

2017

Civil Service Rules

Tualatin Valley Fire & Rescue

Proudly serving Clackamas, Multnomah, Washington and Yamhill Counties, Beaverton, Durham, King City, Newberg, North Plains, Rivergrove, Sherwood, Tigard, Tualatin, West Linn and Wilsonville

Tualatin Valley Fire & Rescue
A Rural Fire Protection District
Revisions adopted 1/10/2017



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RULE 1 GENERAL STATEMENT OF POLICY**SECTION 1:
PURPOSE OF RULES**

The purpose of these rules is to implement and give effect to the provisions of the District Civil Service Ordinance (No. 87-02), achieving 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, transfer, lay-off, removal and discipline of its employees covered by these Civil Service Rules, and other incidents of employment.
- B. To promote and increase effectiveness and efficiency.
- C. To establish and maintain a uniform plan of classification based upon the relative duties and responsibilities of positions.
- D. To provide an equal opportunity to qualified persons to gain employment in a Civil Service classification on a basis of demonstrated merit and fitness to be ascertained by open recruitment and competitive examinations.
- E. To develop a program of recruitment, selection, advancement and tenure that will make a career in the district service attractive to persons who possess both ability and integrity.
- F. To provide an exemption from ORS 242.702 through 242.824 as provided in ORS 242.704 (1).

RULE 2 DEFINITIONS**SECTION 1:
DEFINITION OF
TERMS**

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

1. **"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 actually performed in the position
2. **"Appointment"** includes all means of selection or employing any person to hold any position subject to these rules.
3. **"Burden of Proof"** is the duty placed upon a party to prove or disprove a disputed fact. The standard of proof placed on the party is the preponderance of evidence (i.e., the party must show that the weight of the evidence is in their favor).
4. **"Civil Service"** means the civil service system established under District Ordinance 87-02.
5. **"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.
6. **"Class"** or **"Classification"** means a position or group of positions in the classified service.
7. **"Class Specification"** means the written description of a class containing a title, statement of duties, authority and responsibility, and the desired minimum qualifications for the class.
8. **"Classified Employee"** means a person who has been appointed to a position in the classified service.
9. **"Classified Service"** means all positions, the appointment to which is subject to these rules.
10. **"Commission"** means the Civil Service Commission created by District Ordinance 87-02.
11. **"Commissioner"** means a Civil Service Commission member.
12. **"Days"** means calendar days unless specifically noted otherwise.
13. **"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.
14. **"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 as set forth in Rule XIII of these rules.
15. **"Dismissal"** means involuntary termination of employment due to reasons other than layoff.
16. **"District"** means Tualatin Valley Fire and Rescue.

17. **"Employee"** means a person who holds a position in the classified service.
18. **"Employee - Acting"** means an employee appointed to a position for which the regular incumbent is on a leave of absence or on reassignment. Such acting appointment shall not exceed three (3) months duration but may be extended for an additional three (3) months subject to approval by the Commission. When such appointment is to be in excess of thirty (30) calendar days in duration, said appointment shall be made from a certificate of eligibles from the promotion list of said classification.
19. **"Employee - Part Time"** means a person employed in a position whose hours of work are less than one-half of the hours established for similar full-time positions.
20. **"Employee - Temporary"** means a person employed in a position created by the governing body as extra help, the directions for which may not exceed three (3) months duration but may be extended for an additional three months subject to approval of the Commission.
21. **"Eligible"** means an applicant whose name is on a list.
22. **"Entrance List"** means a list of eligibles who have been found qualified by an entrance examination for appointment to a position in a particular class.
23. **" Examination"** means an evaluation or series of evaluations designed to assess candidates for positions in a particular class, and produce a list of eligibles.
24. **"Exempt Status"** means the status of an employee who has been appointed to a position exempt from the classified service.
25. **"Fire Chief"** means the person vested by the Governing Body with authority to appoint to any Civil Service position, or his/her designee. (Previously referred to as "Appointing Power.")
26. **"Firefighter Intern"** means a student in the District's *Firefighter Intern* program addressed in District SOG 5.9.2—*Uncompensated Firefighter Intern Program*. Firefighter Interns are excluded from any definition of "Employee" in these rules and do not hold classified service status.
27. **"Governing Body"** means the Board of Directors.
28. **"Layoff"** means a separation from the service because of shortage of funds or materials, abolishment of position or for other reasons not reflecting discredit on an employee and for reasons outside the employee's control.
29. **"List"** means a register which ranks eligibles on the basis of each eligible's final examination score plus any preference points or credits applied to that score.
30. **"Monitor"** means a person appointed by the Chief Examiner to conduct or monitor an examination.
31. **"Ordinance"** means District Civil Service Ordinance 87-02.

32. **"Part-time position"** means a position whose hours of work are less than one half the hours established for full-time positions.
33. **"Personnel Action"** means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting status of employment.
34. **"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.
35. **"Position"** means any office, place or appointment.
36. **"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. This will exclude any premium pay granted uniformly to all classified personnel for the attainment and for maintenance of state certified, job related skills needed by the District.
37. **"Promotion List"** means a list 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.
38. **"Provisional Appointment"** means an appointment, limited to three months, to a position in the classified service in the absence of names of qualified candidates on the list for the class, of a person meeting the minimum qualifications specified for the class. A provisional appointment may be extended for an additional three months subject to the approval of the Commission.
39. **"Regular Status"** means the status of an employee who holds a position in the classified service and who has successfully completed the trial service period.
40. **"Rules"** means the civil service rules adopted by the Civil Service Commission.
41. **"Seniority"** means an employee's length of continuous employment with the District since the employee's last date of hire. Continuous employment shall not be broken by separation from the District by service in the military or Peace Corps, or by leaves of absence with pay. Unpaid leave shall not be credited toward seniority, but an employee who returns from such leave shall have previously accrued seniority restored.
42. **"Suspension without pay"** means a disciplinary action placing an employee on leave without pay.
43. **"Transfer"** means any change of an employee from one position to another position in the same classification.
44. **"Trial Service 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.
45. **"Trial Service Status"** means the status of an employee during a probationary period.

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

RULE 3 ADOPTION AND AMENDMENT OF THE RULES

SECTION 1: ADOPTION OF CIVIL SERVICE RULES

Rules relating to the administration of the Civil Service Ordinance shall be adopted by the Commission only after public hearing. Fourteen or more days 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 ten days after adoption and shall be posted on all official bulletin boards of the District.

