

**RULES AND REGULATIONS**

**OF THE**

**SPOKANE COUNTY CIVIL SERVICE COMMISSION**

AS PROVIDED FOR IN RCW 41.14.060

SPOKANE COUNTY CIVIL SERVICE | 13033 W. SR 902, Spokane, WA 99224 | 509.477.4711 Opt. 2

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# RULES AND REGULATIONS OF THE SPOKANE COUNTY CIVIL SERVICE COMMISSION

## AS PROVIDED FOR IN RCW 41.14.060

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### RULE I. PURPOSE, EFFECT, AMENDMENT AND ADMINISTRATION

**Section 1. Purpose.** These rules shall give effect to the provisions of Chapter 41.14 RCW of the State of Washington providing civil service for deputy sheriffs and other employees of the office of county sheriff. They set forth the principles and procedures that are to be followed in the administration of the civil service program. These rules are further intended to establish a modern and workable system of personnel administration based on merit principles and scientific methods, to govern the appointment, promotion, transfer, lay-off, dismissal, disciplinary actions, and other conditions of employment of employees.

**Section 2. Effect.** These rules shall have the force of law when processed and adopted by the Civil Service Commission.

**Section 3. Amendment.** The Civil Service Commission may initiate amendments and revisions to make suitable rules and regulations not inconsistent with the provisions of RCW Chapter 41.14. The Civil Service Commission shall conduct public hearings after due notice before taking final action on amendments or revisions of these rules. (Min. 2-13-2024)

**Section 4. Administration.** The Chief Examiner shall be charged with the responsibility for the administration of the provisions of these rules.

**Section 5. Grant or Special Revenue Sharing Programs.** Any grant program or special revenue sharing program shall be administered in conformance with the conditions of the program and be initially identified as either emergency, provisional, temporary, or permanent employment. All programs shall be subject to the Civil Service hiring procedures as though such were permanent classified positions. The staffing of all grant or special revenue sharing programs, whether identified as an emergency, provisional, temporary, or permanent employment, shall be by recruitment and appointment, insofar as practicable, through Civil Service processes and existing eligible lists for commensurate positions. (Min. 6-10-74)

**Section 6. Commission Records.** Pursuant to RCW 41.14.060(8), the Commission must keep such records as may be necessary for the proper administration of Chapter 41.14 RCW. Such records shall be retained and destroyed in compliance with the requirements of Chapter 40.14 RCW and applicable retention schedules adopted by the state under RCW 40.14.050. The Chief Examiner shall maintain documentation identifying record disposal consistent with applicable regulations adopted under Chapter 40.14 RCW.

The Commission adopts the County's public records policy set forth in Spokane County Resolution. (Min. 10-9-18)

Any costs incurred making copies of public records will be based upon the County actual cost schedule in place at that time. (Min. 10-9-18)

Records shall be indexed in order to assure their prompt retrieval.

At the end of the period designated in the state retention schedule, records relating to employee misconduct or alleged misconduct shall be destroyed or retained as follows:

- (a) all records containing information determined to be false and all records containing information where the employee has been fully exonerated of wrongdoing, shall be promptly destroyed;
- (b) all records containing information having no reasonable bearing on the employee's job performance or on the efficient and effective management of the Commission, shall be promptly destroyed;
- (c) all other records containing information shall be retained only so long as it has a reasonable bearing on the employee's job performance, or on the efficient and effective management of the Commission.

Provided, however, the Commission shall retain records containing information relating to employee misconduct or alleged misconduct beyond the period in the retention schedule in the following circumstances:

- (a) The employee requests that the record containing the information be retained; or
- (b) The record containing the information is related to pending legal action, or legal action may be reasonably expected to result;

(1) should an employee request a hearing through the Civil Service Commission, the Spokane County Sheriff's Office will be obligated to oblige in accordance with RCW 41.14.200. (Min. 7-12-22)

(c) For purposes of disciplinary appeals held pursuant to RCW 41.14.120, the Chief Examiner shall maintain a record containing a summary of all past disciplinary actions taken by the appointing authority. Such summary shall include:

(1) date of discipline;

(2) summary of misconduct;

(3) the employee's work record at time of discipline—including seniority with the department, previous discipline, and awards and commendations; and

(4) discipline imposed. Such summary shall not include identifying information relating to the employee involved in the disciplinary action;

(5) to verify applicants testing for promotion have not been previously suspended for a period in excess of ten (10) working days, demoted, discharged, or resigned in lieu of discharge, pursuant to Rule XIX, for one year from the effective date of reinstatement, or one year from effective date of demotion, discharge or involuntary resignation pursuant to Civil Service Rule X, Section 7. (Min. 7-12-22)

(d) All past findings, conclusions, or orders issued by the Commission in disciplinary appeals held pursuant to RCW 41.14.120. (Min. 9-10-07)

In accordance with Rule 41.14.120, a copy of the written accusation that was served to the Spokane County Sheriff's Office employee, whose off probation at the time of the incident, shall be filed with the commission. Such record shall be retained in accordance with proper records retention schedules. (Min. 7-12-22)

## **RULE II. DEFINITIONS**

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

**Section 2. Allocation.** Allocation means the assignment of a position to a class on the basis of the kind, difficulty, and responsibility of work of the position.

**Section 3. Chief Examiner.** Chief Examiner means the secretary or executive officer of the Civil Service Commission, who shall serve as personnel director.

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

**Section 5. Classified Service.** Classified service means all positions and employments in the various Sheriff's departments of the county with the exception of those specified in RCW 41.14.070.

**Section 6. Commission.** Commission means a Civil Service Commission as provided for in RCW 41.14.030.

**Section 7. Demotion.** Demotion means a reduction in employment status to a class having a lower maximum rate of pay.

**Section 8. Discharge.** Discharge means a separation of a permanent employee from the service for cause.

**Section 9. Eligible.** Eligible means the condition of being qualified or a person who has become qualified by examination, prior service, or otherwise as provided in Chapter 41.14 RCW or these rules.

**Section 10. Eligible list.** Eligible list means a list of persons arranged in descending order of their ratings on examinations for classes of positions for which they have competed in open competitive examinations and to which they are qualified for appointment.

**Section 11. Grievance.** Grievance means a misunderstanding or disagreement between an employee or group of employees and the Sheriff, or the county as employer, arising out of a belief on the part of the employee(s), that they are being treated unfairly in regard to the terms or conditions of employment under the act or rules. (Min. 10-8-18)

**Section 12. Lay-off.** Lay-off means the termination of employment because of the lack of funds or work, or because of material changes in organization.

**Section 13. Permanent Employee.** Permanent employee means an employee who has permanent status and thus who has completed their probationary period as elsewhere defined in these rules. (Min. 10-8-18)

**Section 14. Position.** Position means any employment or office in the classified service.

**Section 15. Probation.** Probation means a term of employment or trial service period in which an employee works before receiving permanent appointment, i.e., one year in accordance with RCW 41.14.130.

**Section 16. Probationer.** Probationer means an employee serving in the probationary or trial service period.

**Section 17. Promotion.** Promotion means a change of status in accordance with these rules from a position in a class with a lower to a class with a higher maximum rate of pay.

**Section 18. Promotional Examination.** Promotional examination means an examination for positions in a particular class, admission to which is limited to employees in the classified service or exempt employees who have previously served in the classified service who meet the qualifications set forth in the announcement of the examination.

**Section 19. Promotional List.** Promotional list means a list of persons arranged in descending order of their final ratings on examinations for classes of positions for which they have competed in promotional examinations and to which they are qualified for appointment to higher positions.

**Section 20. Provisional Appointment.** Provisional appointment means a non-competitive appointment made for a period of not more than four months to fill a classified position pending the establishment of an eligible list for the class.

**Section 21. Public Notice.** Public notice means giving notice by posting in at least three conspicuous places in public buildings or by publication on the County website or other social media sites. (Min. 10-9-18)

**Section 22. Re-employment List.** Re-employment list means a list of names of persons who have been permanently employed in the classified service and who have been separated from the service in good standing and are entitled to have their names certified to appointing powers.

**Section 23. Seasonal Employment.** Seasonal employment means employments which occur, terminate, and reoccur periodically and regularly.

