

**ORDINANCE NO. 2023-30**

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,  
AMENDING CHAPTER 2.28 OF THE RICHLAND MUNICIPAL  
CODE RELATED TO THE CITY'S PERSONNEL PLAN.**

**WHEREAS**, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate conflicts and ambiguities, and to bring it into alignment with current policies, procedures, practices, compliance-related items and employment laws.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Richland as follows:

Section 1. Chapter 2.28 of the Richland Municipal Code, entitled Personnel Plan, as first enacted by Ordinance No. 50-77, and last amended by Ordinance No. 22-29, is hereby amended as follows:

**CHAPTER 2.28  
PERSONNEL PLAN**

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#### Article I. Definitions

##### 2.28.001 Introduction to definitions.

The following terms, when used in this chapter, shall have the meanings ascribed to them in this article.

##### 2.28.003 Appointment.

“Appointment” means the assignment of a qualified person from a certification list to a position in the city service by the appointing authority.

##### 2.28.005 Appointing authority.

“Appointing authority” means the city manager or other delegated authority who is empowered to appoint or remove employees of the department over which the city manager or delegated authority has jurisdiction subject to the provisions of this chapter.

##### 2.28.006 “At will” employment – Unclassified service only.

For purposes of this section, “at will” means that the affected employee is employed at the discretion and pleasure of the city. While many employment rules may be contained in this section,

no other policy, practice or application of any rule shall be considered a contract or assurance of continued employment. The employee or the city may terminate employment in unclassified service for reasons that either considers sufficient.

**2.28.007 Certification list.**

“Certification list” means a list of all persons who have qualified for appointment to positions within a certain class under the provisions of this chapter, with names arranged in order of qualifying scores in the examination.

**2.28.010 Certify.**

“Certify” means the act of the human resources director in supplying an appointing authority with the names of applicants who are eligible for appointment to the class and position for which certification is requested.

**2.28.014 Class.**

“Class” means a group of positions sufficiently similar in duties, responsibilities, salary range and minimum qualifications to permit combining them under a single title.

**2.28.016 Classified service.**

“Classified service” means all positions not specifically included in the unclassified service and excludes all job classifications covered by a collective bargaining agreement with the city.

**2.28.018 Continuous service.**

“Continuous service” means employment in the city service as a regular or probationary employee which is uninterrupted except for authorized leave of absence or separation due to layoff; provided, that time lost due to layoff shall not be included in the determination of length of continuous service.

**2.28.020 Demotion.**

“Demotion” means the assignment of an employee from the employee’s present position to another position providing a lower salary rate.

**2.28.022 Department director.**

“Department director” means an employee designated by the city manager to be the director of a department.

**2.28.024 Deputy city manager and assistant city manager.**

“Deputy city manager” and “assistant city manager” mean an employee designated by the city manager to be deputy city manager or assistant city manager as described in RMC 2.04.126 and RMC 2.04.128, respectively.

**2.28.026 Division manager.**

“Division manager” means an employee designated by the city manager, a deputy city manager and/or a department director to be the operating manager of a division.

**2.28.028 Employee.**

“Employee” means a person occupying a nonelected, budgeted position and who is paid for services rendered.

**2.28.030 Examination.**

“Examination” means that series of events and/or exercises which culminate in certification of a list of persons qualified for appointment to a particular position of a specified class.

**2.28.032 Exempt employee.**

“Exempt employee,” as defined by the Fair Labor Standards Act, means ~~a job classification exempt from the Act which meets the test of a salaried employee in an executive, administrative, or professional position~~ an employee who is paid a fixed salary on a weekly, monthly or annual basis and whose duties meet the criteria for exclusion from the overtime pay requirements under the applicable federal and state wage and hour laws, including but not limited to, executive, administrative, or professional employees. An exempt employee is not eligible to receive overtime pay.

**2.28.036 Immediate family.**

“Immediate family” means that group of individuals including the employee’s wife, ~~or~~ husband, or registered domestic partner, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandfather, grandmother, grandchild, or any person permanently residing with the employee with an immediate familial relationship.

**2.28.038 Intermittent employee.**

“Intermittent employee” means an employee qualified to work in a specific position classification who ~~is on call to~~ works at irregular or variable intervals in one or more city departments, not to exceed an average of 30 hours per week. Employment is not guaranteed for any length of time.

**2.28.040 Leave of absence without pay.**

“Leave of absence without pay” means an unpaid leave authorized by the deputy city manager, assistant city manager, and/or department director for up to 30 calendar days, and as authorized by the city manager, a maximum of one year except in the case of illness, injury or involuntary conscription.

**2.28.042 Nonexempt employee.**

“Nonexempt employee,” as defined by the Fair Labor Standards Act, means ~~a job classification not exempt from the Act with entitlement to the application of said Act~~ an employee whose duties render their job classification eligible for overtime in accordance with applicable federal and state wage and hour laws.

