



Mason County Civil Service Rules

1/25/2023

Table of Contents

Rule 1: Purpose, Amendment, Administration, and Distribution	
1.1 Purpose	1
1.2 Amendment	1
1.3 Administration	1
1.4 Distribution	1
1.5 Severability	1
1.6 Notices	1
Rule 2: Definitions	2
Rule 3: Organization	
3.1 Chair	6
3.2 Meetings	6
3.3 Chief Examiner	6
3.4 Continuation of Business	6
Rule 4: The Classification Plan	
4.1 Classification, Allocation, Appointments - General	7
4.2 Classification of Positions	7
4.3 Class Titles	7
4.4 Classification Specifications	7
4.5 Use of Classification Plan	7
4.6 Maintenance of the Classification Plan	8
4.7 Revisions	8
4.8 Status of Employees Reallocated/Reclassified	9
4.9 Allocation and Classification Appeals	9
4.10 Perform Duties of Class	10
4.11 Reporting Violations of Classification Regulations	10
4.12 Request by Appointing Authority for Allocation or Reclassification	10
Rule 5: Recruitment and Eligibility	
5.1 Announcement of Examination	11
5.2 Filing of Applications	11
5.3 Change of Applicant's Address	11
5.4 Qualifications	11
5.5 Proof of Qualification	12
5.6 Rejection of Applications	12
5.7 Deputy Sheriff Lateral Entry	12
5.8 Corrections Officer Lateral Entry	13
5.9 Conditional Admission	13
Rule 6: Examinations	
6.1 Examinations	14
6.2 Identity of Examinees Concealed	14
6.3 Rating Examinations	14

6.4	Minimum Score on Each Section	14
6.5	Number of Applicants.....	14
6.6	Review of Examinations.....	14
6.7	Notification of Results.....	15
6.8	Error in Scoring	15
6.9	Credit Applied to a Passing Examination.....	15
6.10	Promotional Examinations	15
6.11	Qualified as Eligible for Promotion.....	16
6.12	Time Interval	16
6.13	Postponement and Cancellation.....	16
6.14	Clerical Promotions	17
Rule 7: Eligibility Lists		
7.1	Establishment of Eligibility Lists	18
7.2	Duration	18
7.3	Removal of Names by Commission	19
7.4	Removal of Names by Chief Examiner.....	19
7.5	Restoration of Names to Eligibility Lists	20
7.6	Use of New Examination	21
Rule 8: Appointments		
8.1	General Provisions	22
8.2	Vacancies	22
8.3	Personnel Certification.....	22
8.4	Notice of Certification and Appointment of Eligibles.....	22
8.5	Status of Eligibles Not Selected for Appointment	22
8.6	Selective Certification	22
8.7	Medical Examination of Applicants	23
8.8	Medical Examination of Employees	23
8.9	Voluntary Demotion	23
8.10	Conditions of Voluntary Demotion or Transfer Between Classes	23
8.11	Employees Voluntarily Demoted or Transferred	23
8.12	Rehire.....	24
8.13	Provisional Employees	25
8.14	Emergency Appointment.....	25
8.15	Extra Help Employment.....	25
8.16	Temporary Vacancies.....	27
8.17	Probationary Period	27
Rule 9: Separation, Seniority, Leave of Absence		
9.1	Resignation in Writing	29
9.2	Layoff/Recall.....	29
9.3	Seniority.....	29
9.4	Broken Service	29
9.5	Leave of Absence	30
9.6	Appointment to Unclassified Position	30

Rule 10: Disciplinary Proceedings	
10.1 Removal, Suspension without Pay, Reduction of Rank Or Deprivation of Privileges-Cause For	31
10.2 Appeal of Removal, Suspension, Demotion, or Discharge	31
10.3 Notice of Hearing	31
10.4 Pre-Hearing Investigation.....	32
10.5 Preliminary Matters.....	32
10.6 Service	32
10.7 Hearing	32
10.8 Failure to Appear.....	32
10.9 Decision.....	32
Rule 11: Political Activity, Race, and Creed	
11.1 Discrimination.....	33
Rule 12: Records and Files	
12.1 Security of Material.....	34
12.2 Record Retention	34
Record of Amendments.....	35

1. PURPOSE, AMENDMENT, ADMINISTRATION AND DISTRIBUTION

- 1.1 Purpose:** The purpose of these rules is to supplement the provisions of RCW 41.14, which provides for a merit system of employment for sheriff's office employees. The rules set forth the principles and procedures that are to be followed in the conduct and administration of the Mason County Civil Service program. The rules are designed to provide the public, the sheriff, and employees with reasonable assurance that personnel actions will be carried out uniformly, equitably, and upon the basis of merit principles.
- 1.2 Amendment:** Proposals for amendments to these rules may be submitted in writing to the commission by a commissioner, the chief examiner, the sheriff's department or their representatives, 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. Notice of such hearing must be given at least ten days prior to the hearing by providing the sheriff and sheriff's office employees with copies of the proposed amendment together with notice of the time, date, and place of such hearing. Notice will be given by transmitting a memo or email to the sheriff, under sheriff, and/or chiefs who will distribute the notice to all staff. Any amendments or revisions shall become effective when adopted by the Civil Service Commission.
- 1.3 Administration:** The chief examiner is responsible for the administration of these rules and shall keep a record of all proposed amendments to these rules together with any action taken thereon.
- 1.4 Distribution:** Mason County Civil Service Rules shall be posted on the commission's web site. The chief examiner shall provide a copy of these rules to any interested party.
- 1.5 Severability:** If any provision of these rules or their application to any person or circumstance is held to be invalid, the remainder of these rules and their application to other persons or circumstances shall not be affected.
- 1.6 Notices:** Whenever these rules require a notice or mailing to the sheriff's office, an applicant or eligible the notice or mailing maybe provided by email if an email address has been provided.

2. DEFINITIONS

Definitions of terms used in these rules and regulations: Unless a different meaning is plainly required by the context, the following words and phrases, as used in these rules and regulations, have the meanings indicated

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

APPOINT means the act of the appointing authority in assigning to a position an eligible applicant who has been certified by the chief examiner for assignment in such position.

APPOINTING AUTHORITY means the Mason County Sheriff or his or her designee.

CERTIFY means the act of the chief examiner in supplying the appointing authority with the names of eligible persons to fill a vacant position in the classified service for which certification is requested.

CHIEF EXAMINER means the position of secretary and chief examiner of the Commission.

CLASS/CLASSIFICATION means a position or group of positions having similar duties, responsibilities, and authority, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and salary range.

