

EAST CLACKAMAS COUNTY
FIRE DISTRICTS
UNIFIED CIVIL SERVICE COMMISSION

ESTACADA FIRE DISTRICT NO. 69
HOODLAND FIRE DISTRICT NO. 74
SANDY FIRE DISTRICT NO. 72

CIVIL SERVICE RULES & REGULATIONS

Adopted 6/17/2015

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RULE I

GENERAL STATEMENT OF POLICY

SECTION 1 PURPOSE OF RULES

The purpose of these rules is to implement provisions of Civil Service for the employees of Estacada Fire District No. 69, Sandy Fire District No. 72, and Hoodland Fire District No. 74. These rules represent the sole Civil Service policies for the Districts as provided by ORS 242.704, ORS 242.724(l) and achieve for the District the following objectives:

- A. To establish a system of personnel administration based on merit principles and scientific methods, governing the appointment, tenure, promotion, layoff, removal and discipline of its officers and employees, and other incidents of employment, and to provide an exemption from ORS 242.702 through 242.824 as provided in ORS 242.704.
- B. To promote and increase economy and efficiency.
- C. To establish and maintain a uniform plan of classification based upon the relative duties and responsibilities of positions in the service of each District.
- D. To provide an equal opportunity to all qualified persons to gain employment on a basis of demonstrated merit and fitness to be ascertained by open recruitment and competitive examinations.
- E. To develop a program of recruitment and advancement that will make a career in the service of these Districts attractive to persons who possess both ability and integrity.

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RULE II

DEFINITIONS

SECTION 1 DEFINITION OF TERMS

As used in these rules, unless the context clearly requires otherwise:

is "Absence" means a circumstance in which a permanently appointed employee not present due to vacation, sick leave or other type of leave, or due to temporary or provisional appointment or transfer to another position and when the absent employee is expected to return to the employee's regular position after a period of time.

"Act" means the State Civil Service Law for Fire Fighters. ORS 242.702 to 242.990 and specifically ORS 242.704 under which section the establishment of these rules by the Civil Service Commission is based.

"Allocation" means the assignment of an individual position to an appropriate classification on the basis of the kind, difficulty and responsibility of the work actually performed in the position.

"Appointing Power" means the Fire Chief or the Board of Directors or other group of persons designated by each District vested with authority to appoint to any Civil Service position.

"Appointment" means all means of selection.

"At Will Employee" means that an exempt service employee can be terminated at any time without any reason. It also means that an employee can quit without reason.

"Chief Examiner" means the person appointed by the Commission to administer the examinations and any other aspect of the Civil Service program assigned by the Commission for the Districts. The Chief Examiner may serve as the secretary to the Commission.

"Civil Service" means the civil service system established by this act.

"Class" or "Classification" means a group of positions in the classified service sufficiently alike in duties, authority and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to all positions in the group.

"Class Specification" means the written description of a class containing a title, statement of duties, authority and responsibilities and the desired minimum qualifications for the class.

"Classified Service" means all positions in the District service of each District for which the appointment of employees is subject to the Act and these Rules.

"Clerical Employee" means an employee whose duties consist of office and clerical support not involving line responsibilities of combating or preventing fires or the loss of property.

"Commission" means the Civil Service Commission created under the Act.

"Commissioner" means a Civil Service Commission member.

"Conditional offer of employment" means an offer of employment which is conditioned only upon satisfactory results of a pre-employment screening process.

"Days" means calendar days unless specifically noted otherwise.

"Demotion" means a transfer of an employee from a position in one class to a position in another class having a lower maximum salary rate. Means a reduction to a lower grade or rank, whether for cause or by permission of the employee.

"Dismissal" means termination of an employee's employment with the District.

"Districts" and "Each District" means the Estacada Fire District No. 69, Sandy Fire District No. 72 and Hoodland Fire District No. 74

"Eligible" means an applicant whose name is on a register.

"Employees" means persons, whose principal duties consist of preventing or combating fire or preventing the loss of life or property from fire, except those persons listed as exempt.

"Entrance Examination" means a test for positions in a particular class, admission to which is not limited to persons employed by the Districts.

"Entrance Register" means a list of persons who have been found qualified by an entrance test for appointment to a position in a particular class.

"Examiner" means a person appointed by the Chief Examiner to conduct or monitor an examination. Such examiner shall not be a classified employee of the Districts.

"Governing Bodies" shall mean the Boards of Directors for all the Districts.

"Governing Body" means the Board of Directors of each individual District.

"Layoff" means a separation from the service because of a shortage of funds or materials, abolition of a position or for other reasons not reflecting discredit on an employee and for reasons outside his/her control.

"Military Leave" means the leave of absence granted to employees entering the armed forces of the United States.

"Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting the status employment.

"Personnel Rules" means the personnel rules adopted by order of the Board of Directors relating to attendance, compensation, leave and retirement.

"Physical Ability" means an examination conducted by the Districts to assess an applicant's agility, strength, or other physical characteristics which are necessary to the job.

"Pre-Employment Screening" means a pre-employment examination given by a physician selected by the District(s) which is required of the individual who is given a conditional offer of employment. This screening process also consists of a background check and wellness testing and may additionally consist of a psychological examination and other examinations as initiated by any District.

"Political" in such terms as "political, religious or racial reasons", "political office", and "political party or candidate" shall be understood as referring to partisan politics and contested nomination or election to public office only.

"Position" means any office, place or appointment.

"Probationary Period" means a working test period of twelve months during which an employee is required to demonstrate by actual performance of the duties, fitness for the position.

"Proctor" means a person(s) appointed to conduct or supervise an examination.

"Promotion" means a transfer of an employee from a position in one class to a position in another class having a higher maximum salary rate.

"Promotion Register(s)" means a list of names of persons presently in the employ of each District who have been found qualified by promotional examination for appointment to a position in a particular class for that District.

"Promotional Examination" means a test, which is limited to employees who hold regular or probationary status and have held a position or positions in other classes for a period of not less than six months.