**2.28.044 Original appointment.**

“Original appointment” means the initial appointment from a certification list to a position in the city service.

**2.28.046 Regular full-time employee.**

“Regular full-time employee” means any employee who is employed for a minimum of 30-40 hours per week, who has successfully completed a probation period in a position and who continues to successfully meet the requirements of that position as determined by the appointing authority.

**2.28.048 Regular part-time employee.**

“Regular part-time employee” means any employee in the classified service who has successfully completed a probation period and who is employed on a monthly average of 20 or more, yet less than ~~40~~ 30, hours per week.

**2.28.050 Probationary employee.**

“Probationary employee” means an employee who is serving a probationary period prior to being appointed as a regular full-time employee or a regular part-time employee.

**2.28.052 Temporary employee.**

“Temporary employee” means any employee whose tenure is eight months or less, and who may occupy either a full-time or part-time position. Temporary employees have no right to steady employment, prior notice of termination or preference for regular full-time job openings.

**2.28.053 Limited term employee.**

“Limited term employee” means an temporary employee whose tenure is greater than eight months but no longer than 24 months, and who may occupy either a full-time or part-time position. Limited term employees have no right to steady employment, prior notice of termination or preference for regular full-time or part-time job openings.

**2.28.054 Probationary period.**

“Probationary period” means a working test period of no less than ~~six months~~ one year during which an employee is required to demonstrate the ability and capacity to perform the duties of the position to which the employee has been appointed.

**2.28.056 Promotion.**

“Promotion” means the assignment of an employee from a position in one class to another class providing a higher salary rate.

**2.28.058 Provisional employee.**

~~Pending the establishment of a certification list,~~ “Provisional employee” means any employee ~~temporarily assigned~~ hired to a position without having participated in an examination process for which the tenure of employment does not exceed four months, and who may occupy either a full-time or part-time position. ~~provided, that such assignment does not exceed four months.~~

**2.28.060 Recall list.**

“Recall list” means a listing, by class, of regular full-time or regular part-time employees who have been separated from the classified city service by reduction of force.



**2.28.062 Salary.**

“Salary” means the compensation paid to an employee for services rendered as set forth in the city’s ~~salary classification~~ compensation plan.

**2.28.064 Temporary appointment.**

“Temporary appointment” means an appointment for a period of eight months or less to meet a seasonal or other short-term need.

**2.28.068 Transfer.**

“Transfer” means the assignment of an employee from one position, division or department to another position, division or department.

**2.28.069 Unaffiliated staff.**

“Unaffiliated staff” means classified and unclassified (excluding elected and appointed) employees who are not subject to union representation or represented by any council adopted formal collective bargaining agreement.

**2.28.070 Unclassified service.**

“Unclassified service” means all positions listed as follows:

- A. Officers elected by the people and persons appointed to fill vacancies in elective offices;
- B. Officers appointed by the mayor or council as approved by the law or by the Charter;
- C. The city manager, deputy city managers, assistant city manager, all department directors, all division managers, and such other principal officers and assistants as the council may prescribe.
- D. All unclassified employees hired after the effective date of the ordinance codified in this chapter shall be considered “at will.”

**2.28.072 Vacancy.**

“Vacancy” means a position existing or newly created, budgeted, which is not occupied, and for which a valid requisition has been received by the human resources department.

**2.28.074 Reclassification.**

“Reclassification” means the action of repositioning (upwards or downwards) of a job classification currently listed as a job classification in the city’s ~~salary~~ compensation plan structure. The action may affect the incumbent employee.

**2.28.075 ~~Contract~~ Contingent employee.**

~~“Contract~~ “Contingent employee” means an employee contracted through an employment agency. ~~for a period of eight months or less. Contract employees~~ They are not city employees and are not covered by the provisions of this chapter. ~~; however, the city may apply contract employee tenure to the tenure requirements of the temporary employee or limited term employee if there has been no break in contract employment. Contract employees~~ They have no right to steady employment, prior notice of termination or preference for regular full-time or part-time job openings.

## Article II. General Provisions and Organization

### 2.28.105 Equal employment opportunity policy.

~~It is declared that the personnel policy of the city that employment in the city government shall be based on an applicant's qualifications as they pertain to the essential functions of the job applied for. This commitment shall be supported by positive practical efforts to ensure equal employment opportunities for minorities, women, disabled, and those employment disadvantaged, both in securing city employment and promotional opportunities at all levels. The city shall not discriminate in its personnel practices on the basis of race, religion, sex, political views, national origin, age, marital status or disability unless based on a bona fide occupational qualifications or state or federal regulations.~~

The city is an equal opportunity employer. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex/gender, race, color, national origin, citizenship or immigration status, religion, marital status, military or honorably discharged veteran status, age, pregnancy, sexual orientation, gender expression or identity, disability, genetic information, or any other basis prohibited by law.