CLASSIFIED SERVICE means all positions within the Mason County Sheriff's Office except those specifically included in the unclassified service.

COMMISSION means the Mason County Civil Service Commission.

COMMISSIONER means any one of the members of the Mason County Civil Service Commission.

CONTINUOUS SERVICE means employment in the classified service as a regular or probationary employee for the requisite period of time immediately preceding the application deadline or other deadline as established by the commission that is uninterrupted except for authorized leave of absence, disability or family medical leave, or separation due to layoff; however, time lost due to layoff, disability leave, or approved absence in excess of 30 days without pay shall not be included in the determination of length of continuous service except as otherwise provided by these rules or required by federal or state statute.

DEMOTION means the change of a regular employee from a position in one class to a position in another class having a lower maximum salary range.

ELIGIBLE means a person listed on an active eligibility list that has rights under these rules to be certified for appointment.

ELIGIBILITY LIST means 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 means a person occupying a position within the classified service who is paid a salary or wage for services rendered.

EXTRA HELP means a temporary appointment above normal staffing levels during a short term, non-emergency situation requiring additional staff. Reasons for extra help include but are not limited to leaves, boat patrol, special events, training, and unforeseen service needs.

LATERAL ENTRY means entrance into a Deputy Sheriff or Correction Officer position through an open competitive testing process, where candidates are required to be currently employed in a like classification.

LEOFF means the Washington law enforcement officers and fire fighters retirement system.

PART-TIME EMPLOYEE means an eligible person hired off of an eligibility list, lateral entry list, recall list, or rehire list into the classified service of the sheriff's office that is an employee hired in a regular, county-budgeted position who is budgeted to work set hours on a regular, recurring basis for a minimum of twenty hours and less than forty hours per week, and is subject to the rights, responsibilities, and rules of civil service; or

PRELIMINARY RANKING EXAMINATION means an examination used to narrow and rank the field of applicants in the first phase of a multi-phased examination process.

POSITION means a group of current duties and responsibilities described by a job specification that has been assigned or delegated by the appointing authority and that requires the full time or part time service of an employee.

PROBATIONARY EMPLOYEE means any employee who is serving a probationary period.

PROBATIONARY PERIOD means a trial employment period prior to regular employment to test the actual performance of duties and to determine the employee's fitness for the position.

PROMOTION means the appointment of an employee certified from the appropriate promotional register to a position in a class having a higher maximum salary range.

PROMOTIONAL LIST means an eligibility list established by a promotional examination.

PROVISIONAL APPOINTMENT means a non-competitive appointment to fill a classified position pending establishment of an eligibility list for the class.

PROVISIONAL EMPLOYEE means any employee filling a position by provisional appointment.

REALLOCATE means reassigning a position to a different class in the classification plan.

RECALL LIST means an eligibility list established by listing former regular or probationary employees who have been separated from the classified service by layoff and current employees who have been reclassified or reallocated in accordance with Rule 4.8.

RECLASSIFY means changing the classification of a position.

REFERRAL means the names certified by the Chief Examiner to the appointing authority in response to a request in order to fill a position.

REHIRE LIST means an unranked employment list of persons who resigned voluntarily, left employment due to being laid off, or was reclassified or reallocated from the sheriff's office.

REGULAR EMPLOYEE means any employee in the classified service who has completed a probationary period in a regular county budgeted position.

REINSTATEMENT means the appointment to the formerly held position without competitive examination of an employee who separated from the classified service while in good standing, who has completed the probationary period in the classification, and who has maintained the qualifications for the position.

RESIGNATION means a voluntary separation from employment initiated by an employee in writing.

SELECTIVE CERTIFICATION means certification of names from an eligibility list for a position as requested by the appointing authority based on specific bona fide occupational qualifications that are necessary for sexual privacy, medical or psychological treatment, or undercover law enforcement.

SHERIFF means the elected Mason County Sheriff.

SUSPENSION means the temporary removal of an employee from duty.

TRANSFER means the change of a regular employee from one position to another position within the same classification, or the change of a regular employee from one classification to another.

UNCLASSIFIED SERVICE consists of the positions of sheriff, undersheriff, chief criminal deputy, chief civil deputy, chief of corrections, chief deputy of administration, or such equivalent positions as designated in accordance with RCW 41.14.070. The unclassified service is exempt from the provisions of these rules.

VACANCY means a position that is not occupied.

WORKING DAYS, for the purpose of any notice period provided for herein, means Monday through Friday, excluding legal holidays.

3. ORGANIZATION

- 3.1 Chair:** On an annual basis, the commission shall elect one commissioner to serve as Chair. The chair shall serve for a calendar year and continue to serve until a successor is selected.
- 3.2 Meetings:** The commission will establish the time and place of the regular monthly meetings. Notice of the regular meeting schedule shall be transmitted at least annually by a memo to the sheriff and will be posted on the Mason County Civil Service website. Special meetings and executive sessions may be called in accordance with provisions of Chapter 42.30 RCW.
- 3.3 Chief Examiner:** The chief examiner shall, subject to direction by the commission:
- A.** Prepare such forms and procedures considered necessary, appropriate, or desirable to fulfill the commission's responsibilities and duties.
 - B.** Maintain the classification plan provided for in rule four (4).
 - C.** Provide for the establishment and maintenance of such records as the commission deems advisable or necessary.
 - D.** Certify or refuse to certify the payroll pursuant to the commission's instructions.
 - 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 signature of the chair; and performing such other duties related to meetings as may be assigned by the commission.
 - G.** Perform such other duties, not inconsistent with Chapter 41.14 RCW or these rules, as the commission may direct.
- 3.4 Continuation of Business:** If the chief examiner is unavailable, the commission or chair may delegate the responsibility to perform duties of the chief examiner to a Mason County employee other than an employee of the sheriff's office, provided that the commission shall be briefed on the duties performed at its next regular meeting.

4. THE CLASSIFICATION PLAN

- 4.1 Classification, Allocation, Appointments - General:** The commission shall classify positions pursuant to RCW 41.14.070 within the classified service. The classification plan shall standardize titles, 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 allocation, appointment, promotion, or demotion to any position shall be made except as provided for herein.
- 4.2 Classification of Positions:** The chief examiner will review the duties of each position and determine placement into an appropriate classification in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:
- A.** The same descriptive title may be used to designate each position in the class;
 - B.** The same level of education, experience, knowledge, ability, and other qualifications are required.
- 4.3 Classification Titles:** Classification titles shall be used in all personnel, accounting, budgeting, 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.
- 4.4 Classification Specification:** The classification 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 type and level of duties and responsibilities that may be performed by a particular class. Specifications are to be interpreted in their entirety and will identify distinguishing features from other class specifications.
 - B.** In determining the classification to which a particular position should be allocated, the specifications of each classification shall be considered. Consideration shall be given to the duties, specific tasks, responsibilities, and qualifications of a class and to the relationship to other classes.
- 4.5 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 that test the relative ability of applicants to perform the work of specific classes.
 - C.** In determining promotional sequences.

