

ORDINANCE O-4579

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CIVIL SERVICE COMMISSION AND VETERAN PREFERENCES.

1 WHEREAS, as part of a legal review of the Kirkland Municipal  
2 Code ("KMC") by Code Publishing Company, it was noted that the City  
3 of Kirkland Department of Human Resources has recommended that  
4 KMC Section 3.54.020(3) be updated to reflect current state law, RCW  
5 41.040.010, setting forth required scoring preference criteria for  
6 veterans in connection with competitive examinations for civil services  
7 positions.

8  
9 NOW, THEREFORE, the City Council of the City of Kirkland do  
10 ordain as follows:

11  
12 Section 1. Kirkland Municipal Code Section 3.54.020 is amended  
13 to read as follows:

14  
15 **3.54.020 Organization of commission—Secretary—Powers and**  
16 **duties.**

17 Immediately after appointment the commission shall organize by  
18 electing one of its members chairperson and hold regular meetings at  
19 least once a month, and such additional meetings as may be required  
20 for the proper discharge of their duties.

21 They shall appoint a secretary and chief examiner, who shall keep  
22 the records for the commission, preserve all reports made to it,  
23 superintend and keep a record of all examinations held under its  
24 direction, and perform such other duties as the commission may  
25 prescribe.

26 The secretary and chief examiner shall be appointed as a result of  
27 competitive examination, which examination may be either original and  
28 open to all properly qualified citizens of the city, or promotional and  
29 limited to persons already in the service of the appropriate department  
30 or of the department and other departments of said city, town or  
31 municipality, as the commission may decide. The secretary and chief  
32 examiner may be subject to suspension, reduction or discharge in the  
33 same manner and subject to the same limitations as are provided in the  
34 case of members of the police department. It shall be the duty of the  
35 civil service commission:

36 (1) To make suitable rules and regulations to implement this  
37 chapter which are not inconsistent with the provisions thereof. Such  
38 rules and regulations shall provide in detail the manner in which  
39 examination may be held, and appointments, promotions, transfers,  
40 reinstatements, demotions, suspensions and discharges shall be made.  
41 The rules and regulations and any amendments thereof shall be printed,  
42 mimeographed or multigraphed for free public distribution. Such rules  
43 and regulations may be changed from time to time.

44 (2) All tests shall be practical and shall consist only of subjects  
45 which will fairly determine the capacity of persons examined to perform

46 duties of the position to which appointment is to be made, and may  
47 include tests of physical fitness and/or of manual skill.

48 (3) The rules and regulations adopted by the commission shall  
49 provide for a veterans' scoring criteria status in accordance with the  
50 provisions of RCW 41.04.010. The scoring criteria status shall be added  
51 to the final passing mark, grade or rating of competitive examinations.  
52 The term "veteran" means a person who satisfies the definition  
53 contained in RCW 41.04.007. A "period of war" is defined in RCW  
54 41.04.005. It shall be the applicant's responsibility to submit the  
55 appropriate documentation of his or her status as a veteran to receive  
56 scoring criteria status as provided for in accordance with RCW  
57 41.04.010. credit of up to ten percent in favor of all applicants for  
58 appointment under civil service who have served in any branch of the  
59 armed forces of the United States between World War I and World War  
60 II, or during any period of war, or has served in any branch of the armed  
61 forces of the United States and has received the armed forces  
62 expeditionary medal or marine corps and navy expeditionary medal for  
63 opposed action on foreign soil; and have received an honorable  
64 discharge or received a discharge for physical reasons with an honorable  
65 record. A "period of war" includes World War I, World War II, the Korean  
66 conflict, the Viet Nam era, and the period beginning on the date of any  
67 future declaration of war by the Congress and ending on the date  
68 prescribed by presidential proclamation or concurrent resolution of the  
69 Congress. The Viet Nam era means the period beginning August 5, 1964  
70 and ending on May 7, 1975. The credit must be claimed by a veteran  
71 within eight years of the date of his release from active service provided  
72 that the eight year limitation shall not apply to a veteran of the Viet  
73 Nam era until December 31, 1987.

74 (4) The commission shall make investigations concerning and  
75 report upon all matters touching the enforcement and effect of the  
76 provisions of this chapter, and the rules and regulations prescribed  
77 hereunder; inspect all institutions, departments, offices, places,  
78 positions and employments affected by this chapter, and ascertain  
79 whether this chapter and all such rules and regulations are being  
80 obeyed.