SECTION 2: 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. 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 3: 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.

SECTION 4: DISTRICT RULES OF CONDUCT

Rules governing the general conduct of employees, standards of job performance, work regulations and assignment schedules are adopted and administered by the District.

SECTION 5: SEVERABILITY

If any of these rules and regulations 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 and regulations or remaining portions of the rules and regulations.

RULE 4 DISTRICT SERVICE**SECTION 1:
CLASSIFIED SERVICE**

The classified service shall include all positions now classified in the existing civil service system of the District and not otherwise exempted by the Ordinance.

**SECTION 2: EXEMPT
SERVICE**

Positions which shall be exempt from the Civil Service System shall include the following.

1. Positions whose principal duties do not consist of preventing or combating fire or prevention of the loss of life or property from fire. If any such position is now classified under the existing District civil service system, this exemption shall not take effect with respect to that position until the incumbent (as of the effective date of District Civil Service Ordinance 87-02 as provided by Section VII thereof) shall vacate said position.
2. Positions on the District Board of Directors and Civil Service Commission.
3. Members of the boards, commissions, or committees appointed by the Board of Directors to serve without compensation and who are not otherwise classified employees of the District.
4. Temporary, acting and part-time employees as defined by the rules and regulations of the Civil Service Commission.
5. The Fire Chief of the District.

RULE 5 CIVIL SERVICE COMMISSION

SECTION 1: CIVIL SERVICE COMMISSION

The Civil Service Commission is composed of five members appointed by the Governing Body.

SECTION 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 vote on all matters and transactions coming before the Commission.

SECTION 3: CHAIRPERSONSHIP

Immediately after the appointment of all of its members, the Commission shall elect a chairperson. Subsequent elections of chairperson shall be held at the first meeting of the Commission each fiscal year.

SECTION 4: MEETINGS

Commission meetings and hearings shall be conducted in a manner consistent with provisions of the Oregon Revised Statutes. Public notice of fourteen (14) days shall be provided except for special meetings for which twenty-four (24) hours notice shall be made. The Commission shall hold such meetings as may be required for the proper discharge of its duties, with a meeting scheduled at least once every ninety (90) days and such additional meetings as are requested by any commission member. If there is no business scheduled for the Commission, the quarterly meeting may be postponed until such time as there is business for the Commission to transact. Regardless of the above provision, the Commission shall meet at least once during each fiscal year.

Any person may request a special meeting of the Commission and such request shall be granted when good cause is shown.

SECTION 5: APPOINTMENT OF CHIEF EXAMINER AND SECRETARY

The Civil Service Commission shall appoint a qualified, impartial Chief Examiner, who shall act at the direction of the Commission, investigating complaints, and preparing reports for Commission meetings. All actions of the Chief Examiner shall be subject to the review and approval or disapproval of the Commission. The Human Resources department will appoint a secretary to maintain records of the Commission's proceedings and preserve all reports made to the commission.

SECTION 6: DISTRICT SUPPORT OF CIVIL SERVICE COMMISSION

The Board 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 and all District employees 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. The District shall produce books, papers, documents and accounts, and testify whenever required to do so by 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 rules and regulations. The Commission shall be represented in such proceedings by counsel appointed and retained by it.

SECTION 8: COMMISSION BUDGET

The Commission shall review the Civil Service budget which is submitted to the Board of Directors prior to each fiscal year for which an appropriation is needed to carry out the provisions of the Ordinance.

RULE 6 CLASSIFICATION PLAN**SECTION 1
MAINTENANCE OF
PLAN**

The Commission shall adopt and maintain class specifications for all classes in the classified service describing their primary purpose, essential functions, job scope, job qualifications, and working conditions.

**SECTION 2:
AMENDMENT OF
PLAN**

A. **REQUEST FOR CHANGE.** Any officer or employee of the District may initiate a request to the Commission to amend the classification plan. The Chief Examiner shall make necessary investigation of any such request. If the Chief Examiner finds that 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, the Chief Examiner shall recommend such an amendment to the Commission.

B. **DISCUSSION OF CHANGES.** The Commission shall discuss changes in the classification plan. After hearing suggestions and recommendations, the Commission shall review this information and act on classification revisions with such modifications as it believes proper.

**SECTION 3:
ALLOCATION OF
POSITIONS TO
CLASSIFICATIONS**

A. **NEW POSITIONS.** When the Governing Body 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 determine inclusion in classified service on the basis of its duties, authority and responsibilities; and the official allocation; and shall notify the Fire Chief.

B. **RECLASSIFICATION OF POSITIONS.** Whenever the Fire Chief desires to make any permanent and substantial change in the qualifications, duties, authority or responsibilities of a position, written notification of the proposed change shall be submitted to the Chief Examiner for amendment of the position the determination of the effect, if any on the classification of the position. The Chief Examiner may initiate classification studies or, at the request of the Fire Chief or an employee, may 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 current allocation is no longer correct, 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. Such change shall be subject to the incumbent's ability to acquire trial service status in the new class.

Effect of Reclassification on Employee Status:

- 1) When a position is reclassified to a class that carries a higher salary range, the incumbent regular or trial service employee shall be accorded trial service status in the higher class if eligible for certification from the appropriate list.
- 2) When a position is reclassified to a class that carries a lower salary range, the incumbent employee shall retain the same trial service or regular status in the lower class. The employee's name shall be placed on the promotion list in the same manner as provided for demotion.

C. **DECLASSIFICATION AND EMPLOYEE STATUS.** Although classes 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 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 list.

SECTION 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, a description of the duties and responsibilities of the work and a statement of the minimum qualifications a person should possess to perform the work with reasonable prospects of success.
- B. **INTERPRETATION OF SPECIFICATIONS.** The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes, as determined by duties and responsibilities, and are not to be construed as declaring what the duties or responsibilities of any position may be, or as limiting or modifying the power of the Fire Chief to assign, direct and control the work of employees under their supervision. The use of a particular expression or illustration as to the duties shall not be held to exclude others not mentioned that are of similar kind of quality, nor shall any specific omission necessarily mean that such factor is not included.
- C. **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.
- D. **ADDITIONAL QUALIFICATIONS STATEMENT.** The minimum qualifications, knowledge skills and abilities enumerated 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.
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SECTION 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, budget estimates and official records and reports relating to the position. The Fire Chief, with the approval of the Chief Examiner, may change the official title of any class provided no other change to the class specifications are included, and further that the titles of all of the positions allocated to the class are likewise changed. Any other working title desired and authorized to be used by the Fire Chief may be used as a designation of any position for purposes of internal administration or in contacts with the public. The working title does not fulfill work experience requirements in that class.

