

CIVIL SERVICE RULES
FOR
ISLAND COUNTY SHERIFF'S
DEPARTMENT

ORIGINALLY ADOPTED

On August 9, 1990 at a regular meeting of the Civil Service Commission

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1. GENERAL PROVISIONS

1.01 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 personnel actions within the Sheriff's Office and to proceedings before the Civil Service Commission. They should be read in conjunction with the specific provisions of the RCW Chapter 41.14.

1.02 SCOPE AND PURPOSE. These rules govern the continuing administration of the Civil Service System in the Island County Sheriff's Department. The purpose of these rules is to assure that the Civil Service System in Island County is administered in accordance with RCW Chapter 41.14 and that all proceedings before the Commission are conducted in an orderly, fair and timely manner. Specifically, these rules govern appointments, promotions, assignments, transfers, demotions, suspensions, discharges and/or reinstatements to ensure that such actions shall be made on the basis of merit and fitness, and for the efficiency of the Department.

1.03 PRESUMPTION OF VALIDITY. The Civil Service System implemented by these rules substantially accomplishes the purpose of RCW Chapter 41.14. These rules are presumed to be valid and shall be upheld unless in direct conflict with RCW Chapter 41.14.

1.04 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.

1.05 REPEALS AND SAVINGS. All matters shall be subject to these rules, and to that extent, all previous Civil Service rules are hereby repealed.

2. ADMINISTRATION AND OPERATIONS

2.01 COMMISSION -- MEETINGS -- QUORUM. In the necessary conduct of its work, the Commission shall meet on the Second Thursday of each month at 9:30 a.m. in the Island County Courthouse Annex meeting room, unless there is no pending business requiring Commission action. Notice of special meetings shall be provided as required by the Open Public Meetings Act (Chapter 42.30 RCW, as now in force or as hereafter amended). The Commission shall conduct hearings as required. Notice of hearings shall be provided as required by these rules. Two members of the Commission shall constitute a quorum. No action of the Commission shall be effective unless two members concur therein. All Commission meetings or hearings, regular or special, shall be open and public. Provided, however, that the Commission may meet in executive session as authorized by the Open Public Meetings Act (Chapter 42.30 RCW, as amended).

2.02 CHAIR -- VICE CHAIR. At the last regular meeting in December 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, assuming positions on January 1. 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.

2.03 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.

2.04 COMMISSIONERS -- CHALLENGE. Any challenge to a commissioner sitting at a hearing shall be made by an interested party in writing with specific reasons stated prior to the day of commencement of a hearing. The challenged commissioner shall review and rule on the challenge prior to proceeding with the hearing. Upon a commissioner's finding of good cause for disqualification, the commissioner shall take no part in 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 to a party prior to commencement of a hearing.

2.05 COMMISSIONERS -- CHALLENGE -- NECESSITY. If, as a result of disqualification(s) pursuant to Rule 2.04, 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.

2.06 PUBLIC RECORDS. Public records of the Commission shall be available for inspection upon written request to the Commission, subject to the provisions of the Public Records Disclosure Act. No fee will be charged for inspection of public records. Inspection will be during normal office hours in a space provided by the Commission and under its supervision, and must be accomplished without excessive interference with the essential functions of the Commission. Copies will be made available at actual cost or as provided by County regulation. These rules shall be printed for free public distribution and provided upon request.

2.07 RECORD OF PROCEEDINGS. The Commission shall keep a record of its proceedings. The record of the Commission shall not include a written verbatim report of proceedings unless ordered. The party ordering or requesting a written verbatim report of proceedings shall arrange for and pay the estimated cost of transcription before the transcript is prepared. 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 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 prevailing party against the non-prevailing party, at the discretion of the reviewing court. Upon appeal or review, transcription and certification of a record of proceedings shall be arranged by the Secretary/Chief Examiner.

2.08 REPORTS -- APPLICANTS, ELIGIBLES.

- a. Each applicant and eligible shall keep the Commission informed, by written notice to the Secretary, of current address and telephone number, and shall report any change of name through marriage or otherwise.
- b. Each eligible shall keep the Secretary informed, in writing, regarding availability and any refusal to accept appointment or promotion.

2.09 REPORTS -- SHERIFF'S DEPARTMENT. The Sheriff shall immediately report to the Secretary in such detail and on such forms as are acceptable to the Commission:

- a. Every appointment, transfer, promotion, demotion, reduction, layoff, reinstatement, suspension, leave of absence without pay, return to duty, assignment, change of position within a class or within an assignment title, or change of title;
- b. Every separation from the service with the reasons therefor;
- c. Every refusal or failure to accept appointment by a person whose name has been certified.

3. SECRETARY/CHIEF EXAMINER

3.01 SECRETARY/CHIEF EXAMINER -- APPOINTMENT. A Secretary/Chief Examiner (hereafter, "Secretary") shall be appointed by the Commission.

3.02 QUALIFICATIONS. The Secretary shall be appointed as a result of a competitive examination, which examination must be open to all properly qualified citizens of the County; provided, no appointee of the Commission, either as Secretary or as an Assistant to the Secretary, shall be an employee of the Sheriff's department.

3.03 SECRETARY -- DISCIPLINE. The Secretary may be subject to suspension, reduction, other discipline or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service.

3.04 SECRETARY -- AUTHORITY. In addition to acting as Secretary of the Commission, the Secretary shall:

- a. Be the general manager and executive officer of the Civil Service Commission, responsible to the Commission;
- b. Supervise the preparation, conduct, and scoring of examinations, and maintain the classification plan;
- c. Report to the Commission from time to time as directed concerning the details of the work of position;
- d. Prepare the budget for the Commission, approve accounts, and administer the expenditure of funds appropriated for the operation of the Commission;
- e. 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;
- f. Determine which examinations shall be conducted, 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 deemed 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 examinations; and

- g. 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 from time to time by the Commission.

3.05 REVIEW OF AND APPEAL FROM ACTIONS OR DECISIONS OF THE SECRETARY/CHIEF EXAMINER.

- a. The Commission on its own motion may review or modify any action or decision of the Secretary.
- b. 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 served upon the Commission 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 alleged, conduct a hearing thereon.

4. **DEFINITIONS**

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

4.01 **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.

4.02 **ALLOCATION.** The locating or placing in the classified service of a position in the class appropriate to it on the basis of duties and responsibilities and required qualifications of such position.

4.03 **APPLICANT.** Anyone who has filed an application to take a civil service examination.

4.04 **APPOINTING AUTHORITY.** The County Sheriff is invested by law with power and authority to select, appoint, or employ any deputy, deputies or other employees included in this system. In these rules the term "Sheriff" is used to mean the appointing authority.

4.05 **APPOINTMENT.** Selecting and employing an eligible or other applicant for a position in the civil service.

- a. **APPOINTMENT -- REGULAR.** The appointment of a certified eligible to a permanent position in the classified service, either full or part-time. Such appointment shall not be deemed complete until the probationary period has been satisfied.
- b. **APPOINTMENT -- NON-TEMPORARY.** See "Transfer".
- c. **APPOINTMENT -- TEMPORARY.** An appointment other than from an eligible register for the purpose of performing work belonging in the classified service. An assignment of a regular employee is not a temporary appointment. Temporary appointment includes emergency appointment. Term is limited to four (4) months in any consecutive twelve (12) month period.

4.06 **ASSIGNMENT.** Temporary appointment of an employee to a position which carries additional salary and additional responsibilities and is within the scope of the specification for the class series from which assignment is made. Such appointment is limited to a total of four (4) months in any consecutive twelve (12) month period for any one employee or position.

4.07 BREAK IN SERVICE. A separation from civil service status with a loss of accumulated service credit as occasioned by a "quit," "resignation," "discharge," or "service retirement." This does not include resignation of a commission in order to accept another position within the Sheriff's department.

4.08 CANDIDATE. Any applicant who has completed, or is in the process of completing, a civil service examination.

4.09 CERTIFICATION. A list of names from an eligible register transmitted by the Civil Service Commission to the Sheriff in order to fill a vacancy.