**Section 24. Seniority.** Seniority means a right earned by service in the classified civil service except as provided under Rule XVI, Section 2.

**Section 25. Suspension.** Suspension means temporary termination of services without pay for disciplinary purposes because of insubordination or misconduct as defined in RCW 41.14.110.

**Section 26. Temporary Appointment.** Temporary appointment means the appointment of an eligible without regard to standing on the list for a temporary service period to fill vacancy created by leave of absence.

**Section 27. Written Notice.** Written notice means the service of a notice in writing either on the person or directly by mail or electronic notification. In the case of service by mail the notice must be deposited in the United States Post Office with postage prepaid and addressed to the person on whom it is to be served at their last known address as it appears on the records of the Civil Service Commission. Such service shall be deemed completed at the time of deposit in the Post Office and it shall be presumed received within five (5) days of that deposit (Min. 7-8-91; 10-9-18)

### **RULE III. APPLICABILITY OF RULES**

These rules shall apply to all positions in the classified service as defined in RCW 41.14.070.

### **RULE IV. ORGANIZATION OF THE CIVIL SERVICE COMMISSION**

**Section 1. Election of Chair.** At the first monthly meeting of each calendar year, the Commission shall elect a chair; and, also, one of its members to serve as acting chair in the absence of the chair. (Min. 12-8-08; 10-9-18; 2-11-20)

**Section 2. Meetings.** All meetings of the Commission shall be open and public, except for the holding of executive sessions, as provided for by the Open Meeting Law RCW 42.30.110.

Regular meetings shall be held the second Tuesday of each month at 1:00 p.m. except when such days occur on a legal holiday. Meetings may be held in one of the conference rooms in the Spokane County Courthouse Complex, or as specified on public notice of the meeting. Special meetings may be called at any time in accordance with RCW 42.30.080. (Min. 3-12-79; 4-14-14; 1-14-20)

All items to be included on the regular meeting agenda shall be submitted to the Chief Examiner ten (10) days prior to the scheduled meeting by all interested parties. This notice requirement can be waived at the discretion of the Commission. (Min. 9-12-94)

**Section 3. Conduct of Meetings.** A majority of the duly appointed members of the Commission shall constitute a quorum and accord of a majority of the duly appointed members shall be required for the transaction of any and all official business. The Chief Examiner shall keep the minutes for the Commission and submit them to the Commission at the next regular meeting for approval or correction. Upon such approval said minutes shall be signed by the chair and Commissioners and shall become part of the permanent files of the Commission. Roberts' Rules of Order shall serve as the guide on questions of procedure in parliamentary law not otherwise provided for by these rules or Chapter 41.14 RCW. (Min. 4-12-10; 10-9-18)

**Section 4. Chief Examiner and/or Assistants.** The Chief Examiner shall be appointed as a result of open competitive examination as provided for in RCW 41.14.050. The Chief Examiner may be subject to discharge for any of the provisions as set forth in RCW 41.14.110. The Commission may appoint such assistants as they deem necessary to assist the Chief Examiner in the carrying out of their functions. All such assistants shall be appointed as a result of open competitive examination. All such assistants may be subject to discharge for any of the provisions as set forth in RCW 41.14.110. (Min. 3-12-79)

### **RULE V. HEARINGS AND INVESTIGATIONS**

Hearings and investigations shall be conducted in an informal fashion and shall not be governed by the strict rules of courtroom evidence. Interested parties may appear in person, by counsel, or through other representatives of their choosing. At least five day's written notice shall be given to all interested parties of the time and place of any hearing or investigation and the purpose thereof; PROVIDED, the five days or any portion thereof may be waived by written consent of the parties involved. The decision shall be given in writing within 10 days of the conclusion of any hearing or investigation, and it shall be final and binding. Any decision regarding a permanent employee shall be given in accordance with RCW 41.14.120. (Mins. 7-8-91; 6-11-84)

### **RULE VI. CLASSIFICATION PLAN**

**Section 1. Preparation of Plan.** The Chief Examiner shall ascertain the duties and responsibilities of each position in the classified service. After analyzing this information and consulting with the appointing power, individual employees, groups of employees, or their representatives, the Chief Examiner shall prepare and submit to the Civil Service Commission a classification plan which shall group all positions in the classified service into classes based upon their duties and responsibilities. The classification plan shall include class specifications and shall set forth for each class of positions a class title, a statement of duties and responsibilities, and a statement of the qualifications needed by applicants. (Min. 10-9-18)

**Section 2. Adoption of the Plan.** After the plan has been prepared by the Chief Examiner, it shall be submitted to the Civil Service Commission which shall review and approve such plan with or without amendment. After such action has been taken by the Civil Service Commission, the plan shall be submitted to the Board of County Commissioners for their approval. Thereafter no position shall be assigned a salary greater than the maximum nor less than the minimum rate fixed in the compensation plan. Salaries of persons holding positions in the classified service shall not be approved by paying authorities unless such salaries conform to the compensation plan as adopted. (Min. 10-9-18)

**Section 3. Effect of Transfer on Rate of Pay.** The minimum or entrance rate of pay for any class of position shall be payable to any person on first appointment to a position allocated to a class. However, if a person already in the classified service is transferred or a former employee is reinstated in the class in which they were employed, with approval of the Civil Service Commission, they may enter the position at the rate of pay which they have been receiving at the time of transfer or separation. (Min. 10-9-18)

**Section 4. Additional Classes.** Action leading to the establishment of additional classes or the division, combination, alteration or abolishment of classes may be initiated by the Commission or upon the request of the appointing power. Appointing powers intending to establish new positions shall notify the Commission and no person shall be appointed or employed for any such position until it has been properly classified as herein provided and an appropriate employment or promotional list established therefore.

**Section 5. Administration of the Plan.** Once adopted, the Chief Examiner shall be charged with the responsibility for the properly continued administration of the classification plan so that it will reflect the duties being performed by each employee in the classified service and the class to which each position is allocated.

## **RULE VII. CLASS SPECIFICATIONS**

The class specifications mentioned in Rule VI, Section 1, shall be prepared by the Chief Examiner and submitted to the Civil Service Commission for approval. Such class specifications are hereby declared to have the following power, force, and effect:

- (A) They are descriptive and explanatory and are not restrictive. The use of a particular expression or illustration as to essential job functions, minimum requirements, or other attributes of a class shall not be held to exclude others not mentioned if such others are similar as to kind or quality (Min. 1-9-24).
- (B) In determining the allocation of a given position the class specifications shall be considered as a whole. Consideration shall be given to the general job functions, specific examples, responsibilities, minimum requirements, and to the relationships with other classes so as to afford an inclusive picture of the employment which the class is intended to embrace (Min. 1-9-24).
- (C) The "Essential Job Functions" is not intended to prescribe what the specific job functions of the given position shall be nor to limit the power of the appointing powers to modify or alter the detailed tasks involved in the performance of any position. The functions listed are merely indicative of the type and character of tasks to be expected of a position in that particular class specification. When a substantial change of job functions is made to a position, such change shall be reported to the Commission with a view to a possible reclassification of the position (Min. 1-9-24).
- (D) Although they may not be specifically mentioned in the class specifications, certain qualifications which should properly apply to practically all positions such as citizenship, age, honesty, sobriety, and industry, are taken for granted (Min. 1-9-24).

## **RULE VIII. ALLOCATION OF POSITIONS TO CLASSES**

**Section 1. Adjustments.** Every position in the classified service shall be allocated to its appropriate class. Whenever a new position is established or the duties of an existing position become changed so that it no longer properly belongs to its former class, the appointing power shall forthwith report the facts to the Commission with a full description of the duties, or the duties as changed. After investigation, a position may be reclassified or reallocated in the same manner as the classification was originally adopted. From time to time and as need requires, the Commission on its own initiative may investigate and determine the duties of a position or positions, or of the entire service, with the view to correcting, amending and adjusting the classification plan or the allocation of positions thereto.

**Section 2. Transfers to Newly Allocated Position.** Whenever, by action of the constituted authorities, a new class of position shall be created and a new position in the changed class allocated in lieu of an old position which has been abolished or discontinued, and the duties of such old and new positions are of an overlapping or closely related nature, the Civil Service Commission may approve the appointment or transfer of the incumbent from the old position to the new position without examination.