"Provisional Appointment" means an appointment to a position, limited to three months, in the absence of names of qualified candidates on the register or registers for the class, of a person meeting the minimum qualifications specified for the class.

"Public Notice" means written or printed notice which is: (1) conspicuously posted in at least three public places within the District, at least one of which shall be in the office of the Commission, (2) posted on at least one bulletin board at the main fire station of the District, (3) published once a week for two consecutive weeks by publication in a newspaper of general circulation in the District, and (4) mailed or delivered to the District secretary for the District records.

"Reclassification" means a change in allocation of an individual position by raising it to a higher class, reducing it to a lower class or moving it to another class at the same level on the basis of significant changes in the kind, difficulty or responsibility of the work performed in such position.

"Regular Employee" means either an employee who has been appointed to a position in accordance with the rules of the Civil Service Commission and who has successfully completed a probationary period, or an employee who acquired status through appointment to a position in the classified service on or before the date of adoption.

"Rules" means the Civil Service rules adopted by the Civil Service Commission as provided by the Act, and participating Districts.

"Seniority" means the ranking of an employee's length of continuous employment with any District as defined in each District's collective bargaining agreement for covered employees.

"Suspension" means a temporary removal from duty, with or without pay, of an employee for disciplinary purposes or for the purpose of investigation of accusations brought against an employee.

"Temporary Appointment" means a non-status appointment to assure continuation of required work.

"Termination" means the involuntary cessation of employment with the Fire District for cause.

"Transfer" means any change of an employee from one position to another in the same class. A normal rotational move is not to be considered a transfer.

"Vacancy" means a position newly created and not filled or a position that is no longer occupied by its incumbent due to separation from the service, promotion, demotion, or transfer, and where the incumbent is not expected to return.

"Voluntary Demotion" means a demotion requested by an employee in order to retain employment when layoff from a position is imminent or for other reasons where the action is still entirely voluntary on the part of the employee.

"Work Day" or "Working Day" means a calendar day unless otherwise specified.

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RULE III

ADOPTION AND AMENDMENT OF RULES

SECTION 1 ADOPTION OF CIVIL SERVICE RULES

Rules relating to the administration of the Civil Service Act shall be adopted by the Commission only after public hearing open to any citizen, officer or employee of the District. Five or more day's public notice of such hearing shall be given, setting forth the place and the time of the hearing and the purpose for which it is called. Rules adopted by the Commission shall become effective on a date specified by the Commission and shall be posted on all official bulletin boards and/or internal electronic formats by each District.

SECTION 2 EFFECT OF ADOPTION UPON INCUMBENT EMPLOYEES

Within one day after the adoption of the civil service, all persons employed in a position subject to civil service who have been employed by the District in any position and who have otherwise passed all probationary requirements of the District shall be immediately placed in their existing positions as classified by civil service as if they had been permanently appointed. The appointing power shall file a list of names of such persons with the civil service commission, including their names, addresses, occupations, length of continuous service and compensation.

SECTION 3 AMENDMENT OF RULES

A request for a change in the Civil Service Rules may be submitted at any time by the Board of Directors, Fire Chief, a department head, employee, or other interested party in a written communication to the Commission indicating the proposed change and the reasons therefore. After necessary study the Commission may amend the Civil Service Rules, as it believes proper. The procedure for adoption of rules in Section 1 shall also apply to amendments to the rules.

SECTION 4 APPLICATION OF RULES

Any personnel action taken prior to the official adoption of new or amended rules shall be governed by the rules in effect at the time of the action and shall not be affected by the proposed new or amended rules unless such rule provided for a retroactive effect.

SECTION 5 PERSONNEL RULES OF THE BOARD OF DIRECTORS

Personnel rules relating to salaries, wages, leave, attendance, hours of work, holidays, retirement or any other factor of employment having direct budgetary implications in the classified and exempt service shall be established and administered by the governing body in conformance with laws pertaining to such matters in their District.

SECTION 6 DISTRICT RULES OF CONDUCT

Rules governing the general conduct of employees, work regulations and assignment schedules shall be adopted and administered by the governing body of each district adopting these Civil Service rules. Such rules shall be readily available for review by employees.

RULE IV

DISTRICT SERVICE

SECTION 1 CLASSIFIED SERVICE

The classified service shall include all positions in the service of each District, now existing or hereafter created and not specifically exempted by these rules. Every position in the classified service shall be filled in accordance with procedures provided in these rules.

SECTION 2 EXEMPT SERVICE

The exempt service shall include the following positions:

- A. Positions on the Board of Directors.
- B. Positions on the Civil Service Commission.
- C. Persons employed as professional consultants on a fee basis to provide special or technical assistance.
- D. Members of Special Boards, Commissions, or Committees appointed by the Board of Directors, who serve without compensation.
- E. Volunteers of the District.
- F. Fire Chief.
- G. Temporary employees/Volunteer trainees.
- H. Clerical employees of the District.
- I. Other "at will" employees.

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RULE V

CIVIL SERVICE COMMISSION

SECTION 1 CIVIL SERVICE COMMISSION

The Civil Service Commission consists of three members. The Commission shall appoint a Chief Examiner and such assistants as may be necessary. All actions of the Chief Examiner shall be subject to review and approval or disapproval of the Commission.

SECTION 2 COMMISSION CHAIR PERSON

The Commission shall elect a chairperson at the first meeting of each fiscal year.

SECTION 3 MEETINGS OF THE COMMISSION

The Commission shall hold such meetings as may be required for the proper discharge of its duties with a meeting at least once every 90 days (January, April, July and October) and such additional meetings as are requested by any Commission member. Any person subject to civil service may request a special meeting of the Commission, which request shall be granted when good cause is shown therefore. Two members of the Commission shall constitute a quorum, and the votes of any two members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission.

SECTION 4 REMOVAL OF COMMISSIONERS

The governing bodies of the Districts which appoint Commissioners may remove any Commissioner for incompetence, dereliction of duty or other good cause, after giving due notice in writing of the charges against the Commissioner and an opportunity to be heard publicly on such charges before the body which appointed the Commissioner. A copy of the charges and a transcript of the record of the hearing shall be filed with the governing body of each District.

