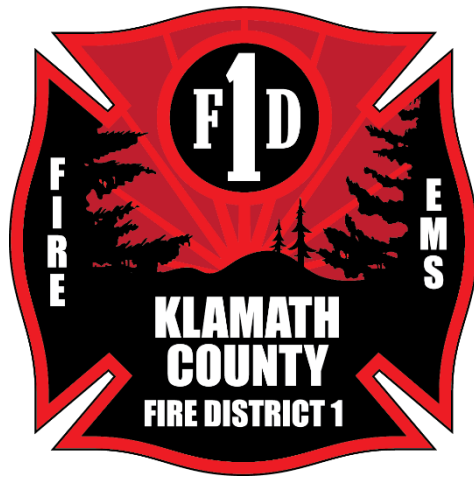


Klamath County Fire District 1



CIVIL SERVICE RULES

Adopted & Effective Date: **August, 2023**

Revised Date: **Sept. 16, 2024**

Table of Contents

PREAMBLE.....	2
RULE 1 - INTRODUCTION TO CIVIL SERVICE COMMISSION.....	3
RULE 2 - SCOPE OF CIVIL SERVICE RULES	3
RULE 3 - DEFINITIONS	5
RULE 4 - ADOPTION AND AMENDMENT OF RULES	8
RULE 5 - ORGANIZATION FOR PERSONNEL ADMINISTRATION	9
RULE 6 - CHIEF EXAMINER	9
RULE 7 - SECRETARY.....	10
RULE 8 - CLASSIFICATION PLAN.....	10
RULE 9 - APPLICATIONS AND EXAMINATIONS	12
RULE 10 - REGISTERS	16
RULE 11 - CERTIFICATION AND APPOINTMENT	19
RULE 12 - PROBATIONARY PERIOD.....	22
RULE 13 - DISCIPLINARY ACTION.....	23
RULE 14 - APPEALS, INVESTIGATIONS, AND HEARINGS.....	24
RULE 15 - RECORDS AND REPORTS.....	27
RULE 16 - RESIGNATION	27
RULE 17 - LEAVES OF ABSENCE.....	27
ADOPTION OF RULES.....	28

PREAMBLE

This document outlines processes for Klamath County Fire District 1 Civil Service Rules adopted August, 2023. These rules are intended to comply with the provisions of ORS 242.704 as substantially accomplishing the general purposes of ORS 242.702 through ORS 242.824. Therefore, unless specifically referenced in these Rules, ORS 242.702 through ORS 242.824 do not apply to the District and the Rules as adopted herein are the Civil Service System for Klamath County Fire District 1.

RULE 1 - INTRODUCTION TO CIVIL SERVICE COMMISSION

- 1.1 **COMPOSITION OF THE COMMISSION.** The Board of Directors (Board) of Klamath County Fire District 1 (District) has established a three-member (3) Civil Service Commission (Commission). In accordance with the terms of ORS Chapter 242, Commission members are not members of the Board and are not employees of the District. Rather, all Commission members are independent individuals appointed by the Board for an uncompensated term of four (4) years. (ORS 242.330)
- 1.2 **DUTIES OF THE COMMISSION.** The Commission's primary responsibilities include:
- a. Working cooperatively with the Board of Directors and Fire Chief to maintain a current list of all classifications and grades of Civil Service positions within the District,
 - b. Overseeing proper administration of all Civil Service exams, maintaining current entrance and promotion registers, and working cooperatively with the Fire Chief to certify qualified candidates for Civil Service position vacancies as outlined in these Rules,
 - c. Working cooperatively with the Board of Directors and Fire Chief to maintain a current database of all employees holding Civil Service positions within the District (including the name, position, duties, date of hire, as well as the reason and beginning and end date of any leaves of absence, reinstatements, promotions, demotions, suspensions, transfers and terminations in each employee). In order to allow the Commission to fulfill this responsibility, the Fire Chief will provide the Commission with written notice of all appointments, transfers, promotions, salary changes, leaves of absence, demotions, and discharges for employees in Civil Service positions, and
 - d. Adopting and overseeing proper administration of the Rules relating to conducting Civil Service examinations and making appointments, promotions, demotions, transfers, reinstatements, suspensions, and discharges for Civil Service positions. (ORS 242.390) (IAFF, Local 890 Collective Bargaining Agreement Article 32)

RULE 2 - SCOPE OF CIVIL SERVICE RULES

- 2.1 **POSITIONS GOVERNED BY CIVIL SERVICE RULES.** These Rules outline the District's and Commission's policies and procedures for conducting Civil Service examinations and making appointments, promotions, demotions, transfers, reinstatements, suspensions and discharges for Civil Service positions. Except when otherwise specifically provided herein, these Rules are intended to supersede and substitute for the Oregon Statutes governing Civil Service for Firefighters, while substantially accomplishing the general purposes of the civil service law.

Positions in the classified service include only those positions with the District, the principal duties of which consist of preventing or combating fire or preventing the loss of life or property from fire, excluding the Fire Chief.

As of May 01, 2024, the following list outlines positions covered within Civil Service rules:

- Community Risk Reduction Coordinator
- Fire Inspector
- Division Chief Fire Marshal
- Firefighter
- Captain
- Battalion Chief
- Division Chief of Training

2.2 POSITIONS EXEMPT FROM CIVIL SERVICE RULES. These Rules do not apply to non-Civil Service positions in the exempt service. Exempt service positions include:

- The Fire Chief and the executive uniformed positions whose principal duties do not consist of combating fire or preventing the loss of life or property from fire, including; Deputy Chief of Operations and Deputy Chief of Professional Standards who are executive positions in the exempt service - the principal duties of which are executive and managerial.
- District positions where the principal duties of which do not consist of preventing or combating fire, or preventing the loss of life or property from fire, including;
 - Director of Administrative Services
 - Information Technology
 - Executive Assistant, Human Resource Specialist
 - Assistant Finance
 - EMS Billing Specialist
 - Administrative Assistant
 - Emergency Medical Technician
 - Paramedic
- Any volunteer, student intern, part time and seasonal non-fire positions,
- Any other non-employee position including but not limited to independent contractors, consultants, members of District Boards (including the Board of Directors), Commissions or Committees appointed by the Board of Directors who serve without compensation and who are not otherwise classified employees of the appointing District,
- Temporary relief employee positions, including any temporary appointment and,
- The District's Chief Examiner, who is appointed by the Civil Service Commissioners.