**Section 3. Effect of Reclassification on Employees.** If a position is reclassified to a higher class of position of changed duties or responsibilities, the incumbent, upon approval of the Board, shall be advanced to the reclassified position if they can demonstrate their qualifications therefore by passing a non-competitive examination for the same class of position, or at their option they may be transferred to a vacant position in the class to which their position was formerly allocated, or with the approval of the Civil Service

Commission they may be demoted to a lower class of position for which they are qualified, or their name may be placed on the reemployment list for the class to which the position formerly was allocated. (Min. 10-9-18)

## **RULE IX. RECRUITMENT**

**Section 1. Examinations.** Whenever there is need, the Civil Service Commission shall provide for and conduct open competitive examinations to establish employment lists of eligibles for all positions in the classified service. It shall give public notice of such examinations, specifying the title and salary range of the position. A brief outline of the requirements of the position, the minimum qualifications required and the final date upon which applications will be received. (Min. 1-12-87; 3-13-18; 12-10-24)

**Section 2. Application Packets.** Applications shall be made on forms prescribed by the Commission. The Commission approves the use of an electronic web-based job application process adopted by the Board of County Commissioners, including electronic job application forms used in conjunction therewith. Such forms shall provide for information covering education, experience, references and other pertinent information. All applications should be made out and signed by the person making application who shall certify that all of the information provided in the application and in any attachments or supporting documents is true, correct, and complete. (Min. 5-12-03; 12-13-04; 4-14-14)

Examination notices may contain a maximum age only as the same may be established as a bona fide occupational qualification. An individual may qualify to take the entrance examination for a classification which has a minimum age of 21 providing the individual will pass the minimum age birth date during the life of the eligible list established by that examination. A successful applicant will have delayed eligibility until the required minimum age is attained. (Min. 8-8-83; 10-9-18)

All applicants must be a citizen of the United States, a lawful permanent resident, or a deferred action for childhood arrivals (DACA) recipient. Must be able to speak, read, and write the English language. Must have a high school diploma or GED. Applicants shall meet the vision, hearing, and other requirements as listed in the job description. (Min. 6-11-84; 10-9-18; 8-13-24)

**Section 3. Rejection of Applicants.** The Chief Examiner may refuse to accept an application, or after accepting, may reject an applicant or after examination may disqualify a successful applicant, or may remove the name of a successful applicant from the eligibility list, or may refuse to certify the name of a successful applicant for any of the following reasons:

1. The applicant is found to lack any of the minimum prerequisites established for the class of the position.
2. The applicant has been found guilty of any infamous or notoriously disgraceful conduct.
3. The applicant has made false statement of material facts on their employment application, Personal History Statement, or during the course of their background investigation.
4. The applicant has an automatic disqualifier in accordance with Policy 1000 of the Spokane County Sheriff's Office Policy & Procedure Manual.
5. The applicant fails to respond to requests for examinations, interviews, or deadlines during the application or background process.
6. The applicant has otherwise violated the provisions of the constitution or statutes of the State of Washington or these rules.

The cause for rejection, including but not limited to the specific causes mentioned above, shall be entered upon the application form and filed in conformity with these rules. (Min. 6-11-24)

Names of applicants who fail to meet the Sheriff's Office hiring standards based on Sheriff's Office Policy 1000 may be removed from the list provided that a written request from the Sheriff's Office is submitted to the Commission stating the policy violations that would prohibit the applicant from being hired. (Min. 6-11-24)

An individual who has been certified three times for appointment to a position, and not appointed by the Sheriff, shall not be eligible to submit a new application until one year from the date of their removal from the applicable eligibility list pursuant to Rule, XI, Section 4. (Min. 6-8-81; 9-13-16; 10-9-18)

Any individual who is rejected by the Chief Examiner during the preliminary processing for a classification shall not be eligible to submit a new application until one year from date of rejection. An exception may be granted where the disqualifying factor or factors would not be applicable to a different classification. In accordance with RCW 41.14.060(5), any person rejected by the Chief Examiner during the pre-employment investigation may request a hearing before the Commission providing it is filed within 10 days after receipt of electronic notice of the rejection. The cause for rejection shall be entered upon the written notice provided to the applicant. (Min. 3-9-81; 8-22-14; 6-11-24)

## RULE X. EXAMINATION

**Section 1. Preparation.** Examinations shall be prepared by the Chief Examiner which will test the ability of applicants in accordance with RCW 41.14.060(2).

**Section 2. Assistance.** The Commission or Chief Examiner may designate special examiners to assist in the conduct of any examination or test and may make arrangements for the use of public buildings and equipment in testing. (Min. 7-8-91)

**Section 3. Announcement and Notification.** The Commission shall, insofar as possible, include in the announcement of examinations the appropriate number of applicants likely to have opportunity for service as the result of such test, the likely location where such applicants may be called to serve, and all applicants shall be notified of their rating and whether or not they have attained standings high enough to entitle them to have their names placed on eligible lists for service.

**Section 4-a. Time, Place and Notice.** Examinations for admission to the eligible list, or for promotion in the service, shall be held at such times and places as shall be designated by the Commission. Public Notice of examinations shall be posted for a minimum of two weeks preceding such examination. Only those with completed applications on file by the closing date shall be entitled to take the examination. (Min. 7-8-91)

**Section 4-a.1. Continuous Examinations.** Original entrance examinations, for classifications in which the need continually exceeds the availability of appointees, in the opinion of the Commission, may be administered as applications are received with results merged into one eligible list according to final ratings. On such examinations when there has been no change in test content or standards, an applicant who achieves a passing score on one part of an examination need not repeat that part if retested within a 12-month period. The final grade of an applicant who repeats any part of an examination will be based on the latest test results. (Min. 10-12-92)

**Section 4-a.2. Make-Up Examinations.** An applicant who is unable to take the regular examination, as scheduled, may be given a special examination upon written request. Such applicant must submit a written request setting forth the reasons requiring the absence and provide documentary evidence which demonstrates that the applicant was unable to take the regular examination as scheduled.

The following are the only reasons for granting a special examination time for an entry level examination:

- 1) Activated for military duty. Applicant must provide a copy of their separation papers no later than 10 days from the termination of such military duty;
- 2) Receipt of military orders requiring the applicant to report for active duty. Applicant must provide a copy of their orders at the time of the request.
- 3) Absence from the test within one week after the date of death of a spouse, domestic partner, mother, father, sister, brother, child or child of a domestic partner of such applicant.
- 4) Diagnosed with an infectious disease, (such as influenza, COVID-19) which inhibits the applicant's ability to perform the exam and/or would pose a risk to other applicants. (Min. 2-13-2024)

The following are the only reasons for granting a special examination time for a promotional examination:

- 1) Activated for military duty. Applicant must provide a copy of their separation papers no later than 10 days from the termination of such military duty;
- 2) Receipt of military orders requiring the applicant to report for active duty. Applicant must provide a copy of their orders at the time of the request;
- 3) Compulsory attendance before a court or other public body or official having the power to compel attendance;
- 4) Any mandatory agency training;
- 5) Absence from the test within one week after the date of a birth of a child or death of a spouse, domestic partner, mother, father, sister, brother, child or child of a domestic partner of such applicant. (Min. 4-9-07; 12-13-04)
- 6) Diagnosed with an infectious disease, (such as influenza, COVID-19) which inhibits the applicant's ability to perform the exam and/or would pose a risk to other applicants. (Min. 2-13-2024)

**Section 4-b. Competitive.** All examinations held under the provisions of the law and these rules shall be competitive.

**Section 4-c. Limitations.** No limitations shall be made as to the number of applicants to be received for examination. The Commission may limit the number of applicants to be examined at any one time, according to the needs of the service or for convenience in conducting the examination, but in all cases applicants shall be admitted to examination in the order in which their applications were filed.

