

# Clackamas Fire District #1 Civil Service Commission



CLACKAMAS FIRE DISTRICT #1

## Civil Service Rules

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Clackamas Fire District #1  
11300 SE Fuller Road  
Milwaukie, Oregon 97222

# CIVIL SERVICE RULES

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## RULE I GENERAL STATEMENT OF POLICY

Sec. 1 Purpose of Rules. The purpose of these rules is to implement and to give effect to the provisions of ORS (Oregon Revised Statute) 242.702 through 242.824 and 408.210 through 408.280, achieving for the employees of Clackamas Fire District #1 the following objectives:

1. To establish a system of personnel administration based on merit principles, governing the appointment, tenure, promotion, transfer, lay-off, removal and discipline of its officers and employees, and other incidents of employment.
2. To establish and maintain a uniform plan of classification based upon the relative duties and responsibilities of positions.
3. To provide an equal opportunity to qualified persons to gain employment on a basis of demonstrated merit and fitness to be ascertained by open recruitment competitive examinations.
4. To develop a program of recruitment, advancement and tenure that will make a career in the district service attractive to persons who possess both ability and integrity.
5. To provide an exemption from ORS 242.702 through 242.824 as provided in ORS 242.704 (1).

Sec. 2 Collective Bargaining Agreements. The District may enter into collective bargaining agreements with recognized labor organizations which further regulate the wages, hours and working conditions of employees exclusively represented by such labor organizations. The terms of the District's collective bargaining agreements shall prevail over inconsistent terms contained in these rules for its employees. The foregoing shall not apply to Civil Service Rules and/or employee rights that must be observed and maintained for the continued exemption of the District under ORS 242.704 (1).

## RULE II DEFINITIONS

Sec. 1 Definition of Terms. As used in these rules, unless the context clearly requires otherwise:

1. "Absence" means a circumstance in which a regular status employee is 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.
2. "Administrative Staff" means an employee who has been permanently assigned to a position that consists of office and clerical support not involving the responsibilities of combating or preventing fires or the loss of property.
3. "Allocation" means the assignment of an individual's position to an appropriate classification on the basis of the kind, difficulty, and responsibility of the work performed in the position.
4. "Applicant" means a person who makes a formal application in an entry-level or promotional process.
5. "Appointing Power" means the person(s) vested by the Governing Body with authority to appoint to or remove from any Civil Service position.
6. "Appointment" includes all means of selection or employing any person to hold any position subject to these rules.
7. "At Will Employment" 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.
8. "Civil Service" means the Civil Service system established under Clackamas Fire District #1 as provided in ORS 242.702 through 242.824 and 408.210 through 408.280.

9. "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.
10. "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.
11. "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.
12. "Classified Service" means all positions, the appointment to which is subject to these rules.
13. "Commission" means the Civil Service Commission created by Clackamas Fire District #1 as provided in ORS 242.702 through 242.824 and 408.210 through 408.280.
14. "Commissioner" means a Civil Service Commission member.
15. "Conditional offer of employment" means an offer of employment which is conditioned only upon satisfactory results of a pre-employment screening process.
16. "Days" means calendar days unless specifically noted otherwise.
17. "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.
18. "Disciplinary Action" means any action taken for cause by the District which reduces, temporarily or permanently, an employee's pay, status, benefits, or other incidents of employment.
19. "District" means Clackamas Fire District #1.
20. "Eligible" means an applicant whose name is on a register.
21. "Employee" means a person who holds a position in the Classified Service.
22. "Employee - Acting" means an employee appointed to a position for which the regular incumbent is absent.
23. "Employee - Regular part-time" means a person employed in a position whose hours of work are less than the hours established for similar full-time positions.
24. "Employee - Provisional" means an appointment to a position in the classified service in the absence of names of qualified candidates on the register for the class of a person meeting the minimum qualifications specified for the class.
25. "Employee - Regular Status" means the status of an employee who holds a position in the Classified Service and who has successfully completed the probationary period.
26. "Employee Status" means an employee who has been given probationary, regular, or exempt status.
27. "Entrance Examination" means an examination for positions in a particular class, admission to which is not limited to persons employed by the District.
28. "Entrance Register" means a register of eligibles that have been found qualified by an entrance examination for appointment to a position in a particular class. Also, less formally known as an entrance list.
29. "Exempt Service" means the status of an employee who shall be exempt from the Civil Service system per Rule IV, Section 2.
30. "Governing Body" means the Board of Directors for the District.

31. "Layoff" means elimination of a position due to a reduction in force or for other reasons which do not relate to the job performance of the employee.
32. "Personnel Rules" means the regulations adopted by order of the Governing Body or Governing Bodies.
33. "Physical Ability" means an examination conducted by the District or independent 3<sup>rd</sup> party to assess an applicant's agility, strength, or other physical characteristics which are necessary to the job.
34. "Position" includes any office, place or employment.
35. "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 the District.
36. "Probationary Period" means a working test period of twelve months during which an employee is required to demonstrate fitness for the position by actual performance of the duties.
37. "Probationary Status" means the status of an employee during a probationary period.
38. "Proctor" means a person(s) appointed by the Chief Examiner to conduct or supervise an examination.
39. "Promotion" means a transfer of an employee from a position in one classification to a position in another classification normally having a higher maximum salary rate.
40. "Promotion Register" means a register of eligibles presently in the employ of the District, who have been found qualified by promotional examination for appointment to a position in a particular class. Also informally known as a promotional list.
41. "Promotional Examination" means an examination which is limited to employees in the Classified Service who meet the minimum qualifications as stated in the examination packet.
42. "Reclassification" means a change in allocation of an individual position on the basis of significant changes in the kind, difficulty or responsibility of the work performed in such position.
43. "Reduction in Force" (RIF) means elimination, transfer, or reclassification of a position or positions as a result of downsizing, reorganization, consolidation or other modification of a District's workforce to address an organizational or budgetary change or requirement.
44. "Register" means a register which ranks eligibles on the basis of their examination scores. Also less formally known as a list.
45. "Rules" means the Civil Service rules adopted by the Civil Service Commission.
46. "Seniority" means the ranking of an employee's length of continuous employment with the District as defined in the District's collective bargaining agreement for covered employees.
47. "Temporary Assignment" means an appointment for a temporary period not to exceed six months.
48. "Transfer" means any change of an employee from one position to another position in the same classification. A normal rotational move is not to be considered a transfer.
49. "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 due to separation from the service, promotion, demotion, or transfer, and where the incumbent is not expected to return.

