

**COWLITZ COUNTY**  
**CIVIL SERVICE COMMISSION**

**RULES AND REGULATIONS**

**Revised**

**AUGUST 2019**

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# COWLITZ COUNTY

## CIVIL SERVICE COMMISSION

### RULES

#### **RULE 1    PURPOSE, EFFECT, AMENDMENT OF RULES**

##### Section 1.1            Purpose

These rules are enacted pursuant to the provisions of R.C.W. 41.14, as amended, of the State of Washington providing Civil Service for Sheriff's Office. They set forth the principles and procedures that are to be followed in the conduct and administration of the Civil Service program for the Cowlitz County Sheriff's Office personnel listed in 2.1.b. These rules shall not be waived or modified except as provided in Section 1.3.

##### Section 1.2            Effect

These rules shall have the force and effect of law subject to R.C.W. Chapter 41.14, as amended. Any interpretation of these rules shall be in connection with R.C.W. Chapter 41.14, as amended.

### Section 1.3            Amendments

Recommendations for amendments or revisions to the Civil Service Commission Rules will be submitted to the Civil Service Commission by the Sheriff, his employees or their representatives, and interested citizens. The Civil Service Commission may conduct public hearings after due notice before taking final action on such amendments or revisions. Any amendment or revision not inconsistent with R.C.W. Chapter 41.14, as amended, shall become effective when adopted by the Civil Service Commission. At the discretion of the Commissioners, if changes are deemed to be necessary due to expediency, they can be made throughout the year.

Due notice as used in this section shall mean that at least fourteen days prior to such meeting the chief examiner shall see that public notice is provided as set forth in Section 3.22.

## **RULE 2    POSITIONS COVERED BY THESE RULES**

### SECTION 2.1            Classified and Unclassified Service

The Office of the Sheriff is divided by R.C.W. Chapter 41.14, as amended, into the Classified and Unclassified Services:

- A. The Unclassified Service shall consist of the positions of Undersheriff, Chief Criminal Deputy, Chief Administrative Deputy, and Department of Emergency Management Director. The Unclassified Service is exempt from the provisions of these rules.

B. The Classified Service shall consist of all positions not in the Unclassified Service, to wit:

Deputy Sheriff  
Sheriff's Sergeant  
Administrative Secretary  
Support Specialist  
Dept. of Emergency Management Coordinator  
Records Specialist  
Records Manager

The Commission may establish additional positions in the classified service as it may deem advisable.

### **RULE 3 DEFINITIONS**

Section 3.1            Actual Service

All service from date of hire but excluding leaves of absence.

Section 3.2            Allocate

The act of assigning each position to its proper class.

Section 3.3            Applicant

Anyone who has filed an application to take any civil service examination. Applicant shall remain an applicant until the applicant is appointed to a position or removed from an applicant list or the list expires.

Section 3.4            Applicant List

Shall mean an employment list designating the names of persons who are applying for appointment to a position in the Classified Service.

Section 3.5            Appointment

Includes all means of selecting, appointing, or employing any person to any office, place, position, or employment subject to the Civil Service.

Section 3.6            Assignment

Shall mean the delegation by the Sheriff of civil service personnel to duties of the same class.

Section 3.7            Certify

Shall mean the act of the Commission in supplying the Sheriff with names of applicants who are eligible for appointment to the positions in the Classified Service for which such certification is requested.

Section 3.8            Class

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

Section 3.9            Commission

Shall mean the Civil Service Commission of the Sheriff's Office for Cowlitz County.

Section 3.10        Commissioner

Means any one of the three members of the Cowlitz County Civil Service Commission that have been appointed by the Board of Cowlitz County Commissioners.

Section 3.11        Demotion

Shall mean the placement of an employee to a position in a different class having a lower minimum and maximum salary than the position presently held by the employee.

Section 3.12        Discharge

Shall mean the removal of an employee from their position for cause.

Section 3.13        Employee

A person occupying a position and who is paid for services rendered.

- A. Regular employee shall mean any employee in the Classified Service who has been permanently appointed to a position after serving a probationary period
- B. Part time employee shall mean any employee in the Classified Service position, whose work schedule is less than 29 hours per week.

- C. Provisional employee shall mean any employee filling a position without qualifying by examination
- D. Emergency employee shall mean any employee whose services are required in case of an emergency for a period not to exceed thirty (30) days.
- E. Probationary employee shall mean an employee who is serving a probationary period.

Section 3.14      Layoff

Shall mean the separation from the Classified Service of an employee because of lack of work or funds and without cause on the part of the employee.

