

CROOKED RIVER RANCH FIRE & RESCUE

Civil Service Rules



Adopted by the
Civil Service Commission on XXX, 2023

CROOKED RIVER RANCH FIRE & RESCUE

Civil Service Rules

RULE I DEFINITION

- 1.1 APPOINTMENT The appointment of an individual to a position covered by Civil Service. There are two types of appointments.
- (1) Regular. An appointment of a person from an eligibility list to a vacant position.
- (2) Temporary. An appointment of a person to a vacant position for a period not to exceed 180 days.
- 1.2 APPOINTING POWER. Appointing Power means the Fire Chief of the District, vested with authority to appoint any civil service position by the Board of Directors.
- 1.3 CERTIFICATION. The process of approving the results of an examination and establishing an eligibility register.
- 1.4 CHAIRPERSON. The person appointed by the Commission who conducts all meetings of the Commission and is the primary point of contact for the Fire Chief and the Board of Directors.
- 1.5 CHIEF EXAMINER. The person appointed by the Commission to administer the examinations and any other aspect of the Civil Service program assigned by the Commission. The Chief Examiner may serve as Secretary to the Commission.
- 1.6 CIVIL SERVICE. Means the Civil Service system established by these rules.
- 1.7 CLASS or CLASSIFICATION. A group of positions in the classified service sufficiently similar in duties, responsibilities, authority, qualifications, and the same schedule of pay that can be equitably applied to all positions in the group.
- 1.8 CLASSIFIED SERVICE. All positions under the jurisdiction of the Civil Service Commission.
- 1.9 COMMISSION. Means a Civil Service Commission created under these rules.
- 1.10 COMMISSIONER. Means a Civil Service Commission member.
- 1.11 DEMOTION. Means a transfer of an employee from a position in one (1) class to a position in another class having a lower maximum salary rate.
- 1.12 DISTRICT. Means Crooked River Ranch Fire & Rescue.
- 1.13 ELIGIBLE. A person ranked on an eligibility register.
- 1.14 EMPLOYEES. Persons whose principal duties consist of preventing or combating fire

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

- 1.15 ENTRANCE EXAMINATION. A test for positions in a particular class, admission to which is not limited to persons employed by the District. Normally this would be an entry level position.
- 1.16 ENTRANCE REGISTER. A list of persons who, through the taking of an entrance examination, have been found qualified to be appointed to a position in a particular class.
- 1.17 EXAMINER. A person or persons appointed by the Chief Examiner to conduct or monitor an examination or portions of an examination. For promotional examinations, Examiner(s) shall not be a classified employee of the District.
- 1.18 EXEMPT SERVICE. Positions within the organization that are not covered by the provisions of Civil Service.
- 1.19 FIRE CHIEF. The individual appointed by the Board of Directors to oversee and manage the Fire District. The Fire Chief has the authority to appoint, discipline and dismiss all Civil Service employees subject to these rules and terms of any labor agreement to which the District is a party. Civil Service Rules do not apply to the position of Fire Chief.
- 1.20 GOVERNING BODY. Board of Directors of Crooked River Ranch Fire & Rescue.
- 1.21 JOB CLASSIFICATION. The written description of a Class containing a title, statement of duties, authority and responsibilities, and the desired minimum qualifications for the Class.
- 1.22 LAYOFF. A separation from the service for reasons not reflecting discredit on an employee and reduction in force for reasons outside the employee's control.
- 1.23 POSITION. A group of current duties and responsibilities assigned by competent authority requiring the employment of one person.
- 1.24 PROBATION. A working test period during which an employee is required to demonstrate his/her ability and capacity to perform the duties of the position to which he/she has been appointed.
- 1.25 REGULAR EMPLOYEE. An employee who has been appointed to a position in the classified service in accordance with the Rules of the Civil Service Commission and who has successfully completed the probationary period.
- 1.26 RULES. The Civil Service Rules adopted by the Civil Service Commission for Crooked River Ranch Fire & Rescue.

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- 1.27 SECRETARY. The person appointed by the Commission to take minutes of all meetings of the Commission, to preserve all reports made to the Commission, to keep a record of all examinations and results obtained, and to maintain a file on investigations held or made under the direction of the Commission.
- 1.28 SUSPENSION. 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.
- 1.29 SWORN VOLUNTEER. Any volunteer who takes an Oath of Office. These volunteers are primarily sworn for emergency response duties.
- 1.30 TERMINATION. Involuntary cessation of employment with the District for cause.
- 1.31 VACANCY. A position within the classified service that is funded and is not filled.
- 1.32 VOLUNTARY DEMOTION. A demotion requested by an employee in order to retain employment when lay-off from the employee's position is imminent or for other reasons where the action is still entirely voluntary on the part of the employee.

