

CANBY FIRE DISTRICT MOLALLA FIRE DISTRICT



CIVIL SERVICE COMMISSION RULES & REGULATIONS

Adopted: 09/08/2022

Last Revised Approval: 12/28/2022

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FLOW CHART - CIVIL SERVICE EXAMINATIONS

Chief Examiner Request to Civil Service Commission to hold an exam:

- A. Title of examination
- B. Weight of subjects
- C. Date of examination

Civil Service Commission accepts or rejects request:

- A. Quorum must be present
- B. Regular meeting or special meeting

Chief Examiner; exam posting notice:

- A. Notice of examination - date of posting
- B. Title — date of exam
- C. Job description
- D. Salary
- E. Benefits
- F. Equal opportunity employer
- G. Veterans' preference documentation
- H. Date filing closes
- I. Place of filing and to whom
- J. Resume shall be included with application

Chief Examiner; checks applications after filing date:

- A. Applications checked against resume and recorded.
 - 1. Qualified candidates — letter sent informing candidate of examination

- time, date, and place.
2. Unqualified candidates — letter sent notifying the candidate they are not qualified to take the examination.

Chief Examiner

- A. Conducts examination
- B. Grades examinations
- C. Notifies applicants of position on list
- D. Posts list

Civil Service Commission

- A. Quorum must be present
- B. Regular or special meeting
- C. Establishes eligibility list

Disposition of Examinations

- A. Filed
- B. Chief Examiner or designee must be in attendance at any file review

I. THE CIVIL SERVICE COMMISSION

1.1 **MEMBERSHIP** The members of the Civil Service Commission shall serve without compensation. Each must be a citizen of the United States and a resident of an area served by Canby Fire District (CFD) or Molalla Fire District (MFD) for at least three (3) years immediately preceding such appointment and must be a qualified elector of Clackamas County. The Civil Service Commission is composed of three (3) members who reside within one of the boundaries of the districts served by this commission, having at least one representative from each district.

1.2 **QUALIFICATIONS OF COMMISSIONERS** No member of the commission shall also be a member of Canby or Molalla fire district's governing body.

1.3 **TERM OF OFFICE** The term of office of each commissioner shall be for a period of four (4) years. If any civil service commissioner resigns before the end of the term, a new commissioner shall be appointed to serve the remainder of such term. Members may be reappointed.

1.4 **QUORUM** Two (2) members of the commission shall constitute a quorum, and the concurrence of any two (2) commissioners shall be sufficient for deciding commission matters and transactions under ORS 242.702 to 242.824.

1.5 **ORGANIZATION** The members of the Civil Service Commission shall elect a chairperson who shall remain in office until subsequent commission functions under the applicable statutes and consistent with adopted rules. These rules are promulgated pursuant to ORS 242.706 and apply to all classified positions under the jurisdiction of the Civil Service Commission.

1.6 **POWERS AND DUTIES** The Civil Service Commission shall:

1.6.1 Have powers and duties reflected in ORS 242.702-242.824.

1.6.2 Adopt rules consistent with State Law for regulation of personnel administration within the classified service.

1.6.3 Approve minutes of meetings and records of its proceedings and actions.

1.6.4 Provide for the holding of competitive tests, under the supervision of the chief examiner/consultant to determine the relative qualifications of persons for classified service employment. Will certify lists of eligible candidates for vacancies.

1.6.5 Hear and determine appeals arising from the administration of ORS 242.804 and related rules and regulations.

1.6.6 Investigate and report on all matters relating to the enforcement and effect of ORS 242.800 and related rules and regulations.

1.7 MEETINGS The commission shall hold such meetings as may be required for the proper discharge of duties with a meeting at least once every ninety (90) days rotating among the administrative offices of the fire districts served by the commission. Special meetings of the commission may be held at such times and places as may be determined from time to time by the commission; and the specific formal agenda items are the only matters which shall be acted upon by the commission at such special meetings. All activities of the commission shall be conducted in a manner which is compliant with ORS 192.630. Notice of all regular and special meetings shall be made to the media and public with the understanding that the news media may be excluded from attendance when found necessary and legal under any exemption in such statute. Two (2) members of the commission shall constitute a quorum. "Roberts' Rules of Order, Newly Revised" shall be utilized to conduct commission meetings.

1.8 RULES AND REGULATIONS Rules of the Civil Service Commission can be adopted by a majority vote of the members of the Civil Service Commission. The Civil Service Commission has the power to interpret its rules. The commission may apply such principles as it deems necessary to carry out the intent of state law in determining cases that are not clearly defined by rules adopted by the commission. Rules in effect at the time of any event being considered by the commission shall be applied to such event.

1.9 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 such shall not affect the remaining rules and regulations or remaining portions of the rules and regulations.

II. THE SECRETARY AND THE CHIEF EXAMINER

2.1 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 compete in the examination, shall be set by the commission. The commission shall determine the method of examination to be utilized but may delegate the administration of the examination to any appropriate body or individual.

2.2 DUTIES OF THE SECRETARY AND THE CHIEF EXAMINER:

2.2.1 The secretary shall attend and take minutes at all meetings of the commission.

2.2.2 The chief examiner shall record, on behalf of the commission, established functions related to employment, promotion, and disciplinary matters of the classified service.

2.2.3 The chiefs of the districts, under the direction of the commission, shall administer the provisions of ORS and these rules and regulations.

2.2.4 The chief examiner shall, consistent with these rules, provide for the holding of competitive examinations.

2.2.5 The chief examiner shall perform all lawful and necessary duties delegated by the commission and all functions essential to the effective administration of the civil service system.