Section 3.15      Original Appointment

Shall mean a regular appointment from the eligible list to a position in the Classified Service.

Section 3.16      Probationary Period

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

Section 3.17      Promotion

The elevation of an employee to a permanent position in a higher position as a result of a promotional exam.

Section 3.18      Promotional List

An employment list established by a promotional examination.

Section 3.19      Provisional Appointment

Shall mean a non-competitive appointment.

Section 3.20      Public Notice

Shall mean giving notice in writing by posting in a conspicuous public place in the County Administration Building, Hall of Justice, and by publication in at least one (1) public newspaper having broad circulation within Cowlitz County.

Section 3.21      Re-Employment List

Employment list established by listing former, regular, part time, or probationary employees who have been separated from the Classified Service by layoff in reverse order of seniority.

Section 3.22      Vacancy

Shall mean a position existing, or newly created, which is not occupied.

Section 3.23      Resignation

Shall mean the termination of employment of an employee at the written request of the employee.

Section 3.24      Suspension

Shall mean an enforced absence without pay for disciplinary purposes, or pending investigation of charges made against an employee.

Section 3.25            Position

Shall mean employment, whether part-time or full-time, temporary or permanent, occupied or vacant, composed of specified duties.

**RULE 4      ORGANIZATION**

Section 4.1            The Civil Service Commission

Immediately after being appointed, the Commission shall elect one of its members Chairman and thereafter the Commission shall from time to time elect a Chairman.

Section 4.2            Meetings

The Commission may hold regular meetings once a month or as needed at the discretion of the Commissioners.

**RULE 5      QUALIFICATIONS FOR EXAMINATION**

Section 5.1            Citizenship

An applicant for a position of any kind under the civil service must be a citizen of the United States who can read, write, and speak the English language so as to be easily understood. All members of the Classified Service are required to either reside in Cowlitz County or reside within a one hour commute time to the Hall of Justice.

Section 5.2            Age

The minimum age of an applicant, unless specifically designated otherwise by the Commission or state law, shall be twenty-one (21) years at the time of certification. An applicant who is not 21 years of age when certification occurs will be by passed, but will retain their ranking on the eligibility list.

Section 5.3            Education

An applicant for a position of any kind under the Sheriff's Civil Service as a minimum must have a high school diploma or its equivalent.

Section 5.4            Prior Conviction

An applicant for a position of any kind under these rules must have no prior conviction for or any general factual equivalent of such violations. That is, any deferred prosecution, stipulated continuance, or other equivalent.

Section 5.5            Firearms

An applicant must have no state or federal prohibitions from lawfully possessing a firearm.

Section 5.6            Driver's License

Each applicant must possess a valid license to operate a motor vehicle if the position's duties require operation of a motor vehicle.

Section 5.7            Completion of Application

Each applicant must complete an application, pursuant to Section 6.2, that will include a signed statement from the applicant agreeing to submit to a written examination, physical ability test, oral examination, medical examination, background investigation, CVSA examination or polygraph examination, and psychological evaluation.

**RULE 6      APPLICATIONS FOR EXAMINATION**

Section 6.1            Announcement of Examination

Notice of examination shall be given at least fifteen (15) days in advance of the last date for filing of applications by publication in one newspaper of general circulation published in Cowlitz County, by posting the announcement in a public place and in such other manner as the Commission may deem advisable. Notice of promotional examination and qualifications shall be posted in the Sheriff's Office.

Section 6.2            Filing of Applications

All applicants for positions in the Classified Service must file written application on the form prescribed by the Commission. ALL applications must be received by the Chief Examiner within the time limit fixed in the official announcement of the examination. Application forms may be received from and returned to the Sheriff's Office whom shall screen applicants for minimum requirements as described in Section 6 of these Rules.

Section 6.3                    Change of Applicant's Address

The applicant is responsible for notifying the Commission in writing within two (2) working days of any change of address.

Section 6.4                    Application for Examination

General requirements for filing applications:

- A. In order to be admitted to any examination for a position in the Classified Service one must have filed an application upon forms provided by the Commission and paid all required fees as established by the Commission.
- B. Every person making application must meet the qualifications for the particular position for which they are applying.

