



CITY OF
MUKILTEO

*CIVIL SERVICE COMMISSION
RULES AND REGULATIONS
for the Fire and Police Departments*

*City of Mukilteo, Washington
11930 Cyrus Way
Mukilteo, Washington 98275*

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RULE I**PURPOSE AND CONSTRUCTION**

These rules and regulations shall be those governing the actions of the Civil Service Commission, hereinafter referred to as the “Commission,” and shall apply to all full-time Police Department and Fire Department employees of the City of Mukilteo, Washington, except the Chief of Police, Police Commander, and Fire Chief, to the end of substantially accomplishing the purposes of Chapters 41.08 and 41.12 of the Revised Code of Washington (RCW):

The rules shall:

1. Provide for appointment and promotion on the basis of merit, efficiency and fitness to be determined by the competitive exams and impartial investigations;
2. Provide for tenure for Fire and Police Employees;
3. Provide for a Commission to administer the system and to investigate by public hearing, removals, suspensions, demotions, and discharges by, the appointing power to determine whether such action was or was not made for political or religious reasons and whether it was or was not made in good faith and for cause.

In the event of inconsistency between the provisions of RCW Chapters § 41.08 and 41.12 and these rules, these rules shall govern so long as they substantially accomplish the purposes of said statutory chapters. However, in the event of inconsistency between these rules and Mukilteo Municipal Code Chapter 2.62, the City Code shall govern.

Herein and throughout these Rules and Regulations, all references to gender are masculine but are intended to include both sexes.

RULE II**DEFINITION OF TERMS**

Section 1. Advancement. Advancement means a salary increase within an arranged schedule of established rate of pay for a class or position made without examination.

Section 2. Appointing Authority. Appointing Authority means the officer, person, commission, body or agency empowered separately or jointly to make appointments within the classified service of the City (Mayor or Mayor's designee). The words Appointing Authority, appointing officer, or appointing power shall be construed to be synonymous terms.

Section 3. Appointment. Appointment shall include all means of selecting, appointing or employing any person to hold any office, place, position or employment subject to civil service.

Section 4. Class. Class means a group of positions sufficiently similar with respect to duties and responsibilities so that the same title may be reasonably used for each, the same qualifications may be required, and the same salary range may be applied with equity.

Section 5. Classified Service. Classified service means all full-paid uniformed and commissioned employees in the Police and Fire Departments subject to the provisions of these rules as provided by state law, including all clerical, dispatchers, fire inspectors, fire marshal, mechanics and other employees of the fire and police departments who are not fully paid commissioned police officers or firefighters, except the Police Chief, the Police Commander, Fire Chief, (who shall be exempt from the provisions of these rules as administrative department heads appointed by the Mayor and confirmed by the City Council)

Section 6. Commission. Commission means the Civil Service Commission for the Fire and Police Departments appointed by the City of Mukilteo.

Section 7. Compensation. Compensation means any allowance, fee, salary or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of his position or office.

Section 8. Demotion. Demotion means a reduction in employment status to a lower classification as established pursuant to these rules.

Section 9. Discharge. Discharge means the separation of a permanent employee from the classified service for cause.

Section 10. Eligible. Eligible means the conditions of being qualified, or, a person who has become qualified under emergency conditions for not more than three months.

Section 11. Emergency Appointment. Emergency appointment means an appointment to service in a classified position under emergency conditions, not to exceed three months.

Section 12. Employee. Employee means a person who is legally employed in the classified service of the City or who is on authorized leave of absence and whose position is held for him upon his return.

Section 13. Eligible or Employment List. Eligible or employment list means a list of names of persons arranged in order of preference who are eligible for appointment to a position in the classified service.

Section 14. Exceptional Entry. Exceptional entry is the consideration from an eligibility list for applicants currently attending or having successfully completed a basic law enforcement academy.

Section 15. Full-Time-Full-Paid Commissioned Police Officer. Full-paid police officer, employee, or department means that person or those persons vested with full authority to perform the full range of law enforcement duties traditionally performed by police officers; receiving compensation from the City for services devoted to Police Department, duties which occupy undivided attention and activity other than ordinary off-duty time allowance, provided service is for full time, 40 hours per week or more and not seasonal. This does not include the Police Chief and Police Commander.

Section 16. Full-Time-Full-Paid Commissioned Firefighter or Firefighter/Paramedic or Officer. Full-paid firefighter or Firefighter/Paramedic or officer, employee or department means that person or those persons vested with full authority to perform the full range of fire department services; receiving compensation from the City in return for services devoted to the Fire Department duties which occupy undivided attention and activity other than ordinary off-duty time allowance, provided service is for full time, 40 hours per week or more and not seasonal. This shall not include the Fire Chief.

Section 17. Lateral Entry. Lateral entry is the consideration for hiring of already trained and experienced personnel into positions of the police and fire departments.

Section 18. Lay-off. Lay-off means the termination of employment because of lack of funds or work or because of material change in organization.