III. APPLICATION PROCEDURE AND APPLICANTS

3.1 ANNOUNCEMENT OF EXAMINATION 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. Public announcement of the examination shall specify:

3.1.1 The title and salary range of the position.

3.1.2 A brief outline of the duties of the position.

3.1.3 The minimum and special qualifications required.

3.1.4 The locations where application may be made.

3.1.5 The final date upon which applications will be accepted.

3.1.6 The final date upon which documentation of veterans' preference points must be provided.

3.1.7 Such notice shall be given the following minimum publicity and any additional publicity deemed necessary by the commission:

3.2 PROMOTIONAL EXAM POSTING Notice of time, place, and general scope shall be given by the commission once a week for two consecutive weeks by publication in a newspaper of general circulation in the political subdivision (ORS 242.758(1)). Posting in each district shall also occur on bulletin boards and district websites to satisfy the requirement to post in three public places, for not less than two weeks before the examination.

3.3 ENTRANCE EXAM POSTING Notice of time, place, and general scope shall be given by the commission once a week for two consecutive weeks by publication in a newspaper of

general circulation in the political subdivision (ORS 242.758(1)). Posting in each district shall also occur on bulletin boards and district websites to satisfy the requirement to post in three public places, for at least two weeks before the examination.

3.4 **AFFIRMATIVE ACTION POLICY** All fire districts that are served by this commission are affirmative action employers. The Civil Service Commission will direct 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 minority candidates.

3.5 **APPLICATION FORMAT** Application must be made on forms supplied or approved by the commission or in such other format as may be prescribed by the commission.

3.6 **FILING TIME FOR APPLICATIONS** Applications for examination and employment will be accepted for a period to be determined by the commission. The final date for filing of applications shall be included in the examination announcement.

3.7 **QUALIFICATIONS OF APPLICANTS** An applicant for any civil service position must be a U.S. citizen who can read and write the English language; must have graduated from an accredited high school (or have a G.E.D. certificate); be in good health (cannot pose a risk to others); be of good moral character and of temperate and industrious habits. Conviction of a felony will be grounds for rejection of an application or removal of name from the list of eligible candidates. Conviction of a misdemeanor involving drugs, theft, sex offenses, or other offenses determined to be unacceptable at the district's discretion will be grounds for rejection of an application or removal of name from the list of eligible candidates.

3.7.1 **SPECIAL QUALIFICATIONS OF APPLICANTS** With the approval of the chief examiner, each district served by this commission may choose to add special qualifications for each recruitment. Any special qualifications must be included in the examination announcement and must be reflected in the entrance exam posting.

3.7.2 Proof of special qualifications must be provided by the candidates at the time the candidate is contacted by a hiring authority for a chief's interview. Current certifications from the following agencies will be accepted as proof of special qualifications: Department of Safety Standard & Training (DPSST); National Fire Protection Association (NFPA), International Fire Service Accreditation Congress (IFSAC), and; Pro Board. Candidates that are not able to provide proof of special qualifications at the time of contact by a hiring authority will not be invited to a chief's interview but will remain on the eligibility list and be considered for all future vacancies.

3.7.4 Special qualification with the civil service rule cited must be and printed at the bottom of the certified entrance eligibility list.

3.8 **PHYSICAL EXAMINATION REQUIREMENTS** All applicants for entrance must conform to the minimum medical and health standards set forth by the State of Oregon or more stringent standards set by the commission. Before appointment, medical examinations for

entrance positions shall be made at the employer's expense. The results of all examinations shall be certified by the examining physician and provided to the fire chief's office.

3.9 NON-ACCEPTANCE OF APPLICANTS If the chief examiner determines that a particular applicant does not meet the minimum qualifications as established by the commission, the applicant shall be notified by the chief examiner. This notice shall allow sufficient time prior to the scheduled examination so that the applicant may supply additional information to the chief examiner prior to the examination if so desired. 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 the candidate's name shall be included on the eligibility list if they pass the examination. In so determining, it shall follow the statutory and rule guidelines, and the applicant shall be entitled to present argument and evidence as to the candidate's qualifications which shall be considered by the commission along with any reports from the chief examiner or the fire districts. The commission's determination shall be final.

IV. EXAMINATIONS

4.1 SCOPE All examinations shall be practical, impartial, and shall consist only of subjects that will determine the capacity of persons examined to perform the duties of the position to which an appointment is to be made.

4.2 CHARACTER The qualification and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:

4.2.1 Written tests and/or assessment centers.

4.2.2 Oral tests to assess knowledge, communication skills, interpersonal relationships, and related factors. Oral interviews will be part of the testing process prior to the establishment of the eligibility list.

4.2.3 Physical tests of strength, stamina, agility, or dexterity.

4.2.4 Evaluation of education, training, experience, performance, or qualifications as shown by the application, or by other factual information submitted or on record.

4.2.5 Such other job-related criteria as determined in advance by the commission and posted in the examination announcement.

4.3 ORDER OF EXAM The order of each portion of the examination will be determined prior to the start of the exam. If the applicant passes each phase, they will be assigned a place on the eligibility list based on their final cumulative score from the assessment center phase, plus veterans' preference percentage points and/or volunteer, student, intern points if applicable.

Other phases of the pre-employment testing, such as psychological evaluation, medical examination, background investigation, etc. will be administered by the appropriate regulations. An applicant may be rejected by the chief examiner if in their judgement the candidate does not meet the minimum standards as set forth by the fire district requesting the examination.

4.4 PREPARATION All aspects of the preparation and administration of examinations shall be under the direction of the Civil Service Commission and carried out by the chief examiner. Tests shall not be given until they have been approved by the Civil Service Commission. The chief examiner may delegate the preparation and/or administration of examinations, or any portion thereof, to such qualified and unbiased consultants or fire district officials as deemed advisable.

