

# CIVIL SERVICE RULES AND REGULATIONS FOR THE POLICE DEPARTMENT

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## **CIVIL SERVICE RULES AND REGULATIONS** **FOR POLICE DEPARTMENT**

The Civil Service Commission appointed by the Mayor of Edmonds in accordance with the terms of Chapter 10.25 of the Edmonds City Code, such ordinances being enacted pursuant to the provisions of RCW Chapter 41.12, adopts the following rules and regulations for carrying out the purpose of said law.

### **CHAPTER 1. DEFINITION OF TERMS**

Section 1.1 ADVANCEMENT. Advancement means a salary increase within an arranged rate-of-pay schedule for a class made without examination.

Section 1.2 APPOINTING AUTHORITY. Appointing authority means the Mayor or his designee.

Section 1.3 APPOINTMENT. Appointment shall include the selection and employment of a person to a class subject to Civil Service.

Section 1.4 ASSIGNMENTS. Assignments to duties, such as Investigation, K-9, and Motorcycle, within the same class may be made by the appointing authority in accordance with Department policy or collective bargaining agreement and without regard to eligibility lists or other applicable provisions of the Civil Service Rules. This also applies to temporary assignments to duties of a higher class, except acting pay may also be applied.

Section 1.5 CLASS. Class means a group of positions sufficiently similar in duties and responsibilities so that the same title may reasonably be used for each position, the same qualifications may be required, and the same salary range may be applied with equity.

Section 1.6 CLASSIFIED SERVICE. Classified service means all classes, ranks, and positions in the city police service, which are designated by ordinance as being subject to the civil service system and rules.

Section 1.7 COMMISSION. Commission means the Civil Service Commission appointed for the City of Edmonds.

Section 1.8 COMPENSATION. Compensation means any allowance, fee, salary, or wage paid to an employee or officer in the classified service for performing the duties and responsibilities of such person's position or office.

Section 1.9 DAY. Day means calendar day including weekends and holidays, unless otherwise stated.

Section 1.10 DEMOTION. Demotion means a change in employment in accordance with these civil service regulations from a higher to a lower class in the classified service.

Section 1.11 DISCHARGE. Discharge means the separation for cause of a regular employee from the classified service.

Section 1.12 ELIGIBLE. Eligible means having satisfied the conditions of qualification set by the commission. Eligibility under emergency conditions shall not exceed any six (6) month period in any fiscal year.

Section 1.13 EMERGENCY APPOINTMENT. Emergency appointment means an appointment for not more than six (6) months in any fiscal year to serve in a classified position under emergency conditions.

Section 1.14 EMPLOYEE. Employee means a person who is legally employed in the classified service of the city or who is on leave of absence authorized by the appointing authority, and whose position is held until his or her return.

Section 1.15 ELIGIBILITY OR EMPLOYMENT LIST. Eligibility or employment list means a list of names of persons, arranged in order of scores, who are eligible for appointment to a position within a class in the classified service. These lists include scored initial hire and promotional lists, medical reinstatement lists, reemployment lists, layoff lists and reduction in rank lists.

Section 1.16 FULL-PAID. A full-paid officer or employee means a person who receives compensation from the city in return for services, which occupy his or her full attention and activity other than ordinary off-duty time allowance.

Section 1.17 GOOD STANDING. Good Standing means the person, either a current or former employee or officer, who does not have any disciplinary action or a performance improvement plan in an active or pending status at the time of their resignation or promotion.

Section 1.18 LAYOFF. Layoff means the termination of employment because of lack of funds or work or because of material change in the classified service organization.

Section 1.19 POLICE OFFICERS. Whenever the term police officer or employee appear in these rules, they shall be construed to include both the male and female genders, and singular as well as plural where appropriate.

Section 1.20 REGULAR STATUS. Regular status means the status of an employee who has acquired rights to a hearing prior to his or her demotion, suspension or discharge because he or she has successfully completed his or her probationary period.

Section 1.21 REGULAR EMPLOYEE. Regular employee means an employee who has attained regular status.

Section 1.22 POSITION. Position means any employment or office in the classified service.

Section 1.23 PROBATION. Probation means the period of trial service during which an employee works in a class prior to attaining regular status in such class during which he or she is subject to rejection by the appointing authority without hearing or trial.

Section 1.24 PROMOTION. Promotion means a change in employment in accordance with these civil service regulations from a lower to higher class in the classified service.

Section 1.25 PROVISIONAL APPOINTMENT. Provisional appointment means an appointment by the appointing authority from a provisional appointment list authorized by the commission when no eligible list for such class is in existence. No provisional appointment shall continue for more than six (6) months, nor shall any person receive more than one provisional appointment or serve more than six (6) months as a provisional appointee in any one fiscal year, unless the Commission authorizes the same appointee up to an additional six months upon demonstration of bona-fide need by the appointing authority. A provisional appointee shall be replaced by the person highest on the eligible list after a list is compiled after examination.

Section 1.26 WRITTEN NOTICE. Written notice, as required under these civil service regulations, means serving notice in writing either to the person directly or by certified mail to his or her last known address unless otherwise stated in these rules. If by mail, the serving shall be deemed completed at the time the notice is deposited in the post office.

Section 1.27 REJECTION. Rejection means the separation of a probationary employee from the service.

Section 1.28 SUSPENSION. Suspension means the temporary separation for disciplinary purposes of an employee from the service without pay.

Section 1.29            TEMPORARY APPOINTMENT.    Temporary appointment means the appointment of a person from the eligible list who is willing to serve in a position during a leave of absence or vacation of the regular occupant of such position.

Section 1.30            PUBLIC NOTICE.            Public notice means giving notice by posting in at least two conspicuous places in a public place or building or by publication in a newspaper or by both, and in addition, such notice as is required by resolutions of the commission.

Section 1.31    REAPPLICATION.    Reapplication means that an employee seeking return from a medical separation or reemployment after resignation has sent written notice of his or her intent to seek reinstatement.    Employees reapplying after a medical separation must provide a medical certification from a physician as designated by the City that they are fit for duty.

## **CHAPTER 2. THE CIVIL SERVICE COMMISSION**

Section 2.1 REGULAR MEETING DATES. Regular meetings shall be held on the first Wednesday of each month at Edmonds Police Department. Special meetings shall be held at such times and places as may be determined from time to time by the commission.

Section 2.2 ORGANIZATION MEETINGS. Members of the Civil Service Commission, after appointed by the City Mayor shall proceed to the election of a chairperson. All meetings of the commission shall be public. Two members shall constitute a quorum and two affirmative votes shall be required for the transaction of any official business. The secretary and chief examiner shall attend all meetings and shall record the actions and be presented to the commission for approval or correction at the next regular meeting, upon approval the minutes shall be signed by the chairperson and countersigned by the secretary and chief examiner and shall become a part of the permanent files of the commission. Robert's Rules of Order Revised shall govern all questions of procedure and parliamentary law not otherwise provided by these civil service regulations.

Section 2.3 POWERS AND DUTIES. The Civil Service Commission shall:

- (a) Adopt rules for the regulation of personnel administration within the classified service.
- (b) Appoint a secretary and chief examiner in conformity with Section 3.1.
- (c) Approve minutes of its own meetings and records of its procedure.
- (d) Implement the classification plan prepared by the appointing authority, as provided in Chapter 5.
- (e) Provide for the holding of competitive tests under the supervision of secretary and chief examiner or some other delegate to determine the relative qualifications of persons for employment in the classified service and certify the same.
- (f) Conduct all civil suits necessary for the proper enforcement of the Civil Service Act and these regulations. Upon the demand of the Commission, any civil action shall be initiated by the City Attorney, or by special counsel appointed in any case by the Commission.

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- (g) Hear and determine appeals or complaints respecting the administrative work of the examiner/secretary, appeals on the allocation or assignment of positions; the rejection of an examination, and such other matters as may be referred to the commission.
- (h) Investigate and report on all matters regarding the enforcement and effect of the Civil Service Act and these regulations.
- (i) Have such additional powers and duties as are provided by RCW Section 41.12.040 or City ordinance.

