

Columbia County, Oregon

CIVIL SERVICE RULES

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**COLUMBIA COUNTY
CIVIL SERVICE RULES**

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R U L E 12

RULE 1
GENERAL STATEMENT OF POLICY

Sec. 1 Purpose of Rules. The purpose of these Rules is to implement and to give effect to the provisions of the Columbia County Civil Service Ordinance (“Ordinance”) pursuant to the following objectives:

- A. To ensure that equal opportunity is provided to qualified persons to enter County employment on a basis of demonstrated merit and fitness to be ascertained by competitive recruitments.
- B. To ensure that equal opportunity is provided to qualified employees to advance by promotion on a basis of demonstrated merit and fitness to be ascertained by competitive recruitments.
- C. To promote and increase economy, productivity and efficiency of County employees.
- D. To establish and maintain a uniform plan of classification and pay based on the relative duties and responsibilities of employment with the County.
- E. To develop a program of recruitment and advancement that will contribute to attracting and retaining qualified persons for County service.
- F. To provide that employment in the County service be subject to proper conduct on the job, the satisfactory performance of work, the necessity for the performance of work, and the availability of funds.
- G. To assure impartial treatment of applicants and employees in all aspects of human resources administration without regard to political affiliation, race, religion, color, ancestry, sex, age, marital status, national origin, sexual orientation, military reservist status, veteran or disability with proper regard for their privacy and constitutional rights as citizens.
- H. To assure that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or nomination for office.
- I. To provide a forum for applicants and employees to protest perceived unreasonable employment actions and to have such actions investigated and reviewed.

Sec. 2 Application of Rules. These Rules shall apply to all classified positions and employees in the classified service of Columbia County.

These Rules shall supersede any related portions of the Personnel Rules in reference to classified positions.

Sec. 3 Notice. All notices or written communications to the Commission shall be sent in care of the Columbia County Human Resources Department.

R U L E 2
ADMINISTRATION OF CIVIL SERVICE COMMISSION

Sec. 1 Civil Service Commission. The Civil Service Commission is composed of three (3) members appointed by the Board of County Commissioners. The Commission shall include staff consisting of a Chief Examiner and such clerical assistance as is necessary. A Chairperson shall be elected by majority vote of the Commission and shall serve until replaced. The Chief Examiner shall keep records of the Commission's proceedings, preserve all reports made to it, superintend and keep a record of all recruitments and investigations held or made under the direction of the Commission, perform such other duties as it may prescribe, and shall appoint such person or persons as may be necessary to assist in those duties.

Sec. 2 Commission Meetings and Hearings. The Commission shall meet at least once every ninety (90) days, provided a quorum is available and there are issues to be heard on the agenda, and at such times and places as shall be specified by call of any Commission member. Additional meetings shall be scheduled as necessary to conduct the business of the Commission. Any Commissioner, Board of County Commissioner, Chief Examiner, department head and/or any person subject to Civil Service, may request, in writing, that the Commission schedule a meeting. Such request shall detail the reasons for such meeting and the Commission shall schedule a meeting if the Commission believes cause has been shown. Advance notice of the time and place of each meeting shall be given to each member. All meetings of the Commission shall be open to the public, except for executive sessions held pursuant to ORS 192.660. Two (2) members of the Commission shall constitute a quorum.

Sec. 3 Records of Meetings. The minutes of all meetings and proceedings of the Commission shall be prepared and maintained by the Chief Examiner, and shall be approved by the Commission. Minutes of the meetings of the Commission shall be available for inspection by any person at the principal office of the Commission at reasonable and convenient times.

R U L E 3
ADOPTION, AMENDMENT AND APPLICATION OF RULES

Sec. 1 Adoption of Civil Service Rules. Rules relating to the administration of the Civil Service Ordinance shall be adopted by the Commission only after public hearing open to any citizen, officer, or employee of the County. Seven (7) or more days public notice of such hearing shall be given, setting forth the place and 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 available in all departments of the County.

Sec. 2 Amendment of Rules. A request for change in the Civil Service Rules may be submitted at any time by a department head, elected official or any person subject to Civil Service, in a written communication to the Commission indicating the proposed change and the reasons therefore. After review of the request, 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.

Any request for a change in the Rules shall be in writing and be submitted to the Chief Examiner. The Commission shall consider such request at the next regularly scheduled meeting or earlier, if the Commission decides to schedule a special meeting.

Sec. 3 Effect of New or Amended 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 Rule unless such Rule provides for a retroactive effect.

R U L E 4

DEFINITIONS

As used in these Rules, unless context clearly requires otherwise:

1. "Appointing Power" means any person or group vested with authority to appoint to any Civil Service position. This authority is typically vested with all elected officials and department heads of the County.
2. "Appointment" means all methods of selection of individuals for employment in County Service.
3. "Board" means the Board of County Commissioners for Columbia County, Oregon.
4. "Civil Service" means the civil service system established under the Columbia County Civil Service Ordinance.
5. "Chief Examiner" means the Human Resources Director of the County, if any, or if not, such other person as appointed by the Civil Service Commission.
6. "Classified Service" means employment in the County in a position which is subject to the provisions of the Columbia County Civil Service Ordinance.
7. "Class" or "Classification" means a group of positions in the County classified service which are sufficiently alike in duties, authority and responsibilities that the same qualifications may reasonably be required for and the same schedule of pay can equitably be applied to all positions in the class.
8. "Commission" means the Columbia County Civil Service Commission as established in the Columbia County Civil Service Ordinance.
9. "Commissioner" means a Civil Service Commission member.
10. "County" means the entity known as Columbia County, Oregon.
11. "Days" means working days unless otherwise designated.
12. "Demotion" means a transfer of an employee from a position in one class to a position in another class having a lower maximum salary range, usually as part of a disciplinary process.
13. "Dismissal" means the permanent cessation of employment with the County, usually for cause, and usually following disciplinary action.
14. "Eligibility List" means the list of applicants to a position who have been accepted for consideration for hire.
15. "Entrance" means a position in the County which is open to external candidates as well as

current employees.

16. "Examiner" means a person appointed by the Chief Examiner to conduct or monitor an examination.

