May 18, 2022

WESTERN LANE FIRE AND EMS AUTHORITY CIVIL SERVICE RULES

AS APPROVED BY THE BOARD OF DIRECTORS
ON _____

AND BY THE CIVIL SERVICE COMMISSION
ON _____

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RULE I - GENERAL STATEMENT OF POLICY

SECTION 1 PURPOSE OF RULES

The purpose of these rules is to implement provisions of Civil Service for the employees of Western Lane Fire and EMS Authority. These rules represent the sole Civil Service policies for Western Lane Fire and EMS Authority provided by ORS 242.704 and achieves for the Authority the following objectives:

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

RULE II - DEFINITIONS

SECTION 1 DEFINITION OF TERMS

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

A. "Absence" means a circumstance in which a permanently appointed employee is not present due to vacation, sick leave or other type of leave, or due to temporary or provisional appointment, or transfer to another position and when the absent employee is expected to return to said position after a period of time.
B. "Act" means the State Civil Service Law for Fire Fighters. (ORS 242.702 to 242.990) and specifically ORS 242.704 under which section the establishment of these rules by the Civil Service Commission is based.
C. "Allocation" means the assignment of an individual position to an appropriate classification on the basis of the kind, difficulty and responsibility of the work actually performed in the position.
D. "Appointing Power'' means the Fire and EMS Chief or the Board of Directors of the Authority vested with authority to appoint to any Civil Service position.
E. "Appointment" means all means of selection.
F. "Civil Service" means the civil service system established by this act.
G. "Chief Examiner" means the person appointed by the Commission to administer the examinations and any other aspect of the Civil Service program assigned by the Commission. The Chief Examiner may serve as the secretary to the Commission. [The Authority may desire the Fire and EMS Chief to be the Chief Examiner.]
H. "Class" or "Classification" means a group of positions in the classified service sufficiently alike in duties, authority, and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to all positions in the group.
I. "Class Specification" means the written description of a class containing a title, statement of duties, authority and responsibilities and the desired minimum qualifications for the class.
J. "Classified Service" means all positions in the Authority service for which the appointment of employees is subject to the Act and these Rules.
K. "Commission" means the Civil Service Commission created under the Act. "Commissioner'' means a Civil Service Commission member.
L. "Demotion" The appointing power may reduce to a lower grade or rank either by permission or for cause.
M. "Dismissal" means removal by the appointing power from a position or service within the Fire Authority either by permission or for cause.

N. "Authority" means the Western Lane Fire and EMS Authority.
O. "Employees" means persons whose principal duties consist of preventing or combating fire or preventing the loss of life or property from fire, except those listed as exempt.
P. "Entrance Register'' means a list of persons who have been found qualified by an entrance test for appointment to a position in a particular class.
Q. "Entrance Examination" means a test for positions in a particular class, admission to which is not limited to persons employed by the Authority.
R. "Examiner'' means a person appointed by the Chief Examiner to conduct examinations. Such examiner shall not be a classified employee of a rank equal to or less than the rank subject to the examination. Specifically, an examiner does not include classified employees serving as monitors, proctors, or performing other ministerial functions.
S. "Governing Body" means the Board of Directors of Western Lane Fire and EMS Authority.
T. "Layoff' means a separation from the service because of a shortage of funds or materials, abolishment of a position or for other reasons not reflecting discredit on an employee and for reasons outside his/her control.
U. "Military Leave" means the leave of absence granted to employees entering the armed forces of the United States.
V. "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting the status of employment.
W. "Personnel Rules" means the personnel rules adopted by order of the Board of Directors relating to hiring, discipline, attendance, compensation, leave, retirement, or any other factor of employment.
X. "Political" in such terms as "political, religious or racial reasons", "political office", and "political party or candidate" shall be understood as referring to partisan politics and contested nomination or election to public office only.
Y. "Position" means any office, place or appointment.
Z. "Probationary Period" means a working test period of twelve months during which an employee is required to demonstrate by actual performance of the duties, fitness for the position.
AA. "Promotion" means a transfer of an employee from a position in one class to a position in another class having a higher maximum salary rate.
BB. "Promotion Register" means a list of names of persons presently in the employ of the Authority who have been found qualified by promotional examination for appointment to a position in a particular class.
CC. "Promotional Examination" means a test which is limited to employees who hold regular or probationary status and have held a position or positions in other classes for a period of not less than six months.
DD. "Provisional Appointment" means an appointment to a position, limited to three months, in the absence of names of qualified candidates on the register or registers for the class, of a person meeting the minimum qualifications specified

for the class.