SECTION 5 TERM OF OFFICE

Each position on the Commission shall be assigned a Position Designation. Each Fire District Board of Directors shall appoint or confirm a Commissioner for a specific position:

- Sandy Fire District shall appoint or confirm Position #1.
- Estacada Fire District shall appoint or confirm Position #2.
- Hoodland Fire District shall appoint or confirm Position #3.

Upon formation of the Civil Service Commission, term of office for each position shall be according to the following schedule:

- Position #1: Expires June 30, 2018
- Position #2: Expires June 30, 2015
- Position #3: Expires June 30, 2017

Thereafter, the terms of office for Positions #1, #2 and #3 is four (4) years commencing upon the above expiration dates.

SECTION 6 APPOINTMENT OF CHIEF EXAMINER AND SECRETARY

The Commission shall appoint a Chief Examiner, who shall act at the direction of the Commission, investigating complaints, and preparing reports for Commission meetings. The Commission shall appoint a secretary who shall keep records of the Commission's proceedings and preserve all reports made to the Commission.

SECTION 7 ENFORCEMENT OF COMMISSION RULES

The Commission may conduct any civil suit or action which may be necessary for the proper enforcement of the provisions of its duly adopted Civil Service Rules. The Commission shall be represented in such proceedings by counsel appointed and retained by it.

SECTION 8 COMMISSION BUDGET

Each District shall share equally the costs associated to carry out the provisions and actions of the Civil Service Commission.

RULE VI

CLASSIFICATION PLAN

SECTION 1 MAINTENANCE OF PLAN

The Commission shall adopt and maintain a classification plan for each district, which shall group all positions in the classified service into classes based upon their duties, authorities, responsibilities, and compensation. The Commission may assign the review of the classification plan to the Chief Examiner who will be responsible for keeping the classification plan current by conducting periodic studies of positions and making appropriate recommendations to the Commission.

SECTION 2 AMENDMENT OF PLAN

- A. Request for Change. Any officer or employee in the service of the Districts may initiate a request to the Commission to amend the classification plan. If the Chief Examiner determines the request to be in good cause, he/she shall then conduct the necessary investigation of any such request. The Chief Examiner shall also make classification studies or surveys at other times on the Chief's own initiative and as directed by the Commission. If the Chief Examiner finds that a substantial change in organization, creation or change of positions or other pertinent conditions makes necessary the modification of an existing class or the establishment of a new class, recommendation for such an amendment shall be made to the Commission by the Examiner.
- B. Hearings on Changes. The Commission shall hold public hearings on changes in the classification plan and shall give at least three days public notice prior to such hearings. After hearing suggestions and recommendations, the Commission shall review this information and act on classification revisions with such modifications as it believes proper.
- C. Changes in ORS. When Oregon Revised Statutes pertaining to Civil Service are amended or otherwise changed, the Commission shall have the authority to make corresponding changes in these Civil Service Rules in order to maintain conformance with applicable statutes without holding a public hearing on changes.

SECTION 3 CLASSIFICATION OF POSITIONS

- A. Determining Classification. In determining the class to which any position shall be allocated, the specification describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications and requirements and their relationship to other

classes, as a composite description of the kind of employment, which the class is, intended to embrace.

- B. New Positions. When the appointing power desires to create a position, a notice of such proposed action together with a description of the duties of the new position shall be submitted to the Chief Examiner. The Chief Examiner shall promptly assign the appropriate class therein on the basis of its duties, authority, responsibilities, and compensation and shall notify the appointing power of the official classification.
- C. Reclassification of Positions. Whenever the appointing power desires to make a permanent and substantial change in the duties, authority, responsibilities, or compensation of a position, written notification of the proposed change shall be submitted to the Chief Examiner For the determination of the effect, if any, on the classification of the position. The Chief Examiner may, upon the Chief Examiner's own initiative or at the request of the appointing power or employee, study the duties of any position to determine if the current classification is proper. Whenever the Chief Examiner finds that the changes in duties are such that the Commission may revise the classification of such positions, as it deems proper.
1. Effect of Reclassification on Employee Status
 - a. No person holding any position under any established classification or grade shall be affected by such change so as to deprive the person of any of the benefits attached to the classification or grade applicable to the position then held by the person.
 - b. When a position is reclassified to a class that carries a higher salary range, the incumbent regular or probationary employee shall be accorded probationary status in the higher class if eligible for certification from the appropriate register.
 - c. If the position is reclassified to a class that carries a lower salary range, the employee's name shall be placed on the promotion register in the same manner as provided for in voluntary demotion.
- D. Minimum Qualifications Statements. Personal qualifications, commonly required of an employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision and suggestions of superiors for improvement of service, and willingness to cooperate with associates, shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications.

SECTION 4

USE OF CLASS TITLE

The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates and official records and reports relating to the position. Any other working title desired and authorized to be used by the appointing power may be used as a designation of any position for the purpose of internal administration or in contacts with the public.

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RULE VII

APPLICATIONS AND EXAMINATIONS

SECTION 1 EXAMINATION ANNOUNCEMENTS

- A. Distribution of Announcements. Public announcements of examinations shall be given at least two weeks in advance of the last date for filing applications. Such announcements shall be posted on the official bulletin boards of the Districts and at least two other public places, and once a week for two weeks in a publication of general circulation in that District. The Chief Examiner may provide for such other publicity as deemed advisable to attract sufficient numbers of qualified candidates. In the case of promotional examinations, announcements shall be posted on bulletin boards provided for such purpose. The Districts shall take necessary steps to bring announcements to the attention of all eligible employees.
- B. Content of Announcements. Official notices of examinations shall state the duties and pay of positions in the classes for which the examinations are to be held, the qualifications required, the time and place and the manner of making application or admission to such examinations, the different parts of tests, closing date for filing applications and any other information which may be considered pertinent.
- C. Contracting for Examinations. Notwithstanding anything in these rules to the contrary, as provided in ORS 242.716, the Civil Service Commission may contract with any other Civil Service Commission or District approved testing service in Oregon to conduct the entrance and/or promotional examinations described in these rules.

