical error in scoring or rating, if called to the attention of the Chief Examiner within the inspection period, shall be corrected. No appeals of the actual examination will be considered as a result of this review.

Section 6.9 - Veteran's Preference: Honorably discharged veterans of the armed forces who are eligible to receive veteran's preference, and who obtained a passing score on the examination for original appointment shall receive additional points in accordance with RCW Chapter 41.04. To receive veteran's preference points, a Department of Defense Certification No. DD214 must be presented to the Chief Examiner prior to or on the day of the examination.

In the event that application of veteran's preference points places a veteran in a pool of finalists for further consideration of eligibility, the veteran shall be considered in addition to the pool of finalists qualified by virtue of their raw scores. Application of veteran's preference points shall not displace otherwise qualified individuals from a pool of finalists.

Section 6.10 - Promotional Examinations: When in the judgment of the Commission the interests of the public and the Classified Service would be best served, vacancies in higher positions may be filled through promotional examination. When the determination is made that there will be a promotional examination, the Commission shall establish, in addition to other eligibility requirements, the minimum period of service in the lower classification(s) which shall not be less than one year.

Section 6.11 - Announcement of Promotional Examinations: All promotional examination announcements shall be posted and distributed within the Sheriff's Office at least ten (10) days prior to the closing date for the filing of applications. The Commission or Chief Examiner shall determine the method of notification for such examinations.

Section 6.12 - 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 two months of the notification of test results. Any person who receives a passing score on an examination that is conducted on a continuous basis shall not be eligible to retest for the same class within one year after placement of his or her name on an eligibility list.

Section 6.13 - Postponement or Cancellation: Any examination may be postponed or cancelled at the discretion of the Commission or the Chief Examiner. Approved outside vendors may postpone or cancel only those examinations they are administering. In either case, each applicant shall be notified of the postponement or cancellation.

Section 6.14 - Review of Assessment Center Examination Results: An applicant who participates in an assessment center examination may review his or her rating sheets after the period within which a protest may be filed has expired, any protests have been acted upon by the Commission, and scores have been released. Notes may be taken during the review for educational purposes only. No copies of any test documents shall be made. The review must be conducted in the presence of the Chief Examiner.

Section 6.15 - Protest of Examinations Other Than Written Examinations: An applicant may file a written protest with the Commission regarding an examination, other than a written examination, including but not limited to, a keyboard test, a physical ability test or an oral board interview. A written protest must be filed within five (5) working days following the conclusion of the examination. Such protest shall state specifically the applicant's objection to the examination and the requested action by the Commission. All such written protests shall be considered at a special meeting or at the Commission's next regular meeting. No scores shall be released for any examination until expiration of the protest period or, if a protest is filed, until final action is taken by the Commission.

RULE VII ELIGIBILITY LISTS

Section 7.1 – Establishment of Eligibility Lists: The Chief Examiner shall establish and maintain such eligibility lists for the various classes of positions as necessary to meet the needs of the Sheriff's Office. Successful applicants shall be ranked on the proper eligibility list in the order of their total scores.

Section 7.2 – Duration:

- a. The term of each entry level list shall normally be for one year. The term of each promotional list shall normally be for two years. The Commission may shorten or extend the term of a list as, in its discretion, it determines appropriate.
- b. The term of any list for examinations that are conducted on a continuous basis shall be indefinite but each name shall not remain on the list more than one year.

Section 7.3 – Removal from Eligibility List: The Chief Examiner may at any time remove the name of an eligible person from an eligibility list for any one or more of the following causes:

- a. A written or verbal request from the eligible person to withdraw from the testing process or that his name be temporarily or permanently removed.
- b. Failure to respond within ten (10) calendar days from the date of receipt of an inquiry by the Commission or Appointing Power regarding the eligible's availability for employment.
- c. Failure to appear for an employment interview or examination.
- d. Declining an employment offer.
- e. For attempted deception, fraud or other impropriety in connection with any application or test.
- f. In any case where the Chief Examiner finds that an eligible person is or has in any manner become disqualified for the position for which he is listed in accordance with Section 5.6 of these Rules.
- g. Failure to notify the Commission of changes in address and/or phone number.
- 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 a written application for such action to the Chief Examiner within five (5) working days from the date of removal.