2.3 CHANGES TO THE RULES. The Commission may change these Rules at any time as described in 4.1 as it determines necessary to fulfill its responsibilities. The Commission will consider the recommendation of the Fire Chief and Board of Directors with regard to any such changes. No change shall expand the scope of statutory authority of the Commission unless approved by the Board of Directors.

RULE 3 - DEFINITIONS

3.1 **DEFINITION OF TERMS.** As used in these Rules, unless the context clearly requires otherwise.

- a. **“Act”** means the State Civil Service Law for Fire Fighters (ORS 242.702 242.824 to 242.990).
- b. **“Allocation”** means the assignment of an individual position to an appropriate classification on the basis of time, difficulty, and responsibility of the work actually performed in the position.
- c. **“Appointing Authority”** means the Fire Chief of the District who is vested with authority to appoint to any Civil Service position; discipline and dismiss employees; and set compensation subject to these rules, applicable labor agreements and law.
- d. **“Appointment”** means the appointment of an individual to a position covered by Civil Service.
- e. **“Bargaining Unit”** means a group or of employees represented by a labor organization as defined in ORS 243.650; terms and conditions of the bargaining unit are governed by a “Collective Bargaining Agreement” (labor agreement) with the District.
- f. **“Board of Directors”** means the publicly elected governing body of the District as defined in Oregon Revised Statutes.
- g. **“Certification”** means the process of the Civil Service Commission annually approving, in writing, the payroll of the District to the Payroll Officer. It shall also mean the process of approving the results of an examination in establishing an eligibility register.
- h. **“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 Secretary to the Commission and may be compensated.
- i. **“Civil Service”** means the Civil Service System established by these Rules.
- j. **“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.
- k. **“Classified Services”** means all positions under the jurisdiction of the Civil Service Commission.
- l. **“Commission”** means the Civil Service Commission created under these Rules.
- m. **“Commissioner”** means a Civil Service Commission member.
- n. **“Demotion”** means a transfer of an employee from a position in one (1) class to a position in another class having a lower maximum salary rate.
- o. **“District”** means Klamath County Fire District 1.
- p. **“Eligible”** means a person ranked on an eligibility register.
- q. **“Employees”** mean persons whose principal duties consist of preventing or

combating fire or preventing the loss of life or property from fire, as defined by these Rules.

- r. **“Entrance Examination”** means a test for positions in a particular class, admission to which is not limited to persons employed by the District. Normally this would be the position class of Firefighter.
- s. **“Entrance Register”** means a list of persons who, through the taking of an entrance examination, have been found qualified to be appointed to a position in a particular class.
- t. **“Examiner”** means a person appointed by the Chief Examiner to conduct or monitor an examination or portions of an examination.
- u. **“Executive”** means any uniformed position of the District serving in a senior staff position in a position in which the principal duties are managerial and executive. As of July 2023, executive positions include Deputy Chief of Operations, Deputy Chief of Professional Standards.
- v. **“Exempt Service”** means positions within the organization that are not covered by the provisions of Civil Service.
- w. **“Fire Chief”** means the individual appointed by the Board of Directors to oversee and manage the District. The Fire Chief has the authority to appoint, discipline, and dismiss all Civil Service employees subject to these rules, District policies and terms of any labor agreement to which the District is a party.
- x. **“Job Classification”** means the written description of a Class containing a title, statement of duties, authority and responsibilities, and the desired minimum qualifications for the Class.
- y. **“Lay-Off”** means a separation from the service for reasons not reflecting discredit on an employee and for reasons outside the employee’s control.
- z. **“Military Leave”** means the leave of absence granted to employees entering the armed forces of the United States and leaves authorized by state and federal law in connection with any military service including training required by law.
- aa. **“Personnel Action”** means any action taken with reference to appointment, compensation, promotion, transfer, lay-off, dismissal, or any other action affecting the status of employment.
- bb. **“Personnel Rules”** means the Personnel Rules adopted by the Board of Directors.
- cc. **“Probationary Period”** means a working evaluation period of 6 consecutive months for those employees who have been promoted, 6 consecutive months for lateral hires, and 12 consecutive months for all new hires, during which an employee is required to demonstrate the ability and capacity to perform the duties of the position to which the employee has been appointed.
- dd. **“Promotion”** means a transfer of an employee from a position in one (1) class to a position in another class having a higher maximum salary rate.
- ee. **“Promotional Register”** means a list of names of persons who have been found qualified by promotional examination for appointment to a position in a particular class.

- ff. **“Promotional Examination”** means a test which is administered in order to qualify participating employees for possible future promotion. The District has agreed that the promotional policy, general procedures, examination materials, examination committee, filing of applications, freedom from bias admission to examinations, disqualification of applicants, rejected applications, character of examinations, examination types for positions, scoring of examinations, seniority points, educational points, veterans preference points, peer review assessment, notification of examination results, establishment of lists, promotion lists, order of names on lists, duration of lists, removal of names from lists, position probationary period, demotion during probationary period and completion of probationary period as outlined within the Collective Bargaining Agreement, Article 32 will be referred to, checked to verify the examination process was followed and given the stamp of approval by the Civil Service Commission before acceptance.
- gg. **“Promotional Policy”** This policy shall apply to all promotional examination(s) that are offered to Bargaining Unit members. Any member of the District shall be considered eligible to seek a promotional position if they possess the minimum entry requirements as described in the District position job description. All applicants for the promotional position requiring fire service experience shall be experienced Members of the District. The failure of adequate District personnel to qualify for promotional positions shall be cause for taking applications from other qualified applicants. Adequate shall be defined as more than one. Other qualified applicants shall meet all requirements except time-in-grade/rank or time employed by the District. **“Public Notice”** means written or printed notification conspicuously posted on official bulletin boards in all areas of employment and, if required, by publication in a newspaper of general circulation.
- hh. **“Reclassification”** means a change in allocation to 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.
- ii. **“Reduction in Force”** means any lay-off necessitated by the District in order to reduce the number of personnel.
- jj. **“Regular Employee”** means an employee who has been appointed to a position in the classified service in accordance with the Rules of the Civil Service Commission and who has successfully completed the Probationary Period.
- kk. **“Rules”** means the Civil Service Rules adopted by the Civil Service Commission as provided by the Act.
- ll. **“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 the employee.
- mm. **“Temporary Appointment”** means an appointment to a position in the classified service, generally limited to 180 days, in the absence of names of qualified candidates on the Register for the Class.
- nn. **“Termination”** means the involuntary cessation of employment with the District for

cause.