Section 19. Regular Status Employee. Regular status employee means an employee who has attained regular status.

Section 20. Regular Status. Regular status means the status of a full time commissioned employee who has acquired rights to civil service hearing prior to discharge because of prior service or by successful completion of his probationary period.

Section 21. Position. Position means any employment or office in the classified service.

Section 22. Probation. Probation means a working trial period during which an employee works at the discretion of the employer prior to obtaining regular status as a civil service employee or regular status in a promotional position. During the probationary period, the employee is subject to rejection at the discretion of the appointing authority.

Section 23. Promotion. Promotion means a change in employment in accordance with these rules from a position in the classified service to a position in a higher classification.

Section 24. Provisional Appointment. Provisional appointment means a non-competitive appointment to a position in the classified service made in the absence of eligible candidates pending the establishment of an employment list for the class, not to exceed four months unless specifically extended by the Appointing Authority not to exceed twelve months.

Section 25. Public Notice. Public notice means giving notice by posting in at least three conspicuous places in a public office or building or by publication in a newspaper of general circulation in the City of Mukilteo or by both.

Section 26. Rejection. Rejection means the separation of a probationary employee from the service.

Section 27. Suspension. Suspension means the temporary separation of an employee from the service without pay for disciplinary purposes.

Section 28. Temporary Appointment. Temporary appointment means appointment of an eligible candidate from a list with regard to willingness to accept, for a limited time not to exceed three months, per the Mukilteo Municipal Code Section 2.62.160(D).

Section 29. Veterans. The term 'Veteran' as used herein means any person who served on active duty in the Armed Forces of the United States, and, upon termination of the service has received an honorable record or has been relieved of active service under honorable circumstances. A "Veteran" is defined in Washington State Statutes RCW 41.04.010 and RCW 41.04.005.

Section 30. Written Notice. Written notice, as required under these rules, means the service of notice in writing either to the person directly or by certified mail, return receipt requested. If by mail, the service shall be deemed completed at time of deposit in the Post Office.

RULE III**CIVIL SERVICE COMMISSION**

Section 1. Appointment of Commission. State Statutes establish the appointment, qualifications and terms of the Commissioners in RCW 41.08 and RCW 41.12.030. For ease of reference, the rules shall be summarized in this paragraph. The Commission shall be composed of three members appointed by the Mayor, subject to confirmation by the Council. Commissioners shall serve without compensation and shall be citizens of the United States, residents of the City of Mukilteo for at least one (1) year immediately preceding appointment, and electors of Snohomish County.

The term of office of such Commissioners shall be six years, except that the first three members of the Commission are appointed for terms as follows: one to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years.

The presence of two Commissioners shall constitute a quorum, and the concurring votes of any two Commissioners shall be sufficient for the decision of all matters considered by the Commission.

The Commissioners shall annually elect one of their members as Chairperson at the first meeting of each calendar year.

Section 2. Meetings. Regular meetings of the Commission shall be held on the third Thursday of each month, commencing at 6:00 p.m., in City Council Chambers, or other location as specified. The Commission may adjourn any regular meeting for the purpose of continuing it at another time and/or place specifically designated. The Commission may elect to cancel a scheduled meeting if there is no new or old business to conduct.

If at any time a regular meeting falls on an officially recognized state or federal holiday, such meeting shall be held on the next business day, and no special notice of such meeting need be given.

Special meetings of the Commission may be held at such times and places as may be determined from time to time by the Chairperson, or by a majority of the Commission; provided that notice of a special meeting, and the subject matter to be considered by the same, shall be given to each Commissioner and then posted in at least three conspicuous places in a public office or building at least 24 hours before the time of the meeting, and notice provided to any news media having a standing request, as required by RCW 42.30.

Section 3. Attendance. Per Ordinance 1363, a Commission member who fails to attend three consecutive meetings without being excused in advance by the Commission Chair, or five meetings in any calendar year, shall be deemed to forfeit his/her office. The Civil Service

Secretary shall notify the Mayor who shall declare the office vacant and place the matter before the City Council for appointment of a new member of the Commission.

Section 4. Powers and Duties. The Civil Service Commission shall include:

1. Appoint, whenever necessary, a Secretary and/or Chief Examiner in conformity with RULE IV, Section 1.
2. Approve minutes of its meetings and records of its procedure.
3. Provide for and hold competitive tests under the supervision of the Secretary/Chief Examiner, provide the relative qualifications of persons for employment in the classified service and establish eligibility lists.
4. Conduct all civil suits necessary for the proper enforcement of the Civil Service Act and these rules. Any civil action shall be initiated by the City Attorney in the name of the City upon demand of the Commission.
5. Hear and determine appeals arising from the administration of the Civil Service Act and these rules.
6. Investigate and report on all matters touching the administration of the Civil Service Act and these rules.
7. Until such time as the position of the Secretary/Chief Examiner is a full-time position, certain and various functions of the Secretary/Chief Examiner shall be performed by the Commission.
8. All other duties specified in the City Code Section 2.62.040.