RULE II

THE CIVIL SERVICE COMMISSION

- 2.1 COMPOSITION OF THE COMMISSION. The Civil Service Commission consists of three members appointed 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. Commission members shall not be members of the Board and shall not be employees or sworn volunteers of the District. All Commission members are independent individuals appointed by the Board for an uncompensated term of four years.
- 2.2 REMOVAL FROM THE COMMISSION. 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.
- 2.3 TERM OF OFFICE. The term of office of each Commissioner shall be for a period of four years. If a Civil Service Commissioner resigns before the end of his or her term, a new Commissioner shall be appointed to serve the remainder of such term. Members may be reappointed.
- 2.4 QUORUM. 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

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Commission.

- 2.5 ORGANIZATION. The members of the Civil Service Commission shall elect a Chair who shall continue in office until subsequent reorganization of the Commission becomes necessary or desirable. The Commission functions under the applicable statutes and is consistent with the rules herein or hereinafter adopted. These rules are promulgated pursuant to ORS Chapter 242 and apply to all classified positions under the jurisdiction of the Civil Service Commission.
- 2.6 DUTIES OF THE COMMISSION. The Commission's primary responsibilities include:
- 2.6.1 Working cooperatively with the Board of Directors and Fire Chief to maintain a current list of all classifications and grades of Civil Service positions within the District.
 - 2.6.2 Overseeing proper administration of all Civil Service exams, maintaining current entrance and promotion registers, and working cooperatively with the Fire Chief to certify qualified candidates for Civil Service position vacancies as outlined in these rules.
 - 2.6.3 Working cooperatively with the Board of Directors and Fire Chief to maintain a current database of all employees holding Civil Service positions within the District (including the name, position, duties, date of hire, as well as the reason and beginning and end date of any leaves of absence, reinstatements, promotions, demotions, suspensions, transfers and terminations in each employee). In order to allow the Commission to fulfill this responsibility, the Fire Chief will provide the Commission with written notice of all appointments, transfers, promotions, demotions, salary changes, leaves of absence, and discharges for employees in Civil service positions.
 - 2.6.4 Conducting such hearings and investigations in accordance with the procedures and on the topics provided for in these rules.
- 2.7 MEETINGS. The Commission shall hold such meetings as may be required for the proper discharge of its duties with a meeting once each quarter in the meeting room located at the Crooked River Ranch fire station. Special meetings of the Commission may be held at such times and places as may be determined from time to time by the Commission. If there is no business scheduled for the Commission, the quarterly meeting may be postponed until such time as there is business for the Commission to transact. Regardless of the above provision, the Commission shall meet at least once during each fiscal year.

All meetings of the Commission shall be conducted in a manner consistent with the provisions of the Oregon Public Meetings Law and shall be properly advertised. Roberts' Rules of Order, Newly Revised, shall serve as a guide on questions of parliamentary procedure.

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- 2.8 ADOPTION OF CIVIL SERVICE RULES. Rules relating to the administration of the Civil service Act shall be adopted by the Commission only after a public hearing open to any citizen, officer, or employee of the District. Prior to adoption, rules will be forwarded to the Board of Directors for review and comment. Prior public notice of at least five days, including publication, of the hearing shall be given, setting forth the place and time of the hearing and the purpose for which it has been called. Rules adopted by the Commission shall become effective on the date specified by the Commission and shall be posted on all official bulletin boards of the District.
- 2.9 AMENDMENT OF RULES. A request for a change in the Civil Service Rules may be submitted at any time by the Board of Directors, Fire Chief, District employee, or other interested party in a written communication to the Commission indicating the proposed change and the reasons therefore. After necessary study and notice as provided in 2.7, the Commission may amend the Civil service Rules as it believes proper by a simple majority vote.
- 2.10 APPLICATION OF RULES. Any personnel action taken prior to the official adoption of a new or amended set of Civil Service Rules shall be governed by the rules in effect at the time of the action. It shall not be affected by the proposed new or amended rules unless such rule provides for retroactive effect. Any certified register in place at the time these rules are amended will remain in effect and be administered under the rules in place when the register was certified. All subsequent registers will be administered under the revised rules.
- 2.11 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.
- 2.12 SEVERABILITY. If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction of judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and such shall not affect the remaining rules and regulation or remaining portions of the rules and regulations.

RULE III

THE SECRETARY, THE CHIEF EXAMINER, AND THE CHAIRPERSON

- 3.1 SELECTION. The Secretary and the Chief Examiner shall be appointed by the Civil Service Commission. The specific qualifications which must be met in order to be considered for selection shall be established by the Commission. The Commission

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shall authorize the method of examination to be utilized and may delegate the administration of the examination to any appropriate body or individual. The Chief Examiner may serve as Secretary for the Commission. The positions of Chief Examiner and Secretary are at-will appointments, and the Chief Examiner and Secretary serve at the pleasure of the Civil Service Commission. The Commission may make direct appointment of someone filling the position of Chief Examiner for another unit of local government who meets the qualifications established by the District. Appointments may be terminated at any time without cause by a majority vote of the Commission.