SECTION 2 ELIGIBILITY TO COMPETE IN EXAMINATIONS

- A. Who May Compete. Examinations designed to establish entrance lists shall be open to all persons who appear to meet minimum qualifications and other requirements for the class as stated in the class specification and as set forth in the announcement.
- B. Entrance Requirements. The Governing Body of each District shall establish and may revise requirements regarding age, experience, training, physical condition, residency, and other factors that relate to the ability of candidates to perform effectively the duties of a class.
- C. Competition in Promotional Examinations. Promotional examinations shall be open to employees who have acquired regular or probationary status and meet the minimum qualifications as stated in the class specification and as set forth in

the announcement in accordance with the current Collective Bargaining of the testing District.

SECTION 3 APPLICATIONS

- A. Filing of Applications. All applications must be made upon official District application forms filled out as therein directed, and filed in the office of the Commission or postmarked on or before the closing date specified in the examination announcement. Each application must be signed by the applicant, and such signature constitutes a certification that all information contained therein is true to the best of the knowledge of the applicant. The appointing power may conduct pre-employment investigations to verify the past employment record and to obtain other information relating to the qualifications of the applicant.

- B. Freedom from Bias. The application form shall contain no question so formed as to elicit any information concerning political, racial, or religious affiliations of the applicant. However, this provision shall not prevent inquiry as to whether the applicant supports the Constitution of the United States of America.

SECTION 4 CORRESPONDENCE AND ADMISSION TO EXAMINATIONS

- A. Appropriate media will be used for correspondence including and not limited to testing schedules, results letters and test updates. The media may include postal mail, email, telephone conversation, etc.

- B. Each candidate whose application has been accepted for an entrance and/or promotional examination shall be notified of the time and place of the examination and such notice shall be authorization of admission using media as described in Sec. 4, A. No person shall be permitted to take any examination without such authorization or other satisfactory evidence of the acceptance of application.

SECTION 5 DISQUALIFICATION OF APPLICANTS

The Chief Examiner may reject the application of any person for admission to an examination or decline to examine any applicant who:

- A. Is found to lack the qualifications prescribed for admission to the examination as announced in the public notice.

- B. Is found to be unfit because of job-related disqualifying information related to previous employment or unfavorable driving record or for other reasons reflecting discredit on the applicant.

- C. Has been convicted of a crime involving moral turpitude or who has been dismissed from the public service for delinquency or misconduct, or has been dishonorably discharged from the armed forces of the United States.
- D. Has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment.
- E. Has made false statements of any material fact or practiced, or attempted to practice, deception or fraud in application or examination.
- G. Has otherwise violated the provisions of these rules.

Any person whose application has been rejected by the Chief Examiner may appeal such action to the Civil Service Commission.

SECTION 6 EXAMINATION ADMINISTRATION

- A. Scheduling of Examinations. Examinations shall be scheduled at such time or times as the Civil Service Commission may approve consistent with the staffing requirements of the District(s). The Civil Service Commission may postpone an examination if the best interests of either District will be served thereby.
- B. Preparing and Conducting Examinations. The Civil Service Commission shall prepare or cause to be prepared all examinations and the examination process shall be approved by the Civil Service Commission prior to the holding of said examination. All examinations shall be to all persons who satisfy the pre-examination requirements and who, if successful in the examination, may be lawfully appointed under these rules to a position in the class for which the examination is held.
- C. Frequency of Examinations.
 - 1. Each District shall conduct an entrance examination at least every thirty months
 - 2. Each District shall conduct a promotional examination at least every thirty months except for those classes with less than four positions; examinations may be given as necessary.
- D. Anonymity of Applicants. The identity of persons taking written examinations shall not be disclosed to examiners except where conditions of anonymity are impractical.

SECTION 7 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

In the event a sufficient number of qualified applicants have not made application for any test, the Chief Examiner may postpone the last filing date, or cancel the test. In such case, written notice shall be given to the applicants and appointing authorities concerned.

SECTION 8

CHARACTER OF EXAMINATIONS

Tests shall be practical and competitive, and must be designed to determine the qualifications, fitness and ability of candidates to perform the duties of the class for which a register is to be established. They may be written, oral, physical, in the form of a demonstration of skill, an evaluation of training and experience, or any combination of such types. They may take into consideration education, experience, aptitude, capacity, knowledge, character, physical fitness, length and quality of service, and other qualifications to determine the relative fitness of the candidates, and shall not be related to political or religious preference. Applicants selected for appointment shall be required to pass a pre-employment physical examination administered by a licensed physician.

- A. Open-Continuous Examinations. When necessary to meet continuing requirements for filling positions, and when there is no immediately available large pool of applicants for a class, the closing date for any test may be indefinite, and the applicants may be tested continuously in such manner and at such times and places as the Chief Examiner may provide. A closing date for an open-continuous test may be set at any time by giving public notice, at least two weeks prior to the effective date.

SECTION 9

RATING OF EXAMINATIONS

- A. Method of Rating. In all tests a minimum rating shall be established which is required to achieve eligibility. Such minimum ratings may also apply to the rating on any parts of the test, and candidates may be required to obtain minimum ratings on separate parts in order to receive passing grades, or to be rated on the remaining parts of the tests. The final earned rating of each competitor shall be determined by adding the earned rating on each part of the test in accordance with weights established prior to the date of the test. Ratings shall be based on a scale of 100 points.
- B. Rating of Experience and Training. When a rating of experience and training forms a part of a test, the Chief Examiner shall develop procedures for the evaluation of those factors that will serve to assist in the selection of the best qualified candidates. Procedures that are adopted shall give due regard to quality, regency, and amount of experience, and to the pertinence and amount of training. In establishing the value that a rating of experience and training shall bear to the total test, and in determining the length of time for which experience credit shall be awarded, consideration shall be given to the amount of learning time required to perform efficiently the duties of the position.