4.10 CERTIFY. Verify to the Sheriff that a list of names of candidates for employment has been selected from the list of persons tested and found eligible for employment.

4.11 CLASS. A group of positions designated by the Commission as having similarity in duties and responsibilities, by reason of which the same examination may be used for each position in the group.

4.12 CLASS SERIES. Two or more classes which are similar as to line of work but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of steps in a normal line of promotion.

4.13 CLASS SPECIFICATION. A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.

4.14 COMMISSION. The Island County Civil Service Commission comprised of three (3) members appointed by the Board of County Commissioners. The term Commissioner means any one member of said Commission.

4.15 CONTINUOUS SERVICE. Employment without interruption, except for absences on approved leave of absence to serve in the Armed Forces of the United States, or for some other purpose.

4.16 DEMOTION. Removal of an employee from a higher to a lower class of employment. Such removal may only be for cause.

4.17 DISCHARGE. Termination, separation, dismissal, or removal from the service for cause.

4.18 **ELIGIBLE.** Anyone qualified for a given class through examination and placed on the proper eligible register; also, "certified eligible."

4.19 **ELIGIBLE REGISTER.** A list of successful candidates for a given class from which certification may be made to fill vacancies in such class.

4.20 **EMPLOYEE.** Anyone holding a position in the Civil Service System of Island County.

- a. **EMPLOYEE -- REGULAR.** Any employee who has been appointed from a certificate and who has satisfactorily served the full probationary period in a permanent position.
- b. **EMPLOYEE -- PROBATIONARY.** A person appointed from a certification who has not yet completed one (1) year of employment in that position. This applies to both initial and promotional appointments.
- c. **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; also, "provisional employee."
- d. **EMPLOYEE -- EXEMPT.** Any employee in a position of employment which is not subject to Civil Service rules and regulations, and in which one serves at the discretion of the Sheriff. (e.g. the unclassified service).

4.21 **EXAMINATION.** The process of testing the fitness and qualifications of applicants for positions in a specific class.

- a. **EXAMINATION -- OPEN-GRADED.** An examination open to any member of the public meeting the requirements as stated in the official bulletin announcing such examination.
- b. **EXAMINATION -- PROMOTIONAL.** An examination limited to current employees meeting the requirements stated in the official announcement of such examination.

4.22 **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.

4.23 OFFICIAL ANNOUNCEMENT. The examination announcement containing basic information about the class of positions, the requirements for filing, how to apply, and the other pertinent information which is posted in the Commission's office and in other suitable locations.

4.24 OFFICIAL NEWSPAPER. The newspaper designated as official by the Board of County Commissioners, in which all open graded examinations are announced.

4.25 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.

- a. **POSITION -- PERMANENT.** 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 Sheriff certifies to the Civil Service Commission that such position will not be continued in the succeeding year's budget.
- b. **POSITION – PART-TIME.** Employment in a permanent position for work on a basis of less than eight (8) hours a day or less than forty (40) hours a week, but on a regular schedule.

4.26 PROBATION OR PROBATIONARY. The status of an employee during a trial period following an 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. This applies to both initial and promotional appointments and a probationary employee may be removed or demoted respectively without cause.

4.27 PROMOTIONAL. Appointment of an employee to a position in a higher class having more responsibility and higher minimum and maximum salaries than the position from which appointment is made.

4.28 PROMOTIONAL LIST. An employment list established by a promotional examination.

4.29 QUIT. Any voluntary separation of an employee from employment without submitting a resignation to the Sheriff.

4.30 REDUCTION. Removal of an employee from a higher class to a lower class of employment for reasons other than cause.

4.31 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 Sheriff for consideration for employment. See 4.19*, "Eligible Register."

* Correction of error in 8/9/90 - incorrectly referenced as 4.20.

4.32 REINSTATEMENT. Reappointment of a regular employee to a position formerly held.

4.33 REINSTATEMENT REGISTER. A list of names of persons who were regular employees in a given class and who were laid off and are entitled to reinstatement in such class. A reinstatement register may also include former employees on disability retirement who are capable mentally and physically for reinstatement.

4.34 RESIGNATION. A written request by an employee for separation from a class or from employment in the Sheriff's department. To be valid, such request must show written approval by the Sheriff. Otherwise, voluntary termination constitutes quitting within the definition of these rules.

4.35 SECRETARY. Secretary/Chief Examiner as defined in RULE 3.

4.36 STANDING -- REGULAR. The full civil service status of a regular, non-probationary employee.

4.37 SUSPENSION. Temporary removal of an employee from employment without pay, for cause, or temporary removal with pay pending determination of charges against the employee which could result in demotion, discharge or other discipline.

4.38 TRANSFER. The non-temporary appointment of an employee from one position to another position in the same or a different class having similar duties and carrying the same minimum and maximum salary as the position from which appointment is made.

4.39 VETERANS' SCORING CRITERIA STATUS. Scoring criteria to be added to a passing examination score based upon qualified military veteran status. (see RCW 41.04.005 and 41.04.010).

4.39 amended by Amendment to Civil Service Rules Resolution dated September 13, 2000

5. RULE-MAKING

5.01 AMENDMENTS OF RULES. Unless upon emergency declared by all commissioners present, amendment to these rules shall be first discussed in an open regular or special meeting at least one meeting prior to adoption. Upon declaration of emergency, within the sole discretion of the Commission, a rule amendment may be adopted at the meeting at which the amendment is first proposed.

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

5.03 COPIES OF RULES. A copy of these rules and a copy of all subsequent rules or amendments shall be sent as soon as practicable after adoption to the Sheriff's department, the Deputy Sheriff's Guild and the Prosecuting Attorney's Office. A copy shall be maintained in the office of the Commission for public inspection and copies shall be available for free public distribution as required by state law.

5.04 EFFECT OF RULES. The terms and conditions of civil service employment are governed by these rules and applicable statutes. No employee shall have a property interest created as a result of these rules. These rules, and other rules the Commission may enact, regulate the mode and appointment of tenure in the Civil Service, and employees are subject to these rules and amendments thereto.

6. CLASSIFICATION

6.01 CLASSIFICATION PLAN. A specification shall be prepared and maintained for each class in the classified Civil Service System. Such specifications shall describe the class generally, distinguish it from other classes, give examples of typical duties of the class, and shall contain, when applicable, a statement of those qualifications for applicants for positions in the class not otherwise provided in these rules.

6.02 ADMINISTRATION OF POSITION CLASSIFICATION. The Secretary will make, or cause to be made, position classification studies of individual positions or groups of positions whenever it is deemed necessary, whenever the duties or responsibilities of existing positions have undergone significant changes; whenever notification is received that new positions are to be established or authorized by the Board of County Commissioners; or may do so upon request of the Sheriff or an affected employee if the classification of such position has not been reviewed within the last 24 months.

6.03 CLASSIFICATION OF POSITIONS.

- a. Each position in the classified service shall be classified by the Commission, on the recommendation of the Secretary, and allocated to its appropriate class in accordance with the character, difficulty, and responsibility of its designated duties. Positions shall be allocated to a given class when:
 - (1) The same descriptive title is used to designate each position in the class;
 - (2) The same level of education, experience, knowledge, ability, and other qualifications are required of incumbents; and
 - (3) Similar tests may be used to select candidates.
- b. All classes involving the same character of work but differing as to level of difficulty and responsibility shall be assembled into a class series.
- c. Compensation or salary shall not be a factor in determining the classification of any position or the standing of any incumbent.

