

GENERAL RULES AND REGULATIONS
CIVIL SERVICE COMMISSION
CITY OF PASCO

Includes Revisions Adopted through
April 2022

Ericka Garcia, Chairperson

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PREFACE

The GENERAL RULES AND REGULATIONS of the CIVIL SERVICE COMMISSION of the CITY OF PASCO were adopted in accordance with RCW 41.12 (Police Department) and RCW 41.08 (Fire Department) by Pasco Ordinances #434 and #783, respectively (Pasco Municipal Code, Section 2.20 and 2.22.)

Over the years these Rules have been amended to conform with current requirements. This printing includes all amendments to date. Future amendments will be made by replacing the entire page containing the Rule that has been amended. For easy reference, the date of the Regular or Special Meeting authorizing the amendment will be placed at the end of each section.

CIVIL SERVICE RULES AND REGULATIONS
CITY OF PASCO, WASHINGTON
TABLE of CONTENTS

Pasco Civil Service Commission
Rules and Regulations
Amended April 2022

Rule 1	AUTHORITY AND PURPOSE	4
Rule 2	DEFINITIONS	6
Rule 3	ADMINISTRATION	10
Rule 4	MEETINGS OF THE COMMISSION	12
Rule 5	HEARINGS	14
Rule 6	CLASSIFICATION	18
Rule 7	APPLICATIONS AND APPLICANTS	19
Rule 8	COMPETITIVE EXAMINATIONS	23
Rule 9	ELIGIBLE LISTS	29
Rule 10	CERTIFICATION AND APPOINTMENT	32
Rule 11	PROBATION	36
Rule 12	TEMPORARY AND PROVISIONAL APPOINTMENTS	37
Rule 13	LEAVES OF ABSENCE	38
Rule 14	DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND RESIGNATION	39
Rule 15	LAYOFFS AND RE-EMPLOYMENT LISTS	42
Rule 16	CERTIFYING SALARY ACCOUNTS	44
Rule 17	CLASS SPECIFICATIONS FOR POLICE	45
Rule 18	CLASS SPECIFICATIONS FOR FIREMEN	46

**CIVIL SERVICE RULES AND REGULATIONS
PASCO, WASHINGTON**

RULE 1: AUTHORITY AND PURPOSE

- 1.01 Rules Prescribed
- 1.02 Purpose
- 1.03 Employment Practices
- 1.04 Existing Employees
- 1.05 Severability
- 1.06 Abbreviations
- 1.07 Commission Authority

1.01 RULES PRESCRIBED: In accordance with the provisions of Chapters 41.08 and 41.12 RCW, the Civil Service Commission of the City of Pasco, an unchartered code city of the second class in said State, hereby adopts the following rules and regulations for carrying out the purposes of said acts and which shall have the force and effect of law. [AMENDED 1-84] [AMENDED 11/10]

1.02 PURPOSE: These Rules are prescribed for the purpose of carrying out the provisions of the law, of assuring the continuance of the civil service system, or promoting efficiency in the dispatch of public business, of selection and promotion of employees on the basis of merit, and of assuring all employees in the classified civil service of fair and impartial treatment at all times. To these ends the Rules shall be liberally construed.

1.03 EMPLOYMENT PRACTICES: No persons in the classified civil service, or seeking admission thereto, shall be appointed, promoted, reduced, or removed, or in any way favored or discriminated against in their employment or opportunity for employment because of their race, color, age, religious or political opinions or affiliations, union affiliation or national origin, except as specifically authorized by statute, ordinance or these civil service Rules regarding the selective certification process. [AMENDED 1-84]

1.04 EXISTING EMPLOYEES: All persons holding a position in the fire department or police department of the City of Pasco, and who are not on probationary status when these Rules take effect, and who have served in such position for a period of at least one year last past continuously, are hereby declared regularly appointed to the offices, positions or employment which they shall then hold, respectively, without examination or other act on their part. [AMENDED 11/10]

1.05 SEVERABILITY: If any rule, section, paragraph, sentence, clause or phrase of these Rules is declared unconstitutional, 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, and phrase hereof, irrespective of the fact that any one or more rules, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional, illegal, or void.

1.06 ABBREVIATIONS: These “Civil Service Rules and Regulations may be cited as “CSRs”. [ADDED 1-84]

1.07 COMMISSION AUTHORITY: Notwithstanding the provisions of any rule or regulation adopted by the Commission, the Commission shall have at all times the full power and authority to do any act or perform any function allowed the Commission by state law. [ADDED 1-84]

RULE 2: DEFINITIONS

UNLESS OTHERWISE REQUIRED BY THE CONTEXT, WORDS USED IN THESE RULES AND REGULATIONS ARE UNDERSTOOD TO HAVE THE FOLLOWING SPECIAL MEANINGS:

2.01 ACTUAL SERVICE. Time, under civil service appointment, engaged in the performance of the duties of a position or positions including absences with pay.

2.02 ALLOCATE. To locate or place a position in the appropriate class on the basis of similarity of duties and responsibilities or required qualifications.

2.03 APPLICANT. A person who has filed an application to take a civil service examination.

2.04 APPOINTING AUTHORITY. The City Manager for the City of Pasco or his designee. [AMENDED 1-84]

2.05 APPOINTMENT, PROVISIONAL. A limited appointment to a classified position, which is not vacant, but is currently unfilled due to an authorized leave of absence; or a non-certified person to a classified position for which there is no current eligible register. [AMENDED 11/10]

2.06 APPOINTMENT, REGULAR. The offer to, and acceptance by, a person on an eligible list of a position either on a regular or temporary basis. [AMENDED 11/10]

2.07 APPOINTMENT, TEMPORARY. A limited appointment other than from an eligible register/list for the purpose of performing work belonging to the classified service. (A reduction of a regular employee is not a temporary appointment.) Temporary appointment includes emergency appointment. [ADDED 11/10]

2.08 ASSIGNMENT. An employee may be assigned to a position which carries additional salary and additional limited responsibilities and is within the scope of the specification for the class from which the assignment is made. [ADDED 11/10]

2.09 BREAK IN SERVICE. Any interruption in continuous service, except for absences on approved leave, or absences to serve in the Armed Forces of the United States. Re-employment does not make the service continuous.

2.10 BUSINESS DAYS. Calendar days exclusive of Saturdays, Sundays, and legal holidays.

2.11 CANDIDATE. A person who has completed a civil service examination, or is in the process of doing so.

- 2.12 CAUSE. Cause shall mean good, sufficient or just cause as determined by the Commission; exercised by the appointing authority in good faith and without discrimination on the basis of any protected classification; and, in consideration of the total context of a disciplinary action, including procedural fairness and consideration of an employee's work record. [ADDED 7/10]
- 2.13 CERTIFICATION. [Certified Eligible List] A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which the primary appointing authority may fill a vacancy. [ADDED 11/10]
- 2.14 CERTIFY. Verification to the appointing authority that a list of names of candidates for employment has been selected from the list of persons tested and found initially eligible for employment. [ADDED 11/10]
- 2.15 CITY. The City of Pasco, Washington. [AMENDED 11/10]
- 2.16 CLASS. A position or group of positions sufficiently similar in respect to duties and responsibilities so that the same title may be applied to each position, substantially the same qualifications may be required, and approximately the same salary range may be applied with equity. [Amended 11/10]
- 2.17 CLASSIFIED CIVIL SERVICE. All offices and positions in the service of the City under civil service.
- 2.18 COMMISSION. The Pasco Civil Service Commission.
- 2.19 CONTINUOUS SERVICE. Employment without interruption, except for absences on approved leave, or absences to serve in the Armed Forces of the United States.
- 2.20 DEMOTION. The removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class. [AMENDED 11/10]
- 2.21 DEPARTMENT. The police or fire departments of the City of Pasco.
- 2.22 DISCHARGE. Termination, separation, dismissal or removal from service for cause. [[AMENDED 7/10]
- 2.23 ELIGIBLE. The status of a person qualified by reason of having passed an appropriate Civil Service examination(s) and been placed on the proper eligible register. [AMENDED 11/10]
- 2.24 ELIGIBLE LIST/REGISTER. A list of names of persons who have passed all of the civil service examination(s) for a specific class from which vacancies may be filled. [AMENDED 11/10]
- 2.25 EMPLOYEE. Any person holding a position in the classified service of the City.

2.25.01 EMPLOYEE – REGULAR. Any employee who has been appointed from an eligible list and who has satisfactorily served the full probationary period. [ADDED 11/10]

2.25.02 EMPLOYEE – TEMPORARY. Any employee appointed to fill an emergency, temporary or short-term need. [ADDED 11/10]

2.25.03 EMPLOYEE – EXEMPT. Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the appointing authority. [ADDED 11/10]

2.25.04 EMPLOYEE – PROBATIONARY. A person appointed from an eligible list who has not yet completed the specified trial period of employment. [ADDED 11/10]

Note: A regular employee is the only employee with rights under Rule 5.01.

