

2024

Civil Service Rules

Tualatin Valley Fire and 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 10/18/2024



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

As stated in the District Civil Service Ordinance No. 2019-02 (Addendum A), these rules have been established to achieve the following objectives:

- A. To establish a system of personnel administration based on merit principles and scientific methods, governing the appointment, tenure, promotion, transfer, 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. **"Appointment"** includes all means of selection or employing any person to hold any position subject to these rules.
2. **"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).
3. **"Civil Service"** means the civil service system established under District Ordinance 2019-02.
4. **"Chief Examiner"** means the person appointed by the Commission to oversee assigned scope of work of the civil service program.
5. **"Class"** or **"Classification"** means a position or group of positions in the classified service.
6. **"Classified Employee"** means a person who has been appointed to a position in the classified service.
7. **"Classified Service"** means all positions, the appointment to which is subject to these rules.
8. **"Commission"** means the Civil Service Commission created by District Ordinance 2019-02.
9. **"Commissioner"** means a Civil Service Commission member.
10. **"Days"** means calendar days unless specifically noted otherwise.
11. **"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.
12. **"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.
13. **"Dismissal"** means involuntary termination of employment due to reasons other than layoff.
14. **"District"** means Tualatin Valley Fire and Rescue.
15. **"Employee"** means a person who holds a position in the classified service.
16. **"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 will 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 will be made from a certificate of eligibles from the promotion list of said position.

17. "**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.
18. "**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 (3) months subject to approval of the Commission.
19. "**Eligible**" means an applicant whose name is on a list.
20. "**Entrance List**" means a list of eligibles who have been found qualified by an entrance examination for appointment to a position.
21. "**Examination**" means an evaluation or series of evaluations designed to assess candidates for a particular position and produce a list of eligibles.
22. "**Exempt Status**" means the status of an employee who has been appointed to a position exempt from the classified service.
23. "**Fire Chief**" means the person named by the Governing Body with authority to appoint to any Civil Service position, or his/her designee. (Previously referred to as "Appointing Power.")
24. "**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.
25. "**Governing Body**" means the District's Board of Directors.
26. "**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.
27. "**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.
28. "**Ordinance**" means District Civil Service Ordinance 2019-02.
29. "**Part-time position**" means a position whose hours of work are less than one half the hours established for full-time positions.
30. "**Personnel Action**" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting status of employment.
31. "**Political**" in such terms as "political, religious or racial reasons", "political office" and "political party or candidate" will be understood as referring to partisan politics and contested nomination or election to public office only.
32. "**Position**" means a set of essential job functions which are approved and budgeted by the organization.

33. "**Position Description**" means the written document describing a position which contains a title, statement of duties, authority and responsibility, and the desired minimum qualifications for the position.
34. "**Promotion**" means a transfer of an employee from his/her current position to another position 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.
35. "**Promotion List**" means a list of eligibles presently employed by the District who have been found qualified by promotional examination for appointment to another position.
36. "**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.
37. "**Rules**" means the civil service rules adopted by the Civil Service Commission.
38. "**Seniority**" means an employee's length of continuous employment with the District since the employee's last date of hire. Continuous employment will 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 will not be credited toward seniority, but an employee who returns from such leave will have previously accrued seniority restored.
39. "**Suspension without pay**" means a disciplinary action placing an employee on leave without pay.
40. "**Transfer**" means any change of an employee from one position to another position in the same classification.
41. "**Trial Service Period**" means a working evaluation period of twelve months during which an employee is required to demonstrate fitness for the position by actual performance of the duties.
42. "**Trial Service Status**" means the status of an employee during a probationary period.

RULE 3**ADOPTION AND AMENDMENT OF THE RULES****SECTION 1:
ADOPTION OF CIVIL
SERVICE RULES**

Civil Service Rules will be adopted by the Commission only after public hearing. Notice of the public hearing will be provided at least fourteen (14) calendar days in advance and will include the time, location, and purpose of the hearing. Rules adopted by the Commission will become effective ten (10) business days after adoption and will 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 in writing at any time by any interested party to the Commission indicating the proposed change and the reasons. The Commission may amend the Civil Service Rules, using the procedure for adoption of rules in Section 1.

**SECTION 3:
APPLICATION OF
RULES**

Any personnel action taken prior to the official adoption of new or amended rules will be governed by the rules in effect at the time of the action and will not be affected by the proposed new or amended rules unless the 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 portion of the rules are for any reason determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination will 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 will include all positions now classified in the existing civil service system of the District and not otherwise exempted by Board Ordinance.

**SECTION 2:
EXEMPT SERVICE**

Positions which are exempt from the Civil Service System are identified in the Board Ordinance.

RULE 5**CIVIL SERVICE COMMISSION****SECTION 1: CIVIL SERVICE COMMISSION**

The Civil Service Commission is composed of five (5) members appointed by the Governing Body.

SECTION 2: QUORUM

Three (3) members of the Civil Service Commission present constitutes a quorum. The votes of any three (3) commissioners concurring is sufficient for decision in all matters and transactions. The Commission chairperson is entitled to vote on all matters and transactions coming before the Commission.

SECTION 3: CHAIRPERSONSHIP

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

SECTION 4: MEETINGS

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

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

SECTION 5: APPOINTMENT OF CHIEF EXAMINER AND SECRETARY

The Civil Service Commission will appoint a qualified, impartial Chief Examiner, who acts at the direction 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 will 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 will cooperate in any investigation or inquiry conducted by the Commission and will assist in carrying out the provisions of these rules as prescribed by the Commission. The District will 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 will be represented in such proceedings by counsel appointed and retained by it.

SECTION 8: COMMISSION BUDGET

The Commission will 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
CLASSIFICATION
PLAN**

A classification plan for all positions will be developed and administered by the Human Resources Division. A position description for each position in the classification plan will include a title, the status of the position, the essential functions, job qualifications, physical requirements and working conditions. Any other working title desired and authorized to be used by the Fire Chief may be used for purposes of internal administration or public contact. The working title does not fulfill work experience requirements in the position description.