RULE 7 APPLICATIONS AND EXAMINATIONS

SECTION 1: EXAMINATION ANNOUNCEMENTS

- A. DISTRIBUTION OF ANNOUNCEMENTS.
1. Entrance examinations with closing dates. Public announcements of entrance examinations with closing dates shall be given at least two weeks in advance of the last date for filing applications. Such announcements shall be posted on the District's website, and once a week for two (2) weeks in a newspaper of general circulation in the District. The Chief Examiner may provide for such other publicity as deemed advisable to attract sufficient numbers of qualified candidates.
 2. Open-continuous entrance examinations. Public announcements of open-continuous entrance examinations shall be given throughout the year on the District's website. An announcement of the District's open-continuous examinations shall be published once a week for two (2) weeks annually in a newspaper of general circulation in the District. The Chief Examiner may provide for such other publicity as deemed advisable to attract sufficient numbers of qualified candidates.
 3. Promotional examinations. Announcements shall be posted on bulletin boards or other media provided for such purpose for no less than two (2) weeks. The District 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, place and manner of making application for admission to such examinations, the relative weights to be given to different 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 Commission may authorize contracts with any other civil service commission or District-approved testing service to conduct entrance 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 Commission shall establish and may revise requirements regarding experience, training, physical condition, and other factors that relate to the ability of candidates to perform effectively duties of a class.
- C. COMPETITION IN PROMOTIONAL EXAMINATIONS. Promotional examinations shall be open to employees who have acquired regular or trial service status, meet the minimum qualifications as stated in the class specification and as set forth in the announcement, and who have held a position in the classified service in another class or classes for a period of not less than six consecutive months immediately preceding the filing date specified on the announcement.

- D. Employees who meet qualifications described elsewhere in this Section 2, and who will achieve the necessary experience requirements during an anticipated 30 month life of the promotional examination may be deemed eligible to take the promotional examination with the understanding they may not be interviewed or appointed until such time as that experience criterion has been met.
 - E. Employees who meet qualifications described elsewhere in this section and who may achieve the necessary education requirements within 12 months of the adoption of the promotional list may be deemed eligible to take the promotional examination with the understanding they may not be interviewed or appointed until the education requirements are met and presented documentably to the Civil Service Secretary. If they are not proven within 12 months of adoption of the list, that employee's name will be removed from the list.
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SECTION 3: APPLICATIONS

- A. **FILING OF APPLICATIONS.** All applications must be made upon official District application blanks filled out as therein directed, and filed in accordance with instructions 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 Commission or its delegate 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 membership in a class protected by Federal, State or local law.
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SECTION 4: ADMISSION TO EXAMINATIONS

Each candidate whose application has been accepted for an examination shall be notified at least seven (7) days in advance of the examination of the time and place of the examination and such notice shall be authorization of admission. No person shall be permitted to take any examination without such authorization or other satisfactory evidence of the acceptance of his application. Any applicant for a promotional examination whose application has been accepted but who, for good cause, is unable to appear, may at the discretion of the Chief Examiner, be given the examination at a later date.

SECTION 5: DISQUALIFICATION OF APPLICANTS

Applicants may be refused further participation in an examination, and eligibles may be refused certification or may be removed from the eligible list as determined by the Chief Examiner for any of the following findings made or violations occurring during the application and examination process:

1. Failure to meet the standard published requirements for the class for which application is made, or to provide evidence of those qualifications per the examination announcement;
2. Failure to furnish true statements of material facts;
3. Practice or attempted practice of fraud or deception in connection with filing of application or in the examination process;
4. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of an examination;

5. The applicant has used, or attempted to use, collusion or bribery to secure an advantage in testing or appointment;
6. Is found to be unqualified because of unsatisfactory previous employment history;
7. Has been convicted of a crimes against person or crimes involving dishonesty, or has been dishonorably discharged from the armed forces of the United States.

Whenever an individual is disqualified, a timely notice of such disqualification shall be forwarded to the individual which shall set forth the reason for such disqualification. Any person disqualified may appeal such action per Rule 12, Section 1 (“Examination Appeals”).

SECTION 6: EXAMINATION ADMINISTRATION

- A. **SCHEDULING OF EXAMINATIONS.** Examinations shall be scheduled at such time or times as the Chief Examiner may approve consistent with the staffing requirements of the District. The Chief Examiner may postpone an examination if the best interests of the District will be served thereby.
 - B. **OPEN-CONTINUOUS EXAMINATIONS.** When necessary to meet continuing requirements for filling positions, and/or when other circumstances warrant, the closing date for any entrance examination may be indefinite, and applicants may be tested continuously in such manner and at such times and places as the Chief Examiner may provide.
 - C. **PREPARING AND CONDUCTING EXAMINATIONS.** The Chief Examiner shall prepare or oversee preparation of all examinations, and the examination process shall be approved by the Chief Examiner prior to the holding of said examination.
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SECTION 7: FORM OF EXAMINATIONS

Examinations shall be job related and competitive, and must be designed to determine the qualifications of candidates to perform the duties of the class for which a list is to be established. The examinations may be written, oral, physical, in the form of a demonstration of skill, and evaluation of training and experience, or any combination of such types. The examinations 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.

SECTION 8: RATING OF EXAMINATIONS

- A. **METHOD OF RATING.** In all examinations 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 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 examination. 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. Ratings shall be based on a scale of 100 points. The minimum rating structure required to achieve eligibility shall be posted on the examination announcement.
- B. **RATING OF EXPERIENCE AND TRAINING.** When a rating of experience and training forms a part of an examination, the Chief Examiner shall develop procedures for the evaluation of those factors that will serve to assist in the

selection of qualified candidates. Procedures that are adopted shall give due regard to quality, recency, 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 positions.

**SECTION 9:
NOTIFICATION OF
EXAMINATION
RESULTS AND
REVIEW OF
EXAMINATION
PAPERS**

In examinations with one or more components requiring minimum ratings in order to participate further, timely notice of a “no pass” rating or disqualification shall be forwarded to the applicant. The examination scoring among passing candidates shall be completed and the resulting list established (or modified to incorporate the examination results, in the case of open-continuous entrance examinations) as soon as practical after the date on which the last examination component was conducted. Each person competing in an examination will be provided access to his/her examination papers (or an electronic copy thereof), and may, during the immediate ten (10) day period following notification of the examination results (including “no pass” ratings or disqualifications), file an appeal per Rule 12. The right to review examination papers is limited to the applicant, Commissioners, their staff and members of the governing body.

