

# *Lane Fire Authority*

## **CIVIL SERVICE RULES**

**ADOPTED: March 2014**



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## PREAMBLE

Upon adoption, this document provides Lane Fire Authority's Civil Service Rules as required by ORS 242 and provides an exemption from ORS 242.702 through ORS 242.824 commonly known as "*The Civil Service for Firefighters Act*" as provided by ORS 242.704.

The adoptive process shall be as stated in Article X, Section 2, of the Lane Fire Authority's Civil Service Rules.

The document defines the Lane Fire Authority's Civil Service System, the system's administration and its governing rules. The regulations shall provide in detail the manner in which examinations shall be held, and appointments, promotions, demotions, transfers, reinstatements, suspensions, discharges, and appeals shall be made. The rules and regulations together with all amendments thereto shall be posted in the fire department.

Collective Bargaining Agreements. The Authority may enter into collective bargaining agreements with recognized labor organizations which further regulate the wages, hours and working conditions of employees exclusively represented by such labor organizations. The terms of the Authority's collective bargaining agreements shall prevail over inconsistent terms contained in these rules for its employees. The foregoing shall not apply to Civil Service Rules and/or employee rights that must be observed and maintained for the continued exemption of the Authority under ORS 242.704(1).

**ARTICLE I  
DEFINITION OF AUTHORITY**

**SECTION 1. BOARD OF DIRECTORS**

The governing body of Lane Fire Authority, commonly known as the Board of Directors (herein after referred to as the Board), shall support the Authority's Civil Service System in the following manner:

- (.1) Exemption.** The Authority hereby establishes its own Civil Service System thereby providing an exemption from ORS 242.702 to 242.824.
- (.2) Appointment of Civil Service Commissioners.** At the first meeting in July, the Board will appoint a new Civil Service Commission consisting of three members selected from citizens of the Authority. Commission members shall not be employees or volunteers of the Authority, or members of the Board of Directors.
- (.3) Removal of Commissioners.** The Board may remove any Commissioner for incompetence or dereliction of duty by issuing written notice.
- (.4) Support for the Commission.** All members of the Board shall assist the Commission in carrying out the provisions of the Civil Service Rules. In addition the Board will supply the Commission with office supplies, equipment, and space necessary to carry out the business of the Commission. It will also provide clerical assistance when needed. When required by the Commission, the Board will provide access to any Authority documents and will testify at hearings. When needed the Commission shall have access to the Authority's legal counsel.
- (.5) Financial Oversight.** Commissioners will serve without compensation, however, they will be entitled to reimbursement of expenses, the same as that of the Board, when Commission business requires travel or overnight stays. The Board shall appropriate sufficient funds to carry out the provisions of the Civil Service Rules. As per ORS 242.730 any witness subpoenaed to attend a Commission hearing, except Board members and Authority employees shall be entitled to a witness fee.

**SECTION 2. FIRE CHIEF**

The appointing authority of Lane Fire Authority, commonly known as the Fire Chief (herein after referred to as the Chief), shall support the Authority's Civil Service System in the following manner:

- (.1) Maintenance of Classification Plan.** The Chief shall maintain the Authority's Classification Plan and provide the Civil Service Commission with information regarding changes to the plan, cf., Article II Section 2.
- (.2) Rules of Employment.** *Article VI Rules of Employment* shall be administered by the Chief.
- (.3) Preservation of Records.** Public and non-public records applicable to the Commission shall be under the control of the Chief and retained in accordance with the laws for records retention.

### **SECTION 3. CIVIL SERVICE COMMISSION**

The Civil Service Commission (herein after referred to as the Commission) is a three member, oversight committee, appointed by the Board of Directors, to warrant fair and equitable employment and disciplinary practices for the Authority's Civil Service employees. The Commission shall review and certify the employment process as prescribed in this document. All alleged abuses of *Article III Rules of Appointment and Article IV Rules of Employment* will be investigated and decided by the Commission.

