

**SUNRIVER SERVICE DISTRICT**  
**CIVIL SERVICE RULES**

**Revision 3**  
**October 27, 2021**

# Sunriver Service District Civil Service Rules for Firefighters

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# **Sunriver Service District Civil Service Rules for Firefighters**

## **RULE 1 - STATEMENT OF PURPOSE**

**Section 1. Purpose of Rules.** The purpose of these rules is to implement provisions of Civil Service for the firefighter employees of the Sunriver Service District Fire Department and achieve for the District the following objectives:

- A. To establish a system of personnel administration based on merit principles and scientific methods, governing the appointment, tenure, promotion, layoff, removal and discipline of its officers and employees, and other incidents of employment for employees covered by these Civil Service Rules.
- 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.
- D. To provide an equal opportunity to all qualified persons to gain employment on the basis of demonstrated merit and fitness to be ascertained by open recruitment and competitive examinations.
- E. To develop a program of recruitment, advancement and tenure that will make a career in the District service attractive to persons who possess both ability and integrity.
- F. To provide an exemption from ORS 242.702 through 242.824 as provided in ORS 242.704.

# Sunriver Service District Civil Service Rules for Firefighters

## RULE 2 - DEFINITIONS

“Allocation” means the assignment of an individual’s position to an appropriate classification on the basis of the work performed.

“Appointing Authority” means the person vested by the Sunriver Service District Managing Board with authority to appoint to any Civil Service position.

“Appointment” includes all means of selection of any person to hold any position subject to the civil service rules.

“Career Status” means the status of an employee who has successfully completed her/his trial service or career trial service period.

“Career/Trial Service Period” means a working test period of twelve months during which an employee, who has been promoted to a higher-level classification, is required to demonstrate fitness for the position by actual performance of duties.

“Career/Trial Service Status” means the status of an employee during a career/trial service period.

“Civil Service” means the civil service system established by the Sunriver Service District.

“Chief Examiner” mean 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 also serve as Secretary to the Commission.

“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.

“Classified Employee” means a person who has been appointed to a position in the classified service.

“Class Specification” means a written description of a class containing a title, statement of duties, authority and responsibilities and the desired minimum qualifications for the class.

“Commission” means the Civil Service Commission composed of three members appointed by the Sunriver Service District Managing Board.

“Days” means calendar days unless otherwise noted.

“Demotion” means a transfer of an employee from a position in one class to a position in another class having a lower maximum salary rate.

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## **Civil Service Rules for Firefighters**

“Disciplinary Action” means any action taken for cause by the Sunriver Service District to warn/reprimand, suspend without pay, demote or dismiss an employee who is subject to these civil service rules.

“District” means the Sunriver Service District.

“Employee” means a person who holds a position in the classified service whose principal duties consist of preventing or combating fire, or preventing the loss of life or property from fire, and excludes those in exempt service.

“Employee – Part Time” means a person employed in a position whose hours of work are less than 20 hours per week.

“Employment Status” means the status of an employee who has achieved trial service, career service, or career/trail service status.

“Eligible” means an applicant whose name appears on a list.

“Employment Guidelines” means the personnel guidelines adopted by the District relating to wages, hours and working conditions.

“Entrance Register or List” means a list of persons who have been found qualified by an entrance test for appointment to a position in a particular class.

“Entrance Examination” means a test for positions in a particular class, admission to which is not limited to persons employed by the District.

“Exempt Employee” means a person who has been appointed to a position in the exempt service.

“Governing Body” means the District Managing Board.

“List” means a register, which ranks eligibles on the basis of their test scores.

“Personnel Action” means any action taken with reference to examinations, appointments, promotions, demotions, transfers, reinstatements, suspensions and discharges.

“Promotion” means a transfer of an employee from a position in one classification to a position in another classification normally having a higher salary.

“Promotion Examination” means a test, which is limited to employees in the classified service who hold regular status and have held a position or positions in other classes for a period of not less than twelve (12) months.

## **Sunriver Service District Civil Service Rules for Firefighters**

“Promotion Register” means a list of names of persons presently in the employ of the District who have been found qualified by promotional examination for appointment to a position in a particular class.

“Public Notice” means written or printed notification that is conspicuously posted on official bulletin boards in all areas of employment and publication in a local newspaper.

“Rules” means the civil service rules adopted by the Civil Service Commission.

“Temporary Assignment” means a non-status appointment to assure the continuation of work.

“Trial Service” means a working test period of twelve (12) months during which an employee is required to demonstrate her/his fitness for the position by actual performance.

“Trial Service Status” means the status of an employee during a probationary period.

“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.



# **Sunriver Service District Civil Service Rules for Firefighters**

## **RULE 3 - ADOPTION AND AMENDMENT OF THE RULES**

**Section 1. Adoption of Civil Service Rules.** The Commission shall adopt rules relating to the administration of the Civil Service System only after a public hearing that is open to any citizen, officer, or employee of the District. 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 ten (10) days after adoption or upon such date as designated in the Rule, and shall be posted on all official bulletin boards of the District.

**Section 2. Amendment of Rules.** A request for change in the Civil Service Rules may be submitted at any time by the Fire Chief, District Managing Board, any 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 3. Application of Rules.** Any personnel action taken prior to the official adoption of a new or amended rule 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 the rule provided for retroactive effect.