50. "Voluntary Demotion" means a demotion requested by an employee.

51. "Volunteer", means any non-paid member of the District, including but not limited to fire fighter, chaplain, support, etc.

Note: References to Oregon Revised Statutes means referring to the most current, revised statute. The language may be different than what is listed in this document.

### RULE III ADOPTION AND AMENDMENTS OF THE RULES

Sec. 1 Adoption of Civil Service Rules. Rules relating to the administration of the Civil Service Ordinance shall be adopted by the Commission only after a public hearing open to any citizen, officer or employee of the District. Notice of the hearing shall be published in a newspaper of general circulation in the District not less than five (5) days prior to the hearing. All initial rules shall become effective immediately upon adoption by the Civil Service Commission and shall be posted on the District webpage.

Sec. 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.

Sec. 3 Amendment of Rules. A request for change in the Civil Service Rules may be submitted at any time by any interested party in a written communication to the Commission indicating the proposed change and the reasons, therefore. The procedure for adoption of rules in Section 1 shall also apply to amendments to the rules. Notwithstanding the forgoing, when Oregon Revised Statutes pertaining to Civil Service are amended or otherwise changed, the Commission shall have the authority to make corresponding changes in the Rules in order to maintain conformance with applicable statutes without holding a public hearing on changes.

Sec. 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 retroactive effect.

Sec. 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 service shall be established and administered by the governing body in conformance with laws pertaining to such matters in the District.

Sec. 6 District Rules of Conduct and Regulations. Rules governing the general conduct of employees, standards of job performance, work regulations and assignment schedules are adopted and administered by the District adopting these Civil Service Rules. These Rules shall be readily available for review by employees.

Sec. 7 Severability. If any of these Civil Service rules or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and such shall not affect the remaining rules or remaining portions of the rules.

## RULE IV DISTRICT SERVICE

- Sec. 1 Classified Service. The classified service shall include all positions now classified in the existing Civil Service system of the District or hereafter created and not specifically exempted by these rules as provided by ORS 242.702 through ORS 242.824.
- Sec. 2 Exempt Service. Positions which shall be exempt from the Civil Service system shall include the following positions.
1. Positions whose principal duties do not consist of preventing or combating fire or prevention of the loss of life or property from fire.
  2. Positions on the District's Boards of Directors and Civil Service Commission.
  3. Members of the Boards, Commissions, or Committees appointed by the District's Governing Body to serve without compensation and who are not otherwise classified employees of the appointing District(s).
  4. Temporary, acting, part-time, and provisional employees and volunteers as defined by the rules and regulations of the Civil Service Commission.
  5. The Chief of the District.
  6. Persons employed as professional consultants on a fee basis to provide special or technical assistance.
  7. Temporary employees/volunteer trainees.
  8. Clerical employees.
  9. Other "at will" employees.

## RULE V CIVIL SERVICE COMMISSION

- Sec. 1 Civil Service. Civil Service is composed of a commission of four members and a chair, a Chief Examiner, a secretary and such assistants as may be necessary. All actions of the Chief Examiner shall be subject to the review and approval or disapproval of the Commission.
- Sec. 2 Quorum. Three members of the Civil Service Commission present shall constitute a quorum. The votes of any three commissioners concurring shall be sufficient for decision in all matters and transactions. The Commission chairperson shall be entitled to make motions and to vote on all matters and transactions coming before the Commission.
- Sec. 3 Commission Chair. Immediately after the appointment of all of its members, the Commission shall elect the chair. Subsequent elections for chair shall be held the first meeting of the Commission each calendar year.
- Sec. 4 Meetings. Commission meetings and hearings shall be conducted in a manner consistent with provision of Oregon Public Meeting Law, ORS 192.610 to 192.690. Public notice shall be provided as required by the Public Meetings Law. The Commission shall hold a regular meeting at least once every one hundred and twenty days (120) and may call such additional meetings as requested by any Commission member or as may be necessary to conduct Commission Business. Any interested party may request a Special Meeting of the Commission and such request shall be granted when good cause is shown.
- Sec. 5 Appointment of Civil Service Commissioners. The Governing Body of the District will interview and appoint Commissioners to the Commission. Commissioners must meet the minimum qualifications outlined in ORS and the position description to be considered.