SECTION 10 NOTIFICATION OF EXAMINATION RESULTS

The rating of each test shall be completed and the resulting list established as soon as practical after the date on which the test was held. Each person competing in a test shall be given notice of their final rating. Each person competing in a test may, during the immediate thirty-day period following notification of examination results review their examination papers and have the rating reviewed and corrected if an error is found. No correction shall invalidate any appointment previously made from the list. The right to review the test is limited to the applicant, Commissioners, the staff and members of the governing body of the District, which held the examination. Tests may be reviewed only during regular business hours at the office of the Commission.

SECTION 11 PREFERENCE FOR VETERANS

Preference status in competitive examinations shall be given to every veteran and disabled veteran pursuant to ORS 408.225 to 408.235, as amended by Chapter 370, Oregon Laws 2009, the provisions of which statutes are hereby incorporated into these Rules and Regulations as though fully set forth herein. Preference means that the score of a veteran who has passed an initial application screening or an application examination shall be increased by five points and the score of a disabled veteran who has passed such screening or examination shall be increased by ten points. For an examination that consists of interviews or evaluations not resulting in a numerical score, the veteran or disabled veteran shall receive special consideration pursuant to ORS 408.230(1)(c).

The foregoing amendment shall be effective for all applicable examinations advertised following the date of adoption of this Resolution. (October 21, 2009)

SECTION 12 VOLUNTEER FIREFIGHTER PREFERENCE

In all competitive entrance examinations, preference status shall be given to applicants who are current volunteers of and who have served **a minimum of three years** of uninterrupted service as an active volunteer firefighter in the District for which the examination is being conducted. Any interruption in such service that exceeds 180 days shall constitute a break in service that disqualifies the volunteer from utilizing the preference until after three years of uninterrupted firefighter service have in fact occurred by the determining date. Preference points shall be determined using the candidate's volunteer status as of the deadline date for receiving applications. The volunteers meeting those requirements shall qualify for an increase in test score of **five points**, providing a passing grade has been received. All such points shall be added to the total combined test ending combined test score of the volunteer and shall not be allocated to any single feature of part of the examination.

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RULE VIII
REGISTERS

SECTION 1 ESTABLISHMENT OF REGISTERS

The Commission shall establish and maintain lists of eligibles necessary to provide an adequate supply of qualified candidates for positions in the classified service of each District. Lists shall be established by class of employment and shall be District wide in application.

SECTION 2 KINDS OF REGISTERS

- A. Entrance Registers. An entrance register shall be established for each District for such class of positions to be filled on an entrance basis and shall consist of the names of all persons who have passed the entrance test for that class.

- B. Promotion Registers. A promotion list shall be established for each District for each class of positions to be filled on a promotional basis and shall consist of the names of all employees who have passed a promotion test for the class.

SECTION 3 ORDER OF NAMES ON ENTRANCE REGISTERS

- A. Entrance Registers.
 - 1. Laid off Employees. Each entrance register shall be headed by the names of persons who have been regular employees and who were laid off from a position in that class through no fault of their own.

 - 2. Eligible. Names of eligibles shall be placed on lists in the order of their final earned ratings plus any veterans or volunteer preference credits to which they may be entitled. Where ties exist, names shall be arranged in order of the candidate whose application was received first.

- B. Promotion Registers.
 - 1. Demoted Employees. Each promotion register shall be headed by the names of persons who have been regular employees and who were demoted or reclassified to a lower class from a position in that class through no fault of their own.

 - 2. Eligible Employees. Names of eligibles shall be placed on lists in the order of their final earned ratings. Where ties exist, names shall be arranged in order of the candidate whose application was received first.

- C. The Order of names of persons laid off or demoted in "A" or "B" of this section shall be in inverse order of the date of their layoff or demotion.

SECTION 4 DURATION OF REGISTERS

- A. Entrance Registers. The duration of eligibility on an entrance register resulting from a layoff is limited to not more than thirty months from the date of separation from service in that District(s). An entrance register may not be canceled unless it has been in effect for at least twelve months or is exhausted and may not continue in effect for longer than thirty months.
- B. Promotion Registers. The duration of eligibility on a promotional register resulting from demotion or downward reclassification is limited to not more than thirty months from the date of such demotion or reclassification. A promotion register may not be canceled unless exhausted or has been in effect for thirty months.

SECTION 5 REMOVAL OF NAMES FROM LISTS

The Chief Examiner may remove a name from a list permanently or temporarily for any of the following reasons:

- A. Certification and appointment of an applicant from the list to fill a permanent position.
- B. Certification and appointment to fill a permanent position with the same or higher salary range from a different list. However, any applicant whose name is so removed may have it restored by making written application to the Chief Examiner.
- C. Failure to respond within five days to a written inquiry of the Chief Examiner or an appointing power relative to availability for appointment.
- D. Refusal of an offer of an appointment without adequate explanation.
- E. Failure to report for duty within the time specified by the appointing power
- F. Expiration of the term of eligibility on the register.
- G. Failure to maintain a record of current address with the Commission as evidenced by the return of properly addressed unclaimed letter, or other evidence.
- H. Certification three times to the same appointing power without receiving appointments.

- I. Willful violation of any rules of the provisions of the Civil Service Rules for Firefighters or these rules.
- J. In case of promotion lists, separation from service in that District.
- K. Upon a finding by the Chief Examiner or Commission that the person is not qualified to perform the duties of the class.
- L. Upon a finding of the appointing power and concurrence by the Commission that the applicant is not qualified to perform the duties of the class.
- M. Upon request of the eligible to have his/her name removed.
- N. As required by the terms of other agreements, i.e. Intergovernmental Agreements of memorandums of understandings.

Any person whose name is removed from the register shall be promptly notified by the Chief Examiner of the reason for such removal.