**Section 4. Guidelines for Employment.** Managing guidelines governing the general conduct of employees, standards of job performance, work regulations and assignment schedules are adopted and administered by the District.

**Section 5. Severability.** If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared illegal or unconstitutional shall be deemed severable and shall not affect the remaining rules and regulations or remaining portions of the rules and regulations.

# **Sunriver Service District Civil Service Rules for Firefighters**

## **RULE 4 - CIVIL SERVICE COMMISSION**

**Section 1. Civil Service Commission.** The Commission consists of three members appointed by the Managing Board. The Managing Board, which appoints the commissioners, may remove any commissioner for incompetency, dereliction of duty or other good cause, after giving due notice in writing to the commissioner and providing the commissioner an opportunity to be heard publicly on the charges. Dereliction shall include failure to attend three consecutive meetings. Commission terms shall be four years with the first Commission appointed for terms of one, two, and three years, so one position will be open each year.

**Section 2. Quorum.** Two members of the Civil Service Commission present shall constitute a quorum. The votes of any two commissioners concurring shall be sufficient for decision in all matters and transactions. The Commission Chairperson shall be entitled to vote on all matters and transactions coming before the Commission.

**Section 3. Commission Chairperson.** Immediately after the appointment of all its members, the Commission shall elect a Chairperson. Subsequent elections of Chairperson shall be held at the first meeting of the Commission in each calendar year.

**Section 4. Appointment of Chief Examiner and Secretary.** The Civil Service Commission shall appoint a qualified Chief Examiner who may be the Fire Chief, and who shall act at the direction of the Commission, investigating complaints and preparing reports for Commission meetings. The Chief Examiner may also serve as Secretary for the Commission.

**Section 5. Meetings.** Commission meetings and hearings shall be conducted in a manner consistent with provisions of Oregon Revised Statutes and applicable rules. Public notice of fourteen (14) days shall be provided except for special meetings for which twenty-four (24) hours notice shall be made. The Commission shall hold such meetings, as may be required for the proper discharge of its duties, with a meeting to be held at least once every ninety (90) days and such additional meetings as are requested by any Commission member. If the Chair of the Commission determines that there is no business to come before the Commission, the 90-day meeting may be cancelled or postponed. Any person may request a special meeting of the Commission and such request shall be granted when good cause is shown.

**Section 6. District Support of the Civil Service Commission.** Exempt and classified employees of the District shall aid in all proper ways to carry out the provisions of the civil service rules and regulations as may, from time to time, be prescribed by the Civil Service Commission and shall afford the Commission, its members and employees, all reasonable facilities and assistance in inspecting books, papers, documents and accounts relating to positions subject to Civil Service. The District shall produce books, papers, documents and accounts and testify whenever required to do so by the Commission.

## **Sunriver Service District Civil Service Rules for Firefighters**

**Section 7. Enforcement of Commission Rules.** The Commission may conduct any civil suit or action, which may be necessary for the proper enforcement of the provisions of its duly adopted rules and regulations.

**Section 8. Commission Budget.** The Commission shall prepare and submit a budget to the Board of Directors prior to each fiscal year for which an appropriation is needed to carry out the provisions of the rules and regulations. The District Board of Directors shall appropriate sufficient funds.

# **Sunriver Service District Civil Service Rules for Firefighters**

## **RULE 5 - DISTRICT SERVICE**

**Section 1. Classified Service.** The classified service shall include all classifications of employees whose principal duties consist of preventing or combating fire, or preventing the loss of life or property from fire, except those listed as exempt.

- A. Approve Reserve Job Descriptions for Civil Service Participation.

**Section 2. Exempt Service.** The exempt service shall include the following classifications:

- A. Classifications whose principal duties do not consist of preventing or combating fire or prevention of the loss of live or property from fire.
- B. Positions on the District Board of Directors and Civil Service Commission.
- C. Members of special boards, commissions, or committees appointed by the District Board of Directors, who serve without compensation.
- D. Non-paid volunteers of the District Fire Department.
- E. Part-time and temporary employees in non-firefighting classifications as defined by the rules and regulations of the Civil Service Commission.
- F. The Administrative Assistant of the District Fire Department.
- G. The Fire Chief of the District Fire Department.

# Sunriver Service District Civil Service Rules for Firefighters

## RULE 6 - CLASSIFICATION PLAN

**Section 1. Maintenance of the Classification Plan.** The Commission shall adopt and maintain class specifications for all classes in the classified service.

- A. Content of Specifications. The Commission shall adopt, for each class of employment a descriptive class specification. Each class specification shall include the class title, a description of the duties and responsibilities of the work and a statement of the minimum qualifications a person should possess to perform the work with reasonable prospects of success.
- B. Interpretation of Specifications. The definitions in class specifications are descriptive and not restrictive, and are not to be limiting or modifying the power of the Appointing Authority to assign, direct and control the work of employees under their supervision.
- C. Use in Allocation. In determining the class to which any position should be allocated, the specification describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements and relationship to other classes, as a composite description of the kind of employment, which the class is intended to embrace.
- D. Additional Qualifications Statement. The minimum qualifications, knowledge, skills and abilities enumerated in a class specification shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and shall not be construed as representing or measuring qualifications which employees already working in such a class may actually possess.