**SECTION 10:
PREFERENCE FOR
VETERANS**

Veterans preference will be accorded to candidates receiving a passing examination score as provided by Oregon law.

**SECTION 11:
PREFERENCE FOR
VOLUNTEERS**

In all competitive entrance examinations, preference status shall be given to all active District volunteers in good standing who have served a minimum of one (1) year and have attained the Department of Public Safety Standards and Training (DPSST) accreditation as a Firefighter I and/or an associate degree in fire science. A volunteer meeting these requirements shall qualify for three (3) preference points providing a passing examination score has been received.

**SECTION 12:
PREFERENCE FOR
FIREFIGHTER
INTERNS**

Current volunteers in good standing who successfully complete the District’s Firefighter Intern program and achieve a passing score on the Firefighter entrance exam will be placed on a Firefighter Intern preference list for the Firefighter classification.

RULE 8 LISTS

SECTION 1: ESTABLISHMENT OF LISTS

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

SECTION 2: KINDS OF LISTS

- A. **ENTRANCE LISTS.** An entrance list shall be established and regularly updated as needed 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. **FIREFIGHTER INTERN PREFERENCE LIST.** A list established exclusively for candidates successfully completing the District's *Firefighter Intern* program.
- C. **PROMOTION LISTS.** A promotion list shall be established as needed 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 a promotion examination for the class. A promotional list with less than ten (10) names (or number of incumbents plus two, whichever is lesser) may be supplemented by an entrance list developed from an examination with the same structure (the same minimum rating structure, component weights, key dimensions assessed, and proficiency expectations). Eligibility for participating in the examination will be the same required for the promotional announcement.

SECTION 3: DURATION OF LISTS

- A. **ENTRANCE LISTS.**
1. Entrance Lists established from examinations with closing dates. The duration of an entrance list is limited to twenty-four (24) months from the date the list was established. An entrance list may be extended not to exceed an additional twenty-four months if, in the opinion of the Commission, the best interests of the District would be served thereby. An entrance list may be canceled when in the opinion of the Commission it does not contain a sufficient number of eligibles, (i.e. 10% or more of names originally on the list have been employed already.)
 2. Entrance lists established from open-continuous examinations. These lists shall be continuously updated to add the names of candidates who have achieved eligibility and to drop the names of those what remained on the list for twelve (12) successive months. The duration of a candidate's tenure on an entrance list established from open-continuous examination is limited to twelve (12) months from the date that his/her name was most recently placed on the list.
- B. **FIREFIGHTER INTERN PREFERENCE LIST.** The duration of a Firefighter Intern preference list is open-continuous. Candidate names will be added upon eligibility and removed thirty (30) months from the date the candidate was placed on the list.
- C. **PROMOTION LISTS.** Except as described in D. below, the duration of a promotional list is limited to thirty (30) months from the date the list was established. A promotion list may be canceled when a certification from that list for an existing vacancy is comprised only of the last individual on the eligible list. If the Fire Chief accepts the individual, the roster is exhausted. If the Fire Chief

rejects the individual due to his/her right to consider more candidates than vacancies, the rejected individual (if rejected without cause) shall be placed on the new list based upon their score on the previous exam, but shall be accorded the opportunity to be re-tested and re-ranked on the basis of the higher examination score. That individual may not be certified until he/she meets the minimum requirements.

- D. **PROMOTIONAL LISTS FOR TRAINING OFFICER.** A promotion list for the Training Officer job classification may be cancelled, and a new eligible list established, when business needs warrant filling (a) position(s) from eligibles with desired specialized skills.
- E. **PROMOTIONAL LISTS REMAINING ACTIVE WHILE CERTIFICATION ACTIONS PENDING.** Once names are requested and certified for a vacancy, the eligible list shall remain active pending completion of actions taken on certified eligibles.
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SECTION 4: ORDER OF NAMES ON LISTS

A. ENTRANCE LISTS

1. Laid-off Employees. Each entrance list 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. Eligibles. 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 LISTS

1. Demoted Employees. Each promotion list 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. Following the names of employees described in B.1 above, names of eligibles shall be placed on lists in the order of their final earned ratings plus any veterans preference credits to which they may be entitled. The list maintained by Human Resources will note any conditional status resulting from application of Rule 7 Section 2.D. and 2.E. As noted in Rule 7 names listed with notes appended regarding education and/or experience will not achieve eligibility until such conditions are fulfilled.

C. **ORDER OF NAMES ON LISTS 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. Those persons with the same date of lay-off or demotion shall be listed in order of seniority.

D. **FIREFIGHTER INTERN PREFERENCE LIST.** Names of eligibles will be placed on the list in the order (date) they successfully complete the *Firefighter Intern* program. Where two or more eligibles complete the *Firefighter Intern* program on the same date, the order shall be determined by their Firefighter entrance exam score.

**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:

1. Certification and appointment to fill a classified position;
2. Failure to provide the Civil Service Commission with documented transcripts that courses necessary to fulfill educational requirements have been met within 12 months of promotional list adoption;
3. Failure to respond within five days to a written inquiry of the Chief Examiner or the Fire Chief relative to availability for appointment;
4. Declining to be considered for a declared vacancy;
5. Refusal of offer of an appointment without an adequate explanation;
6. Failure to report for duty within the time specified by the Fire Chief;
7. Expiration of the term of eligibility on the list;
8. Failure 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;
9. Violation of any of these rules;
10. In case of promotion lists, separation from the Fire District service;
11. Upon a finding by the Chief Examiner or Commission that the person is not qualified to perform the duties of the class;
12. Upon a finding of the Fire Chief and approval by the Commission that the applicant is not qualified to perform the duties of the class;
13. Upon request of the eligible to have his/her name removed;

Any person whose name is removed from a list 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 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. Generally, reinstatement requests which extend a promotional candidate's standing on a list for the same classification beyond 30 months shall not be approved unless extenuating circumstances are clearly demonstrated. No one shall be on a promotional list for the same classification for more than 60 months without being retested.

**SECTION 7:
AVAILABILITY OF
ELIGIBLES**

It shall be the responsibility of the 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, circularize lists or use other methods to determine current availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which that eligible will be available for employment, the name shall be withheld from certificates which do not meet the conditions specified.