- i. In the case of promotional lists only, upon separation, other than layoff, from the service.
- j. When the eligible person has been certified from the list three times for three separate openings but has not been selected for the position provided that a written explanation of the reasons for non-selection shall be provided to the eligible person by the Appointing Power and a duplicate filed with the Commission prior to such removal.
- k. Failure to pass all pre-employment examinations conducted by the Appointing Power, including, but not limited to, the background investigation, polygraph examination, psychological evaluation or a medical evaluation. The Appointing Power shall provide written notice to the Commission when requesting removal under this subsection.
- l. Failure to meet the hiring standards as set forth by the Appointing Power. Written notice shall be provided to the Commission when removal is requested under this subsection.

Section 7.4 – Appeal of Removal of Names from Eligibility Lists:

- a. Whenever any person's name is removed from an eligibility list for any reason under sections 7.3(a) through (j), he shall be notified in writing by the Chief Examiner. Such person may appeal the removal of his name from such list. The appeal must be filed with the Chief Examiner in writing within five (5) work days from the date of the removal notice, and must clearly explain the reasons for restoration of the name to the list. The Chief Examiner, after full consideration of the reasons for restoration, may restore the name to the eligibility list or may deny the appeal. The appellant shall be notified in writing of the Chief Examiner's decision. If the appeal is denied, and the appellant wishes to protest the Chief Examiner's decision, the appellant must request review of the Chief Examiner's decision by the Commission by providing written notice to the Chief Examiner within five (5) work days of the date of notification. The Chief Examiner shall then schedule the review hearing for the Commission's next regular meeting or schedule a special meeting. The appellant may attend the hearing to present additional information for the commission's consideration. The Commission will review all information presented to the Chief Examiner and any additional information presented for consideration, and shall notify the person of its decision in writing.

- b. Whenever any person's name is removed from an eligibility list for any reason stated in sections 7.3(k) and 7.3(l), that person shall be notified of the removal by the Chief Examiner. The applicant may contact the Organizational Development Division Commander to discuss the reasons for removal or they may directly appeal the removal to the Commission. In either case, filing of the appeal with the Chief Examiner must be in writing within fifteen (15) calendar days from the date of the removal notice. The Chief Examiner shall then schedule the appeal hearing for the Commission's next regular meeting or schedule a special meeting. The Chief Examiner shall notify the appellant of the date, place and time for the hearing and that information may be disclosed and discussed during the meeting related to medical, psychological, polygraph, or other evaluations. By agreeing to the hearing the appellant acknowledges it may be necessary to discuss such information and waives any expectation of privacy related to this information. The appellant may attend the hearing to present information for the Commission's consideration. The Commission will review all information presented and notify the appellant of its decision in writing.

Section 7.5 – Transfers under RCW 41.14.250, RCW 41.14.260 and RCW 41.14.270

- a. **General Rule on Eligibility.** Pursuant to RCW 41.14.250-.270, a person (i) who is an employee of the police department of a city or town when that city or town contracts with Snohomish County to obtain law enforcement services, (ii) whose city or town employment was exclusively or principally in performing the powers, duties, and functions which are to be performed by the Snohomish County Sheriff's Office under such contract, and (iii) who will, as a direct consequence of such contract, be separated from the employ of the city or town, may transfer his or her employment to the Sheriff's Office if he or she meets the minimum standards and qualifications of that office, as determined pursuant to Rule 7.5(c).
- b. **Notice.** The Sheriff's Office shall use its best efforts to notify, or to cause the city or town to notify, the city or town employees who are potentially eligible for transfer under RCW 41.14.250 of the requirements of this Section 7.5.