17. "Exempt Service" means the person is appointed to a position which has been specifically exempted from the classified service by the Columbia County Civil Service Ordinance.

18. "Ordinance" means the Columbia County Civil Service Ordinance.

19. "Part-Time Position" means any position whose regular daily, weekly, or monthly hours of work are less than one-half of the hours of work established by the Board for regular full-time positions. Such part-time positions are included in the exempt service and not subject to these rules.

20. "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, lay off, dismissal, or any other action affecting status of employment.

21. "Personnel Rules" means the rules adopted by the Board of County Commissioners relating to the personnel administration of the County.

22. "Position" includes any office, place or employment.

23. "Probationary Period" means a working test period of six (6) to twelve (12) months during which an employee is required to demonstrate, by actual performance of duties, fitness for the position. After the initial appointment, a twelve (12) month "Initial Probationary Period" shall be served unless a longer period is provided for in a relevant collective bargaining agreement. After a promotional appointment, a six (6) month "Promotional Probationary Period" shall be served. After appointment to another position in the same or different classification which is not promotional, the employee shall also serve a six (6) month probationary period.

24. "Promotion" means an advancement of an employee from a position in one class to a position in another class having a higher maximum salary rate and having a relation in duties.

25. "Reclassification" means amendment to a classification affecting one or all of the positions within that class by a revision of the class description.

26. "Regular Status" means the employee has been appointed to a position in the classified service in accordance with the Rules governing regular appointments and who has successfully completed the probationary period.

27. "Temporary Status" means an employee who is appointed to a position which is established as temporary or seasonal in character and the anticipated duration of which is six (6) months or 1040 hours or less in any calendar year. Temporary employees are not appointed to a regular allocated position in the County Position and Salary Report, and appointees are not required to pass a Civil Service examination or to be appointed from a list of certified eligibles and are not subject to these Rules.

28. "Transfer" means any change of any employee from one position to another position in the same or similar classification.

29. "Unclassified Service" means a person has been appointed to a position which has not been included in the classified service but has not been specifically exempted by the Civil Service Commission.

30. "Voluntary Demotion" means a demotion requested by an employee in order to retain employment when lay off is imminent or for other reasons where the action is entirely voluntary on the part of the employee.

31. "Work Day" or "Working Day" means a regular business day.

R U L E 5
CLASSIFIED/EXEMPT SERVICE

Sec. 1 Classified Service. The classified service shall include all positions now existing or hereafter created in the County service and not specifically exempted by the Commission or designated as unclassified by the Board.

Sec. 2 Exempt Service. The exempt service shall include the following positions:

A. Any officer chosen by popular election or appointed to fill a vacancy caused by the death, resignation or removal of any officer chosen by popular election.

B. Any volunteer appointed to act without compensation, including any special deputy sheriff or deputy constable.

C. Any member of the Columbia County Civil Service Commission.

D. Any deputy district attorney, county counsel or assistant county counsel.

E. Any department head or director of a County department, except the person holding the position of Chief Examiner.

F. Any part-time, less than .5 full-time equivalent employee, temporary or seasonal employee.

G. Any administrative assistants to the Board.

H. Any undersheriff to a sheriff.

I. Any other position exempted from Civil Service by the Commission.

This Rule is not meant to preclude the designation of unclassified positions by the Board. A position may be designated as unclassified only if the duties of that position indicate a similarity to the intent behind the exemptions listed above.

The Commission shall review and approve any positions newly defined as unclassified by the Board. If the Commission rejects the designation of a position in the unclassified service, that position shall be designated in the classified service. To resolve any such dispute, a public hearing shall be held before the Commission as outlined in Rule 9 herein.

R U L E 6
CLASSIFICATION PLAN

Sec. 1 Classification Plan. The Commission shall review and adopt the Classification Plan prepared by the Chief Examiner.

Sec. 2 Administration. The Human Resources Director shall have the authority for overall administration of the Classification Plan.

The Classification Plan is a document which embodies all classifications that have been established, and the specifications or descriptions of these classes. The Classification Plan may consist of several different documents, including, but not limited to, the salary ranges, the Position and Salary Report and appropriate job descriptions.

The Human Resources Director shall be responsible for developing a uniform Classification Plan by ascertaining the actual duties, tasks and responsibilities of all County positions, and having classification descriptions prepared. The Plan shall be submitted to the Commission for formal adoption and approval in whole or in part, as modifications are made.

The Commission may, if it wishes, hold or order to be held, public hearings on the Classification Plan to hear such recommendations as interested parties wish to make. The Commission may then approve the Classification Plan or return it for indicated changes. The Classification Plan shall become effective when adopted by the Commission.

The Classification Plan shall be developed and maintained to provide:

- A. That all positions which are substantially similar and comparable as to kind, difficulty and responsibility of work are included in the same classification.
- B. That the same means of recruitment may be used in filling all positions within a classification.
- C. That the same schedule of pay shall be applied with equity to all positions within a classification.
- D. A means to establish job performance standards, develop training programs, and establish appropriate career lines.
- E. A means to accomplish personnel planning and improved budgeting procedures.

The Classification Plan, in particular through the classification descriptions shall set forth for each County position: A title; a statement describing the nature and distinguishing characteristics of the essential duties of the work; knowledge, abilities and qualifications; general minimum recruiting qualifications; and special requirements that are necessary for satisfactory performance in the classification.

Classification descriptions (also known as job or position descriptions) shall be construed as a

general statement of the kind of work characteristics of all County positions allocated to that classification.

The use of particular expressions pertaining to duties, qualifications, requirements or other attributes shall not be interpreted to exclude others not mentioned but appropriate to the classification concept. Classification descriptions are descriptive and shall not be construed as restrictive.

In determining the classification to which any position is allocated, the description shall be considered in total. All classification factors obtained through position description questionnaires, if any, will be considered when classifying positions.

Sec. 3 Periodic Review of Classification Plan. The Human Resources Director shall periodically review the Classification Plan, and may add, combine, divide or abolish classifications or revise descriptions of existing classifications or establish new classifications upon approval from the Board. These revisions shall be made following consultation with the affected department heads.