RULE 9 CERTIFICATION AND APPOINTMENT**SECTION 1: FILLING VACANT POSITIONS**

- A. **REQUEST FOR NAMES.** All vacancies in classified positions shall be filled as provided in the Ordinance and these rules. Whenever the Fire Chief wishes to fill a vacancy in the classified service, a request for names of qualified eligibles shall be submitted to the Commission or its designee. The request shall include the class for which the vacancy(ies) exist, the number of vacancies, and the date the vacancy(ies) will exist if not current. No appointment to a classified position shall be made without prior authorization of the Chief Examiner. The Fire Chief shall notify the Commission of personnel requirements as far in advance as possible in order that sufficient time will be available to establish eligible lists.
- B. **TIMELINESS OF FILLING VACANT POSITIONS.** Appointments of individuals to promotional positions shall become effective no more than 45 days after the appointment has been certified. This time limit may be extended with Commission approval for extenuating circumstances.
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SECTION 2: CERTIFICATION OF ELIGIBLES

- A. **ORDER OF USE OF ELIGIBLES LISTS.** Upon receipt of a request for certification of eligibles, the Chief Examiner shall certify the proper number of available eligibles from the appropriate list. If no appropriate list exists, the Chief Examiner shall determine the appropriateness of authorizing a provisional appointment as provided by Sec. 3.B of these rules. Certification shall be made from lists in the following order:
1. The promotional list, if applicable
 2. The Firefighter intern preference list, if applicable
 3. The entrance list
- B. **ORDER AND NUMBER OF NAMES CERTIFIED.** Names shall be certified in order of standing on the list. The number of names certified from the promotional list shall be two (2) plus one for each additional vacancy. The number of names certified from the Firefighter intern preference list shall be twenty five (25) plus one for each additional vacancy. The number of names certified from the entrance lists shall be twenty five (25) plus one for each additional vacancy.
- C. **NOTIFICATION OF ELIGIBLES.** Whenever the name of an eligible is certified to the Fire Chief, the Commission shall provide for appropriate notification to such candidate.
- D. **ADDITIONAL CERTIFICATION TO A VACANCY.** The Chief Examiner may certify additional name(s) to a vacancy upon receipt of a written report from the Fire Chief, that in the Chief Examiner's judgment, justifies rejection of certified eligible(s) for the position that is to be filled. Only job related reasons shall be considered as valid reasons for rejection of a candidate. Rejected individuals may appeal the Chief Examiner's approval of the rejection to the Commission (see Rule 12, Section 3). If the rejection by the Fire Chief is not approved the Fire Chief shall make an appointment from the candidates previously certified. No appointment shall occur while an appeal to the Commission is pending.
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- E. **ADDITIONAL CERTIFICATIONS FROM OTHER LISTS.** Whenever a list has fewer names than can be certified in accordance with paragraph B of this section, names from the list that is next in order following paragraph A of this section may be added to the previously certified names. The order and number of names added shall follow paragraph B of this section.
- F. **ACTION REQUIRED OF THE FIRE CHIEF.** Reports of actions taken on certified eligibles by the Fire Chief shall be submitted in writing to the Human Resources Division of the District. Fair consideration must be given to all names certified. The following actions by the Fire Chief are allowed and/or required:
1. Personally consider each candidate utilizing job related criteria. Such consideration may involve interviews, review of application and examination work products, feedback from internal and external references, work history, and/or other tools the Fire Chief deems appropriate.
 2. Request additional names to replace names of eligibles who:
 - a) Decline or otherwise waive consideration;
 - b) Failed to reply within the specified period to appear for consideration;
 - c) Were rejected for valid and pertinent reasons directly connected with the position as determined by the Chief Examiner from a written report by the Fire Chief.
 3. Appoint one of the certified candidates.
 4. Those persons certified but not appointed shall be so notified by the Fire Chief within five (5) days after an appointment is made. This rule will not apply in the case of persons who waive, decline or fail to appear for interview.
- G. **RESTORATION OF NAMES TO LIST.** The names of those persons certified but not appointed shall be restored to the lists unless subject to Rule 7, Section 5, or Rule 8, Section 5.
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SECTION 3: KINDS OF APPOINTMENTS

- A. **TRIAL SERVICE APPOINTMENT.** Appointments from open competitive or promotional certificates shall be trial service appointments. Employees who have successfully completed their trial service period shall be thereupon accorded regular status.
- B. **PROVISIONAL APPOINTMENT.** If there are no names of qualified candidates on either the promotional or entrance lists 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 calendar year, nor shall any person be appointed as a provisional employee more than once in any calendar year. A provisional appointment is terminated after three (3) months or when the Chief Examiner establishes an appropriate list, certifies available eligibles, and an appointment is made for the position.
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- C. **PART TIME APPOINTMENTS.** Appointments to a part-time position as defined in Rule 2 are not subject to these rules. Such appointments shall not be used to circumvent the intent of the Ordinance and these rules.
- D. **TEMPORARY APPOINTMENT.** If an employee is needed for a temporary period, the Fire Chief shall appoint a candidate from an existing list of other individuals who possess the needed qualifications. The duration of a temporary appointment shall be limited to the period of need, but shall not exceed three (3) months. A temporary appointment may be extended for an additional three (3) months subject to the approval of the Commission. The acceptance or refusal of a temporary appointment shall not affect an eligible's standing on an entrance list. If an employee is promoted while performing a temporary appointment to that position, the time served in the temporary appointment may constitute a part of the trial service period. It is the employee's responsibility to notify his/her supervisor if the employee wants to begin the trial service process during a temporary appointment. The period of temporary service shall not constitute a part of a trial service period if the temporary appointment ends before the employee is promoted to that position. Successive temporary appointments to the same position shall not be made so as to circumvent a trial service appointment of qualified candidates.
- E. **ASSIGNMENT TO CAPTAIN.** If an employee is needed for a temporary period to fill the position of Captain, the Fire Chief may assign a Lieutenant who is currently working at the station where the vacancy occurs, providing the assignment is for a minimum of five (5) shifts and a maximum of fifteen (15) shifts and the assignment has been approved by the Division Chief. An extension of no more than five (5) shifts may be made with approval of the Chief Examiner. If one or more of the Lieutenants at the station is currently eligible for interview on a Captain's promotional list, that employee shall be offered the assignment in order of rank on the list. In the event that neither Lieutenant at the station is currently eligible for interview on the Captain's promotional list, the most senior Lieutenant shall be assigned. Lieutenants who are otherwise eligible under this rule but have not completed their trial service period are not eligible for assignment to Captain. At the Fire Chief's discretion, assignments to Captain may be made under Rule 9, Section 3D.
- F. **DISABILITY APPOINTMENT.** A regular or trial service employee who is unable to perform the regular duties of the employee's position because of an on-the-job accident or disability may be returned to duty either temporarily or permanently and be appointed to a position consistent with the physical condition of the employee subject to a finding by the Chief Examiner that the employee is qualified to perform the duties of the new position. Such appointments which come under the definition of a promotion are excluded from this section. Decisions made relative to this section shall be based upon written recommendations of the employee's and/or Districts physicians.
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SECTION 4: TRANSFERS