Section 6.5                    Rejection of Application

The Commission may reject any application or applicant for cause among which the following shall be sufficient:

- A. That the applicant lacks any of the minimum qualifications for the position for which they are applying.
- B. That the applicant has made any false statement(s), or omission of material fact(s), in their application.
- C. That the applicant has secured confidential information concerning the examination, which might give them an unfair advantage over other applicants.
- D. Applicant has been discharged for cause or who has resigned in lieu of dismissal or probability of dismissal from any civil service position whether it be municipal,

county, state, or federal employment. This sub-section includes any out of state employment that would be subjected to civil service if in Washington State. A “for cause” dismissal may be reviewed by the Sheriff or his designee and, based upon the circumstances, the Sheriff may decide to accept the applicant.

- E. That the applicant did not present themselves at the time and place designated for the examination.
- F. Any applicant for appointment, promotion, re-employment, increase in salary, or other personal advantages who shall directly or indirectly pay or promise to pay any money or any other valuable thing to any person to achieve such appointment, promotion, reemployment, or other personal advantage, shall be ineligible for any further employment in the Classified Service of the County.
- G. Failure to pay any required examination fee.

Section 6.6            Postponement or cancellation of Examination

Any examination may be postponed or canceled at the discretion of the Commission. In either case each applicant shall be notified personally or in writing of the postponement or cancellation. If an examination is cancelled or postponed and the applicant is unable to test on the new date, any fees that the applicant paid will be reimbursed upon request.

Section 6.7            Veteran's Preference

Honorably discharged veterans of the Armed Forces who have received a passing grade on examination for original appointment in Classified Service shall receive credit in accordance with RCW Chapter 41.04, as amended. To receive

such credit, a Department of Defense certificate No. DD 214 must be attached at the time of filing of application. In addition, the applicant must certify that he has not previously received his veteran's preference provided by RCW Chapter 41.04, on any examination.

#### Section 6.8 Lateral Entry for Deputy Sheriff

Any applicant meeting the minimum qualifications required by this Rule may file a lateral entry application, in addition to any other method of application allowed by these Rules.

- A. The applicant must meet all the requirements of Rule 5.1 - 5.7.
- B. The applicant must have successfully completed a probation period required by the commissioning law enforcement agency.
- C. The applicant for deputy sheriff must have successfully completed a state's accredited police academy requirements and attained state law enforcement certification. The applicant must have completed probation and have a minimum one year of continuous full-time law enforcement experience as a general authority police officer. Such employment shall have occurred within 60 months of the application date
- D. The applicant must meet the requirements of section 6.5 (D).

A lateral entry applicant shall complete a personal history questionnaire, and such other application documents as the Commission prescribes. A lateral entry applicant shall take all tests required for other applicants, except for the written examination. The lateral entry scoring sheet shall be so designed that the qualifications of lateral entry applicants will be fairly compared to those of other applicants. After passing

the other required tests, the score on the lateral entry scoring sheet shall be used to place the applicant on the current employment list. If there is no current list, the applicant shall be placed on the next list. When the employment list on which the lateral entry applicant is placed expires, the applicant must re-apply in order to be placed on any subsequent list.

A lateral entry applicant whose name is certified to the Sheriff for filling a vacancy shall be subject to the same background, psychological, and other tests and investigations as other applicants so certified.

A lateral entry applicant may go through the application process at any time, but only one time per list.

A lateral entry applicant will be given preference in that upon the request for three names to be certified; two of these names shall be lateral entry deputy and one shall be entry level deputy. If there are not enough lateral entry applicants on the eligibility list, this 2 to 1 ration shall be filled with entry level deputy sheriff applicants.

E. Advanced Lateral Entry Level: For applicants who have completed Washington State Criminal Justice Training Commission BLEA Academy or its equivalent in another state but didn't complete probation, they would be scored the same as lateral entry applicants when there are no lateral entry applicants available.

## **RULE 7 EXAMINATIONS**

### Section 7.1            Continuous Testing Eligibility List

The Secretary / Chief Examiner, following approval by the Commission, may establish any eligibility list for use by

applicants tested through and certified for eligibility through this continuous testing process.

### Section 7.2            Continuous Testing Defined

Continuous testing shall mean a written examination and/or a standardized physical fitness / agility test conducted pursuant to set and commonly applied 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.

### Section 7.3            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 the list shall be adjusted.

At the October 29, 2014, meeting the Civil Service Rules were amended to comply with RCW 41.04.040 related to veteran's scoring criteria in examinations. In particular, the change in section (3) to include a "5 percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only."

### Section 7.4            Additional Testing

Applicants placed upon this eligibility list shall be subject to an oral board for deputy sheriff applicants and such other testing processes as the Commission shall direct.