2.26 EXAMINATION. The process of testing the fitness and qualifications of applicants for positions in a specific class. [AMENDED 11/10]

a. EXAMINATION – ENTRANCE. An examination open to any member of the public meeting the requirements as stated in the official notice announcing the examination. [ADDED 11/10]

b. EXAMINATION – PROMOTIONAL. An examination limited to employees (and public if so stated) meeting the requirements stated in the official notice announcing the examination. [ADDED 11/10]

2.27 HIM. Refers to both the male and female genders.

2.28 LAYOFF. Separation from a regular position because of economy, lack of funds, lack of work, or because the position has been abolished. [AMENDED 11/10]

2.29 LATERAL ENTRY. The appointment of a person from an eligible list comprised solely of persons who have certain minimum prior experience in the position being filled or persons who are currently employed in such position with another municipality or agency. The Civil Service Commission may dispense with such components of the regular competitive examination process as it determines proper in the establishment of a lateral-entry list. [ADDED 11/10]

2.30 OFFICIAL BULLETIN BOARD is the bulletin board upon which all official notices of the commission shall be posted and which is located in Human Resources Office. [AMENDED 11/10]

2.31 OFFICIAL PUBLICATION means that publication designated as official by the City of Pasco.

2.32 POSITION. Any group of duties and responsibilities in the classified civil service of the City requiring the full or part-time employment of one person which is included in the City budget. [AMENDED 11/10]

2.33 PROBATION OR PROBATIONARY. The status of an employee during a trial period following an appointment from an eligible list. This trial period is a working test during which an employee is required to demonstrate by actual performance of the duties his fitness for the position to which he has been certified and appointed.

2.34 PROBATIONER. An employee who has probationary status.

2.35 PROMOTION. The appointment of an employee to a higher class or to a position of higher skill or responsibility level. [ADDED 11/10]

2.36 REDUCTION. The removal of any employee from a higher to a lower class for reasons other than cause. [AMENDED 11/10]

2.37 REINSTATEMENT. Re-appointment of a regular employee to a position in a class in which the employee was a regular employee. [AMENDED 11/10]

2.38 REINSTATEMENT REGISTER. A list of names of persons who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class. [AMENDED 11/10]

2.39 RESIGNATION. A written request by an employee for separation from a class or from the City service. [ADDED 11/10]

2.40 SEPARATION. Leaving a position and includes resignation, discharge, and layoff. Where it refers to separation from a position in a particular class to accept another position, it also includes promotion, demotion and reduction. [AMENDED 11/10]

2.41 VETERAN'S PREFERENCE. Preference in examinations, based on military service, as provided and defined by applicable laws of the State of Washington. [AMENDED 11/10]

RULE 3: ADMINISTRATION

- 3.01 Election of Chairperson
- 3.02 Duties of Chairperson
- 3.03 Chairperson Pro Tem
- 3.04 Death, Disability or Resignation of Chairperson
- 3.05 Secretary and Chief Examiner
- 3.06 Duties of the Secretary and Chief Examiner
- 3.07 Secretary Pro Tem
- 3.08 Amendments of Rules
- 3.09 Effective Date of Rules
- 3.10 Copies of Rules

3.01 ELECTION OF CHAIRPERSON. At the first regular meeting in January of each year, the Commission shall elect one of its members as Chairperson to serve for a term of one year, or until a successor is duly elected and qualified [AMENDED 11/10]

3.02 DUTIES OF CHAIRPERSON. The Chairperson shall preside at all meetings of the Commission and act as spokesperson for the Commission. [AMENDED 11/10]

3.03 CHAIRPERSON PRO TEM. In his absence, the Chairperson shall designate one of the Commissioners to act as chairman pro tem, who shall have all the powers of Chairperson. If no such designation has been made, the two Commissioners present shall agree who shall act as chairperson pro tem. [AMENDED 11/10]

3.04 DEATH, DISABILITY OR RESIGNATION OF CHAIRPERSON. In the event of the death resignation or disability of the chairperson, and after a successor has been selected, the Commission shall at the first meeting following said selection, elect a new chairperson who shall serve as chairperson until the Commission's next regular meeting in January. [AMENDED 11/10]

3.05 SECRETARY AND CHIEF EXAMINER. The Executive Department, through the City Manager or designee, shall perform the duties of, and serve as, the Civil Service Commission Secretary and Chief Examiner. [REVISED 8/01]

3.06 DUTIES OF THE SECRETARY AND CHIEF EXAMINER. The Secretary and Chief Examiner shall attend the meetings of the Commission and shall administer personnel functions of the classified service, enforce the provisions of the Civil Service Acts and these Rules, except those functions and the duties reserved to the Civil Service Commission, and shall perform all lawful and necessary duties delegated to him by the Commission, and all functions essential to the effective administration of the civil service system.

3.07 SECRETARY PRO TEM. In the absence of the Secretary and Chief Examiner, the City shall appoint a Secretary Pro Tem to act as secretary of the Commission until the return of the Secretary and Chief Examiner. [AMENDED 11/10]

3.08 AMENDMENTS OF RULES. The Commission may amend these Rules or adopt new Rules by majority vote of the Commission at any regular or special meeting of the Commission.

3.09 EFFECTIVE DATE OF RULES. All Rules and amendments shall become effective immediately upon their adoption by the Commission unless some later date is specified therein.

3.10 COPIES OF RULES. A copy of these Rules and a copy of all subsequent Rules or amendments shall be sent as soon as practicable after adoption to each affected department of the City. A copy shall be maintained in the office of the Commission (Human Resources Office) for public inspection, and copies shall be available for public distribution as required by State Law. [AMENDED 11/10]

RULE 4: MEETINGS OF THE COMMISSION

- 4.01 Regular Meetings
- 4.02 Adjourned Regular Meetings
- 4.03 Special Meetings
- 4.04 Place of Meetings
- 4.05 Public Meetings
- 4.06 Executive Sessions
- 4.07 Rules of Order
- 4.08 Quorum
- 4.09 Communications
- 4.10 Minutes

4.01 REGULAR MEETINGS. Regular meetings shall be held the third Monday of each month at 5:15 p.m., or at such other day or time as the Commission, at a prior meeting, may designate. When the regular meeting day falls on a holiday, the Commission shall meet on the next succeeding business day, unless, at a prior regular meeting, it designates some other day for its meeting. [AMENDED 3/08] [AMENDED 7/15]

4.02 ADJOURNED REGULAR MEETINGS. The Commission may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified by rule for regular meetings.

4.03 SPECIAL MEETINGS. A special meeting may be ordered at any time by the Chairman or by any two Commissioners by delivering written notice (in person, by mail, by e-mail) to each member of the Commission, and by properly advising the public of the time and place of such meeting by notifying press in the area. [AMENDED 11/10]

4.04 PLACE OF MEETING. All meetings shall be held in the Conference Room #1 in City Hall, Pasco, Washington, unless the notice of a special meeting, or the order of adjournment of a regular or adjourned meeting, specified some other place, or unless the Commission determines at a prior meeting to meet at some other place. A notice stating where the meeting will be held shall be publicly posted at least 24 hours before the time set for a meeting, stating where the place of meeting is to be other than at the place set forth in these Rules. [AMENDED 11/10]

4.05 PUBLIC MEETINGS. All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission, except as otherwise provided in Rule 4.06.

4.06 EXECUTIVE SESSIONS. The Commission may hold executive sessions to consider the employment or dismissal of a public officer or employee in a civil service position. Except

that all investigations made by the Commission pursuant to 41.08.090 and 41.12.090 shall be made by public hearing. The Commission may also exclude witnesses and others as provided in Rule 5.09. [AMENDED 1-84] [AMENDED 11/10]

4.07 RULES OF ORDER. Except as otherwise provided herein, Robert's Rules of Order shall guide the Commission in its proceedings.

4.08 QUORUM. Two members of the Commission shall constitute a quorum, and the concurrence of two members shall be necessary to any action.

4.09 COMMUNICATION.: Communications and requests to the Commission, insofar as practicable, shall be in writing. The substance of each request and the action of the Commission thereon shall be noted in the minutes.

4.10 MINUTES. The Secretary and Chief Examiner, or the Secretary Pro Tem, shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners except when the action is unanimous. When requested, a Commissioner's dissent or approval, with his reasons, shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes, or a true copy thereof, certified by the Chairman or Chairman Pro Tem, and by the Secretary and Chief Examiner, or the Secretary Pro Tem, shall be open to public inspection.

RULE 5: HEARINGS

- 5.01 Right to a Hearing
- 5.02 Petition for Hearing
- 5.03 Time Within Which Petition Must be Filed
- 5.04 Presence of Commissioners at Hearings
- 5.05 Notice
- 5.06 Rights of Petitioner
- 5.07 Failure of Petitioner to Appear
- 5.08 Evidence
- 5.09 Exclusion of Witnesses
- 5.10 Testimony of Petitioner
- 5.11 Burden of Proof
- 5.12 Findings and Decisions
- 5.13 Report of Hearing
- 5.14 Transcript of Hearings
- 5.15 Judicial Review

****NOTE:** In accordance with RCW 41.08.090 (Fire) and 41.12.090 (Police), “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**, demoted or discharged except for cause...” At the September 21, 2015, Civil Service Commission Meeting the Commissioners reviewed the RCW’s listed above and found they do not have the authority to hear an appeal for removal from an Eligible List that is not from a regular employee who has been permanently appointed or inducted under these Civil Service Rules. [AMENDED 9/15 clarifying language added to Rules 7/21]

5.01 RIGHT TO A HEARING. Any person entitled to a hearing before the Commission under State Law or these Rules, or adversely affected by any action or decision of the Secretary and Chief Examiner, or of the Commission, made without notice to and opportunity for such person to be heard, may petition for a hearing before the Commission.