4.5 PROMOTIONAL EXAMINATIONS When vacancies occur in any grade, they shall, whenever practicable, be filled by promotion from the eligibility list. Promotions shall be open only to members that have served in the district a minimum of three (3) years in the next lower grade or grades of the district in which the vacancy exists, except as may be determined in advance by the commission. Such exceptions would take into consideration the number of positions vacant and the number of candidates "eligible" to take the examination in order to assure that each examination is competitive.

Promotions to the rank of lieutenant or captain by Canby Fire District shall be open only to members that have served in the district a minimum of one (1) year in the next lower grade or grades of the district in which the vacancy exists, except as may be determined in advance by the commission. All other promotional examinations will follow the previous language in section 4.5.

4.5.1 Applicants who may become eligible due to meeting minimum qualifications or achieving time-in-grade requirements while a certified list remains active may be allowed to test for a position. Applicants who do not meet the minimum qualifications at the time of promotion shall not be considered.

4.5.2 Eligibility to the examination for all classified positions of the department may be extended to include personnel outside the district for which the examination is being offered, as long as external candidates have met minimum qualifications, held the equivalent rank, and achieved time-in-grade requirements. External candidates must have held a position in a department or district of comparable size, organizational complexity, or commonly defined economic characteristics to the fire districts served by this commission.

4.5.3 In the event that less than three (3) eligible candidates are available from within the district for which the examination is being offered, or in the event no one attains a passing score on the promotional examination given, the commission may direct the chief examiner to advertise the examination to include personnel outside the district holding the equivalent rank and time-in-grade required of members of the district for position which the examination is being offered. In certain circumstances, the commission may determine that less than three (3) candidates are sufficient.

4.6 IDENTITY OF EXAMINEES The identity of individuals taking competitive written examinations shall be concealed from the examiner(s) by use of an identification number which shall be used on all test papers. If identities must be disclosed, they shall not be used in any manner that may be prejudicial to the examinees.

4.7 WEIGHT OF EXAMINATION The weight of each portion of an examination shall be equal between all portions, totaling 100 percent. Each phase scoring is independent and not to be

combined with other phases in the examination process.

4.8 SCORING Applicants must obtain a cumulative passing score of 70 percent or higher in each scored phase of the examination.

4.8.1 A passing score will be granted to applicants who pass those phases graded pass/fail.

4.8.2 PHASE SCORE CALCULATION Final score during each phase is determined by the total of each portion plus veteran, volunteer, intern, student points, converted to a 100-point curve grading scale expressed to two (2) decimals.

For example, for a non-disabled veteran candidate that scored 294 of 310 points between all portions would have a phase score calculated as follows:

$$(((294 + 5) / 310) \times 100) = 97\%$$

In the above example:

- 294 points are points earned by the candidate from each portion
- 5 points are for veterans' preference
- 310 points is assumed to be the maximum overall points earned by any of the competing candidates, enacting a curve grade
- 100 is used to convert to a 100-point scale
- 97% is the phase score as a percentage

4.8.3 PORTION SCORE CALCULATION The portion score is determined by converting the total score earned into a 100-point grading scale multiplied by the weight of the portion.

$$((85 / 110) \times 100) \times 30\% = 23.10\%$$

In the above example:

- 85 points are points earned by the candidate as shown by evaluator submissions
- 110 points is the maximum points possible for the portion
- 100 is used to convert to a 100-point scale
- 30% is the weight of the portion
- 23.10% is the percentage earned out of the total weight

4.9 VETERANS' PREFERENCE In all competitive examinations, unless otherwise provided herein, veterans' points shall be applied in conformance with ORS 408.225 to 408.237.

4.9.1 The additional veterans' points shall be utilized as desired by qualified candidates for any entrance or promotional exam where the candidate meets the minimum and special qualifications for the position and examination process and presents the DD214 documentation by the deadline stipulated in the job or examination announcement.

4.9.2 All veterans that meet the minimum qualification requirements in a pass/fail evaluation or unscored phase of the application will be automatically advanced to the next phase of the examination. Veterans' preference points will not be applied in situations where a candidate does not meet the minimum qualifications for the position or examination process.

4.9.3 Veterans' preference will equal five (5) percentage points for qualified non-disabled

veterans or ten (10) percentage points for qualified disabled veterans of the total score for each scored phase of the examination depending upon the point preference indicated on the candidate's department of defense documentation (DD 214). Veterans' preference percentage points for qualifying candidates are added by converting the phase score to a 100-point scale and then adding the additional five (5) or ten (10) percentage points; for example: a candidate that qualifies for five (5) veterans' percentage points that earned 376 points out of a possible 400 points on the assessment center phase of the examination, the final score is derived in the following manner:

$$(376 / 400) = .94$$
$$(.94 \times 100) + 5 = 99$$

4.9.4 Veterans' preference percentage points will be added to each scored phase after the phase scoring is complete. For the purpose of applying veterans' percentage points, each portion's raw score in each phase will be added together with the appropriate veterans' points to a new raw total score. This new raw total score will be calculated using the 100-point curve scale identified in section 4.8.

4.9.5 After the establishment of a ranked eligibility list for hiring or promotion and the candidates are selected for a pre-hire interview in the numerical order of the ranked list, it is not required to provide an interview to the candidate(s) with qualifying veterans' percentage points whose number ranking is not included in the number sequence to be considered. If the numerical order of the eligibility list is not followed for any reason, all candidates with qualifying veterans' preference percentage points that are on the eligibility list must be granted an interview.

4.9.6 Evidence for veterans' preference shall be the applicant's DD 214. Proof of veterans' preference must be provided at the time of application and before the application deadline. This requirement must be included in the position announcement.