Any employee/potential employee who believes that they have been discriminated against or subjected to unlawful harassment or retaliation should report it to their supervisor, manager, department director, or Human Resources. Upon receipt of a complaint, the city will promptly investigate and take appropriate corrective action as may be warranted. The city will not tolerate retaliation against any individual who reports workplace discrimination or harassment.

### 2.28.110 Scope.

A. This chapter shall not apply to situations involving the following offices: members of council, members of commissions, committees and boards, the city manager, employees represented by a bargaining unit, except that those employees engaged in public safety or specified in Chapters 41.08 and 41.12 RCW shall be entitled to coverage of provisions of this chapter as specified by Chapters 41.08 and 41.12 RCW, and persons providing services that are outside the classified or unclassified plan of the city.

B. In determining salaries, hours and working conditions for employment in the city service, the city council, through the city manager, may bargain collectively with any employee group or representative and enter into such agreements as permitted by the Charter and general law. For unaffiliated staff not represented by any bargaining unit, the city manager shall be responsible for establishing and maintaining a compensation plan for council approval.

C. It is further provided that the invalidity of any section or part of a section of this chapter shall not affect the validity of the remainder of this chapter.

### 2.28.115 Human resources director.

The city manager shall serve as human resources director of the city unless, pursuant to the Charter, the city manager shall appoint another person to this office. The human resources director shall



administer the personnel system of the city in accordance with the personnel ordinance adopted, and recommend rules governing personnel to the council.

**2.28.120 Council.**

The city council shall adopt rules governing city employment after a public hearing on such rules, as provided in the Charter. Thereafter, the council shall have the power to amend, repeal or add to the rules on the recommendation of the human resources director or on its own initiative, subject to the requirement of a public hearing. These rules shall provide for:

- A. The classification of all city positions in the classified service;
- B. Salary and wage plans for all city positions;
- C. Methods for determining the qualifications and merit of candidates for appointment, retention and promotion in the classified service;
- D. Procedures for removal and suspension of, and disciplinary action against, officers and employees;
- E. The order and manner in which layoffs may be effected;
- F. Procedures for review of action taken under subsections (C), (D) and (E) of this section;
- G. Hours of work, attendance regulations, and provisions for sick and vacation leave;
- H. Other practices and procedures necessary to the administration of the city personnel system.

**2.28.125 Personnel committee – Membership.**

A. There shall be a personnel committee consisting of three members who shall be citizens of the United States, residents of the city for at least three years immediately preceding such appointment, and registered voters. During the term of office, a member of the personnel committee shall not serve on any other Richland board, commission or committee.

B. The term of office for personnel committee members shall be for three years. Appointment to the committee is limited to two consecutive terms. A period of one year must lapse before an individual may again be considered for appointment.

C. The committee shall meet as frequently as is necessary for the proper discharge of its duties.

D. Meetings of the personnel committee shall comply with the Open Public Meetings Act, Chapter 42.30 RCW; provided, however, that appeal hearings conducted by the personnel committee shall occur in closed session unless the employee who brought the appeal demands in writing that the hearing be open to the public. The committee may exclude from any such public or private meeting, during the examination of witnesses, any or all other witnesses in the matter being heard. The hearing need not be conducted according to technical rules relating to evidence and witnesses,

although all witnesses offering testimony to the personnel committee must be sworn or affirmed to truthfulness.

**2.28.130 Personnel committee – Powers and duties.**

Powers and duties of the personnel committee are as follows:

A. Monitor the administration and grading of competitive examinations.

B. Hear appeals on the following matters as alleged by any employee in the classified service or uniformed personnel under Chapters 41.08 and 41.12 RCW; provided, however, that any uniformed personnel employee who has elected to appeal through a grievance mechanism provided in a labor agreement shall not be entitled to appeal the same or similar issue to the personnel committee:

1. Any disciplinary action resulting in suspension, demotion, reduction in pay or termination;
2. Any alleged violation of the established personnel plan related specifically to hiring or promotional opportunities;
3. Any challenge to the reasonableness of the appointing authority's actions related to a reduction in force.

After the hearing, the personnel committee will report its findings and recommendations in writing to the appointing authority. The committee's findings and recommendations shall be advisory only, except where general law requires the committee to render a decision that is final and binding upon the appointing authority with respect to firefighters under Chapter 41.08 RCW and police officers under Chapter 41.12 RCW.

C. Hearings before the committee shall be governed by RMC 2.28.906. Any informality of proceedings or in the manner of taking testimony shall not affect any action of the committee.

D. The committee shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of records.

E. Each member of the personnel committee shall have the power to administer an oath consistent with RCW 5.28.020 to any participating witness.

