

# **PHILOMATH FIRE AND RESCUE**

## **CIVIL SERVICE RULES**

## **RULE I**

### **GENERAL STATEMENT OF POLICY**

- Sec. 1: **PURPOSE OF RULES.** The purpose of these rules is to implement provisions of Civil Service for the employees of Philomath Fire and Rescue 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.
  - B. To establish and maintain a uniform plan of classification based upon the relative duties and responsibilities of positions.
  - C. To provide an equal opportunity to all qualified persons to gain employment on a basis of demonstrated merit and fitness to be ascertained by open recruitment and competitive examinations.
  - D. 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.
  - E. To comply with ORS 242.702 through 242.824 as stipulated in ORS 242.704)2)

## **RULE II**

### **DEFINITIONS**

- Sec. 1: **DEFINITION OF TERMS.** As used in these rules unless the context clearly requires otherwise:
- A. "Absence" means a circumstance in which a permanently appointed employee is not present due to vacation, sick leave, or other type of leave, or due to temporary or provisional appointment, or transfer to another position, and when the absent employee is expected to return to said position after a period of time.
  - B. "Act" means the State Civil Service Law for Firefighter (ORS 242.702 to 242.990 and specifically ORS 242.704) under which section the establishment of these rules by this Civil Service Commission is based.
  - C. "Allocation" means the assignment of an individual position to an appropriate classification on the basis of the kind, difficulty, and responsibility of the work actually performed in the position.
  - D. "Appointing Power" means the Board of Directors appoints all civil service positions.

- E. "Appointment" means all means of selection.
- F. "Civil Service" means the civil service system established by this act.
- G. "Chief Examiner" is the Fire Chief. The administrative assistant for the District will serve as secretary to the Commission.
- H. "Class" or "Classification" means a group of positions in the classified service sufficiently alike in duties, authority, and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to all positions in the group.
- I. "Class Specification or Job Descriptions" means the written description of a class containing a title, statement of duties, authority, responsibilities, and the desired minimum qualifications for the class.
- J. "Classified Service" means all positions except the Fire Chief in the district service for which the appointment and tenure of employees is subject to the Act and these Rules.
- K. "Commission" means the civil service commission created under the Act.
- L. "Commissioner" means a civil service commission member.
- M. "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.
- N. "District" means Philomath Fire and Rescue
- O. "Employees" means all persons employed by the fire district except those listed as exempt.
- P. "Entrance List" means a list of persons who have been found qualified by an entrance test for appointment to a position in a particular class.
- Q. "Entrance Examination" means a test for positions in a particular class, admission to which is not limited to persons employed by or volunteer to the District.
- R. "Examiner" means a person appointed by the Chief Examiner to conduct or monitor an examination. Such examiners shall not be a classified employee of the District.
- S. "Governing Body" means the Board of Directors.
- T. "Layoff" means a separation from the service because of a shortage of funds or materials, abolishment of a position, or for other reasons not reflecting discredit on an employee and occurring for reasons outside his/her control.

- U. "Military Leave" means the leave of absence granted to employees entering active duty with the armed forces of the United States.
- V. "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, discipline, or any other action affecting the status of employment.
- W. "Personnel Rules" mean the personnel rules adopted by order of the Board of Directors relating to attendance, compensation, leave, and retirement, and other personnel matters.
- X. "Political" in such terms as "political, religious, or racial reasons," "political office," and "political party or candidate" shall be understood as referring to partisan politics and contested nomination or election to public office only.
- Y. "Position" means any office, place, or appointment.
- Z. "Probationary Period" means a working test period of twelve months during which an employee is required to demonstrate by actual performance of the duties his/her fitness for the position. This probationary period may be extended at the discretion of the Fire Chief,
- AB. "Promotion" means a transfer of an employee from a position in one class to a position in another class having a higher maximum salary rate.
- AC. "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.
- AD. "Promotional Examination" means a test that is limited to employees in the classified service who hold regular or probationary status and have held a position or positions in other classes for a period of not less than six months.
- AE. "Provisional Appointment" means an appointment, which is limited to a duration of three months, to a position in the classified service, in the absence of names of qualified candidates on the register or registers for the class, of a person meeting the minimum qualifications specified for the class.
- AF. "Public Notice" means written or printed notification conspicuously posted on official bulletin boards in all areas of employment by publication in a newspaper and also directed to department heads.
- AG. "Reclassification" means a change in allocation an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position.