RULE IV

THE SECRETARY/CHIEF EXAMINER

Section 1. Selection – Part-Time. The Civil Service Commission will appoint the Secretary/Chief Examiner who will act in that capacity. The City of Mukilteo will determine hourly wage and current contract for position of Secretary/Chief Examiner.

Section 2. Duties. The Secretary/Chief Examiner shall keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its discretion, and perform such other duties as the Commission may prescribe.

RULE V**HEARINGS AND INVESTIGATIONS**

Section 1. Hearings and investigations which the Commission is authorized to conduct, including hearings and investigations on claims, complaints or other matters, may be conducted by the Commission, as a whole, or by a Hearing Officer delegated by the Chairperson of the Commission as an examiner, but no official decision of the Commission shall be rendered until at least two members have reviewed the evidence and concurred in an opinion.

Proper notice of hearing shall be by certified mail return receipt requested, not less than ten (10) days prior to the hearing date. The procedure of any hearing or investigation shall be informal and shall not be restricted so as to deny the introduction of any evidence that the Commission may deem pertinent. Unless incapacitated, a person pressing a claim, complaint or defending a privilege before the Commission shall appear personally and shall not be excused from answering questions and supplying information except upon claim of constitutional privilege of self -incrimination.

Every subpoena shall identify the Commission in the title of the proceedings if any and shall command the person to whom it is directed to attend at a specified time and place and give testimony or produce designated books, documents or things under that person's control. Upon application of any party or his representative, the Secretary/Chief Examiner shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such hearing or discovery proceeding. The party requesting the subpoena is responsible for having the subpoena properly served. Such requests for subpoenas shall be submitted to the Commission office at least three business days prior to the hearing or date of deposition. Upon a motion promptly made by a party or by the person to whom the subpoena is directed and upon notice to the party on whose behalf the subpoena was issued, the Commission may quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or condition denial of a motion to quash or modify the subpoena upon just and reasonable conditions.

All decisions arising from a hearing or investigation by the Commission shall be written and subscribed to by the members concurring and shall be countersigned and filed as a permanent record by the Secretary/Chief Examiner. Any member may submit a minority or supplemental decision or report, which shall be filed as a matter of record.

RULE VI**CLASSIFICATION**

Section 1. New Positions and Classification Plan. If the Appointing Authority wishes to establish new civil service positions, it shall notify the Secretary/Chief Examiner, except as otherwise provided by law or these rules. No person shall be appointed or employed for any such position until it has been properly classified as herein provided and an appropriate eligibility list established therefor.

Section 2. Reclassification. If the duties of any position are materially changed so as to necessitate reclassification of the position, said position shall be allocated to a more appropriate class, whether new or already created, by the Appointing Authority.

Section 3. Classifications. The following rank order shall be observed for promotions and demotions.

- a. Fire Service¹
 - (i) Firefighter and Firefighter/Paramedic
 - (ii) Lieutenant
 - (iii) Captain
 - (iv) Assistant Fire Chief
- b. Police
 - (i) Police Officer
 - (ii) Sergeant

¹ Fire Marshal is a separate career track.

RULE VII**APPLICATIONS**

Section 1. Applications for Vacant Positions. Upon determination by the Commission that an eligibility list has expired or has been revoked pursuant to Rule IX below, the Commission shall assure an adequate candidate pool exists and there is an open and competitive process established. The Commission shall determine whether internal or external competition for positions is appropriate. The Secretary/Chief Examiner shall, where necessary, invite, by giving public notice, qualified persons to apply for employment in the classified service. Public announcement that applications are being accepted shall specify the title and salary range of the position, a brief outline of the requirements of the position, the minimum qualifications required, and the final date upon which applications will be accepted. Persons desiring to compete for positions in the classified service shall file applications with the Secretary on forms supplied by the Appointing Authority. A filing/testing fee may be required in an amount sufficient to cover the actual costs incurred by the Commission in processing applications and examinations for entry-level police and firefighter candidates. Said fee may be waived by the Secretary/Chief Examiner for any applicant who provides certified proof of his indigence in accordance with the standards adopted by the Commission.

Section 2. Entry Police Qualifications. All police applicants, by the time of employment, must have the following minimum qualifications:

- a. Be a citizen of the United States of America.
- b. Be at least 21 years of age.
- c. Possess a current and valid driver's license and when hired, obtain a State of Washington driver's license within 30 days.
- d. Be able to read and write the English language at a skill level commensurate with general law enforcement duties and responsibilities.
- e. Possess a minimum of a high school diploma or G.E.D. equivalency.
- f. Pass job related performance aptitude and physical ability tests.