4.10 VOLUNTEER / STUDENT / INTERN CREDITS / POINTS In all competitive entrance examinations, volunteers, students, and interns who are considered active with any of the fire districts served by this commission shall be given preference status for positions in their respective agencies. Volunteers, students, and interns shall be required to have a letter signed by the fire chief of the fire district in which the volunteer, student, or intern is affiliated at the time of application, stating good standing and join date, in order to receive any points.

4.10.1 Volunteers, students, and interns that have been with either fire district for more than six (6) months will receive an additional ten (10) points added to each scored phase after the phase scoring is complete. For the purpose of applying volunteer, student, or intern points, each portion's raw score in each phase will be added together with the appropriate points to a new raw total score. This new raw total score will be calculated using the 100-point curve scale identified in section 4.8.

4.10.2 All volunteers, students, and interns that meet the minimum qualification requirements in a pass/fail or unscored phase of the examination process will be automatically advanced to the next phase of the examination. Volunteer, student, or intern points will not be applied in situations where a candidate does not meet the minimum qualifications for the position or examination process.

4.11 **ELIGIBILITY LISTS** Candidates shall have their names entered on the eligibility list in order of their respective final score plus veterans' preference and/or volunteer, student, or intern points if applicable, with the highest score being first. The eligibility list will include the rank of each candidate with their name and their final score.

4.11.1 The credits / points described in 4.10 will be added to each scored phase of the examination process after the phase scoring is complete. For the purpose of applying volunteer, student, or intern points, an assessment center with multiple scored components will be considered a single phase of the examination. These credits / points will be added to the total combined examination score without allocating the preference to any single feature or part of the examination.

4.12 **NOTIFICATION OF GRADE AND RANK** A list will be posted in each fire station within two (2) days following certification by the commission. Each examinee shall be notified by mail of the results of the examinations, including score and position on the eligibility list (if passed). Written notice will be emailed to the email address appearing on examinee's application or at such other email address as the examinee may have subsequently provided in writing to the chief examiner.

4.13 **REVIEW OF EXAMINATION PAPERS AND CHALLENGES** Within ten (10) days after notice of final score has been mailed or emailed, any competitor in a promotional examination may review their examination paper and a keyed copy of the test booklet. Entrance-level candidates may not review a keyed copy of the test booklet. Should a candidate challenge the grading of any questions, the fairness of a question, or contend that the examination was improperly conducted, the candidate must submit a written statement to the chief examiner within ten (10) days after the notice of final score has been mailed (the postmark date shall be used for determining mailing date) or emailed. The written statement must clearly identify the candidate's contentions including specific question references. All such written challenges will be reviewed by the commission. The commission may decide to obtain additional information from interested parties. If the commission deems the challenge valid, the commission shall order that the examination score is revised. If the revised score changes the examination outcome from fail to pass, the eligibility list will be restructured. Notices will be mailed or emailed to everyone on the eligibility list indicating the action ordered and its effect on their eligibility. (See, also, 5.6, Revocation of Eligibility List.)

V. ELIGIBILITY LISTS

5.1 **ESTABLISHMENT OF ELIGIBILITY LISTS** The commission shall prepare and keep an eligibility list for each grade and classification in the civil service of all persons whose general average standing upon examination for such grade or classification is not less than the minimum fixed by the rules of the commission, and who are otherwise eligible. Such persons shall take rank upon the eligibility list as candidates, in the order of their relative standing as determined by examination and any applicable veterans' preference points. Candidates of equal standing shall take rank upon the list according to the order in which their applications were filed.

5.1.1 A single entrance eligibility list will be used for appointments by all the fire districts served by this commission.

5.1.2 Special qualifications with the civil service rule cited must be printed at the bottom of the entrance eligibility list. (See 3.7.1 thru 3.7.4 for further info regarding special qualifications.)

5.1.3 Separate promotional eligibility lists will be established for each of the fire districts served by the commission. The promotional list for each district will contain only the names of members from the same district.

5.2 DURATION

5.2.1 Entrance-level eligibility lists shall be valid for twelve (12) months following certification. The Civil Service Commission may extend the list an additional eighteen (18) months, for a total of thirty (30) months. The expiration date of the eligibility list shall be printed on the list.

5.2.2 Promotional eligibility lists shall be valid for a maximum of thirty (30) months following the date of formal establishment by the commission.

5.2.3 The Civil Service Commission may schedule examinations prior to the expiration date of entrance eligibility lists if it is deemed to be in the best interest of the service. It is the intent of the commission to establish and maintain, insofar as possible, appropriate eligibility lists to certify names for appointments as the needs of the respective districts arise.

5.3 ENTRANCE AND PROMOTIONAL LISTS The current entrance eligibility list 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 list shall be headed by the names of persons who have been regularly 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 list.

5.4 REMOVAL OF NAMES FROM ELIGIBILITY LISTS Notification and appeal: No name may be removed from an eligibility list (except upon written request of the eligible candidate) without the consent of the commission. The candidate may appear before the commission to provide comment before any action is taken by the commission if they so desire. An applicant may request that their name is removed from the eligibility list by filing a written statement with the chief examiner.

5.4.1 An applicant who rejects a promotional appointment shall have their name removed from the eligibility list.

5.4.2 An eligible candidate who is proved to have falsified their application or test records shall have their name removed from an eligibility list by the commission and shall be prohibited from taking the examination again for at least two (2) years. If an individual requests that their name is removed from an eligibility list, they shall not be eligible to take an examination for such position for at least one (1) year without special permission from the commission.

5.5 NOTICE OF EMAIL ADDRESS CHANGE Each individual on an eligibility list is

responsible for notifying the chief examiner of a change of email address or phone number. Failure to do so may cause the removal of the individual's name from the eligibility list.