EE. "Public Notice" means written or printed notification conspicuously posted on official bulletin boards in all areas of employment, published in a newspaper of general circulation in the Authority, directed to department heads, with a copy to the secretary of the Authority for Authority records.

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

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

HH."Rules" means the Civil Service rules adopted by the Civil Service Commission as provided by the Act.

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

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

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

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

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

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

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

RULE III - ADOPTION AND AMENDMENT OF RULES

SECTION 1 ADOPTION OF CIVIL SERVICE RULES

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

SECTION 2 EFFECT OF ADOPTION UPON INCUMBENT EMPLOYEES

Within one day after the adoption of the civil service rules, all persons employed in a position subject to civil service and who have been employed by the Authority for at least six months and who have otherwise passed all probationary requirements of the Authority shall be immediately placed in their existing positions as classified by civil service as if they were a regular employee. The appointing authority shall file a list of names of such persons with the civil service commission, including their names, residence, occupation, length of continuous service and compensation. If an employee at the time of adoption of these rules has not completed their probationary period, the employee shall remain on probation until the completion of that period and then be placed in their existing position and classified by civil service as a regular employee.

SECTION 3 AMENDMENT OF RULES

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

SECTION 4 APPLICATION OF RULES

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

SECTION 5 PERSONNEL RULES OF THE BOARD OF DIRECTORS

Personnel rules relating to salaries, wages, leave, attendance, hours of work, holidays, retirement or any other factor of employment having direct budgetary implications in the classified and exempt service shall be established and administered by the governing body in conformance with laws pertaining to such matters. This is mentioned so there is no confusion as to the limits of these rules. Rules governing the general conduct of employees, work regulations and assignment schedules shall be adopted and administered by the governing body. Such rules shall be readily available for review by employees.

RULE IV - AUTHORITY SERVICE

SECTION 1 CLASSIFIED SERVICE

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

SECTION 2 EXEMPT SERVICE

The exempt service shall include the following positions:

A. Positions on the Board of Directors
F. Positions on the Civil Service Commission
G. Persons employed as professional consultants on a fee basis to provide special or technical assistance
H. Members of special boards, Commissions, or committees appointed by the Board of Directors, who serve without compensation
I. Volunteer employees of the Authority
J. Fire and EMS Chief
K. Temporary employees or Volunteer trainees
L. Clerical employees of the Authority
M. Any employee whose principal duties do not consist of preventing or combating fire, or preventing the loss of life or property from fire

SECTION 3 COLLECTIVE BARGAINING AGREEMENT

The classified full-time positions of Emergency Medical Technician, Firefighter/ Engineer, Lieutenants, and Captain shall follow all applicable requirements identified in the current Collective Bargaining Agreement with IAFF Local 851.

RULE V - ORGANIZATION FOR PERSONNEL ADMINISTRATION

SECTION 1 CIVIL SERVICE COMMISSION

The Civil Service Commission consists of three members appointed or confirmed by the governing body of the Authority, a Chief Examiner and such assistants as may be necessary. All actions of the Chief Examiner shall be subject to review and approval or disapproval of the Commission.

SECTION 2 COMMISSION CHAIRPERSON

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

SECTION 3 MEETINGS OF THE COMMISSION

The Commission shall hold such meetings as may be required for the proper discharge of its duties with a meeting every 90 days (if there is business to perform} and such additional meetings as are requested by any Commission member. Any person subject to civil service may request a special meeting of the Commission, which request shall be granted when good cause is shown therefor. Two members of the Commission shall constitute a quorum, and the votes of any two members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission. In any event, there shall be at least one Civil Service Commission meeting each year.

SECTION 4 REMOVAL OF COMMISSIONERS

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

RULE VI - CLASSIFICATION PLAN

SECTION 1 MAINTENANCE OF PLAN

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

SECTION 2 AMENDMENT OF PLAN

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

SECTION 3 CLASSIFICATION OF POSITIONS

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

intended to embrace.

B. New Positions. When the appointing power desires to create a position, a notice of such proposed action together with a description of the duties of the new position shall be submitted to the Chief Examiner. The Chief Examiner shall promptly assign the appropriate class therein on the basis of its duties, authority, responsibilities, and compensation and shall notify the appointing power of the official classification.