**Section 2. Amendment of the Classification Plan.** Any officer or employee of the District may initiate a request to the Commission to amend the classification plan. The Chief Examiner shall investigate such requests and make appropriate recommendation for amendment to the Commission. The Commission shall discuss changes in the classification plan and act on classification revisions, as it believes proper.

**Section 3. Amending Classifications.** When the District Managing Board 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 classification shall be submitted to the Chief Examiner. The Commission shall promptly determine inclusion in classified service on the basis of its duties, authority and responsibilities. Whenever the Appointing Authority desires to make any permanent and substantial change in the qualifications, duties, authority or responsibilities of a classification, written notification of the proposed change shall be submitted to the Chief Examiner for amendment of the classification. The Chief Examiner may initiate classification studies or, at the request of the Appointing Authority or an employee, may study the duties of any position to determine if the current classification is proper.

# **Sunriver Service District**

## **Civil Service Rules for Firefighters**

- A. Effect of Reclassification on Employee Status
1. When a position is reclassified to a class that carries a higher salary range, the incumbent career, trial service, or career/trial service employee shall be accorded trial service or career trial service status in the higher class if eligible for certification from the appropriate list.
  2. When a position is reclassified to a class that carries a lower salary range, the incumbent employee shall retain the same career, trial service, or career trial service status in the lower class. If the employee qualifies for the position, the employee's name shall be placed on the promotion list in the same manner as provided for demotion.
  3. Classifications may be amended, consolidated, or abolished by the Commission. However, no person shall be affected by such change so as to deprive him or her of any of the benefits attached to the class applicable to the position then held by her or him. No person shall be promoted or advanced to a higher class by such change without being eligible for appointment to such higher class by reason of his or her position on the promotion list/register.

# Sunriver Service District Civil Service Rules for Firefighters

## RULE 7 - APPLICATIONS AND EXAMINATIONS

### Section 1. Examination Announcements

- A. Distribution of Announcements. Public announcement 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 District and at least two other public places, and once a week for two weeks in a newspaper of general circulation within the District. The Appointing Authority may provide for such other publicity as s/he deems advisable to attract sufficient numbers of qualified candidates. In the case of promotional examinations, announcements shall be made in the same manner as provided for entrance examinations, but need only be posted on bulletin boards provided for such purpose. The Appointing Authority shall take necessary steps to bring announcements to the attention of all eligible employees.
  
- B. Content of Announcements. Official notices of examinations shall state the duties and pay of positions in the classes for which the examinations are to be held, the qualifications required, the time, place and manner of making application for admission to such examinations, the relative weights to be given to different parts of the 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 are 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 District shall establish and may revise requirements regarding experience, training, physical condition, and other factors that relate to the ability of candidates to perform effectively duties of a class.
  
- C. Competition in Promotion Examinations. Promotional examinations shall be open to employees who 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 twelve (12) months immediately preceding the filing date specified on the announcement.
  
- D. Supervisory Examinations. Examinations for the position of Captain and Engineer may be treated as either entrance examinations or promotional examinations at the discretion of the District Managing Board.

### Section 3. Applications

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- A. Filing of Applications. All applications must be made upon official District employment applications filled out as 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 sex, age, race, color, national origin, religion, disability or marital status.

**Section 4. Admission to Examinations.** Each candidate whose application has been accepted for an examination shall be notified at least 72 hours in advance of the examination by mail of the time and place of the examination and such notice shall be authorization of admission. No person shall be permitted to take any examination without such authorization or other satisfactory evidence of acceptance of her/his application. Any applicant for a promotional examination whose application has been accepted but who, for good cause, is unable to appear, may at the discretion of the Chief Examiner, be given the examination at a later date.

**Section 5. Disqualification of Applicants.** The Chief Examiner may reject the application of any person for admission to an examination or decline to examine any application that:

- A. Fails to meet the standard published requirements for the class for which the application is made;
- B. Fails to furnish true statements of materials facts;
- C. Practices or attempts to practice fraud or deception in connection with filing of application;
- D. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of an examination;
- E. If found to be unfit to render effective service;

**Section 6. Rejected Applications.** Whenever an application is rejected, a written notice describing the reasons for rejection shall be forwarded to the applicant. Any person whose application has been rejected by the Chief Examiner may appeal such action to the Civil Service Commission.

**Section 7. Examination Administration**



## **Sunriver Service District Civil Service Rules for Firefighters**

- A. Scheduling of Examinations. Examinations shall be scheduled at such time or times as the Chief Examiner may approve consistent with the staffing requirements of the District.
- B. Preparing and Conducting Examinations. The Chief Examiner shall approve and prepare or cause to be prepared all examinations.

### **Section 8. Nature of Examinations**

- A. Tests shall be job related 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 list is to be established. They may be written, oral, and 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.
- B. Nature of Physical Examinations. Applicants who are initially selected for appointment will be provided with a conditional offer of employment. If the applicant accepts the conditional offer, the District requires the applicants to submit to a physical examination administered by a licensed physician on contract with the District. If it is found that the applicant cannot adequately perform the essential functions of the position due to her/his physical and or mental condition, the District will, upon request, take all available steps to accommodate the applicant. If it is found that the individual is physically or mentally unable to perform the essential functions, and reasonable accommodation is not possible, the offer of employment shall be retracted.
- C. 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 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 Entrance 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 part 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 applicant 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.

