

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

TABLE OF CONTENTS

RULE 1. GENERAL PROVISIONS.....	Page 1
RULE 2. DEFINITION OF TERMS.....	2
RULE 3. ADMINISTRATION AND OPERATIONS OF THE CIVIL SERVICE COMMISSION.....	7
RULE 4. THE SECRETARY/CHIEF EXAMINER.....	10
RULE 5. CLASSIFICATION	12
RULE 6. EMPLOYMENT APPLICATIONS.....	13
RULE 7. EXAMINATIONS	14
RULE 8. ELIGIBILITY LISTS.....	18
RULE 9. APPOINTMENTS	20
RULE 10. PROBATIONARY PERIOD	23
RULE 11. LAY-OFFS.....	24
RULE 12. SUSPENSIONS, DEMOTIONS, DISCHARGE.....	25
RULE 13. LEAVES AND RESIGNATIONS.....	27
RULE 14. RECORDS AND REPORTS	28
RULE 15. COMPLAINTS	29
RULE 16. PREDISCIPLINARY HEARING.....	30
RULE 17. HEARINGS.....	31
RULE 18. MISCELLANEOUS.....	36

Klickitat County Civil Service Commission
Rules and Regulations

RULE 1. GENERAL PROVISIONS

Sec. 1.1. Authority and Application. These rules are promulgated pursuant to the authority granted by Chapter 41.14 RCW, Civil Service for Sheriff's Office. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of RCW 41.14, and the enabling ordinance providing for the civil service.

Sec. 1.2. Scope and Purpose. These rules govern the continuing administration of the Civil Service Commission of Klickitat County. The purpose of these rules is to assure that the Civil Service Commission in Klickitat County is administered in accordance with the regulations and ordinances of Klickitat County, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

Sec. 1.3. Presumption of Validity. The Civil Service Commission implemented by these rules substantially accomplishes the purpose of RCW 41.14. Variation from state models are based on local conditions and are intended to maintain the purposes of civil service commissions: merit selection, tenure, and an independent civil service commission. These rules are presumed to be valid and shall be upheld unless in direct conflict with the purposes of RCW 41.14.

Sec. 1.4. Severability. If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end, any section or word is declared to be severable.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 2. DEFINITION OF TERMS

The following words and phrases shall have the meanings described below unless the context in which they are used clearly indicates otherwise.

Sec. 2.1. Actual Service. Time in which a given employee has been engaged under Civil Service appointment in the performance of the duties of a position or positions and shall include absences with pay.

Sec. 2.2. Applicant. Anyone who has filed an application to take a Civil Service examination.

Sec. 2.3. Appointee. Appointee means an individual in the Classified Service serving his probationary period. (Same as ‘probationer’)

Sec. 2.4. Appointing Authority. The person or persons authorized to hire, promote, or discharge employees.

Sec. 2.5. Break in Service. A separation from Civil Service status with a loss of accumulated service credit as occasioned by a “quit,” “resignation,” “discharge,” or “retirement.”

Sec. 2.6. Candidate. An applicant who has completed, or is in the process of completing, a Civil Service examination.

Sec. 2.7. 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 religion, politics or other protected classification; and, in consideration of the total context of a disciplinary action, including procedural fairness and consideration of an employee’s work record.

Sec. 2.8. Certification. [Certified Eligible List] A list of names from an eligible register transmitted by the Civil Service Commission to an appointing authority from which such appointing authority may fill a vacancy.

Sec. 2.9. 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 eligible for employment.

Sec. 2.10. County. Klickitat County.

Sec. 2.11. Civil Service Employee. Any employee who has Civil Service status.

Sec. 2.12. Class. Class means a group of positions sufficiently similar with respect to duties and responsibilities, by reason of which the same examination may be used for each position in the group.

Sec. 2.13. Classified Service. Classified Service means all positions in Klickitat County service which are subject to the provisions of these rules and regulations as defined by state law and including full-paid members of the Sheriff's Office.

Sec. 2.14. Commission. Commission means the Civil Service Commission for the Sheriff's Office of Klickitat County. "Commissioner" means any one member of the Commission.

Sec. 2.15. Continuous Service. Employment without interruption, except for absences on approved leave or absence to serve in the armed forces of the United States.

Sec. 2.16. Demotion. Removal of an employee, for cause, from a higher to a lower class of employment or salary step within a class.

Sec. 2.17. Department. Department means any department of Klickitat County subject to civil service as established by ordinance. The legal head of any such department is the "Department Head" or Department Head's designee.

Sec. 2.18. Discharge. Discharge means the separation of a regular employee from the Classified Service for cause.

Sec. 2.19. Eligible. Eligible means the meeting of all standards set for qualification for a position in the Classified Service.

Sec. 2.20. Eligibility List. A list of successful examinees for a given class from which certification may be made to fill vacancies in such class.

Sec. 2.21. Emergency Appointment. Emergency appointment means the appointment to a position in the Classified Service made by the Appointing Authority under conditions which threaten life or property, limited to the duration of the emergency period but not to exceed sixty (60) days, and made without reference to the requirements of Civil Service law or these Rules and Regulations.

Sec. 2.22. Employee. Anyone holding a position in the Civil Service Commission of the County.

Sec. 2.22.1. Employee – Regular. Any employee who has been appointed from a certification and who has satisfactorily served the full probationary period.

Sec. 2.22.2. Employee – Temporary. Any employee appointed to fill an emergency, temporary, or short-term need or to fill a position for which no register is available.

Sec. 2.22.3. Employee – Probationary. A person appointed from a certification who has not yet completed the specified trial period of employment.

Sec. 2.22.4. Employee – Provisional. Any employee appointed provisionally to a position.

Note: A regular employee is the only employee with rights under Rule 17.01

Sec. 2.23. Examination. The process of testing the fitness and qualifications of applicants for positions in a class.

Sec. 2.23.1. Examination – Open or Entrance. An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing the examination.

Sec. 2.23.2. Examination – Promotional. An examination limited to employees meeting the requirements stated in the official bulletin announcing the examination.

Sec. 2.24. Examination Bulletin or Official Bulletin. An examination announcement containing basic information about the class of position, the requirements for filing, how to apply, and the other pertinent information. The examination announcement shall be posted in the Court House and in other suitable locations.

Sec. 2.25. Final Examination Score. Total of earned exam score plus additional veteran's preference or service credit points for which an applicant is eligible.

Sec. 2.26. Layoff. The interruption of service and pay of any regular or temporary employee because of lack of work or funds, except that the term shall also apply to the separation of temporary employees who have completed the stipulated period of employment.