- Sec. 6 Appointment of Chief Examiner and Secretary. The Commission shall appoint a Chief Examiner, who shall act at the direction of the Commission, and oversee the investigation of complaints, and preparation of reports for Commission meetings. The Chief Examiner position is a four-year term, but the incumbent may run and be appointed for a successive term. The Commission shall also appoint a secretary who shall keep records of the Commission's proceedings and preserve all reports made to the Commission.
- Sec. 7 District Support of Civil Service Commission. Exempt and Classified Service employees of the District shall aid in all proper ways in carrying out the provisions of Clackamas Fire District #1 and such Civil Service Rules as may, from time to time, be prescribed by the Civil Service Commission and shall afford the Commission, its members and employees, all reasonable facilities and assistance in inspecting books, papers, documents and accounts relating to positions subject to Civil Service. The District shall produce books, papers, documents and accounts, and testify whenever required to do so by the Commission.
- Sec. 8 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 legal counsel appointed and retained by it.
- Sec. 9 Removal of Commissioners. The Governing Bodies of the District may remove any Commissioner for incompetency, dereliction of duty or other good cause, by giving notice in writing of the charges against the commissioner and an opportunity to be heard publicly on such charges before the Governing Bodies. A copy of the charges and a transcript of the record of the hearing shall be filed with the Governing Body of the District.
- Sec. 10 Term of Office. Per Ordinance No. 13-01, the term of office for a member of the Civil Service Commission shall be four years, except the initial terms of office shall be determined by lot at the Board's meeting as follows: Two members shall hold office for an initial term of two (2) years and three members shall hold office for four years. After the initial terms, each position on the Commission shall have a term of office of four (4) years commencing from their previous appointment date. Secretary of the Commission will keep a directory of commission members with term expirations.
- Sec. 11 Commission Budget. Staff shall prepare and submit a budget to the Board of Directors prior to each fiscal year for which an appropriation is needed to carry out the provisions of this Ordinance.

#### **RULE VI CLASSIFICATION PLAN**

- Sec. 1 Maintenance of Plan. The Commission shall adopt and maintain a classification plan for the District, which shall group all positions in the Classified Service into classes based upon their duties, authorities, and responsibilities. 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.
- Sec. 2 Amendment of Plan.
- A. **Request for Change.** Any officer or employee in the service of the District may initiate a request to the Commission to amend the classification plan. When directed by the Commission, the Chief Examiner shall investigate any such request or shall make classification studies or surveys. 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, then the Chief Examiner shall recommend such an amendment to the Commission.

- B. **Hearing on Changes.** The Commission shall hold hearings on changes in the Classification Plan and 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 the Classification Plan in order to maintain conformance with applicable statutes without holding a public hearing on changes.

Sec. 3 Allocation 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 represents.
- B. **New Positions.** When the Appointing Power desires to establish the classification of a new 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 in such a manner and on such form as the Commission may provide. The Commission shall promptly allocate such position to the appropriate class therein on the basis of its duties, authority and responsibilities, and shall notify the Appointing Power of the official allocation.
- C. **Reclassification of Positions.**
  - 1. Whenever the Appointing Power desires to make any permanent and substantial change in the duties, authority or responsibilities of a position, written notification of the proposed change shall be submitted to the Commission for the determination of the effect, if any, on the classification of the position. At the direction of the Commission, the Chief Examiner will initiate classification studies to determine if the current classification is proper. The Chief Examiner shall report to the Commission the nature of such changes. The Commission may revise the classification of such position as it deems proper.
  - 2. Although classes and grades may from time to time be amended, added to, consolidated, or abolished by the Commission, no person shall be affected by such change so as to deprive him or her of any of the benefits attached to the class or grade applicable to the position then held by him or her. No person shall be promoted or advanced to a higher class by such change without being eligible for appointment to such higher class by reason of his or her position on the promotion register.

Sec. 4 Class Specifications.

- A. **Content of Specifications.** The Commission shall adopt for each class of employment a descriptive class specification. Each class specification shall include the class title, the primary duties of the position and a statement of the minimum qualifications a person should possess to perform the work. The minimum qualifications listed in a class specification shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and shall not be construed as representing or measuring qualifications which employees already working in such a class may actually possess.

- B. **Use in Allocation.** In determining the class to which any position should be allocated, the specification describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements, and relationship to other classes as a composite description of the kind of employment which the class is intended to embrace.
- C. **Additional Qualifications Statement.** 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 every class, even though such traits may not be specifically mentioned in the specifications.

Sec. 5 Use of Class Titles. 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 and official records and reports relating to the position. The Appointing Power, with the approval of the Chief Examiner, may change the official title of any class provided no other changes to the class specifications are included. Any other working title desired and authorized to be used by the Appointing Power may be used as a designation of any position for purposes of internal administration or in contacts with the public.

## RULE VII APPLICATIONS AND EXAMINATIONS

### Sec. 1 Examination Announcements.

- A. **Distribution of Announcements.** Public announcements of entrance 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 website of the District. In the case of promotional examinations, announcements shall be posted on the District website for no less than thirty (30) days. The Secretary of the Commission may provide for such other publicity as deemed advisable to attract sufficient numbers of qualified candidates. The District shall take necessary steps to make such announcements available to 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, place and manner of making application for admission to such examinations; the relative weights to be given to various parts of the examination; 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 to conduct the entrance and/or promotional examinations described in these rules.

### Sec. 2 Eligibility to Compete in Examinations.

- A. **Competition in Entrance Examinations.** Examinations designed to establish entrance registers 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. The District shall establish and may revise requirements requiring experience, training, physical condition, and other factors that relate to the ability of candidates to effectively perform the essential functions of a position, and any marginal functions of the position.
- C. Minimum qualifications for participation in an entry-level examination process shall be as stated in the examination packet.

**D. Competition in Promotional Examinations for Clackamas Fire District #1 personnel.**

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 Agreement.