- oo. **“Transfer”** means any change of an employee from one (1) position to another in the same Class.
- pp. **“Vacancy”** means a position within the classified service that is funded and is not filled.
- qq. **“Voluntary Demotion”** means a demotion requested by an employee in order to retain employment when lay-off from the employee’s position is imminent or for other reasons where the action is still entirely voluntary on the part of the employee.
- rr. **“Work Day”** as used in relation to periods of time under these rules means a calendar day unless otherwise specified including weekends and excluding holidays recognized by the U.S. Postal Service.

RULE 4 - ADOPTION AND AMENDMENT OF RULES

- 4.1 **ADOPTION OF CIVIL SERVICE RULES.** Rules relating to the administration of the Civil Service Act shall be adopted by the Commission only after a public hearing open to any citizen, officer, or employee of the District. Prior public notice of at least forty-eight hours shall be given, setting forth the place and time of the hearing and the purpose for which it has been called. Rules adopted by the Commission shall become effective on the date specified by the Commission and shall be posted on all official bulletin boards of the District.
- 4.2 **AMENDMENT OF RULES.** A request for a change in the Civil Service Rules may be submitted at any time by the Board of Directors, Fire Chief, District employee, or other interested party in a written communication to the Commission indicating the proposed change and the reasons therefore. After necessary study and notice as provided in 4.1, the Commission may amend the Civil Service Rules as it believes proper by a simple majority vote.
- 4.3 **EFFECT OF RULES AFTER ADOPTION OF CHANGES.** Any personnel action taken prior to the adoption of a new or amended set of Civil Service Rules shall be governed by the rules in effect at the time of the action. It shall not be affected by the proposed new or amended rules unless such rule provides for retroactive effect. Any certified register in place at the time these Rules are amended will remain in effect and be administered under the Rules in place when the register was certified. All subsequent registers will be administered under the revised Rules.
- 4.4 **APPLICATION OF RULES.** These rules do not apply to positions in the exempt service. All employment-related issues pertaining to these positions are governed solely by District personnel and staffing policies and laws.
- 4.5 **DISTRICT RULES OF CONDUCT.** Rules governing the general conduct of employees, work regulations, and assignment schedules shall be adopted and administered by the District. Such rules shall be readily available for review by employees.

RULE 5 - ORGANIZATION FOR PERSONNEL ADMINISTRATION

- 5.1 **CIVIL SERVICE COMMISSION.** The Civil Service Commission shall consist of three (3) members who shall serve without compensation. Members shall be known to believe in the principles of Civil Service. Commissioners shall be appointed by the Board of Directors.
- 5.2 **TERM OF OFFICE.** The term of office of each Commissioner shall be for a period of four (4) years. If a Civil Service Commissioner resigns before the end of a term, a new Commissioner shall be appointed to serve the remainder of such term. Commissioners may be reappointed from one (1) term to the next. Commissioners may be removed by the Board as set forth in ORS Chapter 242.
- 5.3 **QUORUM.** Two (2) members of the Commission shall constitute a quorum and the votes of any two (2) members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of business to be decided or transacted by the Commission.
- 5.4 **ORGANIZATION.** Members of the Civil Service Commission shall elect a Chairperson who shall continue in office until subsequent reorganization of the Commission become necessary or desirable. The Commission shall function under the applicable statutes and shall be consistent with the Rules herein or hereinafter adopted.
- 5.5 **MEETINGS.** The Commission shall hold such meetings as may be required for the proper discharge of its duties with a meeting once each quarter. Special meetings of the Commission may be held at such time and place as may be determined from time to time by the Commission. 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.
- All meetings of the Commission shall be conducted in a manner consistent with the provisions of the Oregon Public Meetings Law and shall be properly advertised.
- Sturgis Standard Code of Parliamentary Procedure shall serve as a guide on questions of parliamentary procedure.
- 5.6 **SEVERABILITY.** If any of these Rules or portions thereof are hereafter declared by a court of competent jurisdiction to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and such shall not affect the remaining Rules.

RULE 6 - CHIEF EXAMINER

- 6.1 **SELECTION.** The Commission shall appoint a Chief Examiner and such assistants as may be necessary. All actions of the Chief Examiner and any assistants shall be subject to review and approval or disapproval by the Commission. The Chief Examiner may serve as Secretary for the Commission. The position of Chief Examiner is an at-will appointment, thus the Chief Examiner serves at the pleasure of the Civil Service Commission. (ORS 242.716)
- 6.2 **DUTIES OF THE CHIEF EXAMINER.** The Chief Examiner shall not be one of the Appointed Civil Service Commissioners:
- Record on behalf of the Commission; establish functions relating to employment,

promotion, and discipline matters of the classified service.

- Consistent with the Rules, provide for the holding of competitive examinations.
- Perform all lawful and necessary duties delegated by the Commission and all functions essential to the effective administration of the Civil Service system.
- Participate in an annual performance evaluation conducted by Civil Service Commission.

RULE 7 - SECRETARY

7.1 **SELECTION.** The Secretary shall be appointed by the Civil Service Commission. (ORS 242.716)

7.2 **DUTIES OF THE SECRETARY.** The Secretary shall:

- Attend and take minutes of all meetings of the Commission.
- Preserve all reports made to the Commission.
- Keep a record of all examinations given and results obtained.
- Maintain a file on investigations held or made under the direction of the Commission.
- Perform other duties as the Commission may prescribe.

RULE 8 - CLASSIFICATION PLAN

8.1 **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, and responsibilities. The Commission may assign the review of the classification plan to the Chief Examiner who will be responsible for keeping the classification plan current by conducting periodic studies of positions and making appropriate recommendations to the Commission.

8.2 **AMENDMENT OF PLAN.** Any officer or employee in the District Service may initiate a request to the Commission to amend the classification plan. The Chief Examiner shall investigate any such request as directed by the Commission. The Chief Examiner may make classification studies or surveys at other times on the Examiner's own initiative. If the Chief Examiner finds that substantial change in the organization, creation or change of position, or other pertinent condition makes necessary the modification of an existing class or the establishment of a new class, a recommendation shall be made to the Commission.

