

*Columbia River Fire & Rescue
Civil Service Commission
Civil Service System & Rules*

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Commissioners _____

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RULE 1

STATEMENT OF PURPOSE

The Purpose of these rules is to implement and give effect to the provisions of the Districts' Civil Service Ordinances as Follows:

- Columbia River Fire & Rescue Ordinance/Resolution # _____ ÷ Civil Service System
- Scappoose Rural Fire District Ordinance/Resolution # _____ ÷ Civil Service System
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- Clatskanie Rural Fire District Ordinance/Resolution # _____ ÷ Civil Service System

These rules are meant to establish a Civil Service System covering the employees of the member Fire Districts, and to implement Civil Service Ordinances/Resolutions which comply with ORS 242.704 (1). The rules are intended to substantially accomplish the general purposes of ORS 242.702 to ORS 242.824 and to supersede Resolution 88/89#2.

Sections of the Rules may be superseded by relevant Federal, State, or local law, or District collective bargaining agreements.

The Rules are intended to provide in detail the manner in which competitive examinations shall be held, and appointments, promotions, demotions, transfers, reinstatements, suspensions and dismissal shall be made.

These Rules may be applied to other Fire Districts that may desire to participate in this Civil Service system when:

- The Fire District(s) enter into an IGA with the member Districts to support the Civil Service System.
- The Fire District(s) petition the current member Districts to join this system, and
- The Fire District(s) duly pass an ordinance/resolution within their jurisdiction to join the Columbia River Fire & Rescue Civil Service System.

RULE 2

DEFINITIONS

1. **APPOINTING POWER:** Means the Board of Directors, or its designee, of the member District with the authority to hire or promote any position subject to Civil Service.
2. **APPOINTMENT:** Means all methods of selecting or employing any person to hold a position subject to Civil Service.
3. **CERTIFICATION:** The process of the Civil Service Commission or the Chief Examiner relaying to the appointing power, upon requisition, the name of the individual ranked highest on an eligibility list.
4. **CHIEF EXAMINER:** Means the person appointed by the Commission to administer the examinations and any other aspect of the Civil Service System assigned by the Commission.
5. **CIVIL SERVICE:** Means the system, procedures and rules established by the adoption of the Ordinances of the member Districts referred to in RULE 1 of these rules to provide oversight in the hiring and promotion of qualified applicants, through a competitive examination process. These rules also provide oversight into the discipline, demotion, and termination of employment in compliance with ORS242.704 (1).
6. **CLASSIFICATION:** Means a group of positions 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.
7. **COMMISSION:** Means the Civil Service Commission created by these rules. The Commission consists of three (3) Commissioners appointed by the Board of Directors of Columbia River Fire & Rescue with input from the member Districts.
8. **COMMISSIONER:** Means a member of the Civil Service Commission created by these rules and duly appointed and sworn into office by the Board of Directors of Columbia River Fire & Rescue or its designee.
9. **DAY:** Means calendar day(s) unless otherwise specified.
10. **DEMOTION:** Means the transfer of an employee from a position in one classification to a position in another classification having a lower maximum salary.
11. **DISMISSAL:** Removal by the appointing power from a position or service within the Fire District either by request or by any cause.

12. **DISTRICT:** Means one of the member Fire Districts of the Columbia River Fire & Rescue Civil Service System. Districts means all the member Fire Districts.
13. **EMPLOYEE:** Means a person hired by one of the member Districts, whose primary duties are preventing or combating fires and whose annual working hours are expected to exceed 1039 hours. The member Districts may, at each District's discretion, include additional District employees to the Civil Service System.
14. **GOVERNING BODY:** Means the Board of Directors of the member Districts.
15. **LAYOFF:** The involuntary termination of an employee for reasons other than cause.
16. **MEMBER DISTRICTS:** Means one of the Fire Districts that is a party to the Columbia River Fire & Rescue Civil Service System. Membership is typically established by the District Board of Directors passing an Ordinance/Resolution stating the District's use of the Columbia River Fire & Rescue Civil Service System and the District's signature on the Intergovernmental Agreement for a Common Civil Service System. Current member Districts are:
 - a) Clatskanie Rural Fire District (CRFD)
 - b) Columbia River Fire & Rescue (CRF&R)
 - c) Scappoose Rural Fire District (SRFD)
17. **POSITION:** Includes any particular classification or District employment detailed by a particular job description.
18. **PROBATIONARY PERIOD:** Means a working test period of twelve months from the date of initial appointment to a position during which an employee is required to demonstrate the ability to satisfactorily perform the duties of the position.
19. **PROMOTION:** Means the transfer of an employee from a position in one classification to a position in another classification normally having a higher maximum salary.
20. **PUBLIC NOTICE:** Means written or printed notification conspicuously posted on official bulletin boards in all areas of employment and publication in a local newspaper or electronic posting on Districts' web sites.
21. **REGULAR EMPLOYEE:** An employee who has completed the probationary period for the class of the present position held.
22. **RULES:** Means the Civil Service rules adopted by the member Fire Districts and the Columbia River Civil Service Commission.
23. **SALARY PLAN:** Means the system adopted by the individual member Districts for the compensation of their employees. Through collective bargaining agreement for represented employees of the member Districts, personal service contracts for non-

represented members, or policy or resolution statements adopted by the member Districts. These rules are not intended to adopt a single salary plan for the member Districts and each District retains its independent rights and responsibilities for establishing its own salary plan.

24. **SUSPENSION:** A temporary removal from duty, with or without pay, of an employee for disciplinary purposes or for the purposes of investigation of accusations brought against an employee.

RULE 3

ADOPTION AND AMENDMENT OF THE RULES

- Section 1 Adoption of Civil Service Rules.** The Commission shall adopt rules relating to the administration of the Civil Service System only after public hearing open to any citizen, officer, or employee of the member Districts. Fourteen (14) or more days public notice of such a hearing shall be given, setting forth the place and the time of the hearing and the purpose for which it is called. Rules adopted by the Commission shall become effective ten (10) days after adoption and shall be posted on all official bulletin boards of the Districts.
- Section 2 Amendment of Rules.** A request for change in the Civil Service Rules may be submitted at any time by the Chief Examiner, Governing Body, any employee, or other interested party in a written communication to the Commission indicating the proposed change and the reasons therefore. The Commission may amend the Civil Service Rules as it believes proper. The procedure for adoption of rules in Section 1 shall also apply to amendments to the rules.
- Section 3 Application of Rules.** Any personnel action taken prior to the official adoption of a new or amended rule shall be governed by the rules in effect at the time of the action and shall not be affected by the proposed new or amended rules unless the Commission specifically designates in the adoption of any rule that it shall apply retroactively.
- Section 4 Interpretation of Rules.** The Commission has the power and authority to interpret its rules. The Commission may apply such principles as it deems appropriate to carry out the purposes of state law and its rules in determining cases which are not clearly defined by rules adopted by the Commission.
- Section 5 Personnel Rules of the Boards 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 bodies of the individual member Districts.
- Section 6 District Rules of Conduct.** Rules governing the general conduct of employees, work regulations, and assignment schedules shall be adopted and administered by the individual governing bodies. Such rules shall be readily available for review by employees and the Civil Service Commission.
- Section 7 Severability.** If any of these rules and regulations or portions thereof are hereafter declared by a court of competent jurisdiction or judicial proceedings or rulings of a proper court to be illegal or unconstitutional, the part declared unconstitutional and/or illegal shall be deemed severable and shall not affect the remaining rules and regulations or remaining portions of the rules and regulations.