Sec. 4 Procedure to Reclassify or Establish a New Position. When a department head plans a new type of work or a new position, or desires to reclassify a position, the request shall be submitted in writing to the Human Resources Director. The Human Resources Director will consider a reclassification if the request indicates that ongoing and substantial changes in the duties assigned to a position have been made. The new duties must be clearly defined and assigned before a review is begun. The Human Resources Director will be responsible for determining into which classification and salary range the new position should be assigned or if it is necessary to create a new classification. The Human Resources Director shall submit plans for new positions to the Board and new and reclassified positions to the Commission after the position is classified and an appropriate salary range is assigned by the Human Resources Director and approved by the Board.

A reclassification request can be initiated by an employee who believes the position to which the employee is assigned is improperly classified. Such request will be forwarded to the employee's department head for consideration. The employee's request and the department head's recommendation will be forwarded in writing to the Human Resources Department within fifteen (15) days from the date the employee requested reclassification. The Human Resources Director shall review the request and the department head's recommendation and, if the request is deemed valid, prepare a reclassification for consideration by the Commission.

When substantive or significant changes are planned in the work, duties and responsibilities of established positions, including changes that would constitute a promotion or demotion, written justification of the proposed changes shall be submitted on appropriate forms to the Human Resources Director. The Human Resources Director will have the same responsibilities as outlined above.

Reclassification reviews will take into consideration the timing of the budget process and corresponding constraints. The Human Resources Director will review the requests and, if approved, will submit the request to the Commission for final approval. The Human Resources

Director will then amend the Classification Plan and the Position and Salary Report.

A. Incumbents of Reclassified Positions. When reclassification occurs under the provisions of Section 4 of this Rule, an employee occupying the position may be retained in the position after it has been reclassified without examination provided that:

1. The Human Resources Director determines that the reclassification results from an official recognition of a change in duties and responsibilities, which has already occurred;
2. The appointing power determines that the performance of the duties and responsibilities of the incumbent has been satisfactory; and
3. The Human Resources Director certifies that the incumbent possesses the minimum qualifications of the new class.

B. Appeals of Allocations. Any appointing power or employee affected by the classification of a position may file a written request for reconsideration with the Commission as provided for in Rule 9 herein.

R U L E 7
RECRUITMENT, CERTIFICATION, APPOINTMENT AND TRANSFER

All classified appointments shall be made in accordance with these Rules. No question in any written or verbal test, on any application form, or by any department head shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, sex, sexual orientation, marital status, age, religion, military reservist status, veteran, disability or political affiliation unless it is necessary to determine bona fide qualifications for a position. Certain information may be required by the Chief Examiner to collect data relevant to the provisions of the County's affirmative action plan, if any, or as required by the federal Equal Employment Opportunity Commission (EEOC).

Sec. 1 Announcements and Applications.

A. Determination to Hold Recruitment. The Chief Examiner shall determine when a recruitment will be given to establish an eligible list for a class. Recruitments may be announced in the absence of an eligibility list, or when an eligibility list is about to be exhausted or abolished.

B. Announcements and Recruiting. Public announcement of all entrance recruitments shall be made at least ten (10) business days in advance of the final closing date for the receipt of applications. Such notice shall be made by posting an announcement on the bulletin boards or web site of the County and the Chief Examiner shall supplement this with a reasonable effort to attract qualified persons for the recruitment. Notice of a promotional recruitment shall be made by posting an announcement on bulletin boards or web site within the County for a period of at least five (5) business days. Announcements of recruitments shall specify the title and pay for the class, the duties to be performed, the minimum qualifications required, the final date on which applications will be received, and all other conditions of the recruitment process which the Chief Examiner determines should be included.

C. Filing Applications. All applications shall be properly made out on forms (paper or electronic) prescribed by the Chief Examiner and filed with the Commission prior to the last date for filing as given in the recruitment announcement. Applications filed with the Commission shall become the property of the Commission. It is the responsibility of the applicant to notify the Commission of any change in address. Incomplete or unsigned applications will not be accepted.

D. Disqualification of Applicants. Applicants may be refused an opportunity to be considered for hire and qualified applicants may be refused certification or may be removed from the certified list as determined by the Chief Examiner for any of the following reasons:

1. Failure to meet the standard published requirements for the class for which the application is made;
2. Failure to furnish true statements of material facts;

3. Practice or attempted practice of fraud or deception in connection with the filing of an application;
4. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of the recruitment process;
5. The applicant has applied for the same position recruitment within the six (6) months preceding the current recruitment;
6. The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment.

E. Review of Disqualification. An applicant whose application has been disqualified may request the Chief Examiner in writing to reconsider the applicant's qualifications, stating the reason for the request unless the disqualification was due to lack of proper filing of the application (e.g., using the wrong form, not submitting the application by the deadline, not signing the application). Applicants may not request review of disqualification due to lack of proper filing of the application. The Chief Examiner shall consider such request, provided it shall have been received no later than seven (7) days after the date of mailing (via postal or electronic mail) of notification of disqualification. The decision of the Chief Examiner with respect to any such request shall be in writing. Applicants may be admitted to a recruitment process by the Chief Examiner pending consideration of a written request for review. Admission to the process under such circumstances, however, is conditional, and a decision of the Chief Examiner against the applicant shall result in the destruction of the conditional testing materials and the applicant shall receive no score thereon, subject to the right of the applicant to appeal the decision to the Commission.

Sec. 2 Recruitments.

A. Scheduling of Recruitments. Recruitments shall be scheduled at such time or times as the Chief Examiner may approve and may be postponed by order of the Chief Examiner if the best interests of the County will be served thereby.

B. Preparing and Conducting Recruitment Processes. The Chief Examiner shall prepare or cause to be prepared all recruitment processes, and the questions or tests shall be approved by the Chief Examiner prior to the process. All recruitments shall be open to all persons who meet the minimum qualifications required through access to specific portions of the recruitment process may be limited in number due to costs or feasibility.

