

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the            )  
Columbia County Civil Service        )  
Ordinance                                    )  
\_\_\_\_\_ )                   ORDINANCE NO. 98-8

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1.            TITLE.

This ordinance shall be known as Ordinance No. 98-8.

SECTION 2.            AUTHORITY.

This ordinance is adopted under the authority of ORS 203.035 and 241.004.

SECTION 3.            PURPOSE.

The purpose of this ordinance is to amend the Columbia County Civil Service Ordinance to update the provisions appropriately.

SECTION 4.            FINDINGS.

1. The Columbia County Civil Service Ordinance was originally adopted May 24, 1995 and amended October 25, 1995.
2. The language of the Ordinance requires updating to be easier to read and understand by employees.
3. The provisions of the Ordinance require updating to allow for the County's hiring processes (both Civil Service and non-Civil Service) to be comparable.

SECTION 5.            AMENDMENT OF CIVIL SERVICE ORDINANCE.

The Columbia County Civil Service Ordinance is amended to read as shown in the attached Exhibit "A" which is incorporated herein by reference.

SECTION 6.            SEVERABILITY.

If any of the provisions of this Ordinance are for any reason held invalid or

unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions hereof.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect ninety days from adoption, on October 21, 1998.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON, THIS 22ND DAY OF JULY, 1998.

Approved as to form

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: *Ann Cecilia Pongor*  
Office of County Counsel

By: NOT PRESENT  
Chairperson

Attest:  
By: *Jan Suenkel*  
Recording Secretary

By: *[Signature]*  
Commissioner

By: *Jack R. Peterson*  
Commissioner

First Reading: 7-8-98  
Second Reading: 7-22-98  
Effective Date: 10-21-98

**EXHIBIT "A"**

**COLUMBIA COUNTY CIVIL SERVICE ORDINANCE**

Adopted November 8, 1960

Amended May 24, 1995

Amended October 25, 1995

Amended October 21, 1998

## **COLUMBIA COUNTY CIVIL SERVICE ORDINANCE**

### **Section 1. Definitions.**

As used in this Ordinance, unless the context otherwise requires:

- (1) "Appointing power" includes every person or group of persons who, acting singly or as a board, court or commission, are vested with authority to select, appoint or employ any person to hold any position subject to civil service under this Ordinance.
- (2) "Appointment" means the selection for employment of any person to hold any position subject to civil service under this Ordinance.
- (3) "Board" means the Board of County Commissioners of Columbia County, Oregon.
- (4) "Chief Examiner" means the Human Resources Director of Columbia County, if any, or, if not, such other person as may be appointed by the Commission as Chief Examiner.
- (5) "Civil service" means the civil service system established under this Ordinance.
- (6) "Class or Classification" means a group of positions 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 be equitably applied to, all positions in the group.
- (7) "Classified" means a position or person that has been appointed to a position which is included and defined in the Classification Plan and subject to the provisions of the Columbia County Civil Service Ordinance.
- (8) "County" means the entity known as Columbia County, Oregon.
- (9) "Commission" means the Columbia County Civil Service Commission created under this Ordinance.
- (10) "Commissioner" means a member of the Civil Service Commission created under this Ordinance.
- (11) "Eligibility list" means the list of applicants to a position who have been scored and ranked.
- (12) "Entrance" means a position in the County which is open to external candidates as well as current employees.
- (13) "Position" includes any office, place or employment.
- (14) "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.
- (15) "Unclassified" means a position or person has been appointed to a position which has not been included in the classified service and has not been specifically exempted by the Civil Service Commission.

### **Section 2. Civil Service Commission.**

The Commission shall be composed of three members appointed by the Board, who shall serve without compensation and shall devote due time and attention to their duties.

### **Section 3. Qualifications.**

No person shall be appointed a member of the Commission who is not a citizen of the United States, a resident of the Columbia County for at least three years immediately preceding the appointment and an elector of the County. None of the Commissioners shall hold any other public or official position for the County. No person shall be appointed a member of the Commission who is an immediate family member to a current County employee. "Immediate family" means an employee's spouse, parents, step-parents, children, step children, sisters, brothers, step sisters or brothers, grandparents, grandchildren, step grandparents or grandchildren, father-in-law, mother-in-law, brothers-in-law, sisters-in-law, whether or not residing with the employee; and other close relatives or persons who regularly reside in the employee's household.