- (.1) Term of Appointment.** Commissioners shall be appointed for a term of four (4) years. The first meeting of the new Commission shall concur with the last meeting of the old Commission for the purpose of orientation. Immediately after the appointment of its members, the Commission shall elect a chairperson and a secretary. Subsequent elections shall be held annually. Initial assignments shall be staggered so that one person's term expires each year. The initial Commissioners shall be assigned a two (2), three (3), or four (4) year term.
- (.2) Function.** Two members of the Civil Service Commission shall constitute a quorum. The concurring votes of any two Commissioners shall be sufficient for decisions in all matters and transactions. All parties subject to decisions by the Commission shall receive written notice of opinion and /or request for compliance.
- (.3) Meetings.** Business meetings of the Civil Service Commission shall be held each quarter during the months of January, April, July, and October. Any Commission member, any member of the Board of Directors, or the Chief may call a special meeting of the Commission at any time. Any person affected by Civil Service, living within the Authority or employed by the Authority may petition in writing for a special meeting. For a special meeting request to be granted the petition must show reasonable cause. No informality in any hearing or investigation, or in the manner of taking testimony, shall invalidate any order or rule, approved or confirmed by the Commission. If there is no business to come before the Commission, the Commission, through its Chair, may cancel any meeting. Regardless of prior cancellations the Commission shall meet at least once each fiscal year.
- (.4) Budget.** The operation of the Commission will be funded within the General Operating Budget of the Authority.

### **SECTION 4. CHIEF EXAMINER**

The Chief shall hold the position of Chief Examiner. The Chief Examiner, or designee, shall keep the records of the Commission's proceedings, preserve all reports, keep a record of all examinations and investigations held or made under the direction of the Commission. The Chief Examiner shall be responsible for administration of all testing for both entrance and promotional examinations.

- (.1) Rules of Appointment.** The Chief Examiner shall be responsible for conducting examinations.
- (.2) Qualified Designee.** From time to time for a single examination the Chief Examiner, with notice to the Commission, may appoint qualified designees to assist and conduct examinations.
- (.3) Examination Papers.** The Chief Examiner, as required by Oregon statute, shall maintain all examination papers.

## ARTICLE II CIVIL SERVICE SYSTEM

### SECTION 1. MEMBERS

- (.1) **Classified Service.** The classified service shall include all positions now existing or hereafter created in the Authority Service and not specifically exempted by these rules. Every position in the classified service shall be filled in accordance with procedures provided in these rules.
- (.2) **Exempt Service.** The exempt service shall include the following positions:
- A. Positions on the Board of Directors
  - B. Positions on the Civil Service Commission
  - C. Persons employed as professional consultants on a fee basis to provide special or technical assistance
  - D. Members of special boards, commissions, or committees appointed by the Board of Directors, who serve without compensation
  - E. Volunteer employees of the Authority
  - F. Fire Chief, Assistant Chief
  - G. Temporary employees/volunteer trainees
  - H. Clerical employees of the Authority
  - I. Any employee whose principal duties do not consist of preventing or combating fire, or preventing the loss of life or property from fire

### SECTION 2. CLASSIFICATION PLAN

- (.1) **Maintenance of the Plan.** The Authority 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 Chief shall be responsible for keeping the classification plan current. If the Chief determines that changes in the organization, the creation or change of positions, or other pertinent conditions make it necessary to modify an existing class or to establish a new class, the Chief shall notify the Commission of such changes.
- (.2) **New Position.** When the Chief establishes a classification for a covered new position, a notice of such proposed action together with a description of the duties of the new position shall be prepared for the Commission. The Chief shall promptly allocate such positions to the appropriate class on the basis of duties, authority, and responsibilities.
- (.3) **Reclassification of Positions.** Whenever the Chief desires to make a permanent and substantial change in the duties, authority or responsibilities of a covered position, a written document will be prepared for the Commission. The Chief may, upon his/her own initiative, or at the request of an employee, study the duties of any position to determine if the current classification is proper. Whenever the Chief finds that the changes in duties are such that the current allocation is no longer correct, he/she will report to the Commission the nature of such changes. 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.
- (.4) **Effect of Reclassification on Employee Status.** When a position is reclassified to a class that carries a higher salary range, the incumbent employee shall be accorded probationary status in the higher class if eligible for certification from the appropriate list. When a position is reclassified to a class that carries a lower salary range, the incumbent employee shall retain the same probationary or regular status in the lower class.