**Section 4-d. Subjects, Weights and General Averages.** Each examination shall embrace certain subjects, to which weights shall be assigned, the weight given to each subject to represent its relative value in ascertaining the fitness of the applicant. The weight of each subject shall be determined by the Civil Service Commission prior to the examination. (Min. 6-9-08; 10-9-18)

**Section 4-e. Questions Shall Be Practical.** Examinations shall be practical in their character and shall relate to those matters only which will fairly test the general fitness of the persons examined to discharge the duties of the position to which they seek to be appointed.

**Section 4-f. Questions Prohibited.** No question pertaining to race, creed, religion, color, or national origin, fraternal or political opinions or affiliations will be allowed at any examination or proceeding. (Min. 5-10-16)

**Section 4-g. Written or Oral.** Whenever practical, examinations shall be in written and/or oral format, and, when appropriate, may include physical and practical tests. The Commission may act as a committee or appoint a committee to conduct oral examinations on certain subjects when, in their judgment, that is the best means of determining an applicant's qualifications for the position applied for. This will particularly apply to positions where executive ability is essential, or experience is one of the subjects in the examination. Any willful false statement regarding past record or experience shall be a ground for withholding the name of an applicant from an eligible list and shall be a ground for discharge and disqualifies an applicant from taking any future examination, and before the examination begins applicants shall be so admonished. All entrance applicants may be required to take a polygraph screening. (Min. 4-9-73; 4-8-02; 6-11-24)

**Section 4-h. Physical Ability Examination.** The Commission may determine by physical ability examination the physical qualifications of any applicant for a specific classification. The Commission may establish tests of physical strength and condition as a subject in examination and give weight thereto, as provided in Section 4-d of this rule. Where positions require special physical fitness, a special investigation of eligibles may be made by the Commission to determine whether they continue to possess the same. (Min. 6-11-84; 2-9-04)

**Section 4-i. Explanation.** All necessary explanations will be made to the whole class. Examiners are forbidden to explain the meaning of any question or to make remarks or suggestions that may assist in its solution.

**Section 4-j. Conversation and Communication.** All conversation or communication between or among applicants during examination is strictly prohibited.

**Section 4-k. Cannot Leave the Room.** During an examination, no applicant will be allowed or permitted to leave the room, except in case of extreme necessity, and after notice to an examiner. (Min. 10-9-18)

**Section 4-l. Penalty for Withdrawal.** An applicant who withdraws from an examination, after filling out their identification and/or answer sheet and receiving a copy of the questions, shall be considered as having failed. (Min. 10-9-18)

**Section 4-m. No Helps Allowed.** NO HELPS of any kind will be allowed during the examination unless authorized on the exam booklet, on the official Notice of the examination, or by the Chief Examiner. Possession of or access to any outside information during the test or any attempt to copy from a competitor shall disqualify the individual for the position for which the test is being rendered. This disqualification shall be in effect for a period of time as specified by the Commission but not to exceed 22 months. (Min. 1-14-91)

**Section 4-p. Grading of Papers.** No unnecessary delay will occur in the marking and grading of the examination papers. A uniform grade of 70% is established as a passing grade on all future examinations unless otherwise changed by the Board under special conditions and circumstances. (Min. 4-8-02)

**Section 4-q. Notice of Result.** As soon as the grading of the papers is completed the applicants will be notified of their results and whether they passed or failed, and their position on the eligible list. No questions will be shown to any applicant following the test. By request, within a reasonable time following the examination, applicants may be told grade attained on each component part of the examination only. (Min. 7-8-91;4-8-02)

**Section 4-r. Papers Not Returned.** After the grading of the papers is completed and the eligible list established, the examination papers become the permanent property of the Civil Service Commission and will be kept on file in the office of the Commission.

**Section 4-s. Re-examination.** Any applicant failing to pass in two examinations for the same class of service shall not be eligible for examination in said class within one year from the date of last examination. This section shall not apply to examinations administered by an outside testing service utilized by the Commission. (Min. 3-8-16)

**Section 4-t. Postponement or Continuance of Examination.** Whenever it may appear to the Commission, by reason of the small number of applicants for any examination, either entrance or promotional, that such examination has not been given sufficient publicity, or for other good and sufficient cause, the Commission may postpone said examination to a later date. All persons having applications on file shall be immediately notified of the postponement or continuance and shall be further notified of the time at which they are to appear for such examination. (Min. 10-9-18)

**Section 5. Promotional Examinations.** Promotional examinations will be conducted under the same rules that apply to original entrance examinations. On a promotional test, possession of or access to any outside information during the time the test is being conducted, or any attempt to copy from a competitor shall disqualify the individual for the position for which the test is being given. Report of any disqualification pursuant to these rules shall be reported to the County Sheriff. (Min. 12-10-90)

**Section 5-a. Filling Vacancies.** So far as practicable vacancies in positions in the classified service shall be filled by promotion of permanent employees. Promotional examinations may at the discretion of the Commission be limited to a single division or may be service-wide. Whenever promotional examinations are limited to a division, successful applicants shall be eligible only in that division. (Min. 1-14-91)

**Section 5-b. Eligibility.** To be eligible to take any promotional examination, except as herein provided, applicant must have completed at least three consecutive years of satisfactory service in the next lower grade immediately preceding the effective date of the promotional eligibility list for that classification; PROVIDED that, an employee who is returned to duty from disability retirement by the Disability Board pursuant to Chapter 41.26 RCW, shall have completed at least three years of service in the next lower grade, one year of which shall be completed within the 24 months immediately preceding the effective date of the next promotional eligibility list. (Min. 9-12-94)

Examinations for Sergeant will only be for those applicants meeting requirements via one of the following pathways:

- 1) Patrol Deputy with Field Training Officer (FTO) Experience to Sergeant: applicant has eight (8) years with the department with three (3) consecutive years as an FTO or equivalent training as determined by the Sheriff or designee. This section only applies to FTOs who served between 10-9-2018 and 1-1-2022. FTOs appointed after 1-1-2022 will not be eligible for this promotion option. (Min. 10-9-18, 11-9-21, 11-14-23)
- 2) If a Detective/Corporal has less than 24 months in grade with prior investigative unit experience as a Deputy Sheriff with the Spokane County Sheriff's Office (who has a full-time assignment to an investigative unit), that investigative time can be substituted month-for-month for the 24-month time in grade requirement. Those determinations will be made on a case-by-case basis, based upon predetermined experience in an eligible unit which shall be outlined on the current classification plan. (Min. 11-14-23)
- 3) Detective/Corporal to Sergeant: applicant must have at least 24 months of satisfactory service as a Detective/Corporal and have at least 24 months' assignment in the investigative division. (Min. 11-14-23)

The eligibility list will continue to be a one-year list for all future Sergeant examinations. (Min. 7-14-03, Min. 7-14-15; 6-11-17)

Where the Commission finds that exceptional circumstances exist which require expanding the pool of eligible applicants for a promotional examination, it may establish appropriate eligibility requirements prior to the posting of that examination. (Min. 2-14-94)

All applicants must otherwise meet the minimum requirements of the promotional position by the date of the test. Leaves of absence without pay cannot be credited as time served in grade. Positions requiring technical training and experience not available within the operation of the Sheriff's Office shall be exceptions to this rule. (Min. 1-14-91; 10-9-18)

**Section 5-c. Promotional Examination Grading.** All promotional examinations will be graded on the basis of a combined 50% written and 50% oral examination written, unless otherwise changed by the Board under special conditions and circumstances. Promotional examinations for the position of Sergeant and Lieutenant, where an assessment test may/will be given, will be graded according to the standards set for assessment center testing. The written standards will be available for review in the Chief Examiner's office at the time the applicant submits their application. (Min. 7-8-91; 7-13-92; 2-9-04; 10-11-04; 12-9-13; 6-13-17; 10-9-18)

**Section 5-d. Seniority Credit.** Seniority credit shall be added: One (1) point per year for the first five years of service, one-half (1/2) point per year for the second five years of service, for a maximum of seven and one-half (7-1/2) points, to all passing grades on promotional examinations. Seniority credit will be computed, within the above guidelines, with consideration for completed quarters within the last year of satisfactory service up to the date of the examination. (Min. 1-12-87; 1-14-91)