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**Section 10. Notification of Examination Results.** Each person competing in an examination shall be given written notice of final rating or of failure to attain placement on an eligibility list. Candidates may file an appeal concerning the examination, and the appeal period begins on the date the official examination results are mailed. The official examination notification to each candidate shall specify the beginning and ending dates of the examination appeal period.

**Section 11. Preference for Veterans.** Veterans' preference points shall be added to passing scores in accordance with Oregon law (ref. ORS 408.230).

# Sunriver Service District

## Civil Service Rules for Firefighters

### RULE 8 - LISTS

**Section 1. Establishment of Lists.** The Commission shall establish and maintain lists of eligibles necessary to provide an adequate supply of qualified candidates for positions in the classified service.

**Section 2. Kinds of Lists.**

- A. Entrance Lists. An entrance list shall be established and maintained for each class 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 Lists. A promotion list shall be established and maintained for each class of positions to be filled on a promotional basis and shall consist of the names of all employees who have passed a promotion test for the class.

**Section 3. Order of Names on Lists**

- A. Entrance Lists
  - 1. Laid-off Employees. Each entrance list shall be headed by the names of persons who have been regular employees and who were laid-off from a position in that class because of shortage of funds, lack of work, abolishment of position, or for other reasons that do not reflect discredit on the employee. If two employees in the same classifications are laid off at the same time, the person with the greatest seniority in that classification shall be listed first on the entrance list. If both employees have the same seniority, they will be placed on the entrance list with the employee having the highest rating on the District's performance evaluation system listed first.
  - 2. Eligibles. Names of eligibles shall be placed on lists in the order of their final earned ratings plus any veterans' credits to which they may be entitled. Where ties exist, names shall be arranged in order of the candidate whose application was received first.
- A. Promotion Lists
  - 1. Demoted Employees. Each promotion list shall be headed by the names of persons who have been career employees and who were demoted or reclassified to a lower class through no fault of their own.
  - 2. Eligible Employees. Following the names of employees described in B.1 above, names of eligibles shall be placed on lists in the order of their final earned ratings.

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- A. Order of Names on Lists for Laid-Off or Demoted Employees. The order of names of persons laid-off or demoted in A and B of this section shall be in inverse order of the date of their lay-off or demotion.

### **Section 4. Duration of Lists**

- A. Entrance Lists. The duration of an entrance list is limited to twenty-four (24) months from the date the list was established. The Commission may extend entrance lists, if the best interests of the District would be served thereby. The Chief Examiner may cancel an entrance list.
- B. Promotion Lists. The duration of a promotional list is limited to thirty (30) months from the date the list was established. The Appointing Authority may cancel a promotion list if the list is exhausted or does not contain a sufficient number of candidates for consideration.

### **Section 5. Removal of Names from Lists.** The Chief Examiner may remove names from an eligibility list for the following reasons:

- A. Certification and appointment to fill a classified position.
- B. Failure to respond within ten days to a written inquiry relative to availability for appointment.
- C. Failure to report for duty within the time specified by the Appointing Authority, provided the applicant has been given sufficient time to give due notice to her/his present employer.
- D. Refusal of an offer of an appointment.
- E. Expiration of the term of eligibility on a list.
- F. In case of a promotion list, separation from the District Fire Department.
- G. At the request of the individual.
- H. Falsification or purposeful omission of requested information provided by the candidate for consideration of employment.
- I. Rejection by the Appointing Authority based on failure to meet the selection criteria or a finding by the Chief Examiner that the applicant is not qualified to perform the duties of the class.
- J. Failure to maintain a record of his/her current address with the Commission as evidenced by the return of a properly addressed, unclaimed letter, or other evidence.

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## **Section 6. Restoration of Names to Eligibility List**

The names of those persons certified for entry positions to the Appointing Authority but not appointed shall be restored to the eligibility list in rank order, unless removed from the list in accordance with these rules.

# Sunriver Service District

## Civil Service Rules for Firefighters

### RULE 9 - CERTIFICATION AND APPOINTMENT

**Section 1. Filling Vacant Positions.** Whenever the Appointing Authority wishes to fill a vacancy in the classified service, a request for names of qualified eligibles shall be submitted to the Commission.

**Section 2. Certification of Eligibles.**

- A. Order and Number of Names Certified. The Chief Examiner shall certify the proper number of available eligibles in order of standing from the appropriate list. Certification shall be made from lists in the following order: (1) the promotional list, (2) the entrance list. The number of names certified from the entrance list shall be ten (10) plus two (2) for each additional vacancy. From the promotional list, the number of names certified shall be two plus one for each additional vacancy.
- B. Notification of Eligibles. Appropriate written notification will be given to those who are certified to the Appointing Authority.
- C. Additional Certification to a Vacancy. The Chief Examiner may certify additional names to a vacancy upon receipt of a written report from an Appointing Authority that, in the Chief Examiner'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. Only job-related reasons shall be considered as valid reasons for rejection of a candidate.
- D. Action Required of the Appointing Authority. Reports of actions taken on certified eligibles by the Appointing Authority shall be submitted in writing to the Civil Service Commission Secretary. Fair consideration must be given to all names certified utilizing job-related criteria. The Appointing Authority shall notify those persons certified but not appointed within five (5) days after an appointment is made.