- c. **Request for Transfer; Evaluation.** Pursuant to RCW 41.14.260-.270, a person described in Rule 7.5(a) shall timely file his or her written request for transfer with the Commission and shall give written notice thereof to the legislative authority of the city or town. The city or town shall transmit the person's service records to the Commission. The Commission shall then provide written notification to the Sheriff's Office of the person seeking transfer under this section. The Sheriff's Office shall evaluate whether the person meets the minimum standards and qualifications of that office, as set forth in RCW 41.14.250. If the person meets such minimum standards and qualifications, the transfer shall be made as provided in RCW 41.14.260.
- d. **Notice of Determination of Ineligibility.** A person described in Rule 7.5(a) who does not meet the minimum standards and qualifications of the Sheriff's Office, under the procedures set forth in Rule 7.5(c), shall be timely notified by the Sheriff's Office in writing of that determination. The Sheriff's Office shall also notify the Commission of that determination.
- e. **Discussion of Determination of Ineligibility with Sheriff's Office.** A person receiving a notice under Rule 7.5(d) may contact the Organizational Development Division Commander to discuss the Sheriff's Office's reasons for determining that he or she does not meet the minimum standards and qualifications of that office.
- f. **Appeal of Determination of Ineligibility; Hearing and Decision on Appeal.** A person receiving a notice under Rule 7.5(d) may appeal the determination of ineligibility by filing a written appeal with the Chief Examiner within fifteen (15) calendar days from the date of the determination notice. The written appeal must clearly explain the reasons for requesting reconsideration. The Chief Examiner shall then schedule the appeal hearing for the next regular meeting of the Commission or schedule a special meeting of the Commission for that purpose, and shall notify the appellant of the date, place and time for the hearing and that information may be disclosed and discussed during the hearing related to medical, psychological, polygraph, or other evaluations. By agreeing to the hearing, the appellant acknowledges that it may be necessary to discuss such information and waives any expectation of privacy related to that information. The appellant may attend the hearing to present information for the Commission's consideration. The Commission will review all information presented and notify the appellant of its decision in writing.

- g. **Transition Provision.** Persons described in Rule 7.5(a) who (1) were determined and notified by the Sheriff's Office in December 2011, prior to adoption of this Rule 7.5 by the Commission, that they did not meet the minimum standards and qualifications of that office and (2) submitted a written request for a hearing to the Sheriff's Office within fifteen (15) calendar days of the date of such notification, shall be treated as if they had submitted written appeals to the Chief Examiner under Rule 7.5(f). The Sheriff's Office shall transmit those written appeals to the Chief Examiner immediately upon adoption of this rule, and those appeals shall thereafter be processed in accordance with Rule 7.5(f). The Commission shall have the discretion to toll the fifteen (15) calendar day limitations period for appeals occurring during the transition period described in this Rule 7.5(g), based on equitable considerations.

(New Section added 1/23/2012)

RULE VIII APPOINTMENTS

Section 8.1 – General Provisions: Vacancies in the classified service shall be filled by reemployment, promotional appointment, original appointment, transfer or demotion. Whenever the Appointing Power has a vacancy to fill, a request for certification of eligible candidates shall be submitted to the Chief Examiner. If possible, each vacancy shall be anticipated in advance to enable the Chief Examiner to certify names from the appropriate eligibility list, or if necessary, to establish a new eligibility list. When vacancies are to be filled by appointment from existing lists, the lists shall be utilized in the following order:

- a. Appointment of eligible candidates from reemployment lists.
- b. Appointment of eligible candidates from eligibility lists.

Section 8.2 – Request for Certification : Whenever the Appointing Power needs to fill a vacant position, a request for certification shall be submitted to the Chief Examiner. This request should include the number of vacancies that need to be filled and the class title of the vacant position(s).

Section 8.3 – Certification: Upon receipt of a written request for certification, the Chief Examiner shall certify to the Appointing Power the appropriate number of names along with a copy of the candidate's application and other supporting documentation. If there is a reemployment list for the class in which there is a vacancy, the Chief Examiner shall certify the name of the person highest on that reemployment list. When there is no reemployment list, the Chief Examiner shall certify the names of the three persons highest on the eligibility list for the class. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. In the event of tied scores on an eligibility list, all applicants with the same score shall be certified for consideration. If the vacancy to be filled is for a promotional position, the top three candidates will be certified for consideration. The Appointing Power shall fill the vacant position(s) by appointing a person from the list of candidates certified by the Chief Examiner and notify the Commission in writing of the selection.

