



CITY OF BLACK DIAMOND

Civil Service Commission Application

Mailing Address: PO Box 599 Physical Address:

24301 Roberts Drive Black Diamond, WA 98010

Phone: 360.851.4500 - Fax: 360.851.4501

NAME OF APPLICANT: _____

ADDRESS OF RESIDENCE: _____

EMAIL ADDRESS: _____

PHONE NUMBER (MOBILE, HOME, BUSINESS): _____

BEST TIME TO CONTACT: _____

QUALIFICATIONS AND COMMITMENT REQUIREMENTS (PLEASE INITIAL CONFIRMING AFFIRMATIVE):

_____ APPLICANT IS WILLING TO FULFILL A 6-YEAR TERM [OR THE REMAINING PORTION OF A TERM WHEN REPLACING AN UNEXPIRED POSITION].

_____ APPLICANT HAS AN INTEREST IN ADOPTING RULES AND REGULATIONS, CONSISTENT WITH STATE LAW, FOR THE EXAMINATION, APPOINTMENT, DEMOTION, TRANSFER, AND PROMOTION OF UNIFORMED (POLICE) PERSONNEL.

_____ APPLICANT IS A CITIZEN OF THE UNITED STATES, A RESIDENT OF THE CITY FOR AT LEAST THREE (3) YEARS IMMEDIATELY PRECEDING APPOINTMENT AND A REGISTERED VOTER.

_____ APPLICANT IS ABLE TO REGULARLY ATTEND COMMISSION MEETINGS, CURRENTLY SCHEDULED FOR DAYTIME, SUBJECT TO CHANGE BY THE COMMISSION, AND IS COMMITTED TO NOT HAVING MORE THAN THREE CONSECUTIVE UNEXCUSED ABSENCES.

_____ APPLICANT WILL MAKE IMPARTIAL, OBJECTIVE RECOMMENDATIONS AND DECISIONS IN THE BEST INTEREST OF THE CITY, AND NOT IN CONFLICT WITH PERSONAL OR BUSINESS INTERESTS AND CONFIRMS CURRENT EMPLOYMENT OR CIVIC POSITIONS, IF ANY, DO NOT CREATE A CONFLICT OF INTEREST WITH SERVING AS A BLACK DIAMOND CIVIL SERVICE COMMISSIONER.

PLEASE PROVIDE A NARRATIVE (UP TO ONE PAGE AS AN ATTACHMENT) DESCRIBING YOUR QUALIFICATIONS, EXPERIENCE, INTEREST, AND COMMITMENT TO SERVE ON THIS COMMISSION.

SIGNATURE OF APPLICANT

DATE

Chapter 2.64 POLICE DEPARTMENT AND FIRE DEPARTMENT CIVIL SERVICE*

Sections:

2.64.010 Definitions.

As used in this chapter, the words and terms set forth in this section shall be given the following definitions:

- A. "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 invested with power and authority to select, appoint or employ any person to hold any office, place, position or employment subject to civil service.
- B. "Appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.
- C. "Commission" means the civil service commission created in this chapter, and "commissioner" means any one of the three commissioners appointed to that commission.
- D. "City" means the City of Black Diamond.

(Ord. 302 § 1, 1984)

2.64.020 Commission created—Appointment—Terms—Removal—Quorum.

- A. There is created in the city a civil service commission which shall be composed of three persons. The members of such commission shall be appointed by the mayor; provided that, the members of the civil service commission constituted pursuant to Ordinance No. 146 of the city, repealed by Section 15 of the ordinance codified in this chapter, shall be the initial commissioners of the newly created civil service commission and shall continue in office until the term of their current appointment expires. Confirmation of the appointment or appointments of commissioners by the city council shall be required. The members of such commission shall serve without compensation.
- B. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. Except for the initial commission, the term of office of such commissioners shall be six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause; provided, however, that no member of the commission shall be removed until charges have been preferred, in writing, due notice, and a full hearing held.
- C. The members of such 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 commissioners under or by virtue of the provisions of the ordinance codified in this chapter.

(Ord. 302 § 2, 1984)

2.64.030 Organization of commission—Secretary—Powers and duties.

- A. Immediately after appointment, the commission shall organize by electing one of its members chairperson, and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties. It shall be the duty of the civil service commission:
1. To make suitable rules and regulations to implement this chapter which are not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to carry out the purposes of this chapter, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;
 2. All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or manual skill;
 3. The rules and regulations adopted by the commission shall provide for a credit in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service who, in time of war, or in 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 and marine corps and the American Red Cross. These credits apply to entrance examinations only;
 4. The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed;
 5. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. 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 the 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 or 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 failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter and punishable as such;
 6. All hearings and investigations before the commission or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof, neither the commission nor 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;