- D. In providing uniform job terminology that is understandable to county officials, employees, and the general public.
- E. In creating employment lists from which applicants may be certified to fill vacancies.
- F. As a guide for the appointing authority in assigning duties.

4.6 Maintenance of the Classification Plan: The chief examiner is responsible for maintaining the classification plan to ensure each position is appropriately classified. The chief examiner shall periodically recommend to the commission, after consultation with the sheriff, necessary amendments to the classification plan in the form of new classes, revision of existing classes, and the abolition of classes no longer required in the plan. Upon the commission's approving the establishment of a new classification or the revision or abolition of an existing classification, the sheriff and human resources shall be notified. Revisions of classification specifications and reallocations or reclassifications 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 place the position in the appropriate classification within the classification plan.
- B. Changes in the duties and responsibilities of a position involving the addition of new assignments, or removal or modification of existing assignments shall be reported to the chief examiner by the appointing authority. If such changes are determined to be on-going and sufficient to justify a reallocation or reclassification, the chief examiner shall reallocate or reclassify 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 classifications or recommend changes in the classification plan.
- D. The appointing authority and all employees in a class subject to a reclassification, reallocation, or other change to the classification shall be given written notice at least ten (10) days prior to the commission meeting where the item will be considered.
- E. Changes to classification specifications, no matter how minor, must be approved by the commission.

4.7 Revisions: Requests for revisions or review of classifications by the appointing authority shall be accompanied by organization charts and position classification recommendations.

4.8 Status of Employees Reallocated/Reclassified: The status of regular employees affected by reallocation or reclassification occurring in the administration of the classification plan shall be resolved in the following manner:

- A.** Any employee whose position is reclassified or reallocated from one classification to a lower classification shall retain regular status in the classification from which the position is reallocated or reclassified and shall, if practicable, be appointed to another position in that classification or voluntarily transferred in accordance with these rules. Otherwise, the employee shall be granted regular status in the lower classification and be placed on the recall list for the higher classification. Employees placed on the recall list under this provision shall have the same rights as employees placed on the recall list as a result of layoff.
- B.** Any employee whose position is reallocated or reclassified to a substantially equivalent classification shall be given regular status in the position and classification to which allocated.
- C.** Any employee whose position is reallocated or reclassified to a higher classification may occupy the reclassified position on a temporary basis until the commission determines whether a test to demonstrate qualifications is needed. The employee shall be placed in a position as follows:
 - 1. If the employee can demonstrate that he or she meets the qualifications for the higher classification by passing a non-competitive exam for that classification, he or she will be placed in the higher position.
 - 2. The employee may choose to be placed in a vacant position either in the classification to which his or her position was formerly allocated, or a vacant position in a lower classification for which he or she is qualified as determined by the chief examiner. In the event that no vacancy exists in the former classification, the employee may choose to have his or her name placed on the recall list for the classification to which the position was formerly allocated. Employees placed on the recall list under this provision shall have the same rights as employees placed on the recall list as a result of layoff.

4.9 Allocation and Classification Appeals: The appointing authority or any regular employee who believes his or her position has been improperly allocated or reclassified may appeal to the commission within thirty days of the allocation or reclassification. Such appeals shall be in writing and fully set forth the reasons for appeal. Upon receipt of such appeal, the chief examiner shall set the matter for an informal hearing where 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 transmitted to the appellant and appointing authority with an email copy to all sheriff's office employees at least five (5) days prior to the hearing. Any decision of the commission pursuant to this provision that modifies the allocation or classification

shall be retroactive to the date the appeal was filed or a date mutually agreed upon by the county and the union.

- 4.10 Perform Duties of Class:** The appointing authority shall neither require nor permit employees to perform duties outside their proper classifications except in emergencies and then only for a maximum period of thirty (30) calendar days, unless permission for a longer period is given by the commission.
- 4.11 Reporting Violations of Classification Regulations:** Any employee who believes he or she is being required to perform duties outside the proper scope of the appropriate class may notify the commission in writing. The chief examiner shall investigate and report findings and recommendations to the commission.
- 4.12 Request by Appointing Authority for Allocation or Reclassification:** Whenever it becomes necessary to establish new positions or to significantly alter the duties and responsibilities of existing positions, the appointing authority shall submit a written request for allocation or reclassification to the chief examiner accompanied by "before and after" organization charts and position specification.

5. RECRUITMENT & ELIGIBILITY

5.1 Announcement of Examination:

- A.** All externally advertised examinations shall be published, posted or advertised at least fifteen (15) days prior to the announcement's closing date as determined by the chief examiner or commission. Notices shall be posted or advertised on the county website as determined by the chief examiner or commission.
- B.** All promotional examinations shall be publicized at least fifteen (15) days prior to the closing date by sending the announcement to all sheriff's office employees via email and may include posting the announcement as determined by the commission or chief examiner. The announcement shall state the plan for the examination process and list the components of the examination process as required by Section 6.10.

5.2 Filing of Applications: All applicants for positions in the classified service that are advertised externally to the sheriff's office 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 fixed in the official announcement of examination.

- A. Promotional Exams:** All applicants for promotional examinations must submit a notice of intent to test or other required materials as specified in the official announcement to the chief examiner within the time limit fixed in the official announcement of examination.
- B. Application Fee:** All applicants for exams advertised externally to the sheriff's office may be required to pay an appropriate application fee in accordance with applicable Mason County ordinances, taking into account the ability of the applicant to pay. An application shall not be considered received until the appropriate application fee has been paid if required.

5.3 Change of Applicant's Address: All applicants are responsible for notifying the commission in writing of any change of address and or status. Notice will be accepted via email.

5.4 Qualifications: To be eligible for examination, applicants must meet the qualifications as set out in the announcement. The commission shall prescribe for each position such qualifications as in its judgment are necessary for job performance. Unless specifically designated otherwise by the commission or state law, the following shall be qualifications for all positions:

- A. Citizenship.** Applicants must be citizens of the United States and 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 announcement of examination. The commission shall permit filing by applicants not more than one (1) year under the specified minimum age. If such applicants are successful in passing the examination, their eligibility shall be held in abeyance until they reach the required minimum age, at which time they must report reaching the minimum age in writing. They shall then be placed on the eligibility list in accordance with their final examination ratings. Any eligibility so attained shall expire with that of other eligibles from the same examination.