Sec. 2.27. Lateral Entry. Lateral entry means the employment of a commissioned law enforcement officer who has been employed on a full-time basis for a period of time exceeding twelve (12) consecutive months and not had a lapse of employment as a law enforcement officer for a period exceeding the previous twelve (12) months, calculated from the day of appointment.

Sec. 2.28. Position. Any group of duties and responsibilities in the service of the County which one person is required to perform as full or part time employment, and which is included in the County budget.

Sec. 2.28.1. Position – Regular Full-Time. A position included in the official annual budget that is neither specified as seasonal employment, nor limited for a period of less than the budget year; also any such position established during a given budget year,

unless the Department Head certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.

Sec. 2.28.2. Position – Regular Part-Time. Employment in a permanent position for work on a basis of less than eight hours a day or less than forty hours a week, but on a regular basis.

Sec. 2.29. Probation or Probationary. The status of an employee during a trial period following a permanent appointment from an eligible register. This trial period is part of the examination process and is a working test during which an employee is required to demonstrate, by actual performance of the duties, fitness for the position to which certified and appointed.

Sec. 2.30. Promotion. Promotion means a change in rank to a position with a higher maximum rate of pay. It does not include change of title or assignment, such as detective, or command ranks higher than patrol sergeant which is purely discretionary with the Sheriff.

Sec. 2.31. Provisional Appointment. Provisional appointment means a non-competitive appointment to a position in the Classified Service made in the absence of an eligibility list, pending the establishment of an eligibility list for the class and not to exceed six (6) months in duration.

Sec. 2.32. Public Notice. Public notice means giving notice by publication in a newspaper of general circulation in the County.

Sec. 2.33. Quit. Any voluntary separation of an employee from the County service without acceptance of a resignation by the appointing authority.

Sec. 2.34. Register. A list of candidates for employment who have passed an employment examination, whose names may be chosen and certified by the Commission for submission to the appointing authority for consideration for employment.

Sec. 2.35. Resignation. A written request by an employee for separation from a class or from the County service. To be valid, such request must show written approval of the appointing authority.

Sec. 2.36. Retirement. The termination of employment for service or disability pursuant to applicable retirement laws.

Sec. 2.37. Secretary. Secretary – Chief Examiner as defined in Rule 4.

Sec. 2.38. Standing – Regular. The full Civil Service status of a regular employee.

Sec. 2.39. Suspension. Suspension means the temporary separation of an employee from the Classified Service with or without pay for investigative or disciplinary purposes.

Sec. 2.40. Temporary Appointment. Temporary appointment means an appointment to the Classified Service not to exceed nine (9) months in duration and as extended by the Civil Service Commission.

Sec. 2.41. Veterans Preference. A preference status shall be accorded to veterans by adding to the veteran's final cumulative score a percentage of such score in accordance with the requirements of RCW 41.04.010, as currently enacted or hereafter amended. The term veteran means any person who satisfies the definition in RCW 41.04.005, as currently enacted or hereafter amended.

Sec. 2.42. Written Notice. Written notice, as required under these rules, means the service of a notice in writing either to the person directly or by certified mail, return receipt requested. If by mail, the service shall be deemed completed at the time of deposit with the Post Office.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

**RULE 3. ADMINISTRATION AND OPERATIONS OF
THE CIVIL SERVICE COMMISSION**

Sec. 3.1. Structure. The Civil Service Commission of Klickitat County shall be composed of at least three members.

Sec. 3.2. Eligibility. Commissioners must be citizens of the United States, and must have been residents of Klickitat County for at least three years before their appointment to the Civil Service Commission. Each Commissioner must be a registered voter of the county in which the Commissioner resides.

Sec 3.3. Appointment; No Confirmation. Commissioners shall be appointed by the Board of County Commissioners or his or her authorized designee.

Sec. 3.4. Commission Tenure. The term of office of each Commissioner shall be for six years.

Sec. 3.5. Compensation. The Commissioners shall serve without compensation.

Sec. 3.6. Removal. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause. However, Commissioners cannot be removed until (1) they have been served a written notice of charges against them, (2) they are given notice of a hearing, and (3) a full hearing has been convened.

Sec. 3.7. Commission Attorney. The Commission is entitled to representation by the County Attorney.

Sec. 3.8. Commission Budgets. Klickitat County shall supply the Commission with a meeting place, supplies, and the clerical help necessary to allow the Commission to conduct its business.

Sec. 3.9. Duties of the Commission. The duties of the Civil Service Commission include the following:

- Appoint a Chair
- Convene regular meetings
- Appoint a Secretary-Chief Examiner
- Make rules to implement the Civil Service Commission
- Authorize the conduct and grading of Civil Service tests
- Investigate complaints about enforcement of the Civil Service Commission
- Conduct hearings regarding discipline of Civil Service employees

- Assure that employees are selected or promoted from lists provided by the Commission
- Keep records

Sec. 3.10. Commission – Meeting – Quorum.

Sec. 3.10.1. The regular meeting of the Commission shall be held quarterly, on the second Monday of each month in the County Superior Court Jury Room. If the first Monday is a holiday, then the meeting will be held on the second Tuesday of that month. Special meetings of the Commission may be held at such times and places as may be determined, provided that the determination to hold the special meeting and the specific agenda items are the only matters which shall be acted upon by the Commission. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules.

Sec. 3.10.2. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein.

Sec. 3.10.3. All Commission meetings or hearings, regular or as required, shall be open and public; provided however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act. See RCW 42.30.140(1) and (2).

Sec. 3.11. Chair- Vice Chair. At the first regular meeting of each year, the Commission shall elect one of its members as Chair and another member to serve as Vice Chair for a term of one year. Should a Chair and/or Vice Chair resign or be removed from the position prior to the expiration of his/her term, the Commission, upon appointment of a new member, shall proceed to the election of a new Chair and/or Vice Chair.

Sec. 3.12. Rules of Order. Roberts Rules of Order shall be final authority on all questions of procedure and parliamentary law not otherwise provided by these rules. However, with the concurrence of two Commissioners such rules may be waived or modified. In quasi-judicial proceedings, the Commission shall be guided, but not bound by, the Civil Rules for Superior Court.

Sec. 3.13. Commissioners- Challenge. Any challenge to a Commissioner's participation at a hearing shall be made by an interested party prior to the commencement of a hearing. The challenged Commissioners shall review and rule on the challenge prior to proceeding with the hearing. Failure to timely raise a challenge shall constitute a waiver of the challenge by the party unless, in the exercise of reasonable diligence, a basis for challenge is unknown by a party prior to commencement of a hearing.