Section 3. Exceptional Entry Police Officer Qualifications. All Exceptional Entry Police Officer applicants, by the time of employment, must have the following minimum qualifications:

- a. Have successfully met the conditions of Section 2, Subsections a-f.
- b. Have successfully completed or is currently attending a basic law enforcement academy.
- c. Those having successfully completed a basic law enforcement academy are still in possession of a current and valid peace officer certification.

Section 4. Lateral Entry Police Officer Qualifications. All Lateral entry Police Officer applicants, by the time of employment, must have the following minimum qualifications:

- a. Have successfully met the conditions of Section 2, Subsections a-f.

- b. Have graduated from the Washington Criminal Justice Training Academy or equivalent.
- c. Have been active in civilian law enforcement in the previous 24 months to be certified by the Washington State Law Enforcement Training Commission.
- d. Have completed a probationary period.

Section 5. Entry Firefighter Qualifications. All fire department applicants, by the time of employment, must have the following minimum qualifications:

- a. Be a citizen of the United States of America.
- b. Be at least 21 years of age.
- c. Possess a current and valid driver's license and obtain a State of Washington driver's license by first day of hire.
- d. Be able to read and write the English language at a skill level commensurate with general Fire Fighting duties and responsibilities.
- e. Possess a minimum of a high school diploma or G.E.D. equivalency.
- f. Able to meet the minimum physical and health standards.
- g. Graduate of an IFSAC accredited Fire Service Training Academy with Firefighter 1 certification.
- h. Possess documentation of current Continuing Medical Education (CME).
- i. Current EMT-B Certificate from Washington State or National Registry.

Section 6. Lateral Entry Firefighter Qualifications. All Lateral Entry Firefighter applicants, by the time of employment, must have the following minimum qualifications:

- a. Have successfully met the conditions of Section 5, Subsections a – i.
- b. Possess a minimum 12 months consecutive full-time paid Firefighter experience in the last 24 months, and have completed a probationary period.

Section 7. Entry Firefighter/Paramedic Qualifications. All Firefighter/Paramedic applicants, by the time of employment, must have the following minimum qualifications:

- a. Have successfully met the conditions of Section 5, Subsections a – h.
- b. Possess current Washington State or National Registry Certification as a Paramedic.
- c. Possess current P.A.L.S. certification.
- d. Possess current A.C.L.S. certification.

Section 8. Lateral Entry Firefighter/Paramedic Qualifications. All Lateral Entry Firefighter/Paramedic applicants, by the time of employment, must have the following minimum qualifications:

- a. Meet conditions of Section 7, Subsections a – d.
- b. Possess a minimum 12 months consecutive full-time paid Firefighter/Paramedic experience in the last 24 months, and have completed a probationary period.

Section 9. Captain Qualifications. Applications for promotion or dates of hire to the classification of Fire Captain shall possess all of the minimum qualifications for Firefighters and:

- a. Have no less than four (4) years of experience with an agency or organization providing emergency fire protection services, and
- b. Have completed with passing grade academic classes from an accredited institution which possess the following minimum hours of credit:
 - (i) Incident Safety Officer (16 hours);
 - (ii) Tactics (32 hours);
 - (iii) Supervision (32 hours);
 - (iv) Leadership (32 hours);
 - (v) Hazardous Materials Incident Command; and
 - (vi) NIMS 100 and 200 (complete course with passing grade).

Section 10. Clerical, Non-uniformed, and Other Employees. The minimum qualifications, hiring, and promotion procedures for clerical and non-uniformed employees of the Police and Fire Departments and Police employees who are not full-commissioned officers shall be established by the Appointing Authority. Appeals from clerical and non-uniformed employees are limited to issues relating to termination, demotions or suspension without pay.

Section 11. Rejection of Application. The Commission may refuse to accept an application, or after acceptance may reject an application, or after examination may disqualify a successful candidate whenever the person is found to lack any of the minimum qualifications established for the class or position, or has made false statements of material facts in the application, or has practiced deception or fraud in securing eligibility, or has otherwise violated any provision of law or these rules. The cause for rejection shall be entered upon the application form and filed in conformity with these rules.

RULE VIII**EXAMINATIONS**

Section 1. Conduct of Examinations. The Secretary/Chief Examiner shall arrange for the use of public buildings and equipment for conducting examinations. The Commission shall designate the person or agency that shall conduct and score the examinations. For purposes of maintaining confidentiality and security, examinations shall be administered to all eligible candidates in a consistent manner to successfully test all eligible applicants. The Civil Service Secretary/Chief Examiner shall determine the number to be tested based upon available resources.

Section 2. Continuous Testing.

