



MINUTES

**REGULAR MEETING
ADMINISTRATION BUILDING
COMMISSIONER'S MEETING ROOM 303
FEBRUARY 11, 2025
2:00 P.M.
Executive Session: No**

The meeting opened at 2:00 pm.

Commissioners Present – Patty Wilson, Chair and Delaney Tucker, Vice Chair

Commissioner Absent – Evan Carlisle, Commissioner

Others in Attendance – Devon Henry, Chief Examiner and Lieutenant Mike Clark

Approval of Minutes for the January 14, 2025 Regular Meeting

Vice Chair Tucker made a motion to approve the January Meeting Minutes as presented. Chair Wilson seconded and the motion carried.

Staffing Update and Certification of Eligibility Lists

The Commission was updated on current vacancies. The eligibility lists were certified at this time.

Public Safety Testing Update

The Commission went into discussion regarding the upcoming test change for Public Safety Testing and their options for the eligibility list going forward. Both Commissioners agreed that abolishing the current eligibility list seemed very unfair. Chair Wilson was in support of combining the applicants from the current eligibility with the applicants from the new test, all on one list. Vice Chair Tucker didn't think that it was appropriate to do that as we don't combine test scores from multiple tests on one list. She felt that having two separate lists was the best option. Chief Examiner Henry explained that with having two separate lists, we would work through the current list entirely before moving on to the new list. Lieutenant Clark was concerned that going through the current list would take too long, as there are still almost 100 names. Vice Chair Tucker asked if Chief Examiner Henry could reach out to candidates to see if they were still interested in applying. Ms. Henry said she could but was worried that it would be

time consuming, and we might not get enough responses, and the Commission agreed. Chair Wilson believed that from the options they were given, the most fair option would be to just combine the lists. Lieutenant Clark saw the benefit of dual lists, but suggested using both lists simultaneously, and providing names for consideration in order of test scores. Chair Wilson stated that wasn't an option on the list provided. Vice Chair Tucker called it a modified option 1: Dual Eligibility Lists. Chair Wilson made a motion to approve going forward with the modified option 1 – having dual eligibility lists and working through them simultaneously. Vice Chair Tucker seconded. The motion carried.

Legal Opinion on Elected Sheriff Hypothetical

Ms. Henry followed up on the hypothetical question that was brought to the Commission by Lieutenant Clark during January's meeting. Ms. Henry received a legal opinion from the Deputy Prosecuting Attorney, Amber Smith. The legal opinion stated that there are no RCW's, WACs or Civil Service Rules that allow for an Elected Sheriff to bump back to their previously held position if they don't get reelected. There was no disagreement from the Commission or Lieutenant.

Public Comment

Chair Wilson called for public comment and there was no response.

Setting of March Meeting

March 11th at 2:00 pm.

Meeting Adjourned 2:30pm.

Approved this 11th day of March, 2025



Patty Wilson, Chair

Approved Virtually

Delaney Tucker, Vice Chair
Approved Virtually

Evan Carlisle, Commissioner

Attest:



Devon Henry, Chief Examiner



AGENDA

**REGULAR MEETING
ADMINISTRATION BUILDING
COMMISSIONERS' HEARING ROOM 303
TUESDAY FEBRUARY 11, 2025
2:00 P.M.
Executive Session: If Needed**

Call to Order

Regular Business:

- Approve minutes for the January 14, 2025, Regular Meeting
- Entry and Lateral Deputy Update
- Sheriff Clerical Update
- Certification of Eligibility Lists

Old Business:

- n/a

New Business:

- Public Safety Testing Test Update
- Legal Opinion on Elected Sheriff Hypothetical Question

Sheriff's Office Business:

- n/a

Public Comment

Setting of March Meeting

Adjournment



MINUTES

**REGULAR MEETING
ADMINISTRATION BUILDING
COMMISSIONER’S MEETING ROOM 303
TUESDAY JANUARY 14, 2025
2:00 P.M.
Executive Session: No**

The meeting opened at 2:01 pm

Commissioners Present – Chair Patty Wilson and Vice Chair Delaney Tucker
Commissioner Absent – Commissioner Evan Carlisle
Others in Attendance: Devon Henry, Chief Examiner, Lieutenant Mike Clark

Civil Service Commission Housekeeping Items

Commissioner Vacancy: Chief Examiner Henry informed the Commission that Commissioner Carlisle has resigned from the Commission. However, he is willing to stay on until we appoint a new Commissioner.