The Commission may elect to hold a public hearing on changes in the Classification Plan and if so elected, shall give at least five (5) days public notice prior to such hearing. After hearing suggestions and recommendations, the Commission shall review this information and act on classification revisions with such modifications as it believes proper.

8.3 **ALLOCATION OF POSITIONS.** When the Appointing Power desires to establish the classification of a new position, a notice of such proposed action, together with a description of the duties of the new position, shall be submitted to the Chief Examiner in such a manner and on such form as the Commission may provide. The Chief Examiner shall promptly allocate such positions to the appropriate class therein on the basis of duties,

authority, and responsibilities and shall notify the Appointing Power of the official allocation.

8.4 **RECLASSIFICATION OF POSITIONS.** Whenever the Appointing Power desires to make a permanent or substantial change in the duties, authority or responsibilities of a position, written notification of the proposed change shall be submitted to the Chief Examiner for the determination of the effect, if any, on the classification of the position. The Chief Examiner may, upon the Examiner's own initiative or at the request of the Appointing Power, 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 allocation is no longer correct, the nature of such changes shall be reported to the Commission. The Commission may revise the classification of such positions as it deems proper. Such change shall be subject to the incumbent's ability to acquire probationary status in the new class.

8.5 **EFFECT OF RECLASSIFICATION ON EMPLOYEE STATUS.** Classifications may, from time to time, be amended, added to, consolidated, or abolished by the Commission, but no person holding any position under any established classification shall be affected by such change so as to deprive the person of any of the benefits attached to the classification applicable to the position then held by the person. No person shall be promoted or advanced to a higher classification by such change without being eligible for appointment to such a higher classification by reason of the position of the person on the Promotion Register.

8.6 **JOB CLASSIFICATIONS.** The Commission shall adopt, for each class of employment, a descriptive Job Classification. Each Job Classification shall include the class title, a description of the duties and responsibilities of the work required, and a statement of the minimum qualifications a person should possess to perform the work with reasonable prospects of success.

The definitions in Job Classifications are descriptive not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by duties and responsibilities. The Job Classifications are not to be construed as declaring what the duties and responsibilities of any position may be, or as limiting or modifying the power of any Appointing Power to assign, direct, and control the work of supervised employees. The use of a particular expression or illustration as to the duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

In determining the class to which any position shall be allocated, the Job Classification 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.

Personal qualifications commonly required of an employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision, 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 Job Classification. The minimum qualifications enumerated in the Job Classification shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee

and shall not be construed as representing or measuring qualifications that employees already working in such a class may actually possess.

- 8.7 **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 9 - APPLICATIONS AND EXAMINATIONS

- 9.1 **EXAMINATION ANNOUNCEMENTS.** Public announcements for entrance examinations shall be given at least two (2) weeks in advance of the last date for filing the applications and in at least two (2) other public places, and once a week (for two (2) weeks) in a newspaper of general circulation in the District. The Chief Examiner may provide for such other publicity as the Examiner deems advisable to attract a sufficient number of qualified candidates.

Public announcements for promotional examinations shall be given at least two (2) weeks in advance of the last date for filing the applications. Such announcements shall be posted on the official bulletin boards of the District. The Appointing Power shall take necessary steps to bring announcements to the attention of all eligible employees.

Official notice 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 manner in making application for admission to such examinations, the different parts of tests, closing date for filing applications and any other information which may be pertinent.

- 9.2 **ELIGIBILITY TO COMPETE IN ENTRANCE EXAMINATIONS.** (ORS242.758)

- a. Examinations designed to establish an Entrance Register shall be open to all persons who appear to meet minimum qualifications and other requirements for the class as stated in the job classification and as set forth in the announcement.
- b. The Commission shall establish and may revise requirements regarding experience, training, physical condition, and other factors that relate to the ability of candidates to perform effectively the duties of a class.
- c. It shall be the policy of the Commission to assist and encourage the employment of disadvantaged individuals who are able and qualified to perform the duties of the class for which they have applied.

- 9.3 **ELIGIBILITY TO COMPETE IN PROMOTIONAL EXAMINATIONS.** (ORS 242.762)

- a. **PROMOTIONAL:** This information shall apply to all promotional examination(s) that are offered to Bargaining Unit members. Any member of the District shall be considered eligible to seek a promotional position if they possess the minimum entry requirements as described in the District position job description.
 1. All applicants for the promotional position requiring fire service experience shall be experienced Members of the District. Refer to Collective Bargaining Agreement, Article 32.
 2. The failure of adequate District personnel to qualify for promotional

positions shall be cause for taking applications from other qualified applicants. Adequate shall be defined as more than one. Other qualified applicants shall meet all requirements except time-in-grade/rank or time employed by the District.

- b. **GENERAL PROCEDURES:** Whenever there is a vacancy existing within the District, or there is determined to be a need, the Chief Examiner shall cause a posting of Notice of Examination to create an eligibility list at each fire station of the District. Announcement of the examination shall specify:
- The title and salary range of the position;
 - A brief outline of the duties of the position;
 - The minimum qualifications required;
 - The locations where applications may be made;
 - The relative weights to be given to different components of the tests;
 - The final date upon which applications will be accepted;
 - The date of the examination;
 - Any information, which may be considered pertinent.
- 9.4 **ENTRANCE APPLICATIONS:** All applications must be made upon official District application forms completed as directed and filed in the office of the Commission or postmarked on or before the closing date specified in the examination announcement. The application form shall contain no question that elicits any information protected by Federal or State law. 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 applicant's knowledge. 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.
- 9.5 **ADMISSION TO ENTRANCE EXAMINATIONS:** Each candidate whose application has been accepted for an examination shall be notified at least forty-eight (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 the applicant's authorization for admission. No persons shall be permitted to take an examination without such authorization or other satisfactory evidence of the acceptance of the applicant's 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.
- 9.6 **DISQUALIFICATION OF ENTRANCE APPLICANTS:** The Chief Examiner may reject the application of any person for admission to an examination or decline to examine any applicant who:
- Is found to lack the minimum qualifications established for the position or class (including but not limited to lawful employment eligibility, required education, experience, training, essential physical and other job-related requirements such as a satisfactory driving record) prescribed for admission to the examination as announced in the public notice.
 - Is determined to have engaged in dishonesty of any type during the application or examination process including, but not limited to, making any false statement, representation, or misrepresentation.
 - Has pled guilty, no contest, or been convicted of a crime of moral turpitude

(including, but not limited to, crimes involving dishonesty, breach of ethics, breach of public trust, etc.).