As part of the procedure for doing orals, would like to have the same interviewers (if possible) and the same questions used for each of the candidates. Questions will be approved by the Civil Service Commission. Members of the oral board panel should include one person from the Deputies Guild and two other Sheriff's Office members to be designated by the Sheriff. Up to 15 candidates can be given the oral boards at the same time. The oral boards will make up 50% of the score and the written testing will be the other 50%. A candidate must then have a passing score of 70%, at which time the veteran's preference points would be included. If the candidate does not meet the minimum of 70%, he/she is not included on the eligibility list. Names from this eligibility list would then be certified as openings are available. The eligibility list is valid for one year; the Commission can extend the time for an additional year if they so desire.

#### Section 7.5            Removal of Names

The names of candidates certified to this eligibility list shall remain on the list until either certified to a secondary hiring 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. Names may be removed upon notification by the candidate, upon the written notification of another public safety employer, or an entity providing subscription testing.

#### Section 7.6            Examinations Shall be Impartial

All examinations shall be impartial and shall relate to those matters which test fairly the capacity and fitness of the candidate to perform duties of the position to which appointment is to be made. Examinations may be assembled or unassembled, and may include written oral, physical fitness, and performance tests or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, physical fitness, or any other qualifications or attributes which, in the judgment of the Commission, enter into the determination of the relative fitness of the applicant for the position that they are being tested.

#### Section 7.7                      Notification of Results

Each applicant taking the examination shall be given written notice of the results, and if successful, their relative position on the employment list. Applicants may contact the civil service Chief Examiner subsequent to any test to learn of possible new ranking.

#### Section 7.8                      Promotional Examination

Vacancies in higher positions in the Classified Service shall be permanently filled through open competitive testing. Promotional lists will be certified after the five day appeal time has been exhausted. Five days are defined as five business days, Monday through Friday, for appeal times.

#### Section 7.8.1                      Promotional Qualifications

1. Sergeant: Five (5) years of experience as a general authority peace officer, with at least three (3) consecutive years of service as a deputy with the Cowlitz County Sheriff's Office immediately prior to the examination.

2. Administrative Secretary: Two (2) years of regular employee service as a Support Specialist with the Cowlitz County Sheriff's Office. In the event that there are not three applicants for the position, the two (2) year requirement shall be waived.

Section 7.9                      Medical Examination

An applicant shall sign a waiver prior to undergoing a physical ability test. .

Appointees to permanent positions as Deputy Sheriff shall be required to satisfactorily complete a post employment offer medical examination offered at County expense, by a physician designated by the Sheriff prior to actual employment. Failure to qualify on this physical examination may result in withdrawal of the department's employment offer.

Section 7.10                      Grounds for Promotional or Entry Level Examination Appeals

Any individual who participates in a promotional or entry level examination process may file an appeal on the following grounds:

1. The Commission failed to follow the Civil Service Rules or RCW 41.14.080 in administration of the examination and/or examination process.
2. The examination was not valid because it was not job related, question or questions were ambiguous and/or the answer scored as correct was incorrect.
3. The examiners were not impartial.

4. A clerical error was made in scoring the examination.
5. The examination or examination process was discriminatory as defined by State or Federal laws.

Section 7.11      Procedures for Filing Promotional Examination Appeals:

The following procedures must be followed for filing an examination appeal:

1. Notices of appeal must be in writing and filed with the Examiner.
2. The notice of appeal must contain a brief description of the facts giving rise to the appeal, a concise statement of the reason for the appeal and the desired remedy.
3. Notice of the appeal must be received by the Examiner within five (5) business days, Monday through Friday, following notification of results of the examination. Failure to meet this time period is a waiver of any right to appeal the examination.

**RULE 8      EMPLOYMENT LISTS**

Section 8.1   Establishment of Employment Lists

The Commission shall establish and maintain such employment lists for the various positions in the Classified Service as are necessary. Candidates receiving a passing grade in examinations will be notified of their ranking.

The re-employment list shall be exhausted prior to utilizing any other employment list.

Section 8.2                      Duration of List

The term of eligibility of the deputy sheriff employment list other than the re-employment list and of the names appearing thereon shall not be more than one year. Clerical and other lists that have been in effect for more than one year may be abolished and a new examination given.

Section 8.3                      Removal from Employment List

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

- A. A written request from the applicant that his name be removed.
- B. Death of the applicant.
- C. Failure to respond to notice to appear for employment interview with the time listed in such notice.
- D. Declining an offer of permanent appointment.
- E. Where reasonable evidence indicates attempted deception or fraud or other impropriety by the applicant in connection with this test.