Sec. 3.14. Commissioners- Challenge- Necessity. If, as result of disqualification(s) pursuant to Section 3.13, there is no longer a lawfully constituted quorum available, then by reason of necessity, the disqualified Commissioner(s) shall return and proceed with the hearing.

Sec. 3.15. Public Records. Public records of the Commission shall be available for inspection and copying upon appointment with the Secretary. No fee is to be charged for inspection of public records. Inspection shall be permitted during County office hours in a space provided by the County, and under supervision of the Secretary, and must be accomplished without excessive interference with the essential functions of the Commission. Copies shall be made available at actual cost or as provided by County ordinance. These rules shall be printed for free public distribution.

Sec. 3.16. Record of Proceedings. The Commission shall keep a record of its proceedings. The record of the Commission will not include a written verbatim report of proceedings unless ordered. The Commission may retain a court reporter to record all or part of a proceeding. In addition, a party to a proceeding, at his/her own expense, may have a court reporter record all or part of a proceeding. On appeal or review, costs of transcription may be recovered by the Commission, or a prevailing party, at the discretion of the reviewing court or the Commission. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 4. THE SECRETARY/CHIEF EXAMINER

Sec. 4.1. Secretary–Chief Examiner – Appointment. A Secretary–Chief Examiner (“Secretary”) shall be appointed by the Commission.

Sec. 4.2. The Secretary shall be appointed as a result of a competitive examination, which examination may be either original and open to all properly qualified citizens of the County, or promotional and limited to persons already in the service of the Sheriff’s Office as the Commission may decide.

Sec. 4.3. Secretary – Discipline. The Secretary may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

Sec. 4.4. Secretary – Authority. In addition to acting as Secretary of the Commission, the Secretary shall:

Sec. 4.4.1. Be the general manager and executive officer of the Civil Service Department, responsible to the Commission, and shall direct the activities of all consultants to the Civil Service Commission, if any, including their appointments and removals;

Sec. 4.4.2. Delegate duties where necessary and supervise the work of all persons employed in the Department, including the preparation, conduct, and scoring of examinations, and maintenance of the classification plan;

Sec. 4.4.3. Report to the Commission from time to time as directed concerning the details of the work of the Department;

Sec. 4.4.4. Prepare the budget for the Department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Department;

Sec. 4.4.5. Classify all Civil Service positions in the classified service, maintain a schematic list of all such classes in the classification plan, and prepare and maintain specifications for each class;

Sec. 4.4.6. Determine which examinations shall be conducted, the minimum qualification of applicants, the subjects to be covered in each examination, methods of testing, and the relative weights to be given to the various parts of the examination; supervise the conduct of the examinations, appointing such experts, special examiners, and other persons he or she may deem necessary; decide all questions relating to the eligibility of applicants, the admissibility of applicants to the examinations, extension of

time and all questions arising during the course of an examination; prepare and submit a report prior to and after each examination to the Commission, together with a report on all appeals from rulings or appeals from any part of the examination.

Sec. 4.4.7. Perform all other functions necessary for the proper carrying-out of these rules and the provisions of law relating to the Civil Service System, and such additional duties as may be assigned to the Secretary from time to time by the Commission.

Sec. 4.5. Review of and Appeal from Actions or Decisions of the Secretary.

Sec. 4.5.1. The Commission on its own motion may review or modify any action or decision of the Secretary.

Sec. 4.5.2. Any person adversely affected by any action or decision of the Secretary may request the Commission to revise or modify such action or decision. Such request shall be in writing setting forth with reasonable certainty the action objected to, the grounds supporting the request, and the relief sought, and must be made within ten (10) days from the date of notice of such action unless established otherwise in these Rules. The Commission shall thereupon, if in its opinion good cause is shown, conduct a hearing thereon.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 5. CLASSIFICATION

Sec. 5.1. Procedure and Effect. The Appointing Authority shall classify all positions in the Classified Service. The classification plan so developed shall be transmitted to the Commission. Additional classes may be established and existing classes may be divided, combined, or abolished in the same manner as originally adopted. No reclassification of an existing class to a class having either a greater or lower maximum salary range shall be effective unless recommended by the Appointing Authority and unanimously approved by the Commission. Reclassification shall not be used for the purpose of avoiding demotions or promotions.

Klickitat County Civil Service Commission
Civil Service Rules and Regulations

RULE 6. EMPLOYMENT APPLICATIONS

Sec. 6.1. Announcement of Vacancy. Whenever there is need, the Commission shall give public notice inviting qualified persons to apply for appointment in the Classified Service and for admission to the examination scheduled to select the most competent. Public notice of the examination shall specify the title and salary range of the position, a brief outline of the requirements of the position, the minimum qualifications, and the final date upon which applications will be received. Persons desiring to compete for positions in the Classified Service shall file applications on forms supplied by the Commission.

Sec. 6.2. Candidates: Minimum Qualifications.

1. In order to file an application for examination, the applicant must:
 - a. Meet the requirements specified in these *Rules* and in the official examination bulletin as of the closing day of the official filing period and,
 - b. Produce evidence of education, training, experience, or other lawful requirements for a class, as directed by the Secretary.
2. Time for filing applications:
 - a. Applications for examination shall be filed with the Secretary during office hours and within the time limit fixed in the official announcement of the examination. Applications received by mail in the Office of the Commission must be received by the time and final date.

Sec. 6.3. Rejection of Applications. If the Secretary determines that an application does not meet the minimum qualifications agreed to by the Commission, or if he concludes that the applicant should not be allowed to compete in the examination for some other appropriate reason, the applicant shall be notified promptly, in writing, sufficiently prior to the scheduled examination so the applicant may attempt to supply additional information to the Secretary prior to the examination. If the matter cannot be settled prior to the examination, the applicant shall be allowed to compete in the examination and the Commission shall make the final decision as to whether or not his name shall be included on the eligibility list at the time the Commission approves the establishment of the eligibility list.

Sec. 6.4. Regional Testing. Sections 6.1, 6.2, and 6.3 need not be exercised if the Commission elects to participate in a Regional Testing Program.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 7. EXAMINATIONS

Sec. 7.1. Conduct May be Delegated. The Secretary shall arrange for the use of public buildings and equipment for conducting examinations. The Commission may conduct and score the examination or any part thereof, or may name any qualified person or agency to do so. All tests, including tests of physical fitness, shall be practical and shall consist of only subjects that will fairly determine the capacity of applicants to perform the duties of the position to which appointment is to be made. All examinations shall be proctored by at least one member of the Commission.

