

Philomath Fire & Rescue

Civil Service Commission
Regular Session
Tuesday, October 3, 2023
Station 201- 1035 Main Street
1:00 pm

Join Zoom Meeting

[https://us06web.zoom.us/j/85789498234?pwd=S2hPYmFZQ1ZpbHYyUmRBdC9XS
HRvQT09](https://us06web.zoom.us/j/85789498234?pwd=S2hPYmFZQ1ZpbHYyUmRBdC9XS
HRvQT09)

Meeting ID: **857 8949 8234**

Passcode: **860360**

- I. Roll Call
- II. Changes or Additions to Agenda
- III. Public Comment
- IV. Minutes- approval of July 5, 2023 & July 26, 2023
- V. Quarterly Payroll Reports- 3rd Quarter 2023
- VI. Civil Service Commission Rules Review
- VII. Hiring List Certification
- VIII. Future meeting dates
 1. January 2, 2024 at 2:30 pm
 2. April 2, 2024 at 2:30 pm
- IX. Adjournment

Philomath Fire & Rescue

Civil Service Commission
Regular Session
Wednesday, July 5, 2023
Station 201- 1035 Main Street
2:30 pm

- I. Call to Order and Roll Call- Meeting of the Philomath Fire & Rescue Civil Service Commission (CSC) was called to order at 1431 by Van Hunsaker. Members present included: Van Hunsaker, Jerry Wolcott and Michael Sage. All members are present. Staff included: Fire Chief Chancy Ferguson and Office Administrator Ashley Scott.
- II. Changes or Additions to Agenda
 1. Nomination of Chair
Sage nominated Van Hunsaker as Chairperson and seconded by Wolcott. Nomination carried 3-0.
- III. Minutes – approval of May 3, 2023 Minutes- Presented and discussed by Scott.
Wolcott motioned to approve the minutes as presented and seconded by Hunsaker. Motion carried 3-0.
- IV. Quarterly Payroll Reports – 2nd Quarter 2023- Presented and discussed by Scott.
Sage motioned to approve the Quarterly Payroll Reports as presented and seconded by Wolcott. Motion carried 3-0.
- V. Civil Service Commission Rules Review
Discussion led by Chief Ferguson and Scott- updated copy given and emailed to all commissioners that included attorney’s review commentary. Will be reviewed in more detail prior to July 26th and will be discussed in more detail at that hearing.
- VI. Personnel
 1. Staff Captain- Hiring List Certification- item moved to July 26th hearing.
 2. Deputy Chief Internal Job Posting- discussed by Chief Ferguson.
Transparency with the community: Opening it up internally would be preferable both to the department and our legal team discussion.
Wolcott motioned that the Deputy Chief position be opened to internal candidates only and begin hiring process and seconded by Sage. Motion carried 3-0.
 3. Lieutenant Testing Process- Promotional process internal situation: discussed by Chief Ferguson.

4. OSFM Staffing Grant- Part Time Hire: discussed by Chief Ferguson.
5. Staff Benefit Breakdowns- discussed by Scott. Discussion included the benefits that are included with employment and the additional programs/benefits that employees can voluntarily be involved in.

VII. Future meeting dates

1. July 26, 2023 at 2:30 pm (meeting added)
2. October 3, 2023 at 2:30 pm
3. January 2, 2024 at 2:30 pm
4. April 2, 2024 at 2:30 pm

VIII. Adjournment- at 1533.

Approved: _____ Date: _____

Philomath Fire & Rescue

Civil Service Commission

Special Session

Wednesday, July 26, 2023

Station 201- 1035 Main Street

2:30 pm

- I. Roll Call- Meeting of the Philomath Fire & Rescue Civil Service Commission (CSC) was called to order at 1430 by Van Hunsaker. Members present included: Van Hunsaker and Jerry Wolcott. Michael Sage was not present. Staff included: Fire Chief Chancy Ferguson and Office Administrator Ashley Scott.
- II. Changes or Additions to Agenda- Hunsaker created and discussed a document of rules and responsibilities that pertain to the Civil Service Rules.
- III. Civil Service Commission Rules Review- Civil Service Commission members and staff thoroughly discussed improvements to Civil Service Commission Rules that will need to be presented to the attorney for final review. All updates on Civil Service Commission Rules are attached in the Civil Service Commission Packet.
- IV. Hiring List Certification – Ashley Scott discussed the details involving the Hiring List creation, Job Descriptions that fall under the Civil Service Commission.
Jerry Wolcott moved to accept that form as an acceptable hiring list. Van Hunsaker seconded. 2-0 approved.
Prior to certification of the list, the Civil Service Commission would like to review documents associated with the application process and testing.
- V. Chief Examiner Appointment- Traditionally the Fire Chief.
Jerry Wolcott moved Chancy Ferguson to be the Chief Examiner. Van Hunsaker seconded. 2-0 approved.
- VI. Additional Item added by Chief Ferguson- Deputy Chief position update from Chief Ferguson. Discussion and directions were given to Chief Ferguson on how to proceed since only one application was presented. A small group interview, review of application and formal Chief's Interview was decided upon by the Civil Service Commission.
- VII. Future meeting dates
 1. October 3, 2023 at 2:30 pm
 2. January 2, 2024 at 2:30 pm

3. April 2, 2024 at 2:30 pm

VIII. Adjourned at 1644.

Approved: _____ Date: _____

Philomath Fire & Rescue

2023 - 3rd Quarter Payroll Report

Name	Hire Date	Position	Carryover		1st Quarter		2nd Quarter		3rd Quarter		4th Quarter	
			Effective	Salary Rate	Effective	New Salary Rate	Effective	New Salary Rate	Effective	New Salary Rate	Effective	New Salary Rate
Saalsaa, Rich	8/18/2015	Deputy Chief	10/1/2022	\$ 7,656.25					COLA 6.9%			
									7/1/2023	8185		
Bovbjerg, Viktor	6/30/2023	Staff Captain					6/30/2023	\$ 6,125.28				
							New Hire					
Moser, Scott	6/17/2015	Firefighter Lt.	7/1/2022	\$5,756					7/1/2023	\$6,155		
Taylor, Lindsay	5/1/2020	Firefighter Lt.	9/19/2022	\$5,329			5/1/2023	\$5,488	7/1/2023	\$5,868		
Schell, Levi	8/1/2022	AIC Firefighter Lt.	10/1/2022	\$4,651					7/1/2023	\$4,972		
									8/1/2023	\$5,270		
									9/1/2023	\$5,428		
Converse, Layne	12/12/2022	Firefighter	12/12/2022	\$4,350					7/1/2023	\$4,651		
Rodriguez, Lilee	6/8/2015	Office Administrator	10/1/2022	\$50/hr.	3/31/2023	Voluntary Separation						
Scott, Ashley	11/4/2022	Administrative Assistant	11/7/2022	\$25.50/hr.					7/1/2023	\$4,867		
		Office Administrator (7/1/23)										

Approved: _____

Prepared for Civil Service Commission by:
Ashley Scott 26-Sep-23

Oregon's Civil Service Act for Firefighters

by Mark Wolf, Local Government Law Group P.C.