- Sec. 3 Filing of Applications. All applications shall be submitted online, as directed in the announcement, on or before the closing date specified in the examination announcement. By submitting the application, candidates are acknowledging that the application is true to the best of their knowledge. The District may conduct pre-employment screening to verify the past employment record and to obtain other pertinent information relating to the qualifications of the applicant.
- Sec. 4 Correspondence during Examination Processes. 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.
- Sec. 5 Admission to Examinations. 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. No person shall be permitted to take any examination without such authorization or other satisfactory evidence of the acceptance of his application.
- Sec. 6 Disqualification of Applicants. Applicants may be refused an opportunity to take an examination with the approval of the Chief Examiner for any reason relating to compliance with the application requirements or the fitness of the applicant for work, including, without limitation:
1. Failure to meet the standard published requirements for the class for which application is made;
  2. Failure to furnish true statements of material facts;
  3. Is found to be unfit because of job-related disqualifying information as determined by the District;
  4. Practice or attempted practice of fraud or deception in connection with filing of application;
  5. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of an examination;
  6. The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in examination or appointment;
  7. Practice or attempted practice of cheating or aiding others with cheating on any component of the testing process;
  8. Failure to follow instructions from testing staff during examination processes; or
  9. Use of electronic devices including cell phones, cameras, etc. (unless permitted as part of the testing process)
  10. Has otherwise violated the provisions of these rules.
- Sec. 7 Rejected Applications. If copies of all requested information per the announcement, including but not limited to Oregon Paramedic status and/or EMT status, education (diplomas), NFPA certifications and all other certifications are not included with the application, the candidate will NOT receive credit for the missing items on the resume review and may not be considered qualified to continue in the process. All certifications must be active. Whenever an application is rejected, a timely notice of such rejection shall be forwarded to the applicant which shall set forth the reason for such

rejection and disposition of rejected applicant and/or application. Any person whose application has been rejected by the Chief Examiner may appeal such action within five (5) business days of rejection to the Civil Service Commission. Appeals shall be submitted through the Civil Service Secretary as identified on the job posting. Candidates requesting appeal shall be permitted to test awaiting the result of the appeal.

Sec. 8 Examination Administration.

A. **Scheduling of Examinations.** The Fire District will schedule examinations at times consistent with the staffing requirements of the District. Examinations may be postponed as necessary based on the business needs of the District. The Commission will be notified of any changes to the schedules.

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.

Sec. 9 Postponement or Cancellation of Examinations. In the event a sufficient number of qualified candidates meeting the minimum qualifications have not made application for any examination, the Chief Examiner may postpone the last filing date or cancel the examination. In such case, the Commission will be notified of any changes and written notice shall be given to the applicants and the Appointing Power.

Sec. 10 Nature of Examinations. Examinations shall be job related, 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. Examinations may include written tests, writing assignments, panel interviews, presentations, and other demonstrations of skills and experience, or a combination of such types. They may take into consideration education, experience, aptitude, 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. After a conditional job offer has been made, but before the appointment becomes final, the applicant selected for appointment shall be required to pass a pre-employment screening process in accordance with Rule II "Definitions", Section 1 "Definition of Terms, #35.

Sec. 11 Rating of Examinations.

A. **Method of Rating.** A minimum rating required to achieve eligibility shall be established for each examination. Minimum ratings may also apply to the rating on any parts of the examination 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 examinations. The final earned rating of each competitor shall be determined by adding the earned rating on each part of the examination in accordance with weights established prior to the date of the examination. The minimum rating shall be included in the published notification of the examination. Ratings shall be based on a scale of 100 points and/or pass-fail as outlined in the testing packet.

B. **Ratings of Experience and Training.** When a rating of experience and training forms a part of an examination, the Civil Service Commission shall develop procedures for the evaluation of those factors that will serve to assist in the selection of the best qualified candidates with input from the District. Procedures that are adopted shall give due regard to quality 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 examination, 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.

- Sec. 12 Notification of Examination Results. The rating of each examination shall be completed, and the resulting register established as soon as practical after the date on which the examination was held. Each person competing in an examination shall be given written notice of his/her final rating. Each person competing in an examination may, during the immediate ten business days following notification of examination results, review the examination papers and have the rating reviewed and corrected if an error is found. No correction shall invalidate any appointment previously made from the register. The right to review an examination is limited to the applicant, Commissioners, their staff, and members of the governing body. Examinations may be reviewed only during regular business hours.
- Sec. 13 Preference for Veterans. Veterans, as defined by Oregon Law, shall be given five (5) preference points and disabled veterans will receive ten (10) preference points on the pre-screening process and to final grades in accordance with ORS 408.230 (Veterans' preference in public employment). A copy of DD Form 214 must be provided so that it can be determined if the veteran service qualifies under ORS 408.230 and must be provided with the application for employment for preference in the pre-screening process and at the end of the examination process.
- Sec. 14 Preference for Service (Service Points). In all competitive entrance examinations preference status shall be given to all District volunteer members and District employees in accordance with District policy. Volunteer preference points shall be given to final grades and shall not increase the overall passing score of a candidate by more than the total points available for the process.
- Sec. 15 Americans with Disabilities Act. The District will make reasonable accommodation for disabilities as required by the Federal Americans with Disabilities Act and state law to enable the applicant to perform the essential functions of the position and to compete fairly in the examination and selection process. Applicants who require reasonable accommodation(s) in the examination and selection process should notify the Civil Service Secretary so that arrangements can be made.