**Section 5-e. FTO Credit.** Deputies who have served a minimum of three (3) years as a fully certified Field Training Officer for the Spokane County Sheriff's Office shall receive two (2) additional points on the Detective/Corporal promotional exam. The points shall be added to the passing exam score consistent with the provisions herein. These points may only be used for one promotion. (12-14-21)

**Section 6. Veteran's Preference.** Points for Veteran's Preference in all entrance and promotional examinations shall be given in accordance with RCW 41.04.010. (Min. 5-9-05)

**Section 7. Application Following Disciplinary Action.** No application for any examination shall be received from any applicant who has previously been suspended for a period in excess of ten (10) working days, demoted, discharged, or resigned in lieu of discharge, pursuant to Rule XIX, for one year from the effective date of reinstatement, or one year from effective date of demotion, discharge, or involuntary resignation. (Min. 3-13-78)

**Section 8. Lateral Entry Examination.**

1. **Eligibility.** Every person who shall make application as a lateral entry employee for the position of Deputy Sheriff-Intermediate Lateral or Deputy Sheriff-Lateral within the Spokane County Sheriff's Office shall comply with all the general qualifications set forth in the Spokane County Civil Service Commission Rules and Regulations and Chapter 41.14 of the Revised Code of Washington. (Min. 9-11-00; 12-9-13; 10-9-18; 5-10-22)

(a) **Deputy Sheriff-Lateral—Additional Qualifications.** In addition to these general qualifications, the following shall be requirements for an individual to be eligible to test for placement on the eligible list for Deputy Sheriff-Intermediate Lateral or Deputy Sheriff-Lateral:

(i) The Deputy Sheriff-Intermediate Lateral must have successfully completed a basic law enforcement academy in the United States. Experience as a deputy is not required. If not currently working in law enforcement, applicant must have either graduated from a basic law enforcement academy in the United States within the last two (2) years (this includes self-sponsored academy individuals) or have been separated from their previous law enforcement agency for less than two (2) years. Applicant must have either successfully completed the Washington State Basic Law Enforcement Academy or have the ability to obtain an equivalency certification prior to the completion of probation. (Min. 10-9-18, 5-11-21; 5-10-22; 11-8-22)

(ii) The Deputy Sheriff-Lateral must have successfully completed a basic law enforcement academy in the United States, plus completed a minimum of two (2) years of sworn, non-military, continuous law enforcement patrol officer experience with a single agency, with no break in service for more than 180 days. Applicant must have a valid peace officer certification. If not currently working in law enforcement, applicant must have been separated from their previous law enforcement agency for less than four (4) years. Applicant must have either successfully completed the Washington State Basic Law Enforcement Academy, the Washington State Basic Law Enforcement Equivalency Academy, or have the ability to obtain an equivalency certification prior to the completion of probation. (Min. 5-11-21, 5-10-22, 11-8-22)

(iii) Applicant cannot currently be on a Spokane County Civil Service Officer Candidate/Deputy Sheriff (Deputy Sheriff-Entry Level) eligibility list for the duration of the current lateral eligibility lists. (Min. 10-9-18, 5-10-22)

2. **Examination Procedures.**

(a) **Examination.** Deputy Sheriff-Intermediate Lateral and Deputy Sheriff- Lateral examination will consist of a Training and Experience Statement (weighted at 100%) and may pass a physical ability test as determined by the Commission. Applicants must achieve a passing grade of 70% on the Training and Experience Statement to be considered eligible. (Min. 12-9-13; 11-10-15; 10-9-18; 6-11-24)

(b) **Medical and Physical Examination.** The Commission may determine medical and physical fitness for lateral applicants in the same manner as provided in Rule X, Section 4-h, which tests of physical strength and condition shall be graded on a pass/fail basis. (Min. 10-9-18)

3. Lateral Eligibility Lists. The Civil Service Commission shall establish and maintain a lateral eligibility list comprised of those individuals who:

- (1) meet the eligibility requirements for lateral employees listed above;
- (2) satisfactorily complete the application form and achieve a grade of 70% or more based upon the evaluation.

Successful applicants shall be arranged in descending order of their ratings based on their total points. Processing will be completed through the background, oral interviews, polygraph, psychological evaluation, and medical. Names will remain on the lateral lists for one (1) year from the date the applicant is placed on the eligibility list. Names would be integrated on the list according to scores achieved. (Min. 6-9-08; 6-10-13; 10-9-18; 5-10-22; 6-11-24)

The Sheriff shall select from the applicants certified by the Commission from the eligible list. (Min. 9-11-00)

4. Seniority/Benefits. Seniority for lateral employees shall commence on the date of hire with the Sheriff's Office. Lateral employees shall be subject to the same rules, and enjoy the same rights, as employees hired from the entry level list. (Min. 10-9-18)

**Section 9. Reserve Deputy Credit.** On entry-level Deputy Sheriff examinations, credits will be added for service as a Reserve Deputy in the Spokane County Sheriff's Office as follows:

- 1) Two credit points for successful completion of the Reserve Academy and Commissioning as a Reserve Deputy for Spokane County.
- 2) Two additional credit points for successful completion of the first year of service as a Reserve Deputy Sheriff, provided the candidate meets or exceeds all requirements set forth in Sheriff's Policy.

Effective May 14, 2012, the above rules would apply to all current Reserve Deputy Sheriffs. (Min. 7-9-12)

## **RULE XI. EMPLOYMENT, RE-EMPLOYMENT AND PROMOTIONAL LISTS**

**Section 1. Maintenance of Lists.** As a result of examination, the Commission shall maintain employment lists of eligibles. Names shall be placed upon such lists in order of preference according to the final earned rating of each person competing in the examination including seniority credits on promotional lists.

**Section 2. Effective Date and Life of Lists.** Eligible lists shall become effective when approved by the chair of the Commission by signature thereto or by the signature of the Chief Examiner. The eligibility of applicants on employment and promotional lists shall remain in effect one year, except that in an emergency eligibility list may be extended for a period not to exceed one hundred and eighty days. (Min. 6-85; 5-88; 5-90; 7-8-91; 11-15-94; 2-9-04; 11-13-07; 3-12-12; 3-8-16; 10-9-18, 7-14-20, 06-08-21, 12-14-21)

**Section 3. Reemployment Lists.** For each class of position, the Commission shall maintain separate reemployment lists consisting of the names of persons who have occupied positions in such classes with permanent, satisfactory probationary status, or satisfactory temporary appointment/promotion and who have been separated therefrom by layoff or leave of absence, and who have made written application to the Civil Service Commission to have their names placed on the appropriate reemployment lists. Names shall be placed on reemployment lists in order of seniority of service. Eligibility shall expire at the end of two years and may be extended for one additional year. All of those on the reemployment lists, including probationers with satisfactory service, shall retain all seniority and other rights previously accrued. (Minutes 1-76; 6-81; 2-9-04)

**Section 4. Removal from Lists.** The names of any persons appearing on a promotional eligibility list, entrance eligibility list, or re-employment list may be removed by the Commission or Chief Examiner for any of the following reasons:

1. The applicant fails to respond regarding examinations, interviews, or deadlines.
2. The applicant fails to respond to a notice of certification.
3. The applicant declines an appointment without reason satisfactory to the Commission.
4. The applicant cannot be located by postal authorities or fails to respond to electronic mail or voicemail.

In case of such removal, the Commission shall notify in writing the applicant by electronic notification at their last known email address. The name of a person so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission. (Min. 10-9-18; 6-11-24)

Names of applicants who have been certified for appointment three times and have not been appointed shall be removed from the list by the Commission, and the names of persons on promotional employment lists who resign or are terminated from service shall be automatically removed from such lists upon such resignation or termination. (Min. 6-8-81; 6-11-24)

**Section 5. Notification of Change of Address.** Each person on an employment list shall file with the Board written notice of any change of name, address, email address, or phone number and failure to do so may cause removal of their name from the list. (Min. 10-9-18)

**Section 6. Revocation of Lists.** An employment or promotional list may be revoked and another examination ordered only when such action is deemed advisable on account of fraud, error, or obviously inappropriate standards prescribed in connection with the examination, and of plainly inadequate results obtained therefrom. No list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons in the minutes of the Commission.