This article provides a refresher on Oregon's Civil Service Act for Firefighters and highlights a potential need for those districts looking to hire additional staff.

Does Civil Service Apply to my District?

Civil service laws apply to fire districts that employ four or more employees on a full-time basis, excluding the Chief. Full-time "employees" are those whose principal duties involve preventing or combating fire or preventing the loss of life or property from fire. In other words, mechanics, administrative assistants, or others employed by the district whose duties do not include firefighting are not required to be included in civil service.

For districts that were awarded the 2023 Oregon Fire Service Capacity Grant, now would be a good time to review the number of full-time firefighters to determine if you will need to comply with the Civil Service Act. Remember, once you employ at least four full-time employees involved in firefighting or fire prevention, not including the Chief, you are required to comply with the Civil Service Act. Unlike the 2022 Wildfire Season Staffing Grant, this Fire Service Capacity Grant provides additional funding to selected fire districts to augment permanent capacity by hiring additional full-time firefighters and fire prevention staff over the next three years.

How do I comply?

There are two basic options for complying with the civil service requirement. The first is to comply with the rules as set out in the statutes, ORS 242.702 to 242.824. The second option is to draft civil service rules modified to fit your district's specific needs, but which still meet the purposes of civil service.

Most fire districts choose to adopt their own rules. Adopting your own rules can provide your fire district with better flexibility to fit the needs of your district. However, when adopting your own rules, be mindful that the rules must substantially accomplish the general purposes of the state statute. Otherwise, a court could decide that a particular section does not meet the stated purposes of civil service, and that particular section could, therefore, be ineffective.

Oregon courts have generally focused on two areas in deciding whether the purposes of civil service are met. First is whether or not there is a hiring and promotion procedure which is fair and equitable. The second is whether or not there is a discipline or termination procedure in which the final decision maker is independent of the district (i.e., a Civil Service Commission). The courts have been clear that an appeal to the Board of Directors is not considered an independent body and thus not a valid option under the civil service rules. Courts have even ordered reinstatement of employees who did not have access to the statutorily required independent review body.

Who Sits on the Commission and What is its Role?

According to ORS 242.706, a Civil Service Commission must consist of three individuals who have no connection to the district. Typically, local businesspeople, public administrators, or other interested citizens are selected to serve on the Civil Service Commission. A procedure for their selection can be discussed during the establishment of civil service rules.

Keep in mind, civil service is not intended to dictate that you must hire specific individuals, nor does it dictate how to staff your district or create positions. For instance, when your district determines the need to add a position, the Civil Service Commission would assist in clarifying the position by either placing it within an existing classification or creating a new classification, depending on the job description. Civil service is designed to work with districts and support their decision-making processes rather than replacing the district's leadership authority.

What happens if I don't have a Civil Service Commission?

If you have four or more firefighters and do not have a Civil Service Commission, then you run the risk of having hiring decisions, promotional decisions, and termination decisions overturned by a court. With the opportunity to award back pay, court intervention could prove costly to your organization.



PHILOMATH FIRE & RESCUE CIVIL SERVICE RULES

as approved by the
Civil Service Commission

On ____

and acknowledged by the
Board of Directors

On ____



Table of Contents

GENERAL STATEMENT OF POLICY	4
SECTION 1 PURPOSE OF RULES	4
DEFINITIONS.....	5
SECTION 1 DEFINITION OF TERMS	5
ADOPTION AND AMENDMENT OF RULES.....	9
SECTION 1 ADOPTION OF CIVIL SERVICE RULES.....	9
SECTION 2 EFFECT OF ADOPTION UPON INCUMBENT EMPLOYEES	9
SECTION 3 AMENDMENT OF RULES.....	9
SECTION 4 APPLICATION OF RULES.....	9
SECTION 5 PERSONNEL RULES OF THE BOARD OF DIRECTORS.....	9
DISTRICT SERVICE.....	10
SECTION 1 CLASSIFIED SERVICE	10
SECTION 2 EXEMPT SERVICE.....	10
ORGANIZATION FOR PERSONNEL ADMINISTRATION.....	11
SECTION 1 CIVIL SERVICE COMMISSION.....	11
SECTION 2 COMMISSION CHAIRPERSON.....	11
SECTION 3 MEETINGS OF THE COMMISSION.....	11
SECTION 4 REMOVAL OF COMMISSIONERS	11
CLASSIFICATION PLAN.....	12
SECTION 1 MAINTENANCE OF PLAN.....	12
SECTION 2 AMENDMENT OF PLAN	12
SECTION 3 CLASSIFICATION OF POSITIONS.....	12
SECTION 4 USE OF CLASS TITLE.....	13
APPLICATIONS AND EXAMINATIONS.....	14
SECTION 1 EXAMINATION ANNOUNCEMENTS	14
SECTION 2 ELIGIBILITY TO COMPETE IN EXAMINATIONS.....	14
SECTION 3 APPLICATIONS.....	14
SECTION 4 ADMISSION TO EXAMINATIONS.....	15
SECTION 5 DISQUALIFICATION OF APPLICANTS	15
SECTION 6 EXAMINATION ADMINISTRATION	16
SECTION 7 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS	16
SECTION 8 CHARACTER OF EXAMINATIONS.....	16
SECTION 9 RATING OF EXAMINATIONS.....	17
SECTION 10 NOTIFICATION OF EXAMINATION RESULTS.....	17
SECTION 11 PREFERENCE FOR VETERANS.....	17
SECTION 12 VOLUNTEER PREFERENCE	17
REGISTERS.....	18
SECTION 1 ESTABLISHMENT OF REGISTERS.....	18
SECTION 2 KINDS OF REGISTERS	18