SECTION 6 RESTORATION OF NAMES TO ELIGIBLE LISTS

An eligible whose name is removed from a list may make a written request to the Chief Examiner for restoration of his/her name to the list. The request must specify the reasons advanced for the requested restoration. The Chief Examiner, subject to appeal to the Commission, shall determine whether evidence submitted justifies approval of the request

SECTION 7 AVAILABILITY OF ELIGIBLES

It shall be the responsibility of eligibles to notify the Commission in writing of changes in address, or other changes that may affect availability for employment. However, the Chief Examiner may from time to time, circulate registers or use other methods to determine current availability of eligibles.

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RULE IX

CERTIFICATION AND APPOINTMENT

SECTION 1 FILLING VACANT POSITIONS

All vacancies in classified positions shall be filled as provided in these rules. Whenever an appointing power wishes to fill a vacancy in the classified service, a request for names of qualified eligibles shall be submitted to the Commission. No appointment to a classified position shall be made without prior authorization of the Chief Examiner.

SECTION 2 CERTIFICATION OF ELIGIBLES

- A. Eligibles Registers. Upon completion of the examination process, the Commission shall certify the register with the names of all eligibles who have successfully completed and passed the examination process.
- B. Order and Number of Names Certified. Names shall be certified in order of standing on the register. Where ties exist, names shall be arranged in order of the candidate whose application was received first.
- C. Notification of Eligibles. The Chief examiner will provide notification of the date and time the list is scheduled to be certified by the Civil Service Commission to the candidates.
- D. Rejection of Eligibles. Job related reasons are considered valid reasons for rejection of a candidate. Procedures outlined in ORS.242.766 subparagraphs (1) through (3) shall be followed when rejecting a candidate.
- E. Action required of Appointing Power(s). Reports of action taken on certified eligibles by the Appointing Power(s) shall be submitted in writing to the personnel department of the District(s) Fair consideration must be given to all names certified. The number of eligibles from the entrance register to be interviewed shall be three plus one for each additional entry level vacancy. From the promotional register, the number of eligibles to be interviewed shall be two plus one for each additional promotional vacancy. In the event that there are not enough eligibles or personnel who may become eligible during the life of the register necessary to provide the usually desired number of qualified candidates (three plus one for entrance exams and two plus one for promotional exams) a register may still be established and certified should there be an adequate supply of qualified candidates as determined by the appointing Power or the register may be deemed exhausted as provided for in Rule VIII Section 4. In the event such a list is established and certified, the Appointing Power shall interview all eligibles on the list. Where ties exist, names shall be arranged in order of the

candidate whose application was received first. The following actions are required by the Appointing Power:

1. Personally interview each candidate utilizing job related criteria.
 2. Request additional names to replace names of eligibles who:
 - a.) Decline or otherwise waive consideration;
 - b.) Failed to appear for consideration within the specified period;
 3. Select candidate(s) from register of eligibles to conditionally offer an available position. The conditional offer of employment is conditioned on successful completion of the pre-employment screening process.
 4. Notify eligibles not appointed. Those persons certified to the District(s) but not appointed shall be notified. This rule will not apply in the case of persons who waive, decline or fail to appear for interview.
- F. Restoration of Names to the Register. The names of those persons certified to the District(s) but not appointed shall be restored to the register unless subject to Rule VIII. Section 5.

SECTION 3 KINDS OF APPOINTMENTS

- A. Permanent Appointment. Each appointing power may make a permanent appointments of any of the certified candidates, Rule IX Section 2, provided that this discretion is not exercised in an arbitrary or discriminatory manner.
- B. Provisional Appointments. If there are no names of qualified candidates on either the promotional or entrance list or a class in which a vacancy exists, the Chief Examiner may authorize the provisional appointment of a person meeting the minimum prerequisites for the class to which the position is allocated. No position shall be filled by provisional appointment more than once in any calendar year. A provisional appointment is terminated after three months or when the Chief Examiner establishes an appropriate list, certifies available eligibles, and an appointment is made for the position. Notice of all such appointments made shall be reported to the Commission at its next regular meeting.
- C. Temporary Appointments. The appointing power is authorized to make temporary appointments to assure continuation of required work. A temporary appointment is limited to six months. Temporary appointment shall require official personnel action and the Chief Examiner shall be so notified. The

appointing power will consider existing lists when making temporary appointments.

- D. Relief Appointments. Where a position exists, each appointing power may make transfers or relief appointments to fill absences. Such relief appointments shall be made from the appropriate eligibility lists where administratively feasible, or the appointing power may appoint individuals who meet the minimum prerequisites of the class who are known to have the ability necessary to perform in said position. Should such appointment to that position exceed eight weeks, the Chief Examiner shall be so notified. Relief appointment shall not be considered a promotion, if to a position which may have a higher pay scale, and return to the employee's regular position shall not be considered a demotion.

SECTION 4 TRANSFERS

- A. Assignment of Duties. Each appointing power may, within division or organization unit, assign an employee from one position to another position in the same class without prior approval of the Commission.
- B. Method of Transfer. Each appointing power may authorize the transfer of an employee to a similar position in the same classification. An employee may be transferred from a position in one division or organization unit to a position in the same class in another division. A transfer of an employee from a position in one class to a position in another class having a higher salary range constitutes a promotion and is subject to rules governing appointments and promotions. A transfer to a position in a class having a lower salary range constitutes a demotion and shall be subject to rules governing demotions. Transfers must be completed with no more than a ten-day break in service.
- C. Voluntary Demotions. An employee may make a request in writing to the appointing power for demotion from a position in one class to a position in a class of lower rank. If an employee is qualified, the Chief Examiner may approve the request, provided it would not result in the layoff of another employee.
- D. Transfers Without Consent. An appointing power must give an employee ten days notice of a transfer if the transfer is being made without the consent of the employee. Upon written request of the employee, the Chief Examiner may investigate to determine if the transfer is being made for reasons other than the good of the service.

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RULE X

PROBATIONARY PERIOD

SECTION 1 PURPOSE

The probationary period is an integral part of the test and provides each appointing power with the opportunity to observe the new employee's work, to train and aid the new employee in adjustment to the position, and to reject any employee whose work performance fails to meet required work standards.