Section 8.4 – Effective Length of Job Certification: Certification of candidates to the Appointing Power shall be in effect, unless otherwise provided by the Commission, for ninety (90) days from the date of certification or until the expiration date of the eligibility list, whichever occurs first.

Section 8.5 – Notice of Certification to Candidates: Eligible candidates who are certified for consideration in filling a vacancy shall be contacted by the Appointing Power.

Section 8.6 – Provisional Employees – Hiring of: The Appointing Power may hire provisional employees pending the establishment of an eligibility list or when deemed necessary due to a public emergency or in order to fill temporary vacancies caused by disability or sick leaves, vacation or other circumstances beyond the control of the Appointing Power. Written notice of all provisional appointments shall be given to the Commission.

Section 8.7 – Provisional Employees - Qualifications: Provisional employees shall meet the minimum qualifications as described in the class specification for the position being filled, subject to approval by the Commission.

Section 8.8 – Provisional Employees – Duration of Employment: No provisional appointment shall exceed 45 days without Commission approval. The Commission may authorize provisional appointments for up to four (4) months during a calendar year as provided in RCW 41.14.060(7). A provisional appointment expires after four months; however, the Appointing Power may extend the provisional appointment beyond the four-month period up to one year if the Commission continues to advertise and test for the position but is unable to establish a list of candidates to consider for employment. Provisional appointments shall be calculated based on full days worked. Overtime hours worked shall not be considered as extra days worked when determining the number of days allowed during the provisional appointment. Provisional time for employees who work part time or on an intermittent basis shall not exceed the hours equivalent to a four-month period.

Section 8.9 – Probationary Period: 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 his position, and for rejecting any employee whose performance or adjustment is not satisfactory.

All appointments, except those made from reemployment lists, shall be probationary for a period of one (1) year after appointment, except as outlined in the labor agreements. Appointments made from reemployment lists shall be probationary for the period of probation remaining unserved at the time of the layoff. The Commission may inquire as to the progress of probationary employees throughout the probationary period. At any time during the probationary period, the Appointing Power may remove any employee whose performance or adjustment is not satisfactory, provided that he shall notify the

Chief Examiner in writing of such action. If a regular employee who has been appointed to a higher class as a result of certification is found unsuited for the work of the higher class during the probationary period, he shall be reinstated to a position in the lower class that he has obtained regular status.

Sick leave in excess of six (6) days and any leave of absence without pay, shall not be counted in computing the one-year probationary period. (Resolution 76-8)

Section 8.10 – Medical Examination: Applicants for positions in the Classified Service may be required to undergo a medical and a psychological examination to determine their physical and mental fitness to perform the essential functions of the position to which appointment is to be made. An applicant who is determined to be physically or mentally unfit shall not be hired.

If questions arise concerning an employee's, fitness for duty, the Appointing Power may require the employee to undergo a psychological and/or a medical examination to determine their physical and mental fitness to perform the essential functions of the position in which they are employed.

If an employee is determined to be physically or mentally unfit for duty, such employee shall be demoted or separated in accordance with these Rules.

Section 8.11 – Selective Certification: When an examination is held to establish an eligibility list for a class or positions in which either minorities or females or both are significantly underrepresented, as determined by the Chief Examiner, a selective certification may be done. Recruiting announcements shall indicate that Snohomish County is an Equal Opportunity Employer.

When a vacancy occurs in a class in which minorities or females or both are underrepresented and there is no member of the underrepresented group(s) among the persons to be certified from the eligibility list pursuant to Section 8.3, the Chief Examiner may declare a selective certification. Under a selective certification, the Chief Examiner shall certify the three persons ranked highest on the eligibility list, with an additional person for each additional vacancy to be filled, plus the two minorities or the two females highest on the list. If both minorities and females are underrepresented, the top three or more eligible candidate plus the highest ranked minority and the highest ranked female shall be certified to assure that minorities and females are considered by the Appointing Power.