SECTION 3	ORDER OF NAMES ON ENTRANCE REGISTERS	18
SECTION 5	REMOVAL OF NAMES FROM LISTS.....	19
SECTION 6	RESTORATION OF NAMES TO ELIGIBLE LISTS.....	20
SECTION 7	AVAILABILITY OF ELIGIBLES.....	20
CERTIFICATION AND APPOINTMENT.....		21
SECTION 1	FILLING VACANT POSITIONS.....	21
SECTION 2	CERTIFICATION OF ELIGIBLES.....	21
SECTION 3	KINDS OF APPOINTMENTS.....	23
SECTION 4	TRANSFERS.....	23
PROBATIONARY PERIOD.....		25
SECTION 1	PURPOSE.....	25
SECTION 2	DURATION OF PROBATIONARY PERIOD.....	25
SECTION 3	DISMISSAL DURING ENTRANCE PROBATIONARY PERIOD.....	25
SECTION 4	UNSATISFACTORY PERFORMANCE DURING PROMOTIONAL PROBATIONARY PERIOD.....	25
SECTION 5	REGULAR STATUS.....	25
SECTION 6	REMOVAL FROM ELIGIBILITY REGISTER.....	26
SEPARATION IN GOOD STANDING.....		27
SECTION 1	REDUCTION IN FORCE.....	27
SECTION 2	RETURN OF NAMES OF LAID OFF EMPLOYEES TO THE ELIGIBLE LISTS ..	27
DISCIPLINARY ACTIONS.....		28
SECTION 1	CAUSES FOR DISCIPLINARY ACTIONS.....	28
SECTION 2	PROCEDURE FOR TAKING DISCIPLINARY ACTION.....	29
APPEALS, HEARINGS AND INVESTIGATIONS.....		30
SECTION 1	APPEALS.....	30
SECTION 2	DISCIPLINARY HEARINGS.....	31
SECTION 3	COMMISSION FINDINGS.....	32
SECTION 4	APPEAL TO CIRCUIT COURT.....	32
RECORDS AND REPORTS.....		33
SECTION 1	ROSTER.....	33
SECTION 2	REPORTS TO THE COMMISSION.....	33
SECTION 3	DESTRUCTION OF RECORDS.....	33
SECTION 4	PUBLIC RECORDS.....	33
PROHIBITIONS AND PENALTIES.....		34
SECTION 1	PROHIBITED CONDUCT GENERALLY.....	34
SECTION 2	POLITICAL CONTRIBUTIONS AND ACTIVITIES.....	34

RULE I

GENERAL STATEMENT OF POLICY

SECTION 1 PURPOSE OF RULES

The purpose of these rules is to implement provisions of Civil Service for the employees of Philomath Fire & Rescue. These rules are intended to comply with the provisions of ORS 242.704 as substantially accomplishing the general purposes of ORS 242.702 through ORS 242.824. Therefore, unless specifically referenced in these Rules, ORS 242.702 through ORS 242.824 do not apply to the Philomath Fire & Rescue and the Rules as adopted herein are the Civil Service System for Philomath Fire & Rescue.

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

RULE II

DEFINITIONS

SECTION 1 DEFINITION OF TERMS

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

- A. "Absence" means a circumstance in which a permanently appointed employee is not present due to vacation, sick leave or other type of leave, or due to temporary or provisional appointment, or transfer to another position and when the absent employee is expected to return to said position after a period of time.
- B. "Act" means the State Civil Service Law for Fire Fighters, (ORS 242.702 to 242.990) and specifically ORS 242.704 under which section the establishment of these rules by the Civil Service Commission is based.
- C. "Appointing Power" or "Appointing Authority" means the Fire Chief of the District who is vested by the Board of Directors with authority to appoint to any Civil Service position; discipline and dismiss employees; and set compensation subject to these rules, applicable labor agreements and law.
- D. "Appointment" means all means of selection selecting or employing any person to hold any position subject to civil service under these Rules.
- E. "Civil Service" means the civil service system established by these Rules.
- F. "Chief Examiner" means the person appointed by the Commission to administer the examinations and any other aspect of the Civil Service program assigned by the Commission. The Chief Examiner may serve as the secretary to the Commission.
- G. "Class" or "Classification" means a group of positions in the classified service sufficiently alike in duties, authority and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group.
- H. "Class Specification" means the written description of a class containing a title, statement of duties, authority and responsibilities and the desired minimum qualifications for the class.
- I. "Classified Service" means all positions in the District service for which the appointment of employees is subject to the Act and these Rules.

- J. "Commission" means the Civil Service Commission created under these Rules.
- K. "Commissioner" means a Civil Service Commission member.
- L. "Demotion" means the Appointing Power's reduction of an employee to a lower grade or rank either by permission or for cause.
- M. "Dismissal" means removal by the appointing power from a position or service within the District either by permission or for cause.
- N. "District" means the Philomath Fire & Rescue.
- O. "Employees" means persons whose principle duties consist of providing emergency service response, except those listed as exempt.
- P. "Entrance Register" means a list of persons who have been found qualified by an entrance test for appointment to a position in a particular class.
- Q. "Entrance Examination" means a test for positions in a particular class, admission to which is not limited to persons employed by the District.
- R. "Examiner" means a person appointed by the Chief Examiner to conduct examinations. Such examiner shall not be a classified employee of a rank equal to or less than the rank subject to the examination. Specifically, an examiner does not include classified employees serving as monitors, proctors, or performing other ministerial functions.
- S. "Governing Body" means the Board of Directors of Philomath Fire & Rescue.
- T. "Layoff" means a separation from the service because of a shortage of funds or materials, abolishment of a position or for other reasons not reflecting discredit on an employee and for reasons outside the employee's control.
- “”
- U. "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting the status of employment.
- V. "Personnel Rules" means the personnel rules adopted by order of the Board of Directors relating to hiring, discipline, attendance, compensation, leave, retirement, or any other factor of employment.

W. “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.

X. “Position” means any office, place or appointment.

- Y. "Probationary Period" means a working test period of twelve months for new employee or six months for promotion during which an employee is required to demonstrate by actual performance of the duties, fitness for the position.
- 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 which is limited to employees who hold regular or probationary status and have held a position or positions in other classes for a period of not less than six months.
- AE. "Provisional Appointment" means an appointment to a position, limited to three months, in the absence of names of qualified candidates on the register or registers for the class, of a person meeting the minimum qualifications specified for the class.
- AF. "Public Notice" means written or printed notification conspicuously posted on official bulletin boards in all areas of employment, published in a newspaper of general circulation in the District, directed to department heads, with a copy to the secretary of the District for District records.
- AG. "Reclassification" means a change in allocation of an individual position by raising it to a higher class, reducing it to a lower class or moving it to another class at the same level on the basis of significant changes in the kind, difficulty or responsibility of the work performed in such position.
- AH. "Regular Employee" means either an employee who has been appointed to a position in accordance with the rules of the Civil Service Commission and who has successfully completed a probationary period, or an employee who acquired status through appointment to a position in the classified service on or before February 14, 2023.
- AI. "Rules" means the Civil Service rules adopted by the Civil Service Commission as provided by the Act.
- AJ. "Suspension" means a temporary removal from duty, with or without pay, of an employee for disciplinary purposes or for the purpose of investigation of accusations brought against an employee.
- AK. "Temporary Appointment" means a non-status appointment to assure continuation of required work.
- AL. "Termination" means the involuntary cessation of employment with the District for cause.
- AM. "Transfer" means any change of an employee from one position to another in the same class. A normal rotational move is not to be considered a transfer.
- 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 and the incumbent is not expected to return.

- AO. "Voluntary Demotion" means a demotion requested by an employee in order to retain employment when layoff from a position is imminent or for other reasons where the action is still entirely voluntary on the part of the employee.
- AP. "Voluntary Separation" means a voluntary leave of employment.
- AQ. "Board" refers to Philomath Fire & Rescue Board of Directors.