Chief Examiner Henry brought up with it being a new year, the Commission needs to elect a Chair and Vice Chair. Vice Chair Tucker said she was fine to keep the same roles as last year and Chair Wilson agreed. Vice Chair made a motion to continue the same roles (Commissioner Wilson as the Chair and Commissioner Tucker as the Vice Chair), Chair Wilson seconded. Motion carried.

Approval of Minutes for the December 10, 2024 Regular Meeting

Vice Chair Tucker motioned to approve the Minutes as presented. Chair Wilson seconded and the motion carried.

Staffing Update and Certification of Eligibility Lists

Chief Examiner Henry notified the Commission of the current vacancies. For Deputies there are currently 2 vacancies. The Sheriff’s Officer is currently in the process of vetting a lateral candidate, K. Knight. For Sheriff’s Clerical, there are also 2 vacancies. The Sheriff’s Office is in possession of 6 names. Vice Chair Tucker mentioned that a few of the names for Clerical were sent in September and asked if there was a timeline for them vetting them. Chief Examiner

Henry answered that she wasn't sure what the timeline was. Lieutenant Clark spoke up, and let the Commission know that this was on the Sheriff's Office. Chief Examiner Henry has done her part in giving names and she does so quickly.

Eligibility lists for Entry Level Deputies, Lateral Deputies and Sheriff's Clerical were certified at this time.

Benton County Compensation Study Update

Chief Examiner Henry notified the Commission that Benton County completed a compensation study, and there have been a few changes to the Clerical positions. Starting with title changes: Records Clerk changed to Records Technicians, Administrative Clerk became Administrative Associates, Public Records Clerk became Records Specialist, Lead Civil Clerk became Civil Specialist, and Records Sergeant became Records Supervisor. The title changes also came with pay raises. The Commission was also notified that the County has moved to a bi-weekly pay, instead of monthly and all non-exempt employees will be paid an hourly rate instead of salary.

Permanent Sergeant and Corporal Promotions

Lieutenant Clark informed the Commission that the temporary Corporal and Sergeant were promoted to the Permanent positions on January 1st. And that this time, they weren't planning to fill the temporary positions but will leave them vacant in case they need them.

Hypothetical Question Regarding Elected Sheriff

Lieutenant Clark brought the Commission a hypothetical question. The question was: if a member of the current command staff were to be elected sheriff, got through their first term, but wasn't re-elected for a second term, would they have rights to move back to their previously held position? And would this fall under the purview of the Civil Service Commission? He further explained that the issue comes with the person in question not being old enough to retire through DRS. He explained that he had already spoken to the HR Director and the Chief Examiner, and it was recommended that he bring it to the Commission's attention. He wasn't expecting an answer but wanted to put it out there. Vice Chair Tucker recommended that Chief Examiner Henry check with other agencies to see if they've experienced this scenario.

Public Comment

Chair Wilson asked if there was any public comment and there was no response.

Setting of February Meeting

February 11th at 2:00 pm in the Commissioner's meeting Room 303.

Meeting Adjourned 2:22 pm.

