

CITY OF LANGLEY POLICE DEPARTMENT



CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

Governing the employment of all full-time
Permanent employees of the
Police Department

ADOPTED: October 22, 2012
REVISED: August 24, 2023

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Rule 1. General Provisions

Section 1 Authority and Application. These rules are promulgated pursuant to the authority granted by Chapter 2.56 of the Langley Municipal Code to the Civil Service Commission. These rules are applicable to proceedings before the Civil Service Commission and should be read in conjunction with the specific provisions of the LMC Chapter 2.56.

Section 2 Scope and Purpose. These rules govern the continuing administration of the Civil Service System of the City of Langley. The purpose of these rules is to assure that the Civil Service system in the City is administered in accordance with the City of Langley's ordinances, and that all proceedings before the Commission are conducted in an orderly, fair and timely manner.

Section 3 Presumption of Validity. The Civil Service System implemented by these rules substantially accomplishes the purpose of chapters 41.08 and 41.12 RCW. These rules are presumed to be valid and shall be upheld unless in direct conflict with chapters 41.08 and 41.12 RCW.

Section 4 Severability. If any rule, section, paragraph, sentence, clause, phrase or word of these rules is declared unconstitutional, illegal, or void for any reason, such decision shall not affect the validity of the remaining portions of these rules. The Commission hereby declares that it would have prescribed and adopted these rules, and each rule, section, paragraph, sentence, clause, phrase and word hereof, regardless of the fact that any one or more rules, sections, paragraph, sentence, clause, phrase and words be declared unconstitutional, illegal or void. In the event of conflict between these rules and a collective bargaining agreement under Chapter 41.56 RCW, the provisions of the collective bargaining agreement prevail._

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Rule 2. Definition of Terms

Unless some other meaning shall be apparent from the context, plural shall include singular and vice versa, and masculine, feminine and neuter shall be used interchangeably, and words shall have the meaning defined below.

Section 1 "Advancement" means a salary increase within an arranged schedule of established rate of pay for a class of positions made without examination.

Section 2 "Appointing Authority or Power" includes every person or group of persons who acting singly or in conjunction, as a mayor, mayor's designee, council or otherwise, is or are vested with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

Section 3 "Emergency Appointment" means an appointment to serve in a classified position under emergency conditions for the duration of the emergency, which usually should not exceed thirty days.

Section 4 "Provisional Appointment" means a non-competitive appointment to a classified position in the classified service made in the absence of eligible candidates pending the establishment of an eligibility list for the class of employees.

Section 5 "Temporary Appointment" means an appointment of eligibles from any employment or promotional list with regard to willingness of the eligible to accept the employment (which is limited to two six-month terms) rather than by following a strict order of position on the eligible list.

Section 6 "Class" means a group of positions sufficiently similar with respect to duties and responsibilities so that the same title may be used reasonably for each, the same qualifications may be required, and the same salary range may be applied with equity.

Section 7 "Classified Service" means the full-time positions in the City service which are subject to the provisions of these Rules including all full paid members of the police department and the Secretary and Chief Examiner of the Civil Service Commission if full time.

Section 8 "Commission" means the Civil Service Commission appointed by the City of Langley.

Section 9 "Compensation" means the allowance, fee, salary or wage paid to an employee or officer in the classified service for performing the duties and responsibilities in the classified service.

Section 10 "Demotion" means a reduction in employment status to a class of positions having a lower scale of pay.

Section 11 "Covered Department" means a department of the City including the employees thereof which has been made a part of the classified service by ordinance.

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Section 12 "Discharge" means the separation of a permanent employee from the classified service for cause.

Section 13 "Eligible" means the condition of being qualified by examination or prior service to serve in a position without regard to ranking for an employment or promotion list.

Section 14 "Eligibility List" or "Employment List" or "Promotion List" means a list of eligible persons arranged in order of qualification for appointment, or promotion to a position in the classified service.

Section 15 "Employee" means a person who is legally employed in the classified service of the City or who is on authorized leave of absence and whose position is held for him upon his return.

Section 16 "Full Paid Police Department" means that the police officers employed in such are paid regularly by the City and devote their whole City employment time to police duty.

Section 16 "Layoff" means the termination of employment because of lack of funds or work or a material change in organization.

Section 17 "Minor Disciplinary Action" shall mean any punitive or corrective action ordered by the appointing authority upon members of the classified service for dereliction of duty or infraction of rules, orders or policies, exclusive of removal, demotion, suspension or reduction in pay or grade or removal of vacation privileges.

Section 18 "Public Notice" means giving notice by posting in at least three conspicuous places in a public office or building or through electronic means within the City or by publication in a newspaper circulated within the City or by both.

Section 19 "Service of Written Notice" as required by these Rules and Regulations means the service of notice in writing as follows:

- 1) Upon permanent employees by personal or substituted services as provided by RCW 4.28.080(2) and RCW 4.28.100(2).
- 2) Upon the appointing authority by delivery in person or by registered mail to the appointing authority or his aide at the appointing authority's office in the City Hall.
- 3) Upon the Civil Service Commission or members thereof by personal or substituted service upon the Chairperson at his/her usual abode or upon the Secretary of the Commission by registered mail.

Section 20 "Permanent Employee" means an employee who has attained permanent status.

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Section 21 "Permanent Status" means the status of an employee who has acquired employment security rights under these Rules and who, by reason of prior service or by successful completion of his probationary period, is entitled to written accusation as a condition precedent to removal, suspension, demotion or discharge, and to demand a hearing thereon following the completion of the employee's probationary period.

Section 22 "Permanent Appointment" means the achievement of a permanent status in position or rank commencing with the date of certification, by the appointing authority at the conclusion of the probationary period on the probationer's satisfactory performance of the duties of the position. The ranking of personnel within a class for the purposes of determining relative authority in command shall be determined by the priority of date of certification of an appointment to permanent status following completion of the probationary period.

Section 23 "Position" means employment or office acquired or held subject to these Civil Service Rules.