Section 8.12 – System Severability: The terms and conditions set forth by these rules shall be severable from other merit or personnel systems either within or outside of Snohomish County government. Appointees to the Sheriff's Office from any other system shall be considered new hires for the purpose of determining seniority and rates

of pay. Employees who transfer into the Sheriff's Office from another Snohomish County department, with no break in service, shall retain their leave accrual date and the vacation and sick leave balances currently in their respective accounts. To the extent that this rule may conflict with RCW 41.14.250-.290 governing transfers of employment from any city or town contracting with the Sheriff's Office to obtain law enforcement services, the provisions of the state statute shall control.

RULE IX SEPARATION, SENIORITY, LEAVE OF ABSENCE

Section 9.1 – Resignations in Writing: Resignation of an employee from the service shall be made in writing to the Appointing Power and the fact of resignation shall be reported in writing 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 Commission may permit the withdrawal of a resignation upon a written request filed by the employee with the Appointing Power within thirty (30) days of the effective date of the resignation, provided such request has the favorable recommendation of the Appointing Power. Any such person who resigns and then withdraws his resignation, with the approval of the Appointing Power and the Commission, shall be placed on the reemployment list for the class in which he was previously employed following any former employees then or subsequently placed on that list as a result of layoff or demotion in lieu of layoff. The period of eligibility for reemployment by appointment from the reemployment list shall be two years from the effective date of the resignation. The effective date of the resignation shall mean the last working day of the employee.

Section 9.2 – Layoff: The Appointing Power may lay off employees in the classified service whenever such action is made necessary by a shortage of work or funds, the abolition of a position because of changes in organization, 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 a 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 involved. A regular or probationary employee who was employed prior to his present position in a lower class or in a different class series within the classified service with no break in service between the previous and present positions may request demotion in lieu of layoff to the class in which he previously served. No such demotion shall result in the layoff or demotion in lieu of layoff of a regular employee with greater seniority in the relevant class than that calculated as provided in Section 9.5 for the employee requesting demotion.

The names of regular or probationary employees laid off or demoted in lieu of layoff shall be placed in order of seniority on the reemployment list for the class from which the layoff took place. The period of eligibility for reemployment from the reemployment list shall be without limitation of time. (02/89)

Section 9.3 – Seniority: Seniority for purposes of layoff, demotion in lieu of layoff and reemployment shall be the length of continuous service as a probationary or regular employee in the class in which the individual is employed.

Seniority shall be evidenced by a seniority date for each employee, which shall be the date of his appointment to the class involved, subject to adjustment as provided in Section 9.5. The seniority date for an employee promoted as a result of certification from an eligibility list to an acting or temporary appointment which later becomes permanent shall be the date of that acting or temporary appointment.

Within each class, employees shall be ranked in order of seniority. Where seniority dates do not establish a definite seniority differential, seniority ranking shall be determined as follows:

- a. If employees with identical seniority dates were appointed from the same eligibility list, they shall be ranked in order of their relative standing on that eligibility list.
- b. If employees with identical seniority dates were appointed from successive eligibility lists, the employee appointed from the earlier eligibility list shall take precedence over the employee appointed from the later eligibility list.
- c. If employees with identical seniority dates were appointed from different and non-successive eligibility lists and the identity of dates is the result of adjustment as provided in Section 9.5, the employee with the earlier of the original dates of appointment to the class shall take precedence over the employee with the later original date of appointment.

Every six months, in February and August, the Chief Examiner shall furnish the Appointing Power with up-to-date copies of the seniority list showing for each class in the classified service the name and seniority date of each regular or probationary employee listed in order of seniority ranking.

Section 9.4 – Circumstances Not Affecting Seniority Status: An employee’s seniority date and ranking shall not be affected by any of the following circumstances:

- a. Absence from work during which the employee is in pay status including Law Enforcement Officers and Fire Fighters’ sick or disability leave as provided by RCW Chapter 41.26.
- b. Absence from work resulting from injury in the line of duty during which the employee is on approved leave of absence without pay or disability retirement, PROVIDED THAT the total absence, including both paid and unpaid time, does not exceed one year. (Effective 7/1/82)
- c. Absence from work resulting from illness or disability during which the employee is on approved leave of absence without pay or disability retirement, PROVIDED THAT the total absence, including both paid and unpaid time does not exceed six months. (Effective 7/1/82)
- d. Official leave of absence granted pursuant to Section 9.7.
- e. Educational leave of absence granted pursuant to Section 9.8 lasting one year or less.
- f. Approved leave of absence without pay lasting thirty (30) calendar days or less.
- g. Separation due to layoff lasting thirty (30) calendar days or less.
- h. As required by state or federal statute.