C. Form of Recruitment Processes. Recruitment processes shall be competitive and shall, in the judgment of the Chief Examiner, fairly test and determine the qualification, fitness and ability of an applicant to perform the duties of the class for which the applicant seeks appointment. Recruitment processes may include but are not necessarily limited to performance tests, experience and education ratings, verbal examinations, demonstrations of skill and tests of ability to perform the essential functions of the job,

with or without reasonable accommodation. Such tests may be used in conjunction with, or may be substituted for, written examinations.

D. Retake of Test Process. Applicants who fail a testing process shall not be permitted to retake the process but shall be permitted to compete again when the position is next announced, subject to the provisions of Section 1 (D) above.

On certain performance tests, more than one opportunity to take the test may be offered. A retake of a performance test shall be at the discretion of the Chief Examiner and shall depend on such facts as the number of applicants, time to administer the test and the level of the applicant's performance on the initial test.

E. Scoring of Recruitment Processes. The Chief Examiner shall determine a final score for each applicant, computed in accordance with the weights for the several parts established by the Chief Examiner. Failure in any part of the recruitment process shall disqualify the applicant in the entire process. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the recruitment process.

The Chief Examiner shall utilize appropriate techniques and procedures in rating the results and in determining the passing score for the process. The scoring may be based on a Pass/Fail or on a numeric score relevant to the recruitment process.

F. Results. No recruitment process shall be deemed to have been completed until the eligibility list is established. No person taking part in the process will acquire any ranking whatsoever until the Chief Examiner has formally established the eligibility list. All applicants shall be sent (via postal or electronic mail) a written notification of the results of their competition in the recruitment usually within fourteen (14) days after the date of the establishment of the eligibility list.

G. Inspection and Review of Recruitment Materials. Any applicant shall have the right to inspect the applicant's own materials, but not any scoring key, and the markings given thereon within ten (10) business days after the date of notification of the score. The recruitment materials of applicants, however, are not open to inspection by the public or by other applicants. The references and background check information received shall be deemed confidential to the extent authorized by law and shall not be open to the applicant or to other applicants or to the public.

H. Review of Ratings. An applicant who has participated in a recruitment process may request the Chief Examiner, in writing, to review the rating in any part of the process to assure that uniform procedures have been applied equally and fairly. Such request must state the reasons and be filed at the office of the Chief Examiner within ten (10) days after the date on which notification of the results of the recruitment was sent via postal or electronic mail to the applicant. A rating in any part of the process shall not be changed unless compliance with the foregoing conditions has been made and unless it is found by the Chief Examiner that an error which resulted in adverse impact in the results has been made. The decision of the Chief Examiner with respect to a review or change shall be in writing. A correction in the results shall not affect a certification or appointment which

may have already been made from the list.

I. Preservation of Recruitment Materials. Recruitment materials shall be preserved as required under the Oregon Public Records Law, after which time the materials of applicants may be destroyed.

J. Special Recruitment Process. If an applicant failed to take or complete a part of the recruitment process because of an error or oversight that is the fault of the Commission, a special opportunity to participate may be given. The claim for such an opportunity shall be presented in writing to the Chief Examiner within ten (10) days after the date of the original process. If the Chief Examiner finds and records, in writing, that the applicant's failure to take or complete any part of the recruitment process was the fault of the Commission, the Chief Examiner may cause a special opportunity to be made available similar to the original process. However, the Chief Examiner is not obligated to provide any such special opportunity.

K. Promotional Recruitments. When the Chief Examiner believes there are sufficient qualified and interested employees currently employed by the County, the recruitment may be designated as promotional and recruiting restricted to those current County employees who have at least six months of service as a County employee.

L. Preference for Veterans.

1. Veterans, as defined by Oregon law, who have successfully completed all phases of an entrance exam for a classified position, shall be accorded five (5) points to be added to any total scored grade in a recruitment process. To the score of any qualified disabled veteran, as defined by Oregon law, ten (10) points shall be added. (Ref. ORS 408.230)

2. Candidates for veteran's preference shall fill out the required form and proof of eligibility for preference shall be provided by the veteran on form DD-214 or other satisfactory evidence showing honorable service and length of service. In addition, disabled veterans shall submit proof of current disability certified by the United States Veterans Administration.

M. Recruitment of Full-Time and Part-Time Employees. Appointing authorities shall grant regular full-time and .5 FTE or greater part-time regular employees time off with pay to participate in any Columbia County recruitment processes.

Sec. 3 Establishment of Eligibility Lists. After each recruitment, the Chief Examiner shall prepare a list of those applicants who have successfully passed all parts.

A. Order of Names. The names of successful applicants shall be placed on the list in the order of their final ratings, starting with the highest. If two or more applicants have final ratings which are identical, they shall be deemed to hold the same ranking on the list.

B. Duration of List. Each entrance and promotional list shall normally remain in force

for one (1) year from the date of its establishment, except that at the discretion of the Chief Examiner, this period may be reduced or extended, not to exceed thirty (30) months, or may be terminated at any time, if, in the Chief Examiner's opinion, the best interests of the County would be served thereby.

C. Removal of Names from List. The Chief Examiner may remove the names of an applicant from a list:

1. For any of the causes listed in Section 1 (D);
2. If the applicant fails to reply within seven (7) business days from the date of mailing of a written inquiry mailed to the applicant's last known address or within two (2) business of a telephone or e-mail inquiry;
3. If the applicant declines an appointment;
4. If the applicant is certified but does not want to be considered for a position in the class;
5. If the applicant has been considered but not appointed to any of the available positions in the class;
6. If the applicant requests removal;
7. If the applicant is found not suitable for all of the available positions in the class;
8. If the applicant is appointed to a position in the class or a higher class in the County;
9. If the applicant is appointed to a position which is promotional to the class for which the list was established;
10. If the applicant received promotional preference and has been separated from the County service for reasons other than layoff.

D. Restoration of Names to List. An applicant's name shall be reinstated to a list in the same relative position as that originally held upon showing of cause satisfactory to the Chief Examiner or in accordance with a decision resulting from Section 3 (E).