**2.28.140 Compensation plan for unaffiliated staff.**

From time to time, typically when collective bargaining agreements are reviewed, the city manager or his or her designee shall forward to council for approval via resolution, a compensation plan for all unaffiliated staff. Said rules are subordinate to this chapter and shall serve to document and govern the wages, hours and conditions of employment for all unaffiliated staff. Notification shall be given to unaffiliated staff to allow for a comment period of up to three weeks prior to presentation to council to provide opportunity for employee input, discussion and questions.

### **Article III. Classification Plan**

#### **2.28.205 Classification plan – Objective.**

The human resources director shall recommend to council, and council shall adopt by resolution after public hearing, a classification plan which shall provide for a complete inventory of all positions in the classified service and accurate descriptions and specifications for each position and class of employment. In the plan, class titles shall be standardized and each of them shall be indicative of a definite range of duties and responsibilities and shall have the same meaning throughout the city service. The human resources director shall recommend necessary amendments to the plan in order to conform to the current needs of the city service.

#### **2.28.210 Classification plan – Structure.**

The classification plan shall consist of the following elements:

A. An assembly into classes of positions which are approximately of equal difficulty and responsibility, which require the same general qualifications and which can be compensated within the same grade of pay under similar working conditions;

B. A class title descriptive of the work of each class which shall identify the class for personnel control and payroll accounting purposes;

C. A written description for each position containing: a description of the nature of the work and of the relative responsibility of the position and which includes examples of work which are illustrative of the essential functions of the job; requirements of work in terms of knowledge, abilities and skills necessary for the performance of work, and a statement of experience and training desirable for recruitment into the position which constitutes the job specifications.

#### **2.28.215 Classification plan – Class specifications.**

The specifications of the classes of positions in the classification plan and their various parts shall be used as a guide in the classification of positions and have the following force and effect:

A. The specifications are descriptive and not restrictive; they are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities. Specifications are to be interpreted in their entirety in relation to the others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class.

B. In determining the class to which any position should be allocated, the specifications of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualifications, requirements and relationships with other classes, as together affording a statement of the employments that the classes intend to embrace.

#### **2.28.220 Classification plan – Class title use required.**

Class titles or designated code symbols shall be used in all personnel accounting, budgeting, appropriation and financial records. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan.

### **2.28.225 Classification plan – Maintenance.**

The human resources director shall be responsible for the proper maintenance of the classification plan, so that it will reflect continuously on a current basis the duties being performed by each employee in the city service and the class to which each position is allocated. The human resources director or designee shall make necessary amendments to the classification plan, including the addition of required new classes, revision of existing classes, and deletion of obsolete classes. Changes and reallocations within the classification plan shall be made as follows:

A. The human resources director shall analyze the duties and responsibilities to be assumed by incumbents of proposed new positions, and using such appraisal as a basis, assign the position to the appropriate class within the classification plan. A new class specification shall be prepared to cover each additional position which is created and for which the classification plan does not provide a satisfactory job description.

B. Changes in the duties and responsibilities of a position involving either the addition, reduction, or modification of assignments, shall be reported to the human resources director by the deputy city manager, assistant city manager, and/or department head concerned. If the changes are determined to be permanent, and are sufficiently significant to justify reallocation to a different classification, the human resources director shall assign the position to the class which is appropriate under the modified circumstances.

C. The human resources director shall periodically review the classification of positions and audit duties and responsibilities, and on the basis of his or her reappraisal, make such changes as are necessary to keep the classification plan current. Reallocation of positions under the provisions of this section shall be the responsibility of the human resources director, but shall give due consideration to the recommendations of the administrative officials concerned, and the personnel committee.

## **Article IV. Selection and Appointment**

### **2.28.405 Recruitment.**

The appointing authority shall determine whether open positions shall be advertised internally and/or to the general public. Notice of such open positions shall be posted on ~~city bulletin boards~~ the city's website at least five days prior to the promotional closing.

A. Open positions may be published ~~in a city newspaper and circulated~~ on the city's website and by any-by such other means as the human resources director shall deem necessary at least 10 days prior to the closing date for such employment opportunity.

B. A notice of open positions shall contain the position title, ~~and~~ a brief description of the job duties and requirements, the wage scale or salary range, and a description of all the benefits and other compensation to be offered as required by RCW 49.58.110. Applicants selected for examination shall be advised of the examination date and place, type(s) of examinations to be employed and any special examination requirements.

#### **2.28.410 Application.**

Application for open positions in city employment shall be made ~~in writing, in a manner prescribed by the human resources department~~ electronically through the city's online applicant tracking system, and submitted to the human resources department at such time as a vacancy is advertised.