C. Reclassification of Positions. Whenever the appointing power desires to make a permanent and substantial change in the duties, authority, responsibilities, or compensation of a position, written notification of the proposed change shall be submitted to the Chief Examiner for the determination of the effect, if any, on the classification of the position. The Chief Examiner may, upon his/her own initiative or at the request of the appointing power or employee, study the duties of any position to determine if the current classification is proper. Whenever the Chief Examiner finds that the change in duties is such that the current classification is no longer correct, he/she shall report to the Commission the nature of such changes. The Commission may revise the classification of such positions as it deems proper.
    a. Effect of Reclassification on Employee Status
        i. No person holding any position under any established classification or grade shall be affected by such change so as to deprive the person of any of the benefits attached to the classification or grade applicable to the position then held by the person.
    b. When a position is reclassified to a class that carries a higher salary range, the incumbent regular or probationary employee shall be accorded probationary status in the higher class if eligible for certification from the appropriate register.
    c. If the position is reclassified to a class that carries a lower salary range, the employee's name shall be placed on the promotion register in the same manner as provided for in voluntary demotion.

D. Minimum Qualifications Statements. Personal qualifications commonly required of an employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision and suggestions of superiors for improvement of service, and willingness to cooperate with associates, shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications.

SECTION 4 USE OF CLASS TITLE

The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates and official records and

reports relating to the position. Any other working title desired and authorized to be used by the appointing power may be used as a designation of any position for the purpose of internal administration or in contacts with the public.

RULE VII - APPLICATIONS AND EXAMINATIONS

SECTION 1 EXAMINATION ANNOUNCEMENTS

A. Distribution of Announcements. Public announcements of examinations shall be given at least two weeks in advance of the last date for filing applications. Such announcements shall be posted on the official bulletin boards of the Authority and at least two other public places, and once a week for two weeks in a newspaper of general circulation in the Authority. The Chief Examiner may provide for such other publicity as deemed advisable to attract sufficient numbers of qualified candidates. In the case of promotional examinations, announcements shall be posted on bulletin boards provided for such purpose. The appointing power shall take necessary steps to bring announcements to the attention of all eligible employees.
B. Content of Announcements. Official notices of examinations shall state the duties and pay of positions in the classes for which the examinations are to be held, the qualifications required, the time and place and the manner of making application for admission to such examinations, the different parts of tests, closing date for filing applications and any other information which may be considered pertinent.

SECTION 2 ELIGIBILITY TO COMPETE IN EXAMINATIONS

A. Who May Compete. Examinations designed to establish entrance lists shall be open to all persons who appear to meet minimum qualifications and other requirements for the class as stated in the class specification and as set forth in the announcement.
B. Entrance Requirements. The Governing Body shall establish and may revise requirements regarding experience, training, physical condition, residency, and other factors that relate to the ability of candidates to perform effectively the duties of a class.
C. Competition in Promotional Examinations. Promotional examinations shall be open to employees who have acquired regular or probationary status, meet the minimum qualifications as stated in the class specification and as set forth in the announcement, and who have held a position in the classified service in another class or classes for a period of not less than six months immediately preceding the filing date specified on the announcement. The governing body of the Authority reserves the right to declare whether any open or new position shall be filled by a promotional or entrance examination. If an entrance examination is selected, it would be open to both qualified employees and non-employees.

SECTION 3 APPLICATIONS

A. Filing of Applications. All applications must be made upon official Authority application blanks filled out as therein directed and filed in the office of the Commission or postmarked on or before the closing date specified in the examination announcement. Each application must be signed by the applicant, and such signature constitutes a certification that all information contained therein is true to the best of the knowledge of the applicant. The Commission may conduct pre-employment investigations to verify the past employment record and to obtain other information relating to the qualifications of the applicant.
B. Freedom from Bias. The application form shall contain no question so formed as to elicit any information concerning political, racial, or religious affiliations of the applicant. However, this provision shall not prevent inquiry as to whether the applicant supports the Constitution of the United States of America.

SECTION 4 ADMISSION TO EXAMINATIONS

Each candidate whose application has been accepted for an examination shall be notified at least 48 hours in advance of the examination by mail or personal service of the time and place of the examination and such notice shall be considered authorization for admission. No person shall be permitted to take an examination without such authorization or other satisfactory evidence of the acceptance of application. Any applicant whose application has been accepted but who, because of illness or other good cause, is unable to appear, may, at the discretion of the Chief Examiner, be given the examination at a later date.