E. Request for Reconsideration of Removal from List. An applicant whose name has been removed from a list for any of the reasons specified above in Section C may request in writing the Chief Examiner to reconsider. The Chief Examiner, after investigation, shall make a decision, which shall be in writing, and the applicant shall be sent via postal or electronic mail a notification of such decision by the Chief Examiner.

Sec. 4 Certification.

A. Requisition. Whenever a vacancy is to be filled other than by transfer or demotion, the appointing power shall request, using the prescribed procedure, the certification of the names of applicants eligible for such vacancy.

B. Certification of Eligible Applicants. Upon receipt of a request for certification of eligible applicants, the proper number of available applicants shall be certified from an appropriate list. The Chief Examiner shall provide a certified list (entrance or promotional) as follows: If the total number of applicants qualified for consideration is 25 or less, then all the names of eligible applicants shall be certified to the appointing authority. If the total number of applicants qualified for consideration is more than 25, then the top ranked 25 names shall be certified from the hiring list.

C. Appropriate Lists. If a list is not available for the class of a particular position, certification can be made from a list for a class which the Chief Examiner determines to be comparable or from a list for a class involving related duties, responsibilities and qualifications, if deemed appropriate by the Chief Examiner. Declining or waiving appointment or failure to receive appointment or acceptance of an appointment under this section shall not affect the consideration of the applicant for appointment of a position in the class for which the list was established.

D. Availability. An applicant may be considered not available by the Chief Examiner if the applicant fails to reply within seven (7) business days from the date of mailing to a written inquiry mailed to the applicant's last known address or within two (2) business days from the date of an inquiry by telephone or email.

E. Appointment Declined. An applicant who does not respond within seven (7) business days from the date of mailing of a written offer of appointment or within two (2) days of an offer made by telephone or electronic mail may be considered as declining the appointment. If an applicant accepts an appointment and fails to be present for duty at the time and place specified, without giving reasons satisfactory to the appointing authority, the applicant shall be deemed to have declined the appointment. If an applicant declines consideration after certification, the Chief Examiner may remove the name of that applicant from the list, as provided in Section 3 (C). The applicant may request the Chief Examiner to reconsider the removal of the applicant's name from the list as provided in Section 3 (E).

Sec. 5 Appointment. All appointments to County classified positions shall be made in conformity with this Section.

A. Probationary Appointments.

1. The appointing power shall appoint one of the certified candidates to the vacant position, though the County has no obligation to fill vacancies, should it choose not to do so. The person appointed shall be on probation for a period of twelve (12) months for entrance positions unless a relevant collective bargaining agreement provides for a longer term. An employee appointed to a promotional position shall be on probation for

a period of six (6) months. If the appointing power considers the certified candidates unqualified for the vacant position, he or she may reject the names of the certified candidates for appointment by submitting a written statement of the reasons for the rejection to the Chief Examiner. The Chief Examiner shall investigate and decide on the validity of the reasons submitted.

2. If the rejection of the appointing power is considered valid by the Chief Examiner, the Chief Examiner shall certify to the appointing power the names of the next eligible candidates standing highest upon the register for the classification to which the position belongs. The appointing power and the Chief Examiner shall proceed in this manner for all rejected candidates until a qualified candidate is found for the vacant position.

3. If the rejection of the appointing power is not considered valid by the Chief Examiner, the Chief Examiner shall immediately notify the appointing power, in writing, that the reasons for rejection of the qualified candidate or candidates are not sufficient for rejection, and upon receipt of this notice from the Chief Examiner, the appointing power shall immediately reconsider the certified candidate in question to the position for which he or she was originally certified. Any dispute arising from such a situation shall be heard as an appeal before the Commission and governed by the appeals process outlined in Rule 9 herein.

4. If the person on probation is a new appointee, the appointing power may dismiss that person without regard to Rule 8 herein and in a like manner appoint another certified candidate and so continue until a qualified candidate has been found.

5. If the person on probation has been promoted, the appointing power may demote such person during the probationary period without regard to Rule 8 herein and in a like manner appoint another certified candidate and so continue until a qualified candidate has been found.

6. If a person who has been promoted and been appointed to a position in a higher classification and is on probation, fails to qualify for the position in the higher classification within the probationary period, no seniority will be lost in the lower classification from such promotion was made but such person shall return to employment and be reinstated in the position previously held in such lower classification, if such a position still exists.

B. Regular Appointments. Regular appointment of a probationary employee shall begin at the end of the probationary period, provided that the appropriate appointing power has determined that the services of the employee during the probationary period have been satisfactory. If the appointing power determines the services of the employee have been unsatisfactory, the appointing power shall notify the employee in writing at least two (2) business days in advance of the date when the employee's services are to be terminated. The appointing power may choose to place the departing probationary employee on paid leave for that two (2) business day period. An employee whose appointment is to be made to regular status shall be notified by the appointing power in writing of the successful completion of the probationary period.

C. Appointment to a Higher Class During Promotional Probationary Periods and Initial Probationary Periods. The serving of a promotional or initial probationary period shall not, by itself, prevent an employee from being appointed to a position in a higher class, provided the employee is certified from an appropriate list for such higher class or position in accordance with the provisions of Section 4. If, within the above mentioned limitations, an employee is appointed to a new position during a probationary period, the probationary period for the class to which the employee is appointed shall begin with the date of appointment to the new position. No employee in an initial probationary period shall be eligible for appointment to a higher classification before successfully completing six (6) months of service.

D. Dismissal During Probation.

1. Dismissal During Initial Probation. At any time during the initial probationary period, a probationary employee may be dismissed from County service by the appointing power without right of appeal or hearing. At the end of the probationary period, the appointing power shall either notify both the employee and the Chief Examiner, in writing, of the appointment to regular status or the dismissal of the employee from County service.

2. Demotion During Promotional Probation. At any time during a promotional probationary period, if an employee's performance is unsatisfactory, that employee may be demoted or transferred to the employee's former position. The appointing power shall notify the employee in writing of the reasons for the demotion or transfer. The incumbent of the former position shall be returned to the appropriate list and/or to the incumbent's former position in a like manner.