- d. In allocating any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications for such position, and the relationship thereof to other classes. The examples of duties set forth in such specification shall not be construed as all inclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.
- e. No one whose position has been allocated to its appropriate class shall be assigned or required to perform duties generally performed by persons holding positions in other classes, except in case of emergency or for limited periods of time when approved by the Commission; provided, that nothing in this provision shall be construed as preventing the assignment of duties of a higher rank as part of a training period, or for relief periods, and provided further, the clause in any specification "and to perform related work as required" shall be liberally construed.
- f. It shall be necessary for the Sheriff to report to the Secretary any and all organization changes which will abolish or affect changes in existing positions or establish new positions.
 - (1) When the Sheriff requests the establishment of any new or additional position for more than sixty (60) days' duration, or a change in allocation of an existing position, a request for such consideration shall be addressed to the Secretary, accompanied by a statement of the duties, responsibilities and qualification requirements of the position.
 - (2) In those instances where gradual shifts in work emphasis or changing work conditions have effected material changes in existing positions, the Secretary shall be notified in writing by the Sheriff as soon as the change is recognized.

- (3) In those instances in which the duties of a position are materially changed for other reasons, the Secretary shall be notified by the Sheriff immediately and not later than ten (10) days from the date of such change.
- g. **ASSIGNMENT.** An employee may be assigned to a position which carries additional salary and limited additional duties and responsibilities and is within the scope of the specification for the class from which assignment is made. If the duties of the position for which an assignment is proposed are beyond the scope of the official specification for the base class, such position must be separately classified and eligibility established by examination. No permanent or vested rights shall be acquired by reason of such assignment, and such assignments shall be subject to review and change by the Sheriff at any time.

6.04 RECORDS.

- a. Separate records of each position in the classified Civil Service shall be maintained by the Commission in the following manner:
 - (1) Each position record shall include a notation of the authority for establishing the position, the name of each successive incumbent, all classification actions relating to it, its organizational and physical location in the department, and a current description of its duties.
 - (2) It shall be necessary for the Sheriff to supply to the Secretary, in writing, all necessary information to enable the Civil Service Commission to maintain such records described above, and including any significant change in the duties of the position to another position in the same or to a different class.
- b. The Secretary shall report every classification action to the Sheriff. The Sheriff shall be responsible for notifying his subordinates of any classification action affecting their status or allocation of their positions.

6.05 EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT.

- a. Whenever the title of a class is changed without a change in duties or responsibilities, the incumbent shall have the same status in the retitled class as held in the former class.
- b. Whenever a position is reclassified from one class to a higher class, the incumbent shall not continue in the same position, except temporarily, without gaining eligibility for the new class by examination and receipt of an appointment thereto in accordance with these rules.
- c. Whenever a position is reclassified from one class to a lower class, the regular incumbent may, with the concurrence of the Sheriff and the Commission, elect to take a voluntary reduction to the lower class; or at his option and with the concurrence of the Sheriff and the Commission, may remain in the reclassified position for a temporary period as limited by the Commission only until transfer can be made to another position in the class in which he has regular standing.

6.06 UNCLASSIFIED SERVICE POSITIONS.

Positions designated the unclassified service as provided by RCW 41.14.070 are not in the Civil Service and are, therefore, not covered by the provisions of these RULES, except as specifically referred to in these rules.

7. APPLICATIONS AND APPLICANTS

7.01 GENERAL REQUIREMENTS FOR FILING APPLICATIONS.

- a. All applicants for examinations for positions in the classified Civil Service must file written application on a form prescribed by the Commission, and no one shall be admitted to any examination without having first filed an application on the proper form, giving complete, truthful, and accurate information required.
- b. In order to file an application for examination, the applicant must:
 - (1) Meet the requirements specified in these rules and in the official position description and the examination announcement as of the closing day of the official filing period;
 - (2) Produce evidence of education, training, experience, or any lawful requirement for a class as directed by the Secretary; and
 - (3) Pay the application fee.
- c. Time for filing applications:
 - (1) All applications for examination shall be filed with the Secretary during normal office hours and within the time limit fixed in the official announcement of examination; provided, that upon written evidence of extenuating circumstances acceptable to the Secretary, late applications may be accepted. Applications received by mail in the office of the Commission must be postmarked on or before the closing date.
 - (2) The time for filing applications may be extended by the Commission as the needs of the service require; provided, that the examination shall then be re-advertised in the official newspaper of the County.

7.02 APPLICATIONS FOR PROMOTIONAL EXAMINATIONS. An application shall be accepted from any regularly appointed employee in the classes from which promotion is allowed, who in addition to meeting the requirements above has the requisite service credit as designated in the official position description.

7.03 REJECTION OF APPLICATION OR ELIGIBLE. The Secretary may reject an applicant for examination, withhold from a register or from certification the name of an eligible, or remove from a register the name of an eligible if the applicant or eligible:

- a. Does not meet the requirements set forth in these rules or in the position description and the announcement for the examination;
- b. Is physically or mentally unfit to perform the duties of the position sought (if known);
- c. Has been convicted of any felony or a misdemeanor involving moral turpitude (see Chapter 9.96A RCW);
- d. Has been dismissed or has resigned in lieu of discharge from any position, public or private, for any cause which would be a cause for dismissal from County service; or has an unsatisfactory record of employment in the County service, or with any other agency or firm;
- e. Has made any material false statement or has attempted any deception or fraud in connection with this or any other civil service examination;
- f. Fails to appear for fingerprinting or other investigation as required;
- g. Has assisted in preparing the examination for which application is sought, or has in any other manner secured confidential information concerning such examination which might give an unfair advantage over other applicants in the examination;
- h. After notification, did not promptly appear at the time and place designated for the examination;
- i. Has been discharged from the Armed Forces under less than honorable conditions (if known);
- j. Such actions contemplated by this rule may also be taken for other material reasons.

7.04 DEBARMENT FROM EMPLOYMENT.

- a. No one who has been dismissed from the service for cause shall be allowed to again enter the service, except with express consent of the Commission;

- b. Any applicant for appointment, promotion, reemployment, or other personal advantage, who shall directly or indirectly pay or promise to pay any money or other valuable thing to anyone whatever for or on account of such actual or prospective advantage, shall be ineligible for any further employment in the Civil Service.

7.05 NOTICE OF NON-ACCEPTANCE. Anyone against whom action is taken under RULES 7.03 or 7.04a. shall be notified promptly by the Secretary of the reasons therefor by either oral notice at time of filing the application and/or written notice mailed to the applicant or eligible. Such rejection or debarment may be reviewed or appealed as outlined in Rule 3.05.

7.06 ADMISSION TO EXAMINATION PENDING APPEAL. The Secretary may admit to the examination anyone whose application was not accepted, pending final disposition of an appeal, when the appeal has been submitted pursuant to Rule 3. Such admission will be without prejudice to either the County or the applicant.

7.07 AMENDMENT OF APPLICATION. The Secretary may permit any applicant, before or after acceptance of the application form, to amend the application or to file an amended application, provided such amendment is submitted prior to the date of the examination.

7.08 APPLICATIONS NOT RETURNED. All applications when completed and filed become the property of the Commission and thereafter may not be returned to the applicant.

7.09 APPLICATION FEE. An application fee to cover all or part of the processing costs shall be required of all applicants for positions covered by these rules, whether the examination is open-graded or promotional. The amount of said fee may be set from time to time by the Commission.

8. EXAMINATIONS

8.01 ORDERING EXAMINATIONS. The Commission shall order an examination whenever it is deemed to be in the best interest of the County. The Secretary shall administer examinations as provided by these rules.

8.02 EXAMINATION ANNOUNCEMENT. Public notice of examinations shall be given by the Secretary in the official newspaper at least ten (10) days preceding such examination and in any other publications which the Commission may direct. The official announcement shall be posted in the Sheriff's office and distributed to appropriate employment centers. Promotional examination notices shall be posted in the Sheriff's office not less than ten (10) days preceding the examination.

8.03 AMENDMENTS TO ANNOUNCEMENT. The Secretary may amend any published announcement with appropriate public notice.

8.04 CONTINUOUS EXAMINATIONS. The Secretary may amend any published announcement with appropriate public notice.

- a. A continuous or periodic examining program may be administered by the Secretary for any class of positions for other than promotional examinations. Filing will be open, applications received, and the examinations administered according to the needs of the service. The names of qualified eligibles resulting from such examinations shall be entered on the eligible register and certifications for appointments shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places as determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.
- b. Except as above provided, the rules applicable to other examinations shall apply to continuous and periodic examinations.