Section 24 "Probation" means the period of conditional employment or the period of trial service which an employee works prior to attaining permanent appointment into a classified position and during which period such employee may be restored to the prior position held without a right to Civil Service hearing.

Section 25 "Promotion" means a change in employment status in accordance with these Rules from a lower to higher position in the classified service.

Section 26 "Original Appointment" for the purpose of determining:

- 1) Salary and employee benefits means the date or occasion of first appointment into the services covered by these Rules.
- 2) Ranking of authority in a position within the classified service and for seniority for reduction in rank means the date of permanent appointment to the position.

Section 27 "Rejection" means the separation of a probationary employee from the service.

Section 28 "Suspension" means temporary separation of an employee from the service, with or without pay, for disciplinary purposes.

Section 29 "Application Fee" means a fee collected from any outside applicants to be set periodically by the Civil Service Commission.

Section 30 "Lateral Entry" means transfer of a uniformed police officer from another jurisdiction to probationary level.

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Rule 3. Civil Service Commission

Section 1 Appointment. The members of such commission shall be appointed by the mayor, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, or a resident of the City of Langley for at least three years immediately preceding such appointment, and an elector of the city wherein he or she resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. The members of this commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter.

Section 2 Organization Three commissioners shall be appointed by the Mayor for staggered six-year terms, one to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Each Commissioner shall be given a position designation identified by, position #1, position #2 and position #3. Each position shall have a termination date, and termination dates shall be separated by two-year increments. A chair shall be selected upon appointment of a new member or reappointment of a member. All meetings of the Commission shall be conducted in compliance with the "Open Public Meeting Act of 1971". RCW 42.30. Two members shall constitute a quorum and all actions of the Commission shall be a majority vote. The Commission shall keep record of all proceedings and such minutes shall become part of the permanent files of the Commission. Robert's Rules of Order Newly Revised shall be the final authority on all questions of procedure and parliamentary law not otherwise provided by these Rules.

Section 3 Removal. Any member of such commission may be removed from office for incompetence, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: PROVIDED, HOWEVER, that no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had.

Section 4 Regular Meetings. Regular meetings for the Langley Civil Service Commission shall be held on the first Tuesday in January and quarterly thereafter at City Hall unless cancelled by motion of the Commission at an earlier date if there is no pending business requiring Commission action. Special meetings of the Commission may be held within the City upon call of the Chairman or any two members of the Commission at a time and place or which notice has been given according to the provisions of RCW 42.30.080 and written notice of which shall be given to the Commission members at least 24 hours in advance of said meeting unless a waiver thereof is received from such members.

Section 5 Meetings, Public, Executive Sessions. All regular meetings of the Commission shall be open to the public, and no resolution, rule, regulation, order or directive shall be adopted by the Commission except in a regular or special meeting open the public, the date of which is fixed by

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law or rule or notice of which has been given according to the provisions of RCW

42.30.080. Executive sessions of the Commission may be held: 1) when hearing complaints or charges brought against a covered officer or employee for which the affected officer or employee has not requested a public hearing, and 2) when the Commission is considering the substance of a charge, or 3) deliberation on testimony or exhibits presented at an appeal hearing.

Section 6 Powers and Duties. The Civil Service Commission shall:

- 1) Adopt rules for the regulation of personnel matters with the Classified Service.
- 2) Appoint a Secretary and Chief Examiner. The position of Secretary and Chief Examiner shall be held by one person, henceforth referred to as "Secretary." The Commission shall appoint one member of the Commission the Chief Hearing Officer and appoint another Commissioner to be responsible for drafting amendments to Rules and Regulations for the consideration of the Commission.
- 3) Record and approve minutes of the Commission's meetings and keep such records as may be necessary.
- 4) Provide for and hold competitive tests under the supervision of the Secretary and act as a committee of the whole to determine the relative qualifications of persons for employment in the Classified Service. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which appointment or promotion is to be made, and may include but not limited to, tests of physical fitness and/or of manual skill, written, oral, psychological, or assessment center evaluation.
- 5) Begin and conduct all civil suits that may be necessary for the proper enforcement of actions within its authority and the Rules of the Commission. The Commission shall be represented in such suits by the City Attorney, or the Commission may in any case be represented by special counsel appointed to it.
- 6) Hear and decide appeals arising from the administration of the Civil Service Acts and these Rules.
- 7) Investigate and report on all matters regarding the enforcement and effect of matters within its authority and the Rules and have such powers as will facilitate such investigations, including subpoena power, the power to administer oaths, and the power to take depositions.
- 8) Ensure that no person shall be discharged, demoted, suspended, reinstated, or transferred from any position contrary to these Rules.
- 9) Make available to the members of the Classified Service copies of its Rules and Regulations and amendments thereto.
- 10) Establish and maintain a roster of employees covered by civil service.

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1) Provide for a credit of ten percent (10%) in favor of all applicants for appointment under civil service, who, in the time of war, or any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the Army, Navy, Air Force and Marine Corps and the American Red Cross. These credits apply to entrance examinations only.

2) When a vacant position is to be filled, certify to the appointing authority, on written request, the name of the three persons highest on the eligibility list for the class. If there is no such list, the Commission shall make provision in their rules for provisional or temporary appointments for such provisions. Such temporary or provisional appointments shall not exceed a period or six months in duration but may be extended for up to an additional six months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF act, or for other good cause which in the discretion of the Commission warrants an additional extension of such a provisional or temporary appointment.

3) Begin and conduct all civil suits, which may be necessary for the proper enforcement of the Rule of the Commission. The Commission shall be represented in such suits by the chief legal officer of the City, or his/her designee, but said Commission may in any case be represented by special counsel appointed to it.

Section 7 Relationship with City Officials and Employees

1) **General.** The Commission shall serve as an administrative body to promulgate rules and regulations in furtherance of the ordinances and laws governing civil service in the City of Langley. Such rules and regulations of the Commission shall be developed through consultation and other communications from the Mayor and/or the appointing authority of the respective departments, their employees and interested citizens.