Approved this 11th day of February, 2025



Patty Wilson, Chair

Approved Virtually

Delaney Tucker, Vice Chair

Absent

Evan Carlisle, Commissioner

Attest:



Devon Henry, Chief Examiner

BENTGN COUNTY CIVIL SERVICE ELIGIBILITY LIST- ENTRY LEVEL DEPUTIES

FEBRUARY 11, 2025

							2 OPENINGS
Rank	First Name	Last Name	Score Certified Date	Written	Gender	Vet Pref	Notes
1	Daniel	Nipper	11/4/2024	92.33	Male	Yes	Documentation received 11/8/24
2	Tiernan	Cochran	11/19/2024	87.87	Male	No	
3	Leobardo	Tapia	12/30/2024	87.6	Male	Yes	Documentation received 1/13/25
4	Kaiden	Rivera	11/2/2024	87.17	Male	No	
5	Erik	Vargas	11/17/2024	85.96	Male	No	
6	Levi	Devine	11/2/2024	85.17	Male	No	
7	Crystian	Correa	9/27/2024	84.84	Male	Yes	Documentation received 10/7/24
8	John	McBurney	10/19/2024	84.58	Male	No	
9	Joshua	Butler	12/31/2024	84.1	Male	No	
10	Anthony	Alvarez	1/5/2025	84.01	Male	No	
11	Izayah	Darby	2/24/2024	83.98	Male	No	
12	Mikael	Sant	4/14/2024	83.96	Male	No	
13	Joseph	Lee	6/29/2024	83.91	Male	No	
14	Jacob	Cox	4/13/2024	83.87	Male	Yes	Documentation received 6/11/24
15	Guadalupe	Solis	1/30/2025	83.69	Male	Yes	Documentation received 2/10/25
16	Sylvester	Balerrama	4/14/2024	83.52	Male	No	
17	David	Chapman	12/18/2024	83.5	Male	No	
18	Ryan	Sulik	3/11/2024	83.2	Male	No	
19	Tanner	Galloway	5/4/2024	83.07	Male	Yes	Documentation received 6/11/24
20	Charles	Lukner	3/9/2024	83.02	Male	No	
21	Spencer	Wolfe	4/14/2024	82.97	Male	No	
22	Jonathan	Salazar	9/16/2024	82.94	Male	No	
23	Zachary	Withers	3/18/2024	82.73	Male	No	
24	Brice	Dodge	1/31/2025	82.69	Male	No	
25	Andrew	Ferguson	11/17/2024	82.37	Male	No	
26	George	Duran	11/4/2024	81.77	Male	No	
27	Marcus	Rhoades	1/20/2025	81.59	Male	No	
28	Evan	Teig	9/30/2024	81.5	Male	No	

BENTON COUNTY CIVIL SERVICE ELIGIBILITY LIST- ENTRY LEVEL DEPUTIES

FEBRUARY 11, 2025

Rank	First Name	Last Name	Score Certified Date	Written	Gender	Vet Pref	Notes
29	Ashley	Allen	10/28/2024	81.41	Female	No	
30	Logan	Skinner	10/14/2024	81.39	Male	No	
31	Victor	Barajas	2/15/2024	81.33	Male	No	
32	Shameka	Garcia	1/11/2025	81.31	Female	No	
33	William	Cordoza	4/5/2024	80.83	Male	No	
34	Kody	Bruton	10/23/2024	80.81	Male	No	
35	Edward	Moreno	12/7/2024	80.65	Male	No	
36	Joshua	Mendoza	8/19/2024	80.59	Male	No	
37	Elijah	Frisk	12/28/2024	80.32	Male	No	
38	Benjamin	Dezember	1/30/2025	80.04	Male	No	
39	Charles	Hamm	7/15/2024	80	Male	No	
40	Freddy	Peregrino-Bravo	4/14/2024	79.93	Male	No	
41	Brandon	Mitchell	12/7/2024	79.66	Male	No	
42	Curtis	Peiffer	4/27/2024	79.6	Male	No	
43	Dalton	Ripplinger	10/8/2024	79.44	Male	No	
44	Daniel	Ross	10/28/2024	79.32	Male	No	
45	Michael	Minarik	2/15/2024	79.3	Male	No	
46	Fabio	Alfaro Michel	5/3/2024	79.3	Male	No	
47	Alexander	Castro Gil	4/14/2024	79.06	Male	No	
48	Aaron	Cole	8/12/2024	79.02	Male	No	
49	Emily	Ponce	8/1/2024	78.96	Female	No	
50	Ryan	Burford	3/24/2024	78.84	Male	No	
51	Tariq	Francois	4/6/2024	78.8	Male	No	
52	Jacob	Bonson	3/16/2024	78.68	Male	No	
53	Jaylan	King	10/18/2024	78.67	Male	No	
54	Fabio	Alfaro Michel	1/11/2025	78.59	Male	No	
55	Jaden	Jech	10/28/2024	78.45	Male	No	
56	Chad	Reed	7/29/2024	78.24	Male	No	
57	Jon	McMullin	2/4/2025	78.23	Male	No	
58	James	Newman	8/12/2024	78.07	Male	No	

