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SENATE BILL 5077

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State of Washington

57th Legislature

2001 Regular Session

By Senators Haugen and Rasmussen

Read first time 01/10/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to the provisional employment of sheriff's  
2 employees; and amending RCW 41.14.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.14.060 and 1979 ex.s. c 153 s 2 are each amended to  
5 read as follows:

6 It shall be the duty of the civil service commission:

7 (1) To make suitable rules and regulations not inconsistent with  
8 the provisions hereof. Such rules and regulations shall provide in  
9 detail the manner in which examinations may be held, and appointments,  
10 promotions, reallocations, transfers, reinstatements, demotions,  
11 suspensions, and discharges shall be made, and may also provide for any  
12 other matters connected with the general subject of personnel  
13 administration, and which may be considered desirable to further carry  
14 out the general purposes of this chapter, or which may be found to be  
15 in the interest of good personnel administration. The rules and  
16 regulations and any amendments thereof shall be printed, mimeographed,  
17 or multigraphed for free public distribution. Such rules and  
18 regulations may be changed from time to time.

1           (2) To give practical tests which shall consist only of subjects  
2 which will fairly determine the capacity of persons examined to perform  
3 duties of the position to which appointment is to be made. Such tests  
4 may include tests of physical fitness or manual skill or both.

5           (3) To make investigations concerning and report upon all matters  
6 touching the enforcement and effect of the provisions of this chapter,  
7 and the rules and regulations prescribed hereunder; to inspect all  
8 departments, offices, places, positions, and employments affected by  
9 this chapter, and ascertain whether this chapter and all such rules and  
10 regulations are being obeyed. Such investigations may be made by the  
11 commission or by any commissioner designated by the commission for that  
12 purpose. Not only must these investigations be made by the commission  
13 as aforesaid, but the commission must make like investigation on  
14 petition of a citizen, duly verified, stating that irregularities or  
15 abuses exist, or setting forth in concise language, in writing, the  
16 necessity for such investigation. In the course of such investigation  
17 the commission or designated commissioner, or chief examiner, may  
18 administer oaths, subpoena and require the attendance of witnesses and  
19 the production by them of books, papers, documents, and accounts  
20 appertaining to the investigation and also cause the deposition of  
21 witnesses residing within or without the state to be taken in the  
22 manner prescribed by law for like depositions in civil actions in the  
23 superior court; and the oaths administered and the subpoenas issued  
24 hereunder shall have the same force and effect as the oaths  
25 administered and subpoenas issued by a superior court judge in his  
26 judicial capacity; and the failure of any person so subpoenaed to  
27 comply with the provisions of this section shall be deemed a violation  
28 of this chapter, and punishable as such.

29           (4) To conduct hearings and investigations in accordance with this  
30 chapter and by the rules of practice and procedure adopted by the  
31 commission, and in the conduct thereof neither the commission, nor  
32 designated commissioner shall be bound by technical rules of evidence.  
33 No informality in any proceedings or hearing, or in the manner of  
34 taking testimony before the commission or designated commissioner,  
35 shall invalidate any order, decision, rule, or regulation made,  
36 approved, or confirmed by the commission: PROVIDED, That no order,  
37 decision, rule, or regulation made by any designated commissioner  
38 conducting any hearing or investigation alone shall be of any force or

1 effect whatsoever unless and until concurred in by at least one of the  
2 other two members.

3 (5) To hear and determine appeals or complaints respecting the  
4 allocation of positions, the rejection of an examinee, and such other  
5 matters as may be referred to the commission.

6 (6) To provide for, formulate, and hold competitive tests to  
7 determine the relative qualifications of persons who seek employment in  
8 any class or position and as a result thereof establish eligible lists  
9 for the various classes of positions, and provide that persons laid  
10 off, or who have accepted voluntary demotion in lieu of layoff, because  
11 of curtailment of expenditures, reduction in force, and for like  
12 causes, head the list in the order of their seniority, to the end that  
13 they shall be the first to be reemployed or reinstated in their former  
14 job class.

15 (7) To certify to the appointing authority, when a vacant position  
16 is to be filled, on written request, the names of the three persons  
17 highest on the eligible list for the class. If there is no such list,  
18 to authorize a provisional or temporary appointment list for such  
19 class. (~~Such temporary provisional appointment shall not continue for~~  
20 ~~a period longer than four months; nor shall any person receive more~~  
21 ~~than one provisional appointment or serve more than four months as~~  
22 ~~provisional appointee in any one fiscal year.)) A temporary  
23 appointment expires after four months. However, the appointing  
24 authority may extend the temporary appointment beyond the four-month  
25 period if the commission certifies that it continues to use due  
26 diligence in advertising and testing for the position.~~

27 (8) To keep such records as may be necessary for the proper  
28 administration of this chapter.

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