2) **With City Council.** The Commission shall meet with the City Council, or duly appointed committees thereof, on request of the Council, committee, Mayor or commissioners, to discuss and clarify the policies expressed or administered under the Commission's Rules.

3) **With Employees.** The Commission as a whole, or the duly designated members thereof, may meet to discuss the purpose and effect of regulations, or the observance thereof, with employees of the classified service.

4) **Quasi-Judicial Matters.** The Commission and its members shall not discuss any of the alleged facts relating to any disciplinary actions then pending except as part of a due process hearing. In addition, the Commissioners shall not discuss with the appointing authority facts relevant to disciplinary action.

5) **Power to Create offices. Make Appointments and Fix Salaries Not Infringed.** All offices, places, classifications, job descriptions, positions, and employments created by the

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Mayor and City Council or Mayor or whomever otherwise is vested with power and authority to select, appoint, or employ persons and the Commission shall not infringe upon the power and authority of any such person or group of persons or appointing authority to fix the salaries and compensation of all employees employed hereunder.

6) Deceptive Practices, False Marks, etc. Prohibited. No commissioner or any other person shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of this right of examination or registration according to the rules and regulations of this Commission, of falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered or certified, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination or registration of application or request to be examined or registered.

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Rule 4. Secretary and Chief Examiner

Section 1 Qualification. The Secretary/Chief Examiner of the Commission shall be an employee of the City of Langley.

Section 2 Term of Office. The Secretary/Chief Examiner shall serve indefinitely at the pleasure of the Commission

Section 3 Duties. The Secretary and Chief Examiner shall:

- 1) Attend all meetings and keep minutes of all meetings, hearings and other activity records for the Commission.
- 2) Provide proper notice of regular and special meetings of the Civil Service Commission.
- 3) Preserve all reports made to the Commission.
- 4) Be responsible for the correspondence of the Commission.
- 5) Superintend and keep a record of all examinations held under the direction of the Commission.
- 6) Establish and maintain eligibility lists and give notice examination for renewing or revising said lists.
- 7) Maintain a record of permanent and temporary positions and certify the same for payroll reports.
- 8) Make investigations and reports to the Commission as requested.
- 9) Perform such other duties as the Commission may require.

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Rule 5. Hearings and Investigations

Section 1 Investigations. Investigations may be made by the Commission, by any commissioner designated by the Commission for that purpose, or by the Chief Examiner as the Commission may direct. Not only must these investigations be made by the Commission as aforesaid, but the Commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the Commission, designated commissioner, or Chief Examiner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered by a superior court judge in his judicial capacity.

Section 2 Hearings. The procedure of any hearing or investigation may be informal and shall not be restricted so as to deny the introduction of any evidence that the Commission may deem pertinent. In the conduct of the hearings neither the Commission nor the designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony before the Commission or designated commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission, provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

All decisions, findings of fact, orders, rules and regulations arising from a hearing or investigation by the Commission shall be countersigned and filed as a permanent record by the Secretary. Any member may submit a minority or supplemental report, which shall be filed with said records.

Unless incapacitated, a person pressing a claim or defending a privilege before the Commission shall appear personally and shall not be excused from answering questions and supplying information except upon claim of the constitutional privilege in respect to self-incrimination. If incapacitated, such a person shall present a deposition taken under oath.

Section 3 Rights of Parties. Whenever a hearing is granted, all parties shall be entitled to:

1. Testify under oath or affirmation.
2. Subpoena witnesses to testify in his behalf.
3. Cross-examine all witnesses testifying against him.
4. Present such affidavits, exhibits, and other evidence as is deemed pertinent.
5. Argue his case.

Section 4 Burden of Proof. The Chief of Police shall have the burden of showing by material and substantial evidence that the action taken was done in good faith for cause.

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Section 5 **Petition for Rehearing.** In an appeal heard by less than a quorum of the Commission, any person aggrieved by any resultant decision of the Commission may file a petition for reconsideration with the Commission. Such petition shall be filed within fifteen (15) calendar days of the date of issuance of the Commission decision and shall be accompanied by a transcript of the hearing, which shall be furnished by the petitioner at his sole cost and expense. The petition shall contain all the petitioner's arguments for reconsideration, and copies of the petition shall be served by certified mail, return receipt requested, upon all parties to the hearing. Upon receipt of the petition and transcript, the Commission shall, upon ten (10) days notice to the petitioner and all parties to the appeal, hold a regular or special meeting at which the Commission shall consider the petition and written arguments of all parties submitting the same to the Commission and shall determine whether to reconsider its decision. If the Commission determines not to reconsider its decision, that decision shall be deemed its final decision for the purposes of judicial review. If the Commission decides to reconsider its decision, it shall at the meeting enter findings of fact, conclusions, and its final decision, which for purposes of judicial review shall be deemed the final decision of the Commission.

Section 6 **Report to Commission.** All decisions, opinions, and recommendations arising from a hearing or investigation by the Commission shall be written and subscribed to by the members concurring and shall be filed as a permanent record. Any member may submit a minority or supplemental decision or report, which shall be filed as a matter of record.

Section 7 **Judicial Review.** Any person aggrieved by a final decision of the Commission may file for review in an appropriate court of law. Such petition shall be filed within thirty (30) days of the date of issuance of the Commission's final decision.

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Rule 6. Classifications

Section 1 Filling Positions. The Chief Examiner, upon being notified of the vacancy in an established position or of the establishment of a new position, shall certify no eligibles to such position unless or until an appropriate eligibility list is established therefore.

Section 2 Reclassification. Reclassification of positions, or re-description of duties for an established position, or the creation of a new position or transfers between classifications shall not be used for the purpose of avoiding the provisions herein regarding promotions or demotions. Employees in a position which has been abolished or the duties of which have been changed materially may be reclassified to a position substantially similar to the prior position without competition or examination, provided, however, no transfer or reclassification of an employee to a class or position having either a greater or lower maximum salary range shall be effective unless recommended jointly by the appointing authority and the Chief Examiner and unanimously approved by the Commission.