3.2 DUTIES OF THE CHIEF EXAMINER. The Chief Examiner shall:

3.2.1 Record testing results on behalf of the Commission; establish functions relating to employment, promotion, and discipline matters of the classified service.

3.2.2 Consistent with the rules, provide for the holding of competitive examinations.

3.2.3 Perform all lawful and necessary duties delegated by the Commission and all functions essential to the effective administration of the Civil service system.

3.3 DUTIES OF THE SECRETARY. The Secretary shall

3.3.1 Attend and take minutes of all meetings of the Commission.

3.3.2 Preserve all reports made to the Commission.

3.3.3 Keep a record of all examinations and results obtained.

3.3.4 Maintain a file on investigations held or made under the direction of the Commission.

3.3.5 Perform other duties as the Commission may prescribe.

3.4 DUTIES OF THE CHAIRPERSON. The Chairperson shall

3.4.1 Conduct meetings of the Commission.

3.4.2 Be the primary point of contact for the Board of Directors and the Fire Chief.

RULE IV **DISTRICT SERVICE**

4.1 CLASSIFIED SERVICE. The classified service shall only include employees whose principal duties consist of preventing or combating fire or preventing the loss of life or property from fire. Every position in the classified service shall be filled in accordance

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with procedures provided in these rules. Examples of position of employees not covered by these rules are set out in Section 4.2.

4.2 **EXEMPT SERVICE.** The exempt service shall include the following positions:

4.2.1 Board of Directors

4.2.2 Civil Service Commissioners

4.2.3 Persons employed as professional consultants on a fee basis to provide special or technical assistance.

4.2.4 Members of special boards, commissions or committees appointed by the Board of Directors, who serve without compensation

4.2.5 Volunteers of the District

4.2.6 Fire Chief

4.2.7 Temporary employees not serving in a classified position at the time of temporary employment.

4.2.8 Clerical employees of the District

4.2.9 Employees who have retired from the District and PERS and are participating in the work after retirement program and whose employment status is governed by an individual employment contract.

4.2.10 Employee's whose principal duty is providing emergency medical services.

RULE V

APPLICATION PROCEDURE AND APPLICANTS

5.1 **ANNOUNCEMENT OF EXAMINATION.** Upon the request of the appointing authority, or whenever there is found by the Commission to be a need, the Chief Examiner shall invite, by giving public notice, and shall actively recruit qualified persons to apply for employment and for admission to the examination scheduled to create an eligibility list.

5.2 **DISTRIBUTION OF ANNOUNCEMENTS.** Public announcements of entrance 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 website of the District and in at least two other public places. In the case of promotional examinations, announcements shall be posted on the District website for no less than 30 days. The Secretary of the Commission shall provide for such other publicity as deemed advisable in conjunction with the Fire District to attract

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sufficient numbers of qualified candidates. The District shall take necessary steps to make such announcements available to all eligible employees.

5.3 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.

5.3.1 Public announcements of entrance 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 website of the District and in at least two other public places. In the case of promotional examinations, announcements shall be posted on the District website for no less than 30 days. The Secretary of the Commission shall provide for such other publicity as deemed advisable to attract sufficient numbers of qualified candidates. The District shall take necessary steps to make such announcements available to all eligible employees. Official notice of examinations shall state the duties and pay of positions in the classes for which the examinations are to be held, the qualifications required, the time and place and manner in making application for admission to such examinations, the different parts of tests, closing date for filing applications and any other information which may be pertinent.

5.3.2 ELIGIBILITY TO COMPETE IN ENTRANCE EXAMINATIONS.

- a. Examinations designed to establish an Entrance Register shall be open to all persons who appear to meet minimum qualifications and other requirements for the class as stated in the job classification and as set forth in the announcement.
- b. The Appointing Authority may revise requirements regarding experience, training, physical condition, and other factors that relate to the ability of candidates to perform effectively the duties of a class.

5.3.3 ELIGIBILITY TO COMPETE IN PROMOTIONAL EXAMINATIONS.

Promotional examinations shall be open to employees of the District who have acquired regular or probationary status, meet the minimum qualifications as stated in the job classification and as set forth in the announcement, and who have held a position in the classified service in another class or classes for a period of not less than twelve (12) months immediately preceding the filing date specified on the announcement.