### **SECTION 3. CLASS SPECIFICATIONS**

- (.1) Content of Specifications.** The Authority shall adopt, for each class of employment, a descriptive class specification (Job Description). Each class specification shall include the class title, a description of 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.
- (.2) Interpretation of Specifications.** The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes, as determined by duties and responsibilities. They are not to be construed as declaring what the duties or responsibilities of any position may be. Nor will they limit or modify the Chief's authority to assign, direct, or control the work of employees under his/her supervision.
- (.3) Use in Allocation.** In determining the class to which any position shall be allocated, the specification describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications and requirements and their relationship to other classes, as a composite description of the kind of employment, which the class is, intended to embrace.
- (.4) Minimum Qualifications.** The minimum qualifications enumerated in a class specification shall relate to the reasonable standards of experience and training required at the time of the original appointment of a new employee. They shall not be construed as representing or measuring qualifications, which employees already working in such a class may actually possess. Personal traits commonly required of an employee, such as good citizenship, honesty, loyalty, sobriety, industry, cooperation, and amenability to supervision are implied as qualifications for entrance to every class.

### **SECTION 4. USE OF CLASS TITLE**

The class title shall be the official title of every position allocated to the class for the purpose of personnel actions. The class title shall be used on all payrolls, budget estimates, official records, and reports relating to the position. Any other working title desired and authorized by the Chief may be used as a designation of any position for the purpose of internal administration and/or in contacts with the public.

**ARTICLE III  
RULES of APPOINTMENT**

**SECTION 1. EXAMINATION ANNOUNCEMENTS**

- (.1) **Distribution of Announcements.** Public announcements of examinations shall be given at least two weeks in advance of the last date for filing applications. Such announcements shall be posted on the official web site of the Authority and at least two other public places, and in two approved electronic media platforms (example, NeoGov, Daily Dispatch). The Chief Examiner may provide for such other publicity as deemed advisable to attract sufficient numbers of qualified candidates. In the case of promotional examinations, announcements shall be posted on bulletin boards provided for such purpose. The appointing power shall take necessary steps to bring announcements to the attention of all eligible employees. No published notice is required for in-house promotional examinations.
- (.2) **Content of Announcements.** Official notices of examinations shall state the duties and pay of positions in the classes for which the examinations are to be held, the qualifications required, the time and place and the manner of making application for admission to such examinations, the different parts of tests, closing date for filing applications and any other information which may be considered pertinent.

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

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

**SECTION 3. APPLICATIONS**

- (.1) **Filing of Applications.** All applications must be made upon official Authority application blanks filled out as therein directed, and filed in the office of the Authority 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.
- (.2) **Freedom from Bias.** The application form shall contain no question so formed as to elicit any information concerning political, racial, or religious affiliations of the applicant. However, this provision shall not prevent inquiry as to whether the applicant supports the Constitution of the United States of America.

#### **SECTION 4. ADMISSION TO EXAMINATIONS**

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

#### **SECTION 5. DISQUALIFICATION OF APPLICANTS**

**(.1) Rejection of Applicants.** The Chief Examiner may reject the application of any person for admission to an examination or decline to examine any applicant who:

**A.** Is found to lack the qualifications prescribed for admission to the examination as announced in the public notice.

**B.** Is found to be unfit because of previous employment or driving record or for other reasons reflecting discredit on the applicant.

**C.** Is physically unfit to perform effectively the duties of the class.

**D.** Has been convicted of a crime involving moral turpitude or who has been dismissed from the public service for delinquency or misconduct, or has been dishonorably discharged from the armed forces of the United States.

**E.** Has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment.

**F.** Has made false statements of any material fact or practiced, or attempted to practice, deception or fraud in application or examination.

**G.** Has taken the same examination within the six-month period preceding the examination date; or

**H.** Has otherwise violated the provisions of these rules.

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

#### **SECTION 6. EXAMINATION ADMINISTRATION**

**(.1) Conduct of Examinations.** Written or performance examinations shall be conducted in such places as are necessary for the reasonable convenience of applicants within the practical limits for proper administration and control. The Chief Examiner shall designate the number of examiners necessary to conduct examinations, and provide them with instructions. The Chief Examiner may also arrange for the use of public buildings in which to conduct these examinations.

**(.2) Frequency of Examinations.**

**A.** Entrance examinations shall be given at least every 24 months.

**B.** Promotional examinations shall be given at least every 24 months except for those classes with less than four positions, examinations may be given as necessary.

**C.** Each examination list shall expire the earlier of twenty four (24) months from the date established or when the number of qualified names is less than the number to be submitted to the appointing authority.

**(.3) Anonymity of Applicants.** The identity of persons taking written examinations shall not be disclosed to examiners except where conditions of anonymity are impractical.