## **CHAPTER 3. THE SECRETARY AND CHIEF EXAMINER**

Section 3.1 SELECTION. The secretary and chief examiner, who need not be a resident of the City, shall be appointed in conformance with the provisions of Chapter 10.25 ECC and shall serve at the will of the Commission. At its discretion, the Commission may utilize the services of the City's Human Resources staff.

Section 3.2 DUTIES. The secretary and chief examiner shall attend and record all meetings of the commission; 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.

## **CHAPTER 4. HEARING OF APPEALS**

Section 4.1            **RIGHT TO A HEARING.** Any regular Civil Service employee who is suspended, terminated, reduced in rank or denied other rights protected by the Civil Service ordinance or these rules, may petition for a hearing before the Civil Service Commission, PROVIDED, HOWEVER, where in accordance with the provisions of a collective bargaining agreement an alternative hearing or grievance procedure exists, an employee may elect to pursue such grievance procedure, but by so doing waives his right to a hearing before the Civil Service Commission.

Section 4.2            **PETITION FOR HEARING.** A petition for a hearing before the Commission shall be in writing, signed by the petitioner, giving his/her mailing address, the action being appealed, and, in detail, the facts and the reasons upon which the appellant's case is based. Such petition must be filed with the secretary/chief examiner within ten (10) days of the receipt by the petitioner of the notice of the action of the appointing authority to which the employee objects.

Section 4.3            **HEARING OF THE APPEAL.** The commission shall hear the appeal. The commission shall:

- (a) Conduct a public hearing;
- (b) Administer oaths and affirmations, examine witnesses and receive evidence;
- (c) Issue subpoenas as provided by law;
- (d) Rule on offers of proof;
- (e) Hold conferences for the settlement or simplification of the issues; and
- (f) Dispose of procedural request for similar matters.

Section 4.4            **NOTICE OF THE HEARING.** The commission shall schedule a hearing to be held within forty (40) days after the petition for a hearing is filed with the secretary/chief examiner. Written notice of the time and place of the hearing shall be given to the petitioner at least seven (7) days prior to the hearing.

Section 4.5 RIGHTS OF THE PETITIONER. When a hearing is granted, the petitioner shall attend, unless excused by the commission, and shall be entitled to:

- (a) Be represented by counsel at such hearing;
- (b) Testify under oath;
- (c) Subpoena witnesses to testify for him or her;
- (d) Cross-examine all witnesses appearing against him or her, and all employees of the commission whose actions are in question or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the commission;
- (e) Present such affidavits, exhibits and other evidence as is deemed pertinent to the hearing;
- (f) Argue his or her case.

Section 4.6 RIGHTS OF THE APPOINTING AUTHORITY. The appointing authority who imposed the suspension, termination or reduction in rank against the petitioner shall be entitled to rights equal to those of the petitioner as delineated in Section 4.5 above.

Section 4.7 EVIDENCE. Hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it possesses probative value commonly accepted by reasonable prudent persons in the conduct of their affairs, but the commission may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Oral evidence shall be taken only under oath or affirmation. Only the evidence presented at the hearing will be considered in determining an appeal.

Section 4.8 TESTIMONY OF PETITIONER. The petitioner may be required to testify and may be cross-examined as to any matter relevant to the hearing.

Section 4.9 TRANSCRIPTS OF HEARINGS. A tape recording or written transcript of the proceeding shall be provided by the commission.

Section 4.10 DECISION OF THE COMMISSION. Decisions of the commission shall be rendered in writing promptly after the conclusion of the hearing. When an employee appeals from a removal, suspension, demotion or discharge, the action of the appointing authority will be deemed affirmed unless two members of the commission vote to reverse or modify said appointing authority's actions. The decision shall be considered final for purposes of review.

Section 4.11 PETITION FOR RECONSIDERATION. No petition for reconsideration shall be allowed.

Section 4.12 PETITION FOR JUDICIAL REVIEW. The petitioner may appeal from any order of the commission affirming his/her removal, suspension, or demotion to the Snohomish County Superior Court. Such appeal shall be taken by serving the commission, within thirty (30) days after the entry of such judgment or order, a written notice of appeal, stating the grounds, thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgement or order, be filed by the commission with such court. The cost of the preparation of the transcript shall be borne by the appellant. The commission shall, within ten (10) 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 such appeal in a summary manner; provided however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension 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.

All other appeals from final actions of the commission shall be by petition for a Writ of Certiorari filed and served within twenty (20) days after commission's action.

## **CHAPTER 4A. PROCEDURAL INVESTIGATION**

Section 4A.1 INVESTIGATIVE RESPONSIBILITY. The Civil Service Commission shall make investigations as deemed necessary to insure that the intent of RCW Chapter 41.12 or City ordinance and these rules and regulations are being adhered to. The commission shall have such necessary powers to enable it to conduct such investigations, including, but not limited to, the right of access to work sites, the power to administer oaths and subpoenas, and the ability to require the attendance of witnesses and/or the production of any pertinent documents.

Section 4A.2 CITIZEN COMPLAINTS. The commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, and setting forth in concise language, in writing, the necessity for such investigation pursuant to RCW Chapter 41.

## **CHAPTER 5. CLASSIFICATION**

Section 5.1           PROCEDURE AND EFFECT.   The City Council will create all offices, places, positions and employment within the classified service, and the appointing authority will assign to each position so created an appropriate title and establish the experience, knowledge, capacity, skill, education, and other qualifications and minimum prerequisites required for appointment to such class. As thus promulgated, the classification plan within the classified service shall be adopted by the commission, which shall thereupon allocate every existing position within the police department to one of the classes as established in the plan. Thereafter, the class titles so established shall be used in all personnel, budget, accounting and other financial documents and communications of the city. If the City Council shall create additional classes, or divide, combine or abolish existing classes, a new classification plan shall be adopted in the manner of the original.

## CHAPTER 6. APPLICATIONS

Section 6.1 ANNOUNCEMENT OF VACANCY. Whenever there is need, the secretary and chief examiner shall invite, by giving public notice, qualified persons to apply for employment in the classified service and for admission to the examination scheduled to select the most competent. Public announcement of the examination shall specify the title and salary range of the position, a brief outline of the duties of the position; the minimum qualifications required; and the final date upon which applications will be received. Persons desiring to compete for positions in the classified service shall file signed applications with the secretary and chief examiner on forms supplied by the Civil Service Commission.

Section 6.2 MINIMUM REQUIREMENTS. All applicants shall be citizens of the United States of America, who can read and write the English language, in ordinary good health, and good moral character, and of temperate and industrious habits. No individual will be eligible to apply prior to attaining the age of twenty-one (21) for police officers unless a special waiver on the minimum age requirement is granted by the commission. Minimum education requirement shall be specified in Appendix "B". All applicants eligible for inclusion in the LEOFF system shall comply with the minimum medical and health standards established pursuant to RCW 41.26.045 and .046 provided, however, that nothing herein shall be interpreted to relieve the appointing authority or Commission of any obligation of State or federal law, including by way of illustration and not limitation the Washington Law Against Discrimination (WLAD), the American's with Disabilities Act (ADA) and as applicable the federal Rehabilitation Act.

Section 6.3 APPOINTING AUTHORITY REVIEW. The appointing authority shall be entitled to review all applications and may comment to the commission on the lack of any applicant's minimum prerequisites for the position.

Section 6.4 NONACCEPTANCE OF APPLICANT. If the secretary/chief examiner determines that a particular applicant does not meet the minimum qualifications as established by the commission or concludes that the applicant should not be allowed to compete in the examination for some other appropriate reason, the applicant shall be notified promptly in writing sufficiently prior to the scheduled examination so that the applicant may attempt to supply additional information to the secretary/chief examiner prior to the examination. Should the matter not be able to be settled prior to the examination, the applicant shall be allowed to compete in the examination and the commission shall make the final decision as to whether or not the applicant's name shall be included on the eligibility list, if he/she passes the examination, at the time it approves the establishment of the eligibility list resulting from the examination.