- Has previously been discharged from public service for misconduct, including receipt of a bad conduct or dishonorable discharge from the armed forces of the United States.
- Has used or attempted to use political pressure or bribery to secure an advantage in testing or appointment.
- Has taken the same examination within the six (6) month period preceding the examination date; or
- 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.

9.7 FILING OF APPLICATIONS PROMOTIONS: (Reference; Collective Bargaining Agreement, Article 32.5)

- a. All applications must be made upon the official District application form and filled out as therein directed. Completed applications must be received in the office of the Fire Chief on or before the closing date specified in the examination announcement. (Supporting documentation must be submitted with completed applications for the award of educational points, and / or Veteran's preference points.)
- b. The applicant must sign each application, and such signature constitutes that all information contained therein is true to the best knowledge of the applicant.
- c. The District may conduct investigations to verify qualifications of the applicant.

9.8 ADMISSION TO EXAMINATIONS PROMOTIONS: (Reference; Collective Bargaining Agreement, Article 32.7)

- a. Each candidate whose application has been accepted for an examination shall be notified at least fourteen (14) calendar days prior to the examination in writing by mail of the time and place of the examination. Such notice shall be signed by the Fire Chief or the designee selected by the Examination Committee and shall serve as authorization of admission. No person shall be permitted to take any examination without such authorization or other satisfactory evidence of the acceptance of their application.
- b. All Firefighters wishing to test for Captain will refer to the Collective Bargaining Agreement for specific position qualifications.
- c. 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.

9.9 DISQUALIFICATION OF APPLICANTS PROMOTIONS: (Reference; Collective Bargaining Agreement, 32.8).

- a. Applicants may be refused an opportunity to take any examination and eligible applicants may be refused certification or may be removed from the eligibility list as determined by the Examination Committee for the following reasons:
 - Failure to meet the standard published requirements for the class for which

application is made;

- Failure to furnish true statements of material facts;
- Practice or attempted practice of fraud or deception in connection with filing of application;
- Failure of the applicant, after notification, to promptly be present at the time and place designated for any portion of the examination.
- The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in testing for appointment.

9.10 **EXAMINATION ADMINISTRATION.** Written and/or performance examinations shall be conducted in such places as 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.

9.11 **FREQUENCY OF ENTRANCE EXAMINATIONS.**

- a. At a minimum entry examinations shall be given at least twelve (12) months.
- b. Promotional examinations shall be given at least every twenty four (24) months, except for those classes of less than four (4) positions; examinations may be given as necessary.

9.12 **IDENTITY OF CANDIDATES.** The identity of persons taking written examinations shall not be disclosed to examiners except when conditions of anonymity are impractical.

9.13 **POSTPONEMENT OR CANCELLATION OF EXAMINATIONS.** Examinations will only be held when there are a sufficient number of qualified applicants. For purposes of these Rules, “a sufficient number of qualified applicants” for entry level examinations means a minimum of four (4) qualified applicants and for promotional examinations at least two (2) qualified applicants. In the event of an insufficient number of qualified applicants for any test, the Chief Examiner may postpone the last filing date or cancel the test. For specifics regarding promotional examinations reference the Collective Bargaining Agreement. In such a case the examination is canceled, written notice shall be given to the applicants and appointing authorities concerned. If this condition occurs within the organization, the Commission shall then direct the Chief Examiner to advertise outside of the organization for qualified candidates for the testing process.

9.14 **CHARACTER OF PROMOTIONAL EXAMINATIONS,** (Reference; Collective Bargaining Agreement, 32.10).

- a. Tests shall be job-related and rule-competitive and must be designed to determine the qualifications, fitness, and ability of the candidate to perform the duties of the class for which a list is to be established.
- b. Tests may be written, oral, and physical, in the form of demonstration of a skill, and evaluation of training and experience, or any combination of such types.
- c. Tests 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.

9.15 Applicants selected for appointment may be required to pass a physical examination

administered by a licensed physician.

9.16 **RATING OF EXAMINATIONS:** In all tests, a minimum rating shall be established which is required to achieve eligibility. Such minimum ratings shall also apply to the rating on any parts of the examination, and candidates may be required to obtain minimum scores on separate parts in order to receive an overall passing grade or to be rated on the remaining parts of the examination.

- a. Reference, Collective Bargaining Agreement 32.12. The final point total of each competitor shall be determined by adding the rating on each component of the test in accordance with weights established prior to the date of the test.
- b. Ratings shall be based on a scale of 100 points.

9.17 **NOTIFICATION OF EXAMINATION RESULTS.** (Reference Collective Bargaining Agreement, 32.17)

- a. The Examination Committee shall conduct a review of the examination results. The final point total of each examination shall be completed and the resulting list established as soon as practical after the date on which the test was held.
- b. Each person competing in a test shall be given a written notice of their final point total. Each person competing in a test may, during the immediate fifteen (15) calendar-day period following notification of examination results, review the examination results and have the rating reviewed and corrected if an error is found.
- c. No appointments shall be made from the resulting list before the fifteen (15) calendar-day review period has concluded. No correction shall invalidate any appointment previously made from the list. The right of review of examination results is limited to the applicant, Committee members, their staff and members of the Board of Directors.
- d. Examination results may be reviewed during regular business office hours of the District. Applicant requests to review the examination results shall be made to the Fire Chief or their designee in writing at least one business day in advance.
- e. Promotional examination results and procedures with the exception of "component points" awarded to the applicant Article 32.12 of this Agreement is subject to the Grievance Procedure outlined in Article 11 of this Agreement.

9.18 **PREFERENCE FOR VETERANS.** Veterans' preference will be accorded as provided by Oregon Revised Statutes. Evidence for veterans' preference shall be the applicant's form DD-214 (ORS 408.230).