RULE III

ADOPTION AND AMENDMENT OF RULES

SECTION 1 ADOPTION OF CIVIL SERVICE RULES

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

SECTION 2 EFFECT OF ADOPTION UPON INCUMBENT EMPLOYEES

Within one day after the adoption of the civil service rules, all persons employed in a position subject to civil service and who have been employed by the District for at least six months and who have otherwise passed all probationary requirements of the District shall be immediately placed in their existing positions as classified by civil service as if they were a regular employee. The appointing authority shall file a list of names of such persons with the civil service commission, including their names, residence, occupation, length of continuous service and compensation.

SECTION 3 AMENDMENT OF RULES

A request for change in the Civil Service Rules may be submitted at any time by any interested party in a written communication to the Commission indicating the proposed change and the reasons, therefore. The procedure for adoption of the rules in Section 1 shall also apply to amendments to the rules. Notwithstanding the foregoing, when Oregon Revised Statutes pertaining to Civil Service are amended or otherwise changed, the Commission shall have the authority to make corresponding changes in the Rules in order to maintain conformance with applicable statutes without holding a public hearing on the changes.

SECTION 4 APPLICATION OF RULES

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

SECTION 5 PERSONNEL RULES OF THE BOARD OF DIRECTORS

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

RULE IV

DISTRICT SERVICE

SECTION 1 CLASSIFIED SERVICE

The classified service shall include all positions 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.

SECTION 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 District
- F. Fire Chief
- G. Deputy Chief
- H. Temporary employees/Volunteer trainees/Part time employees
- I. Clerical employees of the District
- J. Any employee whose principal duties do not consist of providing emergency service response.

RULE V

ORGANIZATION FOR PERSONNEL ADMINISTRATION

SECTION 1 CIVIL SERVICE COMMISSION

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

SECTION 2 COMMISSION CHAIRPERSON

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

SECTION 3 MEETINGS OF THE COMMISSION

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

SECTION 4 REMOVAL OF COMMISSIONERS

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

RULE VI

CLASSIFICATION PLAN

SECTION 1 MAINTENANCE OF PLAN

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

SECTION 2 AMENDMENT OF PLAN

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

SECTION 3 CLASSIFICATION OF POSITIONS

- A. Determining Classification. In determining the class to which any position shall be allocated, the specification describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications and requirements and their relationship to other classes, as a composite description of the kind of employment which the class is intended to embrace.
- B. New Positions. When the appointing power desires to create a position, a notice of such proposed action together with a description of the duties of the new position shall be submitted to the Chief Examiner. The Chief Examiner shall promptly assign the appropriate class therein on the basis of its

duties, authority, responsibilities, and compensation and shall notify the appointing power of the official classification.

- C. Reclassification of Positions. Whenever the appointing power desires to make a permanent and substantial change in the duties, authority, responsibilities, or compensation of a position, written notification of the proposed change shall be submitted to the Chief Examiner for the determination of the effect, if any, on the classification of the position. The Chief Examiner may, upon own initiative or at the request of the appointing power or employee, study the duties of any position to determine if the current classification is proper. Whenever the Chief Examiner finds that the change in duties is such that the current classification is no longer correct, he/she shall report to the Commission the nature of such changes. The Commission may revise the classification of such positions as it deems proper.
1. Effect of Reclassification on Employee Status
 - a. No person holding any position under any established classification or grade shall be affected by such change so as to deprive the person of any of the benefits attached to the classification or grade applicable to the position then held by the person.
 - b. When a position is reclassified to a class that carries a higher salary range, the incumbent regular or probationary employee shall be accorded probationary status in the higher class if eligible for certification from the appropriate register.
 - c. If the position is reclassified to a class that carries a lower salary range, the employee's name shall be placed on the promotion register in the same manner as provided for in voluntary demotion.
- D. Minimum Qualifications Statements. Personal qualifications commonly required of an employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision and suggestions of superiors for improvement of service, and willingness to cooperate with associates, shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications.

SECTION 4 USE OF CLASS TITLE

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

RULE VII

APPLICATIONS AND EXAMINATIONS

SECTION 1 EXAMINATION ANNOUNCEMENTS

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

SECTION 2 ELIGIBILITY TO COMPETE IN EXAMINATIONS

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

SECTION 3 APPLICATIONS

- A. Filing of Applications. All applications must be made upon official 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. 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.

- B. Freedom from Bias. The application form shall contain no question so formed as to elicit any information concerning political, racial, or religious affiliations of the applicant. However, this provision shall not prevent inquiry as to whether the applicant supports the Constitution of the United States of America.

SECTION 4 ADMISSION TO EXAMINATIONS

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

SECTION 5 DISQUALIFICATION OF APPLICANTS

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

- A. Is found to lack the qualifications prescribed for admission to the examination as announced in the public notice.
- B. Is found to be unfit because of previous employment or driving record or for other reasons reflecting discredit on the applicant.
- C. Is physically unfit, even with reasonable accommodation, to 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; or

- G. Has taken the same examination within the six-month period preceding the examination date; or
- H. Has otherwise violated the provisions of these rules.

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

SECTION 6 EXAMINATION ADMINISTRATION

- A. Conduct of Examinations. Written or performance examinations shall be conducted in such places as are necessary for the reasonable convenience of applicants within the practical limits for proper administration and control. The Chief Examiner shall designate the number of examiners necessary to conduct examinations, and provide them with instructions. The Chief Examiner may also arrange for the use of public buildings in which to conduct these examinations.
- B. Frequency of Examinations.
 - 1. Entrance examinations may be given at least every thirty months if there is a need.
 - 2. When there are four or more positions in a class, promotional examinations for such class shall be given at least every 30 months. For those classes with less than four positions, examinations may be given as necessary.
- C. Anonymity of Applicants. The identity of persons taking written examinations shall not be disclosed to examiners except where conditions of anonymity are impractical.

SECTION 7 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

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

SECTION 8 CHARACTER OF EXAMINATIONS

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

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

SECTION 9 RATING OF EXAMINATIONS

- A. Method of Rating. In all tests a minimum rating shall be established which is required to achieve eligibility. Such minimum ratings may also apply to the rating on any parts of the test, and candidates may be required to obtain minimum ratings on separate parts in order to receive passing grades, or to be rated on the remaining parts of the tests. The final earned rating of each competitor shall be determined by adding the earned rating on each part of the test in accordance with weights established prior to the date of the test.

- B. Rating of Experience and Training. When a rating of experience and training forms a part of a test, the Chief Examiner shall develop procedures for the evaluation of those factors that will serve to assist in the selection of the best qualified candidates. Procedures that are adopted shall give due regard to quality, recency, and amount of experience, and to the pertinence and amount of training. In establishing the value that a rating of experience and training shall bear to the total test, and in determining the length of time for which experience credit shall be awarded, consideration shall be given to the amount of learning time required to perform efficiently the duties of the position.