81 Such investigations may be made by the commission or by any  
82 commissioner designated by the commission for that purpose. Not only  
83 must these investigations be made by the commission as aforesaid, but  
84 the commission must make like investigation on petition of a citizen,  
85 duly verified, stating that irregularities or abuses exist, or setting forth  
86 in concise language, in writing, the necessity for such investigation. In  
87 the course of such investigation the commission or designated  
88 commissioner, or chief examiner, shall have the power to administer  
89 oaths, subpoena and require the attendance of witnesses and the  
90 production by them of books, papers, documents and accounts  
91 appertaining to the investigation and also to cause the deposition of  
92 witnesses residing within or without the state to be taken in the manner  
93 prescribed by law for like depositions in civil actions in the superior  
94 court; and the oaths administered by a superior court judge in his  
95 judicial capacity; and the failure upon the part of any person so  
96 subpoenaed to comply with the provisions of this section shall be  
97 deemed a violation of this chapter and punishable as such.

98 (5) All hearings and investigations before the commission, or  
99 designated commissioner, or chief examiner, shall be governed by this

100 chapter and by rules of practice and procedure to be adopted by the  
101 commission, and in the conduct thereof neither the commission nor  
102 designated commissioner shall be bound by the technical rules of  
103 evidence. No informality in any proceedings or hearing, or in the manner  
104 of taking testimony before the commission or designated commissioner,  
105 shall invalidate any order, decision, rule or regulation made, approved  
106 or confirmed by the commission; provided, however, that no order,  
107 decision, rule or regulation made by any designated commissioner  
108 conducting any hearing or investigation alone shall be of any force or  
109 effect whatsoever unless and until concurred in by at least one of the  
110 other two members.

111 (6) To hear and determine appeals or complaints respecting the  
112 administrative work of the personnel department; the rejection of an  
113 examination and such other matters as may be referred to the  
114 commission pursuant to the duties outlined in subsection (1) of this  
115 section.

116 (7) Establish and maintain in card or other suitable form a roster  
117 of employees covered by civil service.

118 (8) Provide for, formulate and hold competitive tests to determine  
119 the relative qualifications of persons who seek employment in any class  
120 or position and as a result thereof establish eligible lists for the various  
121 classes of positions as established by the city, and to provide that  
122 employees laid off because of curtailment of expenditures, reduction in  
123 force, and for like causes, head the list in the order of their seniority, to  
124 the end that they shall be the first to be reemployed.

125 (9) When a vacant position is to be filled, to certify to the  
126 appointing authority, on written request, the names of those persons in  
127 the top twenty-five percent of the eligible list, or the top three persons,  
128 whichever number is larger, for the class. If there are no such lists, the  
129 commission shall make provision in their rules for provisional or  
130 temporary appointments for such positions. Such temporary or  
131 provisional appointment shall not exceed a period of six months in  
132 duration but may be extended for up to an additional six months if for  
133 any reason it cannot be determined at the expiration of the initial  
134 appointment that the position being filled by temporary or provisional  
135 appointment will in fact be vacant, such as in the instance of a position  
136 vacant due to an officer on disability leave under the LEOFF Act, or for  
137 other good cause which in the discretion of the commission warrants an  
138 additional extension of such a provisional or temporary appointment.

139 (10) Keep such records as may be necessary for the proper  
140 administration of this chapter.

141  
142 Section 2. This ordinance shall be in force and effect five days  
143 from and after its passage by the Kirkland City Council and publication  
144 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
145 form attached to the original of this ordinance and by this reference  
146 approved by the City Council.

147  
148 Passed by majority vote of the Kirkland City Council in open  
149 meeting this 2nd day of May, 2017.

150  
151 Signed in authentication thereof this 2nd day of May, 2017.

*C. Puywabe*  
MAYOR

Attest:

*Nathaniel Anderson*  
City Clerk

Publication Date: May 8, 2017

Approved as to Form:

*Kevin Raymond*  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4579

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CIVIL SERVICE COMMISSION AND VETERAN PREFERENCES.

SECTION 1. Amends Kirkland Municipal Code Section 3.54.020 related to veterans' scoring criteria.

SECTION 2. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 2nd day of May, 2017.

I certify that the foregoing is a summary of Ordinance O-4579 approved by the Kirkland City Council for summary publication.

  
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City Clerk