RULE 10 - REGISTERS

10.1 **ESTABLISHMENTS OF REGISTERS.** (Reference, Collective Bargaining Agreement, 32.18). The Commission shall establish and maintain registers of eligible candidates necessary to provide an adequate supply of qualified candidates for positions in the classified service. Registers shall be established by class of employment and shall be District-wide in application.

10.2 **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 Register.** A promotion register shall be established for each class or position to be filled on a promotional basis and shall consist of the names of all persons who have passed a promotional exam for the class.

10.3 **PROMOTION LISTS;** Reference, Collective Bargaining Agreement, 32.19

- a. 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 the promotion test for the class. The highest scored individual on the promotional eligibility list shall be appointed to an existing vacancy.

10.4 **ORDER OF NAMES ON LISTS; (Reference, Collective Bargaining Agreement, 32.20)**

- a. Demoted Employees. Each promotion list shall be headed by the names of persons who have been regular employees and who were demoted or reclassified to a lower classification from a position in that classification through no fault of their own.
- b. Eligible Employees. Following names of employees described above in Rule 10.3) of this Agreement, names of eligible applicants shall be placed on lists in the order of their final point total.

10.5 **DURATION OF REGISTERS.**

- a. **ENTRANCE:** The Commission will offer Civil Service examinations for entrance positions in the classified service whenever there is a current or anticipated vacancy and the current entrance register has expired, or the Commission receives a written request for an examination from the Fire Chief. The expiration date for an entrance register shall not be canceled unless it has been exhausted or has been in existence for at least 12 months. The list, however, may be subject to cancelation because of insufficient applicants as set forth above. Upon request of the Fire Chief, the Commission may extend the term of an entrance register up to a total of 30 months from the date of original certification. An entrance register may be cancelled when:
 - i) The District has or anticipates a vacancy in a position for which there are fewer than three (3) names on the relevant entrance register; or
 - ii) The Fire Chief requests that the examination be offered on an open-continuous basis due to a continuing need to fill the position(s) In the event that an entrance register is canceled as set forth above, the position opening may be reposted.
- b. **PROMOTIONAL:** Reference; Collective Bargaining Agreement, 32.20.
 - 1. The duration of an eligibility promotion list shall be twenty-four (24) months.
 - 2. A promotion list may be canceled when the last individual on the list has been certified to the appointing power for the existing vacancy. If the appointing power accepts the individual, the list is exhausted and a new list will be required.
 - 3. If the appointing power rejects the individual due to its right to consider more candidates than vacancies, the rejected individual, if rejected

without cause, shall be placed on the new list but shall be accorded the opportunity to be retested and reordered on the basis of the higher test score.

4. In the case of candidates who were tested within the prior six (6) months, such candidates shall be retested using a substantially different examination test.

10.6 REMOVAL OF NAMES FROM PROMOTION LISTS. (Reference, Collective Bargaining Agreement, 32.21)

- a. The District may remove a name from a promotional list permanently or temporarily for any of the following reasons:
 - Certification and appointment to fill a vacancy.
 - Separation from District service.
 - Upon findings by the District that the person is not qualified to perform the duties of the position, wherein, the District must show just cause as to the removal of the name and the action is subject to the Grievance Procedure as set forth in this Agreement.
 - Upon request of the eligible applicant to have their name removed.
 - Any person whose name is removed from the promotional list shall be promptly notified in writing by the District as to the reason for such removal.

10.7 PROMOTIONAL: The Commission will offer Civil Service examinations for promotion positions whenever there is a current or anticipated vacancy and the current promotion register has expired, or the Commission receives a written request for an examination from the Fire Chief. The expiration date for a promotion register shall be no less than 24 months. The promotional register may be cancelled when:

- The Fire Chief has exhausted the register, or
- The Fire Chief requests that the examination be offered on an open- continuous basis due to a continuing need to fill the position(s), or
- The Fire Chief requests that the register for Captain be expired in less than twenty four (24) months to maintain the alternating two (2) year cycle.

There is no requirement for a register where there are fewer than four (4) positions in the class. A promotional examination may be conducted whenever a vacancy occurs or at the request of the Fire Chief when there is no current register.

10.8 REMOVAL OF NAMES FROM ENTRANCE REGISTER. The Chief Examiner will remove names from an entrance register whenever:

- The applicant has been appointed to a vacant position in the same or higher classification,
- The applicant does not respond to a written inquiry of availability within five (5) calendar days. Note: Failure to maintain current contact information with the Commission resulting in returned or unclaimed mail will be treated as a failure to respond,
- The applicant has declined an offer of appointment from the register or fails to

report for duty within the time specified in the offer,

- The applicant is certified to the Fire Chief but not selected three times,
- The Fire Chief rejects the applicant and the Commission approves the rejection,
- The individual is demoted due to lack of qualification,
- In the case of promotion registers, voluntary or involuntary termination from District employment,
- The register has expired or been cancelled as outlined in these Rules, or
- The individual has pled guilty, no contest or been convicted of a crime of moral turpitude (including but not limited to crimes involving dishonesty, breach of ethics, breach of public trust, etc.) or other offense relevant to the position for which the individual is applying, after being placed on the register.

Any person whose name is removed from the register shall be promptly notified by the Chief Examiner of the reasons for such removal. Within ten (10) days of such notice, the applicant may appeal the decision to the Commission as set forth in 15.1.

10.9 REVOCATION OF ENTRY ELIGIBILITY REGISTER. An eligibility register may be revoked within 30 days of certification by the Commission and another register prepared if the Commission deems it advisable on account of errors or of obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate results obtained therefrom. If a register is revoked, written notice will be sent to all persons whose standing may be affected by the revocation.

10.10 AVAILABILITY OF ELIGIBLE ENTRY APPLICANTS. It shall be the responsibility of eligible applicants to notify the Commission, in writing, of any changes in address, or other changes that may affect availability for employment. However, the Chief Examiner may from time to time circularize registers or use other methods to determine current availability of eligible applicants.

RULE 11 - CERTIFICATION AND APPOINTMENT

11.1 APPOINTING POWER. The District has designated the Fire Chief as its Appointing Power for filling vacancies in Civil Service positions within the District. As the Appointing Power, the Fire Chief is authorized to appoint individuals to Civil Service positions as outlined in these Rules. The District is an equal employment opportunity employer and does not discriminate against any qualified applicant on the basis of race, national origin, age, gender, religion, political affiliation or other status protected by applicable law. All appointments will be made based upon the District's evaluation of merit, efficiency, and fitness for the vacant position.