**Section 3. Appointments.**

- A. Trial Service. Appointments from an entrance certificate shall be trial service appointments. Employees who have successfully completed their trial service period shall be accorded career status for the classification.
- B. Career Trial Service. Appointments from promotional certificates shall be career/trial service appointments. Employees who have successfully completed their career/trial service period shall be accorded career status in the new classification.

**Section 4. Transfers**

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- C. Promotion. 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 the rules covering promotions.
  
- B. Demotion. A permanent transfer of an employee from a position in one class to a position in another class having a lower salary range constitutes a demotion and is subject to the rules covering demotions.
  
- D. Voluntary Demotions. An employee may make a request in writing to the Appointing Power for demotion. If the employee has previously held a position in such classification, the request may be approved, provided it would not result in the lay-off of another employee.

# **Sunriver Service District Civil Service Rules for Firefighters**

## **RULE 10 - TRIAL SERVICE AND CAREER TRIAL SERVICE**

### **Section 1. Purpose.**

- E. The trial service period is an integral part of the selection process and provides the Appointing Authority with the opportunity to observe the new employee's work, and to train the new employee in the position.
  
- F. The career/trial service period is an integral part of the promotion process and provides the Appointing Authority with the opportunity to observe the promoted employee's work, and to train the promoted employee in the position.

**Section 2. Duration of Trial Service and Career/Trial Service.** Every person certified and appointed to a position in the classified service shall serve a trial service period of twelve (12) months. Employees who are promoted shall serve a career/trial service period of twelve (12) months.

**Section 3. Dismissal During Trial Service.** The Appointing Authority may terminate the employment of any trial service employee at any time during the trial service period and there is no right of appeal by the employee for such dismissal.

**Section 4. Demotion During Career/Trial Service.** A career/trial service employee serving as result of appointment from a promotional list, who fails to qualify in the new position for reason other than for misconduct or poor performance, and who has achieved career status as an employee immediately prior to this promotional appointment, shall be reinstated to her/his former classification.



# Sunriver Service District Civil Service Rules for Firefighters

## RULE 11 - SEPARATION IN GOOD STANDING

**Section 1. Lay-Off.** The Appointing Authority may order the lay-off 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 service of the employee. Duties performed by laid-off employees may be reassigned to other employees already working, and who hold positions in appropriate classes. No temporary or permanent separation of an employee from the classified service as a penalty or disciplinary action shall be considered a lay-off.

G. Notice of Lay-Off. The Appointing Authority shall give written notice of a pending lay-off to any regular, probationary employee and to the Chief Examiner at least fifteen (15) days before the effective date, stating the reasons for layoff.

H. Return of Names of Laid-Off Employees to the Eligible List. The names of regular employees who are laid-off shall be placed on the appropriate list.

**Section 2. Temporary Interruption of Employment.** Any temporary interruption of employment because of adverse weather conditions, shortage of supplies, exercise of legal rights or for other unexpected or unusual reasons, which does not exceed ten (10) days, shall not be considered a lay-off, at the termination of such conditions, employees are to be returned to employment. Such interruptions of employment may be chargeable to accrued vacation leave or may be recorded as leave without pay.

**Section 3. Resignations.** In order to resign in good standing, an employee in the classified service will give the Appointing Authority at least fourteen (14) calendar day's written notice. However, the Appointing Authority, because of extenuating circumstances, may agree to a shorter period of notice.

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## **RULE 12 - APPEALS, INVESTIGATIONS AND HEARINGS OF DISCIPLINARY ACTION**

**Section 1. Filing an Appeal.** Any employee who has attained regular status and who has been deprived of special privileges, suspended without pay, demoted or dismissed may, within ten (10) calendar days of receiving written notice of the disciplinary action, file with the Appointing Authority a signed, written appeal for a hearing before the Commission. The Appointing Authority will forward the written appeal to the Commission.

**Section 2. Investigation and Hearing.**

- I. The employee shall be notified within 30 days as to the date and time of the hearing. The hearing shall be held as expeditiously as possible.
- J. Written notice of the time and place of the hearing shall be sent to the employee and to the Appointing Authority at least ten (10) days prior to the hearing.
- K. The investigation and/or hearing shall be confined to the determination of the questions of whether the disciplinary action was made in good faith and for cause.
- L. The Commission may adopt a hearings procedure, which shall be used to guide the actual conduct of the hearing. The hearings procedure shall be delivered to the employee, along with the written notice of the time and place of the hearing.

**Section 3. Subpoenas.** If either the District or the employee desires to have the Commission issue subpoenas, such requests shall be submitted to the Chief Examiner at least ten (10) days prior to the date set for the hearing or investigation. Each party is responsible for the service of their requested subpoena(s), including any cost of such service. The party on whose behalf the witness is subpoenaed shall tender a witness fee as provided by State law to the subpoenaed witness at the time of service.

**Section 4. Hearing Procedure.**

- M. General Information.
  - 1. All hearings are open to the public. All testimony shall be taken under oath.
  - 2. The Commission shall cause a tape recording to be made of the proceedings and shall retain all documents and evidentiary materials which shall constitute an official record of the hearing. Any party may, at its expense, cause other records of the proceedings to be made with the permission of the Commission. The official record of the hearing shall be

## **Sunriver Service District Civil Service Rules for Firefighters**

available for public inspection following the issuance of the written decision of the Commission.