**SECTION 2:
CHANGES TO THE
CLASSIFICATION
PLAN**

Any officer or employee of the District may initiate a request in writing to the Human Resources Division to amend the classification plan. The Human Resources Division will investigate the request and will make changes to the classification plan, as required

- A. **NEW POSITIONS.** When the District determines a new position is needed, the Human Resources Division will develop a position description, in accordance with the process established in the collective bargaining agreement and present it to the Commission. The Commission will review the position description to determine if the position should be included in classified service on the basis of the position's essential functions consisting of preventing or combating fire or preventing the loss of life or property from fire. Positions not required to perform those duties will be exempt from classified service and the Fire Chief will be notified.
- B. **CHANGES TO EXISTING POSITION DESCRIPTIONS.** If changes to an existing position is required, the Human Resources Division will prepare a revised position description for review by the Commission. Any change that requires or removes the requirement for the position to perform duties of preventing or combating fire or preventing the loss of life or property from fire will be reviewed to determine the position's status in classified service.

The Commission will also review and approve any changes to the job qualifications of the position based on the requirements being consistent with the essential functions of the position. Such changes will take effect upon establishing a new list.

- C. Although positions maybe amended, added to, consolidated, or abolished by the District, no person will lose any of the benefits attached to the current position then held by him or her. No person will be promoted or advanced to a higher position without being eligible for appointment to the higher position by reason of his or her ranking on the promotion list.

RULE 7**APPLICATIONS AND EXAMINATIONS****SECTION 1:
EXAMINATION
ANNOUNCEMENTS****DISTRIBUTION OF ANNOUNCEMENTS.**

- A. Entrance examinations with closing dates. Public announcements of entrance examinations with closing dates will be given at least two weeks in advance of the last date for filing applications. Announcements will be posted on the District's website and advertised externally as deemed appropriate to attract diverse, qualified candidates.
- B. Open-continuous entrance examinations. Public announcements of open-continuous entrance examinations will be given throughout the year on the District's website and through external sources as deemed appropriate to attract diverse, qualified candidates.
- C. Promotional examinations. Announcements will be posted for no less than two (2) weeks. The District will take necessary steps to bring announcements to the attention of all eligible employees.

**SECTION 2:
ELIGIBILITY TO
COMPETE IN
EXAMINATIONS**

- A. **COMPETITION IN ENTRANCE EXAMINATIONS.** Examinations designed to establish entrance lists will be open to all persons who meet the minimum qualifications and other requirements for the position as stated in the position description and in the announcement.
- B. **COMPETITION IN PROMOTIONAL EXAMINATIONS.** Promotional examinations will be open to all regular or trial service status employees who meet the minimum qualifications as stated in the position description and in the announcement, and who have held a position or positions in classified service for a period of not less than six (6) consecutive months immediately preceding the application deadline stated on the announcement.
 - 1. **Experience Requirements:** Employees who meet qualifications described elsewhere in this Section, and who will meet the necessary experience requirements during an anticipated thirty (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 the experience criterion has been met.
 - 2. **Education Requirements:** Employees who meet qualifications described elsewhere in this section and who may meet the necessary education requirements within twelve (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 documentation has been submitted to Human Resources. If the education requirements are not completed and documentation has not been submitted within twelve (12) months of adoption of the list, the employee's name will be removed from the list.

**SECTION 3:
ADMISSION TO
EXAMINATIONS**

Candidates selected to participate in an examination will be notified of the time and location at least seven (7) calendar days in advance of the examination and will be given instructions for scheduling an appointment to participate in those examination components. Candidates are required to have an appointment to take an examination. Candidates for a promotional examination whose application has been accepted but who, for good cause is unable to appear, may, based on applicable employment law, be considered for the examination at the next available opportunity.

**SECTION 4:
DISQUALIFICATION
OF APPLICANTS**

Applicants may be refused further participation in an entrance or promotional examination as determined by the Chief Examiner for any of the reasons listed in Addendum B.

When an applicant is disqualified, a timely notice of the disqualification will be forwarded to the individual and will include the reason for the disqualification. Any applicant disqualified may appeal the action per Rule 12, Section 2 ("Examination Appeals").

**SECTION 5:
EXAMINATION
ADMINISTRATION**

- A. **SCHEDULING OF EXAMINATIONS.** Human Resources 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 Chief Examiner will be notified of any changes to the scheduling of an examination.
- 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.
- C. **PREPARING AND CONDUCTING EXAMINATIONS.** Human Resources will prepare and oversee the examination process. The examination plan will be approved by the Chief Examiner prior to the date of the examination.

**SECTION 6: FORM
OF EXAMINATIONS**

Examinations will be job related and competitive and must be designed to determine the qualifications of candidates to perform the duties of the position for which a list is to be established. The examinations may be written, oral, physical, a demonstration of skill, an evaluation of training and experience, or any combination of such types. The examinations may take into consideration education, experience, competencies, aptitude, capacity, knowledge, character, physical fitness, length and quality of service, and other qualifications.

**SECTION 7: RATING
OF EXAMINATIONS**

- A. **METHOD OF RATING.** In all examinations, a minimum rating will 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 candidate will 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 will be based on a scale of 100 points. The minimum rating structure required to achieve eligibility will 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, Human Resources will develop procedures for the evaluation of those factors to assist in the selection of qualified candidates. The procedures will consider quality, recency, and amount of experience, and to the relevance and amount of training. In establishing the value that experience and training carries in the total examination, consideration will be given to the amount of learning time required to efficiently perform the duties of the positions.

**SECTION 8:
NOTIFICATION OF
EXAMINATION
RESULTS AND
REVIEW OF
EXAMINATION
PAPERS**

In examinations with components requiring minimum ratings in order to participate further, applicants will be sent a timely notice of a "no pass" rating or disqualification. The examination scoring among passing candidates will 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 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), and may, during the immediate ten (10) calendar 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, the Chief Examiner, Commissioners, and Human Resources staff.

**SECTION 9:
PREFERENCE FOR
VETERANS**

Veteran's preference will be granted to candidates receiving a passing examination score as provided by Oregon law.

**SECTION 10:
PREFERENCE FOR
VOLUNTEERS**

ENTRANCE EXAMINATIONS. Preference status will be given to 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 or Wildland Firefighter II, or an associate degree in fire science. A volunteer meeting these requirements will qualify for three (3) preference points providing a passing examination score has been received.

**SECTION 11:
PREFERENCE FOR
FIREFIGHTER
INTERNS**

Current volunteers in good standing or fire/EMS students 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 position.