- F. In any case where the Commission finds that an applicant is or has in any manner become disqualified for the position for which he is listed in accordance with Section 6.5
- G. Failure to notify the Commission of changes in address.
- H. Appointment to a permanent position through certification from an employment list for another position at the same or higher salary.

Any person whose name is removed pursuant to Section 8.3 (H) may have his name restored for the duration of his eligibility to the list, or lists other than the one from which appointment was made, by making written application for action to the Commission within five (5) working days from the date of removal.

#### Section 8.4                      Restoration of Names to Employment Lists

Whenever any person's name is removed from an employment list for any one or more of the causes mentioned in the preceding section, except Section 8.3 (A) or (B), he shall immediately be notified by written notice mailed to his last address on file with the Commission. Such person may, within five (5) working days from date of removal, make a written request to the Commission for restoration of his name to such list for the duration of his eligibility. The request shall set forth the reasons for the conduct resulting in removal of the name from the list, and shall further specify the reasons advanced for restoration of the name. The Commission after full consideration of the request may restore the name to the employment list or may refuse such request. The person shall be notified by written notice of the Commission's action and such decision shall be final.

## **RULE 9 APPOINTMENTS, PROMOTIONS, AND TRANSFERS**

### Section 9.1 Race, Color, Creed, Sex, Age, National Origin, Political Affiliation or Belief

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

### Section 9.2 General Provisions

Vacancies in the Classified Service shall be filled by re-employment, promotional appointment, original appointment, transfer, or demotion. Whenever the Sheriff wishes to fill a vacancy a requisition for an employee shall be submitted to the Commission. Insofar as practical, each vacancy shall be anticipated sufficiently in advance to permit the Commission to determine who may be available for appointment, or if necessary, to establish an applicant list for that position.

When vacancies are to be filled by appointment from employment lists, the lists shall be used in the following order: (1) By appointment of eligibles from re-employment lists in the order of seniority; (2) By appointment of eligibles from promotional lists; (3) By appointment of eligibles from eligible list.

### Section 9.3 Requisitions

Whenever the Sheriff requires the services of a applicant to fill a vacancy in the Classified Service, he shall request in writing stating the number of employees desired with a description of the position for which the employees are sought and any other information the Commission may desire.

Section 9.4                      Methods of Filling Vacancies

The Commission shall certify the proper names(s) from the appropriate employment list(s) and no appointment shall be made without such certification. If no re-employment list exists, the Commission shall certify the three names highest on the appropriate list according to the order in which they appear on the list.

- A. Whenever there is a vacancy that may be filled through a promotional appointment, and three or fewer employees timely apply for such appointment, the Commission may certify to the Sheriff the names of all the applicants, without administering an examination and without ranking the applicants. If the Commission elects not to certify the names of all such applicants, or if more than three employees timely apply for such appointment, the Commission shall proceed according to the other provisions of these rules. To the extent of any inconsistency between this rule and any other rules, this rule shall apply.

Section 9.5                      Certification of Applicants

- A. If more than one vacancy is to be filled, the name of one additional applicant for each additional vacancy shall be certified.
- B. Groups of applicants from employment lists shall be certified to vacancies as set forth in Section 9.2.
- C. When there are no names available for filling any vacancy, the Sheriff may request that the vacancy be filled by provisional appointment.

Section 9.6                      Effective Life of Job Certification

Certification of a name or names from a list in response to the Sheriff's request for an eligible to fill a vacancy shall be in effect until the eligibility list expires or is abolished. Report of any appointment from such certification must be filed at the office of the Commission upon the appointment being made.

Promotional eligibility lists shall expire three (3) years after Commission certification.

Section 9.7                      Notice of Certification

Eligibles certified in response to a properly executed personnel request shall be notified to appear for an interview with the Sheriff within such time as may be designated by the Commission.

Section 9.8                      Hiring of Provisional Employees

The Commission may authorize the Sheriff to fill a vacancy by provisional appointment. In such case, the Commission may recommend persons to the Sheriff or may approve the appointment of persons nominated by the Sheriff.

Section 9.9                      Provisional, Performance Requirements

A provisional employee must meet the Civil Service qualifications for examination as well as applicable physical and educational standards set by the Commission.

Section 9.10                      Performance Tests

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

Section 9.11            Termination of Provisional Appointment

A provisional appointment shall be terminated at such time as an appointment can be made from an employment list and shall be for no longer than four (4) months. No person shall receive more than one provisional appointment or serve more than four (4) months as a provisional appointment in any one fiscal year.