- AH. "Regular Employee" means either an employee who has been appointed to a position in the classified service in accordance with the rules of the Civil Service Commission and who has successfully completed his/her probationary period or an employee who acquired status through appointment to a position in the classified service on or before March 1989.
- AI. "Regular Full-time Employee" means a career employee who is regularly assigned to fill a position on a full-shift basis, generally 40, 45, or 56 hours per week.
- AJ. "Regular Part-time Employee" means a career employee who is regularly scheduled to work in a specified position with scheduled work hours being less than full time.
- AK. "Rules" means the civil service rules adopted by the Civil Service Commission as provided by the Act.
- AL. "Temporary Appointment" means a non-status appointment to assure continuation of required work.
- AM. "Transfer" means any change of an employee from one position to another in the same class. A normal rotational move shall not be considered a transfer.
- AN. "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 where incumbent is not expected to return.
- AO. "Voluntary Demotion" means a demotion requested by an employee in order to retain employment when layoff from his/her position is imminent or for other reasons where the action is still entirely voluntary on the part of the employee.
- AP. "Work Day" or "Working Day" means a calendar day unless otherwise specified.

### **RULE III**

#### **ADOPTION AND AMENDMENT OF RULES**

**Sec. 1: ADOPTION OF CIVIL SERVICE RULES.** Rules relating to the administration of the Civil Service Act shall be adopted by the Commission only after public hearing open to any citizen, officer, or employee of the District. Five or more day's public notice of such hearing shall be given, setting forth the place and the time of the hearing and the purpose for which it is called. Rules adopted by the Commission shall become effective on a date specified by the commission and shall be posted on all official bulletin boards of the District.

- Sec. 2: AMENDMENT OF RULES.** A request for change in the Civil Service Rules may be submitted at any time by a department head, employee, or other interested party in a written communication to the Commission indicating the proposed change and the reasons therefore. The procedure for adoption of rules in Section 1 shall also apply to amendments to the rules.
- Sec. 3: APPLICATION OF RULES.** Any personnel action taken prior to the official adoption of new or amended rules shall be governed by the rules in effect at the time of the action and shall not be affected by the proposed new or amended rules unless such rule provided for a retroactive effect.
- Sec. 4: DISTRICT RULES and REGULATIONS.** Rules governing the general conduct of employees, standards of job performance, work regulations, and assignment schedules are adopted and administered by the District. This is stated to clarify that the Civil Service Commission's power is specifically limited to the areas referenced in these rules.
- Sec. 5: SEVERABILITY.** If any of these civil service rules, or portions thereof, are hereafter declared by a court of competent jurisdiction or judicial proceedings or rule of a proper court to be illegal or unconstitutional, the part declared unconstitutional and / or illegal shall be deemed severable and such shall not affect the remaining rules or remaining portion of the rules.

## **RULE IV**

### **DISTRICT SERVICE**

- Sec. 1: CLASSIFIED SERVICE.** The classified service shall include all positions except Fire Chief now existing or hereafter created in the District 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.
- Sec. 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. The Fire Chief of the District

- F. Volunteer members of the District
- G. Provisional or Temporary Relief Employee

## **RULE V**

### **ORGANIZATION FOR PERSONNEL ADMINISTRATION**

- Sec. 1: CIVIL SERVICE COMMISSION.** The Civil Service Commission consists of three members, a Chief Examiner, and such assistants as may be necessary. All actions of the Chief Examiner shall be subject to review and approval or disapproval of the Commission. No member of the commission may be a paid employee of the District, relative of a paid employee, or a volunteer of the District. Civil Service Commission members must be a resident of Philomath Fire and Rescue’s Fire District.
- Sec. 2: COMMISSION CHAIRPERSON.** The commission shall elect a chair at the first meeting of each calendar year. A regular meeting of the commission must be held regularly at least once every three (3) months.