SECTION 5 DISQUALIFICATION OF APPLICANTS

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

A. Is found to lack the qualifications prescribed for admission to the examination as announced in the public notice.
B. Is found to be unfit because of previous employment or driving record or for other reasons reflecting discredit on the applicant.
C. Is physically unfit, even with reasonable accommodation, to effectively perform the duties of the class.
D. Has been convicted of a crime involving moral turpitude or who has been

dismissed from the public service for delinquency or misconduct or has been dishonorably discharged from the armed forces of the United States.

E. Has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment.
F. Has made false statements of any material fact or practiced, or attempted to practice, deception or fraud in application or examination.
G. Has taken the same examination within the six-month period preceding the examination date; or
H. Has otherwise violated the provisions of these rules.

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

SECTION 6 EXAMINATION ADMINISTRATION

A. Conduct of Examinations. Written or performance examinations shall be conducted in such places as are necessary for the reasonable convenience of applicants within the practical limits for proper administration and control. The Chief Examiner shall designate the number of examiners necessary to conduct examinations and provide them with instructions. The Chief Examiner may also arrange for the use of public buildings in which to conduct these examinations.
B. Frequency of Examinations.
    a. Entrance examinations may be given at least every thirty months if there is a need.
    b. Promotional examinations may be given at least every thirty months. For those classes with less than four positions, examinations may be given as necessary.
C. Anonymity of Applicants. The identity of persons taking written examinations shall not be disclosed to examiners except where conditions of anonymity are impractical.

SECTION 7 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

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

SECTION 8 CHARACTER OF EXAMINATIONS

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

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

SECTION 9 RATING OF EXAMINATIONS

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

SECTION 10 NOTIFICATION OF EXAMINATION RESULTS

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

SECTION 11 PREFERENCE FOR VETERANS

In all competitive entrance examinations, preference status shall be given to every veteran and disabled veteran who has successfully completed all phases of a civil service test in compliance with ORS 480.230 through ORS 480.237. The same preference shall be given to active-duty US military members and current members of the National Guard or US Military Reserves.

SECTION 12 WLFEA MEMBER PREFERENCE

In all competitive entrance examinations, preference status shall be given to all active WLFEA members in good standing. The member meeting Authority requirements shall qualify for a percentage increase based on their years of service and added to their total testing score.

A. 3% for one to three years of service.
B. 5% for four to six years of service.
C. 7% for seven to ten years of service.
D. 10% for eleven to fifteen years of service.
E. 12% for over fifteen years of service.

RULE VIII - REGISTERS

SECTION 1 ESTABLISHMENT OF REGISTERS

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

SECTION 2 KINDS OF REGISTERS

A. Entrance Register. An entrance register shall be established for such class of positions to be filled on an entrance basis and shall consist of the names of all persons who have passed the entrance test for that class.
B. Promotion Registers. A promotion list shall be established for each class of positions to be filled on a promotional basis and shall consist of the names of all employees who have passed a promotion test for the class.

SECTION 3 ORDER OF NAMES ON ENTRANCE REGISTERS

A. Entrance Registers.
    a. Laid-off Employees. Each entrance register shall be headed by the names of persons who have been regular employees and who were laid off from a position in that class through no fault of their own.
    b. Eligibles. Names of eligibles shall be placed on lists in the order of their final earned ratings plus any veterans or volunteer preference credits to which they may be entitled. Where ties exist, names shall be arranged in order of the candidate whose application was received first.
B. Promotion Registers.
    a. Demoted Employees. Each promotion register shall be headed by the names of persons who have been regular employees and who were demoted or reclassified to a lower class from a position in that class through no fault of their own.
    b. Eligible Employees. Names of eligibles shall be placed on lists in the order of their final earned ratings. Where ties exist, names shall be arranged in order of the candidate whose application was received first.
C. The order of names of persons laid-off or demoted in "A11 or "B" of this section shall be in inverse order of the date of their layoff or demotion.

SECTION 4 DURATION OF REGISTERS

A. Entrance Registers. The duration of eligibility on an entrance register resulting from a layoff is limited to not more than thirty months from the date of separation from the Authority service. An entrance register may not be canceled unless it has been in effect for at least twelve months or is exhausted and may not continue in effect for longer than thirty months. "Exhausted" means fewer than three names, except as relates to laid-off prior employees.
B. Promotion Registers. The duration of eligibility on a promotional register resulting from demotion or downward reclassification is limited to not more than thirty months from the date of such demotion or reclassification. A promotion register may not be canceled unless exhausted or has been in effect for thirty months. "Exhausted" means fewer than two names, except relating to laid-off prior employees.