Section 9.12            Emergency Appointment

Emergency appointments to the Sheriff's Office may be made by the Sheriff in an emergency which 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 employment lists. Emergency appointees do not have to meet the requirements of section 9.9.

Section 9.13            Probationary Period

A period during which an appraisal of an employee's skills, aptitudes, and adjustments are made prior to their appointment in that position.

Entry level deputy sheriffs shall be probationary for a period of 18 months, defined as 547 days.

All appointments for lateral deputy sheriff, clerical, court security, and promotional positions shall be probationary for a period of one year, defined as 365 days.

Section 9.14            Termination of Employees on Probation

The Sheriff shall notify the employee and the Commission of the termination of an employee on probation. If an employee, promoted to a higher class as a result of certification from a promotional list, is found unsuited for the work of the class during the probationary period, he shall be reinstated to the position in the class from which he was promoted.

Section 9.15            Retention of Civil Service Status -  
Conditions

Any classified employee having Civil Service status in a position may take an appointment in an exempt position in the same county and maintain the right to return to his or her regular position or to a like position at the conclusion of such appointment. Such employee must apply to return to classified service within thirty (30) calendar days of: (A) Termination of employment in such exempt position; or (B) Termination of employment in any other exempt position in which the employee subsequently serves provided there was no break in service with the county of more than thirty (30) calendar days. An employee who is terminated for criminal or unprofessional behavior or activity that would disqualify any applicant from the Civil Service list is not eligible to be reinstated.

All benefits of any person reinstated to a classified position shall be computed on the same basis as though the service rendered in an unclassified position had been rendered in a classified position.

Should no vacancy exist in the last position held at the time appointment, one will be created by laying off the lowest seniority employee in that position. If the laid off employee is

on probation, intact accrued probationary time and observations will remain intact at time of rehire.

Section 9.16            Acceptance of Temporary Appointment

The acceptance by an eligible of a provisional appointment shall not affect his standing on the eligible list for permanent appointment. Such service shall not be counted as part of the probationary period in case of such appointment to a permanent position.

Section 9.17            State and/or Federally Funded Employees

Applicant(s) who fill these positions(s) must meet all requirements of the position and be certified by the Commission.

Section 9.18            Right to Return Following Promotional Appointment

This section applies to any persons who as successfully completed his or her probationary period in any Classified Service position within the Cowlitz County Sheriff's Office. Such Classified Service positions are provided in Rule 2 of these Rules. If such person accepts a promotional appointment to the Classified Service position of Sheriff Sergeant, or Administrative Secretary, as provided in Rule 2, he or she shall maintain the right to return to his or her previously held Classified Service position at any time during the time of such promotional appointment, upon his or her written notice of intent to return being delivered to the Sheriff. Any person who has returned to his or her previously held Classified Service position under this rule shall be credited with seniority in such Classified Service position as if he or she had remained in that position instead of accepting the promotional appointment.

Section 9.19      Right to Return Following Lay Off or Removal from Promotional Appointment

This section applies to any person who has successfully completed his or her probationary period in any Classified Service position within the Cowlitz County Sheriff's Office. Such Classified Service positions are provided in Rule 2 of these Rules. If such person accepts a promotional appointment to the Classified Service Position of Sheriff Sergeant, or Administrative Secretary, as provided in Rule 2, and he or she is laid off or otherwise removed from such promotional position for any reason not referred to in RCW 41.14.110, has a period of 10 days from the date of such lay off or removal from the promotional position, to exercise his or her right to return to his or her previously held Classified Service position. Such right to return is waived if he or she does not deliver to the Sheriff, within such 10 day period, a written notice of intent to return to such previously held Classified Service position. If at the time of delivery of such notice there is no vacancy in such Classified Service position, a vacancy shall be created within 30 days by laying off the least senior person holding such Classified Service position. A person who has returned to any previously held Classified Service position under this rule shall be credited with seniority in such Classified Service position as if he or she had remained in that position instead of accepting the promotional appointment.

If a person is laid off from a promotional position for non-disciplinary reasons while on probation for the position, the employee will remain eligible to be returned to the promotional position when an opening occurs and will retain credit for time in grade as applied towards completion of probation.

B. If a person has been laid off from a classified position, that person retains the right to be on a "recall" list for 24 months from time of lay-off. This would allow the person to be

reinstated to a position in the same classification in the event a vacancy occurs. At the end of 24 months the person can apply and test for that position when the next opportunity occurs.