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- 5.3.4 APPLICATIONS. All applications must be made on official District application forms completed as directed, and filed in the office of the Commission or postmarked on or before the closing date specified in the examination announcement. The application form shall contain no question so formed as to elicit any information concerning political, racial, or religious affiliations of the applicant. Each application must be signed by the applicant and such signature constitutes a certification that all information contained therein is true to the best of the applicant's knowledge. The Commission may conduct pre-employment investigations to verify the past employment record and to obtain other information relating to the qualifications of the applicant.
- 5.3.5 ADMISSION TO EXAMINATIONS. Each candidate whose application has been accepted for an examination shall be notified at least forty-eight (48) hours in advance of the examination by mail, personal service, or electronic communication of the time and place of the examination, and such notice shall be the applicant's authorization for admission. No persons shall be permitted to take an examination without such authorization or other satisfactory evidence of the acceptance of the applicant's application. Any applicant whose application to appear, may, at the discretion of the Chief Examiner, be given the examination at a later date.
- 5.3.6 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 minimum qualifications established for the position or class (including but not limited to required education, experience, training, essential physical and other job-related requirements such as a satisfactory driving record) prescribed for admission to the examination as announced in the public notice.
 - b. Is determined to have engaged in dishonesty of any type during the application or examination process including, but not limited to, making any false statement, representation, or misrepresentation.
 - c. Has pled guilty, no contest, or been convicted of a crime of moral turpitude (including, but not limited to, crimes involving dishonesty, breach of ethics, breach of public trust, etc.).
 - d. Has previously been discharged from public service for misconduct, including receipt of a bad conduct or dishonorable discharge from the armed forces of the United States.
 - e. Has used or attempted to use political pressure or bribery to secure an advantage in testing or appointment.

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- f. Has taken the same examination within the six (6) month period preceding the examination date; or
- g. Has otherwise violated the provisions of these Rules.

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

- 5.3.7 EXAMINATION ADMINISTRATION. Written and/or performance examinations shall be conducted in such places as necessary for the reasonable convenience of applicants within the practical limits for proper administration and control. The Chief Examiner shall designate the number of examiners necessary to conduct examinations and provide them with instructions. The Chief Examiner may also arrange for the use of public buildings in which to conduct these examinations.
- 5.3.8 FREQUENCY OF EXAMINATIONS. Examinations shall be scheduled at such time or times as the Civil Service Commission may approve consistent with the staffing requirements of the District. The Civil Service Commission may postpone an examination if doing so is in the best interests of the District.
- 5.3.9 IDENTITY OF CANDIDATES. The identity of persons taking written examinations shall not be disclosed to examiners except when conditions of anonymity are impractical.
- 5.3.10 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS. Examinations will only be held when there are a sufficient number of qualified applicants. For purposes of these rules, "a sufficient number of qualified applicants" for entry level examinations means a minimum of four (4) qualified applicants and for promotional examinations at least two (2) qualified applicants. In the event of an insufficient number of qualified applicants for any test, the Chief Examiner may postpone the last filing date or cancel the test. In such a case, written notice shall be given to the applicants and appointing authorities concerned. If this condition occurs where applicants were limited to those within the organization, the Commission shall direct the Chief Examiner to advertise outside of the organization for qualified candidates for the testing process.
- 5.3.11 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, and physical, in the form of a demonstration of skill, an evaluation of training and experience, or any combination of such types. They may take into consideration education, experience, aptitude, capacity, knowledge, character, physical fitness, length and quality of service, and other qualifications to determine the relative fitness of the candidate and shall not be related to political or religious preference. Applicants selected for appointments shall be required to pass a pre-

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employment physical examination administered by a licensed physician and background check. Candidates may also be required to pass a psychological screening assessment prior to appointment.

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.

For the position of Deputy Chief, the Fire Chief shall serve as Chief Examiner and shall set the criteria and examination for that position.

5.3.12 RATING OF EXAMINATIONS. In all tests, a minimum rating shall be established which is required to achieve eligibility. Such minimum ratings shall also apply to the rating on any parts of the examination, and candidates may be required to obtain minimum scores on separate parts in order to receive an overall passing grade or to be rated on the remaining parts of the examination. The final earned score of each candidate shall be determined by adding the earned rating on each part of the examination in accordance with weights established prior to the examination. Ratings shall be based on a scale of 100 points.

When experience and training are rated as part of an examination, the Chief Examiner shall develop procedures for the evaluation of those factors that will facilitate the selection of the best-qualified candidates. Procedures that are adopted shall be given due regard to quality, recency and amount of experience, and 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 the duties of the position efficiently.

5.3.13 NOTIFICATION OF EXAMINATION RESULTS. The rating of each test shall be completed and the resulting register established as soon as is practical after the date on which the test was held. All candidates participating in a test shall be given written notice of their final rating. Each person participating in a test may, during the immediate 14-day period following notification of exam results, review his/her test papers and have the rating reviewed and corrected if an error is found. No correction shall invalidate any appointment previously made from the register. The right to review the test is limited to the applicant, Commissioners and their staff, and members of the Board of Directors. Tests may be reviewed only during regular business hours at a location to be determined by the Commission.

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5.3.14 PREFERENCE FOR VETERANS. Veterans' preference will be accorded as provided by Oregon Revised Statutes or federal law. Evidence for veterans' preference shall be the applicant's form DD-214 (Chapter 408).

5.3.15 PREFERENCE FOR VOLUNTEER FIREFIGHTERS. In all competitive entrance examinations, preference status shall be given to all District volunteer firefighters who have satisfactorily served a minimum of two (2) years with the District in the last (5) five years. A District volunteer meeting these requirements shall qualify for five (5) additional points provided a passing grade has been attained on the examination. The five (5) additional points shall be applied to each stage of the testing process.