RULE 8 LISTS**SECTION 1:
ESTABLISHMENT OF
LISTS**

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

**SECTION 2: KINDS
OF LISTS**

- A. **ENTRANCE LISTS.** An entrance list will be established and maintained for each new or vacant position and will consist of the names of all persons who have passed the entrance examination for that position.
- B. **FIREFIGHTER INTERN PREFERENCE LIST.** A list established exclusively for candidates successfully completing the District's *Firefighter Intern* program.
- C. **PROMOTION LISTS.** A promotional list will be established as needed and maintained for each position to be filled on a promotional basis. The promotional list will consist of the names of all employees who have passed a promotion examination for the position. A promotional list with less than ten (10) names (or number of incumbents plus two, whichever is less) may be supplemented by an entrance list developed from an examination with the same structure (the same minimum rating structure, component weights, competencies 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. The District may extend an entrance list up to an additional twenty-four (24) months if it is in the best interests of the District. The District may cancel an entrance list when it does not contain a sufficient number of eligibles (i.e., 10% or more of names originally on the list have been employed already). If an entrance list is extended or canceled, the District will advise the Commission.
 2. Entrance lists established from open-continuous examinations. These lists will be continuously updated to add the names of candidates who have achieved eligibility and to drop the names of those who remained on the list for twelve (12) successive months. A candidate's time on an entrance list that was established from open-continuous examination is limited to twelve (12) months from the date that their 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. Eligibility includes meeting the conditions in Rule 7, Section 11, and all requirements of the job class, including any licensing requirements. The determination of eligibility for the purpose of certifying names for a specific set of declared vacancies will be made at the time of certification of names addressed in Rule 9, Section 2. This includes any job class requirements indicated in the job description. Individuals who meet the conditions in Rule 7, Section 11, but lack a requirement will be placed on the preference list with conditional eligibility status indicated. If the requirement(s) are not completed and documented within

twelve (12) months of program completion, the individual will forfeit future standing on the preference list. The thirty (30) month duration will not be extended when an individual with conditional status meets the requirement(s).

- 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 their right to consider more candidates than vacancies, and if the certification is for vacancies effective less than 12 months following the date the eligible list was established, the rejected individual (if rejected without cause) will be placed on the new list based upon their score on the previous exam but will be allowed the opportunity to be re-tested and re-ranked on the basis of the higher examination score. The examination score must be a passing score in the latter examination. The 12-month limitation applies to lists established after the effective date of the adoption of this rule change (April 21, 2023). This provision also applies to individuals with conditional eligibility status as described in Rule 7, Section 2.B.
- D. **PROMOTIONAL LISTS FOR TRAINING OFFICER.** A promotion list for Training Officer 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 will remain active pending completion of actions taken on certified eligibles.

SECTION 4: ORDER OF NAMES ON LISTS

A. ENTRANCE LISTS

- 1. Laid-off Employees. Each entrance list will begin with the names of regular employees who were laid-off from a position 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 will be placed on lists in the order of their final earned ratings plus any applicable veteran's or volunteer preference credits. In the case of a tie in ratings, names will be in order of the candidate whose application was received first.

B. PROMOTION LISTS

- 1. Demoted Employees. Each promotion list will begin with the names of regular employees who were demoted or reclassified to a lower position through no fault of their own.
- 2. Eligible Employees. Following the names of employees described in B.1 above, names of eligibles will be placed on lists in the order of their final earned ratings plus any applicable veteran's preference credits. The list will note any conditional status based on Rule 7 Section 2.B.1. and 2.B.2. As noted in Rule 7, individuals with conditional eligibility status cannot be certified until such conditions are fulfilled.

- C. **ORDER OF NAMES ON LISTS FOR LAID-OFF OR DEMOTED EMPLOYEES.** The names of persons laid-off or demoted in A and B of this section will be placed on the list in inverse order of the date of their lay-off or demotion. Those persons with the same date of lay-off or demotion will be listed in order of seniority.
- D. **FIREFIGHTER INTERN PREFERENCE LIST.** Names of eligibles will be placed on the list in order by the date they successfully complete the *Firefighter Intern* program. Where two or more eligibles complete the *Firefighter Intern* program on the same date, the order will be determined by their Firefighter entrance exam score.

**SECTION 5:
REMOVAL OF
NAMES FROM LISTS**

The Chief Examiner may approve the removal of a name from a list permanently or temporarily for any reason listed in Addendum B. Requests to have one's own name removed do not require Chief Examiner approval.

Any person whose name is removed from a list will be notified by Human Resources of the reason for removal.

**SECTION 6:
RESTORATION OF
NAMES TO ELIGIBLE
LISTS**

An eligible whose name is removed from a list may make a written request to Human Resources for restoration of their name to the list within five (5) business days of notification. The request must specify the reasons for the request. Human Resources will forward to the Chief Examiner who will determine whether the evidence submitted justifies approval of the request. An eligible may appeal the Chief Examiner's decision to the Commission, except for the determination that a person is not qualified to perform the duties of the position (Addendum B, letter R).

Generally, reinstatement requests which extend a promotional candidate's standing on a list for the same position beyond thirty (30) months will not be approved, except under extenuating circumstances. No one will be on a promotional list for the same position for more than sixty (60) months without being retested.

**SECTION 7:
AVAILABILITY OF
ELIGIBLES**

Eligible candidates must notify Human Resources in writing of changes in address, or other changes that may affect availability for employment. Human Resources will 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 will be withheld from certificates which do not meet the conditions specified.

RULE 9 CERTIFICATION AND APPOINTMENT**SECTION 1:
REQUEST TO FILL
VACANT POSITIONS**

A. **REQUEST FOR NAMES.** All vacancies in classified positions will be filled as provided in the Ordinance and these rules. The Fire Chief will submit a request for names of qualified eligibles to Human Resources when there is a need to fill a vacancy in classified service. The request will include the position for which the vacancy(ies) exist, the number of vacancies, and the date the vacancy(ies) will exist, if not current. The Fire Chief will notify Human Resources of personnel requirements as far in advance as possible in order that sufficient time will be available to establish eligible lists.

**SECTION 2:
CERTIFICATION OF
ELIGIBLES**

A. **ORDER OF USE OF ELIGIBLES LISTS.** Upon receipt of a request for certification of eligibles from Human Resources, the Chief Examiner will certify 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:

1. The promotional list, if applicable
2. The Firefighter intern preference list, if applicable
3. The entrance list(s)

B. **ORDER AND NUMBER OF NAMES CERTIFIED.** Names will be certified in order of standing on the list, with any ties not broken by tiebreaker provisions contained in these rules or in the examination posting resulting in equal eligible list positions for individuals with the same exam score. The number of names certified from the promotional list will be two (2) plus one (1) for each additional vacancy, except when all names with equal exam rank (tied) are certified. The number of names certified from the Firefighter intern preference list will be twenty-five (25) plus one (1) for each additional vacancy. The number of names certified from the entrance lists will be twenty-five (25) plus one (1) for each additional vacancy.