Section 6.5 REJECTION OF APPLICATIONS. The commission may refuse to accept an application or, after acceptance, may reject an application. Or, after examination, may disqualify a successful candidate or remove 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 has made false statements of material facts in his or her application, or has otherwise violated the provisions of law or these as stated in Rule 12.3, if the applicant were a regular employee. The cause for rejection shall be entered upon the application form and filed in conformance with these regulations.

## CHAPTER 7. EXAMINATIONS

Section 7.1 CONDUCT MAY BE DELEGATED. The secretary and chief examiner shall arrange for the use of public buildings and equipment for the conduction of examinations. The commission shall designate the persons or agency who shall conduct and score the examination.

Section 7.2 SCOPE OF EXAMINATION. All examinations shall be practical and impartial and shall consist of subjects which will fairly determine the capacity of persons examined to perform the duties of the class to which appointment is to be made.

Section 7.3 CHARTER OF EXAMINATION. The qualification and fitness of applicants shall be determined either individually or in groups by one or more of the following methods:

- (a) Written tests or submissions;
- (b) Oral tests of knowledge or ability;
- (c) Interviews covering general qualifications, education, training and/or experience;
- (d) Physical tests of strength, stamina, agility or dexterity;
- (e) Psychological tests conducted under full competent guidance;
- (f) Evaluation of education, training, experience or qualifications, and or performance evaluation records as shown by the application, or by other information submitted.
- (g) Assessment center testing.
- (h) Polygraph
- (i) Background investigations

Section 7.4 RELATIVE WEIGHTS. The relative weight of each examination shall be as follows: 50 percent for the written examination and 50 percent for the oral examination; unless otherwise ordered by the commission.

Section 7.5 Continuous Testing Continuous testing shall mean a periodic examination process for any class, other than promotional examinations. The filing of applications shall be open, and the examinations shall be

periodically administered, according to the needs of the service. Continuous testing may, at the discretion of the Commission, be offered through the secretary/chief examiner or pursuant to a subscription testing agreement. Continuous testing examinations shall be administered in accordance with the Commission's adopted standards and rules. The names of qualified candidates, who complete the examination and meet the standards established by the Commission, shall be registered into a candidate pool for a period of one calendar year, beginning with the date of examination by the subscription testing agency. Names of candidates from successive examinations shall be registered into the same candidate pool for that class. Continuous testing examinations must have public notice, stating the examination is open and providing information on the examination schedules.

Section 7.5.1 Other Examinations - Candidates in a continuous testing pool may be subject to such additional testing processes as directed by the Commission, including but not limited to oral boards or any other testing process, as conducted by the Commission or by a subscriber pursuant to the Rules. Candidates for additional testing shall be selected from the pool on the basis of their rank order scores. The Commission, on an "as needed" basis during the year, may periodically order such additional testing. The additional testing will provide a resultant final score, which shall be used for placement on the continuous testing eligibility list for that class.

Section 7.6 IDENTITY OF EXAMINEES. The identity of persons taking competitive written tests shall be concealed from the examiners by the use of an identification number, which shall be used on all test papers. Any paper bearing the name of the applicant or any other identifying mark other than the number may be rejected by the examiner and the candidate so notified.

Section 7.7 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, except that a preference status shall be accorded to all applicants who have veterans' credit as provided in Section 7.8.

Section 7.8 VETERANS' CREDIT. In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state and all of its political subdivisions and all municipal corporations shall give a preference status to all veterans as defined in RCW 41.04.005 and 41.04.010.

Section 7.9 PROMOTIONAL EXAMINATIONS. As the needs of the service may require, promotional examinations for the classes of Corporal and above may be conducted from time to time and may consist of any or all examinations listed in Section 7.3. All candidates for promotion must be in good standing and possess the minimum prerequisites as set forth in the specifications of the class to which promotion is sought at the time of the application deadline.

Section 7.10 NOTIFICATION OF TEST RESULTS: CHALLENGES

1. Shortly after the completion of a promotional examination, the examiner shall notify the candidates of their examination results. Within five (5) days of this notice, any candidate may review the following:

- (a) their graded answer sheet, if it is a standardized examination and/or likely to be used again in the future.
- (b) the examination and their graded answer sheet, if the examination is not standardized and not likely to be used again.

Candidates may appeal individual test questions to the examiner for administrative review, however any adjustment to an examination score must follow Paragraph 3 of this section.

2. Should a candidate wish to challenge the validity of the examination or manner of testing, the individual must submit a written challenge to the examiner within five (5) days following the notification of the examination results.

3. The written challenge shall state the basis of the appeal and the remedy the individual is seeking. Appeals shall be based upon a violation of a Civil Service Rule as contained herein. The challenge shall be scheduled for consideration with the Commission, and notice of the review be publicly posted. All competitors in a promotional examination shall be notified of the appeal. The Commission shall use the Hearings procedures, as provided in Chapter 4 of the Civil Service Rules, for final determination of challenges to an examination. The examiner is authorized to administratively resolve challenges prior to any hearings or other consideration before the Commission, subject to final approval of the Commission. Any resolution to a challenge, which will change an individual's test score(s), shall be approved in a public session of the Commissioners.

4. Challenges to examinations for an initial appointment shall follow the guidelines established above, provided however, appeals to standardized tests shall follow the procedures established by the contracting agency, which provided the test.

Section 7.11 ISSUANCE OF THE ELIGIBILITY LIST. After the appeal period and all challenges have been resolved to the Commission's satisfaction, the Examiner shall establish the eligibility list for the examination based upon the final scores and ranking of the candidates and/or competitors. The eligibility list shall not be created as long as any challenge to the examination remains unresolved. The eligibility list shall specify the class for which the list was created along with the names in rank order of the individuals

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eligible for initial appointment or promotion. The eligibility list shall be reviewed and approved by the Commission. The Examiner shall post the approved eligibility list in a public area. Once the eligibility list has been approved by the Commission, no further appeals or challenges shall be accepted or considered.

## CHAPTER 8. ELIGIBILITY LISTS

Section 8.1 ORDER OF NAMES ON LISTS. Names on eligibility lists for a class shall be in order of score according to final earned rating on the examination, including veteran preference credits, and other criteria established by the commission. Names on the layoff and reduction in rank lists shall be placed in order of seniority. Names on the reemployment list shall be placed by date of reapplication. Whenever two or more persons have equal claim to a position on a list, the order in which such applicants will be listed will be determined by lot. Employees shall be selected first by order of list and second by order within the lists. The order of lists shall be as follows: 1) Medical reinstatement list; 2) Layoff and reduction in rank lists; 3) Reemployment list; 4) Initial employment and promotion lists.

Section 8.2 EFFECTIVE LIFE OF LISTS. Initial employment and promotion eligibility lists shall become effective upon the approval of the Commission and by the chief examiner's signature to the effect that the list was legally prepared and represents the relative rating of the names appearing thereon. Initial employment and promotion eligibility lists, including promotional lists, shall remain in effect one year, and may be extended by action of the Civil Service Commission for not more than one year more. Names of employees laid off shall be carried on the layoff eligibility list for at least two years. Names of employees on the medical reinstatement or reemployment lists shall be carried two years from the employees last date of employment. Names of employees on the reduction in rank list shall be carried indefinitely throughout the remainder of their employment.

Section 8.2.1 Continuous Testing Eligibility Lists. Notwithstanding Sections 8.2 and 8.3, the Commission may authorize a Continuous Testing Eligibility List for an entry class, including lateral entry. This eligibility list is established for candidates utilizing the continuous testing process. The continuous testing eligibility list contains the names of the top ten (10) candidates in rank order based upon their final examination scores, including veterans' preference if applicable. The names of candidates certified to an eligibility list shall remain on the list for one (1) year or until bumped from the list by another candidate with a higher final score from a successor examination for the same class of position. The Commission must approve continuous testing eligibility lists, which are revised following a successive examination. A continuous testing eligibility list contains the names of the top ten (10) candidates with the highest scores from all continuous testing examinations conducted for a class within the past twelve (12) months from the list's date of approval.