SECTION 5 REMOVAL OF NAMES FROM LISTS

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

A. Certification and appointment of an applicant from the list to fill a regular position.
B. Certification and appointment to fill a regular position with the same or higher salary range from a different list. However, any applicant whose name is so removed may have it restored by making written application to the Chief Examiner.
C. Failure to respond within five days to a written inquiry of the Chief Examiner or an appointing power relative to availability for appointment.
D. Refusal of an offer of an appointment without adequate explanation.
E. Failure to report for duty within the time specified by the appointing power.
F. Expiration of the term of eligibility on the register.
G. Failure to maintain contact information as selected by the applicant, with the Commission as evidenced by the return of properly addressed unclaimed letter, or other evidence.
H. Certification three times to the same appointing authority without receiving appointments.
I. Willful violation of any rules of the provisions of the Civil Service Rules for Fire Fighters or these rules.
J. In case of promotion lists, separation from the Authority service.
K. Upon a finding by the Chief Examiner or Commission that the person is not

qualified to perform the duties of the class.

L. Upon a finding of the appointing power and concurrence by the Commission that the applicant is not qualified to perform the duties of the class.
M. Upon request of the eligible to have his/her name removed.

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

SECTION 6 RESTORATION OF NAMES TO ELIGIBLE LISTS

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

SECTION 7 AVAILABILITY OF ELIGIBLES

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

RULE IX - CERTIFICATION AND APPOINTMENT

SECTION 1 FILLING VACANT POSITIONS

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

SECTION 2 CERTIFICATION OF ELIGIBLES

A. Order of Use of Eligible Lists. Upon receipt of a request for certification of eligibles, the Chief Examiner shall certify the proper number of available eligibles from an appropriate list. If no appropriate list exists, the Chief Examiner shall authorize appointment by other prescribed means. Certification shall be made from the promotion or entrance register based upon the decision of the appointing authority. The name selected is at the discretion of the appointing authority, regardless of their standing on the certified list.
B. Order and Number of Names Certified. Names shall be certified in order of standing on the list. The number of names certified from the entrance list shall be three. When more than one vacancy exists, the number of names shall equal the number of vacancies plus two in addition. From the promotional list, the number of names certified shall be two plus one for each additional vacancy.
C. Order in Which Certification Will Be Issued. Eligibles shall be certified for vacancies occurring in a class in order of receipt of requisitions.
D. Additional Certification to a Vacancy. The Chief Examiner may certify additional names to a vacancy upon receipt of a written report from an appointing power that, in the Commission's judgment, justifies a finding that one or more of the eligibles certified would not be suitable for the position that is to be filled. Religious, racial, or political reasons shall not be considered as valid reasons for rejection of a candidate. If the rejection of the appointing authority is not approved by the Commission, the Commission shall notify the appointing power of each disapproval and, upon receipt of such notice, the appointing power shall immediately appoint the certified candidate in question.
E. Notice of Eligibles Not Appointed. Those persons certified to the Authority but not appointed shall be so notified by the appointing power within five days after an appointment is made. This rule will not apply in the case of persons who waive, decline, or fail to appear for an interview.
F. Restoration of Names to the Register. The names of those persons certified to

the Authority but not appointed shall be restored to the register unless subject to Rule VIII, Section 5.

SECTION 3 KINDS OF APPOINTMENTS

A. Probationary Appointment. The appointing power shall make probationary appointments from the list of candidates certified. Such appointments are conditioned upon and subject to the appointee's satisfactorily completing probation.
B. Provisional Appointments. If there are no names of qualified candidates on either the promotional or entrance list for a class in which a vacancy exists, the Chief Examiner may authorize the provisional appointment of a person meeting the minimum prerequisites for the class to which the position is allocated. No position shall be filled by provisional appointment more than once in any calendar year. A provisional appointment is terminated after three months or when the Chief Examiner establishes an appropriate list, certifies available eligibles, and an appointment is made for the position. Notice of all such appointments made shall be reported to the Commission at its next regular meeting.
C. Temporary Appointments. The appointing authority is authorized to make temporary appointments to assure continuation of required work. A temporary appointment is limited to 12 calendar weeks. Temporary appointment shall require official personnel action and the Chief Examiner shall be so notified. The appointing authority will consider existing lists when making temporary appointments.
D. Relief Appointments. Where a position exists, the appointing authority may make transfers or relief appointments to fill absences. Such relief appointments shall be made from the appropriate eligibility lists where administratively feasible, or the appointing authority may appoint individuals who meet the minimum prerequisites of the class who are known to have the ability necessary to perform in said position. Should such appointment to that position exceed eight weeks, the Chief Examiner shall be so notified. Relief appointment shall not be considered a promotion, if to a position which may have a higher pay scale, and return to the employee's regular position shall not be considered a demotion.