5.6 **REVOCACTION OF ELIGIBILITY LIST** An eligibility list may be revoked within thirty (30) days of certification by the commission if errors are discovered or standards have been inappropriately applied. If a list is revoked, written notice will be sent via email to all persons whose standing may be affected by the revocation (See, also, 4.13, review of examination papers and challenges).

VI. APPOINTMENTS

6.1.0 **BASIS FOR APPOINTMENTS** All appointments within the fire districts, whether entry-level or promotional, shall be made solely on the basis of merit, efficiency, and fitness ascertained by and open competitive examination and impartial investigation.

6.2 **CERTIFICATION OF ENTRANCE ELIGIBILITY** Upon request by the appointing power, the commission shall certify the names of the three (3) highest ranking candidates on the eligibility list for each vacant position to be filled. These candidates will be invited to a chief's interview for the purpose of establishing the final list for hiring. The highest-ranking candidates for the chief's interview will be determined by their final score as listed on the eligibility list.

6.2.1 Candidates invited to the chief's interview must meet all special qualifications of the hiring authority. When a vacancy occurs, the top three (3) ranking candidates on the entrance eligibility list that meet all of the special qualifications will be invited to the chief's interview. (See 3.7.1 thru 3.7.4 for additional information regarding special qualifications.)

6.2.2 Candidates listed on the eligibility list that are contacted for a chief's interview will be scored and ranked. Points listed in section 4.10 and 4.9.4 will be applied on top of the total score for all applicable candidates, as done with other scored phases of the assessment.

6.2.3 When more than one entrance vacancy exists, the number of candidates invited to the chief's interview shall equal the number of vacancies plus two. (ORS 242.770 (1))

6.2.4 Candidates on the entrance eligibility lists who decline the opportunity for a chief's interview will be removed from the eligibility list.

6.2.5 Candidates that participate in a chief's interview but do not receive an appointment will be returned to the eligibility list for future vacancy consideration.

6.2.6 Candidates that participate in a chief's interview but decline an appointment shall be removed from the eligibility list.

6.2.7 Once a candidate accepts an appointment at any of the districts represented by this commission, their name will be stricken from the eligibility list.

6.3 **CERTIFICATION OF PROMOTIONAL ELIGIBILITY** Upon request by the appointing power, the commission shall certify the names of the two (2) highest ranking applicants when one vacant position is to be filled from the promotional eligibility list for the district where the

vacancy exists. When more than one vacancy exists, the number of candidates invited to the chief's interview shall equal the number of vacancies plus one (ORS 242.770 (2)). These candidates will be invited to a chief's interview for the purpose of establishing the final hiring list for promotion.

6.4 FINAL HIRING LIST The chief's interview will be conducted and scored by the appointing power. The candidates will be ranked again using only the scores from the chief's interview plus qualifying veterans' preference points and any volunteer, student, or intern credits awarded by the appointing district as designated in article 4.10 and 4.9.4.

6.4.1 This will constitute the final hiring list. Following the establishment of the final hiring list, the appointing power shall make a conditional appointment offer to the highest-ranking candidate or candidates on the final hiring list. The appointing power shall arrange for additional evaluations which may include but not be limited to physical, psychological, and background evaluations. The highest-ranking applicant or applicants from the final hiring list that were offered a conditional appointment that pass all additional evaluations shall be appointed to the district where the vacancy exists. If sufficient numbers of applicants fail to qualify for the final hiring list, a new group of applicants shall be selected from those next highest ranking on the list. The new group of applicants shall be interviewed, ranked, and evaluated in the same manner.

6.5 APPOINTMENT ACCEPTED OR DECLINED Whenever a candidate whose name has been certified for appointment fails to answer an inquiry by the chief examiner or the appointing power within ten (10) business days of the notification's email send date, the candidate shall be removed from the eligibility list. If the applicant accepts the appointment and reports for duty at a time prescribed by the appointing power, the candidate shall be appointed after taking an oath of office.

6.6 TEMPORARY APPOINTMENT A temporary appointment can be made when a vacancy has occurred in a position for which no eligibility list exists. The appointing power shall recommend the person highest on any eligibility list for commission approval. At the time of such appointment, or as soon as reasonably possible, the commission shall cause an examination to be held so that an appropriate eligibility list can be established no more than ninety (90) days from the temporary appointment date.

6.7 ACTING APPOINTMENT A temporary appointment may be made when an incumbent in any fire district position has been absent on disability leave, military leave, temporary assignment, or other leave approved by the fire chief. A temporary appointment will be made from an eligibility list for the incumbent's position. The appointing power will determine the acting appointment based on the two (2) highest candidates. Such appointment shall follow all normal civil service procedures. If or when the incumbent returns to work, the acting appointee shall revert to their former position. A temporary appointee's time worked in a higher position shall not be credited as probationary service unless the person has served in the higher position continuously for more than six (6) months.

VII. PROBATIONARY PERIOD

7.1 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 their new position, and as an aid in making the decision to reject

any employee whose work performance or personal conduct is unsatisfactory.

7.2 **DURATION** Entrance-level employment is subject to a probationary period of one-year actual service. Promotion to any position within classified service is also subject to a one-year probationary period. Time spent away from the district in training schools, on sick leave, military leave, or disability leave will not be counted toward meeting probationary requirements.

7.3 **DISMISSAL DURING ENTRANCE PROBATIONARY PERIOD** At any time during the entrance probationary period, the appointing power may terminate an employee. The appointing power shall notify the employee and the commission in writing of any employment termination. Such action by the appointing power is not subject to appeal.