## **RULE 10 SENIORITY, SEPARATION, LEAVES OF ABSENCE, AND REINSTATEMENT**

### Section 10.1      Resignation

Resignation of an employee from the service shall be made in writing, stating the reasons for resignation, to the Sheriff and shall be made at least two (2) weeks before the effective date. The Sheriff may comment as appropriate relative to the background for the resignation thereon. A copy of the resignation shall be forwarded to the Commission.

The Commission may, at its discretion, permit the withdrawal of a resignation and placement of that person's name on the re-employment list only upon a written request filed with the Commission within ten (10) days from the effective date of the resignation, provided such request for withdrawal is approved by the Sheriff.

### Section 10.2      Seniority

Seniority for the purposes of layoff, demotion in lieu of layoff, or re-employment shall be the length of continuous service as a probationary or regular employee in the specific class involved and in all higher classes to which such employee has been appointed as a result of a promotional examination.

### Section 10.3      Reduction in Force

Layoff due to reduction in force shall be made in inverse order or seniority in the class involved.

Section 10.4      Leave of Absence

Leave of absences not exceeding thirty (30) days and without pay, and not falling under the provisions of the Family Medical Leave Act (FMLA), may be granted by the Sheriff to any person under the Civil Service; provided that the Sheriff gives notice of such leave in writing to the Commission. A temporary opening caused by a leave of absence shall be filled by a provisional employee made from the eligible lists of the Classified Service, provided that the department decides a temporary opening must be filled. Longer leaves of absence may be granted by the Commission upon written request of the employee and upon written approval by the Sheriff.

**RULE 11    POLITICAL ACTIVITY**

Section 11.1      Political Activity

- A. Solicitation for, or payment to, any partisan, political organization, or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited; Employees of the Civil Service shall not be prohibited from soliciting dues or contributions from members of their associations. No person shall solicit on state or county property any contribution to be used for political purposes.
  
- B. Employees of the Civil Service shall have the right to vote and to express their opinions on all political subjects

and candidates and to hold any political party office or participate in the management of partisan political campaigns. They shall further have the right to participate fully and campaign relating to Constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

- C. Civil Service employees whose salaries are financed in total or primarily by Federal grant-in-aid funds will be subject to the rules and regulations governing political activity that have been adopted by the Federal Office of Personnel Management.

## **RULE 12 SECURITY OF FILES**

### Section 12.1 Security of Materials

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

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

### Section 12.2 Security Violation

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

Section 12.3      General Rules

General file records will be retained for whatever time period is required by law.

**RULE 13    GENERAL PROVISIONS**

Section 13.1      Payroll Certification by Commission

The Chairman of the Commission shall certify the payroll of the classified employees of the Sheriff's Office as being in compliance with RCW 41.14, upon receipt of the statement by the Sheriff that each classified employee being paid thereunder has been appointed or employed in compliance with Washington State Law and the rules of the Commission and that the payroll is true and accurate.

The Commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who willfully or through culpable

negligence, violates or fails to comply with RCW 41.14 or with the Rules of the Commission.

No treasurer, auditor, or other officer, or employee of Cowlitz County subject to RCW 41.14, as amended, shall approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of RCW 41.14, as amended, unless a payroll, estimate, or account for such salary, wage, or other compensation, containing the name of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which in the judgment of the Commission should be furnished on such payroll, bears the certificate of the Commission, or other duly authorized agent, that the persons named therein have been appointed or employed in compliance with the terms of this act and the rules of the Commission, and that the payroll, estimate, or account is, insofar as is known to the Commission, a true and accurate statement.

### Section 13.2            Right of Appeal to Superior Court

The right of appeal shall be limited to that provided in this Section, unless otherwise provided in these rules or in RCW 41.14, as amended.

Any member of the Classified Service or any applicant for a position in the Classified Service may appeal to the Superior Court from any action taken by the Commission. Any such appeal shall be taken by filing an appropriate action in the Superior Court of Cowlitz County with a copy served to the Secretary of the Commission. Such appeal shall be brought within ten (10) days from the date notice of the Commission action is received.

Section 13.3      Penalty

Any person who willfully violates any of the provisions of RCW 41.14, or these Rules, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars (\$100.00) and by imprisonment in the county jail for not longer than thirty (30) days or by both such fine and imprisonment. The Superior Court shall have jurisdiction of all such offenses.

**RULE 14    DISCIPLINARY    ACTION,    INVESTIGATION,    AND  
HEARING**

Section 14.1      No Removal, Suspension without Pay, or  
Demotion Except for Cause

No person in the Classified Service who has been permanently appointed or included in the Civil Service under provision of these rules shall be subject to suspension, removal, demotion, or otherwise disciplined by the Sheriff except for cause as provided by RCW 41.14, as amended, and these Rules.