SECTION 4 TRANSFERS

A. Assignment of Duties. An appointing power may, within division or organization unit, assign an employee from one position to another position in the same class without prior approval of the Commission.

B. Method of Transfer. An appointing power may authorize the transfer of an employee to a similar position in the same classification. An employee may be transferred from a position in one division or organization unit to a position in the same class in another division. A transfer of an employee from a position in one class to a position in another class having a higher salary range constitutes a promotion and is subject to rules governing appointments and promotions. A transfer to a position in a class having a lower salary range constitutes a demotion and shall be subject to rules governing demotions. Transfers must be completed with no more than a ten-day break in service.
C. Voluntary Demotions. If an employee is qualified and subject to the discretion of the appointing authority, the request may be granted, provided it would not result in the layoff of another employee. Notice of the action shall be provided to the Civil Service Commission.

RULE X - PROBATIONARY PERIOD

SECTION 1 PURPOSE

A probationary period is an integral part of the examination process. It shall be utilized as an opportunity to observe the employee's work, to provide special training, to assist the employee in adjusting to the new position, and as an aid in making a decision to reject any employee whose work performance or personal conduct is unsatisfactory.

SECTION 2 DURATION OF PROBATIONARY PERIOD

Entrance level employment is subject to a probationary period of twelve (12} consecutive months of actual service. In determining such one (1} year service, time spent in training and schools, away from the Authority and not related to the Authority shall not be included. Sick or non-department related disability leave time shall not be included in the probationary period. Promotion to any other position within the classified service is subject to a twelve (12) consecutive month probationary period.

SECTION 3 DISMISSAL DURING ENTRANCE PROBATIONARY PERIOD

At any time during the entrance probationary period, the appointing power may terminate the appointment of the person certified if, during any performance test thus afforded, upon observation or consideration of the performance of duty, the appointed person is found unfit or unsatisfactory. The appointing power shall forthwith notify the employee and the Commission in writing of any such termination of employment. Such action by the appointing power is not subject to appeal.

SECTION 4 UNSATISFACTORY PERFORMANCE DURING PROMOTIONAL PROBATIONARY PERIOD

At any time during the promotional probationary period, the appointing power may terminate the promotional appointment of the person certified if, during the performance of duty, the person is fund unfit or unsatisfactory, provided, however, that the appointing power shall forthwith notify the employee and the Commission, in writing, of any such termination of a

promotional appointment. The appointed employee shall have the right ot revert to a position in the last held regular class.

SECTION 5 REGULAR STATUS

If no action is taken by the appointing power to terminate or reduce in rank a probationary employee during the probationary period, the employee shall be deemed to have satisfactorily completed the probationary period and the appointment shall be considered to be regular at the end of the specified period of time.

SECTION 6 REMOVAL FROM ELIGIBILITY REGISTER

If an appointment is not made "regular'' because of the Authority's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, the employees name shall be removed from the eligibility register for the position.

RULE XI - SEPARATION IN GOOD STANDING

SECTION 1 REDUCTION IN FORCE

A. Reason for Layoff. The governing body may order the layoff of an employee because of abolition of a position, shortage of funds or work, a material change in duties, changes in an organizational unit, or for other reasons which do not reflect discredit on the service of the employee. Duties performed by laid off employees may be reassigned to other employees already working, who hold positions in appropriate classes. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered a layoff.

B. Demotion in Lieu of Layoff. Any regular employee who is about to be laid off may file a written request with the appointing power for demotion in lieu of layoff. The appointing authority normally shall grant this request in any class for which the employee has established a right to Civil Service status, and where it appears that he/she may expect to perform satisfactorily. If, in the opinion of the appointing power the good of the service does not indicate the desirability of such action, the employee shall be immediately notified, in writing, giving the reasons for denying the request. The employee may request a review by the Commission of the reasons for denial. In all cases where employees are demoted in lieu of layoff, their names shall be placed on layoff lists for the classes from which they were demoted.