- a. Continuous Testing Eligibility List. The Secretary/Chief Examiner, following approval by the Commission, may establish an eligibility list for use by entry, exceptional and lateral applicants tested through and certified for eligibility through this continuous testing process.
- b. Continuous Testing Defined. Continuous testing shall mean a written examination or a standardized physical fitness/agility test conducted pursuant to set and commonly apply standards whose results shall be valid for a period of one calendar year from the date of certification to a Continuous Testing Initial Eligibility list. Continuous testing may, at the discretion of the Commission, be offered through the Secretary/Chief Examiner or pursuant to a subscription testing agreement. If there are eligible exceptional entry candidates remaining on any ongoing eligibility list established for the position pursuant to Rule IX, the names of the persons who were successful in the latest examination shall be integrated into the ongoing list so that all persons then eligible for appointment and on said on-going list shall be ranked in order of their earned ratings.
- c. Certification. Applicants certified pursuant to a continuous testing process shall be placed on a Continuous Testing Initial Eligibility list. Certification shall be in accordance with the rules and regulations of this Commission. As each applicant is placed in accordance with his or her scores and veteran's preference (if applicable) the placement of all others on other list shall be adjusted.
- d. Additional Testing. Applicants placed upon this eligibility list may be subject to such other testing processes as the Commission shall direct, including but not limited to oral boards or any other testing process conducted by the Commission pursuant to Rule VIII.
- e. Removal of Names. The names of candidates certified to an eligibility list shall remain on the list following an oral board or other testing as established by the Commission, the expiration of one year from the date of certification or until the candidate has been hired by another public safety organization. The candidate, upon the written notification of another public safety employer or an entity providing subscription testing may remove names upon notification.

Section 3. Testing. At a minimum, all entry applicants shall be required to successfully pass a job-related performance aptitude test or psychological evaluation, physical agility test, and oral interview.

a. Entry Testing.

i. Physical Test. The examination which shall be given to Police, Firefighter and Firefighter/Paramedic candidates for original entry into the classified service shall be a physical ability test to assure that a candidate's physical strength, ability, coordination and general physical fitness is commensurate with the physical activities and expectations of the position for which application is being made. The tests shall be structured to determine whether the applicant may fulfill the essential functions of the position and serve as a police officer, firefighter or firefighter/paramedic without undue risk to the public, fellow employees or the applicant. As a minimum, the Police will use an academy-based physical ability test (PAT); the Fire Department will use a CPAT.

ii. Written Examination. All candidates for original entry into the classified service, or for promotion within said service, except for lateral transfers, may be given a written examination designed to test the candidate's intellectual competency and suitability to perform the functions and assume the trust and responsibility inherent in the position for which application is being made. Alternative testing procedures shall be made available to applicants with disabilities that will limit their ability to take a particular written exam. However, if the primary purpose of the exam is to test the applicant's ability to perform the same functions as are required by taking the test (for example, writing to test writing ability or speaking to test speaking ability), then alternative arrangements do not have to be made. The minimum passing grade on written examination shall be 70%.

iii. Oral Interview. For original entry, eligibility for oral interviews (if any) shall be based on written and/or physical ability grades. All candidates for entry to the Police Department shall be subject to an Oral Board examination, which shall be the sole examination given to such candidates by the Civil Service Commission. The Commission may appoint one or more qualified persons outside the City's classified service to conduct the oral interviews. Alternative testing procedures shall be made available to applicants with disabilities that will limit their ability to take a particular oral exam. However, if the primary purpose of the exam is to demonstrate the applicant's ability to perform job functions (for example taking a written test to prove the ability to write or a speaking test to prove the ability to speak), then alternative arrangements do not have to be made. The purpose of said interview shall be to determine the candidate's suitability for the position, including but not limited to an appropriately neat and clean personal appearance, personality, maturity, attitude, and ability to communicate. The minimum-passing grade for the oral interview shall be 70%. Said grade shall be weighted equally with any grade received on a written exam.

iv. A candidate who fails to meet the minimum score on one complete component will be deemed to have failed the entire examination. Examples of components shall be: a written test, an entire assessment center, an oral interview, etc.

b. Promotional Exams and Exceptional and Lateral Entry

i. Police Department. All candidates for promotional examinations will be invited to attend the Oral Board, regardless of written examination score.

ii. Fire Department. Candidates for lateral and exceptional entry to the Fire Department, including candidates for the position of Fire Marshal, shall participate in an Oral Board examination, written examination and/or practical examination as the Commission shall direct, with the recommendation of the Appointing Authority. The Commission shall establish the weighting of the examinations contemporaneously with approval of the examination process.

Section 4. Rating and Preparation of Lists. The name of persons successful in all parts of an examination shall be arranged in order of their earned ratings. In the case of entrance examinations only, the following preference credits shall be added to such ratings, if applicable.

a. Veteran's Criteria. All veterans, as defined in Section 28 of Rule II, who receive a minimum passing grade in the examination, shall be entitled to scoring criteria added to their earned test rating at each step of testing, per RCW 41.04.010 and RCW 41.04.005. Proof of honorable discharge or certificate of honorable active service shall be submitted at the time of making application.

b. Rating of Lateral Entry Candidates. The names of lateral entry candidates who achieve a passing grade on the oral board examination shall be arranged in order of their earned ratings on that examination. If there are eligible lateral entry candidates remaining on any ongoing eligibility list established for the position pursuant to Rule IX, the names of the persons who were successful in the latest examination shall be integrated into the ongoing list so that all persons then eligible for appointment and on said on-going list shall be ranked in order of their earned ratings.