5.4 AFFIRMATIVE ACTION POLICY. The Crooked River Ranch Fire & Rescue is an Affirmative Action Employer. The Civil Service Commission directs the Chief Examiner to assure that entrance level positions are advertised in such a manner as to actively recruit qualified women and minorities to apply for the position advertised. The Commission will also assure that the examinations conform to regulations of the Equal Employment Opportunity Commission in that they are job-related and that they do not screen out qualified women and minorities.

RULE VI REGISTERS

6.1 ESTABLISHMENTS OF REGISTERS. The Commission shall establish and maintain lists of eligible candidates necessary to provide an adequate supply of qualified candidates for positions in the classified service. Registers shall be established by class of employment and shall be District-wide in application.

6.2 KINDS OF REGISTERS.

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

6.2.2 Promotion Register. A promotion register shall be established for each class or position to be filled on a promotional basis and shall consist of the names of all persons who have passed a promotional exam for the class. For the position of Deputy Chief, the Fire Chief shall determine number of names to be placed on a promotion register.

6.3 ORDER OF NAMES. Candidates shall be ranked on the register in the order of their relative standing as determined by examination and investigation. Candidates of equal

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standing shall take rank upon the register according to the order in which their applications were filed.

The current entrance register shall be headed by the names of persons who have been regular employees and who were laid off from their positions for reasons other than fault or delinquency on their part. The current promotion register shall be headed by the names of persons who have been regular promoted employees and who were demoted from their positions for reasons other than fault or delinquency on their part.

The order of the names of such persons shall be such that the name of the person who was last laid off or demoted is first on the register.

6.4 DURATION OF REGISTERS.

6.4.1 The Commission will offer Civil Service examinations for entrance positions whenever there is a current or anticipated vacancy and the current entrance register has expired, or the Commission receives a written request for an examination from the Fire Chief. However, entrance examinations will not be held more frequently than every twelve (12) months unless:

- a. The District has or anticipates a vacancy in a position for which there are fewer than three (3) names on the relevant entrance register. The Commission may elect to appoint a candidate from the entrance register if there are fewer than three (3) candidates remaining if it is determined to be in the best interest of the District, or
- b. The Fire Chief requests that the examination be offered on an open-continuous basis due to a continuing need to fill the position(s).

6.4.2 The Commission will offer Civil Service examinations for promotion positions whenever there is a current or anticipated vacancy and the current promotion register has expired, or the Commission receives a written request for an examination from the Fire Chief. However, promotion examinations will not be held more frequently than every thirty (30) months unless:

- a. The District has or anticipates a vacancy in a position for which there are fewer than two (2) names on the relevant promotion register. The Commission may elect to appoint a candidate from the promotion register if there are fewer than two (2) candidates remaining if it is determined to be in the best interest of the District. or
- b. The Fire Chief requests that the examination be offered on an open-continuous basis due to a continuing need to fill the position(s).

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6.4.3 The Commission shall set the expiration date for any register. The expiration date for an entrance register shall be no less than 12 months or more than 30 months. The expiration date for a promotion register shall be 30 months. Upon request of the Appointing Authority the Commission may extend the term of an entrance register up to a total of 30 months from the date of original certification.

6.5 REMOVAL OF NAMES FROM REGISTER. The Chief Examiner will remove names from a register whenever:

6.5.1 The applicant has been appointed to a vacant position in the same or higher classification,

6.5.2 The applicant does not respond to a written inquiry of availability within five (5) calendar days. Note: Failure to maintain current contact information with the Commission resulting in returned or unclaimed mail will be treated as a failure to respond,

6.5.3 The applicant has declined an offer of appointment from the list or fails to report for duty within the time specified in the offer,

6.5.4 The applicant is certified to the Fire Chief but not selected three times,

6.5.5 The Fire Chief rejects the applicant and the Commission approves the rejection,

6.5.6 The individual is demoted due to lack of qualification,

6.5.7 In the case of promotion registers, voluntary or involuntary termination from District employment,

6.5.8 The list has expired or been cancelled as outlined in these Rules, or

6.5.9 The individual has pled guilty, no contest or been convicted of a crime of moral turpitude (including but not limited to crimes involving dishonesty, breach of ethics, breach of public trust, etc.) or other offense relevant to the position for which the individual is applying, after being placed on the list.

6.5.10 Any person whose name is removed from the register shall be promptly notified by the Chief Examiner of the reasons for such removal. Within ten (10) days of such notice, the applicant may appeal the decision to the Commission as set forth in 10.1.

6.6 REVOCAION OF ELIGIBILITY REGISTER. An eligibility register may be revoked within 30 days of certification by the Commission and another register prepared if the Commission deems it advisable on account of errors or of obviously inappropriate standards prescribed in connection with the examination and of plainly inadequate

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results obtained therefrom. If a register is revoked, written notice will be sent to all persons whose standing may be affected by the revocation.