8.05 CHARACTER OF EXAMINATIONS. All examinations shall be competitive, impartial, and practical in their character. They shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class for which the examination was ordered. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

8.06 CONTENT OF EXAMINATIONS.

- a. Examinations may include written tests, personal qualifications, physical or performance tests, or evaluations of training and experience, interviews, or any other suitable evaluation of fitness, or any combination of such tests. Such tests may evaluate education, experience, aptitude, knowledge, skill, physical condition, personal characteristics and other qualifications to determine the relative fitness of the candidates;
- b. The Secretary/Chief Examiner may, with concurrence of the Commission, prescribe such limits and such other specific requirements, physical or otherwise, that in the Secretary's judgment are required by and related to the work to be performed.

8.06 b. amended by Resolution No. 101, October 10, 2013

8.07 PASSING GRADES.

- a. The name of a candidate shall not be entered on an eligible register without the candidate having attained a passing grade in the written examination of 70%. Applicants that have met the qualifications for the Lateral Entry Program are exempt from the requirement of a minimum passing grade;
- b. Tests consisting of interviews and evaluation of experience records shall be graded with 100% as the maximum and with 70% as the minimum passing grade for such tests;
- c. Except as provided above, the Secretary shall, before identification of papers, authorize a grading schedule for tests with a minimum passing score which represents an acceptable degree of fitness on such subjects for the class of positions.

8.07 a. amended by Resolution No. 101, October 10, 2013

8.07 a. amended by Resolution No. 102, January 9, 2014

8.08 QUALIFYING GRADE. Where any part or parts of an examination relate to physical qualifications deemed essential to proper performance of the duties of the class, the Secretary may determine the minimum qualifying grade for each such part or parts. Failure to attain such grade shall disqualify the examinee from participation or rating on other parts of the examination.

8.08 amended by Resolution No. 101, October 10, 2013

8.09 PROMOTIONAL EXAMINATIONS. Vacancies in the higher positions of a class shall be filled by promotion, whenever practicable in the judgment of the Commission. An examination may be advertised as open-graded when, in the judgment of the Commission, it is in the best interest of the service. See RULE 12 for a description of Service Credit in Promotional Examinations.

8.10 CREDIT APPLIED TO A PASSING EXAMINATION. These credits may not be combined. The highest credit available will be applied to a passing score.

8.10.01. VETERANS' SCORING CRITERIA STATUS.

Applicants who have served in any branch of the United States Armed Forces and qualify as a "veteran" as defined in RCW 41.04, shall be given preference status by adding to their passing examination grades a numerical value equal to a percentage of the final grade attained, in accordance with RCW 41.04 or other state law.

8.10.02. SERVICE CREDIT FOR RESERVE DEPUTIES.

Applicants who are Reserve Deputies, in good standing, who have served two or more years shall be awarded points for service.

- a. A Level One Member of the Reserve Deputies, as defined by the Island County Sheriff's Office Policy Manual, shall be awarded a five percent scoring criteria added to a passing examination grade.
- b. All other members of the Reserve Deputies, as defined by the Island County Sheriff's Office Policy Manual, shall be awarded a three percent scoring criteria added to a passing examination grade.

8.10.03. SERVICE CREDIT FOR EMPLOYEES OF THE ISLAND COUNTY SHERIFF'S DEPARTMENT.

In Entry Level Examinations, Applicants who are current employees in good standing within the Island County Sheriff's Department, who have served two or more years, shall be awarded a three percent scoring criteria added to a passing examination grade.

8.10 amended by Amendment to Civil Service Rules Resolution dated September 13, 2000

8.10 amended by Amendment to Civil Service Rules Resolution #105 dated December 11, 2014

8.11 NOTIFICATION OF RESULTS. Each applicant taking the examination shall be given written notice of the results thereof, and if successful, of the final earned rating and relative position on the eligible register, and any subsequent changes therein.

8.12 TEST COPY INSPECTION AND EXAMINATION PROTEST.

- a. Any protest against the scope, content, or practicality of any part of an examination shall be filed in writing with the Secretary within three (3) days immediately following the administration of such part, or within the time limit specified on the examination instruction sheet.

- b. Any applicant shall have the right to personally inspect his/her examination papers within seven (7) days after notices of results have been mailed. Such personal inspection shall be made in the presence of the Commission or its authorized representative and no copies of test items shall be made by the applicant. An error in grading or rating, if called to the attention of the Commission within the inspection period, shall be corrected. When a test copy is provided with missed questions indicated, protests against the proposed answers must be filed in writing within three (3) working days of such inspection of the examination.
- c. When a qualifying grade is required on any part of an examination, those who fall to receive the qualifying grade shall be notified and any protest or appeal must be filed in writing within seven (7) days after the notices of results have been mailed.
- d. Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within seven (7) days after the notices of results have been mailed.
- e. All timely protests filed in accordance with this rule shall be considered and any proper corrections made. If authorized corrections are applicable to other examinees, the corrections shall be made on all examination papers affected.

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

8.14 REEXAMINATION.

- a. The Commission may from time to time as it deems necessary, hold further examinations. Candidates on the existing eligible registers shall be notified of such subsequent exams and be provided an opportunity to take the same along with any new applicants, provided; no one shall be reexamined for the same class within six(6)months of the effective date of register.
- b. If an eligible takes a succeeding examination for the same class, the result of such examination shall nullify any remaining eligibility already established. Eligibility attained by the second examination shall be entered on the eligible register in the order of their relative grades.

- c. At the discretion of the Commission, candidates on the existing eligible register which is less than one (1) year old may elect to transfer their existing grade to the register for the class in which they were examined and shall take rank thereon in the order of their relative grades.

8.15 EXAMINATION PAPERS. Examination papers of each eligible shall be kept on file in the office of the Commission until the expiration of eligibility.

8.16 ADDITIONAL EXAMINATION.

- a. Eligibles certified pursuant to RULE 9 shall be subject to medical, physical, and/or psychological examination and to such other examinations administered by the Sheriff's department as authorized and approved by the Commission. Such other examinations include, but are not limited to, background examination and polygraph; provided, however, polygraph examination shall be required only for new candidates for County employment. Reports of such examination may be reviewed by the Commission in the event the findings of the examination recommend that the eligible be rejected. The Commission shall consider such recommendation, may require further examination, and may order the eligible's name dropped from the eligible register.
- b. The Commission may designate a limited number of certified eligibles for additional examination as provided above, in order to maintain an ability to certify registers pursuant to RULE 10.

9. REGISTERS AND ELIGIBILITY

9.01 ESTABLISHMENT OF ELIGIBLE REGISTERS. After each examination, an eligible register for the class shall be prepared on which the names of successful candidates shall be ranked as follows:

- a. On a promotional register: relative rank shall be determined by the examination rating or grade, plus any additional points for service credit as defined in Rule 12.
- b. On an open-graded register: relative rank shall be determined by the examination grade, plus percentage allowed by RCW Chapter 41.04 for veterans' preference.
- c. The preference in rank of eligibles having equal final general averages shall be determined as follows in the order stated:
 - (1) The one who qualifies for veterans' preference in accordance with RCW 41.04. Eligibles on a promotional register do not so qualify except as provided in Rule 8.10.
 - (2) When the examination is comprised of two or more parts with separate grades, the one who has the highest composite score. If a tie exists, the candidate who has:
 - (a) The highest grade on the most heavily weighted part of the examination; if a tie still exists, then the highest grade on the next most heavily weighted part, and so on for as many parts as the examination contains.
 - (b) The highest grade on the written test if all parts are weighted equally.
 - (3) When the examination has only one part, or the candidates have the same standing under (1) and (2) above, then ranking shall be by lot.

9.02 ESTABLISHMENT OF REINSTATEMENT REGISTERS.

- a. The names of regular employees who have been laid off or who have accepted voluntary demotion in lieu of layoff or, when requested in writing by the Sheriff, probationary employees who have been laid off, shall be placed upon a reinstatement register for the same class and for the position from which laid off, provided such register shall be reviewed by the Commission every six (6) months.