5.02 PETITION FOR HEARING. Such petition shall be in writing, signed by the petitioner, giving his mailing address, the ruling from which he appeals, and in plain language and in detail the facts and the reasons upon which his case is based. Any grounds or objections not specifically stated in such request shall be deemed waived. A hearing on the merits may be denied if the petition fails to state specific facts or reasons, or if in the opinion of the Commission the facts and reasons stated, if true, would not entitle the petitioner to any relief, but such denial shall be without prejudice to the filing of an amended petition, if the time for requesting a hearing has not expired.

5.03 TIME WITHIN WHICH PETITION MUST BE FILED.

- A. Unless otherwise provided in these Rules, a petition for hearing before the Commission must be filed within the following time limits:
 - 1. In a discharge or reduction matter ten (10) business days after mailing of notice of discharge or reduction.
 - 2. In an appeal from any ruling of the Secretary and Chief Examiner concerning any aspect of an examination, five (5) business days after receipt by the Commission of the report of examination under Rule 8.
 - 3. In all other matters, not later than ten (10) business days after the ruling or order complained of.
- B. The Secretary and Chief Examiner, or the Commission, may extend the time for filing a petition where good cause for the delay is shown and it is shown that other parties are not likely to suffer substantial hardship from such delay.

5.04 PRESENCE OF COMMISSIONERS AT HEARINGS. All hearings shall be held before the Civil Service Commission, and all Commissioners shall be present.

5.05 NOTICE. The Commission shall set the matter for hearing and shall give a petitioner at least ten (10) business days notice in writing of the date and place of such hearing. In discharge or reduction hearings, similar notice shall be given to the appointing authority and department head. [AMENDED 11/10]

5.06 RIGHTS OF PETITIONER. When a hearing is granted, the petitioner shall attend, unless excused by the Commission under Rule 5.07, and shall be entitled to:

- A. Be represented by counsel at such hearings;
- B. Testify under oath;
- C. Bring witnesses with him to testify for him;
- D. Cross-examine all witnesses appearing against him and all employees of the City whose actions are in question, or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the Commission;
- E. Impeach any witness before the Commission;
- F. Present such affidavits, exhibits, and other evidence as the Commission deems pertinent to the inquiry;

G. Argue the case.

The appointing authority and department director, the Secretary and Chief Examiner and other members of the Commission staff, and any other person whom the Commission finds to be interested in the matter, shall be entitled to the same privileges. [AMENDED 7/10]

5.07 FAILURE OF PETITIONER TO APPEAR. In all hearings before the Commission, the failure of the petitioning employee to appear at the time and place set for hearing without good cause therefore being given to the Commission in advance, shall be deemed a withdrawal of his petition and consent to the action or ruling from which his appeal was taken.

5.08 EVIDENCE. Hearings shall be informal and need not be conducted according to the technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted regardless of its source and the commissioners themselves shall decide the weight and sufficiency of the evidence presented. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Oral evidence shall be taken only under oath or affirmation.

5.09 EXCLUSION OF WITNESSES. The Commission may, at its discretion, exclude witnesses not under examination, except the Secretary/Chief Examiner, the petitioner or person to be discharged or reduce, the appointing authority and department director, and counsel. [Amended 1/84] [AMENDED 11/10]

5.10 TESTIMONY OF PETITIONER. In discharge or reduction hearings, the petitioning employee may be required to testify and may be cross-examined as to any matter relevant to the hearing. In any other type of hearing, the petitioner, if he is not required to testify in his own behalf, may be called and examined as if under cross-examination.

5.11 BURDEN OF PROOF. In hearings regarding removal, suspension, demotion or discharge, the burden of proof shall be on the appointing authority. In all other types of hearings, the burden of proof shall be on the petitioner. [AMENDED 1/84]

5.12 DELIBERATION. The Commission may deliberate in closed (executive) session when taking a disciplinary or other quasi-judicial case under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Secretary-Chief Examiner and legal counsel to the Commission shall be present during deliberation. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing. [ADDED 1110]

5.12 FINDINGS AND DECISIONS. Following each investigation by the Commission concerning removal, suspension, demotion or discharge, the Commission shall make formal Findings of Fact. Findings of the Commission shall be certified by the Secretary/Examiner, in writing to the City Manager, with a copy to the appropriate department director. The Commission may announce its decision immediately following the conclusion of the evidence,

or the Commission may take the question under advisement. In the event the Commission does take the question under advisement, it shall give its decision within five working days thereafter and the same shall be entered in its minutes. Unless the decision provides otherwise it shall be effective immediately. Notice of the decision shall be mailed promptly to the petitioner and to any interested party. Except for the correction of clerical errors, such decision shall be final and conclusive. [AMENDED 1/84] [AMENDED 11/10]

5.13 REPORT OF HEARING. Hearings may be conducted without a stenographic reporter provided, however, that either the Commission or the petitioning party may provide its own stenographic reporter if such is felt advisable and the party requiring the presence of the stenographic reporter shall pay the cost or fee for such reporting.

5.14 TRANSCRIPT OF HEARINGS. When hearings are reported or recorded by employees of the Commission, a transcript of the testimony shall be furnished to any person requesting the same on the payment of costs for preparation of each copy of such transcript.

When hearings are reported or recorded by independent contractors, a transcript shall be available to any person on paying to the contractor the usual and reasonable charge for such service.

5.15 JUDICIAL REVIEW. Any person aggrieved by a final decision of the Commission after a hearing as provided in this Rule may make an appeal of the decision to the Superior Court of Franklin County, Washington, by following the procedures set forth in RCW 41.08.090 (fire department employees) or RCW 41.12.090 (police department employees). Such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the Commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except for such ground or grounds. RCW41.08.090,¶2 and 41.12.090,¶2. [AMENDED1/84] [AMENDED 11//10]

RULE 6: CLASSIFICATION

- 6.01 Procedure and Effect
- 6.02 New Positions and a Classification Plan
- 6.03 Reclassification

6.01 PROCEDURE AND EFFECT. The appointing authority shall classify all positions in the classified service, assigning to each class or position the appropriate title and the experience, knowledge, capacity skill, education and other qualifications including the minimum prerequisites to be required for appointment. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities and authority and character of work are included within the same class and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions within the class. The classification plan so developed shall be transmitted to the Civil Service Commission for adoption. The Secretary and Chief Examiner shall allocate every position in the classified service to one of the classes established in the plan. Thereafter, the class titles so established shall be used in all personnel, budget, accounting and other financial documents and communications of the City. Additional classes may be established and existing classes may be divided, combined or abolished in the same manner as originally adopted. [REVISED 8/01]

6.02 NEW POSITIONS AND A CLASSIFICATION PLAN. If the appointing authority intends to establish a new position or positions, he shall notify the Secretary and Chief Examiner and, except as otherwise provided by law or by 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 eligible list established therefore.

6.03 RECLASSIFICATION. Positions whose duties have changed materially so as to necessitate reclassification shall be allocated to a more appropriate class whether new or already created in the same manner as originally classified. No reclassification to a class having either a greater or a lower maximum salary range shall be effective, however, unless recommended by the appointing authority and approved by the Commission, nor shall reclassification be used for the purpose of avoiding the restrictions surrounding demotions and promotions. [REVISED 8/01]

RULE 7: APPLICATIONS AND APPLICANTS

- 7.01 Qualification of Applicants
- 7.02 Filing Time for Applications
- 7.03 Non-Acceptance of Applicant
- 7.04 Notice of Non-Acceptance
- 7.05 Appeals
- 7.06 Admission to Examination Pending Appeal
- 7.07 Amendment of Applications
- 7.08 Applications not Returned
- 7.09 Reapplication

****NOTE:** In accordance with RCW 41.08.090 (Fire) and 41.12.090 (Police), “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**, demoted or discharged except for cause...” At the September 21, 2015, Civil Service Commission Meeting the Commissioners reviewed the RCW’s listed above and found they do not have the authority to hear an appeal for removal from an Eligible List that is not from a regular employee who has been permanently appointed or inducted under these Civil Service Rules. [AMENDED 9/15 clarifying language added to Rules 7/21]

7.01 QUALIFICATION OF APPLICANTS. In order to apply for examinations, at the time of filing his or her application:

- A. An applicant for any position under civil service in the City of Pasco must be a citizen of the United States of America or a lawful permanent resident, who can read and write the English language, who possesses an educational training equivalent to a four years high school course, of an age suitable for the position applied for, of good moral character, and meet the minimal medical physical standards for the position approved by the appointing authority. [AMENDED 7/21]
- B. An applicant must meet all of the requirements specified in the official bulletin announcing the examination as set forth in this or other applicable rules, including those containing class specifications.
- C. An applicant must file a completed application form giving fully, truthfully and accurately all information required. A certification as to the truth and completeness of the information contained in the application and the applicant’s signature shall be required on each application.
- D. The Appointing Authority may establish prior to any examination additional qualifications for applicants which shall be included in the Call for Examination. [AMENDED 11/10]

7.02 FILING TIME FOR APPLICATIONS.

- A. No application will be accepted for an examination until an examination for the class has been announced, except that any person accepting a provisional appointment pending examination must, before commencing work, file an application with the City as provided in Rule 12. Applications must be received at the office of the Chief Examiner not later than midnight of the last day for filing as posted on the official bulletin board of the City (Human Resources Office). [AMENDED 11/10] [AMENDED 7/21]
- B. Applications will be subject to amendment not later than midnight of the last day for filing. The burden of proof of meeting requirements shall lie with the applicant. [AMENDED 7/21]
- C. In case of any dispute as to the time of filing, the City's official time recorded on the application shall be conclusive. [AMENDED 11/10]
- D. The time for filing applications may be extended or reopened by the Secretary and Chief Examiner as the needs of the service require, provided notice is immediately posted on the official bulletin board.