11.2 EMPLOYEE TRANSFERS. The Fire Chief may transfer employees from any Civil Service position to any similar Civil Service position within the same classification at any time at his/her discretion. Such transfers may occur within the same division or organizational unit, or to positions within any other division or organizational unit within the District. Voluntary, non-disciplinary demotions will be treated as transfers under these Rules. Employees who wish to voluntarily demote to a position in a lower rank (including in cases of layoff) may make a written request to the Fire Chief for the demotion.

However, except when required by an applicable collective bargaining agreement, employees wishing to voluntarily demote will not be permitted to bump any other employee out of a position. The Fire Chief may grant or deny the demotion at his/her discretion based upon the needs of the District.

If a transferred employee is covered by the terms of a current collective bargaining agreement, the District will comply with any applicable terms of that agreement relating to the transfer. Likewise, any employee covered by the terms of a current collective bargaining agreement must comply with the provisions of that agreement when exercising bumping or other layoff, transfer or voluntary demotion options.

11.3 ENTRANCE POSITIONS. When filling vacancies in entrance Civil Service positions, the District and Commission use the following procedures:

- a. **STEP 1 – VACANCY.** The Fire Chief notifies the Commission of the vacancy.
- b. **STEP 2 – CERTIFIED LIST.**
 1. The Commission provides the Fire Chief with a certified list of the names and addresses of the top candidates plus one for each vacancy. The list must have a minimum of 2 names. Thus, if there are two vacant positions within the same classification, the Commission will give the Fire Chief the names and addresses of the top 3 candidates on the relevant register.
- c. **STEP 3 – APPOINTMENT REJECTION.**
 1. The Fire Chief evaluates the qualifications of the candidates on the certified list and selects the candidates for appointment to the vacant position(s) at his/her discretion. The Fire Chief will not, however, hire a new employee until all laid-off employees have been given the opportunity to return. Once a candidate has been selected, the Fire Chief will then notify the Commission of the name, position title, wage rate, and first day of work for the successful candidate.
 2. If the Fire Chief determines that s/he cannot fill all the vacancies from the certified list provided from the Commission, the Fire Chief may reject the certified list by sending a written notice of rejection, including the reasons for rejection to the Commission. The Commission will investigate the Fire Chief's reasons and approve or decline the rejection. If the Commission declines the Fire Chief's rejection, the Commission will provide the Fire Chief with written notice of its decision. The Fire Chief will then select one of the candidates from the original certified list for appointment. If the Commission approves the Fire Chief's rejection of the list, the Commission will provide the Fire Chief with the name and address of the next 10 plus one for each vacancy on the relevant register. The process will be repeated until a candidate is selected for appointment.
 3. If the Commission is unable to provide the expected number of names to the Fire Chief due to limited names on the register, the remaining certified list will be provided to the Fire Chief.
 4. All newly hired employees will serve a probationary period of twelve (12) months, regardless of whether they are transferred or promoted during their initial probationary period.

11.4 PROMOTIONS. When filling vacancies in promotional Civil Service positions, the District and Commission use the following procedures:

- a. **STEP 1 – VACANCY.** The Fire Chief notifies the Commission of the vacancy.
- b. **STEP 2 – NOTIFICATION OF EXAMINATION RESULTS**
 - 1. The Examination Committee shall conduct a review of the examination results. The final point total of each examination shall be completed and the resulting list established as soon as practical after the date on which the test was held.
 - 2. Each person competing in a test shall be given a written notice of their final point total. Each person competing in a test may, during the immediate fifteen (15) calendar-day period following notification of examination results, review the examination results and have the rating reviewed and corrected if an error is found.
 - 3. No appointments shall be made from the resulting list before the fifteen (15) calendar-day review period has concluded. No correction shall invalidate any appointment previously made from the list. The right of review of examination results is limited to the applicant, Committee members, their staff and members of the Board of Directors.
 - 4. Examination results may be reviewed during regular business office hours of the District. Applicant requests to review the examination results shall be made to the Fire Chief or their designee in writing at least one business day in advance.
 - 5. Promotional examination results and procedures with the exception of “component points” awarded to the applicant are subject to the Grievance Procedure outlined in the collective bargaining of agreement.
- c. **STEP 3 - CERTIFIED LIST.** The Commission provides the Fire Chief with a certified list of the names and addresses of the top candidates for each vacancy on the relevant register for the position vacancy.
 - 1. 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 the promotion test for the class. The highest scored individual on the promotional eligibility list shall be appointed to an existing vacancy.
 - 2. If the certified list provided to the Fire Chief includes outside candidates, the Commission provides the Fire Chief with two additional names from the relevant register. Thus if there are two vacancies, the Commission will give the Fire Chief the names and addresses of the top six (6) candidates on the relevant register.
 - 3. If the Commission is unable to provide the expected number of names to the Fire Chief due to limited names on the register, the remaining certified list will be provided to the Fire Chief.
- d. **STEP 4 – APPOINTMENT:** The Fire Chief evaluates the certified list and notifies the candidates for appointment to the vacant position(s). Once a candidate has been notified, the Fire Chief will then notify the Commission of the name, position title, wage rate, and first day of work for the successful candidate.
 - 1. If the Fire Chief determines that s/he cannot fill all the vacancies due to candidates not passing the examinations, the Fire Chief may reject the

hiring/promotional process by sending a written notice of rejection, including the reasons for rejection to the Commission. The Commission will investigate the Fire Chief's reasons and approve or decline the rejection. If the Commission declines the Fire Chief's rejection, the Commission will provide the Fire Chief with written notice of its decision. The Fire Chief will then select one of the candidates from the original examination process and hire/promote from the certified list for appointment.

2. If the Commission approves the Fire Chief's rejection of the list, the Commission will reopen the recruitment. The process will repeat until a candidate is selected for appointment.
3. All new employees will serve a probationary period of twelve (12) months in their appointed position. For promotions refer to the Collective Bargaining Agreement, Article 32.