Section 14.2      Causes Enumerated

The following are declared to be adequate causes for removal or other disciplinary action, although such action may be based upon other than these enumerated, namely:

- (1) Incompetency, inefficiency, or inattention to or dereliction of duty;
- (2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of RCW 41.14 or rules and regulations to be adopted thereunder;
- (3) Mental or physical unfitness for the position which the employee holds;
- (4) Dishonest, disgraceful, or prejudicial conduct;
- (5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such an extent 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;
- (6) Conviction of a felony, or a misdemeanor involving moral turpitude;
- (7) Any other act or failure to act which in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service;

- (8) Carelessness or negligence in the use of county property;
- (9) Failure or refusing to cooperate in any investigation of a complaint against him or other member of the Classified or Unclassified Service, including submitting to interrogation.

Section 14.3            Complaint in writing

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

Section 14.4            Right to Investigation

Any person who is removed, suspended, or demoted as the result of the filing of a complaint may appeal within ten (10) days of the time of his removal, suspension, or demotion by filing with the Commission a written statement setting forth in concise detail the grounds for the appeal. The name, address, date, and signature of the person making the request must appear on the document. Upon receipt of such demand, the Commission shall conduct such an investigation.

The Commission shall make an investigation upon its own motion or upon the petition of any citizen duly verified stating that irregularities or abuses exist in the administration of the Civil Service Act or setting forth in concise language in writing the necessity of such investigation.

Section 14.5            Investigation, Complaint, Answer

Whenever such an investigation is conducted by the Commission, upon petition of a citizen as provided in Section 14.3 of this rule, the Commission shall provide a copy of the complaining document to the Sheriff or other person to whom complaint is made. Within ten days following service of the complaining document upon the Sheriff of any other person affected, the party against whom complaint is directed may file with the Commission, in writing, an answer to the complaint or petition.

Section 14.6            Conduct of Investigation

All investigations conducted by the Commission shall be by public hearing, after at least ten (10) days notice to the accused of the time and place thereof at which hearing the accused shall be afforded an opportunity of appearing in person, and represented by a person of his choice, in presenting his defense. In the conduct of such hearings and investigations, the Commission shall not be bound by the legal rules of evidence. Hearings may be conducted in an informal fashion. No informality in the proceedings or hearing, or in the manner of taking testimony before the Commission or designated Commissioner, shall invalidate any order or decision made, approved, or confirmed by the Commission. The investigation shall be confined to the determination of the questions of whether or not the removal, suspension, or demotion was made in good faith for cause.

Section 14.7            Single Commissioner May Investigate or Conduct Hearing

Any investigation or hearing provided by the rules of the Commission may be made by the Commission or by any Commissioner designated by the Commission for the purpose. No order, decision, rule, or regulation made by any designated Commissioner conducting any hearing or investigation alone

shall be of any force or effect whatsoever until it is concurred with by one of the other two members.

#### Section 14.8            Subpoena Powers Granted

In the course of any investigation or hearing the Commission or designated Commissioner, or Chief Examiner, may administer oath, subpoena, and require the attendance of witnesses and the production of books, papers, documents, and accounts pertaining to the investigation and also cause the deposition of witnesses residing within the State to be taken in a manner prescribed by law for like depositions in civil actions in the Superior Court; and the other administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas issued by a Superior Court judge in his judicial capacity; and the failure of any person so subpoenaed to comply with the provisions of this act shall be deemed a violation of RCW 41.14, as amended, and punishable as such.

#### Section 14.9            Investigation Results

After such investigation the Commission may affirm the removal, or if it finds that removal, suspension, demotion, or other disciplinary action was not made in good faith for cause, shall order an appropriate remedy. If the Commission so provides such remedy, it may be retroactive, and entitle such person to pay or compensation from the time of the disciplinary action.

The findings of the Commission shall be certified, in writing, to the Sheriff and interested parties within fifteen (15) days, and shall be forthwith enforced by such officer.

THE GENERAL RULES AND REGULATIONS of the Civil Service Commission of the County of Cowlitz pertaining to Civil Service in the SHERIFF'S OFFICE OF COWLITZ COUNTY were:

PASSED AND ADOPTED THIS 15th day of August, 2019

Denny Parkhill, Chairman

George Brajcich, Commissioner

Steve McWilliams, Commissioner