Section 8 Termination of Civil Service Membership. Any Member District may terminate its membership in this Civil Service Commission upon thirty (30) days written notice to the Civil Service Commission.

Section 9 Hold Harmless. A member District terminating its membership in this Civil Service Commission agrees to hold the Civil Service Commission and its remaining member Districts harmless from any action brought against it as a result of its termination of membership in this Civil Service Commission.

RULE 4

ORGANIZATION, DUTIES & AUTHORITY

- Section 1 Civil Service System.** The Civil Service System is composed of a Commission of three members, a Chief Examiner, and such assistants as may be necessary. All actions of the Chief Examiner shall be subject to the 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 Appointment of members to the Commission.** The Board of Directors for Columbia River Fire & Rescue shall appoint three (3) members to serve as the Civil Service Commission. The Columbia River Fire & Rescue Board of Directors shall solicit input including interested and potential Commissioners from the member Districts when filling any vacancies on the Commission. Commissioners shall serve without compensation. Appointments shall be staggered to vary the end of term date.
- Section 4 Commission terms of office.** Each Commission member shall serve a four-year term. Commissioners may serve multiple terms. If any commissioner resigns before the end of the term, a new Commissioner shall be appointed to serve the remainder of such term.
- Section 5 Qualifications of Commissioners.**
- A) No member of the Commission shall be a member of any member District governing body, a volunteer firefighter, or an employee of the member Districts, subject to Civil Service or be immediately related to any employee of the member Districts subject to these rules.
 - B) Commissioners may serve as Commissioners for another Civil Service Commission.
 - C) Persons appointed shall be known to believe in the principles of Civil Service.
 - D) Commissioners must reside within the geographical boundaries of the member Districts.
 - E) Commissioners must be citizens of the United States and must be qualified to vote in Columbia County.
- Section 6 Meetings.** The Commission shall meet as needed to conduct its business but shall meet at least every ninety (90) days, provided a quorum is available. If a quorum is unavailable at 90 days, a meeting shall be scheduled as soon as possible once a quorum is available. Special meetings may be held at such times and places as may be determined by the Commission. All meetings shall be in compliance with Oregon Statutes related to Public Meetings Law.
- Section 7 Quorum.** Two members of the Commission shall constitute a quorum, and the votes of any two Commissioners shall be sufficient for decision in all matters and transactions.

Section 8 Removal of Commissioners. The Board of Directors of Columbia River Fire & Rescue may remove any Commissioner for incompetency, dereliction of duty or other good cause, after giving due notice in writing of the charges against the Commissioner and providing the Commissioner an opportunity to be heard publicly on such charges before the Columbia River Fire & Rescue Board of Directors.

A) The Board of Directors of a member District may initiate a removal hearing by filing a petition for removal of a Civil Service Commissioner with the Columbia River Fire & Rescue Board of Directors.

B) A copy of the charges and a transcript of the record of the hearing shall be filed with the Columbia River Fire & Rescue Board of Directors and a copy sent to the Board of Directors of each member District, each Civil Service Commissioner, and the Civil Service Chief Examiner.

C) Commissioners may resign their Commission by giving written notice to the Columbia River Fire & Rescue Board of Directors.

Section 9 Duties and Authority of the Commission. The Commission shall:

A) Have such authority and duties as indicated by statute, ordinance, and these rules.

B) Maintain minutes of its meetings and records of its proceedings and actions.

C) Provide for competitive examinations to determine the relative qualifications of persons for employment in positions under Civil Service and prepare lists of eligible candidates for vacancies and to certify the same.

D) Hear and determine appeals arising from the administration of these rules.

E) Investigate and report on all matters relating to the enforcement and effects of these rules.

Section 10 Preparation of the Budget; appropriations. Columbia River Fire & Rescue shall budget for the reasonable expenses of the Civil Service System including the provision of office support staff, record storage, and publication costs. Each Member District will contribute a share of the costs for conducting testing processes to establish joint eligibility lists as provided for in the IGA cost sharing formulas. Individual Districts shall be responsible for the costs of the testing process for establishing individual lists. Member Districts shall pay these costs promptly but not before each Board of Directors has had an opportunity to review the expenses. The governing body of each member District shall appropriate sufficient funds to carry out the programs of the Civil Service Commission.

Section 11 Chief Examiner and Secretary of the Commission. The Commission shall appoint a Chief Examiner. The Chief Examiner shall be responsible for:

A) Providing for the holding of competitive examinations.

B) Ensuring that the meetings meet the public notice requirements of these rules and Oregon Public Meeting Laws.

C) Ensuring records of the Commission's proceedings are kept.

- D) Ensuring records are kept of all:
 - 1. Examinations
 - 2. Certified hiring and promotional lists.
 - 3. Investigations made or held under the direction of the Commission.
- E) The Chief Examiner may delegate performance of the above items to staff of any member District.
- F) The Secretary shall be responsible for attending and taking minutes of all meetings of the Commission and maintain all records and files of the Commission. The Secretary shall also record on behalf of the Commission established functions related to employment, promotion and disciplinary matters of those positions covered by Civil Service.

Section 12 Offices and clerical help for the Commission.

- A) The Board of Directors of Columbia River Fire & Rescue will provide such office space and clerical support as may be needed for the Commission to perform its duties.
- B) Member Districts will assist as needed in the preparation of and in conducting the testing processes.

Section 13 Officers of the Member Districts to assist the Commission. All officers of the member Districts shall:

- A) Aid in all proper ways in carrying out the provisions of the Civil Service System and such rules and regulations as may from time to time be prescribed by the Commission.
- B) Afford the Commission, its members and employees, all reasonable facilities, and assistance in inspecting books, papers, documents, and accounts relating to positions subject to Civil Service.
- C) Produce such books, papers, documents and accounts and testify, whenever required to do so by the Commission.

Section 14 Preservation of records and examinations; public records. The Commission shall keep on file all examination papers and their markings, records of Commission hearings and all other papers, documents, and communications received by it. Except for examination papers, including application forms, all such papers, reports, and files shall be public records and accessible at reasonable and convenient times. Individual examination papers shall be accessible only to the individual who took the examination, the Commissioners, and members of the governing bodies of the member Districts or their designees. The Commission shall retain and may destroy the public records described above according to the Oregon General Retention Schedule.

Section 15 Rules of the Commission; examinations. The Commission shall make these rules not inconsistent with the spirit and intent of ORS 242.702 to 242.824 to carry out the provisions of the Columbia River Fire & Rescue Civil Service System. These regulations describe in detail the following minimum requirements:

- A) The manner in which examinations shall be held.

- B) The manner in which appointments and promotions shall be made.
- C) The manner in which demotions, transfers, reinstatements, suspensions, and dismissals shall be made.

These rules shall be posted in the business offices of each member District and shall be available for public inspection. The Chief Examiner shall oversee the administration of all examinations required by these rules. The Commission shall assess such weights on examinations, as they deem necessary and pertinent. The Chief Examiner may delegate any portion of an examination to any staff of any member district.