- b. Regular employees who may be separated as a result of disability shall be placed on a reinstatement register pursuant to Rule 20.01.
- c. Upon request of the Sheriff, the Commission may approve the certification of anyone on such a reinstatement register as eligible for appointment.
- d. Anyone on a reinstatement register who becomes a regular employee in another County department shall retain reinstatement rights in the Sheriff's department.
- e. Refusal to accept permanent work from a reinstatement register shall terminate all rights granted under this Rule.

9.03 DURATION OF ELIGIBLE REGISTERS.

- a. The term of eligibility of each eligible register and the names appearing thereon shall be not less than one year, unless depleted. A list of less than three (3), i.e. consisting of only one (1) or two (2) eligibles, shall be considered depleted. Any register that has been in effect for more than one year may be abolished and a new examination held whenever, in the judgment of the Commission, the interest of the classified service makes such course desirable.
- b. In no event shall a register remain in force for longer than twenty-four (24) months.
- c. No register shall remain in effect after promulgation of a register from a subsequent examination.
- d. Names of qualified eligibles who are entered on a register as a result of a Continuous Examination shall expire one year from the date their name is entered on the list.

9.03 b. amended by Resolution No. 97, June 10, 2008

9.03 b. amended by Resolution No. 98, February 14, 2013

9.03 a. amended by Resolution No. 99, March 13, 2013

9.03 d. amended by Resolution No. 106, April 9, 2015

9.04 AVAILABILITY OF ELIGIBLES.

- a. Any eligible candidate who fails to notify the Secretary in writing, of changes in address, telephone number, change of name through marriage or otherwise, or any changes which may affect availability for employment, will be removed from the list of eligibles.
- b. The name of an eligible who submits a written statement restricting the conditions under which available for employment, shall be withheld from certifications which do not meet the conditions specified. New written statements may be filed at any time within the duration of an eligible register modifying conditions under which employment would be accepted.

9.05 CANCELLATION OF ELIGIBILITY

- a. Anyone's name may be removed from an eligible register for failure to pass a required examination or upon receipt of proof of material physical or mental disability, bad character or other unfitness, fraudulent conduct, or false statements by the eligible or by others with the eligible's collusion, in connection with any application, examination for, or securing of an appointment. A previous unsatisfactory work record with the County or dismissal from the civil service, or dismissal from any Position, public or private, for any cause which would be a cause for dismissal from County service shall be deemed cause for cancellation of eligibility;
- b. Separation from the civil service will terminate any promotional eligibility;
- c. Upon written statement from the Sheriff that an eligible has failed to respond to call, or has refused to accept employment, the Secretary may strike the eligible's name from the eligible register;
- d. Failure to respond to the canvass of a register within fourteen (14) days from such canvass shall be deemed cause to strike the name of any eligible from the eligible register;
- e. Refusal to accept employment in a permanent position shall result in cancellation of eligibility.
- f. Such action contemplated by this rule may also be taken for other material reasons.

9.06 RESTORATION OF NAMES TO ELIGIBLE REGISTERS. The name of an eligible which has been removed from a register may be restored for the duration of such eligibility upon written request to the Secretary for such restoration. The request must specify the reasons for the requested restoration. The Commission may approve the request if it is deemed that the evidence submitted justifies such approval.

9.05 e. amended by Resolution No. 110, April 14,2016

10 CERTIFICATION AND APPOINTMENT

10.01 GENERAL PROVISIONS. Vacancies in the classified civil service shall be filled by reinstatement, promotional appointment, assignment, open-graded appointment, transfer, reduction, demotion, or in the absence of an appropriate register, the Commission may authorize a temporary appointment.

10.02 REQUEST FOR CERTIFICATION. Whenever the Sheriff wishes to fill a vacancy, a request for certification shall be submitted to the Secretary. The request shall show the number of positions or vacancies to be filled, the class title, tenure of work to be performed, cause of the vacancy, or if a new position, authority for the appointment from the Board of County Commissioners and any other details necessary for full description of the position to be filled.

10.03 CERTIFICATION.

- a. Certification to fill a vacancy shall be made by the Commission from registers in the following order and as provided in this rule:
 - (1) Reinstatement
 - (2) Promotional
 - (3) Open-graded
- b. Order of reinstatement:
 - (1) If a vacancy is to be filled from the reinstatement register, the following shall be the order of certification:
 - (a) Regular employees in the order of their length of service. The regular employee on such register who has the most service credit shall be first reinstated;
 - (b) Probationers, without regard to length of service. The names of all probationers upon the reinstatement register shall be certified together.
 - (2) Upon request from the Sheriff the Commission may authorize reinstatement out of such regular order upon a showing of efficiency or

that such action is for the good of the service, after giving the employee(s) adversely affected an opportunity to be heard.

- c. (1) If a vacancy is to be filled from a promotional register, the Commission shall certify to the Sheriff the names of the five (5) available eligibles who stand highest on the appropriate register.
- (2) If a vacancy is to be filled from an open-graded register, the Commission shall certify to the appointing authority the names of the five (5) available eligibles who stand highest on the appropriate register.
- d. If two or more vacancies are to be filled from any of the above registers other than the reinstatement register, the name of one additional person shall be certified for each additional position.
- e. If an appointing authority makes an acceptable showing that any of the eligibles certified are not available or that they do not respond, sufficient additional names shall be furnished to complete the certification.
- f. Where a certification of eligibles with special experience, training or skills is requested in writing by the Sheriff as being necessary for satisfactory performance in a particular position, and the Commission determines that the reasons given fully justify the request, a certification may be made of only the highest ranking eligibles who possess the special qualifications.
- g. The application and the examination papers of certified eligibles shall be available for inspection by the Sheriff.

h. The Commission may grant the Secretary the authority to create or update an eligible register and provide a certification from that register, as specified by the Commission. The Commission will validate the register or certification at their next regular meeting.

10.03c amended by Resolution No. 115, June 11, 2020

10.04 DEFERMENT OF CERTIFICATION. The Secretary may grant deferment of certification of an eligible upon receipt from the eligible of a written request with satisfactory reason therefor. Such deferment will thereafter prevent certification of such eligible until the next vacancy occurring after the eligible has given written notice of his desire to be returned to the register, and such return has been approved by the Secretary.

10.05 DURATION OF CERTIFICATION. Certification shall be in effect for thirty (30) days from its date of issuance. The Sheriff must file a report of any appointment from such certification with the Secretary. Upon request, the Secretary may extend such certification for additional 30-day periods. No more than five (5) extensions may be authorized. Expiration of an eligible register shall not cancel the validity of a certification made from that register.

10.05 amended by Resolution No. 103, August 14, 2014; Section 10.03 h. added by Resolution No. 109, November 12, 2015

10.06 REGULAR APPOINTMENT. A regular appointment to fill a vacancy must be made from the names contained on the official certification. The official appointment report shall show the name of the person appointed, the effective date, the salary, the nature or duration of the appointment, and any other information required.

10.07 TEMPORARY APPOINTMENT. Where there is no suitable eligible register from which certification can be made, the Commission may allow the Sheriff to make a temporary appointment. In such case, the Commission may recommend persons to the Sheriff or may approve the appointment of a person nominated by the Sheriff, provided that the person nominated has the qualifications necessary for the performance of the duties of the position. A temporary appointment may be made for a period not exceeding a maximum of four (4) months. However, the appointing authority may extend the temporary appointment beyond the four-month period up to one year if the commission continues to advertise and test for the position. If, after one year from the date the initial temporary appointment was first made, there are less than three persons on the eligible list for the class, then the appointing authority may fill the position with any person or persons on the eligible list.

10.07 amended by Resolution No. 96, July 14, 2005

10.08 EMERGENCY APPOINTMENT. In the event of an unanticipated vacancy in one of the Cook positions the Sheriff may make a temporary appointment immediately, with notification to the Commission by the next regular business day. The request for approval of such temporary appointment must be accompanied by a completed employment application and the request is subject to Commission approval at its next regular meeting. All other limitations on temporary appointments cited in RULE 10.07 shall apply.