7.4 **UNSATISFACTORY PERFORMANCE DURING PROMOTIONAL PROBATIONARY PERIOD** At any time during the entrance probationary period, the appointing power may revoke the promotional appointment of an employee if their performance is deemed unsatisfactory under ORS 242.796. The appointing power shall notify the employee and the commission in writing of any such revocation of a promotional appointment. The appointed employee has the right to revert to their previous permanent class position.

7.5 **PERMANENT STATUS** If no action is taken by the appointing power to terminate or reduce in rank a probationary employee during the probation period, the employee shall be deemed to have satisfactorily completed the probationary period and the employee's appointment shall be permanent at the end of the specified period.

7.6 **REMOVAL FROM ELIGIBILITY LIST** If an appointment is not made permanent because of the district's dissatisfaction with the employee's performance during the probationary period and the employee is terminated or reduced in rank, the employee's name shall be removed from the eligibility list for the position.

VIII. DISCIPLINARY ACTION

8.1 **TENURE OF EMPLOYMENT** No full-time employee of the fire district, who has been permanently appointed or inducted into civil service, under provisions of these rules and regulations, shall be suspended, terminated, or reduced in rank except for just cause.

8.2 **CAUSE FOR DISCIPLINARY ACTION** The following may be considered as cause for disciplinary action:

8.2.1 Incompetence, inefficiency, or inattention to or dereliction of duty.

8.2.2 Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act or omission tending to injure the public or any other willful failure on the part of the employee to properly conduct their job. Any willful violation of the provisions of these rules and regulations or Oregon law.

8.2.3 Mental or physical unfitness for the position which the employee may hold.

8.2.4 Drunkenness or use of intoxicating liquors, controlled substances, any substance that would impair judgement or physical ability while on duty, or the addiction to drugs or controlled substances.

8.2.5 Conviction of a felony or a misdemeanor involving moral turpitude.

8.2.6 Willful giving of false information or withholding information with intent to deceive when making application for entrance.

8.2.7 Failure to maintain an Oregon driver's license or failure to maintain proper medical certification which is required to perform the duties as an employee.

8.2.8 Any other act of failure to which, in the judgement of the Civil Service Commission, is sufficient to show the offender to be an unsuitable and unfit person to be employed in public service.

8.3 REMOVAL, SUSPENSION, DEMOTION AND DISCHARGE, DEPRIVATION OF SPECIAL PRIVILEGES No person in classified civil service who has been permanently appointed under these rules shall be removed, suspended, demoted, or discharged except for just cause as defined above. Such dismissal, demotion, or suspension shall be effective upon the filing with the commission of a written statement by the appointing power stating the reasons for such removal, suspension, demotion, discharge, or deprivation of special privileges. Such written statement of reasons shall be phrased in general terms. A copy of the filed action shall be served to the person thus removed, demoted, suspended, discharged, or deprived of special privileges. Such a statement shall advise such person that a grievance can be filed per the union contract within fifteen (15) days (if available) or in lieu of, the affected employee may, within fifteen (15) days of such service appeal to the district's Civil Service Commission by filing a written request with the chief examiner for a commission investigation. The affected employee must elect one option or the other and is not entitled to both.

IX. HEARING OF APPEALS

9.1 **COMMISSION MEETING** Any permanent employee covered under civil service rules and regulations who has been dismissed, demoted, suspended without pay, or deprived of special privileges may file a signed written demand for an investigation after filing a grievance with the union within fifteen (15) days of the personnel action. If the demand alleges, or there is good faith for cause, the commission shall conduct an investigation and hold a public hearing within thirty (30) days.

9.2 **LEGAL REPRESENTATION** A fire district attorney shall, upon request of the appointing power, assist in the preparation of the written statement of reasons for removal, demotion, suspension, or discharge and shall represent the appointing power and the affected district at all related Civil Service Commission hearings. If the commission needs legal assistance or advice before or during the hearing, it shall retain private legal counsel and pay for such counsel in a matter that is equally shared between the fire districts.

9.3 **RECORD OF PROCEEDINGS** The commission shall ensure minutes are taken of its proceedings by such clerical assistance as it may have available. Stenographic transcripts are not

required. Applicant shall be advised before the hearing that if the applicant desires a stenographic transcript, the applicant must make necessary arrangements with a court reporter and bear the expense.

9.4 CONTENT OF HEARING The hearing investigation shall be confined to a determination of the question of whether such removal, suspension, demotion, or discharge was made in good faith for cause.

9.5 HEARING PROCEDURE

9.5.1 At the commencement of the hearing, the chairperson, or a designated commissioner selected to be the presiding officer, may allow the parties to make opening statements.

9.5.2 After an opening statement, the district's legal representative shall call the appointing power and/or other witnesses as deemed relevant to the investigation.

Before testifying, each person shall be sworn in by the commission chairperson or designated presiding commissioner. Upon conclusion of direct testimony, witnesses shall be subject to cross-examination by appellant or their attorney. The members of the commission may call witnesses on its motion.

9.5.3 Upon conclusion of all testimony submitted by the district, the appellant may testify on their own behalf. The appellant may swear in witnesses to testify on the appellant's behalf. The commission or appellant may also subpoena witness. Such appellants' witnesses shall present direct testimony upon questioning by appellant or the appellant's attorney and be subject to cross-examination by the fire district attorney. The members of the commission may interrupt to question at any time and may call witnesses on its own motion.

9.5.4 Objections to questions may be raised by either the fire district attorney or appellant's attorney upon cross-examination, and such objections shall be immediately acknowledged by the chairperson or presiding officer, but technical rules of evidence need not be observed.