#### **2.28.415 Rejection of applications.**

The human resources department may reject any application for one or more of the following reasons:

A. If the applicant lacks any of the minimum qualifications set forth in the position classification or examination announcement;

B. If the applicant cannot perform the essential functions of the position with or without reasonable accommodation to which the applicant seeks appointment, or has previously been terminated from the city service for misconduct or unsatisfactory job performance;

C. If the applicant has falsified the application or the application is deemed incomplete;

D. If, after notification, the applicant is not present at the time and place designated for the examination.

#### **2.28.420 Examinations.**

Oral, written, physical performance or skill proficiency examinations, or any combination of these, may be employed as it is deemed appropriate as long as they are job related and serve to provide a satisfactory measure of the applicant's qualifications and capability to perform the essential functions of the position. Examinations shall be developed and administered by the human resources department or purchased from vendors where such tests are verified to be valid and reliable.

#### **2.28.425 Examination results and scores.**

The human resources staff shall document examination results and scores using appropriate statistical and testing techniques and shall determine the relative rating of the competitors.

#### **2.28.430 Veteran's Preference scoring criteria.**

~~A "veteran" shall be defined as any person who has served in any branch of the U.S. Armed Forces during any period of war, including World Wars I and II, the Korean conflict, the Vietnam era, and the period of any future war declared by Congress (RCW 41.04.005). In all competitive examinations, all such veterans shall be given a preference by adding to a passing grade only, based upon a rating of 100 points, a percentage in accordance with the following as specified in RCW 41.04.010:~~

~~A. Ten percent to a veteran who is not receiving any veteran retirement benefits;~~

~~B. Five percent to a veteran who is receiving veterans retirement payments;~~

~~C. Preferences specified in subsections (A) and (B) of this section shall not be used in any promotional examination. No preference shall be given to a veteran who has claimed a similar~~



~~preference and has thereby been previously appointed to a position through employment thus obtained was with a different state agency, municipal corporation, or political subdivision (Attorney General's Opinion 1975, No. 220);~~

~~D. Five percent to a veteran who, after having previously served employment with the city, shall be called to active military service for a period of one year, or more, during any period of war, for promotional examination;~~

~~E. Preferences specified in subsections (A), (B) and (D) of this section must be claimed by a veteran within eight years of the date of release from active service, providing such release is for reasons other than dishonorable discharge.~~

A. In all competitive examinations, the city shall give a scoring criteria status to all veterans as defined by RCW 41.04.007 by adding to the passing score, based upon a possible rating of 100 points, a percentage in accordance with the following:

1. Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations.

2. Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or who is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations.

3. Five percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only.

B. All veterans' scoring criteria may be claimed:

1. Upon release from active military service with an honorable discharge or a discharge for medical reasons with an honorable record, where applicable; or

2. Upon receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable.

### **2.28.435 Appointing authority.**

The city manager is authorized to make all appointments in the city administration, and when the city manager deems the best interest of the city requires, remove officers and employees of the city, unless otherwise provided by the Charter or by the general laws. The manager may authorize the deputy city manager, assistant city manager, and/or director of a department to appoint and remove subordinates in such department.

### **2.28.440 Certification list.**

A. The human resources department shall ~~maintain~~ create a certification list for each ~~position class~~ vacant position, bearing the names of all persons completing the competitive examination process with scores of not less than 70 percent within classified service. These names shall be carried on the certification list for a period of one year.

B. Names may be removed from the certification list for the following reasons:

1. Request of the applicant;
2. In the case of police officer applicants, a prior conviction of a felony or misdemeanor involving moral turpitude;
3. An applicant's prior conviction of a crime which relates reasonably to the position applied for, provided the date of such conviction or prison release, whichever is more recent, is less than seven years old;
4. Applicant's death;
5. Applicant's refusal to accept employment in a position class for which ~~the applicant~~ they applied ~~was examined~~;
6. Applicant's failure to ~~keep the~~ inform ~~personnel office~~ human resources ~~informed of~~ applicant's ~~their~~ correct ~~address~~ contact information;
7. Applicant's failure to appear for employment interview or pre-employment testing;
8. Applicant's attempted deception or fraud in connection with the application or examination;
9. Applicant's dismissal from any other classified position for reasons of misconduct and/or unsatisfactory performance;
10. Expiration of one full year after entry on the list.

### **2.28.445 Appointments.**

A. Appointments for all classified service, both entry and promotional, in the city service shall be made from the appropriate certification list providing that where diligent efforts to establish such lists have been unsuccessful, a provisional appointment may be made.

B. Upon receipt of an appropriate certification list from the human resources director, an appointing authority shall make an appointment to a position from the top three names on that list; provided, however, that the appointing authority may refuse to appoint from a certification list containing fewer than three names and request a new certification list be made.

C. Should a candidate demonstrate exceptional qualifications by virtue of knowledge, skills and prior experience, the appointing authority may request a direct appointment to city service with the approval of human resources and the appropriate department head.