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

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

RULE XII - DISCIPLINARY ACTIONS

SECTION 1 CAUSES FOR DISCIPLINARY ACTIONS

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

A. Incompetency,
B. Inefficiency,
C. Inattention to duty,
D. Dereliction of duty,
E. Dishonesty of any type (including false or deliberately misleading information or omissions from employment application),
F. Violation of the Authority's Drug and Alcohol policy,
G. Insubordination,
H. Discourteous treatment of the public or coworkers,
I. Immoral conduct,
J. Any plea of guilty or no contest, or conviction of crimes of moral turpitude (such as crimes involving dishonesty) or other crimes related to the ability to perform job duties,
K. Repeated or serious violations of the Authority's policies or standards of employee conduct, or
L. Any willful failure of good conduct tending to injure the public service.

Any action, which reflects discredit upon the service or is a direct hindrance to the effective performance of Authority functions, shall be considered cause for disciplinary action. Such cause shall also include misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance, the willful giving of false information or withholding information with intent to deceive when making application, or willful violation of published Authority rules, the law or these Rules.

No person shall be dismissed, demoted, suspended without pay or deprived of special privileges for political, racial or religious reasons.

Nothing herein prohibits the Appointing Authority from using lesser forms of punishment or administrative action, including oral and written reprimands and suspension with pay to which this Rule does not apply.

SECTION 2 PROCEDURE FOR TAKING DISCIPLINARY ACTION

If disciplinary action covered by this Rule is to be taken against an employee, it should be done in a manner that will not embarrass the employee before other employees or the public. For all forms of disciplinary action, the supervisor should follow established Authority procedures and should keep the Chief fully informed of any action taken. When it is necessary to suspend without pay, discharge, demote or deny special privileges to an employee, the following steps shall be taken:

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

RULE XIII - APPEALS, HEARINGS AND INVESTIGATIONS

SECTION 1 APPEALS

A. Appeals Related to Civil Service Exams and Hiring. Applicants who want to appeal their final exam rating may do so within ten (10) calendar days of the date the test results are mailed by sending a written notice of appeal to the Chief Examiner. The notice of appeal must provide a detailed explanation of why the applicant believes the rating is incorrect. The Chief Examiner will review the rating and correct the rating if an error is found. Corrections will be prospective only; no correction will invalidate any appointment previously made from the list. Applicants whose names are removed from an entrance or promotion register (other than due to the expiration or cancellation of the register as outlined in these rules), may appeal within ten {10) calendar days of the date the notice is mailed by sending a written notice of appeal to the Chief Examiner. The appeal must request restoration to the Register and must include a detailed explanation of why the applicant should be restored to the Register as well as any supporting documentation. The Chief Examiner will review the information and provide a written decision. Applicants who are still not satisfied after receiving the Chief Examiner's decision may appeal to the Commission within fifteen {15) calendar days from the date the decision is mailed. The written appeal to the Commission must include a copy of all material provided to the Chief Examiner, the Chief Examiner's decision, and a detailed explanation of why the applicant believes the Chief Examiner's decision is incorrect. The Commission will investigate and issue a written decision within thirty (30) calendar days.
B. Appeals of Demotions. Reductions in Pay. Suspensions Without Pay, or Discharges. Employees in Civil Service positions may appeal disciplinary demotions, reductions in pay, suspensions without pay, and discharges only as outlined in these Rules. Lesser forms of discipline are not subject to appeal under these Rules.
    a. Union Employees. All probationary and regular employees whose employment is governed by the terms of a current collective bargaining agreement and who want to appeal a demotion, reduction in pay, suspension without pay or discharge decision must use the grievance and arbitration procedure in their union contract. Such employees do not have appeal rights under these Rules unless they waive, in writing and in a timely manner, all rights granted to them to appeal such decision under the current collective bargaining agreement including acceptance of such waiver by an authorized bargaining unit representative.
    b. Non-Union Employees. Regular non-union employees in Civil Service positions who have been demoted, reduced in pay for discipline, suspended without pay or discharged may appeal those forms of

discipline to the Commission. Non-union employees in their initial probationary period do not have appeal rights under these Rules, regardless of the form of discipline. During their probationary period, promoted non-union employees have appeal rights under these Rules for the referenced actions, except demotion.

c. All appeals under this section must be made in writing and must be filed with the Commission chair within seven (7) days after the effective date of the demotion, disciplinary reduction in pay, suspension without pay or discharge. In order to be considered by the Commission, written appeals must include:
    i. A detailed explanation of the facts leading up to the discipline and the reasons why the employee believes the disciplinary action was improper,
    ii. The names of all relevant witnesses, and
    iii. A copy of all materials and documentation supporting the complaint.