Section 5. Notification of Results. Each competitor shall be notified by mail or email of the results of the examination and, if successful, of his final earned rating and his relative position on the eligibility list. Any applicant shall have the right of inspecting his own test papers.

Section 6. Promotional Examinations. As the needs of the service require, promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent tests. The Commission shall determine whether an adequate candidate pool exists. Thus, the Commission shall have the discretion to require external and/or internal competition for promotional positions. The process is to be open and competitive. Candidates for promotion may be permanent employees in the



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classified service of the City and must possess the minimum prerequisites as set forth in the specifications of the class to which promotion is sought.

RULE IX**ELIGIBILITY LISTS**

Section 1. Order of Names on Lists. Names on the eligibility lists for a class shall be in order of preference according to final earned rating in the examination, including veteran scoring criteria, except that employees laid-off from a position in that class shall be given preference over original applicants in reverse order of lay-off. Lay-off employees are eligible for a maximum of three years from the lay-off date.

Whenever two or more persons have equal claim to a position on a list, their names shall be banded together and all placed on a list.

Section 2. Effective Life of Lists. Eligibility lists shall become effective upon approval thereof by the Commission based upon the Secretary/Chief Examiner's signature to the effect that the list was legally prepared and represents the relative rating of the names appearing thereon. Eligibility lists, including promotional lists, may remain in affect six months, and may be extended by action of the Civil Service Commission for additional periods of six months up to a total of extension of not more than two additional years. However, the Commission shall have the authority to revoke a list at any time as provided later in this rule under Section 4. Names of personnel who have been laid off by the City for budgetary reasons or lack of work shall remain on the applicable eligibility list for a period of three years.

Section 3. Removal of Names From Lists. The Commission may remove the name of any person appearing on an eligibility list that, after ten (10) days written notice, sent by certified or registered mail:

- a. Cannot be located by the postal authorities; or
- b. Fails to respond in the manner requested by said notice; or
- c. Requests to be removed from the eligibility list; or
- d. Declines an appointment to the classified service; or
- e. For good cause shown by the applicable Appointing Authority.

Section 4. Revocation of List. An employment or promotional list may be revoked by the Commission. The Appointing Authority may request revocation of a list for good cause shown. No eligibility list shall be revoked except upon ten (10) day's advance written notice to all persons whose standing may be affected, and upon entry of the reasons for said revocation in the minutes of the Commission.

RULE X**APPOINTMENT**

Section 1. Appointment Procedure – Qualifications. Whenever a vacancy in the classified service exists, the Appointing Authority will fill the job by selecting from the eligibility list for the class of position. The Commission shall thereupon certify the names of the three persons highest on the applicable eligibility list who are willing to accept an appointment. If any entry eligibility list contains more than 11 persons, the Commission may certify the names of the five persons highest on the list who are willing to accept an appointment. This “Rule of Five” does not apply to lateral or promotional lists.

After such investigation or additional physical, psychological or medical testing as the Appointing Authority deems appropriate, the Appointing Authority may select any one of the three (or five in the case of 11 or more on an entry eligibility list) persons certified to it by the Commission, and appoint said person to the vacant position in the classified service. If none of the persons certified is acceptable to the Appointing Authority, it may request the Commission to certify additional names as provided in Rule IX, Sections 1 & 2, and shall continue said process until an eligible, competent and suitable person is found; provided, that if the Commission determines, in its discretion, that eligible, competent and suitable persons have been certified, it may refuse to certify additional names, thereby requiring the Appointing Authority to either accept a name already certified or to leave the position vacant. Names of eligible, suitable and competent persons not selected for appointment shall be returned to the register for consideration in connection with other vacancies.

If there is no eligibility list for the class in question, the Commission shall authorize a provisional or temporary appointment for such class, or the Commission shall determine what list it deems appropriate for such class. If a list is used, the Commission shall certify the names of the three (or five in the case of 11 or more on an entry eligibility list) persons standing highest on the list and the Appointing Authority shall appoint one person so certified to the position provided that they are found in fact to be qualified for the position by the Appointing Authority.

If there is an eligibility list for the class which contains the names of less than three eligible candidates, the Appointing Authority may upon being notified of such fact elect to fill the vacancy by provisional appointment until the eligibility list contains the names of at least three eligible candidates or may, in the alternative, request that the Commission certify those names that are remaining on the list for appointment or reject the list as not representing an open and competitive process.

Where more than one vacant position is to be filled, the Commission shall certify, from those highest on the list, three times the number of persons necessary to fill the vacant positions and the Appointing Authority shall appoint accordingly.