## **RULE VI**

### **CLASSIFICATION PLAN**

- Sec. 1: MAINTENANCE OF PLAN.** The commission shall adopt and maintain a classification plan that shall group all positions in the classified service into classes based upon their duties, authorities, and responsibilities. The commission may assign the review of the classification plan to the Chief Examiner who will be responsible for keeping the classification plan current by conducting periodic studies of positions and making appropriate recommendations to the commission.
- Sec. 2: AMENDMENT OF PLAN.**
- A. Request for Change. Any officer or employee in the District service may initiate a request to the commission to amend the classification plan. The Chief Examiner shall make necessary investigation of any such request or make classification studies or surveys at other times on his/her own initiative and as directed by the commission. If the Chief Examiner finds that substantial change in organization, creation, or change of positions or other pertinent conditions makes necessary the modification of an existing class or the establishment of a new class, he/she shall recommend such an amendment to the commission.

- B. Hearings on Changes. The commission shall hold public hearings on changes in the classification plan and shall give at least three days public notice prior to such hearings. After hearing suggestions and recommendations, the commission shall review this information and act on classification revisions with such modifications as believes proper.

**Sec: 3: ALLOCATION OF POSITIONS.**

- A. New Positions. When the appointing power desires to establish the classification of a new position, a notice of such proposed action together with a description of the duties of the new position shall be submitted to the Chief Examiner in such a manner and on such form as the commission may provide. The Chief Examiner shall promptly allocate such positions to the appropriate class therein on the basis of its duties, authority, and responsibilities, and shall notify the appointment power of the official allocation.
- B. Reclassification of Positions. Whenever the appointing power desires to make a permanent and substantial change in the duties, authority, or responsibilities of a position, written notification of the proposed change shall be submitted to the Chief Examiner for the determination of the effect, if any, on the classification of the position. The Chief Examiner may, upon his/her own initiative or at the request of the appointing power or employee, study the duties of any position to determine if the current classification is proper. Whenever the Chief Examiner finds that the changes in duties is such that the current allocation is no longer correct, he/she shall report to the commission the nature of such changes. The commission may at its own discretion 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.
- Effect of Reclassification on Employee Status
    - a. When a position is reclassified to a class that carries a higher salary range, the incumbent, regular, or probationary employee if eligible for certification from the appropriate register, shall be accorded probationary status in the higher class.
    - b. When a position is reclassified to a class that carries a lower salary range, the incumbent, regular, or probationary employee shall retain the same status in the lower class.
    - c. The employees name shall be placed on the promotion register in the same manner as provided for in demotion. Section 3, Subsection (B) reclassification of positions procedure shall be followed.

**Sec. 4: USE OF CLASS TITLE.** The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates, and office records and reports relating to the position. Any other working title desired and authorized to be used by the appointing power may be used as a designation of any position for the purpose of internal administration or in contacts with the public.

## **RULE VII**

### **APPLICATIONS AND EXAMINATIONS**

#### **Sec. 1: EXAMINATION ANNOUNCEMENTS.**

- A. The District may exercise its prerogative, within applicable statutory authority, regarding the treatment of entrance and promotional announcement distribution. The discretion includes having a position subject to promotion also open to testimony and hire from outside the organization.
- B. Content of Announcements. Official notices of examinations shall state the duties and pay of positions in the classes for which the examinations are to be held, the qualifications required, the time and place and the manner of making application for admission to such examinations, the different parts of tests, closing date for filing applications, and any other information that may be considered pertinent.