E. Eligibility of Unclassified or Exempt Employees for Employment in the Classified Service.

1. A regular employee in the exempt or unclassified service who has completed six (6) months of County service may be promoted, demoted or transferred to a position in the classified service provided:

- a. A vacancy exists in the class which is similar to the exempt or unclassified position;
- b. The employee is qualified to perform the work of the classified position;
- c. Both appointing authorities have agreed to the change.

Sec. 6 Transfer. The appointing power may authorize the transfer of any employee holding one position to a similar position in the same classification within the same department. Appointing powers may mutually agree to authorize the transfer of any employee holding one position to a similar position in the same classification in the other department.

R U L E 8
DISCIPLINARY ACTIONS

Sec. 1 Discipline. Disciplinary action dealing with employee misconduct shall be instituted by the appointing power when appropriate. Disciplinary action shall be for, but not limited to, any of the causes set forth in this section.

Sec. 2 Cause for Disciplinary Action. Any action which reflects discredit upon the County or is an impediment to the effective performance of County functions, shall be considered good cause for disciplinary action. Improper action by an employee in an official capacity, any action by an employee not connected with official duties which brings the County into discredit, any action which affects the employee's ability to perform, or any improper use of the employee's position for personal advantage shall also be judged cause. In addition, cause includes, but is not limited to, the following:

- A. Conviction of a felony.
- B. Conviction of a misdemeanor which is related to the position held by the employee.
- C. Theft, unauthorized possession, or unauthorized removal of County property.
- D. Sexual or protected classification harassment.
- E. The use of alcoholic beverages, or the use of controlled substances, which affects the performance in the position held by the employee.
- F. Partaking of intoxicating beverages or non-prescription controlled substances while on duty, or being intoxicated while on duty.
- G. Insubordination.
- H. Inefficiency or incompetence.
- I. Inattention to duty, tardiness, indolence, carelessness, or damage to or negligence in the care and handling of County property.
- J. Improper or unauthorized use of County vehicles or equipment.
- K. Claim of sick leave under false pretenses or misuse of sick leave.
- L. Absence from duty without authorized leave.
- M. Misconduct in the performance of employment duties, or actual malfeasance or nonfeasance.
- N. Violation of departmental or County wide safety policy.

O. Willful giving of false information or withholding information with intent to deceive when making application for employment or promotion.

P. Willful violation of any provisions of law or rules adopted by the Board of County Commissioners or any provisions of departmental rules.

Sec. 3 Suspension Without Pay. An appointing power may suspend an employee without pay and/or benefits for cause for a reasonable period, not exceeding 30 days. No suspension shall be made except upon written charges served upon the employee and filed with the Chief Examiner. The employee may respond, in writing, to the appointing power and a copy to the Chief Examiner with an explanation of such charges. Appointing powers and supervisors should review appropriate collective bargaining agreements, if any, and consult with the Human Resources Director prior to the imposition of any suspension without pay.

Sec. 4 Dismissal for Cause.

A. Probationary employees may be dismissed at any time during their initial probationary period without right of appeal. In dismissing a probationary employee, a written statement of the reasons for dismissal shall be delivered to the employee and the Human Resources Director. A probationary employee shall be given two (2) business days notice prior to the dismissal. The appointing authority may place the employee on suspension with or without pay for this two (2) business day period, if the appointing power believes that would be best for the good of the service.

B. Regular classified employees may only be dismissed for just cause. When the decision to dismiss a regular classified employee has been made, the appointing power shall give the employee ten (10) business days written notice prior to the effective date of the dismissal. If the appointing power believes the good of the service requires the immediate separation of an employee from the assignment, the appointing power may suspend the employee with or without pay during the ten (10) day notice period required by these Rules. Written notice to the employee and Human Resources Director that a dismissal will immediately follow a suspension is sufficient notice for dismissal, however, the ten (10) business day notice of appeal is calculated from the date the dismissal actually becomes effective. Appointing powers and supervisors should review appropriate collective bargaining agreements, if any, and consult with the Human Resources Director prior to the imposition of any suspension without pay.

R U L E 9
APPEALS, HEARINGS AND INVESTIGATIONS

Sec. 1 Filing of Appeals. Regular classified employees who have been suspended without pay or dismissed, classified employees subject to classification actions and applicants to positions in the classified service may file appeals with the Commission. If the appeal alleges, or if it otherwise appears to the Commission, that the action taken was not appropriate, the Commission shall conduct an investigation and hold a public hearing, such hearing to be within 30 calendar days from the time the appeal is filed provided a quorum is available.

Appeals must be filed in accordance with these Rules.

Sec. 2 Appeals from Suspensions without Pay or Dismissals.

A. Unless otherwise provided by a collective bargaining agreement, an employee in the classified service who has successfully completed the probationary period and who is suspended without pay or dismissed, shall have the right to appeal the action to the Commission.

B. The suspended or dismissed employee must file a written appeal with the Commission within ten (10) days from the date the notice of the intended suspension or dismissal. The appeal must contain a detailed statement specifying:

1. The action being appealed.
2. The reasons why the employee believes the action was not in good faith for the purpose of improving the public service or was not taken for cause.
3. The corrective action being requested.

C. The Commission shall serve the appointing authority concerned, the Director of Human Resources and the bargaining unit representative, if any, with a copy of the written appeal.

D. Where a collective bargaining agreement provides a right of appeal to the Commission concerning the discipline, and as an alternative, the right to file a grievance under the labor agreement's grievance clauses, an employee who takes the discipline up as a grievance shall be deemed by that action to have elected to utilize the labor agreement's grievance alternative, and no appeal to the Commission after that election shall be allowed.

Sec. 3 Appeals from Classification Actions.

A. Unless otherwise provided by a collective bargaining agreement, any employee adversely affected by a change in classification or whose request for a change in classification was denied, and any appointing power who disagrees with a classification

decision by the Director of Human Resources, may have the final decision of the Director reviewed by the Commission.