C. **NOTIFICATION OF ELIGIBLES.** Whenever the name of an eligible is certified, Human Resources will notify the candidate.

D. **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 will follow paragraph B of this section.

E. **ACTION REQUIRED OF THE FIRE CHIEF.** Actions taken on certified eligibles by the Fire Chief will be documented. Fair consideration must be given to all names certified. The following actions by the Fire Chief are allowed:

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 job-related reasons directly connected with the position.
 - d. Were not appointed for valid and job-related reasons directly connected with the position.
3. Appoint one of the certified candidates.

F. **ADDITIONAL CERTIFICATION TO A VACANCY.** The Chief Examiner may certify additional name(s) equal to the number of remaining vacancy(ies) upon receipt of a written report from the Fire Chief or designee that justifies rejection or non-appointment of certified eligible(s) for the position that is to be filled. Only job-related reasons will be considered as valid reasons for rejection or non-appointment of a certified eligible.

G. **NOTIFICATION OF DISPOSITION OF CONSIDERED CERTIFIED ELIGIBLES.** Considered certified eligibles who were rejected or not appointed will be so notified by Human Resources of their disposition and status on the eligible list within five (5) business days after the determination of disposition is made. This rule will not apply in the case of persons who waive, decline or fail to appear for an interview. Considered certified eligibles who were rejected may be removed from the eligible list. Considered certified eligibles who were not appointed will be restored to the list.

H. **RESTORATION OF NAMES TO LIST.** Considered certified eligibles who were removed from an eligible list and wish to be restored will refer to Rule 8, Section 6.

SECTION 3: APPOINTMENTS

No appointment to a classified position will be made without prior authorization of the Chief Examiner. Appointments of individuals to promotional positions will become effective no more than sixty (60) calendar days after the appointment has been certified. This time limit may be extended with Chief Examiner approval for extenuating circumstances.

- A. **TRIAL SERVICE APPOINTMENT.** Appointments from open competitive or promotional certificates will be trial service appointments. Employees who have successfully completed their trial service period will be given regular status.
- B. **PROVISIONAL APPOINTMENT.** If there are no names of qualified candidates on either the promotional or entrance lists for a position in which the vacancy exists, the Chief Examiner may authorize the provisional appointment of a person possessing the education and/or certification requirements of the position. A provisional appointment is limited to no more than three (3) months in any calendar year, with a three (3) month extension (for a total of six months) with Chief Examiner approval for extenuating circumstances (e.g., when examinations are not yielding sufficient eligibles to meet staffing demands). No person will receive a provisional appointment more than once in any calendar

year. A provisional appointment is terminated when an appropriate list has been established, available eligibles have been certified, and an appointment is made for the position.

- C. **PART TIME APPOINTMENTS.** Appointments to a part-time position as defined in Rule 2 are not subject to these rules. Such appointments will 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 will appoint a candidate from an existing list of other individuals who possess the required qualifications. The duration of a temporary appointment will be limited to the period of need but will not exceed three (3) months. A temporary appointment may be extended for an additional three (3) months, subject to the approval of the Chief Examiner. The acceptance or refusal of a temporary appointment will 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 will constitute a part of the trial service period, unless the employee requests otherwise. The period of temporary service will 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 will not be made 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 will be offered the assignment in order of rank on the list. If neither Lieutenant at the station is currently eligible for interview on the Captain's promotional list, the most senior Lieutenant will be assigned. Lieutenants, who have not completed their trial service period but are otherwise eligible under this rule, will not be eligible for assignment to Captain. At the Fire Chief's discretion, assignments to Captain may be made under Rule 9, Section 3D.

SECTION 4: TRANSFERS

- A. **WITHIN CLASSIFICATION TRANSFER.** Fire Chief may transfer M2 salary grade employees who have previously held status in any Civil Service position from one position to another position in the same M2 salary grade without prior Commission approval.

The Commission will be notified in writing of the transfer. Temporary transfers of employees for periods less than thirty (30) days will not require written notice to the Commission.

- B. **OUT OF CLASSIFICATION TRANSFERS.** A regular transfer of an employee from one position to another position having a higher salary range constitutes a promotion and is subject to rules governing promotions. A regular transfer to a position having a lower salary range constitutes a demotion and will be subject

to rules governing demotions. The Commission will be notified of any out of class transfers.

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 will 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 (6) month period. Limited Administrative assignments are subject to employee agreement. Assignments that anticipate exceeding six (6) months duration, must be posted under an open process. A change in pay or grade is authorized under this assignment according to the current collective bargaining agreement and applicable District policy. The Chief Examiner may grant further extension to the assignment upon request.

**SECTION 5:
ELIGIBILITY OF
EXEMPT
EMPLOYEES FOR RE-
EMPLOYMENT IN
THE CLASSIFIED
SERVICE**

Employees who have held regular or trial service status in classified service and who are promoted or transferred to a position in 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 integral to the success of an employee new to a position and provides District management with the opportunity to observe the new employee's work and to train and aid the new employee in adjustment to the position.

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

Every person certified and appointed or promoted to a position in the classified service will 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, will complete the trial service period in the latter position by adding service in the former position.

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

During the trial service period, District management will evaluate in writing the employee's work. Such evaluations will include judgments as to the employee's willingness and ability to perform assigned duties satisfactorily in accordance with the position description and District policy.

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

The Fire Chief may terminate the employment of a trial service employee serving as a result of appointment from an entrance list 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 will be reported in writing to the employee and will include the reasons for the action.

**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 an employee in regular status immediately prior to this promotional appointment will be reinstated to the employee's former position.

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

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

**SECTION 2:
DISCIPLINE**

It is the policy of the District that disciplinary measures will be for the purpose of achieving corrective employee conduct. Such measures will be progressive in nature until or unless separation from the service is considered appropriate. The Fire Chief or designee will take appropriate disciplinary action in dealing with employee misconduct. Disciplinary action will 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 poorly on the District can directly hinder the effective performance of the District functions. Such improper action by an employee, will be considered just cause for disciplinary action. 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, laziness, 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 will be dismissed, demoted, suspended without pay or deprived of special privileges except for cause, and then only upon receiving written notice from the Fire Chief, or designee, stating the general terms of the cause for discipline.