Sec. 7.2. Qualifying Grade and Lateral Entry Screening/Scoring. In all physical agility tests, all portions must be passed. In all written examinations, the minimum grade or standing for which eligibility may be earned shall be 70%. In all physical agility tests, the minimum grade or standing for which eligibility may be earned shall be 100%. The cut off point may be established at a higher score to meet other criteria. Failure in one part of the examination shall be grounds for declaring the applicant as failing the entire examination. Lateral entry candidates shall be screened in accordance with Appendix A, which is attached to these *Rules* and incorporated by reference. Notice of results of screening and acceptance or rejection for placement on the lateral entry eligibility list shall be sent to applicants.

Sec. 7.3. Written Examination Procedure. The identity of persons taking competitive written tests shall be concealed from the examiners by the use of an identification number, which shall be used on all test papers.

Sec. 7.4. Physical Agility Test. Any tests to fill positions may include tests of physical fitness and/or manual skill. If such tests are to be used to determine fitness for the position, the Commission must be involved in the makeup, administration, and scoring of such examinations.

Sec. 7.5. Preparation of an Eligibility List. The names of person successful in the examination shall be arranged in order of their earned ratings.

Sec. 7.6. Preference for Veterans. Veterans who served during a period of war or in an armed conflict and do not receive military retirement. Veterans who served during a “period of war”, as that defined in RCW 41.04.005, need not have served in a combat zone or hostile environment to qualify; simply being in the armed forces during a such period, in addition to not receiving military retirement, is sufficient. Veterans who served in an “armed conflict”, as defined in RCW 41.04.005, and received a campaign badge or medal, and who do not receive military retirement, also qualify in this category.

A “period of war” is defined by RCW 41.04.005 to include, in addition to the two world wars, the following:

- the Korean conflict;
- the Vietnam era, which was the period beginning August 5, 1964, and ending on May 7, 1975;
- the Persian Gulf War; which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law; and
- the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of Congress.

However, since there has never been a presidential proclamation or law officially ending the Persian Gulf War, anybody who has served in the armed forces since August 2, 1990 and does not receive military retirement will qualify for this ten percent scoring criteria status, in addition to those who qualify because of earlier service.

The statute also designates the following “armed conflicts”, if the veteran was awarded the respective campaign badge or medal;

- the crisis in Lebanon;
- the invasion of Grenada;
- Panama, Operation Just Cause;
- Somalia, Operation Restore Hope;
- Haiti, Operation Uphold Democracy; and
- Bosnia, Operation Joint Endeavor.

Since the latter three “armed conflicts” occurred during the Gulf War period, a person who served in either of those conflicts also qualifies as having served during a “period of war”, so a campaign badge would not be necessary to qualify in this category.

Veterans in this category receive a ten (10) percent scoring criteria added to passing mark, grade, or rating of competitive exams until their first appointment. This “first appointment” limitation means that, if a veteran has gotten a job with the ten (10) percent scoring criteria status, he/she may not use it to obtain another job, even with another agency. Also it may not be used in a promotional exam.

Veterans who did not serve during a period of war or who are receiving military retirement. This category of veterans, which includes any veteran not covered by the first category, is entitled to a five (5) percent scoring criteria status. Like the first category, it may be used only until a veteran’s first appointment and may not be used in any promotional exam.

Veterans who were called to active military service for one or more years from employment with a city or county. This category receives a five (5) percent scoring criteria status that applies to first promotional examinations only. (Note that this category of veterans is protected when returning to employment from military duty by the federal Uniformed Services Employment and Reemployment Rights Act.) Of course, veterans in this category could also qualify in any of the above two categories when seeking initial employment with another agency covered by RCW 41.04.010.

Sec. 7.7. Notification of Results. Each applicant shall be notified of the results of the examination, his final earned rating, and the relative position on the eligibility list.

Sec. 7.8. Review of Examination Papers and Challenges. Within seven (7) working days after notice of his final score has been mailed, any applicant may review his examination papers and have his score reviewed and corrected if an error is identified. Should an applicant wish to challenge any part of the examination, he shall submit to the Secretary, within fifteen (15) days after notice of his final score has been mailed, authoritative written proof of the validity of his claim. All such challenges shall be considered by the Commission. If the Commission is satisfied as to the validity of any such challenges, it shall order an appropriate revision of the examination scores, a restructuring of the eligibility list, and the mailing of notices to candidates on the eligibility list indicating the action ordered and its effect on their individual standing.

Sec. 7.9. Promotional Examinations. Promotions shall be made solely on merit, efficiency, and fitness, which shall be ascertained by competitive examination and impartial investigation. All Applicants for promotion must be regular employees in the Classified Service of the Klickitat County Sheriff's Office (except as provided otherwise in this section) and must possess the minimum qualifications or other specifications of the class to which promotion is sought. The selection process shall conform to Rule 9, and the probationary period contained in Rule 10 shall apply. Provided, that should the Commission certify fewer than three (3) eligible individuals, the Sheriff shall have the option of selecting from among those certified or requesting the Commission to conduct another examination, either 1. among those individual who did not attain the minimum score or 2. among any and all individuals who possess the minimum qualifications. In any event, those persons previously certified shall remain on the eligibility list. A promotion eligibility list shall remain in effect one (1) year.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 8. ELIGIBILITY LISTS

Sec. 8.1. Order of names on a List. Names on the eligibility lists shall be in order of preference according to the final earned ratings of the examination, including veterans' preference. Candidates certified to the Sheriff under the Rule of Three, and not selected for appointment, shall remain on the eligibility list in the order of their earned points.

Sec. 8.2. Effective Life of an Eligibility List. Eligibility lists shall become effective upon attestation thereof by the Secretary that the list was legally prepared and represents the relative ratings of the names appearing thereon. Entry level eligibility lists shall remain in effect for one (1) year and lateral entry eligibility lists shall remain in effect for one (1) year.

Sec. 8.3. Revocation of a List. Eligibility lists may be revoked and another examination ordered, only upon approval of the Commission, when such action is deemed advisable on account of fraud, errors, or for obviously inappropriate standards prescribed in connection with the examination or the plainly inadequate results obtained therefrom, or due to the opening of an application period for the purpose of creating a new list. No lists shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons therefore in the minutes of a regular or special Commission meeting.

Sec. 8.4. Removal of names from a List. The Commission may remove a candidate's name from an eligibility list for the following reasons:

1. The Commission shall make an availability inquiry of candidates on a regular basis but not later than six (6) months following the last Commission action affecting the eligibility list. Candidates responding negatively to an availability inquiry, or failing to respond within ten (10) days of the mailing of such inquiry, or responding but subsequently failing to comply with background investigations and further hiring procedures, shall be removed from the eligibility list.