3. The employee may be self-represented or be represented by counsel or some other person of the employee's choosing.
4. The employee will be responsible to provide witness or other evidence to refute the alleged violations on which the disciplinary action is based.
5. The employee may request a withdrawal of the appeal at any time. If the hearing is in progress at the time of the request, the Commission may grant the request, or may deliver an opinion based on evidence on the record.
6. If one of the parties to the hearing fails to appear, the Commission may render a decision based on the evidence before it, or continue the hearing.

### **A. Conduct of Hearing.**

1. The presiding Commissioner shall announce the purpose of the meeting and summarize the basic issue(s) before the Commission. All testimony and evidence submitted shall be restricted to the issue(s) before the Commission at the meeting. The presiding Commissioner may set reasonable time limits for oral presentations and may exclude or limit cumulative, repetitious, or immaterial testimony and evidence.
2. Hearings are informal, and the Commission is not bound by technical rules of evidence. Normally, hearsay evidence should be avoided and may not be admitted by the presiding Commissioner.
3. The employee and the District shall provide a list of all witnesses to the Commission and the opposing party at least three (3) calendar days before the hearing. The employee and the District shall provide a minimum of four (4) copies of all documentary evidence at the hearing.
4. Both the employee and the District may make an opening statement. If opening statements are made, the District shall present its opening statement first, followed by the employee.
5. The District shall then present its case to demonstrate cause for the disciplinary action. The employee may cross-examine witnesses. The employee shall present their case to refute the alleged violations on which the disciplinary action is based. The District may cross-examine witnesses. Commissioners may examine witnesses.
6. The Civil Service Commission may continue the hearing for the purpose of receiving additional evidence, if necessary.

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**Section 5. Commission Findings and Notification of Decision.** After receiving evidence presented during a hearing, the Commission may adjourn to discuss the evidence and reach a decision. Upon reaching a decision, the Commission may reconvene the hearing and announce their decision orally. The Commission shall transmit their decision in writing within fifteen (15) calendar days after the hearing to both the District and the employee. The Commission's written decision shall address whether the disciplinary action was made in good faith for cause. The Commission's decision may affirm, disaffirm, or modify the disciplinary action. If the Commission finds disciplinary action was not made in good faith for cause, then the Commission shall also order the following actions based on the type of disciplinary action imposed:

- A. Dismissal or Suspension. Reinstatement shall be retroactive and entitle the employee to pay or compensation and special privileges from the time of the action of the Appointing Authority.
  
- B. Other Disciplinary Actions. If the Commission modifies the action taken by the Appointing Authority, the Commission shall specify what modifications are to be made. Any reinstatement of privileges may be retroactive and may entitle the employee to pay or compensation, or special privileges from the time of the action of the Appointing Authority. Following the issuance of a Commission decision, which modifies or disaffirms a disciplinary action, the Chief Examiner shall certify to the Commission at its next regular meeting that the findings of the Commission concerning a disciplinary action have been implemented.

**Section 6. Appeal to the Deschutes County Circuit Court.** The Service District or the employee may appeal the Commission's decision to the Deschutes County Circuit Court through a written notice of appeal that is filed with the Commission within thirty (30) days of entry of its decision. The certified transcript and case file shall be transmitted to the Court, which shall hear and determine the appeal in a summary matter. The hearing shall be confined to a determination of whether the Commission's decision was made in good faith for cause. If an appeal is taken, the prevailing party shall be allowed its costs and disbursements.

# **Sunriver Service District Civil Service Rules for Firefighters**

## **RULE 13 - APPEALS, INVESTIGATIONS AND HEARINGS CONCERNING NON-DISCIPLINARY MATTERS**

**Section 1. Filing An Appeal.** Any citizen of the District or any person subject to Civil Service, may petition the Civil Service Commission alleging violation(s) of the provisions of the Civil Service Rules by submitting to the Chief Examiner a signed, written and notarized petition to the Commission within ten (10) calendar days when the petitioner knew or should have known of the alleged violation. The petition shall include the specific Civil Service Rule, which has been violated, the nature of the alleged violation, when the violation occurred (if known), and the desired corrective action requested of the Commission.

**Section 2. Investigation and Hearing.**

- C. The petitioner shall be notified within 30 days as to the date and time of the hearing. The hearing shall be held as expeditiously as possible.
- D. Written notice of the time and place of the hearing shall be sent to the petitioner at least ten (10) days prior to the hearing.
- E. The investigation and/or hearing shall be confined to the determination of whether a violation of the Civil Service Rules has occurred.
- F. The Commission may adopt a hearings procedure, which shall have the same force as effect as the Civil Service Rules and which also shall be used to guide the actual conduct of the hearing. The hearings procedure shall be delivered to the petitioner, along with the written notice of the time and place of the hearing.

**Section 3. Subpoenas.** If either the District Fire Department or the petitioner desires to have the Commission issue subpoenas, such requests shall be submitted to the Chief Examiner at least ten (10) days prior to the date set for the hearing or investigation. Each party is responsible for the service of their requested subpoena(s), including any cost of such service. The party on whose behalf the witness is subpoenaed shall tender a witness fee as provided by State law to the subpoenaed witness at the time of service.