9.5.5 During presentation of their respective cases, the district and the appellant each may offer documentation and other physical evidence as deemed relevant and the commission may accept or reject such evidence. Either the fire district attorney or appellant's attorney may object to offering evidence and such objection shall be immediately acknowledged by the chairperson or presiding officer. Technical rules of evidence need not be followed.

9.5.6 At the conclusion of testimony, the commission shall require the fire district attorney to invite the appellant's attorney to present argument to the commission either for or against removal, demotion, suspension, or dismissal.

9.6 DECISION After hearing evidence and closing arguments, the commission shall review the matter in a private session within five (5) days. The commission shall reach a conclusion and issue a written decision within thirty (30) days from the date of the appeal hearing. If the commission finds that the action of the appointing power was not made in good faith for cause, it shall order the immediate reinstatement or re-employment of such person in the office, place, position, or employment from which the person was removed, suspended, demoted, or

discharged, and order the restoration of pay, special privileges, or other compensation withheld retroactively from the date of the disciplinary action. In all other cases, it shall affirm the action of the appointing power; provided, in lieu of such affirmation the commission in the case of dismissal may direct a suspension without pay for a given period and subsequent restoration to duty or a demotion in classification, grade, or pay.

9.7 NOTIFICATION OF DECISION The above-mentioned written decision by the commission shall be filed with the chief examiner and duplicates shall be mailed to the fire district attorney and to the appellant or the appellant's attorney.

9.8 BARGAINING UNIT EMPLOYEES In the case of a bargaining unit employee who chose to have the appeal heard by the Civil Service Commission, the following shall apply: If the decision of the Civil Service Commission is unacceptable to the appellant, the appellant may, within ten (10) days of receipt of the commission's decision, present a written request for binding arbitration to the district. In such event, a request will be made of the ERB (Employment Relations Board) for a list of five (5) qualified arbitrators. The arbitrator shall be selected by a process of elimination with each party having two (2) strikes: The first strike shall be determined by a coin flip. The decision of the arbitrator shall be final and binding on both parties. The arbitrator shall have no power to change, alter, detract from, or add to the provisions of this agreement, but shall have the power only to apply and interpret the provisions of this agreement in reaching a decision. The cost of the arbitrator shall be borne equally by both parties.

9.9 EXEMPT OR NON-REPRESENTED EMPLOYEES In the case of an exempt or non-represented employee, the following (ORS 242.804) shall apply:

(1) Any decision of the commission affecting the permanent employee or employees subject to these rules may be appealed to the circuit court of the county in which the office of the appointing power or the commission is located, and the court shall hear the appeal.

(2) The appeal, if taken by either an employee or by the appointing power, shall be initiated by serving upon the commission, within thirty (30) days after the date of the entry of such judgment or order, a written notice of appeal stating the grounds thereof and demanding that a certified transcript of the record and all filing materials affecting or relating to such judgment or order be filed by the commission with the court.

(3) The circuit court shall hear and determine such appeal in a summary manner. The hearing shall be confined to the 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 such court shall be heard except upon such grounds.

(4) The prevailing party to an appeal herein shall be allowed reasonable costs and disbursements.

9.10 INFORMAL CONDUCT No informality in the conduct of any hearing hereunder shall invalidate any decision made by the commission. All hearings shall be conducted in accordance with provisions of ORS 242.702 to 242.824.

X. PROCEDURAL INVESTIGATION

10.1 INVESTIGATIVE RESPONSIBILITY The Civil Service Commission and/or special hearing examiner shall make investigations as deemed necessary to ensure that the intent of ORS 242.702 to 242.824 and these rules and regulations are being adhered to. The commission shall

have such necessary powers to enable it to conduct access to work sites, the power to administer oaths and subpoenas, and the ability to require the attendance of witnesses and/or the production of any pertinent documents.

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.

XII. LEAVES OF ABSENCE

12.1 **LESS THAN NINETY (90) DAYS' DURATION** Leaves of absence not exceeding ninety (90) days and without pay may be granted by the appointing power to any person under civil service, provided that such appointing power shall give notice of such leave to the commission via the chief examiner.

12.2 **MORE THAN NINETY (90) DAYS' DURATION** Leaves of absence in excess of ninety (90) days may be granted by the commission upon written request of the employee and upon written endorsement by the appointing power. The governing body shall give immediate notice of such action to the Civil Service Commission.

12.3 **MILITARY LEAVE** Military leaves of absence shall be granted by the appointing power in accordance with the provisions of the applicable chapters of Oregon Revised Statutes.

12.4 **EXPIRATION OR TERMINATION OF LEAVES OF ABSENCE** The appointing power may terminate any leave of absence other than military leave by written notice to the employee concerned whenever the conditions require such action. The employee shall then be required to return to duty within fourteen (14) calendar days. The employees shall be returned to the same class of position as occupied when leave of absence was granted. An employee who fails to return to duty upon termination or expiration of leave shall be considered absent without leave and subject to disciplinary action.

XIII. LAYOFFS, REDUCTIONS IN FORCE

13.1 **PROCEDURE** Whenever the appointing power contemplates a reduction of staff because of shortages of funds, lack of work, or reorganization, notice 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 an employee in a lower classification; provided that the employee has (a) previously held permanent status in that classification; and (b) has more department seniority than the employee being displaced. If a complaint is filed by a permanent employee who has been laid off, and the commission finds the lay-off did not comply with relevant rules and regulations, the commission may reinstate the employee(s). The commission shall provide notice of layoff to affected employees at least four (4) weeks before the effective date. Permanent 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 regulation.

XIV. RESIGNATION

14.1 **PROCEDURE** An employee may resign from a civil service position by presenting the employee's resignation in writing to the appointing power. To resign in good standing, an employee shall give at least two (2) calendar weeks' notice. If there are extenuating circumstances, the appointing power may initiate an investigation as the employee deems warranted, for the purpose of verifying reasons for each resignation. An employee's resignation and the pertinent circumstances shall be recorded in their personnel file.