RULE 12 APPEALS AND HEARINGS**SECTION 1: ACTIONS THAT MAY BE APPEALED**

The Commission will hear and make decisions in accordance with these Rules on Appeals and Hearings resulting from the following actions:

- A. Examinations and decisions of the Chief Examiner relating to an examination; or
- B. Actions or finding 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; or
- C. Disciplinary actions

SECTION 2: EXAMINATION APPEALS

A. **STANDING OF EXAMINATION APPEALS.** A candidate, their 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.

B. **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) calendar day period following official notification of the examination results.
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 appealed; and
4. The remedy sought.

The Chief Examiner may agree to halt or modify the certification of the list if it is determined the appeal raises a question of validity or integrity of the examination or may develop an appropriate remedy otherwise if a violation is found.

C. **INVESTIGATIONS RELATED TO EXAMINATION APPEALS:** The Chief Examiner will conduct thorough, fair and timely investigations of examination appeals meeting the criteria in Paragraph B 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 to complete the

investigation, including offering to interview the appellant. 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 the Chief Examiner has made a determination with regard to the merits of the appeal.

Investigative report. The investigator will prepare an investigative report and will forward to the appellant and Human Resources upon completion.

D. EXAMINATION APPEALS TO THE CIVIL SERVICE COMMISSION. The Commission will 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. The candidate had filed with the Chief Examiner a written appeal of examination results within the immediate ten (10) calendar 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) calendar days after the Chief Examiner's written response is forwarded to the candidate.

E. PROCEDURES ON RECEIPT OF NOTICE OF APPEAL. The Commission Secretary will do the following within seven (7) calendar days of receipt of the notice of appeal:

1. Make the notice a part of the records of the Commission; and
2. Provide a copy of the appeal notice to Human Resources, appropriate District management staff, and the Civil Service Union Liaison.

F. EXAMINATION APPEAL HEARING. The Commission will conduct an informal public hearing, under the terms of the Oregon Public Meetings Act, on an examination appeal properly filed and found to have standing as specified in Paragraph A of this section. The hearing will not be subject to the legal rules of evidence. See the Appeal Process and Hearing Guidelines (Addendum C) for details of the hearing process.

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 the certification of the list if it determines the appeal raises a question of validity or integrity of the examination or may develop an appropriate remedy otherwise if a violation is found.

**SECTION 3: APPEALS
FROM OTHER
ACTIONS**

A. **STANDING OF APPEALS FROM OTHER ACTIONS.** 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 will 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 based on their qualifications to perform the duties of the position.

B. **APPEALS TO THE CIVIL SERVICE COMMISSION FROM OTHER ACTIONS.**

Any appeal must be submitted in writing to the Commission and the Commission Secretary within the immediate ten (10) calendar day period following official notification of the action or finding. The Commission will not consider appeals that are not filed in a timely manner or do not demonstrate standing as noted in Paragraph A of this section. The appeal 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.

C. **PROCEDURES ON RECEIPT OF NOTICE OF APPEAL.** The Commission Secretary will do the following within seven (7) calendar days of receipt of notice of appeal:

1. Make the notice a part of the records of the Commission; and
2. Provide a copy of the appeal notice to Human Resources, appropriate District management staff, and the Civil Service Union Liaison.

D. **OTHER ACTIONS APPEAL HEARING.** The Commission will conduct an informal public hearing, under the terms of the Oregon Public Meetings Act, on an appeal from other actions properly filed and found to have standing as specified in Paragraph A of this section. The hearing will not be subject to the legal rules of evidence. See the Appeal Process and Hearing Guidelines (Addendum C) for details of the hearing process.

E. **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 will have the burden of proof.

2. In all other appeals, the appellant bears the burden to clearly demonstrate why they believe the action or finding was contrary to the Rules, the law or the purpose of these rules as stated in Rule 1.

F. **IMPACT OF COMMISSION DETERMINATION.** The Commission may elect to modify any process governed by these rules if it determines that the appeal raises a question of validity or integrity of the process, or may develop an appropriate remedy otherwise if a violation is found. No action will invalidate any appointment previously made.

**SECTION 4: APPEALS
FROM DISCIPLINARY
ACTIONS**

A. **STANDING OF DISCIPLINARY ACTION APPEALS.** 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. Filing of appeals must be in accordance with these rules. Any appeal not filed in conformance with these rules is void.

B. **DISCIPLINARY ACTION APPEALS TO THE CIVIL SERVICE COMMISSION.** The appeal must be submitted in writing to the Commission and to the Commission Secretary within ten (10) calendar days after the effective date of such action. If the regular status 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 submitted in writing to the Commission and the Commission Secretary no later than seven (7) calendar days after actual knowledge of the disciplinary is received by the regular status employee. The appeal 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.

The Commission will not consider appeals that are not filed in a timely manner or do not demonstrate standing as noted in Paragraph A of this section.

G. **PROCEDURES ON RECEIPT OF NOTICE OF APPEAL.** The Commission Secretary will do the following within seven (7) calendar days of receipt of notice of appeal:

1. Make the notice a part of the records of the Commission; and
2. Provide a copy of the appeal notice to Human Resources, appropriate District management staff, and the Civil Service Union Liaison.

D. **DISCIPLINARY ACTION APPEAL HEARINGS.** The Commission will conduct a public hearing on an appeal from disciplinary actions 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, will not be subject to the legal rules of evidence. See the Appeal Process and Hearing Guidelines (Addendum C) for details of the hearing process.

E. **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 will have the burden of proof and the burden of going forward with the evidence.

**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 determine an appropriate remedy. The Commission will make a written decision on the appeal which will 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 fourteen (14) calendar days of its decision. The certified transcript and case file will be transmitted to the Court, which will hear and determine the appeal in a summary matter. The hearing will 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**

Human Resources will establish and maintain a roster of all employees in the classified service showing for each employee the position 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, will 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. Also, records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.
- 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 will be open to inspection by the public in accordance with District Policy and applicable State and Federal statutes.

RULE 14**MISCELLANEOUS PROVISIONS****SECTION 1:
COLLECTIVE
BARGAINING
AGREEMENTS**

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 District's Board of Directors, the terms of such collective bargaining agreements will prevail over inconsistent terms contained in these rules. The foregoing will 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 will 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 will 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.

**SECTION 3:
PROHIBITED
CONDUCT**

No person will:

- 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.

**SECTION 4: CORRUPT
PRACTICES
PROHIBITED**

No public officer and no person who is nominated or seeks nomination or appointment for public office will 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 will be punishable as provided by law.