- A. **OUT OF CLASSIFICATION TRANSFERS.** A permanent 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 promotions. A permanent transfer to a position in a class having a lower salary range constitutes a demotion and shall be subject to rules governing demotions. Reports of such out of class transfers shall be made forthwith to the Commission.
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- B. **VOLUNTARY DEMOTIONS.** An employee may make a request in writing to the Fire Chief for demotion. If the employee has previously held a position in such classification, the Commission may approve the request, provided it would not result in the lay-off of another employee.
- C. **LIMITED ADMINISTRATIVE ASSIGNMENT.** The Fire Chief may assign classified employees to duties or projects which fall either within or outside their division or organization unit for an initial period not to exceed six (6) months. Such assignments shall be designated Limited Administrative Assignments and are to be considered neither promotions nor demotions. Employees so assigned may remain in the assignments until the duties or projects are completed within the initial six month period. Said assignments are subject to employee agreement and if anticipated to exceed six months duration the assignment opening must be posted under an open process. A change in pay or grade is authorized under this assignment according to the current bargaining agreement and applicable Human Resources policy. The Civil Service Commission may grant further extension to the assignment at their discretion and upon request.
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**SECTION 5:
ELIGIBILITY OF
EXEMPT EMPLOYEES
FOR RE-
EMPLOYMENT IN
THE CLASSIFIED
SERVICE**

Employees who have held regular or trial service status in the classified service and who are promoted or transferred to a position in the exempt service, may be re-employed in a position previously held in the classified service in the same manner as described in Section 4.B. above.

RULE 10 TRIAL SERVICE PERIOD**SECTION 1:
PURPOSE**

The trial service period is an integral part of the selection process and provides the Fire Chief with the opportunity to observe the new employee's work and to train and aid the new employee in adjustment to the position. The Fire Chief may terminate the employment of any trial service employee at any time during the trial service period; provided the termination is effective before the end of the trial service period, there is no right of appeal by the employee from such termination.

**SECTION 2:
DURATION OF TRIAL
SERVICE PERIOD**

Every person certified and appointed or promoted to a position in the classified service shall serve a trial service period of twelve (12) months.

**SECTION 3:
TRANSFER DURING
TRIAL SERVICE
PERIOD**

An employee who is transferred to another position prior to the completion of the trial service period, shall complete the trial service period in the latter position by adding thereto service in the former position.

**SECTION 4:
EVALUATION OF
PERFORMANCE
DURING TRIAL
SERVICE PERIOD**

During the trial service period the Fire Chief (or designee) shall report in writing observations of the employee's work. Such report shall include the Fire Chief's judgments as to the employee's willingness and ability to perform assigned duties satisfactorily at such times and in such manner as the Commission shall provide.

**SECTION 5:
DISMISSAL DURING
TRIAL SERVICE
PERIOD**

The Fire Chief may terminate the employment of any trial service employee at any time during the trial service period; provided the notice of termination is given before the end of the trial service period. There is no right of appeal by the employee from such termination. Such action shall be reported in writing to the Chief Examiner and to the employee and shall include the reasons therefore.

**SECTION 6:
DEMOTION DURING
TRIAL SERVICE
PERIOD**

A trial service employee serving as a result of appointment from a promotional 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 the employee's former position.

RULE 11 DISCIPLINARY ACTIONS**SECTION 1:
EMPLOYEE
CONDUCT
GENERALLY**

The expected standard of conduct for all employees in the service of the District shall be in the public interest as opposed to individual interests. Therefore, in order to render the best possible service to the general public and to reflect credit on the service, high standards of conduct are deemed essential. The tenure of every employee shall be conditioned on good conduct and satisfactory performance of duties.

**SECTION 2:
DISCIPLINE**

It is the policy of the District that disciplinary measures shall be for the purpose of achieving corrective employee conduct. Such measures shall be progressive in nature until or unless separation from the service is considered appropriate. The Fire Chief shall take appropriate disciplinary action in dealing with employee misconduct. Disciplinary action shall be for just cause as it relates to job performance as specified in Section 3.

**SECTION 3: CAUSE
FOR DISCIPLINARY
ACTION**

Any action which reflects discredit upon the service, or is a direct hindrance to the effective performance of the District functions, shall be considered just cause for disciplinary action, improper action by an employee in an official capacity tending to bring the District into discredit. In addition, just cause includes but is not limited to the following:

- A. Conviction of felony;
- B. Conviction of a Class A or B misdemeanor;
- C. Violation of the District's Substance Abuse policy;
- D. Insubordination;
- E. Inefficiency or incompetence;
- F. Inattention to duty, being unfit for duty, tardiness, indolence, carelessness, or damage to or negligence in the care and handling of District property;
- G. Improper or unauthorized use of District vehicles, equipment, or supplies;
- H. Claim of sick leave under false pretenses or misuse of sick leave;
- I. Absence from duty without authorized leave;
- J. Misconduct in the performance of duties as an employee;
- K. Violation of the District safety practices;
- L. Willful giving of false information or withholding information with intent to deceive when making application;
- M. Violation of any provision of the Ordinance or rules adopted by the Board of Directors of the District, or any provision of the Standard Operating Guidelines of the District.

No classified employee holding regular status shall be dismissed, demoted, suspended without pay or deprived of special privileges except for cause, and then only upon receiving written notice stating the general terms of the cause for discipline.