SECTION 10 NOTIFICATION OF EXAMINATION RESULTS

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

SECTION 11 PREFERENCE FOR VETERANS

In all competitive entrance examinations, preference status shall be given to every veteran and disabled veteran who has successfully completed all phases of a civil service test. Preference means that the score of a veteran who has passed the test shall be increased by five percentage points of the total points available and the score of a disabled veteran who has passed the test shall be increased by ten percentage points. All such points shall be added to the total combined test score of the veteran and shall not be allocated to any single feature or part of the examination. This provision is to be interpreted to comply with ORS 408.225 - .235 and any modifications thereof.

SECTION 12 VOLUNTEER PREFERENCE

In all competitive entrance examinations, preference status shall be given to all active Philomath Fire & Rescue volunteer firefighters who have served a minimum of 12 months/ 1 year. The Philomath volunteer meeting District requirements shall qualify for an increase in their score of ten percent of the total points available providing a passing grade has been received. All such points shall be added to the total combined test score of the volunteer and shall not be allocated to any single feature or part of the examination.

RULE VIII

REGISTERS

SECTION 1 ESTABLISHMENT OF REGISTERS

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

SECTION 2 KINDS OF REGISTERS

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

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

SECTION 3 ORDER OF NAMES ON ENTRANCE REGISTERS

- A. Entrance Registers.
 - 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 veterans or volunteer preference credits to which they may be entitled. Where ties exist, names shall be arranged in order of the candidate whose application was received first.

- B. Promotion Registers.
 - 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 arranged in order of the candidate whose application was received first.

- C. 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

- A. Entrance Registers. The duration of an entrance register is limited to twelve (12) months from the date the register was certified. An entrance register may be extended not to exceed an additional six (6) months if, in the opinion of the Commission, the best interests of the District would be served thereby. An entrance register may be deemed exhausted when, in the opinion of the Appointing Power or Commission, it does not contain requisite eligible(s).
- B. Promotion Registers. The duration of a promotion register is limited to twelve (12) months from the date the register was established. A promotion register may be extended, not to exceed an additional six (6) months if, in the opinion of the Commission, the best interests of the District would be served thereby. A promotion register may be deemed exhausted when, in the opinion of the Appointing Power or Commission, it does not contain requisite eligible(s).

SECTION 5 REMOVAL OF NAMES FROM LISTS

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

- A. Certification and appointment of an applicant from the list to fill a regular position.
- B. Certification and appointment to fill a regular position with the same or higher salary range from a different list. However, any applicant whose name is so removed may have it restored by making written application to the Chief Examiner.
- C. Failure to respond within five days to a written inquiry of the Chief Examiner or an appointing power relative to availability for appointment.
- D. Refusal of an offer of an appointment without adequate explanation.
- E. Failure to report for duty within the time specified by the appointing power.
- F. Expiration of the term of eligibility on the register.
- G. Failure to maintain 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 firefighters 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 register shall be promptly notified by the Chief Examiner of the reason for such removal.

SECTION 6 RESTORATION OF NAMES TO ELIGIBLE LISTS

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

SECTION 7 AVAILABILITY OF ELIGIBLES

It shall be the responsibility of eligibles to notify the Commission [District] 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.

RULE IX

CERTIFICATION AND APPOINTMENT

SECTION 1 FILLING VACANT POSITIONS

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

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

SECTION 2 CERTIFICATION OF ELIGIBLES

- A. Order of Use of Eligible Lists. Upon receipt of a request for certification of eligibles, the Chief Examiner shall certify the proper number of available eligibles from an appropriate list. If no appropriate list exists, the Chief Examiner shall authorize appointment by other prescribed means. Certification shall be made from the promotion or entrance register based upon the decision of the appointing authority. The name selected is at the discretion of the appointing authority, regardless of their standing on the certified list.
- B. Order and Number of Names Certified. Names shall be certified in order of standing on the list. The number of names certified from the entrance list shall be three. When more than one vacancy exists, the number of names shall equal the number of vacancies plus two in addition. From the promotional list, the number of names certified shall be two plus one for each additional vacancy. When an entrance exam or promotional exam results in fewer than three names, the number of names certified may be the total number of names that resulted from that test.
- C. Order in Which Certification Will Be Issued. Eligibles shall be certified for vacancies occurring in a class in order of receipt of requisitions.
- D. Additional Certification to a Vacancy. The Chief Examiner may certify additional names to a vacancy upon receipt of a written report from an appointing power that, in the Commission's judgment, justifies a finding that one or more of the eligibles certified would not be suitable for the position that is to be filled. Religious, racial, or political reasons shall not be considered as valid reasons for rejection of a candidate. If the rejection of the appointing authority is not approved by the Commission, the Commission shall notify the appointing power of each disapproval and, upon receipt of such notice, the appointing power shall immediately appoint the certified candidate in

question.

- E. Notice of Eligibles Not Appointed. Those persons certified to the 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 an 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 VIII, Section 5.

SECTION 3 KINDS OF APPOINTMENTS

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

SECTION 4 TRANSFERS

- A. Assignment of Duties. An appointing power may, within division or organization unit, assign an employee from one position to another position in the same class without prior approval of the Commission.
- B. Method of Transfer. An appointing power may authorize the transfer of an employee to a similar position in the same classification. An employee may be transferred from a position in one division or organization unit to a position in the same class in another division. A transfer of an employee from a position in one class to a position in another class having a higher salary range constitutes a promotion and is subject to rules governing appointments and promotions. A transfer to a position in a class having a lower salary range constitutes a demotion and shall be subject to rules governing demotions. Transfers must be completed with no more than a ten-day break in service.

- C. Voluntary Demotions. If an employee is qualified and subject to the discretion of the appointing authority, the request may be granted, provided it would not result in the layoff of another employee. Notice of the action shall be provided to the Civil Service Commission.

RULE X

PROBATIONARY PERIOD

SECTION 1 PURPOSE

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

SECTION 2 DURATION OF PROBATIONARY PERIOD

Entrance level employment is subject to a probationary period of twelve (12) consecutive months of actual service. In determining such one (1) year service, excluding job related training and schooling, time spent in training and schools, away from the District and sick or disability leave time shall not be included. Promotion to any other position within the classified service is subject to a six (6) consecutive month probationary period.

SECTION 3 DISMISSAL DURING ENTRANCE PROBATIONARY PERIOD

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

SECTION 4 UNSATISFACTORY PERFORMANCE DURING PROMOTIONAL PROBATIONARY PERIOD

At any time during the promotional probationary period, the appointing power may terminate the promotional appointment of the person certified if, during the performance of duty, the person is found unfit or unsatisfactory, provided, however, that the appointing power shall forthwith notify the employee and the Commission, in writing, of any such termination of a promotional appointment. The appointed employee shall have the right to revert to a position in the last held regular class.