## **SECTION 7. POSTPONEMENT OR CANCELLATION OF EXAMINATIONS**

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

## **SECTION 8. CHARACTER OF EXAMINATIONS**

- (.1) **Examinations.** Tests shall be practical and competitive, and must be designed to determine the qualifications, fitness and ability of candidates to perform the duties of the class for which a register is to be established. They may be written, oral, or physical, in the form of a demonstration of skill, an evaluation of training and experience, or any combination of such types. They may take into consideration education, experience, aptitude, capacity, knowledge, character, physical fitness, length and quality of service, and other qualifications to determine the relative fitness of the candidates, and shall not be related to political or religious preference.
- (.2) **Open-Continuous Examinations.** When necessary to meet continuing requirements for filling positions, and when there is no immediately available large pool of applicants for a class, the closing date for any test may be indefinite, and the applicants may be tested continuously in such manner and at such times and places as the Chief Examiner may provide. A closing date for an open-continuous test may be set at any time by giving public notice, at least two weeks prior to the effective date.

## **SECTION 9. RATING OF EXAMINATIONS**

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

## **SECTION 10. NOTIFICATION OF EXAMINATION RESULTS**

The rating of each test shall be completed and the resulting list established as soon as practical after the date on which the test was held. Each person competing in a test shall be given notice of their final rating. Each person competing in a test may, during the immediate thirty-day period following notification of examination results, review their examination papers and have the rating reviewed and corrected if an error is found. No correction shall invalidate any appointment previously made from the list. The right to review the test is limited to the applicant, Commissioners and members of the governing body. Tests may be reviewed only during regular business hours, Monday through Friday 8 am to 5pm, at the office of the Authority.

### **SECTION 11. PREFERENCE FOR VETERANS**

In all competitive hiring or advancement processes (including entrance and promotional examinations), preference status shall be given to every veteran and disabled veteran who has successfully completed all phases of a civil service test. Preference means that the score of a veteran who has passed the test shall be increased by five percent of the total points available and the score of a disabled veteran who has passed the test shall be increased by ten percent of the total points available. All such points shall be applied at every stage of the hiring process. Applicants claiming preference must submit supporting documentation at the time of application; the Chief Examiner shall record pre and post preference scores and retain documentation in the examination or hiring file.

### **SECTION 12. MEMBERSHIP CREDIT.**

In all competitive entrance examinations, preference status shall be given to active members who have served a minimum of two (2) years of satisfactory service as a responder with Lane Fire Authority at or above the level of DPSST Firefighter 1 certification. A current Authority non-probationary employee making application and participating in a competitive entrance examination for a different position classification shall also be eligible for preference status. Members meeting these requirements shall qualify for ten (10) additional points providing the member meets all other position requirements and a passing grade has been received at the first stage of the selection process.

### **SECTION 13. AMERICANS WITH DISABILITIES ACT.**

The Authority will make reasonable accommodation to disabilities as required by the federal Americans with Disabilities Act to enable the applicant to perform the essential functions of the position and to compete fairly in the examination and selection process. Applicants who require reasonable accommodation in the examination and selection process should notify the Authority so that arrangements can be made. Applicants who are unable to perform marginal functions of the position due to a disability, or who require reasonable accommodation to allow them to perform essential functions of the position, will be reasonably accommodated.

## ARTICLE IV REGISTERS

### SECTION 1. ESTABLISHMENT OF REGISTERS

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

### SECTION 2. KINDS OF REGISTERS

- (.1) **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.
- (.2) **Promotion Registers.** A promotion list shall be established for each class of positions to be filled on a promotional basis and shall consist of the names of all employees who have passed a promotion test for the class.

### SECTION 3. ORDER OF NAMES ON ENTRANCE REGISTERS

#### (.1) Entrance Registers.

**A. Laid-off Employees.** Each entrance register shall be headed by the names of persons who have been regular employees and who were laid off from a position in that class through no fault of their own.

**B. Eligibles.** Names of eligibles shall be placed on lists in the order of their final earned ratings plus any veterans or volunteer preference credits to which they may be entitled. Where ties exist, veterans shall be placed ahead of non-veterans, and then names shall be arranged in order of the candidate whose application was received first.

#### (.2) Promotion Registers.

**A. Demoted Employees.** Each promotion register shall be headed by the names of persons who have been regular employees and who were demoted or reclassified to a lower class from a position in that class through no fault of their own.

**B. Eligible Employees.** Names of eligibles shall be placed on lists in the order of their final earned ratings. Where ties exist, names shall be arranged in order of the candidate whose application was received first.