Section 3 Covered Positions. These rules apply to all full-time, fully paid, fully commissioned officers of the City's police department. All clerical staff, dispatchers, or other police department employees who are not full time, fully paid commissioned police officers are excluded from coverage under these Rules.

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Rule 7. Application for Examinations

Section 1 Announcement of Examination. Whenever there is a need for a current and adequate list of eligible candidates for a position or promotion, the Secretary and Chief Examiner shall make an announcement thereof and give public notice inviting qualified persons to apply for admission to the examination scheduled to select the most competent persons for employment in the classified service. Public notice of the examination shall specify the title and salary range of the position, a brief outline of the position and the final date upon which applications therefore will be received. Persons desiring to compete for positions in the competitive examination shall file applications with the Secretary and Chief Examiner on forms supplied by the Civil Service Commission. A non-refundable application fee may be charged to each applicant for police positions at the time the application is submitted.

Section 2 Lateral Entry Requirements. The applicant shall be certified by the Washington State Training Commission. The applicant must have been employed as a full time non-probationary sworn police officer for at least one year within one year of application. Testing may include: Oral Board, polygraph, psychological, medical exam and background investigation.

Section 3 Non-discrimination. Examinations devised by the Secretary and Chief Examiner shall avoid discriminatory qualification for employment in the classified service based on race, color, national origin, religion, sex, marital status, age and physical characteristics or ability, except such as may be required upon demonstrable job-related factors. Examinations of applicant aptitude in training programs shall be evaluated on the basis of individual abilities and performance and not upon the basis of extraneous factors, such as race, religion, sex or age.

Section 4. Rejection of Application. The Secretary and Chief Examiner may refuse to accept an application or, after acceptance, may reject an application, or after examination, may disqualify a successful candidate or the name of a successful candidate from the eligibility list or refuse to certify the name of a successful candidate whenever the applicant or eligible candidate is found to lack any of the minimum prerequisites established for the class or position, or is addicted to the use of intoxicating liquors to excess, or drugs, or has been guilty of infamous or notoriously disgraceful conduct, or has practiced deception or fraud in securing eligibility, or has otherwise violated provisions of law or these Rules. The cause of rejection shall be entered upon the application form and filed in conformity with these Rules.

Section 6 Reapplication. No applicant who has failed the examination or whose application has been rejected for good cause may re-apply within six months from the date on which the examination was given or rejection was made.

Section 7 Withdrawal of Application. Any applicant may withdraw his application at any time without prejudice against reapplication provided such withdrawal is made prior to any qualifying examination being administered to or participated in by the applicant. Failure to take or participate in qualifying examinations at the times of same are scheduled shall be deemed to constitute withdrawal of the application unless excused by the Secretary and Chief Examiner.

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Rule 8. Examinations

Section 1. Conduct of Examinations. The Secretary and Chief Examiner shall arrange for the use of public facilities and for the conducting of examinations which shall be practicable, and which will fairly determine the capacity of the applicant to perform or to learn to perform the duties of the position. Such examination may include tests of physical fitness of manual skill, dexterity or other job-related capabilities. The Commission may designate a qualified person or agency to give and score the examination.

Section 2. Qualifying Grade. In all examinations the minimum grade or standing for which eligibility may be earned shall be seventy percent (70%), except for assessment center type examinations, for which a sixty percent (60%) minimum grade shall be established. Such Basic grade shall be based upon all factors of the examination, including learning aptitude, training, experience, and other job-related qualifying factors, as shown in the application of the candidate or other verified or demonstrated capabilities. Failure in one part of essential job-related qualifications may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

Section 3. Identity of Examinees. The identity of persons taking competitive written tests shall be concealed from the examiners by the use of identification numbers which shall be used on all test papers. Any paper having the name of the applicant, or any other identifying mark may be rejected and the candidate so notified.

Section 4. Rating and Preparation of Lists. The names of persons successful in all parts of an examination shall be arranged in order of their earned ratings, including any germane preference status legally required by state law on entrance examinations for a veteran; provided, that applicant has received a minimum passing grade in such examination without aid of such preference. Where a veteran's preference may be claimed on an entrance examination, proof of honorable discharge or certificate of honorable active service shall be submitted at the time of making application for the examination.

The veteran's preference shall be granted to alt veterans as defined in R.C.W. 41.04.005 by adding to the passing mark, grade or rating applicable to said veteran's first appointment, the preference required by R.C.W. 41.04.010.

The provisions of this section shall not be applicable to promotional examinations to determine the qualifications of officers or employees for promotion from a lower grade position to a higher grade position; provided, that when a veteran previously employed in the classified service immediately prior to military service returns to the prior employment, he shall be entitled to the same promotional opportunity that he would have enjoyed had he not entered military service.

Section 5. Notification of Results. Any person whose application for a Civil Service Examination is rejected shall promptly be notified by mail of such rejection and shall be informed of the reasons for the rejection. All persons who take examinations for Civil Service positions shall promptly be notified in writing of the results of their examination. All candidates shall have the right to examine their own examination papers during a review period established by the Commission.

Section 6. Promotional Examinations.

(1) As the needs of the service may require, promotional examinations may be conducted from time to time and may consist of evaluations of prior service, accomplishments in special training courses, or other pertinent tests. All candidates for promotion must be permanent

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employees in the classified service of the City and must possess the minimum prerequisites as set forth in the specifications of the class to which promotion is sought.

(2) If calls for promotional examinations do not produce qualified applicants from within the City's classified service, or if a list of eligibles cannot be certified from such examinees, the Secretary and Chief Examiner may, with the consent of the Civil Service Commission, submit the examination to experienced applicants in such police service from outside the classified service of the City.

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Rule 9. Eligibility Lists

Section 1. Order of Names on Lists. Names on eligibility lists for a class of service shall be listed in order of qualification according to final rating earned in the examination, including veteran preference credits where applicable, except those employees laid off from a position in that class shall be given prior preference over original applicants in inverse order of layoff. Whenever two or more persons have equal claim to a position on a list, their names shall be arranged according to the date of application and, if the same, alphabetically.