SECTION 2 DURATION OF PROBATIONARY PERIOD

Every person certified and appointed to a position in the classified service shall serve a probationary period of twelve months.

SECTION 3 TRANSFER DURING PROBATIONARY PERIOD

An employee, who is transferred to another position in the same class prior to the completion of the probationary period, shall complete the probationary period in the latter position.

SECTION 4 DISMISSAL DURING PROBATIONARY PERIOD

If the person on probation is a new appointee, the appointing power may discharge that person without regard to any requirements for cause as set forth in Rules XII and XIII and in a like manner appoint another certified candidate and continue to do so until a qualified candidate is found.

SECTION 5 DEMOTION DURING PROBATIONARY PERIOD

A probationary employee serving as a result of appointment from a promotion list who fails to qualify in the new position for reason other than misconduct or delinquency, and who was a regular employee immediately prior to this promotional appointment, shall be reinstated to former position. If the Commission finds that the reasons for such demotions are insufficient, the demoted employee shall be restored to the promoted position under such terms as the Commission may impose.

SECTION 6 COMPLETION OF PROBATIONARY PERIOD

Prior to completion of an employee's probationary period, the appointing power will indicate satisfactory or unsatisfactory service during the probationary period. If satisfactory, the employee shall be deemed to have satisfactorily completed the probationary period and thereby be accorded regular status in the classified service. A notification of unsatisfactory service ordinarily shall be accompanied with a notice of dismissal.

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RULE XI

SEPARATION IN GOOD STANDING

SECTION 1 REDUCTION IN FORCE

- A. Reason for Layoff. The governing body of each District may order the layoff of an employee because of abolition of a position, shortage of funds or work, a material change in duties, changes in an organizational unit, or for other reasons which do not reflect discredit on the service of the employee. Duties performed by laid off employees may be reassigned to other employees already working, who hold positions in appropriate classes. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered a layoff.
- B. Demotion in Lieu of Layoff. Any regular employee who is about to be laid off may file a written request with the appointing power for demotion in lieu of layoff. The appointing power normally shall grant this request in any class for which the employee has established a right to Civil Service status, where it appears that the employee has seniority over some or all of the members of the class to which the employee seeks demotion, and where it appears that he/she may expect to perform satisfactorily. If in the opinion of the appointing power the good of the service does not indicate the desirability of such action, the employee shall be immediately notified, in writing, giving the reasons for denying the request. The employee may request a review by the Commission of the reasons for denial. In all cases where employees are demoted in lieu of layoff, their names shall be placed on layoff lists for the classes from which they were demoted.

SECTION 2 RETURN OF NAMES OF LAID OFF EMPLOYEES TO THE ELIGIBLE LISTS

The names of regular employees laid off or demoted in lieu of layoff shall be placed on the appropriate register as provided in Rule VIII, Section 3.

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RULE XII

DISCIPLINARY ACTIONS

SECTION 1 CAUSES FOR DISCIPLINARY ACTION

The tenure of persons subject to civil service shall continue during good behavior and such persons may be dismissed, demoted, suspended without pay or deprived of special privileges only for the following causes:

- A. Incompetence, inefficiency or inattention to or dereliction of duty.
- B. Dishonesty, intemperance, partaking or possession of alcoholic beverages or illegal drugs while on duty or in way which affects performance, immoral conduct, insubordination or discourteous treatment of the public or of fellow employees.
- C. Conviction of a felony; or conviction of a misdemeanor involving moral turpitude or which is related to the position held by the employee.
- D. Any willful violation of these rules.
- E. The willful giving of false information or withholding information, with intent to deceive, when making application for entrance.
- F. Improper or unauthorized use of District vehicles, equipment, or supplies.
- G. Claim of sick leave under false pretenses or misuse of sick leave:
- H. Violation of any provision of an ordinance, policy or rule or operating procedure of the District that employs such person.
- I. Any other willful failure of good conduct tending to injure the public service.

No person shall be dismissed, demoted, suspended without pay or deprived of special privileges for political, racial or religious reasons. However, willful violation of ORS 242.824(2) shall be grounds for dismissal, demotion or suspension without pay or deprivation of special privileges.

Nothing herein prohibits the Appointing power from using lesser forms of punishment including oral and written reprimands and suspension with pay to which this section does not apply.

SECTION 2 PROCEDURE FOR TAKING DISCIPLINARY ACTION

If disciplinary action is to be taken against an employee, it should be done in a manner that will not embarrass the employee before other employees or the public. For all forms of disciplinary action, a supervisor should follow established procedures for their. When it is necessary to suspend without pay, discharge, demote or deny special privileges to an employee, the following steps shall be taken:

- A. The supervisor shall prepare, in writing, a statement of the reason(s) for proposed disciplinary action, stating dates, location, rules and regulations violated, and particular actions, if appropriate. The written statement should include previous oral warnings given and any written warnings previously given the employee. The statement should be delivered to the Appointing Power of their District for review and necessary action.
- B. After a review of the supervisor's statement, the Appointing Power shall present the employee with the specific charges and information provided by the supervisor and outline to the employee any investigation to be made and disciplinary action being considered by the Appointing Power. The Appointing Power shall give the employee, or a person authorized to represent the employee, a reasonable opportunity to respond in person or in writing to the supervisor's statement before action is taken.
- C. If, after the employee has responded, the Appointing Power still believes disciplinary action is appropriate, the Appointing Power shall prepare a letter stating the disciplinary action to be taken.
- D. The Appointing Power shall notify the employee by certified mail, and if possible, by hand delivering the letter. A copy of these materials shall be filed with the Civil Service Commission.