7.03 NON-ACCEPTANCE OF APPLICANT. The Secretary and Chief Examiner, subject to the right of any person aggrieved to appeal to the Commission as provided in Rule 5, may refuse to examine an applicant, or may withhold the name of a person from the eligible list or an eligible from certification, or the Commission, after notice, may remove the name of an eligible from the eligible list who:

- A. Does not meet the requirements set forth in these Rules or in the bulletin announcing the examination;
- B. Is physically or mentally unfit to perform the duties of the position;
- C. Is addicted to the use of intoxicating liquors or narcotics or habit forming drugs;
- D. Is addicted to gambling or immoral practices or habits;
- E. Is guilty of conduct not compatible with City employment, whether or not it amounts to a crime;
- F. Has been convicted of a crime of violence, or a felony; [AMENDED 11/10]
- G. Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from City service; or whose record of employment has not been satisfactory in the City service, or with any other employer;

- H. Has abandoned any position in the City service or has been absent from duty without leave of absence duly granted;
- I. Has made any material false statement or who has attempted any deception or fraud in connection with this or any other civil service examination;
- J. Refuses to execute any oath as prescribed by law;
- K. Fails to appear for the oral board examination. [ADDED 11/10]
- L. Has previously been removed from eligibility for cause. [ADDED 11/10]
- M. Fails to appear for fingerprinting as required by the Commission;
- N. Has assisted in preparing, conducting, or scoring the examination applied for, or who has in any other manner secured confidential information concerning such examination which might provide unfair advantage over other applicants in the examination;
- O. Fails to appear for or fails to pass the medical examination prescribed by the Commission;
- P. Refuses to furnish all information required to complete the application;
- Q. Who is knowingly a member of any organization which is included in the official list of subversive organizations; or who is knowingly a member of any organization which now advocates the overthrow of the Government of the United States or of this State by force or violence or other unlawful means, or who now advocates the support of a foreign government against the United States in the event of hostilities;
- R. Who has been discharged from the armed forces under conditions other than honorable.

7.04 NOTICE OF NON-ACCEPTANCE. The person against whom action is taken under Rule 7.03 shall be notified promptly of the reasons therefore. Written notice mailed, postage prepaid, to the address shown on the application shall be effective on mailing. Written notice may also be provided via electronic mail if an electronic mailing address is provided on the application. [AMENDED 11/10] [AMENDED 7/21]

7.05 APPEALS. Any regular employee aggrieved by any ruling of the Secretary and Chief Examiner concerning an examination or the eligibility or disqualification of applicants, or the

withholding of name from certification, may appeal to the Commission in writing within five (5) business days after notice of such ruling, as provided in Rule 5. [AMENDED 7/21]

7.06 ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary and Chief Examiner may, at his discretion, admit to the examination any person whose application was not accepted, pending final disposition of his appeal, such admission to be without prejudice.

7.07 AMENDMENT OF APPLICATIONS. The Secretary and Chief Examiner may permit any applicant, whether or not his application has been accepted, to amend his application or to file an amended application.

7.08 APPLICATIONS NOT RETURNED. All applications, when completed and filed, become the property of the City and thereafter may not be returned to the applicant. [AMENDED 11/10]

7.09 REAPPLICATION. No applicant who has failed the written or physical portion of the examination process may reapply within six (6) months from the date on which the examination was given. No applicant who has been removed from the eligibility list for failure to meet department standards in connection with a pre-employment background investigation or a conditionally offered psychological evaluation may reapply within two (2) years of the date of removal from the eligibility list. [ADDED 9/15]

RULE 8: COMPETITIVE EXAMINATIONS

- 8.01 Examination to be Impartial
- 8.02 Notice of Examination
- 8.03 Competitive Examinations
- 8.04 Character of Examinations
- 8.05 Method of Testing
- 8.06 Time and place of Examination
- 8.07 Postponement or Cancellation of Examinations
- 8.08 Late Applicants
- 8.09 Inability to Appear
- 8.10 Veteran's Preference
- 8.11 Promulgation and Notification of Test Results
- 8.12 Inspection of Rating Standards
- 8.13 Protests Against Ratings to the Secretary and Chief Examiner
- 8.14 Report on Examination
- 8.15 Appeal to Commission
- 8.16 Correction of Clerical Errors
- 8.17 Rules Peculiar to Written Examinations
- 8.18 Rules Peculiar to Oral Examinations
- 8.19 Permanent Record of Examinations
- 8.20 Examination Fee
- 8.21 Subscription Testing Services Authorized
- 8.22 Subscription Testing Service Defined
- 8.23 Process Verification Subscription Testing
- 8.24 Certification Subscription Testing
- 8.25 Additional Subscription Testing

8.01 EXAMINATION TO BE IMPARTIAL. All examinations shall be fair and impartial. So far as practicable, written examinations shall be so conducted that the identity of applicants will not be known to the examiners or other persons scoring the answers. So far as practicable, different parts of an examination shall be scored separately without the examiners, or other persons scoring a part of the examination, knowing the applicants' scores in the other parts of the examination. No person shall reveal before the completion of an examination any information about such examination except in the official bulletin or by announcement to all applicants or candidates equally.

8.02 NOTICE OF EXAMINATION. A written notice of each examination shall be published in the official publication as designated by the City of Pasco and posted on the official bulletin board at least one week prior to the date of the examination. Additional notice, such as paid advertising or publicity, shall be given when the Secretary and Chief Examiner deems it necessary in order to have a sufficient number of qualified applicants.

8.03 COMPETITIVE EXAMINATIONS. All examinations shall be competitive. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when applicants are scored against a fixed standard.

8.04 CHARACTER OF EXAMINATIONS. The Chief Examiner shall prepare examinations that are similar in character to those methods established for each classification's most recent examination. The commission shall by motion, prior to any change in the character from the most recent examination, determine the method of testing pursuant to Rule 8.05, the procedure of the examination and the number of parts of each examination. The relative weight for scoring purposes of each part, and the minimum passing score shall also be addressed in the motion if those standards for each category of the examination are different from the following standard or standards established in the most recent examination for each classification; (weight for sub-categories of each of the following shall be established by the Chief Examiner prior to the exam.)

	<u>weight</u>	<u>minimum score</u>
Written Test:	50 percent	70 percent
Oral Test:	50 percent	70 percent

The Chief Examiner may at his/her discretion establish minimum passing scores for each part of the examination (provided the total score for each category meets the established minimum), and may refuse to allow any applicant not achieving a minimum passing score in one sub-category of the examination from proceeding with subsequent parts of that category of the examination. [AMENDED 11/10]

For entry level positions, the Chief Examiner may at his/her discretion, administer the written test and then select the number of applicants for oral examination he/she determines reasonable for the position being tested from the applicants with the highest scores from the examination. The remainder of the applicants receiving passing scores on the examination will be selected for oral examination from time to time as determined necessary in consideration of anticipated job openings and the size of the existing eligible list established from applicants who have completed both the oral and the written testing. [REVISED 8/01]

Promotional examination may be made by Assessment Center method (rather than the entry written/oral examination method) at the department director's request. More than two parts are permitted for the promotional examination, provided they are similar in character to the previous examination. [ADDED 11/10],[AMENDED 7/21]

8.05 METHOD OF TESTING. The qualification and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:

- A. Written tests;
- B. Oral tests of knowledge or ability;

- C. Interviews covering general qualifications, education, training, and/or experience;
- D. Performance tests (working tests);
- E. Physical tests of strength, stamina, agility or dexterity;
- F. Evaluation of education, training, experience or other qualifications as shown by the application, or by other information submitted, or by the record;
- G. Any other appropriate measure of fitness.

8.06 TIME AND PLACE OF EXAMINATION. Whenever applicants are required to appear for an examination, the time and place shall be designated in the official bulletin or the applicants shall be notified in person, by mail, or by telephone. Any examination under this Rule held outside of the City of Pasco may be administered by any person designated to give the examination by the Secretary and Chief Examiner.