Section 16 Investigations by Commission of abuses; report of investigation. When any resident of the member Districts or any person subject to Civil Service alleges in a written verified petition that an abuse of the Civil Service System exists, the Commission shall:

- A) Investigate the enforcement and effect of the provisions of, and the regulations prescribed under, this Civil Service System.
- B) Inspect all positions affected by this Civil Service System and cited by the petition.
- C) Make a public report upon all matters investigated under these rules and regulations.
- D) The Commission may, upon its own initiative, make any investigation that it deems advisable.

Section 17 Administering oaths; compelling attendance of witnesses and production of documents; depositions of witnesses. In the course of an investigation, the Commission may administer oaths, subpoena witnesses and compel the production of books, papers, documents, and accounts pertinent to the investigation. Attendance of witnesses, either with or without books, papers, documents or accounts may not be compelled unless such witnesses are personally served with subpoena.

The Commission may cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil suits and actions.

If a person refuses to attend to give testimony or produce books, papers, documents or accounts, pursuant to a subpoena issued under this section, the Circuit Court of Columbia County, upon petition of the Commission, shall compel obedience to the subpoena and shall punish refusal to obey or to testify in the same manner as a refusal to obey a subpoena or to testify pursuant to a subpoena issued from the Circuit Court.

Section 18 Witness fees. Every person served with a subpoena requiring attendance before the Commission shall be entitled to any fees or mileage as are allowed by law to witnesses in ORS 44.415 (2), except that no person shall be entitled to any fees

or mileage who is employed in the public service of the member Districts in which the person is called as a witness. The fees and mileage allowed by this section need not be prepaid, but the governing body of the member District(s) party to the action shall provide payment thereof when certified by the Commission.

Section 19 Procedure in hearings before the Commission; rules of evidence. All hearings and investigations before the Commission are governed by these Civil Service rules, regulations, and practice of procedure adopted by the Commission; and in the conduct thereof, the Commission is not bound by the rules of evidence.

No informality in any hearing or investigation, or in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made, approved, or confirmed by the Commission.

Section 20 Action to secure compliance with Civil Service Rules. The Commission may conduct any civil suit or action that may be necessary for the proper enforcement of the Civil Service System rules and regulations. The Commission shall be represented in such proceedings by the chief legal counsel for Columbia River Fire & Rescue, or their designee. Special counsel appointed and retained by the Commission may in any case represent the Commission. If the actions described in this section are for the benefit of the System or all member Districts, the costs incurred by such action shall be borne equally by all member Districts.

If the actions described in this section place a member District as an adversary of the system or the remaining Districts, then the cost shall be borne by the remaining Districts with the possibility of the losing party being assigned all costs by the court.

If the actions described in this section are for the benefit of one or more, but not all, of the member Districts, the costs of such action shall be borne equally by the involved Districts.

Section 21 Positions Subject to the Civil Service Rules. Positions whose primary duties are preventing or combating fires are subject to these Civil Service Rules, provided the employee filling such position works more than 1039 hours in any calendar year.

RULE 5

CLASSIFICATION PLAN

- Section 1** The Commission adopts the classifications now in existence for each of the member Districts and will review any future classification proposals by the member Districts for inclusion in the classification plan. A list of those positions subject to the Civil Service System can be found in Appendix 3 of this Civil Service System document. This Appendix may be updated at any time without requiring update of these rules.
- Section 2** The Commission shall classify, with reference to the examinations provided for in these rules, all positions in the Civil Service. The classifications shall be based upon the functions of the positions and the compensation attached thereto.
- Section 3** At the request of the governing body of a member District, the classifications may, from time to time, be amended, added to, consolidated or abolished by the Commission. No person holding any position under any established classification shall be affected by such change so as to deprive the person of any of the benefits attached to the classification applicable to the position then held by the person. No person shall be promoted or advanced to a higher classification by such change without being eligible for appointment to such higher classification by reason of the position of the person on the promotion register.
- Section 4** Effect on incumbent when position first becomes subject to Civil Service. All persons employed in positions subject to Civil Service at the time such position first becomes subject to Civil Service, and who have been employed by the Member District continuously for a period of at least six (6) months preceding the date when that position became subject to Civil Service, and who are citizens of the United States hereby are inducted into Civil Service in the positions then held as if such persons had been regularly appointed under Civil Service after examination and investigation.
- Section 5** All persons who hold positions subject to Civil Service in any Member District at the time such position first becomes subject to Civil Service but who are not eligible for induction into Civil Service as provided for in subsection (1) of this section shall continue to hold their positions until replaced by persons appointed under Civil Service.
- Section 6** Within fourteen (14) days after a position first becomes subject to Civil Service, the appointing power for that position shall file with the treasurer, auditor, comptroller or similar officer of the Member District a statement giving the names, residence, occupation, length of continuous service and compensation of each person holding that position, declaring whether each person is or is not eligible for induction into Civil Service as provided in subsections (4) and (5) of this rule, ORS 242.756 (4) and certifying as to the citizenship status of each such person.

Section 7 Within sixty (60) days after any position first becomes subject to Civil Service, the Commission shall classify such position. Within ninety (90) days after a position first becomes subject to Civil Service, the Commission shall hold an examination to fill any positions not filled by persons inducted into Civil Service as provided in Section (4) of this rule.

Section 8 Nothing in this rule is intended to imply that there shall be a single classification plan under this Civil Service System. Each member District is responsible for developing its own and separate classification plan.

RULE 6

APPLICATIONS AND EXAMINATIONS

Section 1 Examination Announcements:

A) **Distribution of Announcements.** Public announcements of examinations shall be given at least fourteen (14) days in advance of the deadline for filing applications. Such announcements shall be posted on the official bulletin boards of the affected member District(s) and at least two other public places and at least once in a newspaper of general circulation in the District. The Chief Examiner may provide for such other publicity deemed advisable to attract sufficient numbers of qualified candidates. In the case of promotional examinations, announcements shall be made in the same manner as provided for entrance examinations, but need only be posted on bulletin boards provided for such purpose and for the member District desiring to provide a promotional list. The Chief Examiner shall take necessary steps to bring announcements to the attention of all eligible employees. Announcements may also be posted, in lieu of the above, on the Districts' web sites.

B) **Content of Announcements.** Official notices of examinations shall state the title, general duties and pay of positions in the classes for which the examinations are to be held, the qualifications required, the time, place and manner of making application for admission to such examinations, the relative weights to be given to different parts of the tests, closing date for filing applications, and any other information which may be considered pertinent.

Section 2 Applications

A) **Filing of Applications.** All applications must be made upon official District application forms completed as directed and filed in the office of the Commission on or before the closing date specified in the examination announcement. The applicant must sign each application and such signature constitutes a certification that all information contained therein is true to the best of the knowledge of the applicant. 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. No application shall be accepted unless it is complete as determined by the Chief Examiner. Applicants are expected to ensure the completeness of their applications as well as the completeness and appropriateness of any required supplemental documentation. It is the explicit and clear position of the Commission that this responsibility lies with the applicant alone and that no applicant shall have cause to file an appeal with the Commission due to this issue.

B) **Filing time for applicants.** Applications for examination and employment will be accepted for a period of not less than fourteen (14) days. Final date for filing of applications shall be included in the examination announcement. No application shall be accepted after the final date for filing.

C) **Freedom from Bias.** The application form shall contain no question so formed as to elicit any information concerning political, racial, religious affiliations of the applicant or designed to provide a means of discovery of a candidate's protected status.