**2.28.450 Expenditures allowed – Exempt personnel.**

A. Whenever the city manager ~~may~~ determines that in order to secure the services of any person not residing within the Richland area as an employee of the city it is necessary to pay the cost of moving the household goods and personal effects of such person from place of residence to the city upon appointment to city service, then payment of reasonable and necessary moving costs may be made from appropriate available maintenance and operation funds in the city’s annual budget, upon the recommendation of the city manager, ~~and the approval of such expenditure by the city council.~~

B. When the appointing authority deems it necessary to interview ~~personnel~~ applicants to fill positions requiring special experience and training, and ~~such personnel~~ applicants reside outside the city limits, the appointing authority is authorized to pay necessary travel and subsistence expenses to bring a limited number of applicants to the city for ~~such personnel~~ in-person interviews; providing funds for the payment of such expenses are available.

C. In cases of certain examinations which may require the professional expertise of a person outside the city service, the appointing authority is authorized to pay necessary travel and subsistence expenses to bring a limited number of such persons to the city for participation in such examinations; providing funds for payment of such expenses are available.

**2.28.455 Promotional appointments.**

In order to best use knowledge, skills, abilities and performance of city employees, the appointing authority shall fill vacancies by promotion whenever practicable. Such promotions shall be based on competitive selection processes, except in those cases where the appointing authority determines that a particular employee, who by virtue of length and quality of work experience for the city, is exceptionally qualified for the promotion; provided, however, that nothing in this section shall apply to promotional appointments in the police department and fire and emergency services department covered by a collective bargaining agreement. Promotional appointments in those departments shall be based upon the process set forth in RMC 2.28.410 through 2.28.450.

**2.28.460 Provisional appointments.**

Provisional appointments may be made in the classified service when no appropriate certification list exists. Such appointments shall have a maximum duration of four months and may not continue beyond a 10-day period after the establishment of an appropriate certification list.

**2.28.465 Educational or internship ~~Special~~ appointments.**

In recognition of the special needs of the city from time to time to employ student trainees or interns, ~~and recreation instructors and aides~~ in diverse programmatic areas designed to meet the desires and needs of the citizens of Richland, authority is granted to the human resources director to make occasional appointments of qualified persons to meet these special needs, budget permitting and in accordance with law and city policy.



A. The procedure and requirements for appointments to city service provided in this chapter are waived for special appointments made pursuant to this section or the compensation plan.

B. Persons appointed pursuant to this section shall be deemed employees only insofar as wages, and state or federal mandated benefits such as Social Security, industrial insurance, and unemployment compensation are concerned. Other benefits, privileges, protections or rights, including tenure, provided by this chapter, or the compensation plan shall not apply nor shall persons appointed pursuant to this section become eligible for them. Persons so appointed serve solely at the pleasure of the city. Persons so appointed shall be advised in writing of their specific employment status as set forth in this section.

C. Special appointment of individual persons may be recurring, but any single appointment shall not extend beyond eight continuous months.

D. Salary for services rendered by persons appointed pursuant to this section shall be an hourly rate and shall be set by the human resources director to be commensurate with the skills needed to meet the special need for which the special appointment is being made. ~~For special appointments to meet recreation program needs, the hourly rate shall in addition reflect the number of expected program participants, the ability to recruit desired program instructors and aides, and such other factors as may impact a particular recreation program offering. In no event shall the hourly rate be less than the federal minimum wage.~~ Provisions of this chapter regarding salary and benefits other than those set forth in this section shall not apply to persons under special appointment.

## Article V. Conditions of Employment

### 2.28.515 Outside employment.

A. An employee seeking to engage in employment other than the employee's job with the city must notify the employee's immediate supervisor.

B. An employee shall not engage in employment other than the employee's city job if such employment constitutes a conflict of interest, is incompatible with the proper discharge of the employee's official duties, or interferes with the efficient performance of the city job.

### 2.28.520 Service on city advisory boards, committees, and commissions.

Except for membership on the police pension board, in accordance with RCW 41.20.010, and the ~~firemen's~~ firefighters' pension board, in accordance with RCW ~~41.14.020~~ 41.16.020, and except for employees serving ex officio, no employee, during his or her term of service in city employment, shall be eligible, or be appointed, to serve on any city board, committee or commission performing an advisory function to the city council.

### 2.28.525 Political activities.

The following rules shall govern the political activities of city employees:

A. Solicitation for or payment to any partisan, political organization or for any partisan political purpose of any compulsory assessment or involuntary contribution is prohibited; provided, that officers of employee associations shall not be prohibited from soliciting dues or contributions from

members of their associations. No person, elected official, or employee shall solicit on city property any contribution to be used for partisan political purposes (RCW 41.06.250).

B. Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character (RCW 41.06.250).

C. A city employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office, as determined by the appointing authority, is incompatible with or substantially interferes with the official duties of the employee's job (RCW 41.06.250).

D. For persons employed by the city in positions which are financed primarily by federal grant-in-aid funds, political activity shall be regulated by the rules of the U.S. Civil Service Commission (RCW 41.06.250).