BENTON COUNTY CIVIL SERVICE ELIGIBILITY LIST- ENTRY LEVEL DEPUTIES

FEBRUARY 11, 2025

Rank	First Name	Last Name	Score Certified Date	Written	Gender	Vet Pref	Notes
59	Taylor	Southam	8/17/2024	78.01	Male	No	
60	Jesse	Coffman	5/18/2024	77.76	Male	No	
61	Nestor	Chavez Hinojosa	9/1/2024	77.46	Male	No	
62	Jakob	Mulholland	11/17/2024	77.39	Male	No	
63	Kennan	VanHollebeke	7/15/2024	77.33	Male	No	
64	Pablo	Olivera	11/13/2024	77.30	Male	No	
65	David	Martinez	11/6/2024	76.88	Male	No	
66	Logan	Gomez	9/23/2024	76.42	Male	No	
67	Ismael	Cuevas	7/29/2024	76.26	Male	No	
68	Samuel	Shinner	8/12/2024	76.1	Male	No	
69	Alejandro	Jimenez	1/27/2025	75.96	Male	No	
70	Salomon	Martinez	4/14/2024	75.75	Male	No	
71	Pedro	Flores Castillo	4/20/2024	75.65	Male	No	
72	Francisco	Cruz	8/12/2024	75.64	Male	No	
73	Brian	Mora	11/4/2024	75.29	Male	No	
74	Tazmyn	Rodriguez	3/22/2024	75.13	Male	No	
75	Jesse	Douglass	2/24/2024	74.72	Male	No	
76	Niko	Wiltz	8/12/2024	74.59	Male	No	
77	Alex	Guerra	4/14/2024	74.44	Male	No	
78	Michael	Orozco	6/12/2024	74.43	Male	No	
79	Gabriel	Esqueda	1/14/2025	74.38	Male	No	
80	Gabriel	Esqueda	1/14/2025	74.38	Male	No	
81	Alexis	Ayala	1/3/2025	74.16	Male	No	
82	Angel	Perez	4/14/2024	73.9	Male	No	
83	Jesus	Lopez	1/16/2025	73.56	Male	No	
84	Jesse	Smith	8/30/2024	73.32	Male	No	
85	Tristan	DeRuyter	10/24/2024	73.25	Male	No	
86	Willbert	Pedraza-Velazquez	12/7/2024	73.00	Male	No	
87	Alejandro	Jimenez	6/17/2024	72.22	Male	No	
88	Maria	Nava-Garcia	7/15/2024	72.15	Female	No	

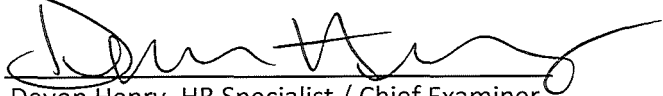
**BENTON COUNTY CIVIL SERVICE ELIGIBILITY LIST- ENTRY LEVEL DEPUTIES
FEBRUARY 11, 2025**