#### **Sec. 2: ELIGIBILITY TO COMPETE IN EXAMINATIONS**

- A. Who May Compete. Examinations designed to establish entrance lists should be open to all persons who appear to meet the 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 commission shall establish requirements regarding age, experience, training, physical condition, and other factors that relate to the ability of candidates to perform effectively the essential and marginal functions of a position.
- C. Competition in Promotional Examinations. Promotional examinations shall be open to employees who have acquired regular or probationary status, meet the minimum qualifications as stated in the class specification and as set forth in the announcement. The district may decide that an opening may be both promotional and open to qualified applications from outside the department.

#### **Sec. 3. APPLICATIONS.**

Filing of Applications. All applications must be made upon official District application blanks filled out as therein directed, and filed in the office of the commission or postmarked on or before the closing date specified in the examination announcement. The applicant must sign each application, and such signature constitutes a certification that all information contained therein is true to the best of the knowledge of the applicant

#### **Sec. 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 his/her authorization for admission. No person shall be permitted to take an examination without such authorization or other satisfactory evidence of the acceptance of his/her 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.

**Sec. 5: DISQUALIFICATION OF APPLICANTS.** The Chief Examiner may reject the application of any person for admission to an examination or decline to examine any applicant who:

- A. Is found to lack the qualifications prescribed for admission to the examination as announced in the public notice;
- B. Is found to be unfit because of his/her previous employment, driving record or for other reasons reflecting discredit on the applicant;
- C. 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;
- D. Has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment;
- C. Has made false statements of any material fact or practiced or attempted to practice deception or fraud in his/her application or his/her examination;
- D. Does not support the Constitution of the United States of America;
- E. Is in the United States of America illegally;
- F. Has taken the same examination within the six-month period preceding the examination date;  
or
- G. Has otherwise violated the provisions of these rules.

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

**Sec. 6: EXAMINATION ADMINISTRATION**

- A. Conduct of Examinations. Written or performance examinations shall be conducted in such places as are necessary for the reasonable convenience of applicants within the practical limits for proper administration and control. The Chief Examiner shall designate the number of examiners necessary to conduct examinations, and provide them with instructions. He/she

may also arrange for the use of public buildings in which to conduct these examinations.

B. Frequency of Examinations.

1. Entrance examinations for Firefighter/EMT shall be given at least every thirty months, unless cancelled due to insufficient number of applicants or suspected vacancies.
2. All other examinations may be given as necessary.

C. Anonymity of Applicants. The identity of person taking written examinations shall not be disclosed to examiners except where conditions of anonymity are impractical.

**Sec. 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.

**Sec. 8: CHARACTER OF EXAMINATIONS.** Tests shall be practical and competitive, and must be designed to determine the qualifications, fitness, and ability of candidates to perform the duties of the class for which a 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, and shall not be related to political or religious preference. Applicants selected for appointment shall be required to pass a pre-employment physical examination administered by a licensed physician.

**Sec. 9: RATING OF EXAMINATIONS.**

- A. Method of Rating. In all tests, a minimum rating of 80%, or such other rating as established by the Chief Examiner, shall be established which is required to achieve eligibility. Such minimum rating may also apply to the rating on any parts of the test, and candidates may be required to obtain minimum ratings on separate parts in order to receive passing grades or to be rated on the remaining parts of the tests. The final earned rating of each competitor shall be determined by adding the earned rating on each part of the test in accordance with weights established prior to the date of the test. Ratings shall be based on a scale of 100 points.
- B. Rating of Experience and Training. When a rating of experience and training forms a part of a test, the Chief Examiner shall develop procedures for the evaluation of those factors that will serve to assist in the selection of the best qualified candidates.

**Sec. 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 written notice of his/her final rating. Each person competing in a test may, during the immediate thirty-day period following notification of his/her examination results, review his/her examination papers and have his/her rating reviewed and corrected if an error is found. No correction shall invalidate any appointment previously made from the list. The right to review the test is limited to the applicant, commissioners, their staff, and members of the governing body. Tests may be reviewed only during regular business hours at the office of the District.