### **Section 4. Term of Office, Authority and Removal of Commissioners.**

- (1) The term of office of each Commissioner is six years with the term of one Commissioner expiring every two years.
- (2) The Commission has the authority to perform all the duties and responsibilities outlined in this Ordinance. The Commission may adopt related Civil Service Rules to further conduct and enforce its duties under this Ordinance.
- (3) The Board may remove any Commissioner for incompetency, incompatibility, dereliction of duty, or other good cause.

### **Section 5. Quorum.**

Two members of the Commission shall constitute a quorum and the votes of any two Commissioners concurring shall be sufficient for decision in all matters and transactions under this Ordinance.

### **Section 6. Chairperson; Meetings.**

Immediately after the appointment of all of its members, the Commission shall elect a chairperson. The Commission shall hold such meetings as may be required to conduct its duties with a meeting at least once every 90 days, provided a quorum is available,

and such additional meetings as are requested by any Commissioner. The Board, the Chief Examiner, and/or any person subject to civil service may also request a special meeting of the Commission, which shall be granted when good cause is shown therefor.

**Section 7. Chief Examiner.**

The Chief Examiner shall keep records of the Commission's proceedings, preserve all reports made to it, superintend and keep a record of all examinations and investigations held or made under the direction of the Commission, and perform such other duties as it may prescribe. The Chief Examiner may appoint such person or persons as may be necessary to assist in these duties. The Chief Examiner shall receive such compensation as the Board may fix.

**Section 8. Office and Clerical Help for Commission.**

The Board shall provide the Commission and Chief Examiner with suitable and convenient rooms and accommodations, and cause the same to be furnished, heated, lighted and supplied with all office supplies and equipment necessary to carry on the business of the Commission. The Board shall also provide the Commission and Chief Examiner with such clerical assistance as may be necessary.

**Section 9. Officers and Employees to Assist Commission.**

All officers and employees of the County shall:

- (1) Aid in all appropriate ways in carrying out the provisions of this Ordinance and such rules as may be prescribed by the Commission.
- (2) Afford the Commission, its members and employees, all reasonable facilities and assistance to inspect all documents relating to positions subject to civil service.
- (3) Produce such documents and attend and testify, whenever required to do so by the Commission.

**Section 10. Legal Representation of Commission.**

The District Attorney of the County shall be the legal advisor of the Commission and shall prosecute all violations of this Ordinance. However, the Board may, with the written consent of the District Attorney of the County, employ special counsel for that purpose and may also employ special counsel to represent County elected officials in hearings before the Commission.

**Section 11. Preservation and Destruction of Records.**

(1) The Chief Examiner shall keep on file all examination papers and their markings, records of Commission hearings, and all other documents received or produced by the Commission. Except for examination papers and their markings, all files of the Commission shall be public records and accessible at reasonable and convenient times in like manner as other public records, except for those public records which are exempt from disclosure under the Oregon Public Records Law. Examination papers shall be accessible only to the Commission and the Chief Examiner. Applicants shall also have access to their individual examination papers.

(2) The Chief Examiner shall retain and may destroy the public records described in subsection (1) of this section as follows:

- (a) Original examination papers and their markings shall be retained for at least three years and thereafter may be destroyed.
- (b) Original or microfilmed copies of all other Commission records shall be retained for at least four years and thereafter may be destroyed.

**Section 12. Personnel Ordinance; Personnel Rules.**

(1) The Board shall adopt a Personnel Ordinance, and may adopt suitable Personnel Rules, not inconsistent with this Ordinance. The Personnel Ordinance and Rules may provide in further detail the manner in which examinations shall be held, and appointments, promotions, transfers, reinstatements, suspensions and dismissals shall be made. The Personnel Ordinance and Rules may be changed and all changes shall be available for distribution.