Section 2. Effective Life of Lists. Eligibility lists shall become effective upon the approval thereof by the Secretary and Chief Examiner's signature to the effect that the list was legally prepared and represents the relative rating of the candidates whose names appear thereon and upon certification by the Civil Service Commission.

Entry and promotional eligibility lists for positions in the Police Service shall remain in effect for not more than Eighteen months. Names appearing on lateral entry eligibility lists shall remain effective for one year.

Names appearing on lists by reason of layoff shall remain effective for 24 months.

Section 3. Removal of Names from Lists. The name of any person appearing on an eligibility list may be removed by the Secretary and Chief Examiner if the candidate fails to respond to a notice of certification (see Rule VIII, Section 2). In the event of such removal the Secretary and Chief Examiner shall notify in writing the candidate affected at his last known address. The name of the person so removed may be reinstated only if a satisfactory explanation of the circumstances is made to the Commission. The names of persons on promotional employment lists who resign from the service shall be automatically dropped from such lists.

Upon a determination by the appointing authority that an eligible applicant, whose name appears on a certified list, does not satisfy the qualifications for employment in a covered position, the City shall notify the Commission and the applicant stating in general terms its reasons for such determination. The Commission shall remove the name of the particular applicant from the eligibility list unless the applicant, within ten days of service or delivery of said notice of his disqualification, appeals said determination to the Commission.

Section 4. Notice of Change of Address. Each person on an eligibility list shall file with the Commission written notice of any change of address, and failure to do so may cause removal of his name from the list.

Section 5. Revocation of List. An employment list or a promotional list may be revoked, and another examination be ordered only upon the recommendation of the Secretary and Chief Examiner with the approval of the Commission, when such action is deemed advisable by the Secretary and Chief Examiner on account of fraud, errors, or of inappropriate standards prescribed in connection with the examination which did or could have resulted in unfair or inaccurate grading of qualifications. No lists shall be altered or revoked except upon written notice to all persons whose eligibility or standing may be affected, and upon a statement of the reasons for the revocation or alteration being entered in the minutes of the Commission.

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Rule 10. Appointment, Transfer and Promotion

Section 1. Procedure. All positions in the classified service shall be filled by original appointment, temporary appointment, provisional or emergency appointment, reemployment, promotion, transfer or demotion. Upon being advised by the appointing authority of a vacancy in a position, the Chief Examiner shall immediately certify the three highest ranking eligibles, who are willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The authority for making the final decision as to the method of filling the position will be vested in the appointing authority as controlled by these Rules and Regulations.

Section 2. Failure to Respond. Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the Chief Examiner or of the appointing officer within five business days next succeeding the mailing of such notice of certification, or fails to accept an appointment when offered if within the same period, or within the next succeeding business day when notification is supplied verbally or by telephone or by telegraph, he may be deemed to have declined appointment. If any person or persons certified by the Commission is removed from the list, or otherwise requests to not be considered for appointment, the Commission shall forthwith certify the next highest person or persons on the list to replace those removed. If a candidate accepts appointment within the period outlined and fails to present himself for duty within three days of the date specified in the notice, he may be deemed to have declined the appointment.

Section 3. Dropping Name from List. Any person who declines certification or appointment or who fails to report shall be permanently dropped from the list on which his name appears unless he shows satisfactory cause to the Commission for his action. Notice of removal shall be given to the candidate as provided in Rule VII, Section 3.

Section 4. Emergency Appointment. To meet the immediate requirements of an emergency condition which threatens life or property, the appointing authority may employ any person or persons whom they may be legally empowered to appoint without restriction of civil service law and rules. Such employment shall be limited to the duration of the emergency period, but not longer than thirty (30) days.

Section 5. Provisional Appointment. A provisional appointment to a covered position may be made for a temporary absence of one or more eligible candidates on a "list of eligibles" for the position to be filled. In such case the appointing authority may make a provisional appointment of an eligible pending preparation of a sufficient list of eligibles, or may refer a candidate having the maximum prerequisites for the position to the Chief Examiner for examination. The Chief Examiner shall interview or may use any other method to determine whether or not the candidate possesses the necessary experience, training, and other prerequisites for the position. If such candidate has the minimum prerequisites, his/her name shall be certified to the appointing authority for appointment, and his/her application shall be accepted for an examination to determine whether he/she qualifies by grade for an employment list for the position. As soon as

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practicable the Chief Examiner shall announce and conduct an examination for the position and shall certify a list of names with ranking for regular appointment to the position in the usual manner.

No provisional appointment shall be continued longer than six months, but may be extended for an additional six months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by provisional appointment will in fact be vacant, such as in the instance of a position vacant due to an officer on disability leave under the L.E.O.F.F. Act, or for other good cause, which in the discretion of the Commission warrants an additional extension of such a provisional appointment. No time spent as a provisional appointee shall be credited to the probationary period or be utilized for computing any privilege accruing under civil service law or these Rules.

Section 6. Temporary Appointment. In making a temporary appointment, the appointing authority shall make a requisition to the Chief Examiner in the manner provided for regular appointment but shall indicate the time at which it is estimated the position will terminate. The Chief Examiner shall notify the person or persons appearing on the appropriate eligibility list, or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The most qualified person or persons willing to accept shall be certified for appointment.

Notwithstanding other provision above to the contrary, the appointing authority may make temporary transfers or appointments to fill temporary vacancies caused by disability, illness or vacations without seeking a list of eligibles therefore, and the employee temporarily fulfilling the position may be paid the compensation usually paid for such service.

No temporary appointment may be continued and no person shall be employed on a temporary basis for more than six months in any one year, but may be extended for up to an additional six months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary appointment will in fact be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the discretion of the Commission warrants an additional extension of such a temporary appointment. Temporary services shall not be credited on any probationary period or be used in computing any privilege accruing under civil service law or these Rules.