## RULE VIII REGISTERS

- Sec. 1 Establishment of Registers. The Commission shall establish and maintain registers of eligibles or personnel who may become eligible during the life of the register necessary to provide an adequate supply of qualified candidates for positions in the Classified Service. Registers shall be established by class of employment and shall be District-wide in application.
- Sec. 2 Kinds of Registers.
- A. **Entrance Registers.** An entrance register shall be established, regularly updated and maintained for each class of positions to be filled on an entrance basis and shall consist of the names of all persons who have passed the entrance examination for that class.
  - B. **Promotion Registers.** A promotion register shall be established and maintained for each class of positions to be filled on a promotional basis and shall consist of the names of all employees who have passed an examination for the classified position. Where there are less than four positions in a promotive classification, a promotion register for such classification need not be established and maintained until such time as it is necessary to fill a vacancy therein by appointment in accordance with these rules.
- Sec. 3 Order of Names on 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 because of shortage of funds, lack of work, abolishment of position, or for other reasons beyond the control of the employee.
2. **Eligible.** Names of eligible persons shall be placed on registers in the order of their final earned ratings plus veteran and volunteer preference points to which they may be entitled. Where ties exist, names shall be arranged in the following order: disabled veterans, veterans, and 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 laid off, 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 the register in the order of their final earned rankings including veteran preference points to which they may be entitled. Where ties exist, names shall be arranged in the following order: disabled veterans, veterans, and the candidate whose application was received first. Personnel being demoted or receiving downward reclassification will be reinstated to their former position in the lower classification.
3. **Order of Names on Registers for Laid-off or Demoted Employees.** The order of names of persons laid-off or demoted in A and B of this section shall be in inverse order of the date of their lay-off or demotion.

**Sec. 4 Duration of Registers.**

- A. **Entrance Registers.** The duration of an entrance register is limited to 30 months from the date the register was certified. An entrance register may be extended not to exceed an additional twelve months if, in the opinion of the Commission, the best interests of the District would be served thereby. An entrance register may be deemed exhausted when, in the opinion of the Appointing Power or Commission, it does not contain a sufficient number of eligibles.
- B. **Promotion Registers.** The duration of a promotional register is limited to 30 months from the date the register was established. A promotion register may be extended not to exceed an additional twelve months if, in the opinion of the Commission, the best interests of the District would be served thereby. A promotion register may be deemed exhausted when, in the opinion of the Appointing Power or Commission, it does not contain a sufficient number of eligibles.

**Sec. 5 Removal of Names from Registers.**

- A. A name may be removed from a register permanently or temporarily, with the approval of the Chief Examiner, if an eligible:
  1. Receives certification and appointment to fill a permanent classified position with the same or higher salary range from any list;
  2. Fails to respond within five (5) days to a written inquiry of the Secretary, Chief Examiner or an Appointing Power relative to availability for appointment;
  3. Refuses an offer of an appointment without a written request to remain on the register;
  4. Fails to report for duty within the time specified by the Appointing Power;
  5. Is on a register that the term of eligibility has expired;

6. Fails to maintain a record of his/her current address with the Commission as evidenced by the return of a properly addressed, unclaimed letter, or other evidence;
7. Willfully violates any of these rules;
8. In case of promotion registers, separates from District service;
9. Is not qualified to perform the duties of the class upon a finding by the Chief Examiner or Commission;
10. Is not qualified to perform the duties of the class upon a finding of the Appointing Power and approval by the Commission;
11. Requests to have his/her name removed.

*Any person whose name is removed from a register shall be promptly notified by the Secretary of the Commission of the reason for such removal.*

- B. Background and reference checks will not normally be completed on entry level applicants prior to the examination process outlined in Rule VII. However, they are considered part of the selection process. Entry level applicants may be rejected from further consideration by the District after successfully completing other components of the selection process for the following reasons:
1. Failure to meet the published requirements for the class for which application is made.
  2. Failure to furnish true statements of material facts.
  3. Practice or attempted practice of fraud or deception in connection with filing application.
  4. The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in examinations or appointment.
  5. If information gained in the background or reference check indicates that the applicant may have a history of problems including tardiness, excessive use of sick leave, unexcused absences etc., unacceptable personal hygiene, honesty or integrity deficiencies, difficulty having a good relationship with co-workers, and/or is currently on a "do not rehire" register with a previous employer.

## **RULE IX CERTIFICATIONS AND APPOINTMENTS**

Sec. 1 Filling Vacant Positions. All vacancies in classified positions shall be filled as provided in these rules. Whenever the Appointing Power wishes to fill a vacancy in the Classified Service, a request for names of qualified eligibles shall be submitted to the Secretary of the Commission. No appointment to a promotional position shall be made until successful completion of the initial appointment probationary period. The Appointing Power shall notify the Commission of personnel requirements as far in advance as possible in order that sufficient time will be available to establish eligible registers.

Sec. 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 the following order: disabled veterans,

veterans, and the candidate whose application was received first.

- C. **Notification of Eligibles.** The Secretary of the Commission will provide notification of the date and time the register 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 actions taken on certified eligibles by the Appointing Power(s) shall be submitted in writing to the human resources department of the District. Fair consideration must be given to all names certified.
1. **Request for Names.** All vacancies in classified positions will be filled as provided in the Oregon Revised Statute and these rules. The Fire Chief will submit a request for names of qualified eligibles to the Civil Service Examiner when there is a need to fill a vacancy in classified service.
  2. **Order of Use of Eligible Registers.** Upon receipt of a request for certification of eligibles, the Chief Examiner will certify and provide the proper number of available eligibles from the appropriate list. If no appropriate list exists, the Chief Examiner will determine if it is appropriate to authorize a provisional appointment as provided by Sec. 3.B of this rule. Certification will be made from lists in the following order:
    - a. The promotional register, if applicable
    - b. The entrance register(s)
  3. **Interviews.** The number of eligibles from the entrance register to be interviewed shall be ten 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. The appointing power may choose to interview more candidates as a matter of operational efficiency. However, only eligibles as described above shall be considered. 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 (ten 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 register is established and certified, the Appointing Power shall interview all eligibles on the register. Where ties exist, names shall be arranged in the following order: disabled veterans, veterans, and the candidate whose application was received first. The following actions are required by the Appointing Power:
    - a. Personally, interview each candidate utilizing job related criteria.
    - b. Request additional names to replace names of eligibles who:
      - Decline or otherwise waive consideration
      - Failed to appear for consideration within the specified period.
  4. **Selection.** 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 as defined in Rule II "Definitions", Section 1

“Definition of Terms, #15.