(2) The Board shall, not less than seven (7) days prior to the date when the Personnel Ordinance shall take effect, or any amendments thereto, give notice, in a newspaper generally circulated in the County, of the proposed adoption of the Personnel Ordinance, or any amendment thereto.

(3) This Ordinance and any associated Rules shall supersede any related portions of the Personnel Ordinance and/or Personnel Rules in reference to classified positions.

**Section 13. Investigations.**

(1) The Commission may, upon its own initiative, upon the request of the Board, any employee subject to civil service, or any resident of the County, make any investigation which it deems advisable to enable it to carry out the provisions of this Ordinance which are the responsibility of the Commission.

(2) The Commission shall make a public report upon all matters investigated under this Ordinance.

**Section 14. Oaths and Subpoenas.**

In the course of an investigation, the Commission may administer oaths, subpoena and require the attendance of witnesses and compel the production of any and all documents pertinent to the investigation. Attendance of witnesses, either with or without related documents, may be compelled by subpoena.

**Section 15. Depositions.**

The Commission may, in any investigation or hearing, cause the deposition of any witnesses to be taken in the manner prescribed by law for like depositions in civil suits. To that end, the Commission may compel, by subpoena, the attendance of witnesses and the production of any and all documents.

**Section 16. Enforcement.**

The circuit court in the County may compel the attendance of witnesses, the giving of testimony, and the production of documents, as required by any subpoena duly issued by the Commission, under this Ordinance, and may punish the disobedience of such witnesses as a contempt. County employees who refuse to cooperate or to provide truthful testimony to the Commission may face disciplinary action for such conduct.

**Section 17. Conduct of Hearings and Investigations.**

All hearings and investigations before the Commission are governed by this Ordinance and related Rules adopted by the Commission. In the conduct thereof, the Commission is not bound by the technical rules of evidence. No informality in any proceeding or hearing, or in the manner of taking testimony before the Commission, shall invalidate any order, decision or rule made, approved or confirmed by the Commission.

**Section 18. Conclusiveness of Orders.**

The findings of the Commission shall be certified in writing and, based upon the Commission's authority under this Ordinance, the Commission's order shall be immediately enforced.

**Section 19. Witness Fees.**

Every person served with a subpoena requiring attendance before the Commission shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil suits and actions, except that no County employee shall be entitled to any fees or mileage. The fees and mileage allowed by this section need not be prepaid but the Board shall provide for payment thereof when certified by the Commission.

**Section 20. Positions Subject to Civil Service.**

Appointees to positions in the public service of the County are subject to civil service, except the following:

- (1) 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.
- (2) Any volunteer appointed to act without compensation, including any special deputy sheriff or deputy constable.
- (3) Any member of the Columbia County Civil Service Commission.
- (4) Any deputy district attorney, county counsel or assistant county counsel.
- (5) Any department head or director of a County department, except the person holding the position of Chief Examiner.
- (6) Any part-time less than .5 full time equivalent, temporary or seasonal employee.
- (7) Any administrative assistants to the Board.
- (8) Any undersheriff or deputy undersheriff to a sheriff.
- (9) Any other position exempted from civil service by the Commission.

This Section 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.

**Section 21. Basis of Appointment and Promotion Generally.**

Except as otherwise expressly provided in this Ordinance, the appointment and promotion of all persons to or in all civil service positions shall be made solely upon an examination of those qualifications which enable persons to perform the duties and responsibilities of the positions, which shall be ascertained by open competitive examination and impartial investigation.

**Section 22. Creation of Positions and Fixing of Compensation.**

All civil service positions in the County shall be created by the Board. The Board shall fix the compensation of all civil service positions. In the creation of each civil service position, and in determining the amount of compensation thereof, due consideration shall be given to the recommendation of the Commission, the Chief Examiner and the appointing power.

**Section 23. Classification Plan**

(1) The Commission shall review and adopt the Classification Plan prepared by the Chief Examiner. 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 Pay Plan, the Position and Salary Report and appropriate job descriptions. The classifications shall be based upon the functions of the positions.