2. The Commission may remove a candidate's name from an eligibility list if at any stage of the hiring procedure he fails to meet the criteria for appointment set forth under Rule 9. In this instance, the Sheriff shall provide the Commission with written request for the removal of a candidate's name from a list and the reasons for such request.

When a candidate's name is removed from a list, the Commission shall cause a written notice to be sent to the candidate advising the action that has been taken and the reasons for such action. The written notice shall be sent by certified mail, return receipt requested, to the candidate's last known address. The candidate shall have the right to file a petition for reinstatement to the list by sending written request to the Civil Service Secretary within ten (10) working days of receiving the written notice. The name of the candidate so removed may be reinstated only if satisfactory explanation of the circumstances is made to the Commission. If the reinstatement occurs after another person has been hired, the reinstated name shall be placed in an appropriate position on the eligibility list based on his earned ratings, but shall not affect the appointment.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 9. APPOINTMENTS

Sec. 9.1. Basis for Appointments. All appointments within the Classified Service shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation.

Sec. 9.2. Hiring Procedure. Whenever a vacancy exist, the Sheriff may either request the names of the top three (3) candidates on the entry level eligibility list or may request the names from the lateral entry eligibility list or may request both. When the request is for the lateral entry eligibility list, the entire list will be certified to the Sheriff in accordance with the Rule of Three. When the request is for the entry level eligibility list, the top three (3) candidates will be certified to the Sheriff in accordance with the Rule of Three. The Commission shall thereupon certify the names of such persons highest on the entry level eligibility list who are willing to accept employment. The Sheriff shall then conduct uniform background investigations and in doing so shall consider the experience, training, education, and other like criteria of the candidates.

It shall be a mandatory prerequisite for employment for an applicant to:

1. Meet the Medical Selection Standards & Guidelines, developed by the Systems Design Group for the Washington State Criminal Justice Training Commission, which are adopted by reference; and
2. Meet the Pre-employment Physical Fitness Screening Test Standards, which are adopted by reference; and
3. Such other minimum requirements as stated in Section 6.2. Failure to meet such standards prior to an offer of appointment shall result in removal from the applicable eligibility list.

Sec. 9.3. Background Investigation Criteria. A candidate's name may be removed from an eligibility list, by the Sheriff, if it is determined through the background investigation that a candidate possesses or has demonstrated any of the following qualities or tendencies during prior employments or in his personal life:

1. Incompetency, inefficiency, or inattention to or dereliction of duty;
2. Insubordination; discourteous treatment of the public; or a fellow employee, or any other act of omission or commission that would tend to injure the public service; or any other willful failure on the part of the candidate to properly conduct himself;
3. Mental or physical unfitness for the position;

4. Dishonest, disgraceful, immoral, or prejudicial conduct;
5. Use of narcotics or drugs not prescribed by licensed medical practitioner; or drunkenness;
6. Conviction of a felony; or conviction of a misdemeanor involving moral turpitude; or
7. Any other act or failure to act which, in the judgment of the Civil Service Commissioners, is sufficient to show the candidate to be an unsuitable, undesirable, or unfit person to be employed in the Classified Service.

Sec. 9.4. Failure to Respond. Candidates failing to comply with pre-appointment investigations as requested by the Sheriff, or failing to answer a notification of appointment within five (5) days, or failing without due cause to accept appointment when offered, excluding a provisional, emergency, or temporary appointment, shall be deemed to have declined appointment. If a candidate accepts appointment within the period outlined above and then fails without due cause to report for duty within one (1) day of the reporting date specified in the notice, he shall be deemed to have declined appointment. Any person so declining appointment shall also be permanently dropped from the eligibility list on which his name appears unless he presents satisfactory cause to the Commission for his action or failure to act.

Sec. 9.5. Provisional Appointment. The Sheriff may make provisional appointments. As soon as possible following a provisional appointment, the Commission shall announce and conduct an examination and shall certify the three (3) highest eligible names for regular appointment. No provisional appointment shall be continued for longer than four (4) months and no provisional appointee shall be appointed more than once in the same year unless he qualifies by competitive examination and is approved in the regular manner. Time spent as a provisional appointee shall not be credited to the probationary period or be utilized for computing any privileged accruing under Civil Service law or these regulations.

Sec. 9.6. Emergency Appointment. To meet the immediate requirements of an emergency condition that threatens life or property, the Sheriff may employ any person or persons whom he may be legally empowered to appoint without restriction of Civil Service law and these regulations. Such employment shall be limited to the duration of the emergency period and is not to exceed sixty (60) days under any circumstances. Time spent as an emergency appointee shall not be credited to any probationary period or be utilized for computing any privilege accruing under Civil Service law or these regulations.

Sec. 9.7. Appointment to Fill a Temporary Vacancy. A temporary vacancy exists when a member of the Classified Service is granted a leave of absence or is temporarily assigned duties with another agency or is on an extended sick or disability leave, and the Sheriff has reasonable grounds to believe the member will return to service. The Sheriff is authorized to make an appointment to fill a temporary vacancy under the following conditions:

1. The appointee shall be certified as having successfully completed the Basic Law Enforcement Academy of the Washington State Criminal Justice Training Commission.
2. The appointment shall be for a term not to exceed nine (9) months.
3. The nine-month appointment may be extended in additional increments, each increment not to exceed six (6) months, with the approval of the Civil Service Commission.
4. Time spent as a temporary appointee shall not be credited to any probationary period or be utilized for computing any privilege accruing under Civil Service law or these regulations.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 10. PROBATIONARY PERIOD

Sec. 10.1. Length of Period. No entry level or lateral appointee shall attain regular status in a position until they have satisfactorily completed a probationary period with Klickitat County of twelve (12) months following certification by the State of Washington Criminal Justice Training Commission. Re-employed person who have formerly acquired regular status in the class shall not be subject to probation unless two (2) years have elapsed since their former employment with the Klickitat County Sheriff's Office.

Sec. 10.2. Termination of a Probationer. During the probationary period, the Sheriff at his discretion, may terminate the employment of a probationary employee. Written notice of such termination shall be given the probationer and a copy shall be forwarded to the Commission.

Sec. 10.3. Attainment of Permanent Status. The Commission shall notify the Sheriff fourteen (14) days prior to the completion of the probationary period. At the end of the probationary period, the Sheriff shall report to the Commission on the probationer's service and efficiency. No salary or other compensation shall be paid for the service of any probationer following expiration of the probationary period until the Sheriff has filed a written statement with the Commission that the performance of the probationary employee is satisfactory and that his retention in the service is desired.