Section 2. Failure to Respond. Whenever a candidate whose name has been certified for appointment fails to respond to written notice of said certification within ten (10) days after said

notice is sent by mail, said candidate shall be deemed to have declined appointment. If a candidate accepts appointment within the prescribed period but fails to present himself for duty within three days of the date required, he may be deemed to have declined appointment.

Section 3. Removal of Names from List. Any person who fails a background check by the Appointing Authority, or who is deemed to have so declined certification or appointment, or who fails to report for duty after having been appointed, shall first be granted notice and opportunity for hearing before candidate will have his name permanently removed from the eligibility list in question pursuant to Rule IX, Section 3.

Section 4. Emergency Appointments. To meet the immediate requirements of an emergency condition which threatens public safety, the Appointing Authority may employ any person or persons whom it may legally be empowered to appoint without restriction of Civil Service law and rules. Such employment shall be limited until the Commission approves a provisional or temporary appointment. Emergency appointment shall not exceed three months.

Section 5. Provisional Appointments. A provisional appointment shall be utilized to fill a position until the proper and appropriate procedure may be taken to appoint from an approved eligibility list.

No provisional appointment shall be continued for a period longer than four months unless extended by the Appointing Authority an additional four months period, not to exceed twelve (12) months in total. No time spent as a provisional appointee shall be credited to the probationary period, or be utilized for computing any privilege accruing under Civil Service law or these rules.

Section 6. Temporary Appointments. A temporary appointment is intended to fill a position for a limited period of time. In making such an appointment, the Appointing Authority shall make requisition to the Secretary/Chief Examiner in the same manner provided for regular appointment, but shall indicate the time at which it is estimated the position will terminate. The Secretary/Chief Examiner shall notify the person or persons appearing on the appropriate list, or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The Commission shall certify the names of the persons standing highest on such list, or lists. No temporary appointment shall be made for more than four (4) months.

Section 7. Pre-existing Blanketed Appointments. All persons holding a position in the Fire Department or Police Department of the City who shall have completed probation and entitled to Civil Service coverage are automatically adopted and inducted permanently into Civil Service at the position so served.

RULE XI

PROBATIONARY PERIOD

Section 1. Length of Period. No person shall be appointed to a regular position until that person has satisfactorily served a probationary period of twelve (12) months.

Section 2. Rejection of Probationer. During the probationary period, the Appointing Authority, at its discretion, may dismiss a probationary employee. Notice of dismissal, with the reason therefore, shall be given the probationer and a copy forwarded to the Secretary/ Chief Examiner.

Section 3. Termination of Probationary Status. After successfully completing twelve (12) months probationary period, the employee's status shall be a regular employee.

Section 4. Rejection After Promotion. A promotional appointee, who is rejected during the probationary period from the position in the classified service to which he was promoted, shall be restored to the position in the classified service from which he was promoted.

RULE XII**TRANSFERS, LAY-OFFS, REDUCTIONS**

Section 1. Transfers. Transfers consist of the change of an employee from one position to another position in the same comparable classification. The change of an employee from one classification to another should be deemed either a promotion or demotion, and may be accomplished only in the manner provided in these rules for making promotional appointments. Duty assignments within a classification are outside of the jurisdiction of the Commission.

Section 2. Lay-offs. Whenever the Appointing Authority contemplates a reduction of staff because of a shortage of funds, lack of work, or material reorganization of the department, the Appointing Authority thereof shall send notice to the Secretary/Chief Examiner. When it is decided which positions are to be abandoned, employees holding positions within a class shall be laid off in reverse order of their date of appointment. Notice of lay-off shall be given the employee concerned and the Secretary/Chief Examiner at least two weeks before the effective date thereof.

RULE XIII**PROCEDURE FOR REMOVAL, SUSPENSION, DEMOTION OR
DISCHARGE:
INVESTIGATION, HEARING AND APPEAL**

Section 1. Procedure for Removal, Suspension, Demotion or Discharge. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, demoted or discharged except for cause, and only upon written notice by the Appointing Authority.

Any person so removed, suspended, demoted or discharged may within ten (10) days from the time of his removal, suspension, demotion or discharge, file with the Commission a written demand for a hearing. The Commission shall thereupon cause notice of the time and place when and where a hearing on said appeal will be held, which hearing shall be not less than twenty (20) days nor more than sixty (60) days after the appeal request has been received, unless approval is granted by the Commission to go beyond sixty (60) days. Notice in writing of the case to be heard, the parties and their representatives, if any, and the time and place of said hearing shall be served upon such employee or mailed by certified mail, return receipt requested, at least ten (10) days before the hearing.

The provisions of the grievance procedure in an applicable Collective Bargaining Agreement shall be the exclusive remedy of a Union with regard to issues relating to discipline for just cause or other matters relating to the operations of the Department as provided elsewhere by this Agreement. No Union shall appeal any action to nor initiate a request for investigation before the City of Mukilteo Civil Service Commission. No employee shall maintain both a grievance and an appeal to the Civil Service Commission, provided however, that an employee shall have ten (10) calendar days following a decision of the Union not to pursue a grievance on the employee's behalf to initiate an appeal regarding any matter within the jurisdiction of the Mukilteo Civil Service Commission.