**Sec. 11: PREFERENCE FOR VETERANS.** Veteran's preference will be accorded as provided by Oregon Revised Statute 408.230.

**Sec. 12: VOLUNTEER CREDIT.** In all competitive entrance examinations, preference status shall be given to all active District volunteer firefighters in good standing who have served a minimum of one (1) year and meet the advertized minimum requirements of the position. A volunteer meeting these requirements shall qualify for five (5) additional points provided that a passing grade has been received.

Good standing is further described as having attended 66% of fire training in the previous quarter, 66% of medical training appropriate to their certification level in the previous quarter, and attendance at all mandatory training

**Sec. 13: BONUS POINTS.** Bonus points awarded as outlined in section 11 and Section 12 of this rule, shall not increase the overall passing score of a candidate by more than five (5) point's total.

## **RULE VIII**

### **LIST**

**Sec. 1: ESTABLISHMENT OF LIST** The commission shall establish and maintain lists of eligible candidates 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 District-wide in application.

**Sec. 2: KINDS OF LIST**

- A. An entrance list shall be established for such class of positions to be filled on an entrance basis and shall consist of the names of all persons who have passed the entrance test for that class.
- B. Promotion List. 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.

**Sec. 3: ORDER OF NAMES ON ENTRANCE REGISTERS.**

- A. Entrance List.

1. 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.
2. Eligibles. Names of eligibles shall be placed on lists in the order of their final earned ratings plus any veteran's or volunteer's preference credits to which they may be entitled. Where ties exist, names shall be arranged in order of the candidate whose application was received first.

B. Promotion List.

1. 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.
2. Eligible Employees. Names of eligibles shall be placed on lists in the order of their final earned ratings. Where ties exist, names shall be ranged in order of the candidate whose application was received first.

- B. The appointed authority is authorized to make temporary appointments to assure continuation of required work. A temporary appointment is limited to an individual performing no more than 599 hours of paid service for that temporary position in any one calendar year. Further, no individual filling a temporary appointment shall work more than five consecutive months at any time. Temporary appointment shall require official personnel action and the chief examiner shall be notified. The appointing authority will consider existing lists when making temporary appointments. For the purpose of this rule, there is no distinction between a temporary or provisional appointment or an appointment previously called a relief appointment. The appointment is designed to fill absences of any and all types. No appointment under this provision is designed to grant any person any employment status nor does it convey any other rights, duties, or obligations to the individual or the appointing authority regarding these rules. All such appointments are at will and subject to termination or cancellation at any time without cause by the appointing authority. The appointed individual has no right to accept continued employment as a result of the temporary employment.

**Sec. 4: DURATION OF LIST.**

- A. Entrance List. The duration of eligibility on an entrance register resulting from a layoff is limited to not more than thirty months from the date of separation from the District service. An entrance register may not be canceled unless it has been in effect for at least twelve months or is exhausted and may not continue in effect for longer than thirty months.
- B. Promotion List. The duration of eligibility on a promotional register resulting from demotion or downward reclassification is limited to not more than thirty months from the date of such

demotion or reclassification. A promotion register may not be canceled unless exhausted or has been in effect for thirty months.

**Sec. 5: REMOVAL OF NAMES FROM LISTS.** The Chief Examiner may remove a name from a list permanently or temporarily for any of the following reasons:

- A. Certification and appointment of an applicant from the list to fill a 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 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 list.
- G. Failure to maintain a record of his/her current address with the commission as evidenced by the return of properly addressed unclaimed letters 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 Firefighter or these rules.
- J. In case of promotion lists, separation from the District 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 list shall be promptly notified by the Chief Examiner of the reason for such removal.

**Sec. 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.

**Sec. 7: AVAILABILITY OF ELIGIBLES:** It shall be the responsibility of eligibles to notify the commission in writing of changes in address, or other changes that may affect availability for employment. However, the Chief Examiner may, from time to time, circularize lists or use other methods to determine current availability of eligibles.