10.08 adopted by Resolution No. 94-1, June 9, 1994

11. PROBATION

11.01 PROBATIONARY PERIOD.

- a. After each full-time or part-time permanent appointment from an eligible register, the employee appointed shall serve a complete period of probation before the appointment is deemed complete.
- b. If a probationer transfers voluntarily from one class to another, the Sheriff may, with the approval of the Commission, require that a complete probationary period be served in that different class.
- c. A regular employee who has been voluntarily reduced to a lower position in a class in which s/he has not had regular standing shall begin a probationary period in the different class from the date of such reduction.

11.02 LENGTH OF PROBATIONARY PERIOD. No appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year's probationary service. For the position of Deputy, the probation period will commence after the successful completion of any required Washington State academy (full academy or equivalency academy) and the successful completion of the Field Training program (FTO program), whichever is later. Minor absences, with pay, not exceeding two (2) weeks, due to vacations, annual military leave, illnesses, etc., shall not be construed as interrupting the probationary period. Absences in excess of two (2) weeks shall not be credited toward the probationary period and the probationary completion date shall be extended by the length of such absence.

11.02 amended by Resolution No. 108, October 8, 2015

11.02 amended by Resolution No. 114, December 12, 2019

11.03 INTERRUPTION OF PROBATIONARY PERIOD BY MILITARY SERVICE. A probationer who engages in active military service on an extended basis (over two (2) weeks) shall be considered as having an interrupted probationary period. Such employee may continue the probationary period following return from military leave.

11.04 SERVICE IN ANOTHER CLASS. Service in a class or position other than the one to which an eligible is regularly appointed may only be credited toward completion of a probationary period if the Commission has approved the written statement of the Sheriff to the effect that the probationary period may be properly judged on the basis of service in the other class or office.

11.05 PROBATIONARY DISCHARGE OR DEMOTION.

- a. The Sheriff, by advising in writing to the Commission the reasons therefor, may discharge any probationer. Such reasons need not constitute just cause and shall not otherwise be reviewed by the Commission except as provided in RULE 18.
- b. A probationer may be demoted for inability to perform satisfactorily the duties of the position to which s/he was appointed, in accordance with RULE 16 on demotion; or may be allowed eligibility for another position in the same class, for which s/he is deemed qualified by the Sheriff, subject to approval by the Commission.
- c. A probationer demoted to a class in which he or she has not held regular standing shall start a new period of probation.

11.06 INTERRUPTION OF PROBATIONARY PERIOD BY LEAVE WITHOUT PAY.

- a. Leave without pay up to sixty (60) days will cause the probationary period to be extended by a period equal to the leave taken.
- b. Leave without pay greater than sixty (60) days during the probationary period will cause the one year probationary period to begin again anew upon return to duty from the leave of absence.

12. SERVICE CREDIT

Service credit in a class for a regular employee shall be computed to cover all service subsequent to regular appointment to a permanent position in that class and shall be applicable in the Sheriff's department to compute seniority as it applies to promotions, layoffs and/or reinstatements.

12.01 GENERAL PROVISIONS.

a. Service credit shall be given as follows:

- (1) After completion of the probationary period, service credit will be given for employment in the same, an equal or higher class, and shall include any part-time or temporary employment served in the same class prior to the regular appointment;
- (2) Subject to approval by the Commission, service credit may be given for service in positions exempt from civil service or in positions in other departments of the County;
- (3) Service credit will be given for previous regular employment of an incumbent in a position which has been reallocated and in which s/he has been continued with recognized standing;
- (4) Credit will be given for service prior to an authorized transfer;
- (5) Credit will be given for time lost during:
 - (a) Jury duty;
 - (b) Temporary disability incurred in line of service;
 - (c) Illness or disability compensated for under any plan authorized and paid for by the County;
 - (d) Service as a representative of a union affecting welfare of employees under civil service;
 - (e) Service with the Armed Forces of the United States, including voluntary leave of absence not to exceed twenty-one (21) days prior to entry into active service and not to exceed ninety (90) days after separation from such service, provided s/he meets the requirements of RCW 73.16.035;

- (f) Service with the Armed Forces during the annual leave for military training.
- b. No service credit shall be given:
 - (1) For service of a regular employee in a lower class to which s/he has been voluntarily reduced or demoted and in which s/he has not had regular standing, except from the time of such voluntary reduction or demotion;
 - (2) Unpaid leave of absence except as provided in subparagraph (a) (5) above.
 - (3) For any employment prior to a separation from the service other than by a resignation which has been withdrawn as provided by RULE 19. Layoff of a regular employee does not constitute a break in service, however, time lost during a layoff does not count toward service credit.
- c. Service Credit for Military Service during Probationary Periods. If military service as specified in RULE 11.03 is during the probationary period, such time shall be credited at straight time after the probationer returns to work and completes the required probationary period.
- d. Service Credit for Promotion. Credit as specified in this rule shall be allowed for:
 - (1) Recognized service in all the classes from which promotion is allowed;
 - (2) Service in classified assignments and in higher positions in the same series of classes;
 - (3) Time lost during military service as specified above;
 - (4) Time lost due to injury or disability incurred on the job;
 - (5) Time spent as a representative of a union affecting the welfare of employees under civil service.
- e. Special Provisions for Service Credit after Layoff. In the event of layoff, credit shall be given, upon reinstatement, as specified above.

12.02 SERVICE CREDIT IN PROMOTIONAL EXAMINATIONS.

a. *Service credit in any promotional examination shall be given for a maximum of 20 years service with a maximum of ten (10) points computed in the following manner:*

1 to 3 years of service - no points

4 to 7 years of service - 1/4 point per year

8 to 15 years of service - 1/2 point per year

16 to 20 years of service - 1 point per year

b. *Anyone who attains the required minimum grade on a written promotional exam will be entitled to the applicable additional service credit points as outlined in 12.02 a. above. No service points will be awarded to any person not attaining a minimum grade or score of 70%. No points will be given for a fractional part of a year.*

12.02 b. amended by Resolution No. 100, August 15, 2013

Rule 12.02 was dropped by motion at the Regular Meeting of the Civil Service Commission on December 10, 2015.

13. TRANSFER

The transfer of an employee shall not constitute a promotion in the service, except as provided below.

13.01 INTRA-CLASS TRANSFERS. The Sheriff may transfer an employee from one position to another position in the same class in the department without prior approval but must report any such transfer to the Civil Service Commission within five (5) days of its effective date.

13.02 INTER-CLASS TRANSFERS. *Other transfers may be made by the Sheriff only with the Commission's approval as follows:*

- a. Transfer to another class in the department in the case of injury in the line of duty either with the County service or with the Armed Forces in time of war, resulting in permanent partial disability, where showing is made that the transferee is capable of satisfactorily performing the duties of the new position;*
- b. Transfer, in lieu of layoff, may be made without regular standing to a single position in another class in the department, upon showing that the transferee is capable of satisfactorily performing the duties of the position, and that a regular employee or probationer is not displaced. Regular standing in the new class may be attained by the employee only through examination and regular appointment;*
- c. Transfer, in lieu of layoff, may be made without regular standing to a single position in another class when such transfer would constitute a promotion or advancement in the service provided a showing is made that the transferee is capable of satisfactorily performing the duties of the position and that regular employee or probationer is not displaced, and only when transfer in lieu of layoff described above and reduction in lieu of layoff under RULE 15 are not practicable. Regular standing in the new class may be attained by the employee only through examination and regular appointment.*

Rule 13.02 was "excepted" and thereby not adopted when the revised Civil Service Rules for Island County Sheriff's Department were adopted August 9, 1990 by the Civil Service Commission at their regular meeting.