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

RULE VII **CERTIFICATION AND APPOINTMENT**

- 7.1 APPOINTING POWER. The District has designated the Fire Chief as its Appointing Power for filling vacancies in Civil Service positions within the District. As the Appointing Power, the Fire Chief is authorized to appoint individuals to Civil Service positions as outlined in these Rules. The District is an equal employment opportunity employer and does not discriminate against any qualified applicant on the basis of race, national origin, age, gender, religion, political affiliation or other status protected by applicable law. All appointments will be made based upon the District's evaluation of merit, efficiency, and fitness for the vacant position.
- 7.2 EMPLOYEE TRANSFERS. The Fire Chief may transfer employees from any Civil Service position to any similar Civil Service position within the same classification at any time at his/her discretion. Such transfers may occur within the same division or organizational unit, or to positions within any other division or organizational unit within the District.

Voluntary, non-disciplinary demotions will be treated as transfers under these Rules. Employees who wish to voluntarily demote to a position in a lower rank (including in cases of layoff) may make a written request to the Fire Chief for the demotion. However, except when required by an applicable collective bargaining agreement, employees wishing to voluntarily demote will not be permitted to bump any other employee out of a position. The Fire Chief may grant or deny the demotion at his/her discretion based upon the needs of the District.

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

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

Step 1 – Vacancy. The Fire Chief notifies the Commission of the vacancy.

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Step 2 – Certified List. The Commission provides the Fire Chief with a certified list of the names and addresses of the top two (2) candidates on the relevant register for the position vacancy. If there is more than one vacancy, the number of candidates certified to the Fire Chief will be the same as the number of vacancies plus one (1). Thus, if there are two vacancies, the Commission will give the Fire Chief the names and addresses of the top three (3) candidates on the relevant register.

If there are fewer candidates on the relevant register than provided in these rules, the Fire Chief may interview the remaining candidate(s) on the register and select one of the candidates for appointment at his/her discretion or may determine it is in the best interest of the District to hold an exam and establish a new register.

For the position of Deputy Chief, the Fire Chief shall determine the number of qualified applicants.

Step 3 – Appointment or Rejection. The Fire Chief evaluates the qualifications of the candidates on the certified list and selects one of the candidates for appointment to the vacant position at his/her discretion. The Fire Chief will not, however, hire a new employee until all laid-off employees have been given the opportunity to return. Once a candidate has been selected, the Fire Chief will then notify the Commission of the name, position title, wage rate, and first day of work for the successful candidate.

If the Fire Chief determines that none of the candidates should be appointed, the Fire Chief may reject the certified list by sending a written notice of rejection, including the reasons for rejection to the Commission. The Commission will investigate the Fire Chief's reasons and approve or decline the rejection. If the Commission declines the Fire Chief's rejection, the Commission will provide the Fire Chief with written notice of its decision. The Fire Chief will then select one of the candidates from the original certified list for appointment. If the Commission approves the Fire Chief's rejection of the list, the Commission will provide the Fire Chief with the name and address of the next person on the relevant register. The process will be repeated until a candidate is selected for appointment.

All newly hired employees will serve a probationary period of twelve (12) months, regardless of whether they are transferred or promoted during their initial probationary period.

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

Step 1 – Vacancy. The Fire Chief notifies the Commission of the vacancy.

Step 2 – Certified List. The Commission provides the Fire Chief with a certified list of the names and addresses of the top two (2) candidates on the relevant register

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for the position vacancy. If there is more than one vacancy, the number of candidates certified to the Fire Chief will be the same as the number of vacancies plus one (1). Thus, if there are two vacancies, the Commission will give the Fire Chief the names and addresses of the top three (3) candidates on the relevant register.

For the position of Deputy Chief, the Fire Chief shall determine the number of qualified applicants.

Step 3 – Appointment or Rejection. The Fire Chief evaluates the qualifications of the candidates on the certified list and selects one of the candidates for appointment to the vacant position at his/her discretion. Once a candidate has been selected, the Fire Chief will then notify the Commission of the name, position title, wage rate, and first day of work for the successful candidate.

If the Fire Chief determines that none of the candidates should be appointed, the Fire Chief may reject the certified list by sending a written notice of rejection, including the reasons for rejection to the Commission. The Commission will investigate the Fire Chief's reasons and approve or decline the rejection. If the Commission declines the Fire Chief's rejection, the Commission will provide the Fire Chief with written notice of its decision. The Fire Chief will then select one of the candidates from the original certified list for appointment.

If the Commission approves the Fire Chief's rejection of the list, the Commission will provide the Fire Chief with the name and address of the next person on the relevant register. The process will repeat until a candidate is selected for appointment.

All employees will serve a probationary period of twelve (12) months in their promoted position.

- 7.5 TEMPORARY APPOINTMENTS. The Fire Chief may appoint a temporary employee at his/her discretion. if the appointment to the position does not exceed one (1) year.