Sec. 10.4. Cancellation of Promotion During Probationary Period. An appointee who has his promotion canceled during the probationary period shall be restored to the position from which he was promoted.

KLiCKiTAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 11. LAY-OFFS

Sec. 11.1. Lay-Off. Whenever the Sheriff contemplates a reduction of staff because of a shortage of funds, lack of work, or material reorganization of the Classified Service, notice thereof shall be sent by the Sheriff to the Commission. When the Sheriff determines which position or positions are to be abandoned, employees holding positions within a class shall be laid off in inverse order of their lengths of service. Any complaint by a regular employee that the lay-off was in bad faith shall be investigated by the Commission. If the Commission finds that the lay-off was not made in good faith in accordance with these *Rules and Regulations*, it may order the reinstatement of the regular employee or employees.

Notice of lay-off shall be given to the affected employees and the Commission at least fourteen (14) days before the effective date thereof. Rights of rehire for a laid-off employee shall depend on whether an eligibility list exists on the rehire date. If such a list exists, the laid-off employee shall automatically become one of the candidates certified to the Sheriff for a period of two (2) years following lay-off, providing the laid-off employee is qualified for the announced position. If such a list does not exist, the Sheriff shall have two options in his sole discretion: 1. summarily reinstate the employee if the rehire date is within two (2) years of lay-off, or 2. request the Commission to provide a new eligibility list, in which event the laid-off employee shall automatically become one of the candidates certified to the Sheriff if the projected hire date is within two (2) years of lay-off.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 12. SUSPENSIONS, DEMOTIONS, DISCHARGE

Sec. 12.1. Requirement of Cause. No person in the Classified Service who has attained regular status in the Classified Service shall be suspended or demoted, or discharged except for cause.

Sec. 12.2. Suspension. Such action shall be immediately reported to the Commission. Such an employee may, within ten (10) days of the date of receipt of such notification, file with the Commission a written request for an investigation and hearing, which request, shall provide for holding a hearing at which the employee and the Sheriff shall have the right to be heard. Within ten (10) days of the conclusion of the hearing, the Commission shall render its decision. If the decision orders a modification of the disciplinary action, it shall be accompanied by a supporting statement detailing where the Commission believes prejudice was practiced, poor faith exemplified, or cause was lacking.

Sec. 12.3. Demotion and Discharge. In all such cases, written reasons shall be furnished the employee and such action shall be immediately reported to the Commission. Within ten (10) days after the date of the notice of demotion or discharge, the employee may file a written request for an investigation and hearing before the Commission. The Commission, within fifteen (15) days of the receipt of such request, shall provide for holding a hearing at which the employee and the Sheriff shall have the right to be heard. Within ten (10) days of the conclusion of the hearing, the Commission shall render its decision. If the Commission finds that the demotion or discharge was not made in good faith for cause, it shall order the reinstatement of such individual and may order such other provisions as the Commission deems necessary and fair. The Commission shall file a report of the Commission's findings and orders.

Sec. 12.4. Cause for Discharge or Demotion. The following may be declared cause for discharge from or demotion in the Classified Service, although such action may be based on causes other than those specifically enumerated here:

1. Incompetency, inefficiency, inattention to or dereliction of duty;
2. Dishonesty, intemperance, insubordination, or discourteous treatment of the public or fellow employees; or any other act of commission or omission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or failure to obey any lawful or reasonable direction when such failure or violation amounts to a serious breach of discipline; or any willful violation of these *Rules and Regulations*, other official order, state law, or County ordinance;
3. Mental or physical unfitness for the position that the employee holds;
4. Drunkenness, or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such an extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of his position under Civil Service;
5. Conviction of a violation of the Uniform Controlled Substance Act;
6. Conviction of a crime involving moral turpitude;
7. Acceptance for personal use of anything of value in the course of work when given in the expectation of receiving a better treatment than that accorded the public generally;
8. Failure to pay just debts if scandal is caused the service as a result thereof;
9. Conduct subversive to public order and sustained conduct detrimental to the efficiency or morale of the service; and
10. Any other act, or failure to act, which in the judgment of the Commission is sufficient to show the employee to be unsuitable for the position held in the Classified Service.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 13. LEAVES AND RESIGNATIONS

Sec. 13.1. Leaves of Absence without Pay. The Sheriff, subject to the approval of the Commission, may grant a regular employee a leave of absence without pay for a period not to exceed the time permitted for a temporary appointment. No leave without pay shall be granted except upon written request by the Sheriff, and a copy shall be filed with the Commission. Upon the expiration of a regularly approved leave without pay, the employee shall be reinstated to the position held at the time leave was granted. An employee on approved leave of absence shall notify the Sheriff, fourteen (14) days prior to the expiration of his leave, of his intention to return to duty. Failure to so notify the Sheriff may be cause for discharge.

Sec. 13.2. Resignations. An employee desiring to leave the Classified Service of Klickitat County in good standing shall file with the Sheriff, at least fourteen (14) days before leaving, a written resignation stating the effective date and the reason for leaving. The resignation shall be forwarded to the Commission, with a statement by the Sheriff commenting on the resigned employee's service, performance, and any pertinent information concerning the cause for resignation. Failure to comply with this Rule shall be entered on the service record of the employee and may be cause for denying future employment by Klickitat County. The resignation of an employee who fails to give proper notice thereof shall be immediately reported to the Commission by the Sheriff.

Sec. 13.3. Reinstatement. Within two (2) years from resignation, a resigned regular employee, with the approval of the Sheriff and the consent of the Commission, may be reinstated in the position of the same or comparable class, or with the approval of the Commission, may be placed among the highest three (3) on the eligibility list for the class to which his former position was allocated. In the event the resigned employee is so placed on the eligibility list, the name previously third on such list shall drop to fourth. No person resigning during his probationary period may be reinstated, but with the approval of the Commission, may be place on the list from which he was certified and appointed, provided such eligibility list is in effect. Time of service shall determine order of an eligibility list for employees who have resigned.

Klickitat County Civil Service Commission
Rules and Regulations

RULE 14. RECORDS AND REPORTS

Sec. 14.1. Personnel Files. The Commission shall maintain or have access to a personnel file for each employee in the Classified Service showing the name, position held, division, assignment, salary, employment status, leaves, and all other pertinent information. Access to these files shall be restricted to the Sheriff, Secretary, and the Commission, except in accordance with the Open Public Records Act, RCW 42.17.240 et. seq.

Sec. 14.2. Examination Records. The Civil Service Commission shall maintain an examination record for every applicant, giving the name, address, date, and title of the examination, ratings earned, and the grade obtained.