The hearing shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause. After a hearing, the Commission may affirm the removal or discipline, or may order greater or lesser discipline.

If it shall find that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, it may order the immediate reinstatement or reemployment of such person and be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The Commission, upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge, may modify the order of removal, suspension, demotion or discharge by directing a suspension without pay for a given period, and subsequent restoration to duty, or demotion in classification, grade or pay.

The findings of the Commission shall be certified, in writing to the Appointing Authority, and shall be forthwith enforced by such officer.

Section 2. Hearings. Hearings presented to the Commission pursuant to the provisions of this section may be public with the agreement of the interested parties. At the hearing, the person named in the complaint shall be afforded an opportunity of appearing in person and by counsel and presenting his or her defense. The hearings shall be conducted pursuant to City Code Section 2.62.130. If the Commission or majority upholds the decision of the Appointing Authority thereof, the plaintiff may appeal with 30 days to Snohomish County Superior Court.

Section 3. Causes for Removal, Suspension, Demotion or Discharge – Illustrated. The following are declared to illustrate adequate causes for discipline; discipline may be made for any other good cause. A person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

1. Incompetence, inefficiency, or inattention to, or dereliction of duty;
2. Dishonesty, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other failure on the part of the employee to properly conduct himself/herself;
3. Mental or physical unfitness for the position which the employee holds;
4. Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;
5. Conviction of a felony or a misdemeanor involving moral turpitude or illegal drug use;
6. Failure by a police officer to graduate from the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy within the time established by the Appointing Authority;
7. Such other act, failure to act, other reasons as may be established from time to time Police and Fire Departments or the Appointing Authority.

Section 4. Appeals. Appeals from clerical and non-uniformed employees are limited to issues relating to termination, demotions or suspension without pay.

RULE XIV**RECORDS AND REPORTS**

Section 1. Destruction of Records. Files and minutes of the Civil Service Commission shall be kept in accord with the retention schedule established by the State Archivist retention schedule. Records pertaining to personnel including applications, correspondence, examinations, and reports may be destroyed in accordance with City policies and state requirements concerning public records.

RULE XV**COMPLAINTS**

Section 1. Procedures. Any person may, within ten (10) days of written notice or, in the event there is no written notice then within thirty (30) days of the time the person knew or should have known, file with the Commission a complaint against any decision, action or thing, or petition in support of any privilege or right involving Civil Service matters. All complaints must be submitted to the Commission in writing. The Commission shall investigate and may hold a hearing.

RULE XVI**POWER TO CREATE OFFICES, MAKE APPOINTMENTS
AND FIX SALARIES NOT INFRINGED**

All offices, places, positions and employment coming within these rules shall be created by the Appointing Authority and City Council as provided by the applicable laws of the State of Washington and the ordinances of the City of Mukilteo and any applicable Collective Bargaining Agreement, and nothing herein contained shall infringe upon that power or obligation to fix salaries and compensation of all employees employed under these rules.

RULE XVII**ENFORCEMENT BY CIVIL ACTION, LEGAL COUNSEL**

The Commission shall begin and conduct all civil suits that may be necessary for the proper enforcement of these rules and the applicable laws of the State of Washington. Appointed special council shall represent the Commission in such suits.

RULE XVIII**POLITICAL CONTRIBUTIONS AND SERVICES**

No person holding any office, place, position or employment subject to Civil Service is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under Civil Service, or promise or threaten so to do, for giving or withholding, nor neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. However, this does not authorize the use of one's office or position for any political purpose.

RULE XIX**AMENDMENTS**

After adoption, these rules may be amended by submission and reading of the proposed amendment at any regular meeting of the Commission, and a vote thereon shall be taken at the next regular meeting. If approved by at least two members of the Commission, the amendment shall be adopted and shall be in immediate effect.

RULE XX**SEVERABILITY**

If any rule, section, paragraph, sentence, clause, phrase or work of these rules is declared unconstitutional, illegal, or void for any reason, such decision shall not affect the validity of the remaining portions of these rules. The Commission hereby declares that it would have prescribed and adopted these rules, and each rule, section, paragraph, sentence, clause, phrase and work hereof, regardless of the fact that any one or more rules, sections, paragraphs, sentences, clauses, phrases or words be declared unconstitutional illegal, or void.



**Mukilteo Civil Service Commission Rules and Regulations
for the Police and Fire Departments**

RULE XXI

REPEALER

These rules shall supersede any and all previous existing Civil Service Commission rules.

CIVIL SERVICE RULES VERSION 4 ADOPTED this 11th Day of December, 2014 by the Civil Service Commission for the Fire and Police Departments of the City of Mukilteo, Washington.

Jim Rand, Chair

Jeff Bohnet, Commissioner

Steve Throckmorton, Commissioner