RULE 12 APPEALS AND HEARINGS

SECTION 1: EXAMINATION APPEALS

- A. **PREFACE TO SECTION.** This section provides the exclusive means for a person to appeal any aspect of an examination to the Chief Examiner and to appeal any decision of the Chief Examiner relating to an examination.
- B. **STANDING OF EXAMINATION APPEALS.** A candidate, his/her authorized representative, or exclusive representative under collective bargaining law may file an examination appeal. Not all concerns or issues that a candidate may have with an examination qualify as an appeal in respect to these rules. To be considered as an appeal the candidate must show the examination process, in whole or in part, was administered in a manner contrary to specific provisions of these rules, the law, or the purpose of these rules as stated in Rule 1. The burden of establishing standing is on the candidate.
- C. **EXAMINATION APPEALS TO THE CHIEF EXAMINER.** Any appeal of examination results must take the following form in order to be considered properly filed:
1. Be submitted in writing to the Chief Examiner within the immediate ten (10) day period following notification of the examination results (including “no pass” ratings or disqualifications).
 2. Be specific regarding the action being appealed;
 3. Include the basis of standing, citing the specific provision of the rule violated, the law or the purpose of the rules stated in Rule 1, and how this relates to the action being appeals; and
 4. The remedy sought.

The Chief Examiner shall not consider appeals that are not timely filed or do not demonstrate standing as noted in paragraph B of this section. The Chief Examiner may elect to halt or modify an examination process if he/she determines that the appeal raises a probability of questionable validity or integrity of the examination, or may fashion an appropriate remedy otherwise if a violation is found.

- D. **INVESTIGATIONS RELATED TO EXAMINATION APPEALS:** The Chief Examiner shall conduct thorough, fair and timely investigations of examination appeals meeting the criteria in Paragraph C of this section. For the purpose of this section, the term “Chief Examiner” and “Investigator” are one and the same. The Chief Examiner is authorized to consult and utilize appropriate resources in order to complete the investigation. If the Chief Examiner is unavailable to conduct and complete the investigation, the Commission Chairperson will contact District staff and request a recommendation of an alternate individual who can conduct the investigation. A decision by the Chief Examiner to pursue and investigate a properly filed appeal does not imply that the Chief Examiner has made a determination with regard to the merits of the appeal.
1. Responsibilities of the investigator. The investigator shall take all reasonable actions necessary to develop an impartial factual record that allows a reasonable person to draw conclusions regarding the issues raised. This may involve interviewing the appellant to better understand what occurred, the basis of the appeal, and the remedy requested. Based

on the information provided by the appellant in the written appeal and the interview with the appellant, the investigator shall identify other individuals to contact and evidence to collect. The investigator shall collect and analyze relevant evidence as appropriate. The investigator shall proceed in this manner to ensure the investigation is reasonably sufficient and clearly settles the allegations raised in the appeal. The investigator may use a variety of fact-finding techniques, including reviewing documentary evidence and conducting interviews by various means (including exchanges such as email correspondence). The investigator shall make every effort to complete the investigation in a timely manner.

2. Responsibilities of the appellant. The appellant shall present all pertinent information in his/her written appeal or during the investigation. Information not presented in the written appeal or during the investigative phase will not be entertained at any subsequent proceedings.
3. Investigative report. The investigator shall prepare an investigative report that includes the following:
 - a. The name of the investigator,
 - b. Specific issues identified to have standing and investigated,
 - c. Evidence reviewed,
 - d. Individuals interviewed,
 - e. Statements of individuals,
 - f. Findings of fact,
 - g. Analysis of the issues pursued,
 - h. Determinations whether actions taken were inconsistent with specific provisions of the rules, the law, or the purpose of the rules as stated in Rule 1.
 - i. Suggested remedy, if warranted.
 - j. Other recommendations based on the issues raised or discovered in the course of the investigations.

The investigator will forward the final investigative report to the appellant upon completion

E. **EXAMINATION APPEALS TO THE CIVIL SERVICE COMMISSION.** The Commission shall review properly filed appeals of candidates for appointment or promotion to a classified position where the candidate is not satisfied with the decision of the Chief Examiner. The appeal must be in writing and must contain a detailed statement specifying:

- 1) That the candidate had filed with the Chief Examiner a written appeal of examination results within the immediate ten (10) day period following notice of the results;
- 2) The date of the Chief Examiner's written decision after such appeal;
- 3) The reason(s) why the candidate believes the finding(s) by the Chief Examiner was in error.

The written appeal to the Commission must be filed no later than seven (7) days after the Chief Examiner's written response is forwarded to the candidate.

- F. **SCOPE AND STANDARD OF REVIEW IN EXAMINATION APPEALS.** The Commission's review shall be limited to the record made before the Chief Examiner. The Commission shall affirm the Chief Examiner's decision if the Commission finds substantial evidence to support the Chief Examiner's decision.
 - G. **BURDEN OF PROOF.** The burden of proof is on the appellant in an examination appeal.
 - H. **IMPACT OF COMMISSION DETERMINATION.** The Commission may elect to halt or modify an examination process if it determines that the appeal raises a probability of questionable validity or integrity of the examination, or may fashion an appropriate remedy otherwise if a violation is found.
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**SECTION 2: APPEALS
FROM DISCIPLINARY
ACTIONS**

- A. **FILING OF APPEALS.** Filing of appeals must be in accordance with these rules. Any appeal not filed in conformance with these rules is void.
- B. **TIMELINESS.** An employee who holds regular status and who has been afforded the right to appeal disciplinary action to the Commission, may appeal such an action, other than oral reprimands, to the Commission not later than ten (10) days after the effective date of such action. The filing and conduct of such appeals shall be subject to the rules of the Commission. If the regular employee who has been the subject of a disciplinary action does not have actual knowledge of the disciplinary action, notice of the appeal must be filed with the Commission no later than seven (7) days after actual knowledge of the disciplinary action is received by the regular employee.
- C. **APPEAL MUST BE IN WRITING.** The appeal must be in writing and must contain a detailed statement specifying:
1. The action being appealed;
 2. The reasons why appellant believes the disciplinary action was not in good faith or for cause;
 3. The corrective action requested.
- D. **BURDEN OF PROOF.** In a hearing on an appeal from a disciplinary action, 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.
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**SECTION 3: APPEALS
FROM OTHER
ACTIONS**

- A. **STANDING OF APPEALS.** Individuals may appeal to the Commission actions or findings unrelated to examinations or disciplinary actions, including but not limited to the following:
1. Removal of one's name from an eligible list.
 2. Denial of one's request to be restored to an eligible list.
 3. Rejection of one's name as a certified eligible for a vacancy.

To be considered as an appeal the individual must show the action or finding was made in a manner contrary to specific provisions of these rules, the law, or the purpose of these rules as stated in Rule 1. The Commission shall not have jurisdiction over any appeal where the sole basis of the appeal questions the Fire Chief's right to select a candidate for appointment or promotion.