- a. Such a conditional offer must be made to a qualified veteran or disabled veteran if the results of the veteran’s or disabled veteran’s application examination, when combined with the veteran’s or disabled veteran’s preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.
  - b. Should the Appointing Power not appoint a veteran or disabled veteran to a vacant civil service position, the Appointing Power may base their decision not to appoint the veteran their decision not to appoint the veteran solely on the veteran’s merits or qualifications with respect to the position.
5. **Notify Eligibles Not Appointed.** Those persons certified to the District 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 Register.** The names of those persons certified but not appointed shall be restored to the registers unless subject to Rule VII, Sections 5 and 6.

Sec. 3 Kinds of Appointments.

- A. **Probationary Appointment.** Entry level or promotional appointments shall be probationary as described in Rule II “Definitions”, Section 1 “Definition of Terms, #36 & #37. Employees who have successfully completed their probationary period shall be accorded regular status provided that this discretion is not exercised in an arbitrary manner.
- B. **Provisional Appointment.** If there are no names of qualified candidates on the entrance register for a class in which the 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 for more than three (3) months in any fiscal year, nor shall any person be appointed as a provisional employee more than once in any fiscal year. A provisional appointment is terminated after three (3) months or when an appropriate register is established which 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. **Part Time Appointments.** Appointments to a part-time position as defined in Rule II are not subject to these rules. Such appointments shall not be used to circumvent the intent of these rules.
- D. **Temporary Appointments.** The Appointing Power is authorized to make temporary appointments to assure continuation of required work. A temporary appointment is limited to six (6) months. Temporary appointment shall require official personnel action and the Chief Examiner shall be so notified. The Appointing Power will use existing registers when making temporary appointments.
- E. **Acting Appointment.** The Appointing Power is authorized to make acting appointments if there are no names of qualified candidates on the register for a class in which a vacancy exists for the purposes of developing personnel to become qualified for promotional exams. No position shall be filled by acting appointment for more than twelve (12) consecutive months, nor shall any person be appointed as an acting employee for more than six (6) consecutive months in any position.
- F. **Appointment to Previous Classification (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 pay grades if the employee has previously held a position in such classification. The Civil Service Commission may approve such request provided it would not result in the lay-off of another employee.

#### RULE X PROBATIONARY PERIOD

- Sec. 1 Purpose. The probationary period is an integral part of the selection process and provides the Appointing Power with the opportunity to observe the probationary employee or employee's work and to train and aid the probationary employee in adjustment to the position in accordance with ORS 242.766, Sections 4-6.
- Sec. 2 Duration of Probationary Period. Every person certified and appointed or promoted to a position in the Classified Service shall serve a probationary period of twelve (12) months unless demoted or terminated in accordance with ORS 242.766, Sections 4-6.
- Sec. 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.
- Sec. 4 Evaluation of Performance during Probationary Period. During the probationary period, the Appointing Power, or his designee, shall evaluate the employee's performance. Such evaluation shall include judgments as to the employee's willingness and ability to perform assigned duties satisfactorily.
- Sec. 5 Suspension of Probationary Period due to Leave of Absence. If a probationary employee takes 10 or more consecutive shifts off during probation, the probation will be suspended until they return to duty. The time off can be for any type of approved leave, including but not limited to the following: vacation, illness, off the job injury, on the job injury, military leave, administrative leave, or leave covered under FMLA or OFLA.
- Sec. 6 Dismissal during Probationary Period. The Appointing Power may terminate the employment of any newly hired probationary employee who has not attained regular status at any time during the probationary period provided the notice of termination is given before the end of the probationary period. There is no right of appeal by the employee from such termination. Such action shall be reported in writing to the Commission and to the employee and shall include the reasons, therefore.
- Sec. 7 Failure to Qualify – Promotional Position. A probationary employee serving as a result of appointment from a promotion register, who fails to qualify for the new position within the probationary period, shall be reinstated to the employee's former position in the lower classification or grade. The employee may appeal the decision in writing to the Chief Examiner per Rule XII "Hearings of the Commission", Sections 3-8. If the Commission finds that the reasons for such demotions are insufficient, the demoted employee shall be restored to the promoted position or, if the employee was demoted to a lower classification than the employee's previous position, to the employee's previous position or the promoted position, under such terms as the Commission may impose.

#### RULE XI SEPARATION IN GOOD STANDING

- Sec. 1 Reduction in Force.
- A. **Reason for Layoff.** The Governing Body of the District may order the layoff of an employee because of abolition of a position, shortage of funds or work, and a material change in duties, changes in an organizational unit, or for other reasons which do not relate to the job performance 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 for any employee who has established a right to Civil Service status, where 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.

## RULE XII HEARINGS OF THE COMMISSION

### Sec. 1 Cause of Discipline or Dismissal.

- A. **Non-supervisory Employees.** Discipline or dismissal of regular non-supervisory employees shall only be for cause as stated in ORS 242.796 or District policy or such other cause as a labor arbitrator finds that constitutes cause in a particular case under the provisions of any applicable collective bargaining agreement.
- B. **Supervisory Employees.** Discipline or dismissal of regular supervisory employees shall only be for cause. For purposes of this Section "Cause" includes without limitation:
1. Failure or refusal to provide effective leadership to carry out the goals of the District or to function as an effective member of the District's leadership team.
  2. Failure or refusal to act as a role model for other District employees.
  3. Unsatisfactory performance of job duties.
  4. Any cause specified in ORS 242.796 or District policy.

### Sec. 2 Procedures before Discipline or Dismissal. Prior to the discipline or dismissal of any regular non-supervisory employee and/or Supervisory Employee, the District shall follow all applicable procedures set forth in any District policy and any collective bargaining agreement covering the employee.