D) **Equal Employment Opportunity.** The member Districts affirm an official

policy of nondiscrimination towards any qualified employee or applicant for employment. Discrimination on the basis of any protected status is prohibited (except where there are bona fide occupational qualifications).

Section 3 Eligibility to Compete in Examinations.

A) Who May Compete. Examinations designed to establish entrance lists shall be open to all persons who meet minimum qualifications and other requirements for the class as stated in the class specification as set forth in the announcement.

B) Entrance Requirements. The Commission shall establish and may revise requirements regarding minimum qualifications. These qualifications may vary by District.

C) Competition in Promotional Examinations. Promotional examinations shall be open to employees who meet the minimum qualifications as stated in the class specification and job description and as set forth in the announcement and who have held a position subject to Civil Service. Eligibility may be extended by the Commission to other member Districts or outside the member Districts in the event less than three eligible candidates are available within the member District or in the event no one attains a passing score on the promotional examination given. The decision as to whether to treat the examination as an entrance or promotional examination shall be made by the governing body and/or the appointing power. This determination shall be included in the announcement of opening supplied to the Commission.

D) Volunteers for the member Districts may be allowed to compete in an examination even if they do not hold a required paramedic certification (if one is required), providing, however, that the volunteers may not be considered for placement on the eligibility list and for hire until they have submitted documented evidence of the qualifications required. In no case shall a volunteer who does not meet the minimum requirements be allowed to participate in a limited participation testing process if doing so would prevent a qualified candidate from participating in such limited testing process (e.g., physical competency testing).

Section 4 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, or to have not provided the information necessary to verify the qualifications prescribed for admission to the examination as announced in the public notice;

B) Is found to be unqualified because of his or her previous employment or driving record or for reason reflecting discredit on the applicant;

C) Is unable to perform the essential duties of the position with or without reasonable accommodation;

D) Has been convicted of a crime or misdemeanor, or violation 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 has practiced, or attempted to practice, deception or fraud in the application or examination;

- G) Has otherwise violated provisions of the Civil Service Law or these rules.
- H) If an applicant is disqualified for any reason other than failure to provide a completed application with qualifications documented, the applicant shall be so notified in writing by postal or electronic mail by the Chief Examiner. The applicant may then provide additional information to the Chief Examiner prior to the examination to demonstrate sufficient qualifications.
- I) Should the matter not be settled prior to the examination, the applicant shall be allowed to compete in the examination and the Commission shall make the final decision as to whether or not the name shall be included on the eligibility list, provided the applicant otherwise passes the examination. In so determining, the Commission shall follow these rules and the applicant shall be entitled to present arguments and evidence as to the applicant's qualifications which shall be considered by the Commission along with any reports from the Chief Examiner or member Districts. The Commission's determination shall be final.
- J) In no case, however, shall a disqualified applicant be allowed to displace a qualified applicant from a limited participation testing process. In such event, the disqualified applicant shall have no further grounds to pursue the examination process.
- K) Applicants who do not complete the application form and process correctly (including providing documentation of required qualifications) as determined by the Chief Examiner, shall not be allowed to compete in the examination and shall have no right of appeal before the Commission.

Section 5 Examination Administration.

- A) Conduct of Examinations. All aspects of the preparation and administration of examinations shall be under the direction of the Commission and carried out by the Chief Examiner. Tests shall not be given until approved by the Commission. The Chief Examiner may delegate the preparation and or administration of examinations. Written or performance examinations shall be conducted in such places as deemed appropriate by the Chief Examiner. The Chief Examiner shall designate the number of examiners necessary to conduct examinations and provide them with instructions.
- B) Frequency of Examinations. Entrance and promotional examinations shall be given at least every thirty months unless the Districts have no vacancies available, in which case the entrance or promotional examination shall be given when a vacancy becomes available.
- 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 6 Character of Examinations.

- A) Nature of Examinations.
 - 1. All examinations, except physical ability examinations, shall be open, competitive scored examinations.
 - 2. Physical ability examinations may be either competitive (scored) or Pass/No Pass examinations.
 - 3. Tests shall be job related and competitive, and will be designed to determine the qualifications, fitness, and ability of candidates to perform the duties of the class for which a list is to be established. They may be

written, oral, and/or physical, in the form of a demonstration of skill, an evaluation of training and experience, or any combination of such types. They may take into consideration education, experience, aptitude, capacity, knowledge, character, physical fitness, length and quality of service, and other qualifications to determine the relative fitness of the candidates.

4. No questions in the examination shall relate to religious, political or fraternal opinions, or affiliations of the applicants or in any manner attempt to identify a candidate as a member of a protected class.
5. Applicants must request any necessary reasonable accommodations required at the earliest time so acceptable accommodations can be made without disrupting the process.

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

Section 7 Rating of Examinations.

A) **Sequence of Examinations.** The Commission may choose to limit the number of candidates allowed to take any part of the examination and may choose to utilize any or all parts of an examination. Examinations shall usually be taken in the following sequence, but may be taken out of sequence at the discretion of the Chief Examiner:

1. Written Examination
2. Assessment Center Activities
3. Physical Ability Activities
4. Oral Examination

B) **Scoring of Examinations.** Individual portions of an examination must be identified as scored or pass/no pass. Applicants must obtain an overall (total) score of 70% on the combined scored portions of an examination and pass all pass/no pass portions. Overall scores of less than 70% and/or any no pass on a pass/no pass portion shall result in a failure of the entire examination process.

C) **Preference Points.** This Civil Service System shall recognize Veteran's preference points (ORS 408.225 to ORS 408.325) as required by law and Member District Volunteer preference points as required by these rules.

1. **Member District Volunteers.** Volunteers who are currently active members and have served in good standing as a volunteer of a member District for the past three (3) years shall be awarded three (3) points to their final passing score.
2. A candidate may qualify for any or all of the above preference points.
3. A candidate who does not receive a final passing score (70% or greater) prior to the award of preference points is not eligible for any preference points award.

D) **Notification of Score and Rank.** The list will be posted in each fire station within five (5) business days following certification of a promotional exam by the Commission.

Each examinee shall be notified in writing by postal or electronic mail of the results of the examination and, if the applicant received a passing score, of the relative position on the eligibility list. Written notice will be mailed to the address appearing on the examinee's application or at such other address as the examinee may have subsequently provided in writing to the Chief Examiner.

Section 8 Entrance Register.

A) Ranking. Upon completion of all aspects of the examination, all applicants who have achieved a passing score shall be placed on an eligibility register for the recruited classification. Applicants shall be ranked according to their relative standing as determined by all examinations and investigations. Candidates of equal standing shall take rank upon the register in equal status.

B) Laid Off Employees. Each member District's entrance and promotional registers shall be headed by the names of persons who have been regular employees and who were laid off, by that District, from a position in that class through no fault of their own within the prior twelve months. If two employees in the same classification are laid off at the same time, the person with the greatest seniority in that classification shall be listed first on the entrance register. If both employees have the same seniority, they shall be placed on the register with the employee having the highest merit rating in the member District's performance evaluation system listed first. (Terms of a District's collective bargaining agreement may supersede this rule.)

C) Duration. The entrance register shall not be canceled unless it has been exhausted or has been in existence for at least twelve (12) months. To remain eligible for employment, all applicants must keep the Commission apprised of current address and telephone numbers. The Commission may schedule examinations prior to the expiration or extend the duration of eligibility lists as it deems to be in the best interests of the Service.