- (.3) The order of names of persons laid-off or demoted in "A" or "B" of this section shall be in inverse order of the date of their layoff or demotion.

### SECTION 4. DURATION OF REGISTERS

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

## **SECTION 5. REMOVAL OF NAMES FROM LISTS**

**(.1) Examiner Removal.** The Chief Examiner may remove a name from a list permanently or temporarily for any of the following reasons:

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

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

## **SECTION 6. RESTORATION OF NAMES TO ELIGIBLE LISTS**

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

## ARTICLE V

### SECTION 1. AVAILABILITY OF ELIGIBLES

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

### SECTION 2. FILLING VACANT POSITIONS

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

### SECTION 3. CERTIFICATION OF ELIGIBLES

- (.1) **Order of Use of Eligible Lists.** Upon receipt of a request for certification of eligibles, the Chief Examiner shall certify the proper number of available eligibles from an appropriate list. If no appropriate list exists, the Chief Examiner shall authorize appointment by other prescribed means. Certification shall be made from the promotion or entrance register based upon the decision of the appointing authority.
- (.2) **Order and Number of Names Certified.** Names shall be certified in order of standing on the list. The number of names certified from the entrance list shall be two. When more than one vacancy exists, the number of names shall equal the number of vacancies plus one in addition. From the promotional list, the number of names certified shall be two plus one for each additional vacancy.
- (.3) **Order in Which Certification Will Be Issued.** Eligibles shall be certified for vacancies occurring in a class in order of receipt of requisitions.
- (.4) **Additional Certification to a Vacancy.** The Chief Examiner may certify additional names to a vacancy upon receipt of a written report from an appointing power that, in the Commission's judgment, justifies a finding that one or more of the eligibles certified would not be suitable for the position that is to be filled. Religious, racial, or political reasons shall not be considered as valid reasons for rejection of a candidate. If the rejection of the appointing authority is not approved by the Commission, the Commission shall notify the appointing power of each disapproval and, upon receipt of such notice, the appointing power shall immediately appoint the certified candidate in question.
- (.5) **Notice of Eligibles Not Appointed.** Those persons certified to the Authority but not appointed shall be so notified by the appointing power within five days after an appointment is made. This rule will not apply in the case of persons who waive, decline, or fail to appear for an interview.
- (.6) **Restoration of Names to the Register.** The names of those persons certified to the Authority but not appointed shall be restored to the register unless subject to Article IV Section 5.

#### **SECTION 4. KINDS OF APPOINTMENTS**

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

#### **SECTION 5. TRANSFERS**

- (.1) Assignment of Duties.** An appointing power may, within division or organization unit, assign an employee from one position to another position in the same class without prior approval of the Commission.
- (.2) Method of Transfer.** An appointing power may authorize the transfer of an employee to a similar position in the same classification. An employee may be transferred from a position in one division or organization unit to a position in the same class in another division. A transfer of an employee from a position in one class to a position in another class having a higher salary range constitutes a promotion and is subject to rules governing appointments and promotions. A transfer to a position in a class having a lower salary range constitutes a demotion and shall be subject to rules governing demotions. Transfers must be completed with no more than a ten-day break in service.
- (.3) Voluntary Demotions.** An employee may make a request in writing to the appointing power for demotion from a position in one class to a position in a class of lower rank. If an employee is qualified, the Chief Examiner may approve the request, provided it would not result in the layoff of another employee
- (.4) Re-Employment in the Classified Service.** Employees who have held regular or probationary status in the classified service and who are promoted or transferred to a position in the exempt service, may be re-employed in a position previously held in the classified service in the same manner as described in Section 5(.3).

## ARTICLE VI RULES OF EMPLOYMENT

### SECTION 1. PROBATIONARY PERIOD

- (.1) Purpose.** The probationary period is an integral part of the selection process and provides the Chief with the opportunity to observe the new employee's work, to train and aid the new employee in adjustment to his/her position. The Chief may terminate the employment of any probationary employee at any time during the probationary period; provided the termination is effective before the end of the probationary period. There is no right of appeal by the employee from such termination.
- (.2) Demotion During Probationary Period.** A probationary employee serving as a result of promotion, who fails to qualify in the new position for reason other than misconduct or delinquency, and who was a regular employee immediately prior to the promotional appointment shall be reinstated to his/her former position.
- (.3) Completion of Probationary Period.** Prior to completion of an employee's probationary period, the Chief will indicate satisfactory or unsatisfactory service during the probationary period. If satisfactory, the employee shall be deemed to have satisfactorily completed the probationary period and thereby be accorded regular status in the classified service. If unsatisfactory, notification shall be accompanied with either a notice of dismissal or a written extension of the probationary period for a specific amount of time not to exceed six (6) months of active, on-duty Authority service.