**Section 4. Hearing Procedure.**

- A. General Information.
  - 1. All hearings are open to the public. All testimony shall be taken under oath.
  - 2. The Commission shall cause a tape recording to be made of the proceedings and shall retain all documents and evidentiary materials which shall constitute an official record of the hearing. Any party may, at its expense, cause other records of the proceedings to be made with the permission of the Commission. The official record of the hearing shall be

## **Sunriver Service District Civil Service Rules for Firefighters**

available for public inspection following the issuance of the written decision of the Commission.

3. The petitioner may be self-represented or be represented by counsel or some other person of the employee's choosing.
4. The petitioner will be responsible to provide witness or other evidence to refute the alleged violations on which the disciplinary action is based.
5. The petitioner may request a withdrawal of the appeal at any time. If the hearing is in progress at the time of the request, the Commission may grant the request, or may deliver an opinion based on evidence on the record.
6. If one of the parties to the hearing fails to appear, the Commission may render a decision based on the evidence before it, or continue the hearing.

### **A. Conduct of Hearing.**

1. The presiding Commissioner shall announce the purpose of the meeting and summarize the basic issue(s) before the Commission. All testimony and evidence submitted shall be restricted to the issue(s) before the Commission at the meeting. The presiding Commissioner may set reasonable time limits for oral presentations and may exclude or limit cumulative, repetitious, or immaterial testimony and evidence.
2. Hearings are informal, and the Commission is not bound by technical rules of evidence. Normally, hearsay evidence should be avoided and may not be admitted by the presiding Commissioner.
3. A list of all witnesses shall be provided to the Commission and the opposing party by the employee and the District at least three (3) calendar days before the hearing. The employee and the District shall provide a minimum of four (4) copies of all documentary evidence at the hearing.
4. Both the petitioner and the District may make an opening statement. If opening statements are made, the petitioner shall present her/his opening statement first, followed by the Service District.
5. The petitioner shall then present her/his case to prove the alleged violations. The District may cross-examine witnesses. The District shall present their case to refute the alleged violations. The petitioner may cross-examine witnesses. Commissioners may examine witnesses.
6. The Civil Service Commission may continue the hearing for the purpose of receiving additional evidence, if necessary.

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**Section 5. Commission Findings and Notification of Decision.** After receiving evidence presented during a hearing, the Commission may adjourn to discuss the evidence and reach a decision. Upon reaching a decision, the Commission may reconvene the hearing and announce their decision orally. The Commission shall transmit their decision in writing within twenty (20) calendar days after the hearing to both the District and the petitioner. The Commission's written decision shall address whether the provisions of the Civil Service Rules were violated and, where violations exist; the Commission shall take action as necessary to enforce compliance. Commission's decision may affirm, disaffirm, or modify the disciplinary action.

**Section 6. Examination Investigations.** This section governs all petitions alleging violations of Civil Service Rules regulating examinations and investigations. Entry level candidates do not have standing to appeal examinations to the Civil Service Commission. In such appeals, the Chief Examiner shall delay certification of the eligibility list for that examination in accordance with Rule 8.

- A. Candidates for examinations may appeal their grades by filing a written petition of appeal with the Chief Examiner within fourteen (14) calendar days after the mailing of the official notification of their grade. Every petition appealing an examination shall be signed by the petitioner before submission to the Chief Examiner and shall contain the following statements:
  - 1. The specific Civil Service Rule(s) which has/have been violated.
  - 2. The portions of the examination in which the alleged violations occurred.
  - 3. How the Civil Service Rules were violated by the examination.
  - 4. How the petitioners were specifically harmed as a result of the examination.
  - 5. What corrective action is being requested.
  
- A. The Chief Examiner shall conduct an investigation and hold a hearing on an appeal of an examination within ten (10) calendar days after receiving the appeal notice unless a later date is selected by mutual agreement with the candidate. If there are multi-appeals filed, the Chief Examiner may consolidate similar appeals and within thirty (30) days of the filing of the appeals, conduct a hearing, unless a later date is selected by mutual agreement with the parties. In addition to the requirements set forth in this Rule, the following procedures will be followed.
  - 1. The hearing of an appeal of an examination grade shall be informal and open to the public. Notice of the hearing will be posted in the District.
  - 2. Within twenty (20) calendar days of the conclusion of the hearing, the Chief Examiner shall transmit in writing the findings and conclusions to the petitioner and the Commission.