RULE VIII **PROBATIONARY PERIOD**

- 8.1 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 adjustment to his/her new position, and as an aid in making the decision to reject any employee whose work performance or personal conduct is unsatisfactory.
- 8.2 DURATION. Entrance level employment is subject to a probationary period of one-year actual service. In determining such one year "service", time spent in training schools away from the department and sick or disability leave time shall not be

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included. Promotion to any other position within the classified service is subject to a one-year probationary period. Time spent in training schools away from the department and sick or disability leave time shall not be included.

- 8.3 DISMISSAL DURING ENTRANCE PROBATIONARY PERIOD. At any time during the entrance probationary period, the appointing power may terminate the appointment of the person certified per District policy. Such action by the appointing power is not subject to appeal.
- 8.4 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.
- 8.5 REGULAR STATUS. If no action is taken by the appointing power to terminate or reduce in rank a probationary employee during the probationary period, the employee shall be deemed to have satisfactorily completed the probationary period and the appointment shall be considered to be regular at the end of the specified period of time.
- 8.6 REMOVAL FROM ELIGIBILITY LIST. If an appointment is not made regular because of the department's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, his/her name shall be removed from the eligibility list for the position.

RULE IX **DISCIPLINARY ACTION**

- 9.1 TENURE OF EMPLOYMENT. No employee of the District who shall have been regularly appointed or inducted into Civil Service under the provisions of these rules shall be suspended without pay, demoted, or discharged except for cause.
- 9.2 CAUSE FOR DISCIPLINARY ACTION. "Cause" for demotion, disciplinary suspensions without pay or disciplinary reductions in pay and disciplinary discharge of covered employees includes:
- 9.2.1 Incompetency.
 - 9.2.2 Inefficiency.
 - 9.2.3 Inattention to duty.
 - 9.2.4 Dereliction of duty.

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9.2.5 Dishonesty of any type, (including false or deliberately misleading information or omissions from an employment application).

9.2.6 Intemperance.

9.2.7 Violation of the District's Drug and Alcohol Policy.

9.2.8 Insubordination.

9.2.9 Discourteous treatment of the public or coworkers.

9.2.10 Immoral Conduct

9.2.11 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.

9.2.12 Repeated or serious violations of the District's policies or standards of employee conduct.

9.2.13 Any willful failure of good conduct tending to injure the public service.

9.2.14 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.

9.3 ACTIONS NOT SUBJECT TO CIVIL SERVICE REVIEW. Disciplinary action that does not result in suspension without pay, demotion, termination, or other loss of benefit shall not be subject to these Rules. Specifically, this includes, without limitation, suspensions with pay, oral or written reprimands, or the equivalent thereof, and layoff or demotion for non-disciplinary reasons, including budget restraints, reorganization, or lack of work.

9.4 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:

9.4.1 The supervisor shall prepare a written statement of the reason(s) for the proposed disciplinary action, stating dates, location, rules and regulations

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violated, and particular actions, if appropriate. The statement should include previous oral and/or written warnings given to the employee. The statement should be delivered to the Chief for review and necessary action.

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

9.4.3 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.

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

9.5. REMOVAL, SUSPENSION WITHOUT PAY, DEMOTION, AND DISCHARGE, DEPRIVATION OF SPECIAL PRIVILEGES. No person in the classified Civil Service who has been regularly appointed under these rules shall be removed, suspended without pay, demoted, or discharged except for cause as above defined. Such dismissal, demotion, or suspension without pay shall be effective upon the filing with the Commission of a written statement by the appointing power stating the reasons for such removal, suspension without pay, demotion, discharge, or deprivation of special privileges. Such written statement of reasons shall be phrased in general terms, and a duplicate to the copy filed shall be served upon the person thus removed, demoted, suspended without pay, discharged, or deprived of special privileges. Such a statement, in addition, shall advise such person that he may, within ten days of such services, appeal to the Civil Service Commission by filing with the Chief Examiner a written request for a Commission investigation.

9.6 APPLICABILITY OF RULES. To the extent any person subject to this provision is covered by a collective bargaining agreement, the provisions of the collective bargaining agreement shall apply.

RULE X

APPEALS, INVESTIGATIONS, AND HEARINGS

10.1 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

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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 ten (10) 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.

10.2 APPEALS OF DEMOTIONS, REDUCTIONS IN PAY, SUSPENSIONS WITHOUT PAY, OR DISCHARGES. Employees in Civil Service positions may appeal disciplinary demotions, reductions in pay, suspensions without pay, and discharges only as outlined in these Rules. Lesser forms of discipline are not subject to appeal under these Rules.

10.2.1 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.

10.2.2 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.

All appeals under this section must be made in writing and must be filed with the Commission chair within ten (10) 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:

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- 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.
- c. A copy of all materials and documentation supporting the complaint.

10.3 DISCIPLINARY HEARINGS.

10.3.1 Procedure. Commission hearings on appeals of 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.

10.3.2 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.