### SECTION 2. SEPARATION IN GOOD STANDING

#### **(.1) Reduction in Force**

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

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

- (.2) Temporary Interruption of Employment.** Any temporary interruption of employment because of adverse weather conditions, shortage of supplies, or other unexpected or unusual reason, which does not exceed ten (10) days shall not be considered a layoff if, 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.
- (.3) Notice of Layoff.** The Civil Service Commission shall be notified of any pending layoff. The Chief shall give written notice to any regular, probationary or provisional employee at least fifteen (15) days before the effective date, stating the reasons for the layoff.
- (.4) Return of Names of Laid-off Employees to the Eligible Lists.** The names of regular employees laid off or demoted in lieu of layoff shall be placed on the appropriate register as provided in Article IV, Section 3.

### **SECTION 3. LEAVE OF ABSENCE.**

Leave of absence shall be defined as per agreement in the Collective Bargaining Unit. Leave of absence for longer than ninety (90) days requires notice to be given to the Civil Service Commission

### **SECTION 4. RESIGNATIONS**

In order to resign in good standing, an employee will give the Chief at least fourteen (14) calendar day's written notice. Extenuating circumstances may warrant a shorter period of notice. The notice of resignation along with a copy of personnel action taken shall be forwarded to the Civil Service Commission and appended to the Civil Service Roster Article IX Section 1. If deemed necessary the Commission may investigate the reasons for resignation.

## ARTICLE VII

### DISCIPLINARY ACTIONS

#### SECTION 1. CAUSES FOR DISCIPLINARY ACTIONS

- (.1) Tenure & Cause.** The tenure of persons subject to civil service shall continue during good behavior and such persons may be dismissed, demoted, suspended without pay or deprived of special privileges for, but not limited to, the following causes:
- A. Conviction of a felony;
  - B. Conviction of a Class A or Class B misdemeanor;
  - C. Incompetency or Inefficiency;
  - D. Dereliction of duty, inattention, being unfit for duty, tardiness, laziness, carelessness, or damage to or negligence in the care and handling of District property;
  - E. Dishonesty of any type (including false or deliberately misleading information or omissions from employment application);
  - F. Intemperance;
  - G. Violation of the District's Drug and Alcohol policy;
  - H. Insolence or Insubordination;
    - I. Discourteous treatment of the public or coworkers;
  - J. Immoral conduct;
  - K. Claim of sick leave under false pretenses or misuse of protected leave;
  - L. Absence from duty without authorized leave;
  - M. Misconduct in the performance of duties as an employee;
  - N. 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;
  - O. Repeat or serious violations of the District's policies or standards of employee conduct;
  - P. Any willful failure of good conduct tending to injure the public service;
  - Q. Any willful violation of the rules or regulations adopted under ORS 242.702 to 242.824
- (.2) Political, Racial or Religious Protection.** No person shall be dismissed, demoted, suspended without pay or deprived of special privileges for political, racial or religious reasons. However, willful violation of ORS 242.824 shall be grounds for dismissal, demotion, suspension without pay or deprivation of special privileges.
- (.3) Lesser Forms of Punishment.** Nothing herein prohibits the Appointing Authority from using lesser forms of punishment or administrative action, including oral and written reprimands and suspension with pay to which this Rule does not apply.

## **SECTION 2. PROCEDURE FOR TAKING DISCIPLINARY ACTION**

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

**A.** The supervisor shall prepare, in writing, a statement of the reason(s) for proposed disciplinary action, stating dates, location, rules and regulations violated, and particular actions, if appropriate. The written statement should include previous oral warnings given and any written warnings previously given the employee. The statement should be delivered to the Chief for review and necessary action.

**B.** After a review of the supervisor's statement, the Chief shall present the employee with the information provided by the supervisor and outline to the employee any investigation to be made and the disciplinary action being considered by the Chief. The Chief should give the employee a reasonable opportunity to respond in person or in writing to the supervisor's statement before action is taken. If a hearing is requested with the Chief by the employee, the employee may be represented by any person of their choosing.