Rank	First Name	Last Name	Score Certified Date	Written	Gender	Vet Pref	Notes
89	Sergio	Olivar	3/18/2024	72.14	Male	No	
90	Jonathan	Smith	9/17/2024	72.10	Male	No	
91	Javier	Zavala	1/11/2025	71.83	Male	No	
92	Ezekiel	Altiroko	5/13/2024	71.78	Male	No	
93	Montrel	Landry	12/25/2024	71.27	Male	No	
94	Benjamin	West	12/27/2024	71.27	Male	No	
95	Jonathan	Smith	4/14/2024	71.24	Male	No	
96	Elias	Garcia	12/25/2024	71.19	Male	No	
97	Abdulazeez	Hussein	12/4/2024	71.14	Male	No	

This list has been certified by the Civil Service Chief Examiner in accordance with Benton County Civil Service

Rule 7.02

Dated this 11th day of February, 2025


Devon Henry, HR Specialist / Chief Examiner

This list has been certified by the Benton County Civil Service Commission in accordance with RCW # 41.14.060 and Benton County Civil Service Rules.

Dated this 11th day of February, 2025



Patty Wilson, Chair

Approved Virtually

Delaney Tucker, Vice Chair

Absent

Evan Carlisle, Commissioner

BENTON COUNTY CIVIL SERVICE ELIGIBILITY LIST- LATERAL DEPUTIES

FEBRUARY 11, 2025

2 OPENINGS

Rank	First Name	Last Name	PHS Received	Years of Experience	Gender	Vet Pref	Notes
1	Krashawn	Knight	11/1/2024	4	Male	No	Sent 11/4/24
2	Joel	Trefry	2/4/2025	1.25	Male	No	

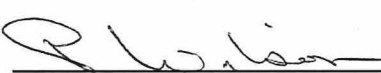
This list has been certified by the Civil Service Chief Examiner in accordance with Benton County Civil Service Rule 7.02.

Dated this 11th day of February, 2025


 Devon Henry, HR Specialist/ Chief Examiner

This list has been certified by the Benton County Civil Service Commission in accordance with RCW # 41.14.060 and Benton County Civil Service Rules.

Dated this 11th day of February, 2025


 Patty Wilson, Chair
Approved Virtually

Delaney Tucker, Vice Chair

Absent
 Evan Carlisle, Commissioner

BENTON COUNTY CIVIL SERVICE ELIGIBILITY LIST- SHERIFF'S CLERICAL - GRADE 105

FEBRUARY 11, 2025

						2 OPENINGS
Rank	First Name	Last Name	PHS Received Date	Combined Clerical Testing	Vet Pref	Notes
1	Teresa	Ward	9/20/2024	276	N/A	Sent 10/3/24
2	Katrina	Davidson	11/7/2024	236	N/A	Sent 2/5/25
3	Rachel	Casey	10/7/2024	234	N/A	Sent 2/5/25
4	Rosario	Rodriguez Ramos	9/18/2024	231	N/A	Sent 10/3/24
5	Catherine	Jansen	10/28/2024	231	N/A	Sent 2/5/25
6	Colleen	Jackson	10/30/2024	228	N/A	
7	Ashlea	Edwards	11/4/2024	228	N/A	
8	Cheyenne	McManus	10/14/2024	226	N/A	
9	Kimberly	Lopez	9/24/2024	219	N/A	
10	Mikael	Nava	11/4/2024	212	N/A	
11	Danyelle	Moore	10/31/2024	211	N/A	
12	Evelyn	Gomez	10/7/2024	207	N/A	
13	Yulet	Alvarez Marin	10/30/2024	207	N/A	
14	Peter	Paoli	9/4/2024	206	N/A	Sent 9/25/24
15	Jamie	Shoemaker	11/6/2024	203	N/A	
16	Erin	Martin	11/6/2024	198	N/A	
17	Christopher	Biglin	10/15/2024	195	N/A	
18	Isabelle	Mendoza	11/4/2024	189	N/A	
19	Nadia	Chavez	9/30/2024	185	N/A	

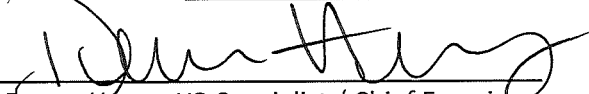
BENTON COUNTY CIVIL SERVICE ELIGIBILITY LIST- SHERIFF'S CLERICAL - GRADE 105

FEBRUARY 11, 2025

Rank	First Name	Last Name	PHS Received Date	Combined Clerical Testing	Vet Pref	Notes
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This list has been certified by the Civil Service Chief Examiner in accordance with Benton County Civil Service Rule 7.02.