Section 8.3 REMOVAL OF NAMES FROM LISTS. The name of any person appearing on an eligibility list who fails to respond to a notice of certification (see Section 9.2) shall be reported to the commission by the secretary

and chief examiner and shall be removed from the eligibility list by the commission. Persons may also be removed from a list for failure to meet and maintain the qualifications for the class, maintain a satisfactory level of job performance with the police department, or who have been hired by another police organization. Persons, who are removed from an eligibility list, will be notified in writing of the actions taken. In case of such removal, the secretary and chief examiner shall notify the candidate affected, at his or her last known address, in writing. The name of the person so removed may be reinstated only if satisfactory explanation of the circumstances is made to the commission. The names of classified employees on promotional employment lists who resign from the service may be dropped from such lists.

8.3.1 Upon determination by the appointing authority that an eligible applicant, whose name appears on an eligibility list, does not satisfy or no longer can satisfy the qualifications for employment in the covered position, the City shall notify the Commission and the Applicant, stating the 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 of delivery of said notice of disqualification objects in writing to either the employer or the Commission to such disqualification. If the applicant objects, the City shall provide the employee a due process hearing upon proper notice. If after such a hearing the City continues to seek removal from the list, it will provide the employee written notice of their intent to remove the employee from the list. If the employee does not file an appeal to the Commission within 10 days of delivery of such notice or file a grievance within the time required by the applicable collective bargaining unit, the employee shall be removed.

8.3.2 In the event of an appeal to the Commission, the City shall have the burden of proof that:

8.3.2.1 By a preponderance of the evidence, the applicant no longer possesses the requisite qualifications for employment in the covered position; or

8.3.2.2 Just cause exists for the removal of the name from the list under the provisions sufficient to warrant discharge under Section 12.3 of these rules (Cause for Discharge).

Section 8.4 NOTICE OF ADDRESS CHANGE. Each individual on an eligibility list shall be responsible for notifying the secretary/chief examiner of a

change of address. Failure to do so may cause the removal of their name from the eligibility list.

Section 8.5 REVOCATION OF LIST. An employment or promotional list may be revoked and another examination ordered, when upon recommendation of the secretary and chief examiner and approval of the commission, such action is deemed advisable on account of fraud, errors, or of inappropriate standards prescribed in connection with the examination and where the commission determines that results obtained there from were inadequate. No lists shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon entry of the reasons in the minutes of the commission.

Section 8.6 MEDICAL REINSTATEMENT LIST. Names of employees on the Medical Reinstatement List shall be carried for two years from the employee's last date of employment. The appointing authority shall report the name of any employee terminated from employment for medical reasons to the Commission in writing on his/her last day of employment. The rights created by the Medical Reinstatement List consist of a right to be reinstated to the same class when the individual has cleared the background check, possesses the minimum qualifications for the position, and has been certified by a physician as designated by the City as fit for duty or fit for duty with reasonable accommodations. Any person displaced or demoted due to the return of a returning employee from disability shall be placed on the lay-off and reduction in rank list.

Section 8.7 ELIGIBILITY LIST FOR ASSUMED OR TRANSFERRED EMPLOYEES. When requested by the Employer, the Commission shall establish specialized eligibility lists to accommodate the assumption or transfer of employees from another public agency pursuant to the authorization of state statute, interlocal agreement, or in accordance with the terms of a Collective Bargaining Agreement. In order to be placed upon such a list, the applicant must fall within the scope of employees to be assumed pursuant to statute or the Collective Bargaining Agreement and possess all minimum qualifications for the class. In the event that no classification exists for a particular position, the Commission shall establish the classification and adopt minimum qualifications prior to testing for the eligibility list.

The testing procedures established for a specialized list shall be commensurate with determining whether the individual possesses all minimum qualifications for the classification. Candidates possessing the minimum qualifications shall be placed upon the list in accordance with their scores; provided, however, if state statute, interlocal agreement, or the Collective Bargaining Agreement establishes a different order of preference, such as seniority, the Board shall place the names on the list in accordance with such controlling authority.

Specialized eligibility lists shall remain in effect for no longer than eighteen (18) months unless the provisions of state statute, interlocal agreement, or the Collective Bargaining

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Agreement provide for a different period; in such event, the statute, interlocal agreement, or Collective Bargaining Agreement shall control.

## CHAPTER 9. APPOINTMENTS

### Section 9.1 PROCEDURE.

1. Original Appointment to Department: Whenever a vacancy exists, upon the request of the appointing authority, the commission shall certify the names of persons highest on the eligibility list who are willing to accept employment in the numbers set forth below:
  - a. For annual eligibility lists based upon testing conducted by the Commission or at its delegation, the names of the five persons highest on the applicable eligibility list for the class for which the vacant position has been allocated.
  - b. For continuous testing processes conducted by the contracting agency, the greater of either the top ten percent or the top ten persons highest on the applicable eligibility list for the class for which the vacant position has been allocated.
2. Officers, who have satisfactorily completed their initial probationary period, and have met the requirements for First Class Police Officer as provided in Appendix D, shall be promoted into that class without further examination or use of an eligibility list.
3. Promotional Appointments. Whenever the appointing authority determines that a vacancy shall be filled by promotional appointment, the commission shall certify from the appropriate eligibility list names as follows:
  - a. For all classes and ranks of Corporal and above, the commission shall certify the three highest names on such list, from which the appointing authority may appoint any one.
  - b. Nothing herein shall obligate the Appointing Authority to fill any positions.
4. Provisional Appointment list. In the event all persons on the appropriate eligibility list are unwilling to accept employment, or, for any other reason, there is no eligibility list, the commission shall authorize a provisional appointment list for such class. Any provisional appointment made pursuant to this subsection shall be replaced by a person selected from the appropriate eligibility list in the manner prescribed for that position as set forth in subsections 1 or 2 of this section as soon as such list is created pursuant to Section 9.4.
5. Subsection 1 and 2 of this section shall apply only to initial employment and promotion lists.

Section 9.2 FAILURE TO RESPOND. Whenever a candidate whose name has been certified for appointment fails to answer an inquiry of the secretary and chief examiner or the appointing authority within ten (10) days next succeeding the mailing of such notice of certification, or fails to accept an

appointment when offered it within the same period, or within the next succeeding day when notification is supplied orally or by electronic means, he or she may be deemed to have declined appointment. If a candidate accepts appointment within the period outlined and fails to present himself or herself for duty within three (3) days of the date specified in the notice, he or she may be deemed to have declined appointment.

**Section 9.3 EMERGENCY APPOINTMENTS.** 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 these regulations. Also, the appointing authority may make an emergency appointment if within one week the Civil Service Commission does not provide required names or name from the current eligibility list. Such employment shall be limited to the duration of the emergency period.

**Section 9.4 PROVISIONAL APPOINTMENT.** As soon as possible following a provisional appointment, the secretary and chief examiner shall announce and conduct an examination for the creation of an eligibility list and shall certify a name or names for regular appointment in the usual manner.

No provisional appointment shall be continued for a period longer than six (6) months in any one fiscal year unless the Commission authorizes the same appointee, up to an additional six months, upon demonstration of bona-fide need by the appointing authority. 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 regulations.

**Section 9.5 TEMPORARY APPOINTMENT.** In making a temporary appointment, the appointing authority shall make requisition to the secretary and chief examiner in the manner provided for regular appointment, and will indicate the estimated time in which the position will terminate. The secretary and chief examiner shall notify the person or persons appearing on the appropriate list, or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The commission shall certify the name of the person standing highest on such list or lists.

No temporary appointment shall be made for more than six (6) months in any one fiscal year. Temporary service shall not be credited on any probationary period or be used in computing any privilege accruing under civil service law or these regulations.

**Section 9.6 REAPPOINTMENT AFTER RESIGNATION.** Notwithstanding the procedure set forth in Section 9.1, the appointing authority shall have the right to reappoint a former employee who has resigned in good standing to a vacant position to which he or she is still qualified, but not to a level

#### 7.7.10

higher than the previous position and so long as such employee had been employed by the City within two years of such reappointment.