Section 7. Probationary Appointment. All promotions in employment status to a higher position in the classified service shall be accomplished through appointment to and service in the higher rank on a probationary status for a period prescribed in Rule X, Section 1. The date of such probationary appointment shall fix the time of original appointment to the position for determining the period of employment in the higher position for salary and employee benefits, provided, however, the time period of any disciplinary reduction in rank, duty, or pay shall be omitted from computation of seniority credit at the higher position but shall be included in computation of service in such lower rank.

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Rule 11. Probationary Period.

Section 1. Length of Period. No person shall be finally appointed to a permanent status in a position in the classified service until he has satisfactorily served a probationary period of twelve months on original entry or on promotion. The Commission, upon request of the appointing authority shall extent the probationary period up to six (6) months. With the concurrence of the appointing authority the probationary period may be waived or modified for persons reemployed who have formerly acquired permanent status in the class.

Section 2. Rejection of Probationer. During the probationary period the appointing authority at his discretion may reject a probationary employee, if during the probationary period or upon observation or consideration of the performance of duty, or for any other non-discriminatory reason, the appointing authority deems him unfit or unsatisfactory for service in the department. Notice of rejection shall be given the probationer and a copy forwarded to the Secretary and Chief Examiner.

Section 3. Termination of Probationary Status. Prior to completion of the probationary period, the appointing authority shall report to the Commission on the probationer's service and efficiency and shall make recommendations regarding retention in the permanent service, unless the probationer has been rejected. No salary or other compensation shall be paid for the services of any probationer following the expiration of the probationary period until the appointing authority has filed with the Commission a statement in writing that the services of the probationary employee were satisfactory and his retention in the service desired. The Chief Examiner shall notify the appointing authority two weeks prior to the termination of any probationary period.

Section 4. Rejection After Promotion. A promotional appointee who is rejected during the probationary period from the position to which he was promoted shall be restored to the position from which he was promoted or appointed. If the promotion or appointment was made prior to the individual having completed probation in their last held position, the remaining probationary time must be served upon being restored to the last held position.

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Rule 12. Transfers, Layoffs, and Reductions.

Section 1. Transfers. A transfer consists of the change of an employee from one position to another position in the same comparable class. The change of an employee from a position in a class with a lower rate of pay to a position in a class with a higher maximum rate of pay should be deemed a promotion and may be accomplished only in the manner provided in these Rules for making promotional appointments. No increase or advance in salary shall be made upon transfer unless the rules governing salary advances are complied with and no decrease in salary shall be made unless the rules regarding reductions in salaries are complied with. Transfers of employees from one organization unit to another organization unit may be made with the approval of the appointing authority.

Section 2. Layoff. Whenever an appointing authority contemplates a reduction in staff because of shortage of funds, lack of work, or material reorganization of the department, notice shall be sent to the Secretary and Chief Examiner who shall cooperate with the appointing authority in determining the most advisable procedure and readjustment as to personnel and reassignment of duties. When it is decided which positions are to be abandoned, employees holding positions within a class shall be laid off in inverse order to their length of service. Any complaint by a permanent employee that the layoff was in bad faith shall be investigated by the Chief Examiner who shall submit a report and recommendations to the Civil Service Commission. If the Commission finds that the layoff was irregular, it may order the reinstatement of the permanent employee or employees. Notice of layoff shall be given to the employee concerned and the Secretary and Chief Examiner at least one week before the effective date thereof. Employees laid off shall have their names placed on the eligibility list of the class to which their position was allocated in accordance with these Rules, for a period of 24 months or until they refuse an offer of rehire.

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Rule 13. Suspensions, Demotions, Discharges.

Section 1. Procedure for Suspension, Demotion or Discharge and Appeals.

No person in classified civil service, as a permanent member thereof, shall be removed, suspended, demoted or discharged except for cause and only upon written accusation of the appointing authority served upon the accused and a duplicate filed with the Commission. Any employee so removed, suspended, demoted or discharged, within ten days from the time thereof, may file with the Commission a written demand for an investigation, which shall be confined to the determination of whether such action was or was not made for political or religious purposes or was or was not made in good faith for cause. After investigation, which shall include a hearing, the Commission may affirm, reverse or modify the order of the appointing authority and shall file a written statement of the Commission's findings in support of its order with its records and serve a certified copy thereof on the appointing authority. If the Commission shall find that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged; which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

Section 2. Suspensions. An appointing authority for disciplinary purposes may suspend a permanent employee without pay for a period not to exceed thirty days in any twelve-month period. Such an action shall immediately be reported to the Secretary and Chief Examiner.

Section 3. Suspension, Demotion and Discharge. The appointing authority may suspend, demote or discharge a permanent employee for inefficiency or other just cause. In such cases a written accusation therefore shall be served upon the employee and filed with the Commission. Upon receipt of a notice of appeal, which shall be filed with the Commission within ten days after service or delivery of written accusation on the employee. The Chief Examiner shall promptly make an investigation of the circumstances surrounding the action and shall report the findings to the Civil Service Commission, the employee, and the appointing authority. The Commission, within 15 days after the receipt of the notice of appeal, shall hold or provide for holding a hearing of which the employee and the appointing authority shall be given notice of the date, time and place of such hearing, and at which the employee and the appointing authority shall have the privilege to be heard either personally or through counsel. All hearings shall be informal and shall be conducted with the object of obtaining the facts in the matter and of arriving at a just and equitable determination as to whether or not the suspension, demotion or discharge was made for religious or political reasons or for cause in good faith. Within ten days of the conclusion of the hearing the Commission shall render its decision. The findings of the Commission shall be certified in writing to the appointing power. If the decision of the Commission orders a modification of the suspension, demotion or discharge, the findings shall state wherein the Commission finds that political or religious reasons existed or that the order was not made in good faith for cause.