ORDINANCE 2019-02
AN ORDINANCE AMENDING AND RESTATING THE CIVIL SERVICE SYSTEM
FOR TUALATIN VALLEY FIRE AND RESCUE,
A RURAL FIRE PROTECTION DISTRICT

WHEREAS, pursuant to Ordinance 87-02 and Ordinance 2010-01, Washington County Fire Protection District No. 1 established a Civil Service system with Tualatin Rural Fire Protection District; and

WHEREAS, Washington County Fire Protection District No. 1 and Tualatin Rural Fire Protection District subsequently merged, and the name of the surviving district is Tualatin Valley Fire and Rescue, A Rural Fire Protection District (the “District”); and

WHEREAS, the District Board of Directors (“Board”) has recommended an update to the Civil Service Ordinance; and

WHEREAS, the District Board desires to encourage the appointment of Civil Service Commission members who are electors in an area served by the District or who own property within the District’s service area.

NOW, THEREFORE, the Board of Directors of the District ordain as follows:

I. General Statement of Policy

The purpose of this Ordinance, and the rules and regulations that may be hereafter adopted, is to establish provisions of civil service for the classified employees of the District and to achieve for the District the following objectives:

- A. To establish a system of personnel administration based on merit principles and scientific methods, governing the appointment, promotion, demotion, transfer, reinstatement, suspension, discharge 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 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 requisite skills and abilities.
- F. To provide an exemption from ORS 242.702 through 242.824 as provided in ORS 242.704 (1).

II. District Service

1. Classified Service. The classified service includes positions outlined as such in Attachment A that are not otherwise exempted by declassification duly adopted by the governing body of the District.
2. Exempt Service. Positions which are exempt from the Civil Service System are also listed in Attachment A.
3. Newly Classified Positions. Persons employed in District positions at the time any such position first becomes subject to civil service, and who have been continuously employed in the position for a period of at least six months prior to the date when the position became subject to civil service, shall be hired in the civil service position held as if the person had been permanently appointed under civil service after examination and investigation. Persons employed in any such position who have not been employed for at least six months prior to the date when the position becomes subject to civil service shall continue to hold the position only until the position is filled by a person duly appointed under civil service.

III. Civil Service Commission

1. Civil Service Commission. The Civil Service Commission (“Commission”) is composed of five (5) members appointed by the Governing Body.
2. Recruitment of Qualified Commissioners. The District benefits from a robust pool of qualified applicants for the Board to consider during the appointment process. To that end, The District shall actively advertise for open commissioner positions and engage in additional recruitment efforts as necessary that are aimed at attracting qualified, civil service-minded individuals for the Board’s consideration.
3. Qualifications of Commissioners. To be eligible for appointment to the Civil Service Commission, a commissioner must:
 - A. Be an elector of an area served by the District or own property within the District’s service area; and
 - B. Demonstrate knowledge of the principles of civil service and experience in the operations of a civil service commission; and
 - C. Not be a member of the governing body of the District or an employee of the District. However, a commissioner may serve as a member of any other civil service commission; and
 - D. Be recommended by the interview panel.

The Board may, in its discretion, expand commissioner recruitment efforts to allow for the consideration and appointment of a commissioner that is neither an elector of an area served by the District nor a property owner within the District’s service area.

4. Appointment Term of Commissioners. The term of office for a member of the Civil Service Commission shall be four years from their respective expiration date and each member shall serve without compensation.
5. Quorum. Three (3) members of the Civil Service Commission present constitutes a quorum. The votes of any three (3) commissioners concurring is sufficient for decision in all matters and transactions. The Commission Chair is entitled to vote on all matters and transactions coming before the Commission.
6. Chair and Meetings. Immediately after the appointment of all of its members, the Commission shall elect a Chair. 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 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 subject to civil service may request a special meeting of the Commission and such request shall be granted when good cause is shown. The Commission will elect a Chair at the first meeting of the Commission each fiscal year.
7. Commission Rulemaking Authority. The Civil Service Commission is hereby authorized to adopt rules and regulations consistent with this ordinance pertaining to the administration and enforcement of the civil service system. Such rules shall substantially accomplish the general purposes of ORS 242.702 to 242.824. Any rule or regulation adopted pursuant to this section requires a public hearing open to any citizen, officer, or employee of the District. Notice of the hearing will be provided at least five (5) days in advance and will include the time, location and purpose of the hearing. Any amendment to the Commission's rules or regulations become effective ten (10) days after adoption. All rules and regulations of the Commission will be available on the District's intranet.
8. Direct Support of Civil Service. The Board and all District employees will cooperate in any investigation or inquiry conducted by the Commission and will assist in carrying out the provisions of this Ordinance and such rules and regulations as may be prescribed by the Civil Service Commission and shall afford the Commission, its members and employees, all reasonable facilities and assistance in inspecting records relating to positions subject to civil service. The District shall produce such records and testify whenever required to do so by the Commission.
9. 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 will be represented in such proceedings by counsel appointed and retained by it.
10. Commission Budget. The Commission will 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 the Ordinance. The District shall appropriate sufficient funds to carry out the provisions of this Ordinance.

IV. Collective Bargaining Agreements

If collective bargaining agreements are ratified by the District's Board of Directors, the terms of such collective bargaining agreements will prevail over inconsistent terms contained in these rules.

V. Disciplinary Appeals

1. **Disciplinary Proceedings for Cause.** The tenure of persons subject to civil service shall be based upon efficiency and good conduct. Employees may be dismissed, demoted, suspended without pay or deprived of special privileges for cause as shall be defined by the rules and regulations to be adopted by the Commission, and only upon the signed written accusation of the appointing power, containing a statement of the accusation in general terms, served upon the accused and filed with the Commission.
2. **Right to Hearing.** Any non-represented classified employee after completion of a 12-month probationary period who has been dismissed, demoted, suspended without pay or deprived of special privileges, may within 10 days file with the Commission a signed written demand for an investigation and public hearing. This hearing shall be held within 30 days from the date the appeal is filed and at such hearing the employee may be represented by counsel or other representative of the employee's choice. The investigation and hearing shall be confined to a determination of whether the disciplinary action was made in good faith for cause and shall be in accordance with the Commission's adopted rules and regulations. Represented classified employees shall follow the grievance procedures outlined in the collective bargaining agreement.
3. **Disposition and Appeal.** After investigation and public hearing, the Commission may affirm or modify the non-represented classified employee's disciplinary action, or may find the action as not made in good faith for cause and order immediate reinstatement to the position from which the employee was dismissed. Reinstatement shall be retroactive and entitle the dismissed employee to pay or compensation or special privileges from the time of dismissal. The Commission's findings shall be certified in writing to and immediately enforced by the appointing power. The Commission's decision may be appealed to the Washington County Circuit Court by the employee or District by a written notice of appeal filed with the Commission within 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.