SECTION 2 DISCIPLINARY HEARINGS

A. Procedure. Commission hearings on appeals from disciplinary action shall be open to the public and informal. Both the employee and the Appointing Power shall be given written notification of the time and place of a hearing at least ten (10) days in advance and shall have the right to have subpoenas issued by the Commission, present witnesses, and give evidence before the Commission.
B. Witness Fees. Every person served with a subpoena requiring attendance before the Commission shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil suits and actions, except that no person shall be entitled to any fees or mileage who is employed in the Public Service or political subdivision to which they are called as a witness. The fees and mileage allowed by this section need not be pre-paid, but the governing body of the political subdivision shall provide for payment thereof when certified by the Commission.
C. Conduct of Hearings. A hearing before the Commission is intended solely for the purpose of receiving evidence either to refute or to substantiate specific charges which the Commission has been requested to examine. It shall not be made an occasion for uttering irresponsible accusations, attacking the character or conduct of an employer or employee or making other derogatory comments having no bearing on the charges under investigation. The Commission in conducting such hearings is not bound by the standard Rules of Evidence.
D. Counsel or Representative. In appealing a disciplinary action to the Commission, an employee is not required to have counsel. The appellant may examine and cross-examine witnesses, make statements, summarize testimony, and otherwise conduct a hearing. An employee may choose to be represented by

counsel or another person.

SECTION 3 COMMISSION FINDINGS

A. Commission Findings. If, after receiving evidence presented in a hearing on disciplinary actions, the Commission finds the complained-of action taken by the Appointing Power was made in good faith for cause, the Commission may affirm or modify the action. If the Commission finds that the complained-of action taken by the Appointing Power was not made in good faith or cause, the employee shall be reinstated to the previous position and shall not suffer any loss of pay or status. The Commission, in lieu of affirming the disciplinary action, may modify the order as the circumstances may warrant. The action of the Commission shall be certified in writing to the Appointing Power who shall put it into effect. All other findings of the Commission resulting from any hearing on complaints or suggestions normally shall be in the form of recommendations. Commission findings will be issued within thirty (30) days of the conclusion of the hearing.
B. Other Commission Investigations. The Commission will conduct an investigation into the enforcement and effect of these Rules whenever a resident of the Authority or an employee in a Civil Service position submits a verified written complaint alleging violation(s) or abuse(s) of these Rules. All written complaints must be submitted within thirty (30) days after the alleged violation or abuse, must be signed, and must include:
    a. A detailed explanation of the alleged violation(s) or abuse(s) of these Rules.
    b. The Civil Service position(s) that the person believes to be affected by the violation(s) or abuse(s) of these Rules,
    c. The names of relevant witnesses, and
    d. A copy of all materials and documentation supporting the complaint.

In addition, the Commission will conduct an investigation whenever it decides that any violation(s) or abuse(s) of these Rules may have occurred within the previous thirty (30} days. Commission investigations will generally include an inspection of all Civil Service positions cited in the complaint and a determination of whether there has been a violation of these Rules. The Commission's decision will be made in writing and will address all matters investigated.

SECTION 4 APPEAL TO CIRCUIT COURT

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

RULE XIV - RECORDS AND REPORTS

SECTION 1 ROSTER

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

SECTION 2 REPORTS TO THE COMMISSION

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

SECTION 3 DESTRUCTION OF RECORDS

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

SECTION 4 PUBLIC RECORDS

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

RULE XV - PROHIBITIONS AND PENALTIES

SECTION 1 PROHIBITED CONDUCT GENERALLY

No person shall:

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

SECTION 2 POLITICAL CONTRIBUTIONS AND ACTIVITIES

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

SECTION 3 PENALTIES

Violation of any of the provisions of the Custodians' Civil Service Law is a misdemeanor. Willful violation of any of the provisions of ORS 242.720, 242.738, 242.768, 242.772, 242.792, 242.822 and 242.824 is a misdemeanor.