Section 9 Promotion Register.

A) Ranking. Upon completion of all aspects of the examination, all applicants who meet the minimum requirements for the classification concerned shall be placed on the register. Applicants shall be ranked according to their relative standing as determined by examination and investigation. Candidates of equal standing shall take rank upon the register in equal status.

B) Duration. The promotion register shall not be canceled unless it has been exhausted or has been in existence for at least twenty-four (24) months. The Commission may schedule examinations prior to the expiration, or extend the deadline of any eligibility list as it deems in the best interest of the Service.

C) Effect on member Districts. Unless otherwise agreed to by two or more member Districts before the promotional process is advertised, promotional processes are to be considered "in-house" processes for the individual member Districts. Each member District may maintain its own promotional lists comprised solely of its own members.

Section 10 Review of Examination Papers and Challenges.

Within fourteen (14) days after notice of final score has been sent via postal or electronic mail, any candidate in a promotional examination may review the candidate's own written examination paper, and a keyed copy of the test booklet.

Entrance level candidates may not review a keyed copy of test booklet. Candidates may not review any interview materials. Should a candidate wish to challenge the grading of any question or challenge the fairness of a question or contend that the examination was improperly conducted, the candidate shall submit to the Chief Examiner within fourteen (14) days after the notice of final score has been sent, a written statement clearly pointing out the candidate's contentions and stating why the candidate believes the grading was wrong, the questions unfair, or the examination improperly conducted. The Chief Examiner shall present such written challenge to the Commission at a Special Meeting, scheduled within thirty (30) days of the date the Chief Examiner received the written challenge, provided a quorum is available. If the Commission is satisfied as to the validity of the challenges, after hearing from all interested persons, it shall order the examinations be re-graded accordingly, the eligibility list restructured, the notices mailed to everyone on the eligibility list indicating the action ordered and its effect on their individual ranking on the eligibility list. The Commission may also choose to order a new test and set aside the results of the one given and challenged.

Section 11 Action of one member District; impact upon the other member Districts.

A) Job Offers:

1. If a member District has made a conditional offer of employment to a candidate and that candidate has refused said offer, then that candidate shall return to the eligibility list and may be considered by the other Districts. The District having made such offer need not reconsider that candidate in future employment actions.

2. If a member District has made a conditional offer of employment to a candidate and the candidate accepts that offer, the member District shall notify the Chief Examiner of the offer and acceptance and the candidate shall be considered ineligible to the other member Districts.

3. A member District who has made a conditional offer of employment and the candidate accepts the offer and is later dismissed by the hiring District for any reason (except for cause) during the probationary period, shall notify the Chief Examiner and the candidate's name will be returned to the eligibility list for the other member Districts, in the order they would appear by virtue of their overall test score. The District dismissing such candidate need not reconsider the candidate in future employment opportunities.

4. A member District who has made a conditional offer of employment to a candidate and the candidate accepts that offer and is later released from employment for cause, shall notify the Chief Examiner of such action. The candidate will not be returned to the eligibility list.

5. All the above actions require a report to the Chief Examiner and the Commission at the next regularly scheduled Commission meeting.

B) Reductions in force; Layoffs. A member District who reduces its work force and must lay off employees, shall notify the Chief Examiner of the names of such employees and they will be placed at the top of the eligibility list of the affected entrance/promotional list for up to twelve (12) months after layoff. The remaining member Districts may honor this ranking and may make offers of employment to these candidates and the candidates may accept employment with another member District. However, such employees will remain at the top of the eligibility list of the

member District who laid them off. If such employee declines a job offer from another member District, that decision shall not affect the placement on the list of the member District from which the employee was laid off.

Section 12 Removal of name from Eligibility Lists. No name may be removed from an eligibility list (except upon written request of the candidate) without the consent of the Commission. When consideration of such action is to be made by the Commission, the individual(s) who may be affected shall be notified that such action is to be considered and that the applicant may appear before the Commission to comment prior to any action being taken by the Commission.

An applicant may request that the applicant's name be removed from an eligibility list by filing a written statement with the Chief Examiner or by verbal request if approved by the Commission. A written confirmation of that request will be sent by the Chief Examiner confirming any verbal request for removal from a list.

An applicant who is on the preliminary list who rejects appointment or additional testing to one District will be removed from consideration for that District. An applicant who rejects appointment or additional testing to all Districts will have their name removed from the list unless a waiver is granted by the Commission. An applicant who has been hired from one District's list shall be removed from the list.

An eligible person who is proved to have falsified the application and/or test records shall have their name removed from all eligibility lists by the Commission and shall be prohibited from taking the examination again for at least two years. If an individual requests that their name be removed from an eligibility list, that person shall not be eligible to take an examination for such position for at least one year without special permission from the Commission.

Section 13 Revocation of Eligibility Lists. An eligibility list may be revoked within thirty (30) days of certification by the Commission and another list 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 results obtained therefrom. If a list is revoked, written notice will be sent to all persons whose standing may be affected by the revocation.

RULE 7

CERTIFICATION AND APPOINTMENT

Section 1 Filling Vacant Positions. To fill a vacancy in a position subject to Civil Service, the appointing power shall submit to the Chief Examiner a request for names of qualified eligible candidates.

Section 2 Certification of Eligible Candidates.

A) 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 five plus one for each additional vacancy from the promotional list, the number of names certified shall be three plus one for each additional vacancy.

B) Joint Hiring. When two or more member Districts decide to hold a joint hiring process, they shall be entitled to review a number of candidates equal to the total number of vacancies of the combined Districts, plus five candidates.

C) Additional Certification to a Vacancy. The appointing power may reject a certified candidate found unqualified and request an additional candidate from the Chief Examiner. The appointing power shall include this rejection of a candidate in its process report to the Chief Examiner. The Chief Examiner shall investigate and decide on the validity of the reasons submitted. If the rejection is approved, the Chief Examiner shall immediately certify to the appointing power the name and address of the next eligible candidate standing highest upon the register and return the name of the rejected candidate to the same position on the eligible register from which the candidate was certified. If the rejection is not approved, the Chief Examiner shall immediately notify the appointing power that this is the case and upon receipt of this notice, the appointing power shall immediately appoint the certified candidate in question to the position. This action is subject to review by the Civil Service Commission and the appointing power may request a Commission meeting at the earliest convenient time following public notice guidelines. The appointing power may postpone appointing a candidate until the conclusion of this review.

Section 3 Appointments.

A) Probationary Period. The probationary period is a fundamental part of the selection and promotional process of the member Districts. The probationary period provides an opportunity to observe and evaluate new and promoted employees. Additionally, the probationary period allows the member Districts time to train and aid new or promoted employees as they adjust to their new position.

1. Entrance Appointments. The appointing power shall appoint one of the certified candidates to a vacant position with a probationary period of one year from the date the candidate first reports to work for the appointing power. If the person on probation is a new appointee, the appointing power may dismiss that person at any time without cause during probation. If a person on probation successfully completes a one-year probationary period, that person shall only be demoted or dismissed for cause and in a manner specified by these rules. If a member District has a collective bargaining agreement that permits an extension of the probationary period, the member District shall notify the Commission of its intent to extend probation and

clearly state the reasons for such an extension, specific objectives to be met, and the consequences of non-compliance.