B. To obtain Commission review, the department head, or the employee affected or the employee's bargaining representative, if any, or any other representative must file a written appeal with the Commission. The appeal must contain a detailed statement specifying:

1. That the employee or appointing power had filed with the Human Resources Director a written request for reconsideration of the Director's classification action within ten (10) working days after the effective date of the classification action as outlined in the Personnel Rules.
2. The date of the Human Resources Director's written decision to deny the employee's or appointing authority's request for reconsideration.
3. The reasons why the employee or appointing power believes the action was without a rational basis, or contrary to a provision of rules promulgated by the Human Resources Director for classification, or was for a political reason or in violation of law.
4. The corrective action being requested.

C. The written appeal to the Commission must be filed within ten (10) days from the Human Resources Director's written decision to deny the request for reconsideration or notice of other change on appeal.

Sec. 4 Appeals from Recruitments.

A. Any candidate for appointment or promotion to a position in the classified service who disagrees with the results of a recruitment process may appeal to the Commission except for those candidates who were disqualified due to lack of proper filing of the application (e.g., using the wrong form, not submitting the application by the deadline, not signing the application). Applicants may not appeal disqualification due to lack of proper filing of the application. The appeal must be in writing and must contain a detailed statement specifying:

1. That the candidate had filed with the Chief Examiner a written appeal of the recruitment results within ten (10) working days after notice of the results.
2. The date of the Chief Examiner's written decision after such appeal.
3. The reasons why the candidate believes that the decision by the Chief Examiner was contrary to rules promulgated for examinations, or that the decision was contrary to law or for a political reason.
4. The corrective action being requested.

B. The written appeal to the Commission must be filed no later than ten (10) business days after the Chief Examiner's decision is sent via postal or electronic mail.

Sec. 5 Notice of Hearings. All investigations shall be by public hearing after reasonable notice to the appellant of the time and place of such hearing.

A. Time and Place of Hearings. The time and place of hearing will be set by the Commission or the Commission's representative and notice thereof served upon the employee affected, the employee's representative, if any, the Human Resources Director and the director of the department involved. Such hearing will be scheduled within thirty (30) calendar days of the receipt of the written appeal by the Commission, provided a quorum is available.

B. Postponements. Any party who desires a postponement shall promptly, upon receipt of notice of the hearing, make written request of the Commission, or the Commission's representative, for such postponement stating the reason therefore in detail. For reasonable cause shown, the Commission, or its representative, may grant such postponement and may at any time, order a postponement upon its own motion.

Sec. 6 Public Hearings.

A. Hearing Date. Appellants will be notified of the hearing date no later than ten (10) days from the date appellant's notice of a request for a hearing is received by the Commission. There will be at least ten (10) days notice prior to any hearing date unless both the Commission and the appellant agree to an earlier date.

B. Nature of Hearings. Hearings shall be informal in nature.

C. Representation. At the hearing, the appellant shall be afforded the opportunity of appearing in person or by counsel or other representative.

D. Arguments. Each side shall be allowed up to thirty (30) minutes to present its case, including presentation of witnesses, response to the other side's arguments and questioning the other side.

E. Documents. Documents to be considered by the Commission must be provided by the parties to the Civil Service Office ten (10) days prior to the date the Commission is scheduled to hear the appeal. Documents not received by the Commission ten (10) days prior to the scheduled hearing date will not be considered. The Commission, in its sole discretion, may waive this requirement at the hearing upon good cause being shown.

F. Executive Sessions. Hearings will normally be open to the public. In disciplinary cases, the Commission shall excuse all persons from the hearing room except its staff, the parties and their representatives, if a determination has been made by the employee affected to have the case heard in executive session pursuant to ORS 192.660 (1) (b) of the Public Meetings law.

G. Commission Decisions. At the conclusion of the hearing, the Commission, after deliberation, shall normally render a “bench” decision which will be recorded in the minutes of the Commission meeting. The Commission shall either grant or deny the appeal. In the case of an appeal of a suspension or dismissal, the Commission, in lieu of affirming the given period of suspension or dismissal, may modify the order of suspension or dismissal, by directing a suspension without pay for a given period, and a subsequent restoration to duty, or a demotion in classification, or pay.

H. Time Limits. The Commission at its sole discretion, may extend the time limits for either party.

I. Burden of Proof. In a hearing on an appeal from a suspension or dismissal, the burden of proof shall be on the suspended or dismissed person. In appeals concerning classification actions and the recruitment process, the party filing the appeal shall have the burden of proof and the burden of going forward with the evidence. The party that has the burden of proof shall present its case first.

J. Standard of Review.

1. Disciplinary Cases. In such hearings, the Commission will apply the “reasonable employer” standard to determine whether the employee’s conduct warranted dismissal.

2. Classification Action Appeals. In appeals from classification decisions, the Commission will review the Human Resources Director’s decision to determine whether the decision, as alleged by the appellant, was without a rational basis or contrary to law or rule or taken for political reason.

3. Recruitment Appeals. In appeals concerning the recruitment process, the Commission will review the Chief Examiner’s decision to determine whether the decision, as alleged by the appellant, was contrary to rules promulgated for recruitments, or that the decision was contrary to law or for a political reason.

K. Oaths and Subpoenas. The Commission may compel the attendance of witnesses and the production of documents through issuance of subpoenas, either upon its own motion or upon application of a party in writing and good cause being shown. The application must set forth the name of the witnesses and the general relevance and reasonable scope of the evidence sought. The member of the Commission designated as the Chairperson shall administer the oaths to every witness.

L. Conduct of Witness, Parties and the Public. All parties, their representatives, witnesses and spectators shall conduct themselves in a respectful manner. Demonstrations of any kind will not be permitted. Failure to comply with the Commission’s effort to maintain order and proper decorum are grounds for removal from the hearing. Refusal of a witness to answer any question ruled to be proper shall, in the discretion of the Commission, be grounds for striking all testimony previously given by

the witness.

M. Cooperation of County Officers and Employees. All officers and employees of the County shall cooperate fully with the Commission during any hearing or pre-hearing investigation, and shall produce requested documents and attend and testify as required. Employees who refuse to cooperate or to provide truthful testimony may face disciplinary action for such conduct.

Sec. 7 Post Hearing Procedures.