5.5 Proof of Qualifications: The chief examiner may require evidence of a satisfactory degree of education, training, experience, or any other qualifications required for eligibility.

5.6 Rejection of Application: The chief examiner shall reject any application or applicant for appointment, promotion, or re-employment for any of the following reasons:

- A.** The applicant lacks the minimum qualifications set forth in the examination announcement.
- B.** The applicant has made a false statement on the application with regard to any material facts.
- C.** The applicant has been dismissed for cause from any classified position in a law enforcement agency within the preceding twelve (12) months and no grievance or appeal is pending.
- D.** The applicant, after notification, did not appear at the time and place designated for examination.
- E.** The applicant has directly or indirectly paid or promised to pay any money or other valuable thing to any person to achieve appointment, promotion, or re-employment.

5.7 Deputy Sheriff Lateral Entry: An eligibility list for deputy sheriff may be created from the names of persons who are or have been employed within the last twelve (12) months by another civilian law enforcement agency as full-time, paid, peace officers having law enforcement authority. Applicants must possess current certification by the Washington State Criminal Justice Training Commission or equivalent state-approved basic law enforcement academy certification from another state and meet the following qualifications:

- A.** Meet minimum qualifications of a Mason County deputy sheriff; and

- B.** Have the ability to obtain an equivalency certification within the first twelve (12) months of employment by meeting the standards of the Washington State Criminal Justice Training Commission; and
- C.** Have successfully completed the testing process and been hired by another jurisdiction from a civil service commission certified eligibility list or other like process; and
- D.** Have successfully completed a probationary period with the current or previous employer; and
- E.** Have been continuously employed by the present or previous employer as a general authority police officer or deputy sheriff with a general authority law enforcement agency in the United States, performing general authority enforcement of the criminal and traffic laws of that state, in either a patrol or investigative capacity, for at least twelve (12) months.

5.8 Corrections Officer Lateral Entry: An eligibility list for corrections officer may be created from the names of persons who are or have been employed by another civilian law enforcement agency as full-time, paid, civilian corrections officers. Applicants must possess current corrections officer certification by the Washington State Criminal Justice Training Commission or have equivalent state approved corrections officer training certification from another state and meet the following qualifications:

- A.** Meet minimum qualifications of a Mason County corrections officer; and
- B.** Have the ability to obtain an equivalency certification within the first twelve (12) months of employment by meeting the standards of the Washington State Criminal Justice Training Commission; and
- C.** Have successfully completed the testing process and been hired by another jurisdiction from a civil service commission certified eligibility list or other like process; and
- D.** Have successfully completed a probationary period with the current or previous employer; and
- E.** Have been continuously employed by the present or previous employer as a full-time, paid, civilian corrections officer for at least twelve (12) months.

5.9 Conditional Admission: If there is doubt as to whether an applicant meets the minimum qualifications, the chief examiner may admit the applicant to an examination, provided that the particular requirements are met to the satisfaction of the chief examiner before the applicant is placed on the eligibility list.

6. EXAMINATIONS

- 6.1 Examinations:** All examinations shall be impartial and shall relate to those matters that will fairly test the capacity and fitness of candidates to efficiently perform the duties of the position to be filled. Examinations may include written, oral, physical fitness, and performance tests, or any combination of these. Tests may take into consideration such factors as education, experience, aptitude, knowledge, physical fitness, or any other qualifications or attributes that, in the judgment of the commission or chief examiner, enter into the determination of the relative fitness of applicants. The results of personality tests, if given, may be considered as part of the scoring of any oral examination.
- Support Specialist Examination Process:** Written application and examination by Civil Service in the presence of the chief examiner. Any of the examination modes outlined in Civil Service Rules 6.14 may be altered for good cause in the discretion of the Civil Service Commission.
- 6.2 Identity of Examinees Concealed:** The chief examiner may require that the identity of all persons taking a competitive test be concealed by use of an identification number for all or specific parts of the examination process until all scores are established.
- 6.3 Rating Examinations:** Final examination scores shall be expressed on, or converted to, a scale of one hundred (100) for maximum possible attainment with the required passing score set by the commission or the chief examiner.
- 6.4 Minimum Score on each Section:** The commission or chief examiner may set a minimum score for any part, parts, or phase of entry-level examinations. Any candidate who fails to attain such minimum score shall be considered to have failed the entire examination.
- 6.5 Number of Applicants:** The commission or chief examiner may limit eligibility in subsequent exam parts to those examinees scoring highest on a preliminary ranking exam or series of tests; provided, however, the number of examinees is established before the application deadline.
- 6.6 Review of Examinations:** If the commission or chief examiner determines that the nature of an examination would allow review, a candidate may review the examination and the examination answer key. Such review must be requested and made within ten (10) calendar days after the examination. The review shall be made in the presence of the chief examiner, and the candidate may not take notes.
- A.** After such review, if a candidate wishes to challenge any answer, a written challenge shall be submitted to the commission. Such challenge must be made within the ten (10) day review period. All such challenges shall be considered by the commission. If the commission determines such challenge is valid, the

examination answer key shall be revised accordingly. The original examination answer key, together with any changes, shall be used in scoring all examination papers.

B. No eligibility list shall be established until the commission issues its determination.

6.7 Notification of Results: Each applicant taking an examination shall be given written and/or electronic notification of the results thereof, and if successful, of the total earned rating and relative position on the eligibility list.

6.8 Error in Scoring: An error in scoring or rating, if called to the attention of the chief examiner within the ten (10) day review period, shall be corrected. Corrections shall not impact any appointments made prior to the corrections.

6.9 Credit Applied to a Passing Examination: These credits may not be combined.

A. Veterans Scoring Criteria: Veterans, as defined in RCW 41.04.005, who obtain a passing score on an examination for original appointment, shall receive credit in accordance with Chapter 41.04 RCW. To receive such credit, a Department of Defense Certification Number DD 214 must be presented prior to or on the day of examination. In addition, applicants must certify that they have not previously obtained employment using such veteran's preference.

B. Service Credit for Reserve Deputies and Provisional Employees: Applicants who are current reserve deputies or provisional employees for the Mason County Sheriff's Office and who obtain a passing score on an examination for original appointment, shall receive an additional 10 (ten) percent preference points.

C. Service Credit for Employees of the Mason County Sheriff's Office: Applicants, who are current employees in good standing and off probation within the Mason County Sheriff's Office and who obtain a passing score on an examination for original appointment shall receive an additional 10 (ten) percent preference points.