2. Promotional Appointments. The appointing power shall appoint one of the certified candidates to a promotional vacant position to serve a probationary period of one (1) year. A person on probation may be re-appointed to their prior position if that person fails the probationary period. Other Civil Service appointment rules regarding appointment to a permanent position do not apply to such a reappointment. The person who has been appointed to a higher classification, and who fails to meet the member District's expectations for that position during the probationary period, shall not lose his/her seniority in the lower classification from which the promotion was made. If a person on probation successfully completes the one (1) year probationary period and qualifies for the promoted position, that person shall only be demoted or dismissed for cause and in the manner specified by these rules.

3. Voluntary return to a previously held position by non-probationary personnel. Personnel who have completed their probationary period may at any time request to voluntarily return to a lower ranking position if a position exists and the employee has previously held that position or meets all of the qualifications for that position. The decision to allow an employee to return to a lower ranking position is solely in the discretion of the Fire Chief of the member District of the employee. Such a request is not to be used in lieu of or in avoidance of, disciplinary procedures. Such a request by an employee and action on that request by the Fire Chief shall not be deemed a disciplinary action, demotion, or dismissal and is not subject to other Civil Service appointment rules. If a position is not available, the employee may be placed at the top of the promotional roster for such position and may be offered that position when one becomes available. If the employee accepts the position when it becomes available, the employee shall not lose any seniority with the District.

B) Temporary Appointments. When there is a short term vacancy in a position that is anticipated to last longer than 14 days but no more than 90 days, the District may choose to fill that position, using any one of the following methods at its own discretion: (1) Temporarily appoint any District Volunteer Firefighter or a Firefighter not regularly employed by the District, providing such candidates are otherwise qualified; (2) Request the top five candidates from an existing eligibility list and temporarily appoint one of those candidates; (3) Temporarily appoint an existing employee to a higher classification position in which there exists a short term vacancy. The District may request an additional 90 day extension to the temporary appointment when circumstances require. Employees accepting temporary appointment under this Section shall be notified that their appointment is temporary in nature only and that they cannot be appointed to a regular position in a District without undergoing the appropriate Civil Service recruitment process.

C) Regular Appointment. If no action is taken by the appointing power to dismiss or demote a probationary employee during the probation period, the employee shall be deemed to have satisfactorily completed the probationary period and the appointment shall be made regular at the end of the specified period.

D) Notice to Commission. The appointing power shall report to the Commission upon each appointment:

1. The name of the appointee

2. The title of the position to which he or she was appointed
 3. The date of beginning of service
 4. The salary or compensation
 5. In addition, the appointing power shall report to the Commission on the date of official action or knowledge of each case, every change in the position of any person covered by these rules.
- E) Transfer or Reinstatement. The appointing power may authorize the transfer or reinstatement of any person holding one position to a similar position in the same classification. No transfer or reinstatement shall be made from a position in one classification to a position in another classification.

Section 4 Leave of Absence Without Pay. Leave of absence for not more than ninety (90) days without pay, and without consent of the Commission, may be granted by the appointing power. Such leave shall not in any way prejudice the rights or privileges of a person subject to Civil Service. The Board of Directors of the member District according to its rules may grant leaves for longer periods. Immediate notice of such leave shall be given to the Commission. The Commission will honor leaves protected under federal and/or State medical and family leave laws and for call-up to active duty of an armed forces branch of the United States, State National Guard or qualifying service in the National Disaster Medical System. Time spent on an unpaid leave of absence during a probationary period shall not count towards completion of the probationary period.

RULE 8

DISCIPLINARY ACTIONS

Section 1 Cause for Disciplinary Action. The tenure of persons subject to Civil Service shall continue during good behavior and such persons may be dismissed, demoted, suspended without pay or deprived of special privileges for any of the following cause or any other good cause: (except that employees in a probationary period may be dismissed or demoted at any time with or without cause.)

- A) Incompetency, inefficiency or inattention to or dereliction of duty.
- B) Dishonesty, intemperance, reporting to work under the influence of, or the use of drugs or controlled substances while on duty, immoral conduct, insubordination, or discourteous treatment of the public or of fellow employees.
- C) Any other willful failure of good conduct tending to injure the public service or other Federal or State laws or regulations of the District
- D) Any willful violation of the provisions of these rules.
- E) Conviction of a felony, or a misdemeanor involving moral turpitude.
- F) The willful giving of false information or withholding information with intent to deceive, when making application to an entrance examination.

These actions are considered severe breaches in good conduct and subject to the immediate dismissal, demotion, suspension of pay, and/or deprivation of special privileges without progressive disciplinary steps by a member District.

Section 2 Written Accusation. When a person subject to Civil Service who has been regularly appointed is dismissed, demoted, suspended without pay, or deprived of special privileges, he/she must be served with a signed, written statement of the charges against him/her including the probable disciplinary consequences of those charges, and given a chance orally or in writing, to refute those charges with a person having authority to adjust the action. A duplicate shall be filed with the Commission.

Section 3 Provision of other Rules. Nothing in these rules are intended to relieve or absolve a member District of its employment practices and responsibilities under other Federal or State statute or benefit program.

RULE 9

APPEALS, HEARINGS AND INVESTIGATIONS

Section 1 Appeals:

A. **Disciplinary Actions.** Any employee who is suspended, reduced in pay, demoted, or dismissed shall have the right to appeal to the Commission. Notice of appeal must be filed with the Commission not later than ten days after the effective date of such action. Such notice must be in writing and must set forth reasons why the disciplinary action is thought to be improper. The Commission shall hear the appeal within thirty (30) days after receipt of the request provided a quorum is available. The Commission shall furnish the appointing power concerned with a copy of the notice of appeal in advance of the hearing.

Employees may not utilize both the grievance procedure in a union contract and this Civil Service System appeals process.

B. **Examination Process.** Applicants may request reviews of the results of an examination process as described in Rule 6, Section 10

C. **Other.** See Rule 4, Section 16.

Section 2 Legal Representation. The Commission, if it needs legal advice, shall retain counsel to be paid out of the Civil Service Budget.

Section 3 Record of Proceedings. The Commission shall cause minutes to be taken of its proceedings by such clerical assistance as it may have available but need not have a transcript made of its proceedings. Appellant shall be advised prior to the hearing that if a transcript is desired, the appellant must make necessary arrangements with a court reporter and bear the expense of same.

Section 4 Content of Hearing. The hearing investigation shall be confined to a determination of the question of whether such removal, suspension, demotion, or dismissal was made in good faith for cause.

Section 5 Subpoenas and Records. The Commission has the power to administer oaths, subpoena witnesses, and compel the production of books, papers, communications, and other material evidence pertinent to any investigation or hearing authorized by law. The Columbia County Circuit Court, on petition of the Commission, shall compel obedience of any person who fails to appear in response to a subpoena, or to answer any question or produce any books, papers, communications and/or other materials evidence pertinent to such investigation or hearing, and shall punish refusal to obey or to testify in the same manner as a refusal to obey a subpoena or to testify pursuant to a subpoena issued from the Columbia County Circuit Court.

Section 6 Investigations. In connection with an appeal, complaint, protest, or any other purpose authorized by these rules, the Commission may conduct such investigation or civil suit, as the Commission deems necessary for the proper enforcement of these rules. The Commission shall make a public report upon all matters investigated under these rules.

Section 7 Hearings.