With respect to discipline and dismissal appeals, if a firefighter files an appeal with the Commission and a grievance under the grievance and arbitration procedure of the collective bargaining agreement, the Commission will hold its procedures under ORS 242.800 and 242.802 in abeyance until the grievance and arbitration procedure is concluded. It will adopt the decision of the arbitrator or other resolution of the grievance unless the Commission determines that the decision is contrary to ORS chapter 242 or other state law. If the Commission does not adopt the decision of the arbitrator or other resolution of the grievance, the Commission will conduct an independent investigation of the charges and will hold a hearing and issue a decision pursuant to ORS 242.800 and 242.802.

### Sec. 3 Commission Hearings. In accordance with ORS 242.800, an appeal may be filed within 10 days after disciplinary action or probationary demotion and the commission shall conduct an investigation and hold a public hearing; whereas such hearing shall be within 30 days from the time appeal is filed per ORS 242.800. The Commission shall conduct a hearing on any appeal from a disciplinary action or probationary demotion against any regular employee filed within 10 days of a disciplinary action or probationary demotion. The hearing is a public meeting under the terms of the Oregon Public

Meetings Act. The Commission may conduct the hearing in executive session under ORS 192.660(2)(b), unless the employee requests an open hearing. The hearing may be conducted in an informal manner and, except as provided herein, shall not be subject to the rules of evidence. Appellants or petitioners may be represented by counsel or other representatives at the hearing. The Commission or the parties may issue subpoenas for witnesses to require witnesses to attend and/or present relevant documentation at the hearing.

Sec. 4 Administering oaths; compelling attendance of witnesses and production of documents; depositions of witnesses per ORS 242.728.

- A. During an investigation, the commission may administer oaths, subpoena witnesses and compel the production of books, papers, documents and accounts pertinent to the investigation. Attendance of witnesses, either with or without books, papers, documents or accounts, may not be compelled unless such witnesses are personally served with subpoena.
- B. The commission may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil suits and actions.
- C. If a person refuses to attend to give testimony or produce books, papers, documents or accounts, pursuant to a subpoena issued under this section, the circuit court of the county in which the political subdivision is located, upon petition of the commission, shall compel obedience to the subpoena and shall punish refusal to obey or to testify in the same manner as a refusal to obey a subpoena or to testify pursuant to a subpoena issued from the circuit court.

Sec. 5 Evidence.

A. **Burden of Proof.**

- 1. In a hearing on an appeal from a disciplinary action demotion during probationary period, including suspension, salary reduction, demotion or dismissal, or other disciplinary action, the District shall have the burden of proof and the burden of going forward with the evidence.
- 2. All allegations shall be proved by a preponderance of the evidence.

B. **Rules of Evidence.** The rules of evidence at commission hearings shall be:

- 1. Evidence of a type commonly relied upon by a reasonable prudent person in the conduct of their serious affairs shall be admissible. Relevant hearsay is admissible provided that (a) The commission determines that the hearsay statement is more probative than other evidence that the proponent could obtain through reasonable efforts and (b) notice of the intent to offer such hearsay evidence, including full detail of the statement and the declarant's name and address, is given by the proponent to the other party in advance of the hearing to provide a fair opportunity for preparation to meet such evidence. If either party has failed to comply with Rule XII "Hearings of the Commission", Section 5 "Evidence" subsection A (2) "Burden of Proof", the commission can order a postponement of the hearing in order to allow the other party sufficient time to prepare and respond, refuse to accept the evidence, or take other such actions the commission deems appropriate.
- 2. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
- 3. All offered evidence, not objected to, may be received by the Commission subject to the Commission's discretion to exclude irrelevant, immaterial or unduly repetitious matter.
- 4. Evidence objected to may be received by the Commission, and in the discretion of the

Commission, rulings on its admissibility or exclusion may be reserved until the time the order of the Commission is issued.

5. In considering the admissibility of evidence, the Commission may refer to, but is not bound, by the Oregon Rules of Evidence and Witnesses set forth in ORS Chapters 40-45.
6. The Commission shall take judicial notice of the District rules, all past and current labor contracts and other matters for which judicial notice is appropriate pursuant to ORS 40.060-40.090.

#### Sec. 6 Conduct of Hearings.

- A. **Time and Place of Hearings.** The time and place of hearings will be set by the Commission and notice thereof shall be served personally, registered mail, or certified mail upon all parties at least fourteen (14) days in advance of the hearing date.
- B. **Postponements.** Any party who desires a postponement shall promptly, upon receipt of notice of the hearing, make a request of the Chairman of the Commission for such a postponement stating the reason, therefore. For good cause shown, the Commission may grant such postponement and may, at any time, order a postponement.
- C. **Conduct of Hearing.** A hearing before the Commission is intended solely for the purpose of receiving evidence either to substantiate or refute specific charges relative to the action which the Commission has been requested to examine. It shall not be an occasion for uttering irresponsible accusations, attacks upon the character or conduct of the employer or employee, or other derogatory matters having no bearing on the actions under investigation. All parties, their representatives, counsel and spectators shall conduct themselves in a respectful manner. Demonstrations of any kind will not be permitted. Failure to comply with this rule shall be grounds for the Commission to remove the person from the hearing or suspend the hearing.
- D. **Hearing Procedure.**
  1. On appeals from disciplinary action or probationary demotion, the District shall present the grounds for the action taken and evidence in support thereof, and the appellant shall then present evidence to refute the charges. The District shall have the right of rebuttal and the appellant shall be allowed surrebuttal.
  2. The Commission may question any witnesses as to the facts presented or involved, and the Commission may call witnesses on its own motion to assist it in arriving at a determination.
  3. Attorneys, representatives or the parties may be allowed time to present oral arguments on the issues to the Commission and/or the Commission may require written position papers to be submitted within a reasonable time after the hearing by the parties.
  4. The Commission may impose time limits on questioning in the interest of (a) orderly conduct of the hearing; and (b) fairness to the appellant, petitioner or District.
- E. **Counsel or Representative.** In appealing a disciplinary action to the Commission, an employee is not required to have counsel or a representative. The appellant may examine and cross-examine witnesses, make statements, summarize testimony and otherwise conduct his/her presentation to the Commission. However, an appellant may be represented by counsel or other representative of his/her own choosing. Such Counsel or other representative will not be appointed at public expense.
- F. **Pre-Hearing Matters.**