An employee, who resigns in good standing and is absent from employment for more than two (2) years, may seek reemployment by reapplying as described in section 9.1 above. An employee who resigns during the pendency of an internal investigation process shall not be in good standing.

## **CHAPTER 10. PROBATIONARY PERIOD**

Section 10.1       LENGTH OF PERIOD. No appointment shall be certified to regular status until the employee or officer has satisfactorily completed their probationary period. The probationary period for new general authority officers shall be twelve (12) months following completion of the Basic Law Enforcement Academy. The probationary period for new lateral police officers shall be twelve (12) months following employment. The probationary period for promotions and transfers to other classes shall be twelve (12) months. Officers with a special or limited commission shall have a twelve (12) month probationary period following employment. All other civilian employees of the Department shall have a twelve (12) month probationary period following employment.

Section 10.2       TERMINATION DURING PROBATIONARY PERIOD. During the probationary period the appointing authority at his or her discretion may terminate the employment of a probationary employee. Notice of the probationary termination, shall be given the probationer, and a copy forwarded to the secretary and chief examiner.

Section 10.3       TERMINATION OF PROBATIONARY STATUS. After completion of the requisite probationary period, the appointing authority shall report to the commission on the probationer's service and efficiency. No increase in salary shall be paid for the services of any probationer following the expiration of the probationary period until the appointing officer or department has filed with the Chief Examiner/Secretary or the Civil Service Commission a statement in writing that the services of the probationary employee were satisfactory and that his or her retention in the service is desired.

Section 10.4       TERMINATION AFTER PROMOTION. A promotional appointee who is terminated during the probationary period from the position to which he or she is promoted shall be restored to the position from which he or she was promoted.

Section 10.5       EXTENSION OF PROBATION. During any probationary period, the appointing authority may request an extension of the probationary period for good cause. An employee whose probation is sought to be extended should receive notice of the appointing authority's request and at his option, may request a hearing on such extension before the Commission. Probation may be extended for an additional period equal to the length of the original probation. No more than one extension of probation shall be allowed.

## CHAPTER 11. TRANSFERS, LAYOFFS, AND REDUCTIONS

Section 11.1 TRANSFERS. Transfers consist of the change of an employee from one position to another position in the same or comparable class. The change of an employee from a position in a class with a lower, to a position in a class with a higher, maximum rate of pay shall be deemed a promotion and may be accomplished only in the manner provided in these regulations for making promotional appointments. A transfer of an employee from a position in a class with a higher, to a position in a class with a lower, maximum rate of pay shall be deemed a demotion and may be accomplished only in the manner provided in these regulations for making demotional appointments.

Section 11.2 LAYOFF. Whenever the appointing authority contemplates a reduction of staff because of shortage of funds, lack of work, or material reorganization of the department, notice thereof shall be sent by the appointing authority to the secretary and chief examiner. When it is decided which positions are to be vacated, employees holding positions within a class shall be laid off in inverse order to their length of service with the city. Any complaint by a regular employee that layoff was in bad faith shall be investigated by the Civil Service Commission. If the commission finds that the layoff was not made in accordance with these regulations, it may order the reinstatement of the permanent employee or employees.

Notice of layoff shall be given the employee concerned and the secretary and chief examiner at least two (2) weeks before the effective date thereof. Employees laid off shall have their names placed on the layoff eligibility list of the class to which their position was allocated in accordance with these regulations.

### Section 11.3 REDUCTION IN RANK.

Regular Employee – Whenever there is a reduction in rank of a regularly appointed employee(s), due to circumstances beyond his/her control, he/she shall be placed back on the reduction in rank eligibility list in their previous class and remain there until re-appointed. Reductions in rank shall be made in inverse order of seniority as defined by the applicable bargaining unit. In the event the class is not covered by a collective bargaining agreement, reduction in rank shall be made by inverse seniority based upon time within the classification

Probationary Employee – Whenever there is a reduction in rank of a probationary person(s), due to circumstances beyond his/her control, he/she shall be placed back on the eligibility list in the appropriate slot and remain there until either re-appointed or the list expires. If the list expires, he/she will need to reapply and be tested as if he/she never held the class previously. If re-appointed, the person shall serve the entire probation period prior to regularly being appointed.

## CHAPTER 12. SUSPENSIONS, DEMOTIONS, DISCHARGES

Section 12.1           SUSPENSIONS. The appointing authority may suspend a person in the classified service with or without pay for a period not to exceed thirty (30) days in any fiscal year only for cause and upon written accusation by the appointing authority, or by 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. A suspended employee may, within ten (10) days from the date of his suspension, file with the commission a written request for an investigation and hearing, which the commission shall conduct. The commission, within fifteen (15) days after receipt of such request shall hold, or provide for holding, a hearing at which the employee and the appointing authority shall have the privilege of being heard. All hearings shall be held as provided under Chapter 4 and shall be conducted with the object of obtaining the facts in the matter, and of arriving at a just and equitable conclusion as to whether or not the suspension was made for religious or political reasons, or for cause in good faith. If the decision orders a modification of the suspension, it shall be accompanied by a supporting statement showing wherein the commission believes religious or political prejudice was practiced, that poor faith was exemplified, or that cause was lacking.

Section 12.2           DEMOTION AND DISCHARGE. The appointing authority may demote or discharge a member of the classified service only 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. Within ten (10) days from date of the dismissal or demotion, the employee may file a written request for hearing before the commission. The commission within forty (40) days after receipt of request, shall hold, or provide for holding, a hearing at which the employee and the appointing authority shall have the privilege of being heard, either personally or through counsel. All hearings shall be held as provided under Chapter 4 and shall be conducted with the object of obtaining the facts in the matter and arriving at a just and equitable conclusion as to whether or not the demotion or discharge was made for religious or political reasons, that prejudice was practiced, that poor faith was exemplified, or that cause was lacking.

Section 12.3           CAUSE FOR DISCHARGE. The following are declared to be cause for discharge from the classified service, although charges may be based on cause other than those enumerated. Any of these charges shall be spelled out in full detail and be clearly defined.

- (a) Incompetency, inefficiency, or inattention to, or dereliction of duty;

- (b) Dishonesty, impertinence, immoral conduct, insubordination, discourteous treatment of the public or of another 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 properly to conduct himself or herself; or to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or serious breach of discipline; or any willful violation of the provisions of these regulations, official orders, state law or city ordinance;
- (c) Mental or physical unfitness for the position which the employee holds;
- (d) Dishonest, disgraceful or prejudicial conduct;
- (e) Drunkenness or use of intoxicating liquors, 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) Acceptance for personal use of a fee, gift, or other valuable thing in the course of work, when given in the hope or expectation of receiving a favor or better treatment than that accorded the public generally;
- (h) Failure to pay just debts if scandal is caused the service because of such failure;
- (i) Conduct subversive of public order and discipline, and sustained conduct detrimental to the efficiency or morals of the service;
- (j) Failure to promptly report upon expiration of leave of absence;
- (k) Any other act or failure to act which, in the judgment of the Civil Service Commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

## **CHAPTER 13. LEAVES AND RESIGNATIONS**

Section 13.1 LEAVES AND ABSENCE WITHOUT PAY. Leaves of absence without pay shall be granted in accordance with city ordinances.

Section 13.2 VACATION AND SICK LEAVE. Vacation and sick leave shall be granted in accordance with city ordinances.

Section 13.3 RESIGNATIONS. Resignations shall be governed by city ordinances.

## CHAPTER 14. RECORDS AND REPORTS

Section 14.1 EMPLOYEE RECORDS. The secretary and chief examiner shall maintain in his/her custody a record for each employee in the classified service, showing name, title or position held, the division within the police department, the salary, changes in employment status, leaves and all other information that may be considered pertinent. Access to these records shall be restricted to the appointing authority and members of the Civil Service Commission.