A. Procedure. Commission hearings shall be open to the public and informal. Both the person requesting a hearing and the member district shall be given written notification of the time and place of a hearing at least fourteen (14) 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 his/her 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 of a political subdivision in which he/she is called as a witness. The fees and mileage allowed in this section need not be prepaid, but the member District 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 that the Commission has been requested to examine. It shall not be made an occasion for uttering irresponsible accusations, attacks upon the character or conduct of employer or employee, or other derogatory matters having no bearing on the charges under investigation. The Commission in conducting such hearings is not bound by the 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 his/her own hearing. However, counsel or other representative of his/her own choosing may represent an employee.

E. Informal Conduct. No informality in the conduct of any hearing hereunder shall invalidate any decision made by the Commission.

Section 8 Commission Findings. If, after receiving evidence presented in hearings on disciplinary actions, the Commission finds that the complained-of action taken by the appointing power was made in good faith for cause, the Commission may affirm or modify the action, or if the Commission finds that the complained-of action was not made in good faith for cause, the employee shall be reinstated to his/her position and shall not suffer any loss in pay or status. The Commission shall certify its findings and order in writing to the appointing power that shall put it into effect.

Section 9 Appeal to Circuit Court.

A) Any decision of the Commission affecting any regular employee or employees may be appealed to the Columbia County Circuit Court.

B) If an appeal is to be filed by either an employee or by the Appointing Power, a written notice of appeal must be served upon the Commission within thirty (30) days after the date of the entry of the judgment or order to be appealed. The notice must state the grounds of the appeal and request that a certified transcript of the record and of all papers affecting or relating to such judgment on file with the Commission be forwarded to the Columbia County Circuit Court.

Within fourteen (14) days after receiving such a notice of appeal, the Commission must make, certify, and file the requested transcript with the court.

C) The Columbia County Circuit Court shall hear and determine an appeal in a summary manner. The hearing shall be confined to a determination of whether the order of removal, discharge, demotion or suspension made by the Commission was made in good faith for cause. No appeal to the court shall be heard except upon these grounds.

D) If an appeal is taken, the prevailing party shall be allowed its costs and disbursements.

APPENDIX 1
MEMBER DISTRICT ORDINANCES/RESOLUTIONS
ADOPTING
COLUMBIA RIVER FIRE & RESCUE CIVIL SERVICE
SYSTEM

Columbia River Fire & Rescue
Ordinance 2008-09: #1

AN ORDINANCE ESTABLISHING A CIVIL SERVICE SYSTEM FOR COLUMBIA RIVER FIRE & RESCUE

Whereas, ORS 242.702 through ORS 242.824 provides for a Civil Service for Firefighters (generally), and

Whereas, ORS 242.704 (1) provides in part that: §(1) 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 covering the employees of its fire department which substantially accomplishes the general purposes of ORS 242.702 to 242.824. However, such political subdivision shall retain such exemption only so long as the civil service system upon which the exemption is based remains in effect, and,

Whereas, Columbia River Fire & Rescue desires to amend its current Civil Service Rules to substantially accomplish the general purposes of ORS 242.702 through 242.824 and, more clearly reflect the practices of a Civil Service System covering more than one employer, now, therefore,

BE IT ORDAINED as follows:

1. There is hereby created a Civil Service Commission for Columbia River Fire & Rescue.
2. Columbia River Fire & Rescue may offer its Civil Service System to other Fire Districts who by Ordinance/Resolution of their governing bodies agree to the rules and guidelines of the Columbia River Fire & Rescue Civil Service System.
3. Agreement of other Fire Districts will be further evidenced by their participation in an Inter Governmental Agreement (IGA) establishing participation and other conditions of a joint Civil Service System.
4. The Commission shall be made up of three members who shall be appointed by the Board of Directors of Columbia River Fire & Rescue.
5. The term of office of each member of the Civil Service Commission is four years. Members are allowed to serve more than one term and shall serve without compensation.

6. No member of the Commission shall be a member of the governing body or an employee of any of the member Districts. Commissioners shall believe in the principles of Civil Service.

7. The Commissioners in place at the time of the adoption of this Ordinance shall retain their current status and terms of office, including appointment as Chairperson.

8. Two members of the Commissions shall constitute a quorum, and the affirmative votes of any two members shall be sufficient to decide all matters or transactions.

9. The Commission shall prepare and submit a budget to the District for its review and approval in conjunction with the District fiscal cycle each year.

10. The Commission shall follow the rules and guidelines adopted by Columbia River Fire & Rescue which substantially accomplishes the general purposes of ORS 242.702 to 242.824.

11. The Civil Service Commission in effect at the time of the adoption of this Ordinance are as follows:

Position	Name	Office	Term Expires
1	Jack Graff	Chairperson	August 30, 2011
2	Chuck Whittick		August 14 2010
3	Jack Carter		February 6, 2010

12. In accordance with ORS 242.756, all persons who are covered by Civil Service with any of the member Districts prior to the adoption of this Ordinance shall continue to be covered by Civil Service subsequent to the adoption of this Ordinance.

13. Upon adoption of this Ordinance, Resolution 88/89 #2 and any other preceding document are repealed and replaced by this Ordinance.

14. The Commission shall appoint a Chief Examiner when a vacancy in this position occurs. The Chief Examiner retained by the Commission prior to the adoption of this Ordinance will continue as the Chief Examiner.

15. Columbia River Fire & Rescue will supply the Commission with all office supplies, equipment and space necessary to carry on the business of the Commission and provide the Commission with such clerical assistance as the Commission may consider necessary.

16. The Commission shall make suitable regulations not inconsistent with ORS 242.702 to 242.824 to carry out the provisions thereof. The regulations shall provide in detail the manner in which examinations shall be held, and appointments, promotions, demotions, transfers, reinstatements, suspensions and discharges shall be made. The rules and regulations together with all amendments thereto shall be posted in the member Districts and shall be available for inspection in the secretary's office for public inspection.

This matter having come before the Board at its regularly scheduled meetings as follows:

First Reading on: _____

2nd Reading on: _____

The final vote took place on this matter on _____, 2008 and is recorded as follows:

AYES: _____ NAYS: _____ .

This Ordinance takes effect thirty (30) days from this date.

Diane Dillard, Chairperson

Marit Nelson, Recording Secretary

Filed with the County Clerk on: _____ 2008.

APPENDIX 2
MEMBER DISTRICT INTERGOVERNMENTAL AGREEMENT
FORMING JOINT CIVIL SERVICE SYSTEM

COLUMBIA RIVER FIRE & RESCUE
INTERGOVERNMENTAL AGREEMENT
FOR A COMMON
CIVIL SERVICE SYSTEM

This agreement is made and entered into by and between the COLUMBIA RIVER FIRE & RESCUE (CRF&R), the Clatskanie Rural Fire Protection District (Clatskanie), and the Scappoose Rural Fire Protection District (Scappoose). Each District is a unit of local government of the State of Oregon organized and offering fire protection and other services to their respective patrons in accordance with Oregon Revised Statute Chapter 478.

RECITALS:

Whereas, Columbia River Fire & Rescue has an established Civil Service System and;

Whereas, Columbia River Fire & Rescue has appointed both a Civil Service Commission and they in turn, have appointed a Civil Service Chief Examiner; and

Whereas, Clatskanie and Scappoose have need of provisions of a Civil Service System; and

Whereas, Oregon Revised Statutes 190.010 authorizes governments to make intergovernmental agreements that allow for the performance of a function or activity by one of the parties for any other party.