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Section 4. Cause for Discharge. In addition to those listed in the civil service law, the following are declared to be cause for discharge from the classified service:

- (1) Incompetence, inefficiency or inattention to or dereliction of duty.
- (2) 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; or any willful violation of the Rules and Regulations adopted by the Commission.
- (3) Mental or physical unfitness for the position which the employee holds.
- (4) Dishonest, disgraceful, immoral or prejudicial conduct.
- (5) Drunkenness or use of intoxicating liquors, narcotics or any other non-prescription habit forming drug, liquid or preparation, while on duty or 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.
- (6) Conviction of a felony or a misdemeanor.
- (7) Accepting for personal use of a fee, gift or other valuable thing.
- (8) Misuse of position.
- (9) Falsifying reports or records.
- (10) Violation of law, of official rules or regulations, of orders, or failure to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or breach of discipline.
- (11) Willful or repeated negligence in performing duties. Engaging in activities which interfere with the ability to perform the job effectively.
- (12) Conduct subversive of public order and discipline, and sustained conduct detrimental to the efficiency or morale of the service.
- (13) Any other act or failure to act which in the judgment of the Civil Service Commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Section 5. Court Appeal. The accused may appeal the Commission's decision. The costs of all transcripts and copies to be certified by the Commission shall be paid by the appellant pending final disposition of the case by the court.

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Rule 14. Leaves and Resignations.

Section 1. Leaves of Absences Without Pay. An appointing authority may grant a permanent employee leave of absence without pay for not to exceed one year. The appointing authority shall give notice of such leave to the Commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. No leave without pay shall be granted .except upon request of the employee. 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. Failure on the part of an employee on written leave to report promptly at the expiration of a leave shall be cause for discharge.

Section 2. Resignation. An employee wishing to leave the classified service of the City in good standing shall file with the appointing authority or chief of the department involved at least two weeks before leaving a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the Commission with a statement by the chief of the department 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 the City. The resignation of an employee who fails to give notice shall be reported to the Commission by the chief of the department involved immediately.

Section 3. Vacation and Sick Leave. Vacation, sick, and disability leaves with pay shall be granted to all permanent employees in the classified service in accordance with the general rules and ordinances of the City of Langley.

Section 4. Re-employment. An employee who has successfully completed the initial probationary period and who has resigned from the police service may, within one year of resignation, request in writing to be placed on a re-employment eligibility list for the classification from which the employee resigned or for any classification of a comparable or lower rank.

(1) Upon the recommendation of the Chief Examiner, the Commission may establish re-employment eligibility lists. The names of persons who have resigned in good standing, who have been recommended for re-employment by the appropriate appointing authority and who have requested re-employment in accordance with this section, may be placed by the Commission on re-employment lists. The lifetime of employment eligibility lists shall be twelve (12) months, unless extended or cancelled by the Commission.

(2) A rehire eligible who declines an appointment to a full-time civil service position in the classification from which he resigned or in a lower classification for which he has requested re-employment shall be removed from all re-employment eligibility lists.

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Rule 15. Records and Reports.

Section 1. Personnel Files. The Secretary and Chief Examiner shall maintain in their custody a service or personnel file for each employee in the classified service, showing name, title or position held, the division within the department to which assigned, the salary, changes in employment status, leaves, and all other information that may be considered pertinent to such employee's fitness for continued employment or promotion. The Secretary may appoint the City Finance Department as custodian of such personnel records. Access to these records shall be restricted to the appointing authority, department head, members of the Civil Service Commission, the Finance Department and to the subject employee.

Section 2. Examination and Records. The Chief Examiner shall similarly maintain an examination card for each applicant, giving name, address, age sex, the date and title of examination, complete ratings earned and the grade obtained, if successful; if unsuccessful, this fact should be recorded. Access to these records shall be restricted to the appointed authority, department head, members of the Civil Service Commission and the subject applicant.

Section 3. Access to Public Records. The Secretary and Chief Examiner shall have access to all departmental and institutional public documents and records, the examination of which will aid him in the discharge of his duties.

Section 4. Records Open to the Public. The minutes of all Civil Service Commission meetings shall be open to the public during office hours of the City Hall and may be inspected upon application to the Secretary of the Commission in a manner reasonably prescribed to protect said public records from damage or disorganization and to prevent excessive interference with the essential function of the Civil Service Commission. The Secretary shall provide the fullest assistance to inquirers and requests for information.

Section 5. Materials and Records Exempt from Public Inspection The following shall be exempt from public inspection and copying.

- (1) Personal information relating to the employees in the classified service to the extent that disclosure thereof would violate such an employee's right to privacy.
- (2) Specific intelligence information and specific investigative files compiled by the Examiner or provided by informants under a promise of non-disclosure or compiled by any law enforcement agency vested with responsibility to discipline members of the classified service, the non-disclosure of which is essential to effective law enforcement and for the protection of the employee's and officer's right to privacy.
- (3) Information revealing the identity of persons who file complaints with the investigative agency except as the complainant may authorize.
- (4) Test questions, scoring keys, and other examination data used to qualify candidates for employment or promotion.

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- (5) Records which are relative to a controversy or litigation involving the City which would not be available to another party under the rules of pre-trial discovery for causes pending in the Superior Court.

Section 6. Copying. . Inspection or copying for any specific records, exempt under the provisions of the above section, may be permitted if the Superior Court in the county in which the record is maintained finds, after hearing with notice thereof to every person in interest and to the agency, that the exemption of such records is unnecessary to protect any individual's right of privacy or any vital governmental function. If the Clerk or other person having custody of the records of the Commission shall refuse to allow inspection or copying of any record, he shall provide the inquirer with a statement of the specific exemption authorizing the withholding of the records, or part thereof, and a brief explanation of how the exemption applies to the record withheld. •

Section 7. Destruction of Records. Examination cards and personnel files and the minutes of the Civil Service Commission shall be kept permanently. All other records pertaining to personnel, including applications, correspondence, examinations and reports, may be destroyed after three years, in a manner provided by law.