A. Commission Decisions. Decisions of the Commission shall in all cases be based solely on the record made at the hearing and on legal authorities, including laws, relevant to the dispute. Commission decisions shall be issued as follows:

1. At the conclusion of hearings in appeals from suspensions or dismissals, the Commission shall state the time in which a written decision will be issued.
2. Decisions on appeals concerning recruitment results may be made by a voice vote of the Commission at the conclusion of the hearing, provided that in the event the Commission sustains the appeal in whole or in part and provides a specified remedy, the Commission shall issue a written decision within ten (10) working days after the hearing.
3. In all appeals of classification decisions by the Human Resources Director, the Commission shall issue a written decision within ten (10) working days after the hearing.

B. Effect of Commission Decisions. Subject to judicial review pursuant to state law, Commission decisions are final and binding on the parties.

Sec. 8 Post Hearing Remedies.

A. Appeals from Suspensions without Pay or Dismissals. If the Commission finds that the suspension or dismissal was warranted, the Commission shall confirm the action taken. If the Commission finds that some discipline was warranted, but that the action taken was too severe, the Commission may reduce the action taken to a level it deems appropriate for the offense and reinstate the employee with or without back pay upon such terms and conditions that the Commission may establish. If the Commission finds that no discipline was warranted, the Commission shall reinstate the employee with back pay and with those fringe benefits which were lost as a result of the action taken. Deductions for unemployment compensation and other interim income received shall be ordered as determined by the Commission.

B. Classification Action Appeals. If, in an appeal from a classification decision by the Human Resources Director, the Commission concludes that the allegations in the appeal are correct, the Commission shall set aside the classification decision and remand the decision back to the Human Resources Director for further review. The Commission's

order of remand shall specify and explain the reasons for the Commission's action.

C. Appeals Concerning Recruitments. If, in an appeal concerning the recruitment process, the Commission finds the allegations in the appeal are correct, the Commission shall order such action as is deems necessary to fulfill the purposes and principles of the Ordinance and the Civil Service Rules on recruitments.

Sec. 9 Record of Proceedings. The record of each appeals hearings shall include but not be limited to:

1. A statement identifying the dispute.
2. All written materials offered to the Commission, unless withdrawn by the offering party with the approval of the Commission.
3. The Commission's final written decision or when allowed by the rules, oral statements of the Commission's decision.
4. The recording of the hearing, which shall be a mechanical recording.

R U L E 10
RECORDS AND REPORTS

Sec. 1 Roster. The Commission shall establish and maintain a roster of all employees in the classified service showing for each employee the class title and date of employment.

Sec. 2 Reports to Commission. Every appointment, transfer, promotion, demotion, suspension without pay or dismissal shall be recorded in writing on such forms as those commonly used by the Human Resources Department and available for review by the Commission.

Sec. 3 Preservation and Destruction of Records.

A. The Chief Examiner shall keep on file (either in paper or electronic form) all recruitment materials and their markings, records of Commission Hearings, and all others, documents produced or received by the Commission.

B. The Chief Examiner shall retain and may destroy the public records described in subsection (A) of this Section in accordance with the Oregon Public Records Law.

Sec. 4 Public Records. Except for recruitment materials and their markings, all such reports and files of the Commission shall be public records and accessible at reasonable and convenient times in like manner as other public records, except those public records which are exempt from disclosure under the Oregon Public Records Law.

Recruitment materials shall be accessible only to the Commission and Chief Examiner. Applicants shall also have access to their individual recruitment materials. Requests to view records shall be made to the Chief Examiner. Verification of an applicant's identity shall be made prior to allowing an individual access to application materials. Recruitment materials shall be considered confidential. These shall include scoring sheets, points sheets, testing materials, interview notes and other materials deemed confidential by the Chief Examiner. Access to Commission records shall be requested, in writing, from the Chief Examiner, who shall make a determination as to the nature of the documents requested.

R U L E 11
PROHIBITIONS AND PENALTIES

Sec. 1 Political, Religious and Charitable Solicitation Prohibited. No person holding any position subject to Civil Service is under any obligation to contribute to any political charitable or religious fund or to render any political service to any person or party. No person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing to do so. No person shall dismiss, promote, demote or in any manner change the official rank, employment, or compensation of any person subject to civil service or promise or threaten to do so for giving, withholding, or neglecting to make any contribution of money or services or any other valuable thing for any political, charitable, or religious purpose. This section shall not affect the County's ability to officially sponsor charitable drives with employees.

Sec. 2 Prohibited Conduct. The provisions of ORS 241.525 and ORS 260.432 shall apply to all employees. No employee, or other person, shall defeat, deceive, or obstruct any person in that person's right to participate in a recruitment, eligibility, certification, or appointment under provision of the Ordinance; or furnish to any person special or secret information for the purpose of affecting the rights to prospects of such person with respect to employment in the classified service.

Sec. 3 Employment of Relatives. Oregon law (ORS 659A.309) prohibits an employer from refusing to hire or from dismissing an individual "solely because another member of that individual's family presently works for that employer". However, the County is not required to hire or to continue employment of an individual when this would:

- A. Place either family member in a position of exercising supervisory, appointment, or grievance adjustment authority over the other family member;
- B. Cause the County to violate a federal or state law or rule;
- C. Cause the County to violate the conditions of eligibility for financial assistance from federal or state government; or
- D. Cause the County to disregard a bona fide occupational requirement reasonable necessary to the normal operation of the County.

For purposes of this Section, member of an individual's family means: spouse, children, parents, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, or step-parent or step-child of the individual.

The County will not hire a person if so doing would create any of the above circumstances, No appointing authority may hire an individual if doing so would violate the provisions of ORS 244.177. Although a reasonable effort will be made to accommodate an existing employee, the County will not continue the employment of an individual if doing so would create any of the above circumstances.

Sec. 4 Failure to Comply With Law. Wilful violation of any of the provisions of the Ordinance, or these rules is punishable as provided by ORS 241.990.

R U L E 12
ADOPTION

Adopted this _____ day of _____, 2012, to become effective
_____, 2012.

COLUMBIA COUNTY CIVIL SERVICE COMMISSION

BY: _____
Commissioner

BY: _____
Commissioner

BY: _____
Commissioner