1. **Stipulations.** The parties may stipulate in writing to facts upon which they are in agreement. Such stipulation shall be binding upon the parties and shall be evidence as to the facts set forth therein.
2. **Witnesses and 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 laws 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 in accordance with ORS 242.730.

#### G. Testimony.

1. All testimony to be considered at a hearing except matters judicially noted or entered by stipulation by the parties shall be under oath or affirmation.
2. Refusal of a witness to answer any relevant question may, in the discretion of the Commission, be grounds for disregarding all of the testimony given by the witness on related matters. The Commission shall take into consideration any question concerning the competency of any witness as such competency standards are set forth in Oregon Revised Statutes.
3. Depositions to perpetuate testimony: The Chairman of the Commission, upon motion, may order the taking of a deposition(s) to perpetuate testimony of any witness, provided however, that the statutory grounds for granting request for depositions to perpetuate testimony in civil court proceedings shall apply.

Sec. 7 Disposition and Appeal. After investigation and public hearing, the Commission may affirm or modify the disciplinary action or probationary demotion or may find the action was not made in good faith for cause and order reinstatement and retroactive compensation. Unless unusual circumstances prevent it, the Commission will issue its decision within 14 days of the close of the hearing. The Commission's decision may be appealed to the Clackamas County Circuit Court by the employee or the employing District by a written notice of appeal filed with the Commission within thirty (30) days of entry of its decision in accordance with ORS 242.804. The certified transcript and case file shall be transmitted to the Court.

Sec. 8 Governing Body Responsibility. The Governing Body of the District shall provide the Commission with space, supplies, equipment, staff assistance, legal assistance as required, and funds adequate to conduct the business of the Commission. The Board shall cooperate in any investigation or inquiry conducted by the Commission and shall aid in all proper ways in carrying out the provisions of these rules as may from time to time be prescribed by the Commission.

#### RULE XIII RECORDS AND REPORTS

Sec. 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.

Sec. 2 Reports to Commission. Every appointment, transfer, promotion, demotion, dismissal, change of salary rate, leave of absence without pay and other temporary or permanent changes in the status of classified employees shall be reported to the Commission in writing on such forms as the Commission may require.

Sec. 3 Destruction of Records. Records of the Commission will be retained and destroyed in accordance

with good management practices and the administrative rules of the Oregon State Archivist and applicable State and Federal statutes.

Sec. 4 Public Records Exempt from Disclosure.

- A. **Specific Records.** The following public records are exempt from disclosure under ORS 192.501(4) unless the public interest requires disclosure in the particular instance: examination questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the examination is given and if the examination is to be used again.
- B. **General Records.** The Commission may refuse to disclose other records that are made confidential or exempt from disclosure under the Public Records Law (ORS 192.410 to 192.505).
- C. **Inspection of Public Records.** Public records of the Commission shall be open to inspection by the public during regular office hours in accordance with the Public Records Law.

**RULE XIV MISCELLANEOUS PROVISIONS**

Sec. 1 Employee Representation. Employees of the District shall have the right to form, join, and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions in accordance with the Oregon Revised Statutes and Rules and Regulations of the State Employment Relations Board.

Sec. 2 Political Activity. 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.

Sec. 3 Prohibited Conduct. No person shall:

- A. Individually or in cooperation with one or more persons defeat, deceive or obstruct any person in respect to their right under regulations or rules adopted by the Commission.
- B. Solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employee to express personal political views.
- C. Falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered, or certified, or aid in so doing, or make any false representation concerning the same or concerning the person examined.
- D. 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, or certified to be examined, registered or certified.
- E. Impersonate any other person or 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.

Sec. 4 Corrupt Practices Prohibited. No public officer and no person who is nominated or seeks nomination or appointment for public office shall use, or promise to use, directly or indirectly, any official

authority or influence, whether then possessed or merely anticipated in the way of conferring upon any person, or in order to secure or aid any person to secure any office.

Sec. 5 Punishment for Violations.

- A. The prohibitions and penalties as set forth in ORS 242.822 through 242.990 are hereby adopted as the prohibition and penalty section of these rules.
- B. False swearing or perjury in any hearing or investigation before the Commission shall be punishable as provided by law.

**RULE XV PAYROLL CERTIFICATION**

Sec. 1 Certification of Payroll Accuracy. Provisions of ORS 242.736 (1), (2), and (3) will be followed in preparing payroll for annual certification. Annual payroll certification will be done at the meeting which reflects the beginning of the fiscal year. The commission shall certify in writing to the payroll administrator of the political subdivision:

- A. The name of each person appointed or employed in the Civil Service, stating in each case 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.
- B. Every change occurring in any position held by any person in the Civil Service.
- C. The certifications shall be made by the Civil Service commission annually. The commission shall notify any officer or employee of the District authorizing, drawing, signing, countersigning, issuing or honoring any warrant or order for the payment of salary or compensation to an employee subject to Civil Service of the names of any persons employed in violation of ORS 242.702 to 242.824 or the regulations established under ORS 242.702 to 242.824.