(Section effective 12/4/80)

Section 9.5 – Adjustments to Seniority Dates: An employee’s seniority date shall be moved forward for each and every day off work under the following circumstances:

- a. Approved leave of absence without pay beyond the first thirty (30) calendar days of such leave, except as otherwise provided by these rules.
- b. Separation due to layoff beyond the first thirty (30) calendar days of such layoff.
- c. Disciplinary suspension.
- d. Medical or disability retirement beyond the time periods identified in Section 9.4(b) and 9.4 (c). (Effective 7/1/82)

- e. Educational leave of absence granted pursuant to Section 9.8 beyond the first year of such leave.
- f. Any other absence not exempted under the provisions of Section 9.4.

In the event of a voluntary demotion, demotion in lieu of layoff, demotion for cause, failure to satisfactorily complete his probationary period following an appointment from one class to another, or return to regular status following a temporary or acting appointment, an employee's seniority date shall be the date of his original appointment to the class to which he has been demoted or in which he has been reinstated, subject to adjustment as provided above. Should the employee later be reappointed to a position in the higher class, his seniority date shall be the date of his first appointment to that class moved forward for each and every day during which he served in the lower class, subject to further adjustments as provided above.

Adjustments to seniority dates shall be made calendar day for calendar day. The Appointing Power shall notify the Chief Examiner in writing of any circumstances requiring the adjustment of seniority dates within ten (10) days of their occurrence. Within thirty (30) days of such notification, the Chief Examiner shall adjust the seniority date and so notify the affected employee and the Appointing Power.

Any employee who believes his seniority date has been improperly adjusted may appeal within thirty (30) days of the Chief Examiner's notification of adjustment to the Commission. Such appeals shall be in writing and shall fully set forth the reasons therefor. Upon receipt of such appeal the Chief Examiner shall set the matter for an informal hearing. Written notice setting out the nature of the appeal and the date, time, and place of the hearing shall at least five (5) days prior to the hearing be given to the appellant, the Appointing Power and any employees whose seniority ranking might be affected by the outcome of the appeal, and posted on the employee bulletin board. (Section effective 12/4/80)

Section 9.6 – Broken Service: An employee who resigns his position in the classified service and whose resignation is not withdrawn pursuant to Section 9.2, who is dismissed for cause and not reinstated by the Commission, or who takes a leave of absence without pay longer than one year shall forfeit all accumulated seniority; PROVIDED THAT this provision shall not apply to leaves granted pursuant to Section 9.7; and PROVIDED, FURTHER, THAT the Commission may waive this provision where a leave of absence greater than one year is necessitated by extenuating circumstances such as medical disability or military service during time of war or national emergency. (Effective 12/4/80)

Section 9.7 – Non-Educational Leaves of Absence: This section shall govern all non-educational leaves of absence.

- a. Upon written request of an employee, the Appointing Power may grant a leave of absence without pay for a defined period of time. The Appointing Power shall give written notice to the Commission within thirty (30) days following the granting of such leave. (Amended 1/4/2012)
- b. The Appointing Power may grant a leave of absence without pay, pursuant to RCW 41.14.070 for a period exceeding one year when it appoints an employee to an unclassified position in the unclassified service within the Sheriff's Office. The Appointing Power shall give written notice to the Commission within thirty (30) days of granting such leave.
- c. Employees granted leaves of absence by the Appointing Power under subsection (b) shall retain their Civil Service status. Seniority standing and benefits shall be computed on the same basis as though the employee had rendered service in a classified position as set forth in these Rules.
- d. Within thirty (30) days after termination of an appointive term made under subsection (b), the employee must inform the Sheriff's Office and the Commission of his/her intention to assume his/her former classified position under the Civil Service Rules. Should no vacancy exist in the classified position that the employee held at the time of acceptance of the unclassified position, a vacancy shall be created by the Commission by removing from such position the incumbent with the lowest seniority standing.
- e. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified Civil Service.