## **RULE XII. CERTIFICATION**

**Section 1.** Whenever an appointing power requires the services of a person to fill a vacancy in the classified service, written requisition shall be made upon the Chief Examiner which requisition shall state the number of positions to be filled in each class, and shall supply the class title and other information requested by the Chief Examiner. Upon the receipt of a requisition, the Chief Examiner shall submit in writing the names of the five persons highest on the employment eligible list for all Sheriff's Office positions, and the name of the person next highest on the eligible list for each additional vacancy. For promotional eligibility lists, the Chief Examiner shall submit in writing the names of the five highest and the name of the next person highest on the eligible list for each additional vacancy. (Min. 10-9-18; 2-11-20, 02-09-21)

Whenever a person is removed from the written list of names certified for appointment pursuant to Rule IX, Section 3, the Chief Examiner shall substitute the highest ranked individual person who is not included on the list of names certified to the appointing authority. The order of certification shall be as follows: reemployment list, promotional list, transferring city employees pursuant to RCW 41.14.260(2), entrance employment list. (Min. 7-13-81; 1-22-82; 12-9-13)

## **RULE XIII. APPOINTMENT**

**Section 1. Selection.** Appointing powers shall make selections from the names submitted for certification unless objection is made in writing and sustained by the Commission for one or more of the reasons set forth in Rule IX, Section 3, or Rule XI, Section 4. Appointments shall be reported on forms prescribed by the Commission.

**Section 2. Declination.** Whenever an applicant whose name has been certified for appointment fails to answer the inquiry of the Board or appointing officer within two business days next succeeding the date of electronic notification of such notice of certification or fails to accept an appointment when offered them within the same period, then in that event they may be deemed to have declined appointment. If an applicant accepts an appointment within the period outlined and fails to present themselves for duty within five days from the date specified in the notice, they may be deemed to have declined the appointment. (Min. 10-9-18)

**Section 3. Effect of Declination.** Any person who declines certification or appointment, or who fails to report, shall be permanently dropped from the list on which their name appears unless they show satisfactory cause to the Commission for their action. Upon a showing of satisfactory cause, the applicant's name shall be retained on the top of the eligible list until the next request for certification comes from the Sheriff's Office or until an appointment is to be made at which time the applicant will again be contacted. An applicant shall be retained on the top of the eligible list as long as they are able to show satisfactory cause for declining certification or appointment or for failure to report. (Min. 10-9-18)

## **RULE XIV. EXCEPTIONAL APPOINTMENTS.**

**Section 1. Emergency Appointments.** The appointing powers may employ any person or persons who meet the immediate requirements of emergency conditions which threaten public life or property whenever due to lack of time or otherwise it is impossible to secure the services of persons through the Civil Service Commission. As soon as practicable, all such appointments shall be reported to the Commission. The Commission may disallow or terminate any such appointment at any time and in no event shall such employment of any one person be continued for more than thirty days in any one year, unless the Commission determines the emergency conditions still exist in which case the employment may be continued until the emergency conditions cease, subject to review every thirty days by the Civil Service Commission. No contractual, seniority, Civil Service or other employment rights shall be acquired during the time frame of the emergency appointment. (Min. 3-12-90)

**Section 2. Provisional Appointments.** Provisional appointments may be made only in the absence of lists appropriate for the position to be filled. In such case, the appointing power may select a person meeting the minimum prerequisites of the class to which the position is allocated. The Commission shall determine as soon as possible by any method felt advisable whether or not the nominee possesses the necessary experience, training, and other prerequisites for the position. If satisfactory, the name of such provisional appointee shall be certified to the appointing power for appointment and such person's application accepted for an examination to establish an employment list for the position. The Commission shall then announce and conduct the examination and certify names for regular appointment in the usual manner as soon as possible. In no case, however, shall any credit in an examination be given for service of a provisional appointee. Provisional appointments shall in no case be continued for longer than 4 months, and no provisional appointee shall be again appointed in the same year unless they qualified by competitive examination and are appointed in the regular manner. (Min. 10-9-18)

**Section 3. Temporary Appointments.** Temporary appointment is appointment from an employment, promotional or re-employment list in the usual manner to fill a position created by the granting of a Leave of Absence. In making such temporary appointments, the appointing authority shall requisition the Chief Examiner in the manner provided for regular appointments but shall indicate the time or the date at which it is estimated the position will terminate. The Chief Examiner shall contact persons appearing on the appropriate eligible list or lists, indicating the nature of the position and its duration to learn who may be willing to accept the temporary appointment. (Min. 1-13-03)

**Section 4. Appointment in Lieu of List.** If there is need for an appointment to a classification for which there is no current eligible list, the Commission may certify the names of three persons standing highest on such other list held appropriate for such class, who are willing to accept the appointment. Acceptance of such an appointment will not affect the standing of the applicant on the list from which they were appointed. (Min. 10-13-80; 10-9-18)

## **RULE XV. PROBATIONARY PERIOD**

**Section 1.a. Probationary Period and Extensions.** All appointments to positions in the classified service (except appointment from re-employment lists) shall be tentative and subject to a probationary period of one year in length.

The probationary period may be subject to extension due to medical leave, excused leaves of absence, or like cause that affect the probationer's ability to perform their duties for the prescribed probationary period. Certain medical leave may include necessary medical procedures, surgeries, maternity leave, etc. Excused leaves of absence may include bereavement leave, military activation, military spousal leave, etc. (See, Spokane County Policy Manual).

Any requests for extension of the probationary period should be submitted in writing to the Civil Service Commission, along with supporting documentation. Any request may be equal to or less than the medical leave, excused leave of absence, or like cause, but the request for extension shall not be greater than an equivalent to the original one year period. (Min 4-9-24)

**Section 1.b. Probationary Period and Extensions due to Remedial Training.** All appointments to positions in the classified service (except appointment from re-employment lists) shall be tentative and subject to a probationary period of one year in length.

The probationary period may be subject to extension due to a request for remedial training that affects the probationer's ability to perform their duties for the prescribed probationary period.

Any requests for extension of the probationary period due to remedial training should be submitted in writing to the Civil Service Commission, along with supporting documentation. Probationary extension requests for remedial training will be reviewed on a case-by-case basis. (Min 4-9-24)

**Section 2. Rejection of Employees.** During the probationary period, the appointing officer at their discretion may reject an employee other than a promotional appointee. Notice of rejection shall be submitted to the Commission which may inquire as to the cause thereof but may not order the reinstatement of the applicant. Such rejected employee may not appeal their rejection to the Commission as elsewhere provided for discharges of permanent employees. (Min. 5-8-95; 10-9-18; 4-9-24)

**Section 3. Reports on Probationary Employees.** Unsatisfactory reports upon the services of an employee during the probationary period shall be grounds at the discretion of the Commission for refusing to place the name back on the eligible list from which it was certified. (Min. 11-14-05)

**Section 4. Promotional Appointees.** A promotional appointee may only be rejected by the appointing officer for cause (RCW 41.14.120). For purposes of this section, "cause" means a fair and honest cause or reason indicating a promotional appointee is unfit or unsatisfactory for the position, regulated by good faith on the part of the appointing officer. A rejection for cause is one based on facts that (1) are supported by substantial evidence and (2) are reasonably believed by the employer to be true and (3) is not for any arbitrary, capricious, or illegal reason.

Notice of rejection shall be submitted to the Commission which may inquire as to the cause thereof, or shall initiate an inquiry at the request of the promotional appointee if such request is received within fifteen (15) days of the notice of rejection. If such inquiry reveals that the rejection of the promotional appointee was not made for cause, the Commission shall order the reinstatement of the promotional appointee.

A promotional appointee who is rejected for cause during the probationary period from the position to which they have been promoted shall be restored to the position from which they were promoted. (Min. 5-8-95; 10-9-18)

**Section 5. Temporary Employees--Probationary Status.** At the discretion of the Commission, an individual's service as a temporary employee may be credited on any probationary period. (Min. 1-13-03)

## **RULE XVI. SENIORITY**

**Section 1. When Seniority Not Accrued.** Service in emergency, provisional and temporary positions shall not be considered in the computation of seniority. Probationary employees shall not be considered to have acquired seniority, except as provided in Section 2. After the completion of a probationary period, however, credit for seniority purposes shall be given for such probationary period.