Section 14.2 EXAMINATION RECORDS. The secretary and chief examiner shall similarly maintain a record for every applicant who completes the entire testing process, giving name, address, age, sex, the date and title of the examination, complete ratings earned, grade obtained, and rank on eligible list.

Section 14.3 ACCESS TO PUBLIC RECORDS. The secretary and chief examiner shall have access to all departmental and institutional documents and records, the examination of which will be of assistance in the discharge of his or her duties. Access to these records shall be granted in accordance with the provisions of RCW 42.17.310 (1) (B) as the same exists or is hereafter amended.

Section 14.4 RECORDS OPEN TO THE PUBLIC. The minutes of all Civil Service Commission meeting shall be open to the public during office hours of the City Hall and may be inspected upon application to the secretary and chief examiner.

Section 14.5 DESTRUCTION OF RECORDS. 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 in accordance with the City's records retention schedule.

Section 14.6 REPORTS. The appointing authority shall report to the secretary and chief examiner in writing all employments and all changes whatsoever in the status of personnel, as listed in Section 14.1. 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.

## **CHAPTER 15. SEVERABILITY**

Section 15.1 SEVERABILITY. If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and such shall not affect the remaining rules and regulations or remaining portions of the rules and regulations.

## CHAPTER 16. AMENDMENTS

Section 16.1 AMENDMENTS. After adoption, these rules may be amended at any regular meeting, the date of which is fixed by law or rule, or at a special meeting of which public notice has been given, as provided in section 2.1, upon the affirmative vote of two members of the commission, and such amendment shall be effective upon the date of its passage.

Section 16.2 REPEALER. After adoption, these rules shall supercede and repeal all previous existing Civil Service Rules for Police Department employees.

APPROVED, and ADOPTED by the City of Edmonds Civil Service Commission on the \_\_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

**APPENDIX “A”****American College of Environmental Occupational Medicine (ACEOM) Standard****4.5 – EYES AND VISION****4.5.1 – INTRODUCTION**

Vision is critical to safe and effective performance of many law enforcement officer (LEO) job functions. These include pursuit driving, use of firearms, and the ability to identify hazards, persons, evidence, vehicles, license numbers, and weapons. An individualized assessment of the LEO’s visual function and disorders (VFD) should be performed using the following evaluative criteria to determine whether the individual’s condition and status permits safe and effective job performance. Such an evaluation should include knowledge of:

- the critical job functions in general;
- the physical and physiologic demands of the critical job functions;
- the hazards commonly related to law enforcement and in the training of law enforcement officers;
- VFDs and their management;
- the current stability of the VFD condition;
- risk for sudden incapacitation associated with the VFD condition(s);
- the medical and human performance literature related to law enforcement;
- the strengths and limitations of visual testing methods; and
- how the VFD will affect the LEO’s ability to perform essential job tasks.

**4.5.2 – BEST CORRECTED DISTANT VISUAL ACUITY**

The LEO should have distance-corrected visual acuity of 20/20 or better binocularly, with at least 20/40 in each eye.<sup>a</sup> Individuals who cannot be corrected to 20/20 in each eye, must be evaluated by an ophthalmologist or optometrist.

The agency having jurisdiction (AHJ) should consider what visual performance level it considers necessary. An AHJ may have unique job functions, needs, or issues related to operational risk management that require a particular performance level.

**4.5.3 – UNCORRECTED DISTANT VISUAL ACUITY**

LEOs who wear soft contact lenses should have no uncorrected distant visual acuity recommendation. For LEOs who wear glasses or hard contacts, uncorrected distant visual acuity should be 20/100 or better binocularly, without any further recommendation for single eye visual acuity.<sup>b</sup>

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<sup>a</sup>This a consensus recommendation of the Task Group. The Federal Motor Carrier Safety Administration requires corrected visual acuity of 20/40 in each eye (e.g., two eyes required) to operate a commercial motor vehicle.<sup>1</sup> The Task Group believes driving in emergency response conditions is more visually demanding than driving a commercial vehicle. The literature describes performance decrements of important police functions (shoot/no shoot decisions, recognizing faces, identifying license plates, and weapons vs. non-weapons) as visual acuity worsens.<sup>2-6</sup> California’s POST vision guidelines provide a detailed review of this literature.<sup>7</sup> LEOs with vision worse than 20/20 appear to make significantly more errors in these situations, especially in dim light when more critical decisions are more likely to occur. For example, in dim light, correct identification of a potential weapon less than 6 feet away in officers with 20/20 vision was found to be less than 80%; with 20/60 vision it dropped to less than 40%.<sup>4</sup> Similarly, LEOs with distant vision better than 20/20 made less than 10% errors in shoot/no shoot scenarios – in the 20/20 to 20/25 range, the error rate was less than 15%; in the 20/32 to 20/40 range, it was more than 20%; and at less than 20/60 was about 30%.<sup>3</sup>

<sup>b</sup>LEOs who wear glasses for correction of distant visual acuity are at risk for dislodgement of those glasses during critical and other important law enforcement activities.<sup>8</sup> Should that occur, LEOs with uncorrected distant visual acuity of worse than 20/100 (binocularly – measured with both eyes open) are at a greater risk of being unable to perform job functions. When distant vision was

worse than 20/100,<sup>9</sup> there was a significant decrement in performance in two tasks: 1) discriminating between non-weapons and weapons, and 2) finding lost spectacles. Although soft contact lens wearers may risk dislodgement in critical situations, this is very unlikely and bilateral loss is even more unlikely and not nearly as likely as loss of glasses.<sup>8</sup> Therefore, there is no uncorrected distant visual acuity recommendation for soft contact wearers.

#### 4.5.4 – BEST CORRECTED NEAR VISUAL ACUITY

LEOs require 20/40 corrected visual acuity in the better eye, or functional capability to perform near vision dependent job functions.

LEOs should have corrected near visual acuity in the better eye of no less than 20/40; if either eye cannot be corrected to 20/40, an evaluation (both medical and functional) should be conducted to evaluate for eye diseases. The functional test could include a demonstration of the ability to read and write documents or interpret computer/video images.

#### 4.5.5 – UNCORRECTED NEAR VISUAL ACUITY

There are no recommendations for uncorrected near visual acuity.

#### 4.5.6 – REFRACTIVE SURGERY

Refractive surgery can be a reasonable option for LEOs with refractive error.<sup>c</sup>

For LEOs who undergo refractive surgery to correct refractive error, the operating surgeon should complete the surgical report form (see Appendix A), describing the surgery and post-operative course. This form will provide sufficient information to the police physician to enable evaluation of the LEO for duty status. For unrestricted duty, the LEO should be free of:

- significant haze (+2 or less is acceptable);
- glare, halos, starbursts, and ghosting (monocular diplopia);
- microstriae that affect vision;
- dryness that affects vision;
- loose epithelium, diffuse lamellar keratitis (DLK), and/or active infection;
- present a stable refraction (no more than ½ diopter of change between documented refractions at least 2 weeks apart); and
- not be using steroid eye drops.

Photorefractive keratectomy (PRK) and laser assisted sub-epithelial keratomileusis (LASEK) patients may return to work when approved by their surgeon, but should have a refraction at about 12 weeks and 6 months post-operatively to insure stability. In addition, patients receiving “touch-up” surgeries should resubmit all information listed above.

Every post-operative course after refractive surgery varies. The treating ophthalmologist should provide the previously described report (see Appendix A) that includes her or his opinion as to when the LEO is able to return to unrestricted duty. The department’s physician should review this opinion.<sup>d</sup>

Exposure to physical confrontation or pepper spray is allowable after return to unrestricted duty following any refractive surgery. Officers should consider ballistic eye wear in situations where these events are likely to occur (e.g., in-service or police academy training).

Regression of surgical effect can occur with patients with high degrees of pre-operative refractive error (greater than 7 diopters). These LEOs should have an annual refraction to assess for possible visual acuity deterioration.