D. Credit for Mason County Residents: Applicants who have a physical address in Mason County and who obtain a passing score on an examination for original appointment shall receive an additional 10 (ten) percent preference points.

6.10 Promotional Examinations: Vacancies may be filled through promotional examination. When the commission determines that there will be a promotional examination, the commission shall:

- A. Establish, in addition to other eligibility requirements, the required minimum period of service in the lower classification or classifications, which shall not be less than one year;
- B. Approve the examination plan for each promotional examination process, which shall include the date of a single examination, or each date of a multiphase examination process;
- C. Set the minimum score required to advance in each phase of a multi-phased examination process if a minimum score will be required;
- D. Set the maximum number of applicants that may advance at the completion of each phase of a multiphase examination process.
 - 1. When two or more applicants achieve the same minimum score and occupy the lowest rank of applicants approved to advance from the preliminary ranking examination, then all applicants with that minimum score advance to the next phase of the examination process even if the resulting number of applicants to advance will exceed the maximum set in accordance with Section 6.10.
 - 2. A preliminary ranking examination may be waived by the chief examiner when the number of applications received at the deadline for filing applications is equal to or less than the number approved to advance from a preliminary ranking examination.
- E. Veteran's Scoring Criteria: Veteran's as defined by RCW 41.04.005 who were called to active military service from employment with Mason County shall be awarded 5 (five) percent added to promotional examinations until the first promotion only (RCW 41.04.10(3)).

6.11 Qualified as Eligible for Promotion: Applicants that successfully complete an assessment center examination or other type of final examination phase and are determined to be qualified as eligible for promotion will be ranked on the appropriate promotional eligibility list.

6.12 Time Interval: Any person who unsuccessfully competes in an examination for a particular class or is removed from an eligibility list under Rule 7.3 or 7.4 E shall not be eligible to compete in another examination for the same class within six (6) months of the establishment of the eligibility list resulting from the first examination unless otherwise authorized by the commission.

6.13 Postponement and Cancellation: Any examination may be postponed or cancelled at the discretion of the commission or chief examiner. In either case, each applicant shall be notified of the postponement or cancellation.

6.14 Clerical Promotions: When vacancies occur in any grade they shall, whenever practicable, be filled by promotion from the next lower grade. Such promotions shall be upon merit and examination open to members from the next lower grade or grades of the division in which the vacancies exist, as may be determined by the Commission. Promotion shall be made upon positive merit of the person promoted as shown by previous service, as well as upon merit shown by the examination.

- A.** Examinations for promotions shall be practical in character and shall test the general intelligence, accuracy, and qualifications of applicants for the position involved.
- B.** No person who fails to attain a 70/100 score or 70% average overall complete proficiency shall be deemed eligible for promotion.
- C.** Qualifications for admission for promotional examinations are set forth in CSR Section 6.10.

7. ELIGIBILITY LISTS

7.1 Establishment of Eligibility Lists: The chief examiner shall establish and maintain such eligibility lists for the various classifications as are necessary to meet the needs of the sheriff's office. The names of applicants who receive passing scores on examinations shall be placed on the proper eligibility list in order of relative scores. When tie scores exist, persons shall occupy the same relative position.

Types of eligibility lists that may be established in accordance with these rules include:

- A. Entry Level
- B. Lateral Entry for corrections officer and deputy sheriff only
- C. Rehire
- D. Recall
- E. Extra Help
- F. Promotional
- G. Criminal Justice Training Commission (CJTC) academy-certified entry for corrections officer and deputy sheriff only

7.2 Duration: Each list shall remain in effect until it has fewer than five (5) names on it or one (1) year unless extended by the Commission or unless stated otherwise in these rules. However, a new eligibility list may be established pursuant to Civil Service Rule 7.6.

- A. Eligible persons not certified on expired eligibility lists are rendered no longer eligible when a list expires.
- B. Eligible persons certified prior to expiration for a vacant position(s) shall continue to remain eligible for that vacant position(s) until filled. When that position(s) has been filled, certified names not selected from the expired list shall expire with the list.
- C. **Continuous Testing:**
A continuous or periodic examination may be ordered and administered by the chief examiner for any class of positions for other than promotional examinations. The chief examiner may close the filing period at any time after ten days when a sufficient number of applications from qualified candidates are received. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified

eligibles resulting from such examinations shall be entered on the eligibility list and certifications for appointments shall be made in the same manner as from any eligibility list. Names of eligibles from successive examinations in the same program shall be entered on the eligibility list for the class at the appropriate places as determined by final scores. Names may be withheld from certification or removed from such eligibility lists in the same manner and for the same reasons as from any eligibility list.

7.3 Removal of Names by Commission: The commission will remove a person's name from any eligibility list if evidence disclosed in the pre-hire interview, polygraph test, psychological examination, and/or background investigation establishes that the person is unfit for service.

- A. At least ten (10) calendar days prior to the date on which the commission is scheduled to consider the proposed removal, the chief examiner shall deliver to the person, or mail to the person's last known address, a notice containing the reason for the proposed removal and the date upon which the commission will consider the issue. This notice is intended to give the person an opportunity to hear the specific issue being presented to the commission by the appointing authority in support of the removal request. It is not a hearing for the applicant, and it does not give the person any right to review records generated by the appointing authority. The person may address the commission in writing or in person, but the restoration provisions of section 7.5 do not apply to removals under this section.
- B. The commission shall review the applicant's background investigation file and shall hear from the sheriff's representative and the chief examiner regarding the proposed removal.

7.4 Removals of Names by Chief Examiner: 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 request from the eligible person that his or her name be temporarily or permanently removed.
- B. Failure to respond to an inquiry by the commission or sheriff's office regarding the eligible person's availability.
- C. Failure to respond to any documented request for any form of contact within the established and published period of time, or failure to provide requested information in connection with any one of the following: medical examination, background investigation, employment interview, polygraph examination, or psychological examination.

- D.** Declining an offer of regular employment.
- E.** For attempted deception, fraud, or other impropriety in connection with any application or test or the securing of an appointment; failure to pass a required test; or if evidence disclosed in the pre-hire interview, polygraph test, psychological examination, and/or background investigation establishes that the person is unfit for service.
- 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 they are listed in accordance with Rule 8.5.
- G.** Failure to notify the chief examiner of changes in address.
- H.** In the case of promotional lists only, upon separation, other than layoff, from the classified service.
- I.** Failure to attain a score of 70% on the employment interview.