## **Sunriver Service District Civil Service Rules for Firefighters**

3. Where no appeal of the Chief Examiner's findings and conclusions are submitted, the Commission shall consider the appeal closed and shall adopt the findings and conclusions of the Chief Examiner as final and binding on the petitioner at its next scheduled meeting.
4. If the petitioner or any other candidate does not agree with the findings and conclusions of the Chief Examiner, the petitioner may appeal to the Civil Service Commission. Other candidates may appeal score miscalculations to the Chief Examiner. The appeal shall be made by filing a written notice with the Chief Examiner within ten (10) calendar days after receipt of the Chief Examiner's findings.
5. The appeal of the Chief Examiner's findings and conclusions shall include the following information:
  - a. An explanation of why the findings and conclusions of the Chief Examiner do not uphold the provisions of the Civil Service Rules alleged to have been violated.
  - b. Identification of new documentary evidence or testimony not included in the Chief Examiner's hearing record.
  - c. An explanation of why the new evidence or testimony is relevant and necessary to be included in the appeal record.
1. Appeals of the findings and conclusions of the Chief Examiner shall be heard upon the record created before the Chief Examiner. No new factual evidence shall be brought for consideration before the Commission, unless the Commission finds that such new factual evidence is relevant and necessary to make a final ruling on the appeal. In such event, the Commission may refer the new evidence to the Chief Examiner for further investigation, or it may receive and hear such evidence directly.
2. The Commission shall review the record created by the Chief Examiner at or before its next scheduled meeting. At that next scheduled meeting, the Commission shall clarify the issue(s) for appeal and determine the admissibility of new evidence or testimony not presented at the Chief Examiner's investigative hearing.
  - a. The Commission shall determine whether a separate hearing on the appeal is required. If the Commission determines that a separate hearing is not required, it shall complete its investigation of the appeal and issue a written decision within fifteen (15) days of its meeting. The Chairperson or Commissioner presiding at the hearing shall sign the Commission's findings.



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- b. If the Commission determines a separate hearing is required, it shall determine the issue(s) which may be heard at the hearing and shall set a hearing date within thirty (30) days of its meeting, or as soon as possible after the thirty (30) days. The Commission shall further direct the Chief Examiner to notify the petitioner ten (10) days in advance of the hearing of the issues to be presented at the hearing, and the date and location of the hearing.
  - c. Following the hearing, the Commission shall issue a written decision within twenty (20) days of its meeting. The Chairperson or Commissioner presiding at the hearing shall sign the Commission's findings.
- 1. If the decision of the Commission results in a change in the examination grade(s) of one or more candidates, the Chief Examiner shall immediately determine if such change affects the position of candidate(s) on an eligibility list and shall adjust the eligibility list accordingly.

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**RULE 14 - PAYROLL CERTIFICATION**

**Section 1. Commission Certification of Payroll.** Written certification of the Appointing Authority accompanying any payroll shall constitute official notice that services for which payment is to be made have been performed, and that funds are available and allocated for that purpose. The Commission shall check such payrolls and certify that the persons names therein have been appointed and are employed in accordance with the provisions of the Civil Service Rules. Exception taken to unauthorized payroll items shall be noted in writing and shall constitute the Commission's official notification to the payroll officer that such items are in violation of the Rules.

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## **RULE 15 - 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.** Appointments, transfers, promotions, demotions, or dismissal of classified employees shall be reported to the Commission in writing on such forms and in such a manner as the Commission may require.

**Section 3. Destruction of Records.** Records of the Commission shall be retained and destroyed in accordance with good management practices and the administrative rules of the Oregon State Archivist and applicable federal and state statutes.

**Section 4. Public Records Exempt from Disclosure (Oregon Revised Statutes).**

- A. **Specific Records.** Public records exempt from disclosure under ORS 192.410 to 192.500 unless the public interest requires disclosure in a particular instance, are: test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the examination is given and if the examination is to be used again.
- B. **General Records.** All other public records exempt from disclosure are set forth in ORS 192.410 to 192.500 or any amendments thereto.
- C. **Inspection of Public Records.** Public records of the Commission shall be open to inspection by the public during regular office hours in accordance with such procedures as the Commission may require.

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**RULE 16 - TEMPORARY APPOINTMENTS**

**Section 1. Temporary Appointments.** The Appointing Authority, when there is no candidate, upon the entrance register from which a position may be filled, may fill such a position by temporary appointment as long as the candidate meets the minimum requirements. A temporary appointment shall not continue for more than three (3) months. No classified position shall be filled by a temporary appointment for more than three (3) months in any calendar year, except with the permission of the Commission.

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## **RULE 17 - INITIAL POSITIONS WHEN CIVIL SERVICE IS CREATED**

**Section 1. Initial Positions When Civil Service is Created.** At the time of formation of the District, services similar to those provided by the District were being provided by the Sunriver Owners Association. Those services are being assumed by the District include the existing fire station, all fire fighting equipment, ambulances, and personnel. Employees of the Association who have been performing duties in excess of one (1) year, and who qualify and meet the requirements of a classification, may be immediately appointed to such position.

# **Sunriver Service District Civil Service Rules for Firefighters**

## **Revision History**

Revision 0-Approved by Resolution 2002-001CSC of the Sunriver Service District Civil Service Commission dated October 10, 2002 and effective October 20, 2002

Revision 1-Revised to exempt reserve/volunteers from classified service and the other minor revisions to Rules 8, 12, 13, and 14 under Resolution 2002-005CSC dated November 26, 2002 and effective 10 days thereafter.

Revision 2-Revised to exempt the Battalion Chief from classified service under Resolution 2015-001CSC dated March 7, 2015 and effective 10 days thereafter.

Revision 3-Revised to change Rule #4, Section #1, Last Sentence “Commissioner Term is three years; it should read the term is 4 years” (ORS -242.706 (2)). Changed Rule #5, Section 1. Classified Service, to add “Approve Reserve Job Description for Civil Service Participation.” And Rule #5, Section 2 to remove letter H – Battalion Chief language. Approved October 27, 2021.