Section 8. Reports. The appointing authority shall prepare a report to the Commission in writing and upon forms prescribed by the Commission of all employment and all changes whatsoever in the status of personnel in their respective departments, supplying the name of the appointee of employee, the title of his position, the 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 additional data covering the competitive service, including reports of employee performance and productivity, upon such forms or in such manner as may be approved by the Commission. 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 a statement in explanation of any adverse report or rating. This statement shall be appended to the report or rating and shall be made a part of the employee's record

Section 9. Annual Report. The Secretary and Chief Examiner shall prepare an annual report of his and the Commission's activities for approval by the Commission and submission to the Mayor and City Council.

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Rule 16. Grievance Complaints and Procedure.

Section 1. Complaints. Any citizen or employee of a covered department may make and file a written complaint of lack of enforcement or non-compliance with the provisions of Chapters 41.12 RCW (Civil Service for City Police) and the Rules of the Langley Civil Service Commission. The Secretary of the Commission shall take and file said complaint or petition. The complaint shall set forth in detail the facts constituting the alleged lack of enforcement or non-compliance, specify the time or times of occurrence and the department and names of officials accused thereof. Every complaint shall be signed by the complainant and contain the complainant's affidavit verifying the matters stated in said complaint to be true to the complainant's knowledge or belief.

A copy of the complaint or petition shall be served upon the head of the affected department and each official or employee accused of omission or misconduct in the enforcement of the provision of said chapters and rules.

Section 2. Investigation. The Chief Examiner, if he is not directly a part, shall investigate and make report thereon with his explanation of the facts and his recommendations to the Civil Service Commission, which may include an agreement or adjustment of the complaint by the affected department. If the report discloses probable cause for the complaint of lack of enforcement, which has not been remedied, the Commission shall thereupon fix a time for hearing on the complaint to be conducted as provided in Rule IV, Section 2, "Hearings." At the time of hearing before the Commission or the hearing examiner appointed by the Commission, the complaint shall be examined through testimony and statements of the complainant and witnesses in support thereof and by testimony or statement presented by those accused and witnesses in support of their defense or explanation, and said accused official shall have full opportunity to be heard in defense or explanation of the circumstances surrounding the charges. Within ten days of the conclusion of the hearing the Commission shall make its report on such investigation, including findings and recommendations, and serve a certified copy thereof on the Mayor and the head of the department affected thereby, and shall file said findings and recommendation with the records of the Commission.

Section 3. Procedures for Filing Objections to Examinations and Eligibility Lists.

1. Objections to Written Examination

A. Objections to Question or Answer

(1) An objection to a question or answer must be in writing and must identify by number the question(s) or answer(s) at issue and explain in detail the reasons for the objection.

(2) The objection must be filed with the Chief Examiner of the Commission within three (3) business days following the date of the examination.

(3) The Chief Examiner shall review the objection and submit recommendations to the Commission within three (3) business days of receipt of the objection.

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(4) The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its findings and decision within seven calendar days of receipt of the Chief Examiner's recommendation

B. Objections to Scoring

(1) Scores will be posted as soon as possible after the examination.

(2) Objections to scoring of the examination must be in writing and . must explain in detail the reasons for the objection.

(3) The objection must be filed with the Chief Examiner within three business days following the posting of the examination results.

(4) The Chief Examiner shall review the objection and if the objection cites a clerical or calculation error the Chief Examiner shall make the necessary correction. If the objection raises issues other than clerical or calculation errors, the Chief Examiner shall, within five (5) business days, forward the objection, along with recommendations to the Commission.

(5) The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its findings and decision within thirty (30) calendar days of receipt of the Chief Examiner's recommendations.

C. Participation in Testing Pending Decision on Objections.

(1) In the event that a subsequent phase of the examination is scheduled to occur during the period between filing of an objection to a question, answer or to scoring and issuance of findings and a decision by the Commission, the person filing the objection shall be permitted to participate in the subsequent phase of the examination pending the outcome of consideration of the objection.

2. Objections to Eligibility List

A. Objections to an eligibility list must be in writing and must explain in detail the reasons for the objection.

B. The objection must be filed with the Chief Examiner of the Commission within five (5) business days of the posting of the eligibility list.

C. If the objection concerns a clerical error the Chief Examiner shall make any correction which may be in order.

D. If the objection concerns a matter other than a clerical error, the Chief Examiner shall review the objection and make recommendations to the Commission within five

E. (5) business days.

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F. The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its findings and decision within thirty (30) calendar days of receipt of the Chief Examiner's decision.

3. Hearings on Objections.

A. The Commission may, if it deems it necessary in the conduct of its investigation of an objection, conduct a hearing on the objection at which interested parties may appear and be heard.

B. Any person filing an objection, or any other person who took the examination, may request the Commission to conduct a public hearing, which shall be held upon approval of two members of the Commission. All interested parties may appear and be heard at such a hearing.

C. In the event a public hearing is held, the time period for the Commission to complete its findings and decision shall be extended an additional ten (10) business days.

4. Appeal of Rejection of Application for Examination.

A. Any party whose application for an examination has been rejected shall have the right to appeal. Appeal must state reason, in writing, upon which appeal is based.

B. The appeal must be filed with the Chief Examiner of the Commission within three (3) business days of receipt of the notice of disqualification.

C. The Chief Examiner shall review the objection and submit recommendations to the Commission within three (3) business days of receipt of the objection.

D. The Commission shall conduct or direct such investigation and review as it deems appropriate and shall make its findings and decision within seven (7) business days of receipt of the Chief Examiner's recommendation.

5. Waiving of Time Limits.

A. The Chairman of the Commission shall have the authority to extend all time limits specified herein by an additional period no longer than the original period.

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Rule 17. Amendments and Repeal.

Section Amendment Procedure. These Rules may be amended by the following procedure:

- (1) At the direction of the Commission Chairman public notice of proposed amendments shall be posted for no less than ten (10) calendar days in at least three public places, including worksites of all affected employees.
- (2) If approved by at least two members of the Commission at a regular meeting, the amendment shall be adopted and shall be in immediate effect.

Section 2. Repeal. Any and all prior rules, inconsistent with the rules hereby adopted, are hereby repealed.