7.5 Restoration of Names to Eligibility List:

- A.** Whenever any person's name is removed from any eligibility list for the reason stated in Section 7.4 A, the removal shall be confirmed in writing by delivering it personally or mailing it to the person's last known address.
 - 1.** Such person may, at any time during the duration of the list, make a written request to the chief examiner for restoration of their name to the list for the duration of the eligibility list.
 - 2.** The chief examiner shall restore the name to the list within three (3) working days of the request, and shall mail confirmation of the action.
- B.** Whenever any person's name is removed from an eligibility list for any reason listed in Section 7.4 B through 7.4 H, the person shall immediately be given written notice delivered in person or mailed to the person's last known address.
- C.** Such person may, within ten (10) working days from the date of removal, make a written request to the chief examiner for restoration of his or her name to such list for the duration of the eligibility list. The request shall clearly set forth the reasons advanced for restoration of the name to the list.

1. The chief examiner, after full consideration of the request, may restore the name to the eligibility list or may refuse such request. The person shall be notified in writing of the chief examiner's action.
2. Should such a person wish to protest the chief examiner's decision, he or she must so notify the commission in writing within ten (10) working days of the notification of refusal to reinstate.
3. The commission shall then review the file, affirm or reverse the chief examiner's action, and notify the person of its decision.

7.6 Use of New Examination: The commission may choose, at its discretion, to employ a new examination for a particular class. If a new examination is used by the commission, the commission reserves the right to require eligible persons to take the new examination for the same class. Notice will be mailed a minimum of ten days prior to the examination date to eligible persons informing them of the requirement that they retest for the same class. The commission may then establish an entirely new eligibility list for that class, based on the results of the new examination. Any eligible person previously ranked on the eligibility list for that class who fails to retest for the same class will be placed at the bottom of the new eligibility list for the remainder of the original eligibility period.

8. APPOINTMENTS

- 8.1 General Provisions:** Vacancies in the classified service shall be filled by recall, promotional appointment, original appointment, transfer, or demotion. Whenever the appointing authority wishes to fill a vacancy, a requisition for an employee shall be submitted to the chief examiner on the prescribed form. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the chief examiner to determine who may be available for appointment or if necessary, to establish a class or eligibility list. When vacancies are to be filled by appointment from lists, the lists shall be drawn in the following order:
- A. Appointment of eligibles from recall lists.
 - B. Appointment of eligibles from entry level, rehire, lateral entry, or promotional lists.
- 8.2 Vacancies:** Whenever the appointing authority requests to fill a vacancy, a notice shall be presented to the chief examiner stating the number of employees desired together with class titles of the vacant positions and any other information the chief examiner may require.
- 8.3 Personnel Certification:** Upon receipt of a written notification the chief examiner shall certify to the appointing authority the names of the five persons highest on the eligibility list for the class to which the vacant position has been allocated. If more than one vacancy is to be filled in the same class, an additional name shall be certified for each additional vacancy. When two or more persons occupy the lowest rank to be certified, the names of all persons occupying that rank shall be certified. The appointing authority will appoint a person or persons from those certified to the vacant position or positions.
- 8.4 Notice of Certification and Appointment of Eligibles:** The appointing authority shall file a written notice with the commission of the certified person or persons appointed to each vacancy.
- 8.5 Status of Eligibles Not Selected for Appointment:** Eligible persons certified but not selected for appointment by the appointing authority retain their positions on eligibility lists and shall be recertified in response to subsequent requests.

When the name of an entry level eligible has been certified three times and has not been appointed, the appointing authority may request the eligible person's name be removed from the entry level list within five (5) working days of the last certification.

- 8.6 Selective Certification:** The appointing authority may submit a requisition for selective certification of names to fill a position for which a specific bona fide occupational qualification is needed. Upon receipt of the request, if the chief examiner determines that the request is valid, the certification of names shall include only names of those individuals who satisfy the bona fide occupational qualifications. In all other respects, the certification shall be made in accordance with Rule 8.3. All selective certifications must comply with RCW 49.60.400.

8.7 Medical Examination of Applicants: Applicants for entry or lateral positions in the classified service are required to undergo medical examinations to determine physical and mental fitness to perform work in the position to which appointment is to be made. Determination of fitness shall be by a health professional approved by the commission. An applicant determined to be physically or mentally unfit in conformance with LEOFF standards shall not be considered for appointment.

8.8 Medical Examination of Employees: All employees may be required by the commission or the appointing authority to undergo periodic medical and health examinations to determine fitness to perform the work of the position in which they are employed. Determination of fitness shall be by a health professional. When an employee is determined to be unfit for service, he or she may be removed from service. Any such determination may be appealed to the Civil Service Commission.

8.9 Voluntary Demotion: Upon receiving a written request from a regular employee, the appointing authority may demote that employee from a position in one class to a position in another class providing that, prior to the transfer, the appointing authority assures that the conditions of Section 8.12 are met and a vacancy exists in that classification.

8.10 Conditions of Voluntary Demotion or Transfer between Classes: Unless the employee has previously held regular status in the class to which the transfer is proposed, voluntary demotion or transfer between classes may be made only if:

- A.** The employee meets the minimum qualifications of the class to which transfer is proposed; and
- B.** The proposed transfer is reported to the commission prior to the implementation in order that the Commission may determine whether or not the employee must pass a qualifying examination.

8.11 Employees Voluntarily Demoted or Transferred:

- A.** In the case of a voluntary demotion or transfer, the employee's length of service shall remain unbroken.
- B.** In voluntary demotion or transfer, an employee shall retain regular status. However, if the commission requires a qualifying examination, it may also require a six (6) month probationary period. During such probationary period, the appointing authority may revert the employee to a position in the class from which the employee came upon fifteen (15) calendar days' written notice to the employee and the chief examiner.

- C.** Upon receiving a written request from an employee, the appointing authority may reappoint an employee to an opening in the class from which the employee accepted a voluntary demotion or transfer. The employee shall retain regular status and the employee's length of service shall remain unbroken. Probationary employees may request voluntary demotion or transfer only in the case of layoff. A probationary employee voluntarily demoted or transferred shall serve the probationary period remaining at the time he or she was demoted or transferred.

8.12 Rehire: Rehire lists shall be unranked employment lists of persons who resigned, left employment due to a layoff, or have been reclassified or reallocated from the sheriff's office. Rehire lists shall be maintained for the following positions: deputy sheriff, corrections officer, animal control officer, community service officer, financial assistant, financial manager, records specialist, civil clerk, clerks, and food services coordinator.