**Section 2. Computation of Seniority.** Seniority rights in the classified service shall be based upon the length of service within a class, or in higher classes of positions in the same series. Where a classified employee is given an appointment to a position in the unclassified service designated in RCW 41.14.070, or where an employee is assigned to a separate division or task force under the direction and control of the Sheriff, such service shall be credited to such employee's seniority in the classified service and such employee may at the termination of such appointment or assignment return to their class in the classified service. No employee shall be penalized in seniority rights in accepting such unclassified position or assignment. Should no vacancy exist in the classified position held at the time of appointment or assignment such position shall be created by removing from like position, grade and classification the incumbent with lowest seniority standing. (Min. 7-13-98)

**Section 3. Computation of Seniority - Not Retained.** Seniority shall not be retained by any employee who has a break in service caused by termination, either voluntary or involuntary, from the Sheriff's Office PROVIDED, that any employee on layoff whose name is placed on the reemployment list pursuant to Rule XVIII, Section 2, shall retain seniority previously earned for a period not to exceed the life of the reemployment list. Seniority shall not be transferable between classifications, PROVIDED, that seniority accrued as an Officer Candidate shall be included in the computation of seniority as a Deputy Sheriff, as they are two designations within one classification. (Min. 6-14-82; 10-9-18)

**Section 4. Computation of Seniority - Leave of Absence.** Seniority shall not be accrued by any employee on authorized leave of absence without pay except as provided in Section 2. An employee taking an authorized leave of absence without pay shall retain seniority previously earned. Earned vacation and sick leave, or annual military leave of 15 days pursuant to Rule XXII, Section 4, shall not be considered leave of absence as referred to in this rule. (Min. 6-14-82)

**Section 5. Computation of Seniority - Employee Transferring from Contracting City or Town.** Any employee qualifying under Rule XXV shall be credited with the time employed by the police department of the contracting city or town immediately preceding the execution of a contract as provided in Rule XXV. This must be consecutive time not interrupted by a break in service. Time so earned shall not be credited to the employee until they have completed one year's probation with the Sheriff's Office. (Min. 6-14-82; 10-9-18)

## **RULE XVII. SEASONAL EMPLOYMENTS**

Employment in positions which occur, terminate, and reoccur periodically and regularly, regardless of the duration thereof shall be designated a seasonal position. Incumbents of such positions shall be known as seasonal employees. Whenever positions have been designated by the Commission as seasonal, employees regularly certified for and serving satisfactorily in such positions through one seasonal service period shall be entitled to status for the purpose of recertification for service in subsequent seasonal positions.

## RULE XVIII. LAY-OFFS

**Section 1. Procedure.** Whenever an appointing power contemplates a reduction in staff because of shortage of funds, lack of work, or material reorganization of the department, notice shall be sent to the Civil Service Commission which shall cooperate with the appointing power in determining the advisable procedure and shall advise the appointing power of possible readjustment of personnel through reassignments of duty. When it is decided which positions are to be abandoned, emergency, temporary and provisional employees shall be laid off first. Then seasonal employees without seniority status and probationary employees shall be laid off. Permanent employees shall be the last to be laid off and then in inverse order of their length of service unless the appointing power can show sufficient cause to do otherwise. The Commission shall investigate any complaint by a permanent employee that lay-off was in bad faith. The Commission may approve an alteration in order of lay-off or, if it finds that the lay-off was irregular, it may order the reinstatement of the permanent employee or employees.

**Section 2. Notice and Reemployment.** Notice of lay-off shall be given in writing to the employee concerned and to the Commission at least two weeks before the effective date thereof. Permanent employees, probationary employees, or temporary appointment/promotion who have performed satisfactorily with satisfactory service who are laid off shall have their names placed on the reemployment list for the class to which their position was allocated, or a comparable class, and shall be certified for reemployment in order of length of service in the class or comparable class. (Min. 7-13-81; 2-9-04)

**Section 3. Transfer in Lieu of Layoff.** When a layoff is pending, employees affected shall be counseled and considered for transfer in lieu of layoff. Employees desiring to exercise this option shall be placed on a Special Transfer List. An employee may request a transfer to any vacant position that is approved to be filled from the Special Transfer List. Employees shall be certified on the Special Transfer List in order of seniority. Appointment may be made upon showing that the transferee is capable of satisfactorily performing the duties of the position. Regular standing in the new position may be attained by the employee only through examination and regular appointment. An employee transferring to a new position under this option shall have the right based on seniority to return to their original job classification when a vacancy in that classification occurs. (Min. 11-9-09; 10-9-18)

**Section 4. Demotion for Economic or Administrative Reasons.** Employees may be voluntarily demoted due to curtailment of expenditures, reduction in force, and for like causes. Employees accepting such voluntary demotions shall head the applicable eligible list in the order of their seniority, to the end that they shall be the first to be reemployed or reinstated in their former job class. This section shall apply to all such demotions occurring on or after June 15, 2010. (Min 8-8-10)

## RULE XIX. DISCIPLINARY ACTIONS

**Section 1. Procedure for Appointing Power.** An appointing power may suspend, demote or discharge a permanent employee for inefficiency or for other just cause as provided in RCW 41.14.110. Any such action shall immediately be reported to the Civil Service Commission by the appointing power.

The Commission on its own initiative, or upon request of the appointing power, shall have the authority to require that every person holding an office, place, position, or employment under Chapter 41.14 RCW must continue to meet the physical requirements of the Civil Service Commission for continuing employment, as provided in 41.14.110(3). Such tests may include tests of physical fitness or manual skill or both, with the physical fitness to be determined by physical agility test or medical test or both.

**Section 2. Procedure for Commission.** A suspended, discharged, or demoted employee may appeal such action to the Commission within ten (10) days. In case of such appeal, the Commission shall within 10 days set a date for a public hearing which will be held within 30 days from the date of receipt, and may make such disposition of the case as it deems advisable including reinstatement with back pay, modification of the suspension order by reduction or any other action, or reversal. (Min. 6-11-84)

**Section 3. Findings Reduced to Writing and are Binding.** The Civil Service Commission shall cause its findings to be reduced to writing within ten (10) days of the conclusion of the investigation or hearing as provided in RCW 41.14.120. Such findings shall be final and binding as provided in RCW 41.14.120 and Rule V of these rules (Min. 8-13-84), unless a motion for reconsideration filed as provided in the following section. (Min. 8-9-10)

**Section 4. Reconsideration.** A party may move for reconsideration of the Commission's Findings. Such motion must be filed with the Commission, and served on the opposing party, within ten (10) days of the issuance of the Findings. The motion shall state the specific grounds upon which relief is requested, and may be supported by affidavits or declarations. The opposing party shall then have ten (10) days to file a response, which may be supported by affidavits or declarations. A motion for reconsideration will be deemed denied, unless the Commission schedules a hearing on the motion within ten (10) days of the receipt of the opposing party's response. The

hearing on the motion shall be limited to the written materials submitted by the parties and brief oral argument; and shall otherwise be conducted as provided in Rule V. At the conclusion of the hearing, the Commission shall either grant or deny the motion for reconsideration. The Commission may, as part of its decision, modify the Findings. (Min 8-9-10)

## **RULE XX. GRIEVANCE PROCEDURE**

**Section 1. Right of Employee to Submit Grievance.** Employees who have grievances created by work situations shall have the right to submit such grievances for orderly adjudication thereof. (Min. 12-11-78)

**Section 2. Steps in the Grievance Procedure.**

Step 1

- (a) The employee and/or their representative will explain the situation to the employee's immediate supervisor.
- (b) Within three (3) days thereafter the immediate supervisor will, either alone or together with their superiors, reach a decision and communicate it to the employee in writing.

Step 2

- (a) If the grievance is not settled at the first step, the employee and/or their representative will submit the grievance to the appointing power.
- (b) The appointing power will notify the employee of their decision within two (2) days after receipt of the notice of grievance.