SECTION 5 REGULAR STATUS

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

SECTION 6

REMOVAL FROM ELIGIBILITY REGISTER

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

RULE XI

SEPARATION IN GOOD STANDING

SECTION 1 REDUCTION IN FORCE

- A. Reason for Layoff. The governing body may order the layoff of an employee because of abolition of a position, shortage of funds or work, a material change in duties, changes in an organizational unit, or for other reasons which do not reflect discredit on the service of the employee. Duties performed by laid off employees may be reassigned to other employees already working, who hold positions in appropriate classes. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered a layoff.
- B. Demotion in Lieu of Layoff. Any regular employee who is about to be laid off may file a written request with the appointing power for demotion in lieu of layoff. The appointing authority normally shall grant this request in any class for which the employee has established a right to Civil Service status, and where it appears that he/she may expect to perform satisfactorily. If, in the opinion of the appointing power the good of the service does not indicate the desirability of such action, the employee shall be immediately notified, in writing, giving the reasons for denying the request. The employee may request a review by the Commission of the reasons for denial. In all cases where employees are demoted in lieu of layoff, their names shall be placed on layoff lists for the classes from which they were demoted.

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

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

RULE XII

DISCIPLINARY ACTIONS

SECTION 1 CAUSES FOR DISCIPLINARY ACTIONS

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

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

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

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

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

SECTION 2 PROCEDURE FOR TAKING DISCIPLINARY ACTION

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

- 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.

SECTION 3 SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS

In the case of conflict between the provisions of this Rule and the provisions of an applicable collective bargaining agreement, the provisions of the applicable collective bargaining agreement shall control.

RULE XIII

APPEALS, HEARINGS AND INVESTIGATIONS

SECTION 1 APPEALS

- A. Appeals Related to Civil Service Exams and Hiring. Applicants who want to appeal their final exam rating may do so within ten (10) calendar days of the date the test results are mailed by sending a written notice of appeal to the Chief Examiner. The notice of appeal must provide a detailed explanation of why the applicant believes the rating is incorrect. The Chief Examiner will review the rating and correct the rating if an error is found. Corrections will be prospective only; no correction will invalidate any appointment previously made from the list.

Applicants whose names are removed from an entrance or promotion register (other than due to the expiration or cancellation of the register as outlined in these rules), may appeal within ten (10) calendar days of the date the notice is mailed by sending a written notice of appeal to the Chief Examiner. The appeal must request restoration to the Register and must include a detailed explanation of why the applicant should be restored to the Register as well as any supporting documentation. The Chief Examiner will review the information and provide a written decision. Applicants who are still not satisfied after receiving the Chief Examiner's decision may appeal to the Commission within fifteen (15) calendar days from the date the decision is mailed. The written appeal to the Commission must include a copy of all material provided to the Chief Examiner, the Chief Examiner's decision, and a detailed explanation of why the applicant believes the Chief Examiner's decision is incorrect. The Commission will investigate and issue a written decision within thirty (30) calendar days.

- B. Appeals of Demotions, Reductions in Pay, Suspensions Without Pay, or Discharges. Employees in Civil Service positions may appeal disciplinary demotions, reductions in pay, suspensions without pay, and discharges only as outlined in these Rules. Lesser forms of discipline are not subject to appeal under these Rules.
1. *Union Employees.* All probationary and regular employees whose employment is governed by the terms of a current collective bargaining agreement and who want to appeal a demotion, reduction in pay, suspension without pay or discharge decision must use the grievance and arbitration procedure in their union contract. Such employees do not have appeal rights under these Rules unless they waive, in writing and in a timely manner, all rights granted to them to appeal such decision under the current collective bargaining agreement including acceptance of such waiver by an authorized bargaining unit representative.
 2. *Non-Union Employees.* Regular non-union employees in Civil Service positions who have been demoted, reduced in pay for discipline, suspended without pay or discharged may appeal those forms of discipline to the Commission. Non-union employees in their initial probationary period do not have appeal rights under these Rules, regardless of the form of discipline. During their probationary period, promoted non-union employees have appeal rights

under these Rules for the referenced actions, except demotion.

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

SECTION 2 DISCIPLINARY HEARINGS

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

SECTION 3

COMMISSION FINDINGS

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

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

SECTION 4

APPEAL TO CIRCUIT COURT

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

RULE XIV

RECORDS AND REPORTS

SECTION 1 ROSTER

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

SECTION 2 REPORTS TO THE COMMISSION

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

SECTION 3 DESTRUCTION OF RECORDS

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

SECTION 4 PUBLIC RECORDS

Except for examination material, all records of the Commission shall be public records. Such records shall be maintained and made available for inspection in accordance with applicable state law.

RULE XV

PROHIBITIONS AND PENALTIES

SECTION 1 PROHIBITED CONDUCT GENERALLY

No person shall:

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

SECTION 2 POLITICAL CONTRIBUTIONS AND ACTIVITIES

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

The Commission shall prohibit persons subject to civil service from furthering the cause of any candidate for nomination or election to the governing body of the political subdivision by which they are employed.

Civil Service Rules 2023 Notes

General Notes:

All occurrences of "Fire District" should be replaced by just "District" as "District" is specifically defined as "Philomath Fire and Rescue."

Define the word "Board" as the "Board of Directors of the District" and then replace all occurrences of "Board of Directors" (in any case) with the word "Board." Also replace all occurrences of "governing body of the District" with "Board."

It would be useful to define a term: "classified employee."

All occurrences of "Civil Service Commission" should be replaced by "Commission" (except in its definition).

The term "separation from the service" is used twice and is not well defined. A classified employee could possibly leave a classified position but not leave the District.

RULE I GENERAL STATEMENT OF POLICY

SECTION 1 PURPOSE OF RULES

ORS 242.704 states "ORS 242.702 to 242.824 do not apply to any political subdivision which under its charter, ordinances or regulations has a civil service system."

Is the Philomath Fire and Rescue a "political subdivision?" If not, then ORS 242.702 through ORS 242.824 is applicable to Philomath Fire and Rescue and therefore the statement "Therefore, unless specifically referenced in these Rules, ORS 242.702 through ORS 242.824 do not apply to the Philomath Fire & Rescue and the Rules as adopted herein are the Civil Service System for Philomath Fire & Rescue" is in error.

Subsection A: The statement "to provide an exemption from ORS 242.702 through 242.824 as provided in ORS 242.704" is redundant.

RULE II DEFINITIONS

SECTION 1 DEFINITION OF TERMS

In general, it is confusing to define two or more terms the same, as in "A or B is defined as ..."

Subsection A "Absence"

I suggest: "means a period of time in which a permanently appointed employee is not present for any excused reason and is expected to return to said position.

Subsection C "Allocation"

The term "allocation" is used only in the definition of "Reclassification." where "classification" would be more appropriate. "Reclassification" is referenced only twice. "classification" is referenced many times.

Subsection D "Appointing Power"

Minor Issue: Quotation marks are of the wrong type.