Radial keratotomy (RK) is an archaic procedure. Nearly every RK patient will be many years post surgery. RK patients are very prone to progressive hyperopia or regressive changes with time. These patients should have an

<sup>c</sup>The military has extensive experience with refractive surgery for soldiers and airmen in operational settings with outcomes satisfactory.<sup>10,11</sup>

<sup>d</sup>As a point of reference to assist the department’s physician in reviewing this opinion, U.S. military ophthalmologists usually clear person-

nel for deployment by 4 weeks post-operatively for laser-assisted in-situ keratomileusis (LASIK), and 12 weeks post-operatively for PRK or LASEK.<sup>12</sup>

annual refraction (which should include diurnal measurements showing no more than ½ diopter of variation), which should be reviewed by the AHJ physician. Due to the much higher risk of globe rupture from incidental trauma, these individuals should wear ballistic eye wear when in training or on patrol.

Orthokeratology is a method to improve visual acuity by wearing specifically shaped hard contact lenses to reshape the cornea so that when the lens is removed, the newly shaped cornea leads to improved visual acuity. Although this method can be effective, it wears off quickly (hours to days) and the lenses have to be worn again to “re-shape” the cornea. An LEO who uses orthokeratologic lenses should periodically provide information from his or her ophthalmologist regarding the quality of the correction and diurnal variability to insure the quality of the visual correction. If the LEO cannot maintain a satisfactory corrected visual acuity, another method of correction should be selected.

LEOs who have had cataract surgery usually receive an intraocular lens (IOL). These individuals should be tested for visual acuity at the intermediate range (16 inches to infinity), since this is the distance weapons are encountered as well as the distance at which computer displays are used. Many IOLs do not cover this range, which may require the use of glasses to obtain a 20/20 binocular visual acuity.

### 4.5.7 – COLOR VISION

LEOs should have normal color vision (i.e., be able to identify surface colors).

Individuals with only mild anomalous trichromacy deficiency should be able to identify surface colors. The use of tinted lenses (e.g., X-chrom) is not acceptable in order to pass the color vision requirement.

Any color-testing method must be able to: 1) test for red-green deficits; 2) test for blue-yellow deficits; and 3) distinguish between mild, moderate, and severe deficiencies if present. Table 1 lists some of the commonly used color vision tests and their ability to meet these three requirements. Note: The most commonly used color vision tests do not test for all three of these requirements; therefore, multiple tests may need to be used.

Two resources for understanding color vision are the text *Color Vision in the Occupational Setting*,<sup>13</sup> and the article – *The New Richmond HRR Pseudoisochromatic Test for Color Vision is Better than the Ishihara Test.*<sup>14</sup>

Color vision is critical in a number of areas, including identification of vehicles and suspects, identifying evidence, and recognizing license plates, buildings, and containers.<sup>15</sup> Color vision is also important in recognizing the status of brake and traffic lights, critical for pursuit driving.<sup>15</sup> Drivers who are color vision defective have more accidents related to interpretation of traffic signals and recognition of brake lights.<sup>16</sup> Those with defective color vision also have problems identifying items in visual searches when the target items are marked out by color.<sup>17</sup>

TABLE 1

Test	Detects Protan or Deutan	Detects Tritan	Measures Degree of Impairment
HRR, 4th Edition	Yes	Yes	Yes
Farnsworth D-15	Yes	Yes	Yes (mild vs. moderate-severe)
Ishihara	Yes	No	No
City U. London	Yes	Yes	No
SPP1	Yes	No	No
SPP2	Yes (to some degree)	Yes	No
Dvorine	Yes	No	No
Lanthony 15 Desat	Yes	Yes	Mild only
Sahlberens	No	Yes	Yes

Humans have three types of cones – green, red, and blue. Color vision deficits can be described based on two factors. The first is the severity – partial versus complete loss of cones of a given color type. The second factor is the missing type of cone – red for protans, green for deutans, and blue for tritans.

Persons with dichromatic deficits (i.e., having only have two types of cones) and monochromatic deficits (i.e., having only one type of cone) will encounter major problems in naming and recognizing color and with identifying the status of brake and traffic lights.<sup>18</sup> Dichromats and monochromats fail color naming tests on a routine basis.

Many people who have defective common color vision are anomalous trichromats (AT). These individuals have a relative loss of at least one type of cone. AT individuals may be very adequate on color recognition and naming. To distinguish the ability to recognize and name colors correctly, Cole, et al., conducted experiments in 2006 and 2007 to better identify which ATs were likely to identify colors. His conclusions were that mild deuteranomals and mild protanomals still could name and identify colors fairly well.<sup>18,19</sup>

In testing color vision in LEO applicants, it is critical to test for all three cone (color) defects and to ascertain the degree of loss (mild, moderate, or severe).<sup>13</sup> Examiners should realize that one of the most frequently used color vision screeners (standard Ishihara) does not test for tritan losses nor does it adequately grade the severity of loss, both of which are important for a placement decision.<sup>14</sup> Cole has noted that “In occupations in which recognition of surface color codes is of critical importance, it may be best not to select people with abnormal color vision because of the lack of a color vision test that is a perfect predictor of the ability to recognize surface colors.”<sup>20</sup>

The use of tinted lenses (e.g., “X-chrom”) to pass the test is not an acceptable accommodation. Use of tinted contact lenses to pass a pseudoisochromatic plate test has been associated with poor color identification (especially greens) and poorer stereopsis.<sup>21,22</sup>

#### 4.5.8 – VISUAL FIELD

The LEO’s horizontal field should be at least 120 degrees in each eye.<sup>e,23</sup> Other visual field deficiencies need additional evaluation. Certain binocular visual field deficiencies have been associated with increased errors in operating motor vehicles.<sup>24</sup> LEOs with such defects should have a thorough neurologic and ophthalmologic evaluation in considering the safe performance of essential job functions. Visual field loss due to glaucoma is associated with driving errors. LEOs with glaucoma should receive formal visual field testing annually. Formal visual field testing should be done on all individuals with a history of eye disease and in those who cannot be corrected to 20/20 in either eye.

#### 4.5.9 – MONOCULARITY

LEOs require binocular vision. In monocularity (using one eye at a time for vision), some depth perception is possible, but stereopsis (true 3-D) viewing is not obtained. Although the literature regarding monocularity and accident risk is mixed, adaptive factors need consideration. In addition to scanning (turning head or eyes side to side to enhance the visual field), monocular drivers often slow down their vehicle speed, especially in non-familiar areas. This is in direct contrast to the essential function of pursuit driving which requires high-speed driving in a variety of areas.

#### 4.5.10 – ANISOMETROPIA

Anisometropia occurs when the two eyes have unequal (significantly different) refractive power. If the LEO does not have distant corrected vision to 20/20 in each individual eye, he or she should be referred to an ophthalmologist for a thorough evaluation to rule out more significant eye pathology including measurement of phorias and tropias and measurements of stereopsis. The report should be supplied to the law enforcement agency’s medical consultant on occupational vision matters for review and recommendations regarding the significance of any findings and possible accommodations. While anisometropia itself is not always a problematic factor, it often indicates that the LEO has a condition that may be a problem and that needs treatment or correction.

#### 4.5.11 – STEREOPSIS

While there is evidence that stereopsis (the ability to perceive relative depth) is useful, there is no clear evidence about exactly what degree of stereopsis is critical for an LEO. An AHJ may have unique job functions that require a particular performance level.

<sup>e</sup>This is based on the U.S. Department of Transportation’s Visual Disorders and Commercial Drivers Report.<sup>23</sup> The Task Group believes that driving in emergency response conditions is more visually demanding than driving a commercial vehicle.

4.5.12 – APPENDIX A: EYE SURGEON REPORT FORM

TO: Treating Eye Surgeon

FROM: \_\_\_\_\_

Please complete this form to aid in returning your patient to the appropriate work status.