Step 3

- (a) If the grievance is not settled at the second step, the employee shall within three (3) days submit the grievance to the Civil Service Commission.
- (b) The Commission will notify all interested parties of its decision within seven (7) days of receipt of the notice of grievance. The decision of the Commission shall be final. (Min. 10-9-18)

## **RULE XXI. UNION RECOGNITION**

**Section 1. Right to Organize.** All employees shall have the right to form or join a labor union of their choice.

**Section 2. Right to Bargain Collectively.** Employees shall have the right to bargain collectively with the appointing power and the Board of County Commissioners of Spokane County on all matters relating to salaries, working conditions and similar subjects and the employees' viewpoint may be presented by representatives of their choice.

## **RULE XXII. LEAVES**

**Section 1. Leave Without Pay.** Subject to notice being given to the Commission, the appointing power may grant a Civil Service employee a leave of absence without pay in accordance with Spokane County Policy and the employee's specific Collective Bargaining Agreement, if applicable. No leave without pay shall be granted except upon written request of the employee. Such leave shall be in writing and signed by the appointing power. A copy shall be filed in the office of the Commission. Upon expiration of a regularly approved leave without pay, failure of the employee to return at the time specified at the expiration of the leave shall be cause for discharge. (Min. 7-11-2023)

**Section 2. Vacation.** Vacation leave with pay shall be granted to all employees in the classified service to the same extent as is currently practiced and approved by the collective bargaining units and the Board of County Commissioners of Spokane County.

**Section 3. Sick Leave.** Sick leave with pay shall be granted by the appointing power at the rate currently in effect and approved by the collective bargaining units and the Board of County Commissioners of Spokane County. (Min. 8-8-77; 8-9-93)

**Section 4. Military Leave.** Employees who are members of the National Guard or any of the Armed Forces Reserve Corps may be granted leaves not exceeding fifteen days in any given calendar year to participate in training courses. Military leave shall also be granted for any period of active military duty.

## RULE XXIII. REPORTS

**Section 1. Reports by Appointing Power.** Appointing power shall report to the Civil Service Commission in writing upon forms prescribed by it all employments and all changes whatsoever in the status of personnel supplying the name of the appointee or employee, the title of their position, the date of commencement of service, and change recommended or made therein. (Min. 10-9-18)

**Section 2. Reports by Civil Service Commission.** The Civil Service Commission shall prepare and submit to the Board of County Commissioners of Spokane County an annual report on or before the 30th day of April of the activity of the Civil Service Commission. Included shall be a copy of the personnel rules, suggestions for improvements in personnel procedures, a statement of financial requirements for efficient administration, and recommendations for necessary changes. (Min. 1-9-89)

## RULE XXIV. CERTIFICATION OF PAYROLL

Upon compiling payroll or claims containing the names of any person or persons to be paid for services rendered in the classified service and before issuing warrants or checks for payment of such services, the paying officer of such county shall submit the payroll or claims to the Chief Examiner of the Civil Service system for examination to determine whether the names appearing thereon have been appointed, employed, promoted, demoted, or their salary increased or decreased in conformity with the provisions of Chapter 41.14 RCW and these rules. The paying officer shall not issue any check, warrant, voucher, or payment for personal services which has not been properly certified in writing by the Chief Examiner or a member of the Civil Service Commission.

## RULE XXV. CITY CONTRACTS TO OBTAIN SHERIFF'S OFFICE LAW ENFORCEMENT SERVICES

**Section 1. City Police Department Employees Requesting Transfer.** When any city or town shall contract with the Spokane County Sheriff's Office to obtain law enforcement service to the city or town pursuant to RCW 41.14.250, 41.14.260 and 41.14.270, employees of the police department of such city or town may request a transfer to the Spokane County Sheriff's Department subject to the rules of the Spokane County Civil Service Commission.

**Section 2. Eligibility of City Employees to Request Transfer.**

1. At the time the contract is entered into, any employee holding a permanent position in the police department of the city or town who was:
  - (a) at the time of such contract, employed exclusively or principally in performing the powers, duties and functions which are to be performed by the County Sheriff's Office under such contract, and
  - (b) who will, as a direct consequence of such contract, be separated from the employ of the city or town, and
  - (c) who meets the minimum standards and qualifications of Civil Service and the Sheriff's Office may request a transfer to the Sheriff's Office subject to the rules of the Spokane County Civil Service Commission. (Min. 10-9-18)
2. To be eligible to request a transfer from a contracting city to the Sheriff's Office, the employee requesting transfer to a position as Deputy Sheriff must meet the following requirements:
  - (a) Must be a United States citizen, or a lawful permanent resident who can read and write the English language and be at least 21 years of age. (Min. 10-9-18)
  - (b) Height and weight proportional and sufficient for physical restraint of suspects.
  - (c) Must be a high school graduate or equivalent.
  - (d) Must be in good health; see, hear, feel, smell, touch, speak and move about (with or without corrective devices) to perform the duties, responsibilities, tasks and essential functions required or assigned to this position. (Min. 10-9-18)
  - (e) Must meet the minimum medical and health standards adopted by the Spokane County Civil Service Commission for the position.
  - (f) Any employee requesting transfer to a position other than Deputy Sheriff, must meet the minimum requirements of that classification as specified elsewhere in the rules.
3. Any employee of the police department of the contracting city or town who requests a transfer will be required to successfully complete the Training and Experience statement. Any transferring employee must be processed through the same background

investigation as all other entry level employees including but not limited to such procedures as the Personal History Statement, polygraph screening, and medical examinations. Any transferring employee shall be eligible for entrance level positions only. (Min. 6-11-24)

4. Any employee holding a permanent position in the police department of the contracting city or town who meets the minimum requirements of Civil Service as set forth in Paragraphs 1, 2 and 3 above may request a transfer to the Sheriff's Office. Such request for transfer must be filed with the Spokane County Civil Service Commission and the legislative authority of the contracting city or town within 90 days after the effective date of the contract and must be in writing on forms provided by the Spokane County Civil Service Commission. Any employee failing to file a written request to transfer within the 90-day period shall forfeit any rights under RCW 41.14.250 through 41.14.280. The city or town shall, upon receipt of notice of transfer, transmit to the Spokane County Civil Service Commission a record of the employee's service in the police department of the city or town which shall be credited to such employee as a part of their period of employment in the Spokane County Sheriff's Office as per RCW 41.14.260 and Rule XVI. (Min. 10-9-18)
5. Any person meeting the requirements of Section 1, Subsections 1 through 4, shall be certified to the Sheriff for appointment to whatever duties in that entry level classification the Sheriff feels are in the best interest of the Sheriff's Office and the individual. Only so many of the transferring employees shall be placed upon the payroll of the Sheriff's Office as the Sheriff determines are needed to provide the contracted services. These needed employees shall be taken in order of seniority and the remaining employees who request transfer as provided in this Rule shall head the list of their respective classification in order of their seniority to the end that they shall be the first to be employed when an appropriate position becomes available, being considered prior to any person on the entrance eligible list for that classification in compliance with Rule XII. (Min. 10-9-18)

**Section 3. Rights, Benefits and Privileges.** A transferring employee shall be on probation for one year, the same as all entry-level employees as provided in RCW 41.14.130 and 41.14.260.

The transferring employee shall receive a salary at least equal to that paid other entry-level employees in that classification.

A transferring employee shall have all rights, benefits and privileges as provided for in the Spokane County Code and these rules to which they would have been entitled had they been an employee of the Spokane County Sheriff's Office from the beginning of their employment with the police department of the contracting city or town less any vacation time, sick leave, etc. already used or lost. The transferring employee, who upon completion of their one year of probation, has a total of more than three consecutive years of service, may be eligible to take the next promotional examination for Detective/Corporal or the first promotional examination for the classification to which appointed. (Min. 1-22-82)

#### **RULE XXVI. SEVERABILITY CLAUSE**

If any section, sentence, clause or phrase of these rules should be held to be invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity, or constitutionality of any other section, sentence, clause or phrase of these rules. (Min. 3-8-82)

#### **SPOKANE COUNTY CIVIL SERVICE COMMISSIONERS**

Bonnie Bush

Phil Folyer

Jeff Fortin

Steve Twiggs

Julie Waters

#### **CHIEF EXAMINER**

Ashlee Torres

#### **CIVIL SERVICE SPECIALISTS**

Teah Moore

Laura Schwebs

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