## **RULE IX**

### **CERTIFICATION AND APPOINTMENT**

**Sec. 1: FILLING VACANT POSITIONS.** All vacancies in classified positions shall be filled as provided in these rules. Whenever an appointing power wishes to fill a vacancy in the classified service, he/she shall submit to the commission a request for names of qualified eligibles. No appointment to a classified position shall be made without prior authorization of the Chief Examiner.

**Sec. 2: CERTIFICATION OF ELIGIBLES.**

- A. Order of Use of Eligible Lists. Upon receipt of a request for certification of eligibles, the Chief Examiner shall certify the proper number of available eligibles from an appropriate list.
- B. Order and Number of Names Certified. Names shall be certified in order of standing on the list. The number of names certified from the entrance list shall be three (3) plus one (1) for each additional vacancy. From the promotional list, the number of names certified shall be two (2) plus one (1) for each additional vacancy.
- C. Notification of Eligibles. Whenever the name of an eligible is certified the Appointing Power shall provide for appropriate notification to such candidate.
- D. Additional Certification to a Vacancy. Reports of actions taken on certified eligibles by the Appointing Power shall be submitted in writing to the Board of Directors. Fair consideration must be given to all names certified. The following action(s) are required by the Appointing Power:
  - Select candidate(s) from a list of eligibles to conditionally offer an available position. The conditional offer of employment is stipulated on the eligible candidate's certification as being medically able as determined by a qualified physician.
- E. Notice of Eligibles not Appointed. Those persons certified to the District 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 interview.
- F. Restoration of Names to the Register. The names of those persons certified to the District but not appointed shall be restored to the register unless subject to Rule VII, Section 5.

**Sec. 3: KINDS OF APPOINTMENTS.**

- A. Regular Appointment. The appointing power shall make regular appointments from the list of candidates certified. Regular appointments may be either full or part time.
- B. Provisional Appointments. If there are no names of qualified candidates on either the promotional or entrance list for a class in which a vacancy exists, the Chief Examiner may authorize the provisional appointment of a person meeting the minimum prerequisites for the class to which the position is allocated. No position shall be filled by provisional appointment for more than three months in any calendar year, nor shall any person be appointed as a provisional employee 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 whichever occurs first.
- C. Part Time Appointment. Appointments to a part time position as defined in Rule II are not subject to these rules. Such appointments shall not be used to circumvent the intent of the policy established by Philomath Fire and Rescue's Civil Service Rules.

**Sec. 4: TRANSFERS**

- A. Assignments of Duties. An appointing power may, within his/her division or organization unit, assign an employee from one position to another position in the same class without prior approval.
- B. Method of Transfer. A permanent 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 permanent transfer to a position in a class having a lower salary range constitutes a demotion and shall be subject to rules governing demotions.
- C. 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.

**RULE X**

**PROBATIONARY PERIOD**

- Sec. 1: PURPOSE.** The probationary period is an integral part of the test and provides the appointing power with the opportunity to observe the new employee's work, to train and aid the new employee in adjustment to his/her position, and to reject any employee whose work performance fails to meet required work standards.