Sec. 14.3. Access to Public Records. The minutes of all Commission meetings shall be open to the public during County office hours and may be inspected upon application to the Secretary of the Commission.

Sec. 14.4. Destruction of Records. All records of the Civil Service Commission shall be retained/destroyed in the manner provided by the Attorney General via the model retention/destruction schedules.

Sec. 14.5. Reports. The Sheriff shall report to the Commission in writing and upon forms prescribed by the Commission all employments and all changes in the status of personnel, supplying the name of the new appointee, the title of the position, date of commencement of service, and any change recommended or made therein and shall report from time to time as may be required by the Commission on additional data covering the Classified Service, including reports of employee performance. Any performance report or rating shall be available for inspection by the employee concerned, who may discuss it with the official making the report or rating and may file with the Commission a statement in explanation of any adverse report or rating. Such an employee's statement shall be made part of the employee's record.

Sec. 14.6. Annual Report. The Commission shall prepare an annual report of the Commission activities for the year for submission to the Sheriff upon request.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 15. COMPLAINTS

Sec. 15.1. Procedure. Any person may file a complaint with the Commission protesting any action involving the Classified Service. Any person may file a petition of support for any privilege or right of the Classified Service. The Commission may investigate, hold a hearing on the matter, and may issue a recommendation or directing order thereon.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 16. PREDISCIPLINARY HEARING

Sec. 16.1 Predisciplinary Hearing- Required. The Sheriff shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge of a subordinate employee. The hearing under this Rule 16 is not subject to Rule 17, and does not require witnesses, presentation of evidence or other formalities. It is an opportunity for an employee to present to the Sheriff the employee's response prior to the decision on discipline.

Sec. 16.2 Predisciplinary Hearing- Standards/Notice of Discipline.

Sec. 16.2.1. An employee shall be provided, in writing, with a notice of the charge and an explanation of the Department's evidence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the Department's proposed action should not be taken.

Sec. 16.2.2. The employee may have legal counsel or union representation present at a predisciplinary hearing.

Sec. 16.2.3. The Sheriff's explanation of the Department's evidence at the predisciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. However, this rule shall not be construed to limit the County at a subsequent, post-disciplinary hearing from presenting more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary hearing.

Sec. 16.2.4. Should the appointing authority determine to discipline following the predisciplinary procedure, written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges.

Sec. 16.2.5. The Commission shall not consider, on appeal, any basis for disciplinary action not previously presented to an employee.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 17. HEARINGS

Sec. 17.1. Hearings- Appeals.

Sec. 17.1.1. Any regular employee who is demoted, suspended or terminated may appeal such action to the Commission. Verbal or written reprimands are not subject to appeal to the Commission.

Sec. 17.1.2. Any employee who is alleged to be probationary by the Department may only appeal to the Commission issues regarding probationary status and whether the procedures for discharge of probationers, as found in these rules, were properly followed.

Sec. 17.1.3. Any employee, or Department, who is adversely affected by an alleged violation of Civil Service Rules or County regulations may appeal such violation to the Commission.

Sec. 17.2. Appeals- Time- Form. A notice of appeal shall be filed with the Commission within ten (10) days of the action that is the subject of the appeal. The notice of appeal shall be in writing and include the mailing address and street address where service of process and other papers may be made upon the appellant. The notice of appeal shall also contain a brief description of the facts giving rise to the appeal and a concise statement of the reason for the appeal.

Sec. 17.3. Exhaustion of Administrative Remedies.

Sec. 17.3.1. The Secretary may, when not inconsistent with the terms of a collective bargaining agreement, direct the employee to exhaust available administrative procedures regarding a disciplinary matter before scheduling the matter for hearing before the Commission.

Sec. 17.3.2. If the employee exhausts the available administrative procedures and continues to believe that cause has not been shown, the employee may within ten (10) days after the final step of the procedure request the Secretary to return the appeal to the Commission for hearing.

Sec. 17.4. Authority of Secretary.

Sec. 17.4.1. The Secretary to the Commission shall have the authority to make orders of preliminary matters, including motions for discovery and to compel discovery, continuance, protective orders, and other similar matters. Such orders may be appealed to the Commission. The Secretary may also conduct pre-hearing settlement conferences

(in order to encourage resolution of contested matters), issue subpoenas for depositions and for hearings.

Sec. 17.4.2. The Commission may authorize the Secretary to investigate any reports or appeals relating to the enforcement or application of the Civil Service or those rules which do not involve a disciplinary proceeding. The Secretary shall report the results of the investigation to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the report or appeal as being without basis or set the matter for a full hearing.

Sec. 17.4.3. As an aid to investigations authorized by the Commission, the Secretary may subpoena any documents that would be discoverable for purposes of hearing preparation and may take depositions by tape recorder or otherwise of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

Sec. 17.4.4. The Commission may direct a hearing officer of its selection to carry out the proceedings, including the activities of the Secretary, under this Rule 17.

Sec. 17.5. Appeals- Initial Review. The Secretary shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed is a final action. Upon a determination that the appeal is not timely, the Secretary shall issue a written order of dismissal with prejudice, setting forth the basis of the dismissal. In the case of an action that is not final, the appeal shall be stayed until such action becomes final. Such orders may be appealed to the Commission.

Sec. 17.6. Appeals- Notice of Hearing. Upon receipt of a notice of appeal, the Secretary shall forward a copy of the notice to other affected parties. As soon as possible thereafter, but in any event within ten (10) days, a scheduling/pre-hearing conference before the Commission shall be set, with each party to be afforded not fewer than ten (10) days' notice of such hearing. Subsequent hearings on the same appeal shall have at least one week's notice unless waived by the parties. All parties may agree to waive the notice provisions and time limits provided by this section.

Sec. 17.7. Appeal- Authority of Department. The exercise of jurisdiction by the Commission over a matter does not preclude the party from withdrawing, modifying or otherwise compromising the matter prior to the matter going to hearing. Upon resolution of a matter prior to hearing, any party may request the dismissal of the matter. A stipulation signed by both parties should be submitted to the Commission prior to such dismissal.

Sec. 17.8. Service of Process- Papers.

Sec. 17.8.1. The Secretary shall cause to be served all orders, notices, and other papers issued by the Commission, together with any other papers that the Commission is required by these rules to serve. Every other paper shall be served by the party filing the notice, document or paper.

Sec. 17.8.2. All notices, documents or papers served by either the Commission or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be by personal service, by registered or certified mail, electronic mail, or by regular mail with written acknowledgment of such mailing attached to the papers so served. Written acknowledgment shall be by affidavit of the person who mailed the papers or by certificate of any attorney or Secretary.