11.5 **TEMPORARY APPOINTMENTS.**

- a. The Fire Chief may appoint a temporary relief employee at his/her discretion to fill a vacant entrance or promotion position if: 1) there are no candidates on the applicable entrance or promotion register, and 2) the appointment to the position does not exceed 180 days in any calendar year.
- b. For employees and positions covered by a current collective bargaining agreement, the District will comply with any applicable terms of the collective bargaining agreement in making temporary appointments.

RULE 12 - PROBATIONARY PERIOD

- 12.1 **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.
- 12.2 **DURATION.** 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 District, and sick or disability leave time shall not be included. Promotion to any other position within the classified service is subject to items agreed upon in the Collective Bargaining Agreement probationary period.
- 12.3 **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.
- 12.4 **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 found unfit or unsatisfactory, and who fails to qualify in the new position for

reasons other than misconduct or delinquency, and who was a regular employee immediately prior to this promotional appointment, shall be reinstated to the employee's former position. 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 to revert to a position in the last held regular class.

- 12.5 **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.
- 12.6 **REMOVAL FROM ELIGIBILITY REGISTER ENTRANCE EMPLOYEE.** If an appointment is not made "regular" because of the District's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, the employee's name shall be removed from the eligibility register for the position.

RULE 13 - DISCIPLINARY ACTION

- 13.1 **APPLICATION.** This Rule (Rule 13) and the processes described herein do not apply to members of a bargaining unit covered by a Collective Bargaining Agreement. Discipline for represented employees are subject to the just cause standard in the collective bargaining agreement.
- 13.2 **TENURE OF EMPLOYMENT.** No employee of the District who shall have been regularly appointed or inducted into Civil Service under the provisions of these Rules shall be suspended without pay, demoted or discharged except for cause.
- 13.3 **CAUSE FOR DISCIPLINARY ACTION.** "Cause" for demotion, disciplinary suspensions without pay or disciplinary reductions in pay and disciplinary discharge of covered employees includes:
- Incompetency,
 - Inefficiency,
 - Inattention to duty,
 - Dereliction of duty,
 - Dishonesty of any type (including false or deliberately misleading information or omissions from employment application),
 - Intemperance,
 - Violation of the District's Drug and Alcohol policy,
 - Insubordination,
 - Discourteous treatment of the public or coworkers,
 - Immoral conduct,
 - 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,
 - Repeated or serious violations of the District's policies or standards of employee conduct,
 - Any willful failure of good conduct tending to injure the public service, and/or

- Any other just cause for discipline arising from acts or omissions by an employee of the District.
- 13.4 **ACTIONS NOT SUBJECT TO CIVIL SERVICE REVIEW.** Disciplinary action that does not result in suspension without pay, demotion, termination, or other loss of benefit shall not be subject to these Rules. Specifically, this includes, without limitation, suspensions with pay, oral or written reprimands, or the equivalent thereof, and layoff or demotion for non-disciplinary reasons, including budget restraints, reorganization, or lack of work.
- 13.5 **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 unduly embarrass the employee before other employees or the public. For all forms of disciplinary action, the supervisor should follow established District 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:
- The supervisor shall prepare a written statement of the reason(s) for the proposed disciplinary action, stating dates, location, rules and regulations violated, and particular actions, if appropriate. The statement should include previous oral and/or written warnings given to the employee. The statement should be delivered to the Chief for review and necessary action.
 - 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 the employee requests a hearing with the Chief, the employee may choose to be represented by any person.
 - 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.
 - 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 the notice should be provided to the Civil Service Commission.

RULE 14 - APPEALS, INVESTIGATIONS, AND HEARINGS

- 14.1 **APPEALS RELATED TO CIVIL SERVICE EXAMS AND HIRING.** Applicants who want to appeal their final exam rating may do so within fifteen (15) 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 register.
- 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 fifteen (15) 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.

14.2 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 outlined within their collective bargaining agreement. 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.

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:

1. A detailed explanation of the facts leading up to the discipline and the reasons why the employee believes the disciplinary action was improper,
2. The names of all relevant witnesses, and
3. A copy of all materials and documentation supporting the complaint.

14.3 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 other person.
- 14.4 **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.
- 14.5 **APPEAL TO CIRCUIT COURT.** Any decision of the Commission affecting any regular employee or employees may be appealed to the Circuit Court of Klamath County, Oregon in accordance with ORS 242.804.
- 14.6 **OTHER COMMISSION INVESTIGATIONS.** The Commission will conduct an investigation into the enforcement and effect of these Rules whenever a resident of the District 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 detailed explanation of the alleged violation(s) or abuse(s) of these Rules,
 - The Civil Service position(s) that the person believes to be affected by the violation(s) or abuse(s) of these Rules,
 - The names of relevant witnesses, and

- 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.

RULE 15 - RECORDS AND REPORTS

- 15.1 **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.
- 15.2 **REPORTS TO THE COMMISSION.** Every appointment, transfer, promotion, demotion, dismissal, change of salary rate, leave of absence with or 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.
- 15.3 **DESTRUCTION OF RECORDS.** Records, other than examination papers, and items covered specifically within the collective bargaining agreement may be destroyed after four (4) years. Original examination papers shall be retained for four (4) years after which time they may be electronically preserved.
- 15.4 **PUBLIC RECORDS.** Except for examination materials, 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 as defined in Oregon Revised Statutes. Such records shall be open to inspection to the public during regular business hours in accordance with such procedures as the Commission may provide.

RULE 16 - RESIGNATION

- 16.1 **PROCEDURE.** An employee may resign from a Civil Service position by presenting resignation in writing to the Appointing Power. To resign in good standing, an employee shall give at least two (2) calendar weeks' notice unless, because of extenuating circumstances, the Appointing Power agrees to permit a shorter period of notice. The Appointing Power may make or cause to be made such investigation as is deemed warranted for the purpose of verifying reasons for each resignation. An employee's resignation and the circumstances pertinent to it shall be recorded in the employee's personnel file.

RULE 17 – CONFLICT IN APPLICABLE RULES

In the event of a conflict between a provision of these Rules and a collective bargaining agreement covering the employment of an employee of the district, the provisions of the collective bargaining agreement shall apply.

ADOPTION OF RULES

These Rules are formally adopted by the Civil Service Commission of Klamath County Fire District 1 with an effective date of _____ are hereby amended this _____ day of _____, 2024 as follow:

By: _____

Date: _____

Attest: _____