8.07 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS. The administration of an examination, or any part thereof, may be postponed or canceled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board and mailed or telephoned to the applicants. In an emergency, where time does not permit such notice, an examination may be postponed or canceled or the place of examination changed by posting a notice on the official bulletin board as soon as possible and in a conspicuous location at the time and place originally set for the examination.

8.08 LATE APPLICANTS. Whenever applicants are required to assemble for a test, no applicant will be admitted after the designated time except at the discretion of the Secretary and Chief Examiner.

8.09 INABILITY TO APPEAR. If an applicant is unable to appear at the time or place designated, the Secretary and Chief Examiner may, at his discretion, arrange to give him the examination at another time or place, if the Secretary and Chief Examiner find:

- A. That substantial and sufficient reasons exist for the inability to appear;
- B. That no fraud will be perpetrated; and
- C. That no person taking the examination will be materially prejudiced or assisted in passing the examination by reason of such special privilege.

If such examination is administered, it will be conditional on the signing of an affidavit by the applicant to the effect that he has no prior knowledge of the examination content.

8.10 a. VETERAN'S PREFERENCE. Veterans who have passed an examination shall be entitled to credit pursuant to Chapter 41.04 RCW or other law. [AMENDED 1-84] [AMENDED 11/10]

b. POLICE RESERVE OFFICER SERVICE CREDIT. Pasco Police Reserve Officers determined to meet the criteria outlined in Pasco Police Department Policy and Washington State law related to Reserve Police Officer, shall receive credit of two and one-half percent (2.5%), per full year of service, up to a maximum of ten percent (10%). The Chief Examiner shall be the final authority for determining Service Credit. [ADDED 7/15]

8.11 PROMULGATION AND NOTIFICATION OF TEST RESULTS. After all parts of an examination have been completed and scored, the Secretary and Chief Examiner shall draft an eligibility list, subject to the approval by the Commission by motion, and an applicant shall be notified: [AMENDED 11/10]

- A. When passing, of his total score, including veteran's credit and/or Reserve Officer service credits and relative standing where applicable, and the days during which he may inspect his papers; OR [AMENDED 7/15]
- B. When failing, of his failure to achieve a passing grade, and the days during which he may inspect his papers, subject to Rule 8.12. [AMENDED 11/10]

8.12 INSPECTION OF RATING STANDARDS. The applicants shall be allowed a period of three (3) business days, following the mailing date of notification of examination results, in which each may inspect his answers and the rating standards by which he has been rated during any part of the examination, except that:

- A. Copyrighted or standardized tests shall not be subject to review.

During such inspection, the applicant shall not be allowed to remove copies of any of the test questions or answers from the inspection room where all protests must be completed.

8.13 PROTESTS AGAINST RATINGS TO THE SECRETARY AND CHIEF EXAMINER. If the applicant believes that an error has been made, he may, during the final three-day period referred to in the preceding rule, make a protest in writing, stating specifically where he believes the error has been made. Each protest shall be in writing and shall give specific facts and reasons to support the protest. No protest may be made after the three-day period. Upon receipt of a written protest or request for rerating, a review of the protest shall be made by the Secretary and Chief Examiner, who shall pass on all such protests or requests and make necessary correction in grades or rating.

8.14 REPORT ON EXAMINATION. After the expiration of the three-day period and after the Secretary and Chief Examiner has passed on all protests and has corrected any errors, he shall submit a complete report on each examination to the Commission, including a report on

all protests in connection with the examination and the disposition of such protests, and shall rank the applicants according to their relative scores.

8.15 APPEAL TO COMMISSION. Any persons aggrieved may appeal to the Commission from the ruling of the Secretary and Chief Examiner pursuant to Rule 5.03 within five (5) business days after the report of examination has been placed in the hands of the Civil Service Commission. No correction made by the Secretary and Chief Examiner or by the Commission shall affect any appointment made from a certification made prior to the correction.

8.16 CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected by the Secretary and Chief Examiner upon discovery at any time during the life of the eligible list, but no such correction shall affect an appointment made from a certification made prior to the correction.

8.17 RULES PECULIAR TO WRITTEN EXAMINATION. Written examinations shall be copyrighted or standardized tests and shall be given, supervised and graded by the Secretary and Chief Examiner. Provided, that the Chief Examiner may appoint qualified Assistant Examiners to facilitate the conduct of any examination.

8.18 RULES PECULIAR TO ORAL EXAMINATIONS. The Commission shall designate qualified and competent persons to serve as an oral examiner or as an oral review board to conduct any oral examinations. The selected examiner or examiners shall submit the questions that will be asked and the recommended answers thereto to the Chief Examiner.

8.19 PERMANENT RECORD OF EXAMINATION. The Commission shall preserve the following record of each examination for a period of five (5) years from the date of examination:

- A. All copies of the written examination.
- B. All questions submitted by the examiner for the oral examination and the answers thereto.
- C. The explanatory statement concerning the standards and relative weights assigned to each examination.
- D. The individual answers given by each applicant in those parts of the examination when answers on record thereto can be maintained.
- E. A summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various parts, the time and place each part was given, the minimum scores required, if any, and the names of the examiners.

8.20 EXAMINATION FEE. A non-refundable test fee may accompany each application for testing unless the fee is waived by the Secretary and Chief Examiner upon a claim of indigence by the applicant. A claim of indigence must be based upon the submission by the applicant of a signed, notarized affidavit submitted with the application for employment. [ADDED 2-88] [REVISED 3-00] [AMENDED 11/10]

8.21 SUBSCRIPTION TESTING SERVICES AUTHORIZED. The Secretary/Chief Examiner, following approval by the commission, may enter into contracts with one or more Subscription Testing Services. [ADDED 3/02]

8.22 SUBSCRIPTION TESTING SERVICE DEFINED. "Subscription Testing Services" means a person or organization offering a service that tests and maintains lists of candidates for employment who have successfully completed the Subscription Testing Service process. [ADDED 3/02]

8.23 PROCESS VERIFICATION SUBSCRIPTION TESTING. The Secretary/Chief Examiner shall verify that the Subscription Testing Service provides qualified testing resources that are content valid and job-related. [ADDED 3/02]

8.24 CERTIFICATION SUBSCRIPTION TESTING. All applicants certified as a qualified candidate by the Subscription Testing Service shall be reviewed and approved by the Commission prior to referral to the appointing authority. Following qualification of candidates pursuant to the procedure set forth in the contract with the Subscription Testing Service, candidates may be certified as eligible for appointment to the Appointing Authority.

By motion or other approval, the Commission may delegate to the Secretary/Chief Examiner the review and approval of candidates. Upon such delegation, the Secretary/Chief Examiner shall verify that candidates for placement on the eligible register meet the minimum eligibility requirements for employment.

Candidates qualified for appointment pursuant to the procedures established in this Rule shall be placed (in a separate register, entitled "Contract Register") (on the register in the same rank and order as lists maintained by the Subscription Testing Service). Provided, however that candidates rejected by the Commission for 1) not satisfying any test requirement; 2) not completing probation; or, 3) following certification, not responding to the appointing authority for consideration, shall be removed from the eligible register. [ADDED 3/02]

8.25 ADDITIONAL SUBSCRIPTION TESTING. Candidates qualified pursuant to a Subscription Testing Service shall be subject to such additional testing as may be required by the Commission or the appointing authority. Such testing shall include, but not be limited to, background, polygraph, psychological, physical agility, oral, written or video testing. [ADDED 3/02]

RULE 9: ELIGIBLE LISTS

- 9.01 Eligible List Created
- 9.02 Order of Names on Eligible List
- 9.03 Tie Scores
- 9.04 Disclosure of Names of Eligibles
- 9.05 Duration of Eligible List
- 9.055 Selective Certification List
- 9.06 Integrated Eligibility List
- 9.07 Canvass of Eligible List
- 9.08 Rejection of Eligible - Dropped from List
- 9.09 Effect of Appeals
- 9.10 Continuous Testing Eligibility List
- 9.11 Continuous Testing Defined
- 9.12 Certification Continuous Testing
- 9.13 Additional Continuous Testing
- 9.14 Removal of Names Continuous Testing

9.01 ELIGIBLE LIST CREATED. The Secretary and Chief Examiner shall promulgate an eligible list resulting from examinations, as provided for in Rule 8. A separate eligible list or lists for lateral entry may be promulgated at the request of the appointing authority and approval of the Commission. [AMENDED 8/86]

9.02 ORDER OF NAMES ON ELIGIBLE LIST. The names of applicants who pass an examination shall be entered upon the eligible list for the class in order of standing in a competitive examination, including veteran's credit or other applicable credits, and without preference as to priority of time of examination.

9.03 TIE SCORES. Whenever two or more applicants in a competitive examination have the same final grade, priority shall be determined by highest grade on most heavily weighted part of the examination.

9.04 DISCLOSURE OF NAMES OF ELIGIBLES. The eligible list, including the names and final scores of all those who passed the examination, shall be open to public inspection.