NOW, THEREFORE, in consideration of the mutual covenants and commitments herein, the parties agree as follows:

1. Appointment
 - a) Clatskanie and Scappoose each hereby appoint the Civil Service Commission of Columbia River Fire & Rescue as the Civil Service Commission for their respective district.
 - b) Clatskanie and Scappoose hereby appoint the Chief Examiner of Columbia River Fire & Rescue as the Chief Examiner for their respective District.
2. Rules
 - a) Clatskanie and Scappoose hereby adopt and agree that the rules attached hereto marked a Columbia River Fire & Rescue Civil Service System and Rules shall apply to and be effective for the conducting of civil service business for each respective district.
 - b) The rules of Columbia River Fire & Rescue are considered by all parties as a Civil Service System covering the required employees of the respective fire districts and declare that this substantially accomplishes the general purposes of and provides an exemption from ORS 242.702 to 242.824 as is provided by ORS 242.704 (1).
 - c) Prior to the rules being modified the commission will advise each District of the proposed changes and its purpose at least thirty (30) days prior to its enactment.
 - d) If there is a dispute regarding a proposed rule it will be resolved through the dispute resolution of this agreement.

e) Each district may propose the adoption of rules to be added to an appendix to the Civil Service Rules that apply only to their respective district. If there is an inconsistency between the general Civil Service Rules and the rules adopted on behalf of a specific District as it relates to matters concerning that district the District's specifically adopted rule will apply.

3. Costs and Expenses

a) All costs and expenses for operation of the Civil Service System in its day to day activities shall be borne by the parties as follows:

- A Columbia River Fire & Rescue 50%
- B Clatskanie 25%
- C Scappoose 25%

b) Prior to March 1st of each year the budget officer of Columbia River Fire & Rescue will provide a copy of the Commission's proposed budget for the upcoming fiscal year. Each governing body shall appropriate sufficient funds to carry out the general operating services of the Commission according to Section A) above.

c) Any services provided specifically on behalf of any district or any combination thereof, less than all, shall be billed separately to the district or districts receiving such services. Examples of such activities include hearings on protests, or claims of violations of Civil Service Rules as it relates to any specific district or any reviews or appeals of dismissal, demotion, suspension, and/or deprivation of special privileges as it relates to an employee of any individual district.

d) Any penalties or actions assessed by the Commission or subsequent actions shall be borne by the party or parties that incurred such penalty.

e) Funds received by Columbia River Fire & Rescue from other districts shall be accounted for and reported to the respective districts annually. The report shall consist of a report showing all the expenses and receipts of the Commission. To the extent that estimated charges are paid by any one district exceeds the amounts actually used by the Commission those amounts will be carried forward and used as a dedication for that district's future year. To the extent that such amounts as paid by any district do not equal the amount required to pay for the district's share of expenses that amount, if not previously paid should be added to and become an obligation of the district's next succeeding year's contribution.

4. Indemnification and Waiver

a) Clatskanie, Scappoose and Columbia River Fire & Rescue agree to waive any claims each may have against the others as a result of the activities of the Commissioners or the Chief Examiner unless those activities involve gross negligence or willful misconduct on the part of the party.

b) Clatskanie, Scappoose and Columbia River Fire & Rescue agree to defend and hold each other harmless from the acts of their directors, employees, volunteers or candidates that may be brought as a result of any duties performed under this agreement specifically on behalf of any one of the signatory parties.

5. Dispute Resolution:

a) If there are any disputes relating to charges or rule making matters under this agreement, those disputes will be referred to an advisory committee including the fire chief and board president or their respective designees for each District. A meeting may be called by giving notice at least ten (10) days prior to the date of the proposed meeting. It is the object of any meeting to facilitate the attendance by all parties. If as a result of such meeting the parties are not able to resolve their differences and those differences are subject to being determined by arbitration then they will proceed as follows:

- The advisory committee shall meet and determine a procedure for arbitration and selection of an arbitrator. If no arbitration procedure can be determined the matter shall then be submitted to the presiding judge of the Columbia County Circuit Court, for action or appointment of an arbitrator in accordance with the rules of ORS Chapter 36 on Arbitration to be conducted in accordance with the Oregon Trial Court Rules. If there is any dispute about the procedure to be used for arbitration, the

arbitrator shall have authority to resolve that dispute. The decision of the arbitrator shall be binding on all parties. The involved parties shall share the costs of arbitration equally.

- a) Any other disputes may be referred to the advisory committee. Such disputes would not be subject to arbitration.
- b) These dispute resolution procedures are for the administration of this intergovernmental agreement and not for the resolution of the Civil Service System business that has its own process.

7. Term of Agreement:

- a) This agreement shall be effective upon its signing by all of the parties. This agreement shall continue in full force and effect unless notice of intent to withdraw from the agreement is given as follows:
 - A) If Columbia River Fire & Rescue wishes to terminate providing Civil Service System they shall notify each district at least ninety (90) days prior to the proposed cessation of services. Any unused monies paid by the District for general Civil Service Commission operations shall be refunded to the respective districts on a pro rata basis.
 - B) If Clatskanie and/or Scappoose desire to terminate the use of the Civil Service System they may do so upon thirty (30) days notice to Columbia River Fire & Rescue. Any funds paid for general operations of the commission shall not be subject to refund.

8. Prior Agreements:

Any and all prior agreements regarding intergovernmental provisions of Civil Service System services are hereby revoked and are not further in force or effect.

DATED AND ACCEPTED this _____ day of _____, 200____.
For Columbia River Fire & Rescue Board of Directors

By: _____
President Secretary

DATED AND ACCEPTED this _____ day of _____, 200____.
For Clatskanie Rural Fire Protection District Board of Directors

By: _____
President Secretary

DATED AND ACCEPTED this _____ day of _____, 200____.
For Scappoose Rural Fire Protection District Board of Directors

By: _____
President Secretary

DATED AND ACCEPTED this _____ day of _____, 200____.

For Columbia River Fire & Rescue Civil Service Commission

Civil Service Commissioner Civil Service Commissioner

Civil Service Commissioner Chief Examiner

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APPENDIX 3

Classification Plans

Columbia River Fire & Rescue Classified Positions Covered by Civil Service.

1. Assistant Chief
2. Division Chief
3. Captain
4. Lieutenant
5. Firefighter/Paramedic
6. Firefighter/EMT

Clatskanie Rural Fire Protection District Classified Positions Covered by Civil Service

1. Deputy Chief
2. Division Chief
3. Lieutenant
4. Firefighter/Paramedic

Scappoose Rural Fire Protection District Classified Positions Covered by Civil Service

1. Assistant Chief
2. Division Chief
3. Lieutenant
4. Firefighter/Paramedic

APPENDIX 4
CIVIL SERVICE COMMISSIONER
OATH OF OFFICE

I, _____ do solemnly swear that I will support the Constitution of the United States of America, the State of Oregon, the laws and ordinances of Columbia County, and the Rules of the Columbia River Fire & Rescue Civil Service System. I further swear that I believe in the principles of Civil Service and that I will, to the best of my ability, faithfully perform the duties of the office of Civil Service Commissioner during my continuance therein.

Dated this _____ day of _____, 2____.

Signature _____

Notary:

Signed: _____

Exp: _____