Major Issue: "Appointing Power" and "Appointing Authority" are defined the same. Therefore they are the same. Using two terms for the same thing is inherently confusing. To make matters worse, in Rule IX CERTIFICATION AND APPOINTMENT, SECTION 2 CERTIFICATION OF ELIGIBLES, Sub Section D both terms are used in the same sentence rendering it incomprehensible: "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" Both terms are defined as the "Fire Chief."

By performing the substitution the sentence becomes: "If the rejection of the fire chief is not approved by the Commission, the Commission shall notify the fire chief of each disapproval and, upon receipt of such notice, the fire chief shall immediately appoint the certified candidate in question" In addition, this sentence, in either wording, has the Commission making an employment decision.

Has the District's Board of Directors vested the fire chief with authority to appoint to any Civil Service position?

Subsection G: "Chief Examiner"

Whether the chief examiner may serve as secretary to the Commission, or whether the District wants the fire chief to be the chief examiner is irrelevant to its definition.

Who is responsible for assigning who is to act as "Chief Examiner?"

The word "secretary" is used only twice in this document. Once here as the "secretary of the Commission" without any further mention of its duties, and as "secretary of the District." Is there a "secretary of the District?"

Subsection H: "Class" or "Classification"

Two names for the same thing. I think "class" is the better term as its usage here is close to its meaning in other disciplines, such as mathematics and computer science.

An instance of a class is more than just list of positions. It also contains two registers: "Entrance" and "Promotion." The Entrance Register as currently defined contains two types of people: former classified employees of the class who were laid off, and members of the public who passed the entrance examination. The laid off former employees are placed at the head of the list (but their order is not otherwise specified, and it should be). I presume the others are placed in order of score.

The promotion list contains current regular employees.

I suggest that the entrance register be divided so that a third separate list contains just laid off former employees.

To fill a vacant position, an appropriate number of potential candidates can be pulled from the heads of all three lists in order of highest value (assuming that the lists are sorted by value).

Subsection J: "Classified Service"

The definition refers to "employees subject to the Act," but Rule 1 Section 1 states "ORS 242.702 through ORS 242.824 do not apply to the Philomath Fire & Rescue."

Subsection N: "Dismissal"

Wording "position or service." Are "position" and "service" the same? "Position" is defined while "service" is not.

Subsection P: "Employees"

This definition would exclude persons whose duties were strictly medical emergency response. Is that intended? Of course, ORS-242 also only refers to firefighters and all District fire responders are at least EMT basic.

The name of this definition should be changed to "classified employees, so that the word "employee" could be used to refer to speak of other employees not covered by civil service.

Also notice how the definitions of "class," "classified service," and "[classified]employees" are somewhat interdependent. I don't fundamentally object to that as long as there is a clear entry point that results in clarity.

Subsection Q: "Entrance Register"

Persons are found qualified by an "Entrance Examination" as defined in the next Section R, not an "entrance test"

Subsection R: "Entrance Examination"

This definition states the test "is not limited to persons employed by the District." The implication is that the test is always open to the public, but haven't we have already allowed in house recruitment?

Subsection S: "Examiner"

What classified employee serves as monitor, proctor, or performs other ministerial functions? And what are these functions in the fire service?

Subsection T: "Governing Body"

Since we are throwing out "the Act", why use the archane "Governing Body" throughout the document and instead replace it with the word "Board" (after properly defining it).

Subsection U: "Layoff"

The term "service" (from which someone can be laid off) is not defined. It should read "District."

Subsection V: "Military Leave"

Term is defined with the word "leave." Should be defined as just an "absence" (previously defined).

Also, it is never otherwise referenced.

Subsection X: "Personnel Rules"

Can the "Board" have rules related to hiring classified employees (i.e. fire fighters) that conflict with the rules of the "Commission?"

Subsection AE: "Provisional Appointment"

The definition uses the word "absence" in its generic meaning as apposed to its definition for this document.

Subsection AF: "Public Notice"

Do we have "department heads" and is there a "secretary of the District?"

Subsection AH: "Regular Employee"

This definition seems inconsistent with Rule III, Section 2. How a existing classified employ becomes becomes a regular employee should be specified only once, and not in the definition.

Subsection AI: "Rules"

Can the Commission by itself adopt the "Rules" without consent of the Board. These rules seem to go beyond the Act.

Subsection AK: "Temporary Appointment"

What is the meaning of "non-status appointment?"

Subsection AM: "Transfer"

A "normal rotational move" is not defined. It is used only in this definition.

Subsection AO: "Voluntary Demotion"

The definition of "demotion" implies that there is a possibility of an involuntary demotion, but there is no analogous definition.

Subsection AP: "Work Day" or "Working Day"

Two terms for the same thing, and neither is referenced. If work day were to be used, it would not mean "calander day" because an employee's work shift may comprise two calendar days.

=====

RULE III ADOPTION AND AMENDMENT OF RULES

SECTION 2 EFFECT OF ADOPTION UPON INCUMBENT EMPLOYEES

"... shall be immediately placed in their existing positions as classified by civil service as if they were a regular employee" should state that the employee becomes a fully qualified "regular employee." "As if" has the implication that he/she is not quite a real regular employee.

=====

RULE IV DISTRICT SERVICE

SECTION 1 CLASSIFIED SERVICE

This is a negative definition of the employee group that is covered by these rules. I think it would be better to provide a positive definition, restating that it includes only paid personnel who's duties include responses to fires, prevent fires, or medical emergency response. Section II can still be given, especially to note that the fire chief and deputy chief is excluded.

SECTION 2 EXEMPT SERVICE

Subsection J

This exemption would exempt a "firefighter" whose sole duty is medical emergency response (and maybe the Act would also).

=====

RULE V ORGANIZATION FOR PERSONNEL ADMINISTRATION

There is no statement of the term or compensation of a Commissioner. ORS 242.706 says 4 years and no compensation. But we could change that: How about whatever the Supreme Court has.

SECTION 1 CIVIL SERVICE COMMISSION

The text "governing body of the District" is self redundant. Just say the "Board" after it is properly defined.

I don't think the Commission includes the "chief examiner" or "any assistants as may be necessary." They may be present at meetings and may be helpful for the Commission to conduct its business, but they are not part of the Commission.

Furthermore, it is not the "chief examiner" that would be specially called out to attend meetings. It should instead be, if at all, the "Appointing Power" or "Appointing Authority" (whichever is to remain defined, or for our small District, just the "fire chief").

SECTION 3 MEETINGS OF THE COMMISSION

"Any person subject to civil service may request a special meeting of the Commission, which request shall be granted when good cause is shown therefor." How is "good cause" determined without a meeting of the Commission? There is no one else who doesn't have a conflict of interest other than the Commission itself, and the Commission would have to meet to decide if a special meeting was needed. (Of course this conundrum is taken directly from statute.

ORS 2021: "ORS 242.712 Chairperson of commission; meetings; quorum. ... with a meeting at least once every 90 days"

SECTION 4 REMOVAL OF COMMISSIONERS

The language here is just as bad as SECTION 3.