E. No member of the city council nor any candidate for election to city council shall directly or indirectly solicit any contribution or campaign assistance of any nature from any employee of the city.

**2.28.530 Tenure of employment – Classified service.**

The tenure of any person covered under the provision of this chapter shall be subject to appropriate conduct and the satisfactory performance of the employee's job responsibilities. Any person may be discharged (when authorized by the city manager), or disciplined (including but not limited to suspension without pay, temporary or permanent pay reductions, demotion, and reduction in rank) by the city manager and/or director of a department for any of the following reasons:

A. Unsatisfactory record of attendance and/or punctuality.

B. Absent without leave for three consecutive working days.

C. Incompetent, inefficient or ineffective performance of job responsibilities.

D. Inattention to job responsibilities or loitering.

E. Insubordination, which is the refusal to obey lawful and reasonable direction given by the employer.

F. Dishonest conduct such as theft, fraud or misrepresentation.

G. Disorderly conduct in the course of employment including fighting, horseplay, threatening or otherwise abusing other employees or the general public.

H. 1. Reporting for work in an unfit condition which precludes the employee from performing the function and duties of any position in city service.



2. Possession of alcohol, cannabis, or illegal controlled substance(s) while at work.
3. Consumption or use of alcohol, cannabis, or illegal or controlled substance(s) during the course of an employee's scheduled workday; provided, however, that it is not a violation of this section to use prescribed or over-the-counter drugs that may affect the discharge of an employee's job duties if the employee first notifies his/her supervisor or human resources of such use.
- I. Conviction of a felony or misdemeanor which adversely affects the employee's ability to perform the employee's job requirements.
- J. The use of employee's city employment for personal profit, gain or advancement other than the regular and rightful compensation and benefits authorized for the position.
- K. Negligent, careless or willful acts which damage or endanger the city's property, equipment or the personal safety of employees or the general public.
- L. Improper political activity as defined in this chapter.
- M. Willfully or knowingly making a false statement, certificate, mark, rating or report in regard to any test, certificate or appointment held or made under the municipal personnel system, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel rules.
- N. No person seeking appointment to or promotion in the city service shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with, a test, appointment, proposed appointment, promotion or proposed promotion.
- O. Noncompliance with [outside employment provisions](#) (RMC 2.28.515).
- P. Possession or display of a firearm, as defined in RCW 9.41.010, or explosive device in a city building or city vehicle. This subsection does not apply to commissioned police officers.
- Q. Any other act or failure to act which, in the judgment of the appointing authority, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

The human resources director shall promulgate procedures for administering and imposing the discipline required under this section.

**2.28.535 Tenure of employment – Unclassified service.**

Employees hired or promoted into unclassified service after the effective date of the ordinance codified in this section are employed at the pleasure of the city and continued employment is at the discretion of the appropriate authority or city manager. These employees are considered "at will."

**2.28.550 Employment and reemployment rights of members of the uniformed services.**

A person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion or any benefit of employment by the city on the basis of that membership, application for membership, performance of service, application for service or obligation. The city, ~~in defining the limitations and interpretation of the Federal Act,~~ will ~~utilize~~ comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA), document H.R. 995 Publication, Public Law 103-353, Title 38, Chapter 43 USC.

~~**2.28.555 Employment conflicting with city interests — Noncompetition clause — Former employee.**~~

~~No person who has served as an employee of the city of Richland shall, for a period of two years from the date of termination or completion of such employment, appear before the city council or receive any compensation for services rendered on behalf of any person, firm, corporation or association in relation to any matter, purchase, sale, proceeding or application with respect to which the former employee was directly concerned and in which the former employee personally participated during the period of employment with the city of Richland. Should such a conflict arise, it shall form the basis for the city to terminate the relationship the city has with the business or individual involved.~~

**Article VI. Insurance Benefits**

**2.28.605 Insurance benefits.**

It shall be the policy of the city, subject to the availability of funds, to carry certain insurance policies as a part of employee benefits, where appropriate. The exact terms of coverage shall be negotiated by the city and the insurance companies, and copies of such policies shall be on file in the city clerk's office.

As appropriate and required by law, when an employee is acting in his or her official capacity on city business, the city shall indemnify police officers against damage claims for false arrest, and all employees against claims of errors and omissions.

As appropriate and required by law, when an employee is acting in his or her official capacity on city business, the city shall indemnify all employees against claims for damages for personal injuries or property damages arising out of the operation of any city-owned or -operated motor vehicle.

**Article VII. Savings Clause**

**2.28.845 Savings clause.**

Notwithstanding the repeal of Ordinances 34, 96 and 123, any rights or benefits acquired by any employee under the provisions of said ordinances shall remain in full force.