RULE XIII

APPEALS, HEARINGS AND INVESTIGATIONS

SECTION 1 APPEALS

- A. Appeals from Disciplinary Actions. Any regular employee who is suspended without pay, reduced in pay due to misconduct, deprived of special privileges, demoted or dismissed may, within 10 days, file with the Commission a written demand for an investigation setting forth reasons why the disciplinary action is thought to be improper. If the demand alleges, or if it otherwise appears to the Commission, that the action in question was not made in good faith for cause, the Commission shall conduct an investigation and hold a public hearing, such hearing to be within 30 days from the time appeal is filed. Any such investigation shall be confined to the determination of whether the action in question was made in good faith for cause. The Commission shall furnish the appointing power with a copy of the notice of appeal in advance of the hearing.
- B. Who May Appeal. Only regular employees are given legal right to appeal disciplinary actions. However, the Commission in such manner as it may deem proper, shall give consideration to all suggestions or complaints that concern proper administration of these rules.
- C. Subpoenas and Records. The Commission has power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by law. The Circuit Court, on petition of the Commission shall compel obedience of any person who fails to appear in response to a subpoena, or to answer any question or produce any books or papers pertinent to such investigation or hearing, and shall punish refusal to obey a subpoena or to testify pursuant to a subpoena in the same manner as a refusal to obey a subpoena or to testify pursuant to a subpoena issued from the Circuit Court.

SECTION 2 INVESTIGATIONS

In connection with an appeal, complaint, protest, or other purpose authorized by the Act, the Commission may conduct such investigation or civil suit, as the Commission deems necessary for the proper enforcement of the Act or these rules. The Commission shall make a public report upon all matters investigated under the Act.

SECTION 3 HEARINGS

- A. Procedure. Commission hearings on appeals from disciplinary action shall be open to the public and informal. Both an employee and the appointing power shall be given written notification of the time and place of a hearing at least ten

days in advance, and shall have the right to have subpoenas issued by the Commission, present witnesses and give evidence before the Commission.

- B. Witness Fees. Every person served with a subpoena requiring attendance before the Commission shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil suits and actions, except that no person shall be entitled to any fees or mileage who is employed in the public service of a political subdivision in which he/she is called as a witness. The fees and mileage allowed by this section need not be prepaid, but the governing body of the political subdivision shall provide for payment thereof when certified by the Commission.
- C. Conduct of Hearings. A hearing before the Commission is intended solely for the purpose of receiving evidence either to refute or to substantiate specific charges, which the Commission has been requested to examine. It shall not be made an occasion for uttering irresponsible accusations, attacks upon the character or conduct of an employer or employee, or other derogatory matters having no bearing on the charges under investigation. The Commission, in conducting such hearings, is not bound by the rules of evidence.
- D. Counsel or Representative. In appealing a disciplinary action to the Commission, an employee is not required to have counsel. The appellant may examine and cross-examine witnesses, make statements, summarize testimony, and otherwise conduct his/her own hearing. An employee may be represented by counsel or other representative of his/her own choosing.

SECTION 4 COMMISSION FINDINGS

After an investigation and public hearing, the Commission may affirm or modify the action taken by the appointing power, or if it finds that the action in question was not made in good faith for cause, the Commission shall order the immediate reinstatement of the employee in the position from which the employee was dismissed or otherwise affected. Reinstatement shall be retroactive and entitle the affected employee to pay or compensation or special privileges from the time of dismissal. The findings and order of the Commission shall be certified in writing to the appointing power, who shall put it into effect. All other findings of the Commission resulting from hearings on complaints or suggestions normally shall be in the form of recommendations.

SECTION 5 APPEAL TO CIRCUIT COURT

Any decision of the Commission affecting any regular employee or employees may be appealed to the Circuit Court of Clackamas County in accordance with ORS 242.804.

RULE XIV

RECORDS AND REPORTS

SECTION 1 ROSTER

The Commission shall establish and maintain a roster of all employees in the classified service showing for each employee the class title, assignment, salary rate, date of employment, and such other employment data as is deemed pertinent.

SECTION 2 REPORTS TO THE COMMISSION

Every appointment, transfer, promotion, demotion, dismissal, change of salary rate, leave of absence without pay or other temporary or permanent change in the status of classified employees shall be reported to the Commission in writing on such forms as the Commission may require.

SECTION 3 DESTRUCTION OF RECORDS

Records other than examination papers may be destroyed after four years. Original examination papers shall be retained for four years, after which time they may be microfilmed.

SECTION 4 PUBLIC RECORDS

Except for examination material, service ratings, personal history, and other confidential papers as may be specified in these rules or by action of the Commission, records of the Commission shall be public records. Such records shall be open to inspection by the public during regular office hours in accordance with such procedures as the Commission may provide.

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RULE XV

PROHIBITIONS

SECTION 1 PROHIBITED CONDUCT GENERALLY

No person shall:

- A. Alone or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to the right of that person of examination or registration according to these Civil Service Rules.
- B. Falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to these Civil Service Rules, or aid in so doing, or make any false representation concerning the same or concerning the person examined.
- C. Furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified or to be examined, registered or certified.
- D. Impersonate any other person to permit or aid in any manner any other person to impersonate the individual in connection with any examination or registration or application or request to be examined or registered.

SECTION 2 POLITICAL CONTRIBUTIONS AND ACTIVITIES

No person holding any position subject to civil service is under any obligation to contribute to any political or religious fund or to render any political service to any person or party. No person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing to do so. No person shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person subject to civil service or promise or threaten to do so for giving, withholding or neglecting to make any contribution of money or services or any other valuable thing for any political, racial or religious purpose.

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RULE XVI

PAYROLL CERTIFICATION

SECTION 1 CERTIFICATION OF PAYROLL ACCURACY

Written certification of the appointing power accompanying any payroll shall constitute official notice that services for which payment is to be made have been performed, and that funds are available and allocated for the purpose. The Commission shall certify in writing to the payroll clerk of each District the name of each person appointed within that District, the title or character of the position held by such person, the salary or compensation assigned and the date of the beginning of the person's service; and every change occurring in any position held by any person in civil service. Re-certification shall be made annually.

The Commission shall notify any officer or employee of the political subdivision authorizing, drawing, signing, countersigning, issuing or honoring any warrant or order for the payment of salary or service of the names of any persons employed in violation of these rules.