10.3.3 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.

10.3.4 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 another person.

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10.3.5 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.

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

10.4 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 ten (10) days after the alleged violation or abuse, must be signed, and must include:

10.4.1 A detailed explanation of the alleged violation(s) or abuse(s) of these Rules,

10.4.2 The Civil Service position(s) that the person believes to be affected by the violation(s) or abuse(s) of these Rules,

10.4.3 The names of relevant witnesses, and

10.4.4 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.

10.5 LEGAL REPRESENTATION. The District's attorney shall, upon request of the appointing power, assist in the preparation of any materials or presentations for the Civil Service Commission. The Commission, if it needs legal assistance or advice before or during a hearing, shall retain private legal counsel and pay for such

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counsel out of the District's Civil Service budget. If the issue is other than a disciplinary issue, the District's attorney shall be available to assist the Civil Service Commission, based upon the request of the Commission.

RULE XI **CLASSIFICATION**

- 11.1 **PROCEDURE AND EFFECT.** The Commission shall provide for the classification of all positions in the classified service, including the assignment to each class or position of the appropriate title and experience, knowledge, capacity, skill, education, and other qualifications, such as the minimum prerequisites for appointment established by these rules. Further, the Commission shall allocate every position in the classified service to one of the classes established in the plan. The class titles so established shall be used in all personnel, budget, accounting, and other financial documents and communications of the Fire District. Additional classes may be established, and existing classes may be divided, combined, or abolished in the same manner as originally adopted.

RULE XII **LAYOFFS, REDUCTIONS IN FORCE**

- 12.1 **LAYOFFS, REDUCTIONS IN FORCE.** Whenever the appointing power contemplates a reduction of staff because of shortage of funds, lack of work, or reorganization, notice thereof shall be sent by the appointing power to the Commission. When it is determined which positions are to be abandoned, employees holding positions within that class shall be laid off in opposite order to their length of service. Displaced employees shall have seniority rights over any employee in a lower classification, provided that he or she has (a) previously held regular status in the classification; and (b) has more department seniority than the employee being displaced. Any complaint by a regular employee filed in writing with the Commission alleging that a layoff was made in bad faith shall be investigated by the Civil Service Commission. If the Commission finds that the layoff was not made in accordance with these rules and regulations, it may order the reinstatement of the regular employee or employees. Notice of the layoff shall be given the employee concerned and the Commission at least four weeks before the effective date thereof. Regular employees laid off shall have their names placed on the eligible list of the class to which their position was allocated in accordance with these rules and regulations.

RULE XIII **RESIGNATION**

- 13.1 **PROCEDURE.** An employee may resign from a Civil Service position by presenting his/her resignation in writing to the appointing power. To resign in good standing and

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employee shall give at least two calendar weeks' notice, unless, because of extenuating circumstances, the appointing power agrees to permit a shorter period of notice. The appointing power may make or cause to be made such investigation as he/she deems warranted, for the purpose of verifying reasons for each resignation. An employee's resignation and the circumstances pertinent to it shall be recorded in his/her personnel file.

- 13.2 LOSS OF RIGHTS AND STATUS. Any person in the Civil Service employ of the Fire District who is a regular appointee, who has completed the probation period, and who resigned and seeks to re-enter such service shall be evaluated as provided for in this section. Any such employee who resigns may, within six months of such resignation, make written application for reinstatement of the service. If such request for reinstatement is approved in writing by the Chief of the Fire District, the appointing power may reinstate the employee and notify the Civil Service Commission accordingly. The applicant shall be reinstated only if a vacancy in such position is budgeted and existing, and there are no laid-off employees available for appointment. If no such position becomes vacant within six months of such resignation, such employee's rights under this section shall lapse. Persons reinstated under this section shall not be required to serve a probationary period. In determining eligibility for promotion, only time employed in the Civil Service shall be counted in meeting the minimum requirements.

RULE XIV RECORDS AND REPORTS

- 14.1 ROSTER. The Chief examiner shall maintain a file or roster for each employee in the classified service showing the name, title, or position held, the division within the department to which assigned, the salary, changes in employment status, leaves, and other information that may be considered pertinent.
- 14.2 EXAMINATION RECORDS. The Chief Examiner shall maintain examination records on each employee in the classified service. Such records shall include the date and title of the examination, rating earned, and grade obtained.
- 14.3 ACCESS TO DEPARTMENT RECORDS. The Board of Directors, the appointing power, or their designees; Chief Examiner, Civil Service Secretary, and members of the Civil Service Commission shall have access to all department records, the examination of which will aid them in the discharge of their duties.
- 14.4 RECORDS OPEN TO THE PUBLIC. The minutes of all Civil Service Commission meetings shall be open to the public during office hours and may be inspected upon application to the Chief Examiner. Access to other Commission records shall be governed by any applicable chapters of the Oregon Revised Statutes and/or federal laws or regulations.