Section 9.8 – Educational Leave: The Appointing Power may grant any employee a leave of absence without pay for the purpose of enabling such employee to obtain education or other training which is law enforcement related and which the Appointing Power determines will be of benefit to the department. Such leave shall be specifically designated as educational leave of absence and shall be for a specified period which period shall not exceed one year without Commission approval. The seniority standing of a person granted and fulfilling an educational leave of absence shall be computed on the same basis as though continuous service had been rendered.

Section 9.9 – Maternity Leave: Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from shall be treated as temporary disabilities. 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, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

(11/06/96)

RULE X POLITICAL ACTIVITY, RACE & CREED

Section 10.1 – Political Activity: Political activities by employees shall be regulated by the provisions of RCW 41.06.250. Solicitations for a payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment of involuntary contributions is prohibited, EXCEPT THAT the officers of an employee association may solicit dues or contributions from members of such association. No employee shall solicit on county property any contributions to be used for political purposes.

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

No employee shall hold a part time public office which is incompatible with or substantially interferes with the discharge of his duties.

Section 10.2 – 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 shall not be denied 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 reasons, EXCEPT that age and sex may be considered in employment decisions where determined to be a bonafide occupational qualification under the guidelines promulgated by the Federal Equal Employment Opportunity Commission.

RULE XI RECORDS & FILES

Section 11.1 – Security of Materials: General records, examination answer keys, examination instruction manuals, or material pertaining thereto shall be kept in a secured area.

Persons entrusted with handling or processing of examinations shall exercise proper security control to prevent access to such material by unauthorized persons.

Violation of the above rules shall be cause for removal and separation of the violator.

Section 11.2 – General Files: Records may be destroyed in accordance with RCW 40.14 after seven years if no further administrative, legal, or historical use exists. The Chief Examiner is authorized to submit lists of records proposed for destruction to the local records committee, establish a records control program, or take other action to comply with RCW 40.14.070.

RULE XII DISCIPLINARY PROCEEDINGS

Section 12.1 – Removal, Suspension Without Pay, or Reduction of Rank or Deprivation of Privileges – Procedure – Cause for: The removal or discharge, suspension without pay, demotion or reduction in rank or deprivation of vacation or other special privileges of employees can be effected by the Appointing Power as provided by RCW 41.14 and these rules, PROVIDED THAT he shall notify the Chief Examiner in writing of such action within three (3) working days of its occurrence. Notice of the removal, suspension, demotion or discharge of a permanently appointed employee shall include a duplicate of the written statement of accusation served upon the accused which must be filed with the Commission as provided by RCW 41.14.120.

In addition to the grounds enumerated in RCW 41.14.110, the following are declared to be adequate causes for removal or other disciplinary action:

- a. False statements or fraudulent conduct as an applicant, examinee, or employee, or such actions by others with his connivance.
- b. Willful violation of any lawful and reasonable regulation, order or direction 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.
- c. Carelessness or negligence in the use or handling of county property or property under the control of the department.
- d. Violation of Section 10.1 or Section 11.1 of these rules.

Section 12.2 – Investigations: The removal, suspension, demotion or discharge of, and a demand for investigation by, any permanent employee shall be in accordance with the provisions of RCW 41.14.120.

All investigations conducted by the Commission pursuant to such statute shall be by public hearing, after at least ten (10) days notice to the accused and the Appointing Power of the time and place thereof, at which hearing the accused and the Appointing Power shall be afforded the opportunity of appearing in person and by counsel and presenting his case. In the conduct of such hearings and investigations the Commission shall not be bound by the 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, demotion or discharge was made in good faith for cause.