VI. Prohibited Conduct

No person will:

1. 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.
2. 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.
3. 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.
4. 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.

VII. Severability

If any section, clause or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

VIII. Effective Date

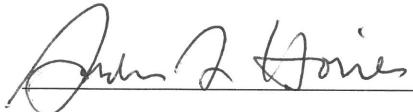
READ by title this 24th day of September, 2019.

READ a second time by title and ADOPTED this 29th day of October, 2019.



Clark I. Balfour, President of the Board

ATTEST:



Gordon L. Hovies, Secretary of the Board

Attachment A

Classified positions:

1. Paramedic
2. Firefighter
3. Engineer
4. Lieutenant
5. Captain
6. Battalion Chief
7. Fire Inspector
8. Deputy Fire Marshal 1
9. Deputy Fire Marshal 2
10. Division Chief*
11. Medical Services Chief*
12. Assistant Fire Marshal*
13. Public Education Chief Officer*

**non-represented positions*

Exempt from classified service:

1. Positions on the District Board of Directors and Civil Service Commission
2. Fire Chief
3. Deputy Chief
4. Assistant Chief
5. Chief Financial Officer
6. Controller
7. Director of Organizational Health
8. Director of Strategic Initiatives
9. Director of Logistics
10. Director of Government Affairs
11. Director of Human Resources
12. Positions whose principal duties do not consist of preventing or combating fire or prevention of the loss of life or property from fire, e.g. non-represented administrative positions.
13. 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.
14. Temporary, acting and part-time employees as defined by the rules and regulations of the Civil Service Commission.

REASONS FOR REFUSAL TO PARTICIPATE IN AN EXAMINATION; REFUSAL FOR CERTIFICATION, OR REMOVAL FROM AN ELIGIBLE LIST

Applicants may be refused further participation in an examination, and an eligible may be refused certification or may be removed permanently or temporarily from an eligible list through approval by the Chief Examiner for any of the following reasons:

- A. Failure to meet the published requirements for the position and to provide documentation to verify qualifications;
- B. Failure to furnish true statements of material facts;
- C. Practice or attempted practice of fraud or deception in connection with submission of the application or in the examination process;
- D. Failure to be promptly present at the time and place designated for any portion of an examination;
- E. Used, or attempted to use, collusion or bribery to secure an advantage in testing or appointment;
- F. Is found to be unqualified because of unsatisfactory previous employment history;
- G. Has been convicted of a crime against person or crimes involving dishonesty or has been dishonorably discharged from the armed forces of the United States.
- H. Certification and appointment to fill a classified position;
- I. Failure to provide Human Resources with documented transcripts demonstrating that courses necessary to fulfill educational requirements have been met within twelve (12) months of promotional list adoption;
- J. Failure to respond within five (5) business days to a written inquiry relative to availability for appointment;
- K. Declining to be considered for a declared vacancy;
- L. Refusal of offer of an appointment without an adequate explanation;
- M. Failure to report for duty at the time specified in the appointment offer letter;
- N. Expiration of the term of eligibility on the list;
- O. Failure to maintain a record of their current address, email address, or phone number with Human Resources as evidenced by the return of a properly addressed, unclaimed letter, or other evidence;
- P. Violation of any of these rules;
- Q. In case of promotion lists, separation from District service;

- R. Upon a finding by the Chief Examiner or the Fire Chief that the person is not qualified to perform the duties of the position;
- S. Upon request of the eligible to have their name removed

APPEAL PROCESS AND HEARING GUIDELINES

The Civil Service Commission will conduct informal appeals hearings under the terms of the Oregon Public Meetings Act and in accordance with the Commission's Civil Service Rules and these guidelines. The goal is to ensure the hearing process is meaningful and fair and each party can present their side of the appeal.

The following actions may be appealed, in accordance with the Civil Service Rules:

1. Examinations and decisions of the Chief Examiner relating to an examination; or
2. Actions or findings unrelated to examinations or disciplinary actions, including but not limited to the following:
 - a. Removal of one's name from an eligible list.
 - b. Denial of one's request to be restored to an eligible list.
 - c. Rejection of one's name as a certified eligible for a vacancy.; or
3. Disciplinary Actions

EXAMINATION APPEAL INVESTIGATIONS

Prior to a hearing on an examination appeal, the Chief Examiner or assigned investigator will conduct a thorough, fair and timely investigation in accordance with the Civil Service Rules.

RESPONSIBILITIES OF THE INVESTIGATOR

The investigator is to take all reasonable actions necessary to develop an impartial factual record that allows a reasonable person to draw conclusions regarding the issues raised. An interview with the appellant will be offered 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 will identify other individuals to contact and evidence to collect. The investigator will collect and analyze relevant evidence as appropriate. The investigator will 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 email correspondence). The investigator will make every effort to complete the investigation in a timely manner.

RESPONSIBILITIES OF THE APPELLANT

The appellant is to present all pertinent information in their 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.

INVESTIGATIVE REPORT

The investigative report prepared by the investigator is to include 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 Civil Service Rules as stated in Rule 1;
- i. Suggested remedy, if warranted; and
- j. Other recommendations based on the issues raised or discovered in the course of the investigations.

Once completed, the investigator will forward the report to the appellant and Human Resources.

HOW DOES A HEARING GET SCHEDULED?

The Commission sets the date, time and place of hearings. At least fourteen (14) calendar days in advance of the hearing date, a notice will be provided to the appellant and to all other appropriate parties to the hearing, as well as, a public notice distributed in accordance with the Oregon Public Meeting Act.

WHAT IF THE DATE OR TIME OF THE HEARING DOES NOT WORK FOR ME?

Any appropriate party to the hearing who desires to postpone the hearing, can promptly make a written request of postponement to the Commission Chairperson and Commission Secretary and will include the reason for the request. The Commission Chairperson may grant the postponement request if for good cause. The Commission Chairperson also may, at any time, order a postponement on their own motion.

HOW DO I PREPARE FOR A HEARING?

- The appeal hearing may be your last chance to present your case, so you will want to be prepared to do so thoroughly. You will want to think about your case and consider these things:
- Identify the information, documents, and witnesses that will help establish the facts in your favor.
- Select witnesses who have direct, personal knowledge of events about your case to testify.
- Keep to the facts and avoid emotion, which can cloud the issues and prevent you from presenting your case effectively.