9.05 DURATION OF ELIGIBLE LIST. An eligible list shall be in effect for one year from the date of certification by the Civil Service Commission, unless it is extended (see below) or superseded as provided by CSR 9.06. Before the expiration of an eligible list, the Commission may extend the period of eligibility for one year at a time for all eligibles who still meet the announced qualifications for the position and who are available for employment. [AMENDED 2/88] [AMENDED 11/10]

An eligible list which has been extended shall be terminated automatically upon certification of an eligible list from a new examination for the class. [AMENDED 11/10]

An eligible who has been in the active service of the armed forces of the United States during part or all of the effective period of an eligible list shall be entitled to extended eligibility provided that he files written request for such eligibility with the Commission within 90 days from termination of such service. Such extended eligibility shall be equal to the period to which he was entitled at the time of entering such service. [AMENDED 1/84]

9.055 "SELECTIVE CERTIFICATION LIST". Upon request of the Appointing Authority to the Secretary/Chief Examiner a list of candidates otherwise eligible shall be provided to the Appointing Authority. The list will identify candidates in rank order, consistent with Rule 9.02, and will only include the candidates who meet the requirements for selective certification as described by the Appointing Authority. Selective certification of eligible candidates may be authorized by the Secretary/Chief Examiner when the Appointing Authority demonstrates that the needs of the service require particular skills or expertise. Examples of opportunity for selective certification include particularized training (paramedic; motorcycle), language skills and technology expertise (polygraphy, information/data systems skills).

The eligibility list, entitled "Selective Certification List" shall be used by the Appointing Authority in accord with Rules 10.06 and 10.07 toward fulfillment of specified needs in each Department. [REVISED1/03]

9.06 INTEGRATED ELIGIBILITY LIST. The appointing authority may request the Secretary and Chief Examiner to administer an entry-level examination for any selected classification during any quarter of any calendar year. The Secretary and Chief Examiner shall promulgate an eligible list resulting from any such examination. An applicant whose name is already on an existing eligibility list for the classification may elect to take the new examination or keep his/her current score for the new eligibility list, if he was last tested within 365 days of the date set for the new examination; PROVIDED, in the event the new examination differs from the examination(s) last given so that in the determination of the Secretary/Chief Examiner the competitive process would be undermined were the scores to be mixed, all applicants must take the new examination to be eligible for placement on the new list. If the election is to re-take the examination, the score that is achieved on the most recent examination (whether higher or lower) shall become the applicant's score on the newly promulgated eligible list. [ADDED 2/88]

9.07 CANVASS OF ELIGIBLE LIST. Whenever he believes the needs of the service require, the Secretary and Chief Examiner shall ascertain the availability for employment of persons whose names appear on an eligible list. [RENUMBERED 2/88]

9.08 REJECTION OF ELIGIBLE - DROPPED FROM LIST. The name of any person may be withheld from certification or removed from the eligible list for any of the reasons in Rule 10.03. [RENUMBERED 2-88; AMENDED 1/84]

9.09 EFFECT OF APPEALS. No appeal shall affect the eligible list or an appointment made from a certification made during the pendency of the appeal. When the appeal is

terminated, the Secretary and Chief Examiner shall add the name of the appellant to the eligible list at the appropriate place if it has been determined that he is entitled to be on the eligible list. [RENUMBERED 2/88]

9.10 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. [ADDED 3/02]

9.11 CONTINUOUS TESTING DEFINED. Continuous testing shall mean a written examination 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. [ADDED 3/02]

9.12 CERTIFICATION CONTINUOUS TESTING. 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. [ADDED 3/02]

9.13 ADDITIONAL CONTINUOUS TESTING. Applicants placed upon this eligibility list shall 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 or by a subscriber pursuant to Rule 8.05 [ADDED 3/02]

9.14 REMOVAL OF NAMES CONTINUOUS TESTING. 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. [ADDED 3/02]

RULE 10 CERTIFICATION AND APPOINTMENT

- 10.01 Certification from Eligible List
- 10.02 Priority of Lists
- 10.03 Withholding names from Certification or Removing Names from Eligible Lists
- 10.04 Restoration to Certification
- 10.05 Effect of Removal, Withholding or Restoration
- 10.06 Appointment of Eligibles
- 10.07 Selective Certification process
- 10.08 Lateral Entry Certification process

****NOTE:** In accordance with RCW 41.08.090 (Fire) and 41.12.090 (Police), “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**, demoted or discharged except for cause...” At the September 21, 2015, Civil Service Commission Meeting the Commissioners reviewed the RCW’s listed above and found they do not have the authority to hear an appeal for removal from an Eligible List that is not from a regular employee who has been permanently appointed or inducted under these Civil Service Rules. [AMENDED 9/15 clarifying language added to Rules 7/21]

10.01 CERTIFICATION FROM ELIGIBLE LIST. Upon request for certification of names to fill a vacancy, the Secretary and Chief Examiner shall certify to the Appointing Authority the names of persons standing highest on the appropriate eligible list, in accordance with Rule 10.06, and willing to accept the position for which certification is made. [CORRECTED 11/10]

10.02 PRIORITY OF LISTS. When a re-instatement list exists for the class in which a vacancy exists, it shall be exhausted before any certification can be made from an eligible list. [AMENDED 11/10]

10.03 WITHHOLDING NAMES FROM CERTIFICATION OR REMOVING NAMES FROM ELIGIBLE LISTS. The name of an eligible may be withheld from certification or removed from an eligible list when the person:

- A. Expresses unwillingness or inability to accept appointment, or refuses offer of an appointment without adequate explanation;
- B. Fails to respond within five (5) business days next succeeding the mailing of written inquiry regarding availability for regular employment or request to appear for interview regarding such employment; [AMENDED 11/10]
- C. Fails to present himself for duty at the time agreed upon after having accepted an appointment;

- D. Cannot be reached in time for appointment when immediate temporary employment is required, but this shall apply only to such immediate temporary employment;
- E. Has accepted appointment to a position in a comparable civil service classification with another government agency. [AMENDED 11/10]
- F. Fails to present the license, registration, certificate or any other credentials required; the name of any such eligible may be restored for certification when the particular requirement has been met;
- G. Fails to maintain a record of current address with the City as evidenced by the return of properly addressed unclaimed letter, or other evidence; [AMENDED 11/10]
- H. Willfully violates any of the provisions of these Rules or any applicable law;
- I. Has accepted permanent appointment to a position with similar responsibilities (to the position for which the list was created) with an agency or entity not related to the City of Pasco, since the list was created.
- J. For any other reason as determined by the Appointing Authority and/or the Chief Examiner, or any reason enumerated in Rule 7.03. [AMENDED 9/15]

10.04 RESTORATION TO CERTIFICATION. When the name of a person has been withheld from an eligible list or from certification or has been removed from the list, it may be restored thereto by the Secretary and Chief Examiner or by the commission on appeal taking within five (5) business days after notice of the decision, or under the following circumstances:

- A. Where the withholding or removal was because of the unwillingness or inability of the employee to accept an appointment, or failure to respond to inquiry as to availability, to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason for such unwillingness, inability or failure, and certifies to the Secretary and Chief Examiner that s/he is now willing and able to accept appointment; [AMENDED 11/10]
- B. Where the withholding or removal was for a reason stated in Rule 7.03, and such reason no longer exists.

10.05 EFFECT OF REMOVAL, WITHHOLDING OR RESTORATION. The removal or withholding of a name shall automatically advance all of the names below it on the eligible list.

Restoration of a name to an eligible list under these Rules shall not affect an appointment from any certification made before such name was restored or added.

The acceptance or refusal by an eligible to a temporary appointment shall not affect his certification from the eligible list for permanent appointment.

10.06 APPOINTMENT OF ELIGIBLES. In filling vacancies by appointment from an eligible list, the Secretary/Chief Examiner, pursuant to the request of the appointing authority, shall certify in writing to the appointing authority the names of the five (5) persons highest on the eligibility list for each vacancy, subject to the rules herein for the selective certification process and lateral entry certification process and, except for the positions of fire and police chiefs, if there are five (5) such persons available. A copy of this certification shall be presented to the Commissioners at their next regular meeting. [AMENDED 2/06]

The appointing authority shall attempt to appoint one of those certified persons to such vacant position. In the event the appointing authority, for a good cause, cannot make an appointment of one of the persons on the certified list of names then the appointing authority shall request the submission of five (5) additional names of persons next highest on the eligible list; if such are available whereupon, the appointing authority shall effectuate an appointment of one of those additional certified persons to such vacant position. If the appointing authority finds good cause to reject each of the certified persons on the first list of five (5), a report in writing from the appointing authority shall be provided to the Commission explaining the reasons why an appointment to the vacant position could not be made. [AMENDED 2/06]

Under those circumstances provided in Rule 10.07 the names of the five (5) highest ranking eligibles from a Selective Certification List designated in the request shall be certified in addition to the five (5) highest ranked eligibles on an eligible list. The Appointing Authority shall forthwith appoint one of the certified persons to such vacant position, except that if a person is selected for appointment from the Selective Certification List the appointment shall not be confirmed until the notification and hearing process under Rule 10.07 is concluded. [AMENDED 8-87; AMENDED 3-84] [AMENDED 1/02] [AMENDED 2/06]