14.2 **LOSS OF RIGHTS AND STATUS** Any person in the civil service employ of the fire district who is a permanent appointee and who has not completed their probationary period, and who resigns from such service shall not be entitled to any privileges upon seeking to re-enter such service except such as are available to applicants for original appointments to service or as are provided for in this section. Any such employee who resigns may within six (6) months of such resignation, make written application for reinstatement to 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. Regardless of the employee's former rank or position, the employee shall only be reinstated to the department at the rank of firefighter or other applicable entry position, and the employee shall be reinstated only if a vacancy in such position is budgeted and existing. If no such position becomes vacant within six (6) 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, but their eligibility for promotion will be the same as eligibility of other entry firefighters.

XV. RECORDS AND REPORTS

15.1 **ROSTER** The chief examiner or commission secretary shall maintain a file or roster for each employee in the classified service showing the name, title, or position held, their assigned division, the salary, changes in employment status, leaves, and all other information that may be considered pertinent. Access to these records shall be restricted to the appointing power, personnel officer, and members of the Civil Service Commission.

15.2 **EXAMINATION RECORDS** The chief examiner or commission secretary shall maintain examination records for each employee in the classified service. Such records shall include the date and title of the examination, ratings earned, and grade obtained.

15.3 **ACCESS TO DEPARTMENTAL RECORDS** The Civil Service Commission, chief examiner, personnel officer, and appointing power shall have access to all department records which will aid them in the discharge of their duties.

15.4 **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 request 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.

15.5 **REPORTS** For the purpose of certification to the fire district authorities for the payment of salaries, and in order that that the commission may keep a proper record of changes in the classified service, the appointing power shall cause records to be kept for the commission regarding:

15.5.1 Every probationary or temporary appointment made by the appointing power.

15.5.2 Every refusal or neglect to accept an appointment by a person who has been duly certified.

15.5.3 Every suspension made by the appointing power or any officer or employee with the reason.

15.5.4 Every separation from service, whether the separation was caused by death, dismissal or resignation submitted in writing and filed with the commission.

XVI. DEFINITIONS

16.1 **DEFINITIONS** The following are definitions of terms appearing in these rules and regulations.

16.1.1 **APPOINTMENT** The appointment of an individual to a position covered by civil service. There are three (3) types of appointments:

- (1) **Permanent:** 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 which there is no eligibility list.
- (3) **Acting:** An appointment from an eligibility list to a position which is not vacant but where the incumbent is on disability leave, military leave, leave of absence, or on temporary reassignment.

16.1.2 **APPOINTING POWER** Includes every person or group of persons who, acting singly or as a board, council, or commission, are vested with authority to select, appoint, or employ a person to hold any position subject to civil service under ORS 242.702 to 242.824.

16.1.3 **CERTIFICATION** The process of the Civil Service Commission of the chief examiner relaying to the appointing power upon requisition, the name of the individual ranked highest on an eligibility list.

16.1.4 **CIVIL SERVICE** Means the civil service system established under ORS 242.702 to 242.824.

16.1.5 CLASS A group of positions sufficiently similar in duties, responsibilities, authority, and minimum qualifications to permit combining them under a single title and for application of common standards for selection and compensation.

16.1.6 CLASSIFICATION The process of assigning positions to classes.

16.1.7 CLASSIFICATION PLAN All class descriptions compiled into one written document.

16.1.8 CLASSIFIED SERVICE All positions under the jurisdiction of the Civil Service Commission.

16.1.9 COMMISSION Means a Civil Service Commission created under ORS 242.702 to 242.824.

16.1.10 COMMISSIONER Means a member of the Civil Service Commission created under ORS 242.702 to 242.824.

16.1.11 DEMOTION The appointing power may reduce to a lower grade or rank either by permission or for cause.

16.1.12 DEPRIVATION OF SPECIAL PRIVILEGES The removal of a right not granted as a regular benefit.

16.1.13 DISMISSAL Removal by the appointing power from a position or service within the fire district either by permission or cause.

16.1.14 ELIGIBLE A person ranked on an eligibility list.

16.1.15 EXAMINATION The entire promotional or hiring process that may include phases and portions that make up the examination.

16.1.16 FIRE DISTRICT Means an organization maintained by any political subdivision for the purpose of preventing or combating fire.

16.1.17 GOVERNING BODY Means directors that reside within the boundaries of each of the districts served by this commission.

16.1.18 LAYOFF The involuntary termination of an employee for reasons other than cause.

16.1.19 PERMANENT EMPLOYEE An employee who has completed the probationary period for the class of their present position.

16.1.20 PHASE The major components of the hiring process. Usually consists of the application phase, the assessment center phase, and the chiefs interview phase. Other phases in the hiring process are identified in 4.3.

16.1.21 PORTION The major components of each phase. Usually consists of a fire, emergency medical, and interview phase of an assessment.

16.1.22 POSITION A group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

16.1.23 PROBATION A working test period during which an employee is required to demonstrate the employee's ability and capacity to perform the duties of the position to which they have been appointed.

16.1.24 PROMOTION The movement of an employee from a position in one class to a position in another class imposing increased duties and responsibilities, requiring greater qualifications, and providing a higher rate of pay.

16.1.25 REDUCTION IN FORCE Layoff necessitated by the fire district to reduce staffing level or expense.

16.1.26 REDUCTION IN RANK Assumption of duties in a lower classification by an employee either voluntarily or by demotion.

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

16.1.28 TERMINATION The involuntary cessation of employment with the fire district for cause.