- B. **FORM OF APPEAL.** Any appeal must be submitted in writing to the Commission with the immediate ten (10) day period following notification of the action or finding. The Commission shall not consider appeals that are not timely filed or do not demonstrate standing as noted in Subsection A of this rule. The appeal must be in writing and must contain a detailed statement specifying the date the appellant was notified of the action or finding, and the reason(s) why the appellant believes the actions or finding was made in a manner contrary to specific provisions of these rules, the law, or the purpose of these rules as stated in Rule 1.
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C. BURDEN OF PROOF.

1. In the case of appeals of removal of one's name from an eligible list, denial of one's request to be restored to an eligible list, and rejection of one's name as a certified eligible for a vacancy, the District shall have the burden of proof.
2. In all other appeals, the appellant bears the burden to clearly demonstrate why he/she believes the action or finding was contrary to the Rules, the law or the purpose of these rules as stated in Rule 1.

D. IMPACT OF COMMISSION DETERMINATION. The Commission may elect to halt or modify any process governed by these rules if it determines that the appeal raises a probability of questionable validity or integrity of the process, or may fashion an appropriate remedy otherwise if a violation is found. No action shall invalidate any appointment previously made.

**SECTION 4:
COMMISSION
HEARINGS**

A. HEARINGS. The Commission shall conduct a public hearing on any appeal properly filed and found to have standing as specified in these rules. The hearing is a public meeting under the terms of the Oregon Public Meetings Act. 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 or may not be represented by counsel or other representatives at the hearing. The Commission or the parties may issue subpoenas for witnesses or subpoenas for production of evidence to require witnesses to attend and/or present relevant documentation at the hearing.

B. EVIDENCE. The rules of evidence shall be:

1. All allegations shall be proved by a preponderance of the evidence, except in the case of examination appeals, in which the scope and standard of review is stated in Section 1 of this rule
 2. Although hearings may be informal and rules of evidence are not to be arbitrarily enforced, the quality and quantum of evidence to be produced by either party shall be relevant to the issues, and shall be such as will prove the material allegations involved.
 3. 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 (1) the hearsay statement is more probative than other evidence that the proponent could obtain through reasonable efforts and (2) 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.
 4. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
 5. 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.
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6. Evidence objected to may be received by the Commission, and in the discretion of the Commission, rulings on its admissibility of exclusion may be reserved until the time the order of the Commission is issued.
 7. In considering the admissibility of evidence, the Commission may refer, but is not bound, by the Oregon Rules of Evidence set forth in ORS Chapters 40-45.
 8. The Commission shall take judicial notice of the District Standard Operating Guidelines, all past and current labor contracts, and other matters for which judicial notice is appropriate pursuant to ORS 40.060-40.090.
- C. **TIME AND PLACE OF HEARINGS.** The time and place of hearings will be set by the Commission and notice thereof shall be provided at least fourteen (14) days in advance of the hearing date.
- D. **POSTPONEMENTS.** Any party who desires a postponement shall promptly, upon receipt of notice of the hearing, make a request of the Chairperson of the Commission for such a postponement, stating the reason therefore. For good cause shown, the Chairperson of the Commission may grant such postponement and may, at any time, order a postponement upon its own motion.
- E. **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 removal of the person from the hearing.
- F. **HEARING PROCEDURE.**
1. On appeals in which the District has the burden of proof, 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. On all other appeals, the individual appealing an action or finding shall present the grounds for his/her appeal, and evidence in support thereof, and the Fire Chief or Chief Examiner shall then present evidence to refute the charges. The appellant shall have the right of rebuttal and the Fire Chief or Chief Examiner shall be allowed surrebuttal.
 3. 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.
 4. 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.
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5. 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.
- G. **COUNSEL OR REPRESENTATIVE.** In an appeal 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.
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**SECTION 5:
DISPOSITION AND
APPEAL**

After investigation and public hearing, the Commission may affirm or modify the action or finding, or may find the action or finding was not made consistent with specific provisions of these rules, with the law, or with the purpose of these rules as stated in Rule 1, and fashion an appropriate remedy. The Commission shall make a written decision on the appeal which shall be a public record. The Commission's decision may be appealed to the appropriate county circuit court by the individual or District by a written notice of appeal filed with the Commission within thirty (30) days of entry of its decision. The certified transcript and case file shall be transmitted to the Court, which shall hear and determine the appeal in a summary matter. The hearing shall be confined to a determination of whether the Commission's decision was made in good faith for cause.

RULE 13 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 COMMISSION

Every appointment, transfer, promotion, demotion, dismissal, leave of absence without pay and 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 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.

SECTION 4: PUBLIC RECORDS EXEMPT FROM DISCLOSURE (ORS)

- A. **SPECIFIC RECORDS.** Public records exempt from disclosure under ORS 192.410 to 192.505 unless the public interest requires disclosure in the particular instance, are: test 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.** All other public records exempt from disclosure are set forth in ORS 192.410 to 192.505 or any amendments thereto.
- 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 such procedures as the Commission may require.
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RULE 14 MISCELLANEOUS PROVISIONS**SECTION 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. In the event that collective bargaining agreements are ratified by the Board, the terms of such collective bargaining agreements shall prevail over inconsistent terms contained in these rules. The foregoing shall not apply to disciplinary appeals and any other 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).

**SECTION 2:
PROHIBITED
POLITICAL ACTIVITY**

- A. No person shall attempt to coerce, command or require a public employee to influence or give money, service or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.
- B. No public employee shall 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.
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**SECTION 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. 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.
- C. Furnish to any person any special 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.
- D. Impersonate any other person or permit or aid in any manner any other person to impersonate them in connection with any examination or application or request to be examined or registered.
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**SECTION 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.

**SECTION 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.
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RULE 15 PAYROLL CERTIFICATION**SECTION 1:
CERTIFICATION OF
PAYROLL ACCURACY**

Written certification of the Fire Chief 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 that purpose. The Commission shall check such payrolls and certify that the persons therein have been appointed and are employed in accordance with provisions of the Civil Service Act and Rules. Exception taken to unauthorized payroll items shall be noted in writing and shall constitute the Commission's official notification to the payroll officer that such items are in violation of the Act and Rules.

**SECTION 2: EFFECT
OF PAYROLL
CHECKING**

The payroll officer shall not make or approve, or take any part in making or approving any payment for personal service to any person holding a position in the classified service unless the payroll voucher or account bears the certification of the Commission.