RULE VI CLASSIFICATION PLAN

SECTION 1 MAINTENANCE OF PLAN

This is interesting. The Commission will create a blank classification and pass it on to the Chief Examiner for "review," who will then do the real work of creating the class definitions and make request for change as provided in SECTION 2 for amendment, whereupon the Commission will hold public hearings on the amendments (which undoubtably will attract no public comment), and then adopt them. And round and round.

SECTION 3 CLASSIFICATION OF POSITIONS

Subsection A:

"as a composite description of the kind of employment which the class is intended to embrace" What does this mean?

Subsection B and C:

In B, the Commission is not notified, but in C, it is. Why are New Position and Reclassification treated differently in this regard? In C, the Commission may revise the classification which would trigger public hearings.

Subsection C-1-b:

As a result of reclassification, an employee who has passed probation and become "regular employee" may be put back into probationary status (ie. no longer regular). At the end of this new probation, the employee could be terminated. Is this possible outcome desired?

Subsection C-1-c:

Does the regular employee who may have been with the District for many years receive a reduction in salary for this bureaucratic change? Does the District wish to lose employees in this manner?

RULE VII APPLICATIONS AND EXAMINATIONS

SECTION 2 ELIGIBILITY TO COMPETE IN EXAMINATIONS

Subsection B: Entrance Requirements

Aren't some or all entrance requirements mentioned part of the class definition? If the "Governing Body" (ie. the Board) changes any of this for an examination, that constitutes a change to the class, which presumably triggers the review procedures for the classification system. Or should "ad hoc" changes be allowed?

Subsection C: Competition in Promotional Examinations

"Promotional examinations shall be open to employees who have acquired regular or probationary status..." Isn't every employee either probationary or regular? The moment of hiring the employee acquires probationary status, so this sentence makes no sense.

What happens if an employee only wishes to change position within his current class? Is that possible without examination? Are the requirements for all positions in a class the same and therefore such a change in position is purely administrative?

SECTION 3 APPLICATIONS

Subsection A: Filing of Applications

Applications are filed if the "office of the Commission." Do we get a room and desks, and free coffee? That would be nice since we don't get paid.

"The Commission may conduct pre-employment investigations..." This seems more appropriate to be a task for the "chief examiner" in all situations, not even considering the particular case of Philomath.

Subsection A: Freedom from Bias

"...this provision shall not prevent inquiry as to whether the applicant supports the Constitution of the United States of America." I don't think we can expect a foreigner to swear allegiance to the Constitution, and I think it would be perfectly acceptable to hire a foreigner who is legal to work in the United States and is fully qualified for the position to be filled.

Even I don't fully support the Constitution. In particular the Electoral College. I guess I am off the Commission as in immediately.

SECTION 4 ADMISSION TO EXAMINATIONS

"... notified at least 48 hours in advance of the examination ..."
There is a closing date for applications. Couldn't there also be an expected date for the examination so that applicants can plan to be available?

"...illness or other good cause..." "Illness is a "good cause" to the conjunction is redundant.

SECTION 5 DISQUALIFICATION OF APPLICANTS

Shouldn't all rejections be reviewed by the Commission, not just the ones requested by the applicant, or B, C, and D by the attorney ?

Subsection D

What is a "crime involving moral turpitude?"

What is meant by "the public service?"

The terms "delinquency" and "misconduct" seem rather vague.

People in the past have been dishonorably discharged from the military for being gay or lesbian. Is the District going to discriminate on the basis of sexual orientation?

Is a criminal who has completed his sentence to be forever denied his ability to serve the well being of his community?

SECTION 6 EXAMINATION ADMINISTRATION

Subsection B: Frequency of Examinations

This whole section seems odd to me. In Philomaths case having so few classified employees it seems that all classes would have only one position, and it is unlikely that it will ever grow in size enough that any of this makes sense. Rephrased to better align with the statute, ORS 242.762(2) as the lawyer suggests doesn't help.

SECTION 7 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

Two occurrence of "sufficient number" appear:

here: "sufficient number of qualified applicants"

Rule VI Section 1, Subsection A: "sufficient numbers of qualified candidates"

The text should be the same: "applicants" and "candidates" are the same people. No? How many are sufficient?

SECTION 10 NOTIFICATION OF EXAMINATION RESULTS

"... at the office of the Commission." I want a window office.

RULE VIII REGISTERS

The word "Register" should be a define term for the document. I don't think its most common usage is the one used here.

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."

What is the meaning of "adequate supply of qualified candidates" in this sentence? Is it the supply of known qualified candidates who have already passed examination? In that case, it is easy to make a list, and just one is sufficient when seeking to fill a position. Alternatively, if it is some number of people who are eligible to take examination for a class, how can you make a list of unknown people.

SECTION 2 KINDS OF REGISTERS

See comments on the definition of Class where I comment on classes having members that are registers.

Subsection A: Entrance Register

"such class" should be changed to "each class."

Subsection B:

"all employees" should be changed to "all classified employees." It is true that only classified employees could get into this register as they are the only eligible people to be promoted from one class to another, but my opinion is that the use of "employee" by itself should retain its common meaning.

SECTION 3 ORDER OF NAMES ON ENTRANCE REGISTERS

Subsection A-1 Entrance Registers / Laid-off Employees

"Laid-off" classified employees are placed at the in front of members of the public who passed examination, but the order of their placement is not defined. Could be by their score on their entrance exam, but the laid off employees might have had different exams so their scores may not be meaningfully comparable. Another possible ordering is by date of layoff such that the most recently laid off employee would be at the head of the list and first re-hired (or at least have the better chance).

Subsection B Promotion Registers

If a classified employee is demoted by a change of position from his current class to a position in a lower paid class, I assume that he is placed in the promotion register of his former class. That makes sense as one way for him to get back his old position as soon as there is an opening in that class.

If, on the other hand, his demotion is caused by the reclassification of his current class with a loss of pay, to what class promotion register is he added to? I am assuming that "reclassification" is equivalent to deleting the current class and creating a new class or classes. If reclassification could mean just changing the pay scale of the employee's current class, the problem remains.

end



Philomath Fire & Rescue

1035 Main Street
 P.O. Box 247
 Philomath, OR 97370
 541.360.0030

Civil Service Commission Continuous Eligibility List

September 26, 2023

Firefighter				
Rank	Applicant Name	Date on List	Expiration Date	Status
1	Walters, Brady	11/18/2022	11/17/2023	Testing Completed
2	Posey, Jacob	11/18/2022	11/17/2023	Testing Completed
3				
4				
5				

Lieutenant				
Rank	Applicant Name	Date on List	Expiration Date	Status
1				
2				
3				
4				
5				

Staff Captain				
Rank	Applicant Name	Date on List	Expiration Date	Status
1	Walters, Brady	6/12/2023	6/11/2024	Testing Completed
2	Dickerson, James	6/12/2023	6/11/2024	Testing Completed
3				
4				
5				

Certified by: _____ Date: _____