**C.** If, after the employee has responded, the Chief still believes disciplinary action is appropriate, the Chief should prepare a letter outlining the course of action to be taken.

**D.** The Chief shall notify the employee by certified mail, or if possible, by hand delivering the letter and the personnel action form. A copy of these materials should be provided to the Civil Service Commission.

## **ARTICLE VIII HEARINGS**

### **SECTION 1. DISCIPLINARY ACTIONS**

The Civil Service Commission may hear matters relating to suspension, reduction in pay, demotion or dismissal, in accordance with the Authority's disciplinary policy. The hearing shall be conducted pursuant to ORS 242.798 through 242.804. If the Commission finds the disciplinary action taken by the Chief was made in good faith for cause, the Commission may affirm or modify the action. If the Commission finds the disciplinary action was not made in good faith for cause, the employee shall be reinstated to his/her position and shall not suffer any loss in pay or status. The Commission shall certify its findings in a written order to the Chief who shall put said order into effect.

To be timely, an affected employee must submit a written appeal to the disciplinary action with ten (10) calendar days of the action. Appellant may be represented by counsel or any representative of appellant's own choosing. The investigation shall be confined to the determination of the question of whether the dismissal was made in good faith for cause.

### **SECTION 2. ADMINISTRATIVE HEARINGS**

The Civil Service Commission may hear matters related to the application or administration of the Civil Service regulations mandated in the above Articles. Any person affected by Civil Service, living in the Authority or employed by the Authority may petition in writing for an administrative hearing. The request must show reasonable cause and be made within twenty (20) days of the date of the alleged incident. The Commission shall establish the procedure for the hearing based upon the substance of the request. The Commission may rely solely on written documentation, on oral testimony, or a combination thereof in establishing a decision. The Commission is not bound by the rules of evidence.

### **SECTION 3. APPEALS**

Any decision by the Civil Service Commission affecting an employee may be appealed to the Circuit Court as prescribed by ORS 242.804.

### **SECTION 4. COLLECTIVE BARGAINING AGREEMENT**

Per bargaining agreement between the Authority and the Union the use of the grievance procedure by the Union member for any grievance (the subject of which would otherwise be under the review of the Authority's Civil Service Commission) shall be considered a waiver of the member's right to avail themselves of the appeals process of the Civil Service system.

## **ARTICLE IX RECORDS AND REPORTS**

### **SECTION 1. ROSTER**

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

### **SECTION 2. REPORTS TO THE COMMISSION**

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

### **SECTION 3. DESTRUCTION OF RECORDS**

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

### **SECTION 4. PUBLIC RECORDS**

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

**ARTICLE X  
ADOPTION OF AMENDMENTS**

**SECTION 1. AMENDMENTS TO THE CIVIL SERVICE RULES**

Any interested party may submit a request to the Civil Service Commission for an amendment to the **LANE FIRE AUTHORITY'S CIVIL SERVICE RULES**. All proposals shall be in writing and clearly state the reasons for the proposed change. The Civil Service Commission will review any proposed amendment to the Rules. At least two Commissioners must agree on the merit of the proposal before commencement of the adoption process.

**SECTION 2. ADOPTION OF AMENDMENTS**

The Commission shall adopt amendments to the Rules only after public hearing open to any citizen, officer, or employee of the Authority. Prior to adoption, Rules will be forwarded to the Board of Directors for review and comment. Prior public notice of at least five (5) days, including publication, of the hearing 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.

**SECTION 3. APPLICATION OF AMENDMENTS**

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 rule unless such rule provides for a retroactive effect.

**SECTION 4. SEVERABILITY**

If any of the rules or regulations or portions thereof prescribed in the above Articles or any amendments are declared by a court of law, having jurisdiction, to be illegal or unconstitutional, those parts shall be deemed severable and shall not affect the remaining rules and regulations.

**SECTION 5. ATTACHMENT OF AMENDMENTS**

All amendments shall be attached to the appropriate Civil Service Articles. The date of adoption shall be part of the amendment title.

## **ARTICLE XI PROHIBITIONS AND PENALTIES**

### **SECTION 1. PROHIBITED CONDUCT GENERALLY**

No person shall:

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

### **SECTION 2. POLITICAL CONTRIBUTIONS AND ACTIVITIES**

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

### **SECTION 3. PENALTIES**

Willful violation of any of the provisions of ORS 242.720, 242.738, 242.768, 242.772, 242.792, 242.822 and 242.824 is a misdemeanor.