Sec. 17.8.3. Service upon parties shall be regarded as complete when personal service has been accomplished or by mail (U.S. or inter-city), upon properly stamped and addressed deposit in the mail system.

Sec. 17.8.4. Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Secretary at the County Court House. All papers except the original appeal notice shall be served with the original and three copies. Briefs and memoranda must be filed with the Commission at least three (3) days prior to any hearing involving matters discussed in such brief memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.

Sec. 17.8.5. An appellant or petitioner is responsible for notifying the Commission in writing of any change in mailing or street address and telephone number. Failure to so notify the Commission shall constitute a waiver of service and notice under these rules.

Sec. 17.9. Discovery.

Sec. 17.9.1. Parties to a proceeding are required to provide to each other reasonable access to and discovery of all relevant information concerning the matter before the Commission. Any questions concerning relevancy or access shall be resolved by order of the Secretary.

Sec. 17.9.2. Upon the failure of any party to comply with an order of the Secretary compelling discovery, the Secretary shall schedule the matter before the Commission for review and determination of appropriate sanctions.

Sec. 17.10. Subpoenas.

Sec. 17.10.1. Every subpoena shall identify the Commission and the title of the proceedings, if any, and shall command the person to whom it is directed to attend, at a specified time and place, and give testimony or produce designated books, documents, or things under that person's control.

Sec. 17.10.2. Upon application of any party or his/her representative, the Secretary shall issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having the subpoena properly served. Requests for subpoenas shall be submitted to the Commission at least three (3) days prior to the hearing.

Sec. 17.10.3. Service of subpoena shall be made by serving a copy of the subpoena on the person named therein.

Sec. 17.10.4. The person serving the subpoena shall make proof of service by filing the subpoena with the Commission, and if such service has not been acknowledged by the witness, the person serving the subpoena shall make an affidavit of service. Failure to file proof of service does not affect the validity of service.

Sec. 17.10.5. Upon a motion promptly made by a party or by the person to whom the subpoena is directed, and upon notice to the party on whose behalf the subpoena was issued, the Commission may:

1. Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
2. Condition denial of a motion to quash or modify upon just and reasonable conditions.

Sec. 17.11. Burden of Proof. At any hearing on appeal from a demotion, suspension or termination, the disciplinary authority shall have the burden of showing by a preponderance of the evidence that its action was for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

Sec. 17.12. Evidence.

Sec. 17.12.1. Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. In passing upon the admissibility of evidence, the Commission shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the State of Washington.

Sec. 17.12.2. A witness in any hearing may be examined orally, under oath or affirmation and shall be subject to cross-examination by opposing parties and the Commission.

Sec. 17.12.3. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may exclude inadmissible evidence and may order cumulative evidence discontinued in its discretion, either with or without objection. A party objecting to the introduction or exclusion of evidence shall state the grounds of such objection at the time such evidence is offered or excluded. No such objection shall be deemed waived by further participation in the hearing.

Sec. 17.12.4. At any hearing before the Commission when documentary exhibits are to be offered into evidence, copies shall be furnished to the opposing party, to each Commission member and to the Secretary.

Sec. 17.12.5. Parties are encouraged to stipulate to the admissibility of documentary exhibits. To further this end, parties will make request of other parties for such stipulation no later than three (3) days in advance of the hearing, barring unusual circumstances. The party of whom the request is made shall respond no later than one (1) day prior to the hearing.

Sec. 17.12.6. An employee has the right to appear before the Commission with or without counsel and to be heard in the employee's defense.

Sec. 17.13. 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 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.

Sec. 17.14. Decision. In any appeal, the Commission shall issue a decision, including findings of fact, conclusions of law, and an order, to each party or counsel of record for each party. Absent the consent of an appellant to an extension of time, failure to issue a decision within ten (10) days of the close of a hearing shall result in an appeal being sustained.

Sec. 17.15. Remedies. The Commission may issue such remedial orders as deemed appropriate.

Sec. 17.16. Reconsideration. A party may move for reconsideration by the Commission only on the basis of fraud, mistake, or misconception of facts. Such motion must be filed with the Commission within ten (10) days of the decision of the Commission. Such motion for reconsideration shall be decided on affidavits, absent special showing that testimony is necessary.

Sec. 17.17. Waiver. Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules or ordinances of the County would be better served, the Commission may waive the requirements of any of these rules.

KLICKITAT COUNTY CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

RULE 18. MISCELLANEOUS

Sec. 18.1. Repeals and Savings. All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

Sec. 18.2. Computation of Time.

Sec. 18.2.1. In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a County legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a County legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

Sec. 18.2.2. Any period of time except for the stated period of time set forth in Rules 17.02 and 17.06 may be extended by the Secretary for no more than fourteen (14) days upon written notice to the Commission and a showing of good cause. The motion for extension of time must be filed with the Commission offices prior to the end of the applicable time period.

Sec. 18.2.3. The date of notice for purpose of these Rules shall be the date on which notice of an action is posted in the Commission's office; (a) as provided in these Rules; (b) is mailed or (c) delivered personally to a party to a proceeding.

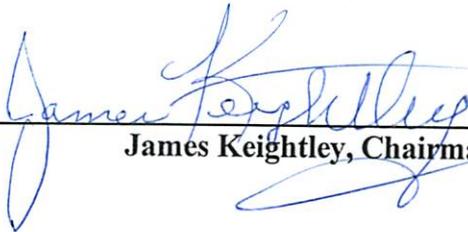
Sec. 18.3. Civil Service and Collective Bargaining. The Public Employees' Collective Bargaining Act, Chapter 41.56 RCW ("Act") provides for collective bargaining agreements between the County and the labor organization(s) representing employees. The Act and collective bargaining agreements prevail over these rules in the event of a conflict.

Sec. 18.4. Amendment. After adoption, these rules may be amended by submission and reading of the proposed amendment(s) at any meeting of the Commission. Notice of the proposed amendment(s) shall be given to the Sheriff at least five (5) days prior to the meeting that the Commission intends to vote on the proposed amendment(s). If approved by at least two (2) members of the Commission, the amendment(s) shall be adopted and shall take effect immediately. A copy of the amended rules shall be provided the Sheriff and all members of the Classified Service.

KLICKITAT COUNTY
CIVIL SERVICE COMMISSION
228 WEST MAIN STREET, MS-CH 36
GOLDENDALE, WA 98620

PASSED AND ADOPTED THIS 11th DAY OF MARCH 2013

Signed:



James Keightley, Chairman



Billy Gross, Vice Chairman

, Member