Under those circumstances provided in Rule 10.08 the names of the five (5) highest ranking eligibles within a range of 10 percent below the top ranking eligible on the particular list, not taking Veteran's preference into account, shall be certified in addition to the five (5) highest ranked eligibles on an eligible list. [ADDED 8-86, AMENDED 8-87] [AMENDED 2/06]

10.07 SELECTIVE CERTIFICATION PROCESS. In order to meet the specific employment needs of the service in Civil Service employment, the following selective certification shall be employed by the Appointing Authority: [AMENDED 1/02]

1. When it is contemplated by the Appointing Authority to appoint someone other than one of the five (5) highest ranking eligibles, the Appointing Authority shall first file a Notice of Intent with the Secretary/Chief Examiner of the Civil Service Commission. This Notice of Intent shall include the reason, or reasons, for such selection and the specific eligibility list for which Notice of Intent has been filed. [AMENDED 1/02] [AMENDED 2/06]

2. The Notice of Intent shall be available in the office of the Civil Service Commission Secretary for review by any eligible on the list, or his/her designated representative and posted on the official bulletin board of the appropriate department for a period of seven (7) working days.
3. Upon the receipt of an objection from a person whose name is on the eligible list, the appointment, if any has been made, shall be held in abeyance until the Civil Service Commission hears the matter and renders a decision. [AMENDED 1/02]
4. Decisions of the Civil Service Commission in these matters, pursuant to the Rules of the Commission for hearings, shall be final and binding on all parties.
5. If no objection is filed within the posting period, then the Appointing Authority may move ahead with making the appointment and the right of a person on the eligible list to make objection and have a hearing on the matter is waived.

10.08 LATERAL ENTRY CERTIFICATION PROCESS. In order to provide a timely and efficient means of eliminating problems of understaffing in the Pasco Police Department/Pasco Fire Department and reduce the high cost of training new Police Officers/fire fighters and firefighter paramedics, the following lateral entry certification procedure may be employed by the appointing authority: [AMENDED 11/10]

1. When it is contemplated by the Appointing Authority to appoint someone from the lateral entry certification list, the Appointing Authority shall first file a Notice of Intent with the Secretary of the Civil Service Commission. This Notice of Intent shall include the reason, or reasons, for such selection.
2. The Civil Service Commission at its next regular meeting or at a special meeting shall approve or disapprove of an appointment from the lateral entry certification list, based upon the reasonableness of the appointment considering the then current manpower shortage in the department and/or the department's budgetary circumstances. [ADDED 8/86]

RULE 11: PROBATION

- 11.01 Probationary Period
- 11.02 Length of Probationary Period
- 11.03 Interruption of Probationary Period

11.01 PROBATIONARY PERIOD. After appointment from an eligible list, an employee shall serve a complete period of probation before appointment or promotion is complete.

No new probationary period results from a transfer, or reduction, of an employee who previously completed a probationary period.

11.02 LENGTH OF PROBATIONARY PERIOD. The period of probation shall be twelve (12) calendar months from the date the employee begins full-time work and training under the supervision of the department director, i.e., twelve (12) calendar months following successful completion of the Academy. If an employee is absent from duty for a prolonged period while on approved leave during a probationary period, and the appointing authority does not have a reasonable opportunity to evaluate the performance of the employee, the appointing authority may, with the approval of the Commission, calculate the probationary period on the basis of twelve (12) calendar months of actual service, exclusive of the time away on leave. [REVISED 3-00] [AMENDED 11/10]

11.03 INTERRUPTION OF PROBATIONARY PERIOD. Whenever the probationary period of an employee in a position in one class is interrupted due to appointment to a position in another class and the employee subsequently returns to a position in the first class during the second probationary period, the probationary period for the first appointment shall continue until completed.

RULE 12: TEMPORARY AND PROVISIONAL APPOINTMENTS

12.01 Temporary Appointments

12.02 Provisional Appointments

12.01 TEMPORARY APPOINTMENTS. A person may be employed in a temporary position only for the duration of the temporary work. If the position is made regular, it must be filled by appointment on a regular basis in accordance with Rule 10. A person given a temporary appointment may not be transferred or changed to any other position and shall never attain regular status from such appointment. Such temporary employment may continue only so long as the facts justifying a temporary appointment exist, and in no event shall exceed a period of longer than six (6) months. All temporary appointments shall be made from an eligible list for the position, following Rule 10.06 procedure, if such list exists, if not then a provisional appointment may be made. [AMENDED 1-84] [AMENDED 11/10] [AMENDED 4/22]

12.02 PROVISIONAL APPOINTMENTS. Provisional appointment without examination may be made when there is no appropriate eligible list, or persons on the list are not available or cannot be contracted, and when the Appointing Authority certifies and supports with adequate facts that an emergency exists. Such provisional appointment must be approved by the Commission, the provisional appointee must meet the requirements for and file application for examination for the class and such appointment may continue only until such time as the position can be filled from an eligible list. No person shall receive more than one provisional appointment or serve more than six (6) months as a provisional appointee in any one (1) fiscal year. [AMENDED 4/22]

An emergency exists when:

- A. Life, health or property is in jeopardy;
- B. The immediate employment of a currently available applicant is imperative because of extreme recruitment difficulties;
- C. The work program of a City department will be impaired if the position is left vacant and the work cannot be deferred or reassigned;
- D. A vacancy will result in failure to perform legally required functions or to meet deadlines imposed by law.

RULE 13: LEAVES OF ABSENCE

- 13.01 Leaves of Absence with Pay
- 13.02 Leaves of Absence Without Pay
- 13.03 Military Leave of Absence
- 13.04 Expiration or Termination of Leaves of Absence
- 13.05 Reports of Leaves of Absence

13.01 LEAVES OF ABSENCE WITH PAY. Leaves of absence from regular duties, with pay, may be granted by the Appointing Authority only under such conditions. [AMENDED 11/10]

13.02 LEAVES OF ABSENCE WITHOUT PAY. Leaves of absence from regular duties, without pay, for such purposes as recovery from a prolonged illness or injury or to restore health, or for education or training, or assisting another public agency, may be granted by the Appointing Authority when such leave is in the best interests of the City. [AMENDED 11/10]

Leaves of absence for qualified reasons under state and/or federal law will be granted by the Appointing Authority.

13.03 MILITARY LEAVE OF ABSENCE. Military leave of absence shall be granted by the Appointing Authority in accordance with the provisions of the applicable sections of federal and state law. [AMENDED 11/10]

13.04 EXPIRATION OR TERMINATION OF LEAVES OF ABSENCE. The Appointing Authority may terminate any leave of absence by written notice to the employee concerned whenever the conditions or reasons justifying the leave no longer exist, unless upon appeal of the employee to the Commission it is found that the termination is not justified. Upon termination or expiration of leave, the employee shall return to duty forthwith. The employee shall be returned to the same class or position as occupied when leave of absence was granted, or may be returned to such other position as may be authorized by these Rules. An employee who fails to return to duty upon termination or expiration of leave shall be considered as absent without leave and subject to disciplinary action. No such disciplinary action may be taken by the Appointing Authority prior to a Commission decision if an appeal has been filed.

RULE 14: DISCHARGE, DEMOTION, SUSPENSION, OTHER DISCIPLINARY ACTIONS AND RESIGNATION

- 14.01 Causes for Discharge, Demotion, Suspension, and Other Disciplinary Actions
- 14.02 Conditions of Discharge, Demotion, Suspension, and Other Disciplinary Actions
- 14.03 Hearing on Reasons for Disciplinary Action
- 14.04 Criminal Acts
- 14.05 Insufficient Facts
- 14.06 Decisions
- 14.07 Probationary Period
- 14.08 Time for Discharge or Demotion of Probationer
- 14.09 Resignations

14.01 CAUSES FOR DISCHARGE, DEMOTION, SUSPENSION, AND OTHER DISCIPLINARY ACTIONS. An employee may be discharged or suspended without pay from the City service or demoted or deprived of vacation or other privileges for any of the following reasons:

- A. Who is physically or mentally unfit to perform the duties of the position held;
- B. What is addicted to the use of intoxicating liquors, narcotic or habit forming drugs;
- C. Who is addicted to gambling or immoral practices or habits;
- D. Who is guilty of conduct not compatible with City employment, whether or not it amounts to a crime;
- E. Who has been convicted of a crime of violence, or a felony [AMENDED 11/10]
- F. For incompetence, inefficiency or inattention to or dereliction of duty;
- G. For dishonesty, insubordination, discourteous treatment of the public, or of a fellow employee, or any other act or omission or commission tending to injure the public service; or any other willful failure of proper conduct on the part of the employee; or any willful violation of the provisions of the applicable State Laws or these Rules;
- H. For directly or indirectly receiving or soliciting political contributions for any party or political purpose;

- I. For improper or unauthorized use of City equipment;
- J. Who shall engage in any business or activity extraneous to his duties under the Civil Service, which, in the judgment of the Appointing Authority shall tend to divert his attention from his duties or render him inefficient or unfit for Civil Service; [AMENDED 11/10]
- K. For violation of City or Departmental policy, Rule or Regulation.