13.03 TRANSFER OF POLICE DEPARTMENT EMPLOYEES. When a city or town in the County contracts with the Sheriff's department for law enforcement services eligible employees may transfer to the Sheriff's department by submitting a written request to the Commission. Eligibility, terms of employment, precedence by seniority, service credit and/or placement on an employment register shall be in accordance with RCW Chapter 41.14, subsections .250, .260 and .270.

13.04 INTER-DEPARTMENTAL TRANSFERS. These rules have no authority or effect on Island County positions or departments not subject to the Civil Service. Transfer to positions or departments not subject to the Civil Service are unaffected by these rules.

14. LEAVES OF ABSENCE

14.01 DURATION OF LEAVES.

- a. A leave of absence without pay for a period not exceeding sixty (60) days may be granted by the Sheriff who shall give notice of such leave to the Commission.
- b. A request for a leave of absence without pay longer than sixty (60) days bearing the favorable recommendation of the Sheriff may be granted by the Commission.
- c. No employee shall be given leave to take a position outside the County service for more than sixty (60) days in any calendar year, except where it appears in the best interest of the County.

14.02 FILLING VACANCIES.

- a. For a period up to sixty (60) days the Sheriff may assign a regular employee to perform the duties of a higher level position vacated by leave without pay. Such assignment shall be a separate personnel action from any assignment made to cover for an employee who is on leave with pay, and must be approved by the Commission prior to its inception.
- b. All temporary appointments caused by leaves of absence longer than sixty (60) days shall be made from the register of eligibles for the class of civil service position(s) vacated. When there is no suitable register from which certification can be made then appointment may be made pursuant to Rule 10.07.

14.03 MILITARY LEAVE. See RCW 38.40.060.

14.04 RETURN FROM LEAVE. At the expiration of the authorized leave of absence, a probationer or regular employee shall resume the same class of work with standing and service credit as determined by these rules.

15. LAYOFF

15.01 ORDER OF LAYOFF.

- a. In a given class in the department, the following shall be the order of layoff:
 - (1) Temporary employees not earning service credit;
 - (2) Probationers (except as their layoff may be affected by military service during probation);
 - (3) Regular employees in the order of their length of service, the one with the least service credit being laid off first.

15.02 LAYOFF OUT OF ORDER. The Commission may grant permission for layoff out of the regular order, upon showing by the Sheriff of a necessity therefor in the interest of efficient operation of the department, after giving any employee or employees affected an opportunity to be heard.

15.03 REDUCTION IN LIEU OF LAYOFF. At the time of any layoff, a regular employee or a promotional probationer shall be given an opportunity to accept reduction to the next lower class in a class series in the department, or s/he may be transferred as provided by RULE 13.02 - Transfer in Lieu of Layoff. An employee so reduced shall be entitled to credit for any previous regular service in the lower class and to other service credit in accordance with RULE 12.

16. DISCIPLINE AND DISCHARGE

16.01 SUSPENSION -- DISCHARGE.

- a. The Sheriff may suspend a regular employee without pay, for a period not to exceed sixty (60) days for good cause.
- b. The Sheriff may discharge a regular employee for good cause.
- c. The Sheriff may suspend a regular employee with pay, for a period not to exceed thirty (30) days while the Sheriff investigates and determines whether to impose discipline, including discharge. This in itself is not a disciplinary suspension.

16.02 DEMOTION.

- a. Demotion of an employee to a lower class may be made by the Sheriff for good cause.
- b. An employee so demoted shall lose all rights to the higher class.
- c. If the employee has not had previous standing in the lower class, such demotion shall not displace any other regular employee. The Commission must be satisfied by the Sheriff as to the ability of such demoted employee to perform the duties of the lower class and service credit shall be computed from the date of such demotion, pursuant to Rule 12.

16.03 DISCIPLINE -- GOOD CAUSE -- ILLUSTRATED. The following are declared to illustrate adequate good cause for discipline or discharge as set forth above. Discipline or discharge may be made for any other good cause.

- a. Incompetency, inefficiency, or inattention to, or dereliction of duty;
- b. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself;

- c. Mental or physical unfitness for the position which the employee holds;
- d. Dishonest, disgraceful, or prejudicial conduct;
- e. Drunkenness or use of intoxicating liquors to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under Civil Service;
- f. Conviction of a felony, or a misdemeanor involving moral turpitude;
- g. False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or such actions by others with his or her collusion;
- h. Willful or intentional violation of any reasonable regulation, order or direction made or given by a superior officer;
- i. Willful or intentional violation of any of the provisions of these rules;
- j. Use of any illegal or controlled substance other than under the direction of a medical doctor or physician.

17. PREDISCIPLINARY HEARING

17.01 PREDISCIPLINARY HEARING -- REQUIRED. The Sheriff shall provide and arrange for a predisciplinary hearing prior to demotion, suspension, or discharge or other discipline of a regular employee.

17.02 PREDISCIPLINARY HEARING -- STANDARDS/NOTICE OF DISCIPLINE.

- a. Prior to a predisciplinary hearing the employee shall be provided, in writing, with a notice of the charge(s) against him/her, an explanation of the department's evidence, and the possible disciplinary action that might be taken. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's evidence is incorrect, the charge(s) are not warranted and/or why the proposed discipline should not be imposed.
- b. The employee may have legal counsel or union representation present at a predisciplinary hearing.
- c. Should the Sheriff determine to discipline following the predisciplinary procedure, written notice of discipline shall be personally served upon the employee. Such notice shall include the charges against the employee and a general statement of the evidence supporting the charges. A duplicate of such notice shall be filed with the Commission by the Sheriff along with an affidavit of personal service.
- d. The Commission shall not consider, on appeal, any basis for disciplinary action not covered in the predisciplinary written material furnished to the employee under subparagraph a. above.

18. HEARINGS

18.01 HEARINGS -- APPEALS.

- a. Any regular employee who is demoted, suspended, otherwise disciplined or discharged may appeal such action to the Commission.
- b. Any employee who is alleged to be probationary by the Sheriff may only appeal to the Commission the question of his probationary status.
- c. Any applicant, employee, or the Sheriff, who is adversely affected by an alleged violation of Civil Service rules may appeal such violation to the Commission.

18.02 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. Forms provided by the Commission may be used for such notice, but are not required.

18.03 EXHAUSTION OF ADMINISTRATIVE REMEDIES.

- a. The Commission 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 hearing the matter. See RULE 17.
- b. If the employee exhausts the available administrative procedures and continues to believe that good 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.

18.04 AUTHORITY OF SECRETARY/CHIEF EXAMINER.

- a. 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 results of the investigation shall

be reported to the Commission in an open meeting. On the basis of such report, the Commission shall either dismiss the appeal as being without adequate basis or set the matter for a full hearing.

b. 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 of any person who may have relevant knowledge. Depositions so taken shall be kept as part of the records of the Commission.

18.05 APPEALS -- INITIAL REVIEW. The Commission shall review all appeals to determine whether the employee has timely filed an appeal and whether the action appealed from is a final action. Upon a determination that the appeal is not timely, the Commission 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.

18.06 APPEALS -- NOTICE OF HEARING. Upon receipt of a notice of appeal, the Commission staff shall forward a copy of the notice to other affected parties. Initial review shall take place as set forth in Rule 18.05. Following a determination that a hearing should be scheduled and within (10) days after receipt of the notice of appeal, a hearing before the Commission shall be set, with the hearing to be held within thirty (30) days of Commission receipt of the appeal notice.

18.07 APPEALS -- AUTHORITY OF DEPARTMENT. The exercise of jurisdiction by the Commission over a matter does not preclude the Sheriff and other 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.

18.08 SERVICE OF PROCESS -- PAPERS.

a. The Commission 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 papers.

- b. 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, 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.
- c. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail (U. S. or inter-city), upon deposit in the mail properly stamped and addressed. However, service of a notice of appeal upon the Commission shall be timely only when actually received by the Commission within the ten (10) day time limit.
- d. Papers required to be filed with the Commission shall be deemed filed upon actual receipt of the papers by the Commission. 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 said brief or memoranda. Documentary evidence is not required to be filed but, rather, provided at the hearing.
- e. 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.