- A.** The chief examiner shall place the name of any probationary or regular employee who resigns voluntarily, leaves employment due to a layoff, or has been reclassified or reallocated, on the rehire list on the effective date of his or her resignation, layoff, reclassification or reallocation.
- B.** In lieu of filling a vacancy from an eligibility list, the appointing authority may appoint a person from the rehire list. In order to be eligible for the rehire as a deputy sheriff or corrections officer, the person must have the current academy training certification from the Washington State Criminal Justice Training Commission for the classification in which he or she is to be rehired.
- C.** In order to be placed on the rehire list, a person must meet the following conditions:
 - 1.** The person was formerly employed as a probationary or regular employee in the same class in the sheriff's office; and
 - 2.** The person meets the current minimum qualifications for the class.
- D.** A person's name will be removed from the rehire list if not re-employed within three years of the date his or her name was placed on the list.
- E.** If a person on the rehire list refuses to accept an employment offer, he or she will be permanently removed from the rehire list.
- F.** A person employed from the rehire list shall be required to serve a one (1) year probationary period upon rehire.

8.13 Provisional Employees: Provisional employees may be appointed temporarily to vacant positions pending establishment of an eligibility list.

- A. Hiring of:** Prior to hiring a provisional employee, the sheriff shall obtain approval from the commission. Following such approval, the sheriff shall forward to the chief examiner a completed application form for the employee together with salary and hire date.
- B. Performance Requirements:** Provisional employees must meet the civil service requirements as well as applicable physical and educational standards set by the commission.
- C. Performance Tests:** When considered necessary by the chief examiner, a performance test will be given to prospective provisional employees. Performance requirements for typing, stenography, spelling, etc. must be met before approval of the provisional appointment.
- D. Extension of Appointment:** A provisional appointment expires after four (4) months of service. The appointing authority may extend the provisional appointment beyond the four (4) month period up to one year if the commission continues to advertise and test for the position. Each extension beyond the initial appointment must be reported to the commission. If, after one year from the date the initial provisional appointment was first made, less than five (5) persons are on the eligibility list for the class, then the appointing authority may fill the position with any person or persons on the eligibility list.

8.14 Emergency Appointment: Emergency appointments may be made by the appointing authority in case of a serious emergency that threatens life, property, or the general welfare of the county, but such appointments may not continue longer than thirty (30) calendar days. Emergency appointees need not be taken from eligibility lists.

8.15 Extra Help Employment: If the sheriff believes that an upcoming situation will require extra help, the sheriff may request a name from the current extra help list for the appropriate classification in writing from the chief examiner. The sheriff may use the appropriate extra help list to make emergency appointments. Any classified position may be hired as extra help.

- A.** No extra help appointment shall continue for a period longer than four (4) months nor shall any individual serve more than four (4) months as an extra help appointee in any fiscal year.
- B.** Based on the facts in any particular case, the commission may specifically limit an extra help appointment to a specific period shorter than the four (4) month maximum.

C. Extra Help List:

1. The extra help list is an unranked list of individuals qualified to be appointed as extra help. A separate extra help list shall be established for each classification for which the commission determines extra help is appropriate.
2. In order to be placed on the extra help list, an individual must submit a completed civil service application for extra help and proof of qualifications to the chief examiner.
3. The list shall contain the names of qualified applicants and the means of qualification. The list shall contain no more than twenty-five 25 names at any one time; additional applicants shall be placed on a waiting list in the order of the date received and shall be screened for placement on the extra help list as vacancies on the list occur.
4. Any person on the extra help list who has not worked in an extra help capacity at least one day in the preceding year shall be removed from the list unless a written request is submitted to the chief examiner to remain on the extra help list.

D. Extra Help List Qualifications:

1. Deputy Sheriff and Corrections Officer:
 - a. Placement on current employment eligibility list for deputy sheriff or corrections officer, or
 - b. A certificate of basic law enforcement training from a recognized accredited state training center, or
 - c. A certificate of Basic Law Enforcement Equivalency issued by the Washington State Criminal Justice Training Commission, or
 - d. A certificate of Reserve Academy completion issued by the Washington State Criminal Justice Training Commission, or
 - e. Proof of a minimum of two hundred forty (240) hours of full-time or reserve law enforcement or corrections experience within the preceding eighteen (18) months, sufficient to pass evaluation standards set by the sheriff's office.

2. Other Classified Positions:
 - a. Placement on current employment eligibility list, or
 - b. Meet the minimum qualifications for the position.
3. Experience: The same level of education, experience, knowledge, ability, and other qualifications are required.

8.16 Temporary Vacancies: If a regular position is vacant on a temporary basis due to a leave of absence or other appropriate reason as determined by the commission, the commission may approve the hiring of a person for more than four (4) months to fill this vacancy.

- A. All temporary vacancies caused by leaves of absence shall be offered to persons on the appropriate eligibility list. Refusal to accept such appointment shall not jeopardize the position of a person on the eligibility list.
- B. If no eligible person agrees to such appointment or no eligibility list exists, the vacancy shall be filled in the same manner as a provisional employee.

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

- A. All appointments, except those made from recall lists, shall be probationary for a period of one (1) year after appointment, except for appointees whose probationary period is extended as provided in this section. The probationary period for appointees who attend academy training shall be extended beyond one year an equivalent number of days to the number the appointee was in attendance at the academy. Appointments made from recall lists shall be probationary for the period of probation remaining un-served at the time of the layoff. The appointing authority shall make such periodic reports during the probationary period as the commission requires and shall certify to the chief examiner the name of each employee who satisfactorily completes the probationary period. At any time during the probationary period, the appointing authority may terminate the employment of any employee whose probationary period is not satisfactory, provided that the chief examiner shall be notified in writing of such action. Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

- B.** If a regular employee who has been appointed to a higher class as a result of promotional appointment is found unsuited for the work of the higher class during the probationary period, that employee shall be reinstated to a position in the class in which the employee was promoted, provided that the employee held regular status in that class.

- C.** When an unclassified employee in the Mason County Sheriff's Office uses his or her reversionary rights to return to a classified position, that employee shall be probationary only for the period of probation remaining un-served at the time of the appointment to the unclassified position. If the employee previously completed a probationary period in the class to which the employee returns, the employee shall have regular status in that position.

9. SEPARATION, SENIORITY, AND LEAVE OF ABSENCE

9.1 Resignation in Writing: Resignation of an employee from the classified service shall be made in writing to the appointing authority and the fact of resignation shall be reported in writing to the Chief Examiner prior to the start of the next pay period.

The commission may permit the withdrawal of a resignation upon a written request filed by the employee with the appointing authority prior to the effective date of the resignation, provided such request for withdrawal is supported by the appointing authority and a job offer has not been made to fill the position.