14.02 CONDITIONS OF DISCHARGE, DEMOTION, SUSPENSION, AND OTHER DISCIPLINARY ACTIONS. A regular employee may be discharged from Civil Service or demoted or suspended without pay, or deprived of vacation or other privileges, only after he has been notified in writing, of the reasons for such action. Such notice shall state in general terms the accusations upon which the disciplinary action is based, and the employee shall be allowed ten (10) business days from date of service of such notice in which to reply thereto in writing and request a hearing before the Commission. Such notice of disciplinary action shall state the time allowed for answer and for requesting a hearing before the Commission. A copy of such notice and a copy of the reply, if any, must be filed in duplicate with the Commission. The appointing authority shall submit to the Commission evidence showing that the employee has been served with the Notice of Disciplinary Action. Provided, however, the discharge of a regular employee may occur, only after the employee has waived or exercises his right to a departmental pre-discharge hearing, according to the procedure for such hearings adopted by the Appointing Authority. The decision of the hearing officers at the pre-discharge hearing shall be advisory only to the Appointing Authority or his designee. This requirement shall not prevent the Appointing Authority from suspending an accused employee pending completion of the pre-discharge hearing. (AMENDED 1/84.) [AMENDED 11/10]

14.03 HEARING ON REASONS FOR DISCIPLINARY ACTION. If the regular employee to be discharged, demoted, suspended or otherwise disciplined pursuant to Rule 14.02 so requests, the Commission shall proceed in accordance with Rule 5. A public hearing pursuant to Rule 5 shall be held by the Commission. [AMENDED 11/10]

14.04 CRIMINAL ACTS. Where the facts alleged in the notice of disciplinary action constitute a crime, and the employee has requested a hearing under Rule 14.03 within the time allowed in Rule 5, he may, at any time, at least one day before the date of the hearing, request a continuance of his civil service hearing for a reasonable period to determine whether a criminal charge will be filed or until after termination of the criminal case. Such a request must be accompanied by a waiver of salary for the period of the continuance, in case the employee is later reinstated.

14.05 INSUFFICIENT FACTS. The Commission may find in an appropriate case, without a hearing, that the specific facts alleged in the notice of disciplinary action, if true, are not sufficient under all the circumstances to justify the action.

14.06: DECISION. (1) After its investigation the Commission may, if it finds that the disciplinary action of the Appointing Authority was made in good faith and for cause and not for political or religious reasons, either

- A. affirm the disciplinary action, or
- B. in lieu of affirming the disciplinary action, may modify the disciplinary action by ordering a suspension without pay, for a given period and subsequent restoration to duty, or demotion in classification, grade or pay, or order such other greater or lesser punishment as befits the conduct of the employee under investigation.

(2) If, however, after its investigation the Commission shall find that the disciplinary action of the Appointing Authority was made for political or religious reasons, or not in good faith and for cause, the Commission shall order the immediate reinstatement or re-employment of such person in the office, place or position of employment from which the person was removed, suspended, demoted or discharged, which reinstatement shall if the Commission so provides in its discretion, be retro-active and entitle such person to pay or compensation from the time of such removal, suspension or discharge. (AMENDED 1/84.)

14.07 PROBATIONARY PERIOD. Any employee who is serving a probationary period may be discharged or demoted by the Appointing Authority if during the performance test thus afforded upon observation or consideration of the performance of duty the appointing power deems him unfit or unsatisfactory for service in the department, or in the job classification. [AMENDED 7/10]

14.08 TIME FOR DISCHARGE OR DEMOTION OF PROBATIONER. To be effective, the written notice of discharge or demotion of a probationary employee must be served and become effective before midnight of the last day of the probationary period.

14.09 RESIGNATIONS. Resignations shall be in writing and directed to either the Appointing Authority or department director. A resignation shall be effective on the date designated therein, and if no date is designated it shall be effective immediately. All resignations must be accepted by the Appointing Authority. A resignation, once it has become effective or has been accepted by the Appointing Authority may not be withdrawn without the consent of the Appointing Authority. A resignation claimed to have been obtained by duress or fraud may be treated by the Commission as a notice of discharge, provided the employee notifies the Commission that such resignation was not voluntary and demands a hearing within ten (10) business days after the filing with the Secretary and Chief Examiner of a report showing such resignation. [AMENDED 11/10]

RULE 15: LAYOFFS AND RE-EMPLOYMENT LISTS

- 15.01 Layoffs
- 15.02 Employment Status and Order of Layoff
- 15.03 Order of Layoff
- 15.04 Ties in Seniority -- Performance Rating
- 15.05 Reduction
- 15.06 Voluntary Reduction in Lieu of Layoff
- 15.07 Re-Employment List
- 15.08 Name Dropped

15.01 LAYOFFS. The Appointing Authority may lay off or reduce an employee when necessary:

- A. For reasons of economy or lack of work; or
- B. Where there are more employees than positions in any class within the department.

15.02 EMPLOYMENT STATUS AND ORDER OF LAYOFF. Layoffs and reductions shall be made by class of position and by department. In each class of position in which there is to be layoff or reduction, employees shall be laid off according to employment status in the following order: provisional, temporary, probationary, permanent.

Provisional and temporary employees shall be laid off according to the needs of the service as determined by the department head.

Probationary employees shall be laid off or reduced in inverse order of seniority in the class in the department.

Regular employees shall be laid off or reduced as provided in Rule 15.03. [AMENDED 7/10]

15.03 ORDER OF LAYOFF. In case there are two (2) or more regular employees in the class from which layoff or reduction is to be made, such employees shall be laid off or reduced on the basis of seniority. [AMENDED 7/10]

15.04 TIES IN SENIORITY -- PERFORMANCE RATING. In case two (2) or more persons have the same seniority, layoff or reduction shall be made on the basis of the employees' last performance rating as follows:

- FIRST, all employees having rating of 'unsatisfactory';
- SECOND, all employees having rating of 'fair';
- THIRD, all employees having rating of 'good';
- FOURTH, all employees having rating of 'very good';
- FIFTH, all employees having rating of 'excellent'.

15.05 REDUCTION. The Appointing Authority may, if he deems it for the best interests of the City, make reductions in lieu of layoffs in higher classes and thereby cause layoffs only in the lower classes. Such reductions shall be made in the same manner and subject to the same restrictions as provided for under Rules 15.02, 15.03 and 15.04.

15.06 VOLUNTARY REDUCTION IN LIEU OF LAYOFF. An employee who anticipates being laid off, or who is so laid off, may, not later than ten (10) business days after notice of such layoff, request a reduction to a lower class in lieu of layoff if such position exists, is vacant and is eligible to be filled. [AMENDED 11/10]

15.07 RE-EMPLOYMENT LIST. The names of persons laid off or reduced in accordance with these Rules shall be entered upon a re-employment list in inverse order of layoff.

15.08 NAME DROPPED. Name(s) of person(s) laid off or reduced in lieu of layoff shall be carried on a re-employment list for two (2) years, except that the names of persons appointed to regular positions of the same level as that from which laid off shall, upon such appointment, be dropped from the list. Persons reduced or re-employed in a lower class, or re-employed on a temporary basis, shall be continued on the list for the higher class for two (2) years. [AMENDED 11/10]

RULE 16: CERTIFYING SALARY ACCOUNTS

Note: salaries/wages are determined by the collective bargaining agreement under the Public Employment Relations Commission (PERC).

[AMENDED 11/10]

RULE 17: CLASS SPECIFICATIONS FOR POLICE

17.01 Class Specifications

17.01 CLASS SPECIFICATIONS: As prescribed in Rule 6, the positions of the Police Department shall be allocated to classifications established herein on the basis of level of responsibility, authority assigned, and qualifications required. The Classifications for the Police Department shall include the following:

- A. Police Chief
- B. Deputy Police Chief
- C. Police Captain
- D. Police Sergeant
- E. Police Corporal
- F. Police Officer
- G. Police Services Lead
- H. Police Services Specialist
- I. Police Crime Analyst
- J. Police Evidence Technician
- K. Executive Administrative Assistant
- L. Administrative Assistant

Note: RCW 41.12.050(b) allows the City to exempt positions from Civil Service classification and authority. The exempted positions for the City of Pasco are: Police Chief, Police Chief's Executive Administrative Assistant, Deputy Police Chief and the Police Captains. [AMENDED 11/10] [AMENDED 03/18] [AMENDED 04/22]

RULE 18: CLASS SPECIFICATIONS FOR FIREMEN

18.01 Class Specifications

18.01 CLASS SPECIFICATIONS: As prescribed in Rule 6, all full paid positions of the Fire Department shall be allocated to classifications established herein on the basis of level of responsibility, authority assigned, and qualifications required. The Class Specifications for the Fire Department shall include the following:

- A. Fire Chief
- B. Deputy Fire Chief [Title change only] [AMENDED 6/17]
- C. Fire Captain
- D. Fire Lieutenant
- E. Fire Fighter
- F. Firefighter Paramedic
- G. Fire Battalion Chief
- H. Administrative Assistant
- I. Department Assistant

Note RCW 41.08.050 allows the position of Fire Chief to be exempted from the Civil Service classification and authority. [AMENDED 11/10] [AMENDED 2/11] [Assistant added back AMENDED 7/15] [AMENDED 04/22]