PRE-OP REFRACTION

Procedure:  LASIK wavefront/custom  LASIK non-wavefront  LASEK  PRK

Date of Procedure: \_\_\_\_\_

FOLLOW-UP EXAMINATION

Date of Examination: \_\_\_\_\_

Current Refraction: \_\_\_\_\_

Best Uncorrected VA \_\_\_\_\_ Corrected VA \_\_\_\_\_

Refraction prior to this (and date): \_\_\_\_\_

Currently, are any of the following present:  Glare  Halos  Starburst  Ghosting

If present, please comment below:

\_\_\_\_\_  
\_\_\_\_\_

Haze:  None  Present at grade \_\_\_\_\_

Any microstriae affecting vision?  Yes  No

Any dryness affecting vision?  Yes  No

Any loose epithelium, DLK, or active infection?  Yes  No

Any current medications except drops for dryness?  Yes  No

Is this the patient’s last routine post-op visit?  Yes  No – If no, when is the next follow-up visit? \_\_\_\_\_

Do you recommend any duty restrictions?  Yes  No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

**4.5.13 – APPENDIX B: VISION TESTING METHODS**

## Visual Acuity

Best corrected visual acuity measurements should be made with each eye individually and then with both eyes open. Methods and testing materials should be according to the Consilium Ophthalmologicum Universale standard on visual acuity measurement, i.e., Snellen Chart, NEI Sloan Chart (ETRS), Landolt C, Illiterate E on Charts, or in Visual Screener.

## Visual Fields

If necessary to measure visual fields, this should be done with a formal perimeter (as opposed to confrontation, which is highly insensitive to defects).

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**APPENDIX "B"**  
**MINIMUM QUALIFICATIONS**  
**FOR**  
**POLICE OFFICER**  
**EDMONDS POLICE DEPARTMENT**

MINIMUM AGE: Must be at least 21 years of age at time of appointment.

EDUCATION: A graduate of an accredited high school or the equivalent with a certificate of proof.

EXPERIENCE: Previous experience not required.

SPECIAL KNOWLEDGE, ABILITIES, OR SKILLS: Good social and general intelligence; medical and physical well-being; fitness to be out of doors under adverse conditions; ability to treat the public with courtesy, but when occasion demands with firmness; aptitude for Police Department work; tact, good character and ability to carry out complex directions and assignments of a superior officer.

HEALTH: Must be able to pass a medical examination the standards of which shall be not less than the Minimum Medical and Health Standards of the Washington State Law Enforcement Officers and Firefighters Retirement System which were in effect June 30, 1979, with the exception of the vision standards set forth therein. Instead, the vision standards for police officers shall be those set forth in Section 4.5 ("Eyes and Vision") of the American College of Occupational and Environmental Medicine's Guidance for the Medical Evaluation of Law Enforcement Officers, as they are currently stated or are hereafter amended. The 2014 version of these standards are attached hereto as Appendix A.

Law enforcement officer candidates who are being evaluated for employment with the Edmonds Police Department who meet the vision standards through the use of soft contact lenses will be asked to present satisfactory medical evidence from their private optometrist or ophthalmologist documenting that they have been a successful wearer of soft contact lenses for one (1) year prior to the medical examination given by the City of Edmonds. Such

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documentation must also indicate if they have any medical contraindications to wearing soft contact lenses. In addition, such candidates will be required, as a condition of employment, to sign a pre-employment agreement obligating them to wear soft contact lenses at all times while on duty, except when authorized by the Edmonds Police Department. Such use of soft contact lenses will be subject to verification by the City of Edmonds and to such medical eye examinations as deemed necessary in the sole judgment of the City.

**APPENDIX "D"**  
**EDMONDS POLICE DEPARTMENT**  
**REQUIREMENTS FOR CLASSIFIED POSITIONS**  
(Amended 1/4/06, 5/19/10, 7/10/10 and 10/1/14)

Second Class Police Officer

1. Meet minimum requirements as spelled out in Appendix "B" of the Civil Service Rules and Regulations.
2. Pass the written Entrance Examination as required by the Edmonds Civil Service Commission.
3. Pass the Oral Entrance Examination as required by the Civil Service Commission.
4. Pass the Psychological and Medical Examination as required by the Civil Service Commission.
5. Pass a physical agility test administered by the Edmonds Police Department, as approved by the Civil Service Commission.
6. Satisfactorily pass the background investigation and polygraph examination.
7. At the expiration of the probationary period, twelve months from the date of completion of the Basic Law Enforcement Academy as provided by the Washington State Criminal Justice Training Commission, the Police Chief will inform the Civil Service Commission in writing, whether or not the officer has satisfactorily completed his/her probationary requirements. The Police Chief will recommend approval or denial of regular certification.

First Class Police Officer

1.
  - A. Twelve months full-time, paid service as a sworn officer for the City of Edmonds following completion of the Basic Law Enforcement Academy as provided by the Washington State Criminal Justice Training Commission, or
  - B. Twenty-four months of full-time, paid service as a general authority law enforcement officer as defined

in the RCW in a civilian governmental jurisdiction prior to application. The applicant must not have any period of separation from law enforcement, as defined in the RCW, that exceeds three (3) years prior to application at the City of Edmonds. The applicant must have either:

- i. Successfully completed the Washington State Basic Law Enforcement Academy, or
- ii. Successfully completed the Washington State Basic Academy Equivalency Test, or
- iii. Within one year after initial employment with the Department, successfully complete the Washington State Basic Academy Equivalency Test.

OR, tribal police officers who have twenty-four months of full time, paid service with a Tribal Police Agency within Washington State who have completed the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy and who are eligible for peace officer certification by the Washington State Criminal Justice Training Commission. Tribal Officer applicants must not have any period of separation from law enforcement that exceeds three (3) years prior to application at the City of Edmonds.

2. Have a satisfactory record of service based on evaluation, training and demeanor as approved by the Civil Service Commission. If the applicant has no prior Edmonds experience as a Police Officer; she/he will be required to pass the examination provided in paragraphs 2,3, 4 & 5 of the above section "Second Class Police Officer".
3. Must have maintained sufficient physical agility as to be able to perform the usual and regular duty assignments as indicated by personnel evaluations and/or past record of availability for duty assignments. Medical examination and/or certification may be required by the Edmonds Civil Service Commission.

#### Corporal

1. Three years experience as an Edmonds police officer.
2. An Associate degree or ninety (90) college credits from a nationally accredited college or university.

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3. Have a satisfactory record of service based on evaluation, training and demeanor as approved by the Civil Service Commission.
4. Pass the oral and written service examination.
5. Must have maintained sufficient physical agility as to be able to perform the usual and regular duty assignments as indicated by personnel evaluations and/or past record of availability for duty assignments. Medical examination and/or certification may be required by the Edmonds Civil Service Commission.

Sergeant

1. Edmonds police officers may test for sergeant once they have a total of five years general authority experience, provided they have a minimum of three years experience as an Edmonds police officer.
2. Ninety (90) college credits or an AA degree from a nationally accredited college or university.
3. Have a satisfactory record of service based on evaluation, training and demeanor as approved by the Civil Service Commission.
4. Pass the oral and written Civil Service Examination.
5. Must have maintained sufficient physical agility to be able to perform the usual and regular duty assignments as indicated by personnel evaluations and/or past record of availability for duty assignments. Medical examination and/or certification may be required by the Edmonds Civil Service Commission.

For the purpose of this section “general authority experience” means full-time employment by a city, county or state general authority law enforcement agency having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general. Such an agency is distinguished from a limited authority law enforcement agency having as one of its primary functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, departments of natural resources, fish and wildlife, social and health services, gambling commission, lottery commission, utilities and transportation commission, state liquor control board, and the state department of corrections.

Assistant Chief

1. Must have a minimum of three years experience as a Sergeant in a general authority law enforcement agency as defined by the RCW and currently employed in the Edmonds Police Department. As an exception, the Police Chief may recruit outside the Department with the concurrence of the Civil Service Commission.
2. Pass the examination as required by the Civil Service Commission.
3. Must have maintained sufficient physical agility as to be able to perform the usual and regular duty assignments as indicated by personnel evaluations and/or past record of availability for duty assignments. Medical examination and/or certification may be

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required by the Edmonds Civil Service Commission.

4. Have an Associate's degree in Law Enforcement or a Bachelor's Degree from a nationally accredited college or university.