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7. To hear and determine appeals or complaints respecting the administrative work of the personnel department related to the commission's duties, the rejection of any examination, and such other matters as may be referred to the commission pursuant to the duties outlined in subdivision 1 of this subsection;
 8. Establish and maintain in card or other suitable form a roster of employees covered by the civil service;
 9. Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof establish eligible lists for the various classes of positions as established by the city; and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like cause, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;
 10. When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the three persons highest on the eligible list for the class. The commission shall make provision in its rules for provisional or temporary appointment to be utilized when there is no such eligible list applicable to the vacant position, or which may be utilized at the discretion of the appointing authority when there are less than three names on the eligibility list applicable to the vacant position. Such temporary or provisional appointment shall not exceed a period of 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 end of the initial appointment that the position being filled by temporary or provisional appointment will in fact continue to be vacant, such as in the instance of a position vacant due to an officer or firefighter 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 provisional or temporary appointment;
 11. Keep such records as may be necessary for the proper administration of this chapter.
- B. The commission shall appoint a person to hold the position of secretary and chief examiner. The duties of the secretary and chief examiner shall be to keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe. The secretary and chief examiner shall serve without compensation.

(Ord. 758 §§ 2 and 3, 2004; Ord. 302 § 3, 1984)

2.64.040 Persons included under civil service—Competitive examinations—Transfers, discharges and reinstatements.

The provisions of this chapter shall include all full-time, fully commissioned officers of the city's police department. All clerical, dispatchers, mechanics and other employees of the police department who are not full-time, fully commissioned police officers are excluded from coverage under this chapter. The position of civil service secretary and chief examiner shall not be a civil service position. All appointments to and promotions covered by this chapter shall be made solely on merit, efficiency and fitness, which shall be ascertained by open, competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

(Ord. 859 § 2, 2008; Ord. 841 § 1, 2007; Ord. 758 § 4, 2004; Ord. 302 § 4, 1984)

2.64.050 Existing personnel continued under civil service.

For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of the ordinance codified in this chapter, all persons having completed probation in the police or fire

departments are declared permanently appointed under civil service to the offices, places and positions or employments which they shall then hold respectively, and not on probation; and every such person is automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds even though that office, place, position or employment is not subject to the civil service requirements of this chapter.

(Ord. 758 § 5, 2004: Ord. 302 § 5, 1984)

2.64.060 Qualifications of applicants.

An applicant for a position of any kind under civil service must be a citizen of the United States of America who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character, and of temperate and industrious habits, these facts to be ascertained in such manner as the commission may deem advisable.

(Ord. 302 § 6, 1984)

2.64.070 Tenure of employment—Grounds for discharge, reduction or deprivation of privileges.

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank or deprived of vacation privileges or other special privileges for any of the following reasons:

- 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 wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;
- C. Mental or physical unfitness for the position which the employee holds;
- D. Dishonest, disgraceful, immoral or prejudicial conduct;
- E. Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation 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. 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.

(Ord. 302 § 7, 1984)

2.64.080 Procedure for removal, suspension, demotion or discharge—Investigation—Hearing—Appeal.

- A. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, demoted or discharged except for

cause, and only upon written accusation of the appointing authority, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission.

- B. Any person so removed, suspended, demoted or discharged may, within ten days from the date of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause.
- C. After such investigation, the commission may affirm the removal, suspension, demotion or discharge, or if it finds that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, 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. The commission, upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge, may order that such action that it deems appropriate be taken in lieu of removal, suspension, demotion or discharge. The findings of the commission shall be certified, in writing, to the appointing power, and shall be forthwith enforced by such officer.
- D. All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his/her defense.
- E. The accused may appeal from the commission's judgment or order to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of the commission's judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine the appeal in a summary manner; provided, however, that the hearing shall be confined to the determination of whether the judgment or order made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

(Ord. 302 § 8, 1984)

2.64.090 Filling of vacancies.

(Reserved)

2.64.100 Power to create offices, make appointments and fix salaries not infringed.

All offices, places, classifications, job descriptions, positions and employments coming within the purview of this chapter shall be created by the mayor and city council or mayor alone or whomever otherwise is vested with power and authority to select, appoint or employ any person coming within the purview of this chapter, and nothing contained in this chapter shall 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.

(Ord. 302 § 10, 1984)

2.64.110 Enforcement by civil action—Legal counsel.

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, or his/her designee, but the commission may in any case be represented by special counsel appointed by it.

(Ord. 302 § 11, 1984)

2.64.120 Deceptive practices, false marks and similar 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 his right of examination or registration according to the rules and regulations of this chapter; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter; 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 personate him in connection with any examination or registration or application or request to be examined or registered.

(Ord. 302 § 12, 1984)

2.64.130 Applicability.

The examination and eligibility provisions of this chapter and establishment of positions covered by civil service by the provisions of this chapter shall be effective for all appointments made after the effective date of the ordinance codified in this chapter.

(Ord. 302 § 14, 1984)

2.64.140 Violation—Penalty.

Any person who wilfully violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in jail for not longer than one year, or by both such fine and imprisonment.

(Ord. 302 § 13, 1984)