18.09 DISCOVERY.

- a. Parties to a proceeding are required to provide to each other reasonable access and discovery to all relevant information concerning the matter before the Commission, prior to such hearing or proceeding. To accomplish this, each party, not later than seven (7) calendar days prior to the hearing date shall furnish the other party with a list of witnesses and exhibits that the party intends to have testify/introduce at the hearing. The list of witnesses shall consist of name, address, work and home telephone numbers and a

summary of the expected testimony of the witness. The list of exhibits shall identify the exhibit by description. A copy of the list of witnesses and exhibits also must be filed with the Commission. Each party shall furnish copies of all documentary exhibits to the opposing party at least three (3) days before the scheduled hearing.

- b. Upon notice of failure of any party to comply with these rules regarding discovery, the Secretary shall schedule the matter before the Commission for review and determination of appropriate sanctions.

18.10 SUBPOENAS.

- a. 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.
- b. Upon application of any party or his/her representative, the Secretary shall issue to such party a subpoena requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The party requesting the subpoena is responsible for having said subpoena properly prepared and served. Such requests for subpoenae shall be submitted to the secretary at least five (5) days prior to the hearing.
- c. Service of subpoena shall be made by personally serving a copy of the subpoena on the person named therein.
- d. 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 subpoenaed 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.
- e. 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.

18.11 BURDEN OF PROOF. At any hearing on appeal from a demotion, suspension, discharge or other disciplinary action, the Sheriff shall have the burden of showing that his action was in good faith for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

18.12 EVIDENCE.

- a. Subject to other provisions of these rules, all competent and relevant evidence shall be admissible. The commission shall not be bound by the technical rules of evidence. In passing upon the admissibility of evidence, the Commission may give consideration to, but shall not be bound to follow, the rules of evidence.
- b. Witnesses in any hearing shall be examined orally, under oath or affirmation, and shall be subject to cross-examination by opposing parties and examination by Commission members.
- c. 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.
- d. At any hearing before the Commission when documentary exhibits are to be offered into evidence, three (3) copies shall be furnished to the Commission.
- e. Parties are encouraged to stipulate to the admissibility of documentary exhibits.

18.13 DELIBERATION. The Commission may deliberate in closed (executive) session when taking a quasi-judicial matter under advisement. Deliberations by the Commission shall otherwise be subject to Chapter 42.30 RCW. No person other than the Secretary and/or legal counsel to the Commission shall be present during

deliberations. No person shall attempt to convey any information or opinion to the Commission concerning any matter on appeal, other than in open hearing.

18.14 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. A decision shall be issued within ten (10) days of the close of the hearing of an appeal or other proceeding heard by the Commission. Such decision shall be announced and recorded at the next regular meeting of the Commission.

18.15 REMEDIES. The Commission may issue such remedial orders as deemed appropriate.

18.16 WAIVER. Upon stipulation of all parties to a proceeding, and upon a showing that the purposes of the rules would be better served, the Commission may waive requirements of these rules regarding hearings.

19. RESIGNATION

19.01 HOW SUBMITTED. Resignation by any employee from the service shall be made in writing and filed with the Secretary after approval by the Sheriff. Except in unusual circumstances, a resignation will be filed at least two (2) weeks prior to the effective date.

19.02 WITHDRAWAL OF RESIGNATION. The Commission may permit the withdrawal of a resignation only upon a written request filed within two (2) weeks from the date of approval by the Sheriff and only if such request for withdrawal bears the favorable recommendation of the Sheriff.

19.03 QUIT - NOT ENTITLED TO WITHDRAW. Any employee who quits without having the written acceptance of said termination of employment by the Sheriff shall not be entitled or allowed to withdraw his/her notice of termination.

20. DISABILITY

20.01 *PLACEMENT IN LIEU OF DISABILITY SEPARATION.*

- a. The Commission shall review any report from the Sheriff showing that a regular employee who has incurred a disability may be employable in another class or position.*
- b. Upon recommendation of the Sheriff, the name of disabled employee who is employable will be placed on the most advantageous reinstatement register for an equivalent or lower class comprised of duties the employee is competent to perform, as demonstrated to the satisfaction of the Commission.*
- c. If such an employee's name is placed on a reinstatement register, service credit accrued previous to the disability shall be continued. The employee shall be reinstated from such register and transferred or reduced in grade according to rules. Eligibility rights shall not expire as prescribed in case of layoff. See RULE 9.*
- d. Any reinstatement in a class other than that in which last employed shall not result in a promotion.*
- e. Upon being satisfied that the employee is physically and mentally competent to perform the duties of the former class, the Commission shall place the employee's name on a reinstatement register for the former class and position.*

20.02 *EXCLUSION.* The provisions of this rule shall not apply in the event an employee is discharged from the service and concurrently given a disability retirement.

Rule 20. was "excepted" and thereby not adopted when the revised Civil Service Rules for Island County Sheriff's Department were adopted August 9, 1990 by the Civil Service Commission at their regular meeting.

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SECTION V: LATERAL ENTRY PROGRAM

ISLAND COUNTY CIVIL SERVICE COMMISSION

ATTACHMENT A RESOLUTION # 107

The Lateral Entry Program for the Island County Sheriff's Office shall be regulated by the procedures as set forth below:

1. The Appointing Power (Sheriff) shall request that a Lateral Entry Eligibility List be established and certified by the Civil Service Commission for anticipated opening(s) in either of the two classifications described below.
2. The Civil Service Commission shall order an examination whenever it is deemed to be in the best interest of the County. The Chief Examiner shall administer examinations as provided by the Civil Service Rules for Island County Sheriff's Department.
3. Upon receipt of applications, the Civil Service Chief Examiner shall screen each to determine if the minimum qualifications as set forth in Job Description for the Class are met. Additionally the Applicant shall meet the following:
 - A. ~~PATROL DEPUTY: Must have satisfactorily served the full probationary period in a permanent position and have served twenty four (24) consecutive months as a fulltime, paid, commissioned officer assigned to patrol or investigative duties and been employed as an officer at least twelve (12) of the last twenty four (24) months. Must qualify for the Washington State Criminal Justice Training Commission Basic Law Enforcement Equivalency Academy.~~

3. A. amended by Resolution No. 112, Attachment A, April 12, 2018
 - A. PATROL DEPUTY: Must have a current Peace Officer Certification in the State of Washington or a state with reciprocity recognized by the Washington State Criminal Justice Training Center (graduation from an approved law enforcement training academy and ability to meet standards prescribed by the Washington State Criminal Justice Training Commission for equivalency as set forth in WAC 139-05-21); have satisfactorily served the full probationary period in a permanent position; and have served eighteen (18) consecutive months as a fulltime, paid, commissioned officer for a City, County, State, Tribal, or Federal Agency.
 - B. CORRECTIONS DEPUTY: Must be a currently certified Washington State Corrections Officer in good standing with a minimum of 2 years' correctional facility experience
4. Upon compliance with the requirements set forth herein and the Civil Service Rules for Island County Sheriff's Department, the Civil Service Commission

shall establish and certify a Lateral Entry Eligibility Register for either of the two (2) specific classifications, PATROL DEPUTY and CORRECTIONS DEPUTY, as requested by the Sheriff. Eligibility shall comply with Article 9.03 of Civil Service Rules for Island County Sheriff's Department, Duration of Eligible Registers.

5. As needed, the Sheriff will request of the Civil Service Commission, a Certification from either of said lists.
6. Upon receipt of the submitted names from the specifically desired eligibility list, the Sheriff will screen and interview applicants in accordance the requirements set forth in the Job Description for the Class.
7. Upon successful completion of the screening process, the Sheriff shall provide notice of selection to the Civil Service Commission. The individual selected shall enter the salary schedule at the discretion of the Sheriff, depending on his/her experience. In all other respects, the appointee shall be treated in the same manner as if he/she were an entry-level employee.
8. All procedures not covered herein for Lateral Entry shall be in accordance with the Island County Civil Service Rules, as adopted, and Chapter 41.14 Revised Code of Washington (RCW).