- Organize your facts on paper. Make a list of the important points you would like to present at the hearing.
- Make another list of the points you think the opposing party may make and determine what you will say or ask in response.

WHAT TYPE OF EVIDENCE IS CONSIDERED?

Each party will compile a collection of documents relevant to the appeal for submission to the Civil Service Commission Secretary for the appeal hearing. The purpose of submitting these documents is to allow the Civil Service Commission an opportunity to review each document prior to the start of the hearing in order for them to have a better understanding of the appeal and to formulate any questions they may have regarding the documents and to seek clarification at the hearing.

Typically, the compilation of documents will include:

- The appeal letter;
- The Chief Examiner's decision (examination appeal);
- The Chief Examiner's investigative report (examination appeal);
- A list of witnesses scheduled to be called at the hearing; and
- Any other relevant documents or correspondence.

Each party must submit eight (8) copies of the documents to the Civil Service Commission Secretary at least five (5) business days prior to the hearing date for distribution to the members of the Civil Service Commission, the other party, and one for the official hearing record.

If the parties are unable to provide the documents prior to the hearing, the Civil Service Commission reserves the right to adjourn the hearing to review the material.

If a party objects to a document to be admitted as evidence, the party wanting the document included will have to establish its relevance at the hearing and have the Commission rule as to its admissibility.

Only evidence presented at the hearing will be considered; so, you should bring any documents or witnesses that can directly help your case. Allegations will be proved by a majority (preponderance) of the evidence.

Some rules about evidence and tips about witnesses:

- Evidence presented by either party will be relevant to the issues and will be expected to prove the allegations.
- Choose witnesses who have first-hand information: a person who directly saw or heard the event to which they are testifying. Someone who testifies about what someone else said, saw or heard is giving hearsay; therefore, they can only have limited knowledge of the event. A witness with first-hand information is generally more reliable than hearsay evidence since they can be cross-examined.

- Relevant hearsay is allowed; however, it is generally not as reliable as testimony from someone who has first-hand information. Testimony given at the hearing, and subject to cross-examination, is often given more weight than hearsay statements.
 - Relevant hearsay is admissible as evidence, provided that:
 - the hearsay statement provides more proof than other evidence the party could obtain through reasonable efforts, **and**
 - notice of the intent to present the hearsay evidence, including full detail of the statement and the witness's name and contact information, is given to the other party in advance of the hearing.
- All offered evidence, not objected to, may be received by the Commission and will be subject to the Commission's discretion to exclude based on it being irrelevant, immaterial or unduly repetitious.
- Evidence objected to may be presented to and reviewed by the Commission, and in the discretion of the Commission, they may wait to determine its admissibility or exclusion until the decision of the Commission is issued.
- Note that when the Commission is considering the admissibility of evidence, they may refer to, but are not bound, by the Oregon Rules of Evidence set forth in ORS Chapters 40-45.
- The Commission will 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.

CAN I MAKE SOMEONE SHOW UP AT A HEARING?

Witnesses who are not parties to the hearing may be necessary for you to present the facts that are favorable to your case. If you ask someone to appear as a witness and they refuse, you may request they be "subpoenaed". This means they will be required by law to appear. You also have the same right to request a subpoena for written documents or other evidence you cannot obtain on your own.

If you need assistance with a subpoena, please contact the Commission Secretary at least ten (10) business days prior to the hearing date.

CAN I HAVE AN ATTORNEY OR SOMEONE ELSE REPRESENT ME?

You have the right to have an attorney or another person of your choosing represent you at your hearing, but it is not required, nor will one be appointed at public expense. The attorney or representative may examine and cross-examine witnesses, make statements, summarize testimony and otherwise present the case on your behalf.

WHAT HAPPENS AT THE HEARING?

The hearing is a fact-finding process. It is like a trial but not as formal. The appeal hearing is controlled by the Commission under the following process to ensure each side has the same opportunity to present their case. The

Commission may impose time limits on questioning during the hearing in the interest of orderly conduct of the hearing, and fairness of all parties presenting.

HEARING PROCESS

1. The Commission Chairperson will make an opening statement about what will happen during the hearing and will answer any questions you may have about the hearing process. They will also ensure you have the time you need to present information relevant to your case. If you need clarification or have questions at any time during the hearing, ask the Commission Chairperson for assistance.
2. The party, or their representative(s), carrying the burden of proof will present their case first, which may include an opening statement, supporting evidence and calling witnesses. The other side will be allowed to cross-examine the witnesses. The Commission may also ask the witnesses questions .
3. The other party, or their representative(s), will then present their case, which may include an opening statement, refuting evidence and calling their own witnesses. The party carrying the burden of proof will be able to cross-examine the witnesses. The Commission may also ask the witnesses questions.
4. The Commission may also call its own witnesses to assist in arriving at a determination.
5. The party carrying the burden of proof will have the right of rebuttal and the other party will be allowed another opportunity to respond (surrebuttal).
6. The Commission Chairperson will close the hearing when both sides have completed presenting their information or evidence.

TIPS FOR A SMOOTH HEARING

- Remember the hearing is held to gather facts, not to get into an argument, make irresponsible accusations, attack the character or conduct of the employer or employee, or present derogatory matters which have no bearing on the actions under appeal. Arguing, or getting angry during a hearing, prevents you from clearly stating the facts of your case. You will give your best presentation if you stay calm and do not allow emotions to cloud the issues.

It is important for all parties, their representatives, counsel and spectators to conduct themselves in a respectful manner. Demonstrations of any kind will not be permitted and could result in the removal of the person from the hearing. This restriction recognizes the rights of employees to engage in activities protected by Oregon's Public Employee Collective Bargaining Act, ORS 243.650-243.782.

WHAT HAPPENS AFTER THE HEARING?

The Commission will consider the testimony of all witnesses and evidence presented at the hearing and will submit a written decision to all parties no later than thirty (30) calendar days after the hearing is closed. This written decision will be a public record. The Commission's decision may:

1. Affirm or modify the action or finding, or
2. Find the action or finding was not made consistent with the specific provision of the Civil Service Rules, the law, or with the purpose of the Civil Service Rules as stated in Rule 1 and determine an appropriate remedy.

CAN I APPEAL THE COMMISSION'S HEARING DECISION?

Yes, you can appeal the Commission's decision to the appropriate county circuit court by filing a written notice of appeal to the Commission within thirty (30) calendar days of the written decision. The certified transcript and case file will be transmitted to the Court, which will hear and determine the appeal in a summary matter. The hearing will be confined to a determination of whether the Commission's decision was made in good faith for cause.