## **Article VIII. Grievance Procedure**

### **2.28.905 Pre-disciplinary hearing opportunity required.**

No classified employee may be subject to a disciplinary action that results in suspension, demotion, reduction in pay or termination from city employment except for cause. Prior to imposition of such disciplinary action, the city shall advise the employee in writing of the charges and provide an explanation of the evidence upon which the proposed disciplinary action is based. The employee is then provided an opportunity for a pre-disciplinary hearing. The city, after consideration of the facts and materials presented at the hearing, shall provide the employee with a written decision of the disciplinary action. If the city's disciplinary decision includes suspension, demotion, reduction in pay or termination, the employee may appeal the disciplinary decision to the personnel committee as provided in RMC 2.28.130.

### **2.28.906 Personnel committee appeal hearings.**

A. An appeal to the personnel committee as authorized under RMC 2.28.130(B) shall be in writing and shall be signed by the employee. The appeal shall include the mailing and street address where service of process and other papers may be made upon the employee. The appeal shall also include the ruling or decision from which the employee appeals, a brief description of the facts giving rise to the appeal, and a concise statement of the reason for the appeal.

B. A written appeal must be filed within 10 calendar days after the decision giving rise to the appeal is made. For purposes of calculating time, the day the decision was made is excluded from the 10-day calculation.

C. Hearings shall be held at such time and place as determined by the committee.

D. All parties to the appeal shall be notified of the hearing date and time no less than 10 calendar days in advance of the hearing.

E. During the appeal hearing, the employee and the appointing authority are entitled to be represented by an attorney; testify under oath; subpoena witnesses to testify; cross-examine witnesses; present affidavits, exhibits or other evidence as the committee deems relevant; and argue the case, either directly or through an attorney. The committee reserves the right, at any time throughout the hearing, to ask any question of any witness or request any evidence on any issue it deems relevant to the matter, regardless of whether the issue was first raised by either party.

F. No fewer than five calendar days before the hearing, each party will provide to the other a list of the witnesses it intends to call at the hearing, and complete copies of all documents it intends to offer at the hearing for the committee's consideration. No other discovery is authorized. The committee may postpone the hearing at the aggrieved party's request if this disclosure is not timely made.

G. At any hearing on appeal from a suspension, demotion, reduction in pay or termination, the city shall have the burden of proving by a preponderance of the evidence that its disciplinary action was for cause. At any other appeal hearing under RMC 2.28.130(B), the employee shall have the burden of proof by a preponderance of the evidence.

H. Hearings will be recorded by a recording device. The services of a court reporter may be secured to record the hearing at the requesting party's expense.

I. Within 10 business days of the conclusion of the hearing, the committee shall issue written findings of fact, conclusions of law, and a recommendation to the city manager on whether the city's action should be affirmed, rescinded or modified. If the committee recommends that the city's action be modified, it will also provide a recommendation as to what specific action should be taken. The city manager may accept, reject or modify the recommendation of the committee in rendering a final determination on the appeal of a classified employee under RMC 2.28.130(B). Such final determination shall be issued to the employee within 10 calendar days of receipt of the committee's findings, conclusions and recommendation. For uniformed personnel under Chapters 41.08 and 41.12 RCW, the committee's recommendation shall be binding on the city manager and subject to further appeal as provided herein.

J. Within 30 calendar days of the date of the personnel committee's determination, firefighters and police officers who are subject to a disciplinary action resulting in suspension, demotion, reduction in pay or termination may appeal the decision of the personnel committee to Benton County superior court by serving the city clerk with a written notice of appeal.

1. The written notice of appeal must include the grounds for appeal and a demand that a certified transcript of the hearing and all papers on file with the committee affecting or relating to its determination be filed with the court.

2. The appellant shall bear the costs associated with procuring a certified transcript of the hearing and the filing fees associated with commencing the appeal in Benton County superior court.

3. Benton County superior court shall hear and determine the appeal in a summary manner on the established record. No new evidence is allowed. The court's review is confined to determining, based on the sufficiency of the evidence, whether the suspension, demotion, reduction in pay or termination was or was not made in good faith for cause. No other grounds for appeal are allowed.

**2.28.920 Severability.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

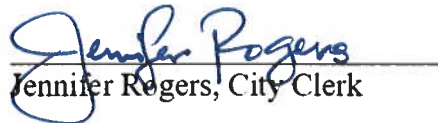
Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

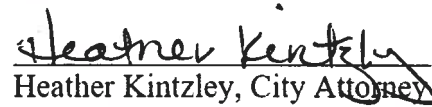
**PASSED** by the City Council of the City of Richland, Washington, at a regular meeting on the 19<sup>th</sup> day of December, 2023.

  
Terry Christensen, Mayor

Attest:

  
Jennifer Rogers, City Clerk

Approved as to Form:

  
Heather Kintzley, City Attorney

First Reading: December 5, 2023

Second Reading: December 19, 2023

Date Published: December 24, 2023