(2) The classifications may, from time to time, be amended, added to, consolidated or abolished by the Commission. No employee shall be promoted by such change without being eligible for appointment to the higher classification by reason of the employee's position on the eligibility list, if any. The positions so classified and assigned to a salary range shall constitute the classified civil service of the County.

**Section 24. Examinations; Notice.**

(1) The Chief Examiner shall determine when an examination will be given to establish an eligibility list for a class. Examinations may be announced in the absence of an eligibility list, or when an eligibility list is about to be exhausted or abolished.

(2) Public announcement of all entrance examinations 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 of the County and the Chief Examiner shall supplement this with a reasonable effort to attract qualified persons for the examination. Notice of a promotional examination shall be made by posting an announcement on bulletin boards within the County for a period of at least five (5) business days. Announcements of examinations 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 examination which the Chief Examiner determines should be included.

(3) The Chief Examiner shall prepare or cause to be prepared all examinations, and the questions or tests shall be approved by the Chief Examiner prior to the holding of an examination. All examinations shall be open to all persons who meet the minimum qualifications required.

**Section 25. Character of Examinations.**

Examinations 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. Examinations may include but are not necessarily limited to performance tests, experience and education ratings, oral 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.

**Section 26. Promotional Examinations.**

When the Chief Examiner believes there are qualified and interested employees currently employed by the County, the examination may be designated as promotional and recruiting restricted to those current County employees who have at least six months of service as a regular County employee. The rules adopted for examination of applicants for promotion shall, as nearly as may be, follow the rules governing the examination of applicants for original appointment.

**Section 27. Eligibility Lists.**

After each examination, the Chief Examiner shall prepare a list of those applicants who have successfully passed all parts of the examination. The names of successful applicants shall be placed on the list in the order of their final ratings, starting with the highest. Applicants with the same rating shall be considered to hold the same rank or place on the list.

The Commission may, by rule, provide for striking candidates from the list and may limit the number of times the same candidate shall be certified to the appointing power.

**Section 28. Certifications.**

Whenever a vacancy is to be filled other than by transfer or demotion, the appointing authority shall request, upon the prescribed form, the certification of the names of applicants eligible for such vacancy. 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 as follows:

(1) The number of names certified from the entrance list shall be five (5) for one vacancy with two (2) additional names for each additional vacancy, plus the names of all individuals who have the same whole number base score as the individual ranking lowest on the certified list.

(2) The number of names certified from the promotional list shall be three (3) for one vacancy with one (1) additional name for each additional vacancy, plus the names of all individuals who have the same whole number base score as the individual ranking lowest on the certified list.

### **Section 29. Probationary Appointments.**

(1) The appointing power shall appoint one of the certified candidates to the vacant position. The person appointed to an entrance position shall be on probation for a period of twelve (12) months. The current County employee appointed to a promotional position shall be on probation for a period of six (6) months. If the appointing power considers all the certified candidates unqualified for the vacant position, the appointing power may reject the names of the certified candidates on that list 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 approved by the Chief Examiner, the Chief Examiner shall certify to the appointing power the names of the next eligible candidates standing highest upon the list for the position and return the names of the rejected candidates to the same positions on the eligibility list from which the candidates were certified. 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 approved 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 the candidate was originally certified.

(4) If the employee on probation is a new appointee, the appointing power may dismiss that probationary employee without regard to Sections 33 through 39 below and in a like manner appoint another certified candidate and so continue until a qualified candidate has been found and retained.

(5) If the employee on probation has been promoted, the appointing power may demote such employee during the probationary period without regard to Sections 33 through 39 below and in a like manner appoint another certified candidate and so continue until a qualified candidate has been found and retained.

(6) If a current employee has applied for and been appointed to a promotional position and fails to successfully complete the probationary period for the promotional position, no seniority will be lost in the lower classification from which such promotion was made but the employee shall be reinstated to the position previously held in such lower classification if that position still exists.

### **Section 30. Regular Appointments.**

If an employee successfully completes the appropriate probationary period, that period shall end and the appointment shall be deemed regular. Regular appointments shall be subject to Sections 33 through 39 below.

### **Section 31. Transfers.**

(1) 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.