9.2 Layoff/Recall: The appointing authority may lay off employees in the classified service whenever such action is made necessary by reason of shortage of work or funds, or the abolition of a position because of changes in organization; however, no regular or probationary employee shall be laid off while there are temporary or provisional employees serving in a position within the same classification for which the regular or probationary employee is eligible and available.

A. Layoff of probationary or regular employees shall be made in inverse order of seniority in the class involved. A regular or probationary employee, holding his or her position by virtue of promotional appointment may, upon receipt of a layoff notice, request demotion to a position in the class from which promoted in lieu of layoff. No employee so demoted shall displace a regular employee except in order of seniority.

B. The commission shall be notified in writing of any such layoff. The names of regular or probationary employees laid off or demoted in lieu of layoff shall be placed in order of seniority on the recall list for the class from which the layoff or demotion took place. The period of eligibility for recall by appointment from the recall list shall be eighteen (18) months from the date of layoff. In order to be eligible for the recall as a deputy sheriff or corrections officer, persons must have the current academy training certification from the Washington State Criminal Justice Training Commission for the classification in which they are to be recalled.

9.3 Seniority: Seniority for the purposes of layoff, demotion in lieu of layoff, and re-employment shall be the length of service as a probationary or regular employee. Persons originally hired or promoted from the same eligibility list to the specific class involved shall be ranked in order of position on the eligibility list. In cases where seniority is identical, seniority shall be determined by lot.

9.4 Broken Service: Employment service broken by resignation or leaves of absence greater than thirty (30) days shall not be counted in computing seniority except where such absence is due to the following:

- A.** Employee is drafted into or, while subject to being drafted, enlists in or volunteers during time of war for service in the United States military.
- B.** Employee is granted medical disability leave for injury, sickness, or disease.
- C.** Employee is granted a leave of absence to work in an unclassified status pursuant to Section 9.6.
- D.** Any other reason required by state or federal law.

9.5 Leave of Absence: Leaves of absence without pay may be granted by the appointing authority to any employee provided the appointing authority gives notice of such leave in writing to the commission.

- A.** Vacancies resulting from leaves of absence shall be filled in accordance with rule 8.18.
- B.** No leave shall be granted by the appointing authority for more than one (1) year without commission approval.

9.6 Appointment to Unclassified Position: Any person who has been appointed to, accepts, and occupies continuously an unclassified position within the Mason County Sheriff's Office shall retain civil service status.

- A.** Within thirty (30) days after termination of the appointment term in the unclassified position, the person must inform the commission of his or her intention to assume the former classified position under civil service rules.
- B.** Seniority and benefits shall be computed on the same basis as though the person had rendered service in the classified position as set forth in these rules.
- C.** Should no vacancy exist in the classified position held at the time an unclassified position was accepted, a vacancy shall be created by removing from such position the incumbent with the lowest seniority standing. The incumbent shall have the same rights as an employee who is laid off, as set forth in these rules.

10. DISCIPLINARY PROCEEDINGS

10.1 Removal, Suspension without Pay, Reduction of Rank, or Deprivation of Privileges-Cause for: The removal, suspension without pay, reduction of rank, or deprivation of privileges of employees may be effected by the appointing authority as provided by 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, eligible, or employee, or such actions by others with their connivance.
- B.** Conviction of a felony or of a misdemeanor involving moral turpitude.
- C.** Willful violation of any lawful and reasonable regulation, order, or direction made or given by a superior officer where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the county or to the public.
- D.** Carelessness or negligence in the use of handling of county property under the control of the department.
- E.** Violation of Section 11.1 or Section 12.1 of these rules.

10.2 Appeal of Removal, Suspension, Demotion, or Discharge: Any regular non-probationary employee who is removed, demoted, suspended, or discharged may request a hearing by submitting a written request for appeal to the Commission within ten days of the action that is the subject of the appeal. The request for appeal shall be in writing and include the following information:

- A.** Appellant's name, address, and phone number;
- B.** A brief description of the facts giving rise to the appeal;
- C.** A concise statement of the reason for the appeal;
- D.** The remedy or relief requested; and
- E.** A copy of the written statement or accusation that was the basis for the removal, demotion, suspension, or discharge being appealed.

10.3 Notice of Hearing: The chief examiner shall notify the appointing authority of the appeal and shall schedule the hearing within the time periods established in RCW 41.14.120 unless the appellant and appointing authority agree to modify the time for scheduling and conducting the hearing.

- 10.4 Pre-Hearing Investigation:** The commission or chair may authorize the chief examiner or other designee to investigate the matters set forth in the appeal and present a report on the matters at the hearing.
- 10.5 Preliminary Matters:** The chief examiner may decide preliminary matters, including timeliness of the appeal, discovery matters, or briefing schedules. The chief examiner may schedule the hearing and conduct pre-hearing meetings to discuss procedural matters, settlement or summary disposition, and may clarify the issues raised in the request for hearing.
- 10.6 Service:** All notices, documents, and papers regarding the appeal shall be served upon all parties by personal service or first class mail. Service shall be regarded as complete when personally delivered or upon deposit in the US mail.
- 10.7 Hearing:** At any hearing on appeal from a demotion, suspension, or termination, the appointing authority shall have the burden of showing that its action was in good faith for cause. Hearings may be conducted in informal fashion, and the commission shall not be bound to follow technical rules of evidence. The commission may designate a hearing officer to carry out the proceedings.
- 10.8 Failure to Appear:** If anyone who requests a hearing fails to attend or participate in the hearing or pre-hearing conference, a decision denying the request may be entered, or the hearing may be conducted without the participation of that party, having due regard for the interests of justice, orderly, and prompt conduct of the proceedings.
- 10.9 Decision:** The commission shall issue its decision within ten (10) days of the close of the hearing unless the parties agree to a longer period.

11. POLITICAL ACTIVITY, RACE AND CREED

11.1 Discrimination: Appointment or promotion to any position in the classified service shall be made solely on merit, efficiency, and fitness. No such appointment or promotion shall be withheld or denied because of race, color, creed, national origin, political affiliation or belief, sex, marital status, age, religion, ethnicity, veteran status, sexual orientation, or the presence of any mental, physical, or sensory disability unless based upon a bona fide occupational qualification, nor shall any person be dismissed, demoted or reduced in scores for such reason.

12. RECORDS AND FILES

12.1 Security of Material: General records, examinations, answer keys, examination instructions 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.

12.2 Record Retention: Records shall be retained in accordance with Washington State records retention guidelines.