Section 12.3 – Demand for Investigation: Any person permanently appointed or inducted into civil service who has been removed, suspended, discharged, or demoted may, within ten calendar days of receipt of notice by the Appointing Power of the removal, suspension, discharge or demotion, file with the Commission a written demand for investigation pursuant to RCW 41.14.120. If the tenth day of the filing period falls upon a Saturday, Sunday, or a holiday, the filing period shall expire on the following regular business day. A written demand for investigation filed under RCW 41.14.120 must contain a short and plain statement of relevant facts and the relief sought from the Commission.

Section 12.4 – Service of Papers:

(1) All notices, documents, and other papers filed with the Commission in connection with an investigation shall be served by the filing party upon all counsel of record at the time of filing and upon parties not represented by counsel. Service shall be made personally or by first class or certified mail.

(2) Service shall be regarded as complete when personal service has been accomplished or upon the third day following deposit in the United States mail properly stamped and addressed. If the third day following deposit in the United States mail falls on a Saturday, Sunday, or legal holiday, service shall be regarded as complete on the first day other than a Saturday, Sunday, or legal holiday following the third day.

Section 12.5 – Prehearing Statement of Proof: At least three business days prior to the date of a hearing under RCW 41.14.120, each party shall file with the Commission and serve upon all other parties a statement containing a list of witnesses whom the party intends to call at the hearing and a list of exhibits and documentary evidence. The statement shall contain a brief description of the matters about which each witness will be called to testify. Each party, upon request, shall make the exhibits and documentary evidence available for inspection by the other parties. A party failing to comply with this rule may not present at the hearing the witness, exhibit, or documentary evidence required to be disclosed or made available, except with the permission of the Commission.

Section 12.6 – Exhibits at Hearings: At any hearing before the Commission at which an exhibit or documentary evidence is offered, copies shall be furnished to the opposing parties and to each Commissioner. An additional copy shall be furnished for Commission staff.

RULE XIII POLICE CORPS

Section 13.1 – Background: The United States adopted the Police Corps Act at Title XX, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. §§ 14091 et seq. The purposes of the Police Corps Act are to address violent crime by increasing the number of police with advanced education and training on community patrol and to provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement. The State of Washington sponsors, through the Criminal Justice Training Commission, the Police Corps Program in the State of Washington (hereafter referred to as the “Police Corps”). The Snohomish County Sheriff's Office seeks to participate in the Police Corps Program through sponsorship of qualified candidates for entry-level deputy sheriff employment.

Section 13.2 – Applicability: This Rule applies to the Sheriff's Office participation in the Police Corps Program and to any employees appointed through the Police Corps Program.

Section 13.3 – Eligibility and Examinations: The Police Corps conducts initial testing of candidates, including but not limited to, a physical ability test and a written test. After a candidate successfully completes the initial testing process, the Police Corps may refer candidates to the Snohomish County Sheriff's Office for participation in oral board examinations. Any such candidate must meet all minimum qualifications required for entry-level deputy sheriff. After successfully completing the oral board portion of the regular testing process for entry-level deputy sheriff, the Chief Examiner shall place the candidate on the Police Corps eligibility list and certify names from the list to the Appointing Power. The Appointing Power may make a conditional offer of employment to one or more candidates from the Police Corps eligibility list. The candidate(s) shall undertake additional employment qualification testing, including, but not limited to, background testing, a polygraph examination, and a psychological evaluation. Upon satisfactory completion of such testing, the Appointing Power may sponsor a candidate or candidates.

Section 13.4 – Appointment: Upon graduation from the Police Corps, certification by the Washington Criminal Justice Training Center, and successful completion of all testing, the Appointing Power shall appoint the sponsored candidate(s) as a probationary employee of the County. All rules and regulations applicable to other probationary employees of the Sheriff's Office, including the Civil Service Commission Rules, applicable union agreement and other employment rules shall apply to an employee appointed through the Police Corps Program. Such employee shall agree to serve not less than four (4) years of employment with the Sheriff's Office assigned to community patrol; provided, however, that such commitment shall not prevent Snohomish County from exercising its authority regarding layoffs, reduction in force, discipline, termination, etc. Service in community patrol shall not preclude an employee from eligibility for testing or promotion, consistent with existing rules or those hereafter adopted by the Commission.