(2) No transfer shall be made from a position in one classification to a position in another classification, nor shall an employee be transferred to a position for entrance to which there is an examination required involving essential tests or qualifications different from or higher than those required for original appointment to the position held by such employee.

### **Section 32. Non-Discrimination.**

No question in any written or oral test, on any application form, or by an appointing power 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, disability or political affiliations for the purpose of discrimination. No decision affecting the employment status of any employee of the County shall be made for discriminatory purposes based upon any information connected to the items listed above in this section, unless required for bona fide occupational qualifications. This shall not prevent the Chief Examiner from obtaining data necessary for Equal Employment Opportunity Commission compliance or Affirmative Action Program information.

### **Section 33. Disciplinary Action.**

Disciplinary action dealing with employee misconduct shall be instituted by the appointing authority when appropriate. Disciplinary action shall be for cause. 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 or when testifying in any matter heard under the provisions of this Ordinance.
- P. Violation of any provisions of law or rules adopted by the Board or any provisions of departmental rules.

**Section 34. Suspensions.**

An appointing power may suspend without pay an employee for cause for a reasonable period, not exceeding 30 days. No suspension shall be made except upon written charges served upon the accused with a duplicate filed with the Chief Examiner. The employee may attach a written answer to be filed in the personnel file. No appointing power may suspend the same employee more than twice, or for a total of more than 45 days, during any one calendar year.

**Section 35. Dismissal Only for Cause.**

No person subject to civil service who has successfully completed the probationary period for an appointment shall be dismissed except for cause, and then only upon the signed written accusation of the appointing power. A written statement of the accusation in general terms shall be served upon the accused and a duplicate filed with the Chief Examiner.

**Section 36. Investigation of Suspension without Pay or Dismissal.**

An employee who has successfully completed the probationary period for an appointment who has been suspended without pay or dismissed may, within 10 days of the date of the suspension or dismissal, file with the Commission, a signed written demand for an investigation. If the demand alleges, or if it otherwise appears to the Commission, that the suspension or dismissal was not made in good faith for cause, the Commission shall conduct an investigation and hold a public hearing, such hearing to be within 30 days from the time the appeal is filed, provided a quorum is available. The employee or former employee may choose to have a representative present. The investigation shall be confined to the determination of the question of whether the suspension or dismissal was or was not made for cause. The burden of proof shall be upon the suspended or dismissed person.

**Section 37. Right to Hearing and Representation.**

All investigations pursuant to Section 36 shall be by public hearing after reasonable notice to the employee or former employee of the time and place of such hearing. At the hearing, the employee or former employee may appear and present the defense in person or by representative. However, the right of the employee or former employee to a public hearing and to representation shall not apply to any preliminary trial or hearing before the appointing power who effected the suspension or dismissal.

**Section 38. Order of Commission on Review.**

After an investigation and public hearing, the Commission may affirm or modify the action taken by the appointing power, or if it finds that the suspension or dismissal was not made for cause, the Commission shall order the immediate reinstatement of the

employee to the position from which the employee was suspended or dismissed. Reinstatement shall be retroactive and may entitle the suspended or dismissed employee to pay or compensation from the time of the suspension or dismissal if the Commission finds this appropriate. The Commission, upon investigation, in lieu of affirming the complete suspension or the dismissal, may modify the order of action taken, by directing a suspension without pay for a given period, and a subsequent restoration to duty, or a demotion in classification or pay. The findings of the Commission shall be certified in writing to the appointing power and immediately enforced.

**Section 39. Writ of Review.**

Any former employee who is dissatisfied with a decision by the Commission made pursuant to Section 38 above, may petition for a writ of review from the circuit court of the County pursuant to ORS 34.010 through ORS 34.100.

**Section 40. Political and Religious Activity.**

No employee holding any position subject to civil service is under any obligation to contribute to any political or religious fund or to render any political service to any person or party. No employee shall be removed, reduced in position 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 make any contribution of money or services or any valuable thing for any political or religious purpose.

**Section 41. Penalties.**

Willful violation of any of the provisions of this Ordinance is punishable as provided by ORS 241.990.