Dated this 11th day of February, 2025


 Devon Henry, HR Specialist / Chief Examiner

This list has been certified by the Benton County Civil Service Commission in accordance with RCW # 41.14.060 and Benton County Civil Service Rules.

Dated this 11th day of February, 2025


 Patty Wilson, Chair
Approved Virtually

Delaney Tucker, Vice Chair
Absent

Evan Carlisle, Commissioner



Memo – Public Safety Testing Test Update

February 4, 2025

Commissioners,

As of March 1, 2025, Public Safety Testing (PST) will be moving to an updated test protocol for law enforcement officers. With the update, we will have certified candidates who have taken two different tests, and the Commission needs to decide how best record these names on eligibility lists. Below are a few options (in no particular order) for the Commission to consider along with some identified pros and cons of each option. I will need a decision at this meeting in order to have lists prepared for the March meeting.

Option 1: Dual eligibility lists

Under this option, we would certify two separate lists. One would have everyone that tested before the March 1st test (our current list), and the other would include everyone that tests after. We would use the first list to certify names to the Sheriff's Office for consideration, and those would be the first to be vetted by the Sheriff's office and get hired or removed, or their score will expire off of the list. Once that list has been exhausted, we would then use the new list with names of applicants who tested after March 1st.

Pro:

It is fair in the sense that candidates who took two different tests would be maintained on two different lists.

Con:

Those who take the updated test will be waiting while we work through the current names, and would give preference to those who tested first.

Option 2: Abolish current list

With this option, you would motion and vote to just abolish the current list during your March meeting and decide to just move forward with the most recent test scores. The Commission has the authority to do so under rule 7.06.

Pro:

Candidates' scores reflect the most up-to-date testing

Con:

Can be deemed as unfair for those who are on our current eligibility list. Those candidates would need to then re-test through PST at an additional cost to them.

Option 3: No change to current process

With this option, applicant scores from both tests would be combined onto one list and ranked according to written score as is our current process.

Pro:

Easier administration and no change to the Chief Examiner's or Commission's processes.

Con:

The list would include scores from two different exams and could be considered as unfair by candidates who may wish to challenge their list placement.

Thank you,

Devon Henry
Chief Examiner



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January 13, 2025

Jon Walters
President
Public Safety Testing, Inc.
20818 44th Avenue W, Suite 160
Lynnwood, WA 98036

Re: Options for Integration of New or Revised Exam for Civil Service Registers

Dear Mr. Walters:

In late 2012, Public Safety Testing (“PST”) asked us to address certain issues involving the management of civil service registers in light of PST’s adoption of a new test protocol. We provided a letter dated November 26, 2012 in response to PST’s inquiry.

PST has advised that it is transitioning again to new test protocols for law enforcement and corrections officer candidates and asked us whether there have been any significant changes or rulings since 2012 that may impact our prior guidance. We are not aware of any significant changes in the law and address this inquiry as follows.

Background. PST has for many years provided applicant recruiting and testing programs for police officers, corrections officers, fire fighters and other personnel involved in public employment. For some employers, PST processes also may include pre-screening and testing programs to facilitate employment. For public employers maintaining civil service systems, those employers may contract with PST to test and identify candidates eligible for appointment. Civil service systems typically provide for management of a register or list of successful examinees for a given class. This list of candidates for employment is often called the “eligible register” or simply, a “register.” From the register, eligible candidates are certified by the civil service system to the appointing authority. The appointing authority then selects eligible candidates for employment.