- Sec. 2: DURATION OF PROBATIONARY PERIOD.** Every person certified and appointed to a position in the classified service shall serve a probationary period of twelve months. The probationary period may be extended at the discretion of the Fire Chief
- Sec. 3: TRANSFER DURING PROBATIONARY PERIOD.** An employee who is transferred to another position in the same class prior to the completion of his/her probationary period, shall complete his/her probationary period in the latter position.
- Sec. 4: EVALUATION OF PERFORMANCE DURING PROBATIONARY PERIOD.** During the probationary period, the appointing power shall report in writing his/her observation of the employee's work, his/her judgment as to the employee's willingness and ability to perform his/her duties satisfactorily and as to his/her habits and dependability at such times and in such manner as the commission shall provide.
- Sec. 5: DISMISSAL DURING PROBATIONARY PERIOD.** At any time during the probationary period an appointing power may remove an employee whose performance does not meet the required standards. Such removal may be done without prior approval of the Civil Service Commission. Such action shall be made in good faith and shall not be based on religious, racial, or political except where such political activity is in violation of these rules or Oregon law.
- Sec. 6: DEMOTION DURING PROBATIONARY PERIOD.** A probationary employee serving as a result of appointment from a promotion list, who fails to qualify in the new position for reason other than misconduct or delinquency, and who was a regular employee immediately prior to this promotional appointment shall be reinstated to his/her former position. If the commission finds that the reasons for such demotions are insufficient, the demoted employee shall be restored to the promoted position under such terms as the commission may impose.
- Sec. 7: COMPLETION OF PROBATIONARY PERIOD.** Prior to completion of an employee's probationary period, the appointing power will indicate satisfactory or unsatisfactory service during the probationary period through written notification to the probationary employee. If satisfactory, the employee shall be deemed to have satisfactorily completed the probationary period and thereby be accorded regular status in the classified service. A notification of unsatisfactory service ordinarily shall be accompanied with a notice of dismissal, demotion, or continuation of probationary period.

## RULE XI

## SEPARATION IN GOOD STANDING

### Sec. 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.

- Sec. 2: **RESIGNATIONS.** In order to resign in good standing, an employee must give the appointing power at least fourteen calendar days written notice. However, the appointing power, because of extenuating circumstances, may agree to a shorter period of notice. Notice of resignation should be submitted to the appointing power in duplicate in order that a copy may be attached to the personnel action that is forwarded to the Civil Service Commission.

## RULE XII

### DISCIPLINARY ACTIONS

- Sec. 1: **CAUSE FOR DISCIPLINARY ACTIONS.** Disciplinary action constituting dismissal, demotion, suspension without pay or deprivation of privileges, including hearings or appeals for such disciplinary actions, will be conducted in accordance with the applicable Oregon Revised Statutes, Board policy and these Rules.

- Sec. 2: **BOARD RESPONSIBILITY.** The Board shall provide the Commission with space, supplies, equipment, staff assistance, legal assistance as required, and funds adequate to conduct the business of the Commission. The Board shall cooperate in any investigation or inquiry conducted by the Commission and shall aid in all proper ways in carrying out the provisions of these rules as may from time to time be prescribed by the commission.

## RULE XIII

### RECORDS AND REPORTS

- Sec. 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.
- Sec. 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.

**Sec. 3: DESTRUCTION OF RECORDS.** Records, other than examination papers, may be destroyed after four years. Original examination papers shall be retained for four years after which time they may be microfilmed.

**Sec. 4: PUBLIC RECORDS.** All requests for public records will be handled in accordance with Oregon Revised Statutes and Board policy.

#### **RULE XIV**

### **PROHIBITIONS AND PENALTIES**

The prohibitions and penalties as set forth in ORS 242.822 through 242.990 are hereby adopted as the prohibition and penalty section of these rules.

#### **RULE XVI**

### **PAYROLL CERTIFICATION**

**Sec. 1: CERTIFICATION OF PAYROLL ACCURACY.** Provisions of ORS 242.736(1), (2) will be followed in preparing payroll for annual certification.

### **CIVIL SERVICE POLICY APPROVAL**

AS APPROVED BY THE PHILOMATH FIRE & RESCUE BOARD OF DIRECTORS this 7<sup>th</sup> day of May, 2007.

\_\_\_\_\_  
Tom Ries, President

\_\_\_\_\_  
Reed Glasmann, Secretary

AS APPROVED BY THE PHILOMATH FIRE & RESCUE CIVIL SERVICE COMMISSION this  
day of June, 2007.

\_\_\_\_\_  
,Commission Chairperson

\_\_\_\_\_  
Marcia Gilson, Secretary