In a common civil service scenario, a public employer conduct an exam on a schedule such as on an annual or biannual basis. Many civil service systems also engage in continuous testing to provide a regular refresh to a register. And, upon exhaustion of a register, exams may be called as needed. It is not uncommon for test protocols or content to be modified over time, even when there is an established register. We describe further, as follows.

In the periodic testing examples, examinees are rank ordered to create the register, typically for a twelve (12) or twenty-four (24) month period. At the end of the period, a new register would take effect, and the old register would extinguish. If the register was depleted before the end of its chronological life (an “as needed” scenario), a new exam would be ordered and a new register created (either for the remainder of the term; or, for the remainder of the term plus the new term of the register).

Continuous registers have often been used in larger jurisdictions, as well as in jurisdictions with a high turnover rate of civil service positions. A continuous register extends over multiple-exam periods. A test would be administered on a more frequent basis and candidates would be integrated (or dovetailed) onto the register on the basis of preset criteria. Many communities have managed continuous registers through PST testing.

PST again is transitioning to a new test protocol for law enforcement and corrections officer candidates. You have advised that the new exam cannot be integrated or correlated with prior exams. As a result, there are challenges associated with transitioning from a pre-existing register to a register created by the new exam. We address each of the alternative approaches to use of the new exam and register management as follows.

Register Sunsets or Extinguished.

A jurisdiction¹ clearly may establish or approve a new test without affecting an existing register. The pre-existing register may remain in place until expiration of its term (“timed out”) or the number of eligibles on the register are less than authorized for certification to the appointing authority (e.g., under rule of three jurisdiction, two or fewer names left on the register). The register created by the new exam may take effect at the end of the prior register or be established as an alternative register. Additionally,, the prior register may be deemed no longer valid if the knowledge, skills and abilities necessary to the position have changed to the extent justifying the need for different testing.

Under any of these approaches, there may be dual or multiple registers for a time. Dual or multiple registers, similar to lateral registers, have been approved and in use for many years in civil service systems. To limit the time during which there are dual or multiple registers, a civil service system may attempt to encourage candidates on the pre-existing register to take the new examination and therefore join the register created by the new examination.

For individual systems, the enabling legislation (e.g., for cities) or the civil service rules would need to be evaluated to determine the method for new test integration. In many cases, a rule amendment may not be necessary to implement this common scenario.

¹ Under chapters 41.08 and 41.12 RCW, a covered city or port (the “jurisdiction”) is required to provide for police and fire civil service by enabling legislation. While frequent reference is made to a commission’s rules, the civil service system and its rules are subject to local legislation adopted under applicable state laws.

Termination of Existing Register.

A civil service system may also determine that a new test will better identify candidates for certification and appointment.² We do not believe that a commission is required to maintain a register based on an outdated test or when there is opportunity to employ a test that will better measure candidate qualifications and predict success in the specific classification.³ It is recognized that a rule authorizing termination of an existing register when a new exam is approved may negatively impact those candidates on the register to be terminated. To address this issue, local legislation or civil service rule should clearly provide the rationale for termination of a register upon commission approval of a new exam.

We are aware of cases in which courts have held that a civil service employee has a protected property interest in a placement on a civil service register. *Stana v. School District of Pittsburgh*, 775 F.2d 122 (3rd Cir. 1985); *Anderson v. City of Philadelphia*, 845 F.2d 1216 (3rd Cir. 1988). Those cases typically rise or fall on the existence of either statute or civil service rule that protects the status of a candidate on a register. In Washington, there is no vested right or property interest in an existing civil service rule.⁴ *Greig v. Metzler*, 33 Wash. App. 223 (1982) citing *Association of Capital Powerhouse Engineers v. State*, 89 Wn.2d 177 (1977). As a result, if not already addressed in enabling local legislation or civil service rules, a rule may be considered such as the following.

Upon approval and administration of a new examination, any eligible register based upon a prior exam shall terminate and have no further force and effect. The termination of a prior register and establishment of a new register from a new exam shall not impact the right of a candidate placed on a reinstatement or other register as a result of layoff or other practice subject to these rules.

For civil service systems that have used the Model Civil Service Rules for Washington State Local Governments (“Model Rules”) as a template, an additional rule may be added as Section 9.13.07, as follows.

² A new test also may be determined to have more defensibility to challenges for claimed disparate impacts on protected classes.

³ For example, under city police civil service, RCW 41.12.040 (8) simply states that that a commission is to “Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions . . .” (emphasis added).

⁴ We do not in this letter address issues involving the application of a collective bargaining agreement between a civil service employer and a union, under chapter 41.56 RCW. We understand that PST’s inquiry is addressed primarily to entry level positions. As a result, it is unlikely that there will be an impact from a collective bargaining agreement, because a collective bargaining agreement applies post-employment and typically not to pre-employment matters. Of course, collective bargaining agreements often cover promotional testing processes for positions within the bargaining unit.

Mr. Jon Walters
January 13, 2025
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The name of an eligible shall also be struck from the eligible list upon termination of a register following Commission approval and administration of a new exam and establishment of a new register.

PST will recognize, in this regard, that the Model Rules do not identify a time period for eligible registers. Such limits are often found in local practice among civil service systems. But such term-limited schedules for registers need not be employed. For example, there is nothing to preclude a civil service commission from 1) conducting a test, 2) establishing a register, and 3) retaining that register only until such point as a new test is approved, administered and new register created. The above rule template, "TERMINATION OF ELIGIBLE REGISTER," would support this practice.

Finally, we address PST's inquiry regarding civil service authority to support those eligible candidates on a register that may be removed from a list as a result of use of a new exam. There appears no restriction on a jurisdiction's authority to approve by local legislation, rule or administrative order (motion) waiver of the exam fee (where established) for eligible candidates whose status on a register may be terminated. This would facilitate an applicant's efforts to re-qualify for register placement.

We trust the foregoing is responsive to your inquiry.

Very truly yours,

FOSTER GARVEY PC

A handwritten signature in blue ink that reads "P. Stephen DiJulio". The signature is written in a cursive style with a large, looped "D" and "J".

P. Stephen DiJulio
Matthew R. Kelly
Principals

BENTON COUNTY PROSECUTOR
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MEMORANDUM

TO: Benton County Civil Service Commission
FROM: Amber Smith, Civil Deputy Prosecuting Attorney
DATE: January 27, 2025
RE: Unelected Sheriff Hypothetical

This memorandum is written to provide guidance to the Benton County Civil Service Commission for the following hypothetical:

A member of the Sheriff's command staff runs for and is elected Sheriff. The individual makes through their first term and decides to run for a second term, but they don't get reelected. Does the individual have a right to return to their previously held position? And who dictates that?

Short Answer

No. The individual does not have the right to return to their previous position within the Sheriff's office through civil service rules, RCWs, or WACs.

Analysis

Pursuant to Benton County Civil Service Rule 14, employees who have "received regular appointment to any position who has resigned without misconduct or inefficiency on their part, or is laid off because of curtailment of services or funds, or for any reason beyond their control within the last 24 months may be reinstated by the Hiring Authority to a position with the same or similar duties to those they previously performed, provided they have previously been certified by the Commission." Rules and Regulations of the Benton County Civil Service Commission, Rule 14 (Adopted October 8, 2024).

In this scenario, an individual would have resigned and been out of their position for approximately 48 months. This would exceed beyond Rule 14's discretionary power of the Hiring Authority of 24 months. Also, it would seem highly unlikely that the Hiring Authority—"the Elected Official or Department Head who is vested with power and authority to select, appoint, or employ any employees subject to civil service—would necessarily wish to hire their political opponent to fill one of their command staff positions. *Id.* at Rule 1.01. Further, there are no RCWs or WACs controlling this subject matter; therefore, there is no enumerated right or regulation that would require a Hiring Authority to rehire an individual in this circumstance.