

# **POLICY 8.2      APPOINTMENTS, QUALIFICATIONS AND SEPARATIONS**

ADOPTED: FEBRUARY 1, 2013

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## **A. JOB ANNOUNCEMENT**

A job announcement will be made for any vacant position within the District and shall be initiated upon the request of the Fire Chief to the Board of Directors. The announcement shall specify title and salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and may include the selection process to be used. Job announcements shall be posted on appropriate bulletin boards, and may be published in District publications and appropriate newspapers or newsletters. Job announcements will be posted a minimum of 30 working days prior to the closing date.

## **B. APPLICATIONS**

Appointment to positions is through an open competitive process and will be based on merit and qualification. Promotional appointments may be made exclusively from employees if it is determined that a sufficient number of employees are interested and qualified to compete through an internal selection process.

Applications shall be available in the District's office. Applications will be accepted only for advertised openings. Applicants will complete the application form and any supplemental materials required by the District for positions within the time period specified in the job announcement.

Applicants for employment shall furnish complete information requested as to education, special training, experience and skills, as well as a chronological schedule of employment, references, and other pertinent information. The Fire Chief makes all appointments to positions authorized by the Board.

## **C. ELIGIBILITY**

At the time of application all applicants must meet the minimum qualifications for the position or demonstrate a reasonable assurance of meeting the minimum qualifications by the time of appointment.

## **D. SELECTION**

Selection criteria and procedures will be based solely on job-related knowledge, skills, abilities, experience, education, training, and, when appropriate, prior demonstrated performance, aptitude, and character. The Fire Chief and Board of Directors shall design selection criteria based on the classification specifications and job requirements. Based on the results of the selection process, applicants will be selected by the department head for an employment interview.

## **E. ORIENTATION**

Upon appointment, the Fire Chief or a designee shall be responsible for orientation of new employees. Orientation shall include, but shall not be limited to, organization

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and services of the District, work rules, personnel policies and procedures, safety training, completion of payroll forms, and introduction to other District personnel.

### **F. PROBATIONARY PERIOD**

New and rehired employees shall serve a probationary period of six (6) months commencing with their first day of employment, except firefighters, for whom the probationary period shall be twelve (12) months. Upon promotion, probation is six (6) months unless otherwise specified in the position or at the time of the promotion opportunity.

Probation is part of the selection process used to confirm the initial employment decision and to reject those whose performance is not satisfactory. During this evaluation period, the employee and the District will have an opportunity to determine whether further employment with the District is appropriate.

The District can extend the duration of the probationary period up to six (6) months if, in its discretion, it determines that such an extension is appropriate. The employment relationship can be terminated by the employee or the District at any time during the probationary period for any reason. An employee who successfully completes the probationary period will be notified in writing that he or she has become a regular full-time or a regular part-time employee of the District.

No employee will be deemed a "regular" and no longer a probationary employee until the District has so determined and notified the employee in writing.

### **G. EMPLOYEE STATUS**

1. Regular Full-Time Employees. An employee who regularly works a minimum of forty (40) hours a week on a continuing basis is considered a regular full-time employee. Benefits as listed in 8.3 G1.
2. Regular Part-Time Employees. An employee who regularly works less than forty (40) hours a week is considered a regular part-time employee. The District shall pay FICA, Worker's Comp, Medicare and PERS if eligible. No other benefits shall be accrued.
3. Temporary Employees. Temporary employees are defined as those employees holding jobs of limited duration arising out of special projects, abnormal workloads or emergencies. Temporary employees are ineligible for employer paid benefits.
4. Duration of Employment. All employees except temporary employees are hired for an unspecified duration. The District may not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and the District. Accordingly, either the employee or the District can end the employment relationship at any time, in accordance with District procedures?

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Discipline and discharge may occur subject to the policies and procedures set forth in Section 9.0 et seq.

5. Anniversary Dates. The anniversary date used to determine vacation and merit increases of an employee hired before the 15th of the month shall be the first day of the month. The anniversary date of an employee hired on or after the 15th shall be the first day of the following month.

### **H. VOLUNTEERS**

Volunteers are not employees of the District. Volunteers receive only those benefits expressly conferred in writing or by law. Worker's Compensation insurance will be provided to volunteers. The service of a volunteer may be discontinued at any time for any reason. Volunteers must abide by all applicable rules, policies and practices of the District, and are held to the same standard of performance as applies to regular employees. The benefits related to a volunteer's association with the District (or through a volunteer association) are set forth in Appendix. Volunteers serve at the pleasure of the District and the volunteer, and either may end the volunteer arrangement at any time.

### **I. EMPLOYMENT OF RELATIVES**

Relatives of employees may be hired by the District only if individuals concerned do not work in a direct supervisory relationship. "Relatives" are wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, or stepchild of the individual. Present employees who marry will be permitted to continue work only if they do not work in a direct supervisory relationship with one another. Employees will be allowed to accept a demotion to an available and suitable position to avoid direct supervision by a relative. If this cannot be accomplished, the least senior employee may be terminated.

### **J. PHYSICAL EXAMINATIONS**

An offer of employment may be contingent upon an applicant's successful completion of a medical examination to determine if the applicant is able to perform the essential functions of the job, with or without reasonable accommodation and without direct threat to the health or safety of the applicant or other persons. If required, this examination will be provided by the District at the District expense. Any information gathered will be treated as a confidential medical record.

In order to insure continued qualification for employment, the District may request its employees to submit to a medical examination when the request is job related and consistent with business necessity at the District's expense.

### **K. DRIVING RECORD**

Employees who may be required to drive must possess a valid Oregon driver's license and must comply with any operator's license restriction. All employees who may be required to drive on District business may at any time have their driving record

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checked by the District. If the record indicates violations, the employee may be subject to appropriate warnings or disciplinary action. As a condition of continued employment each employee who operates District vehicles must maintain a personal driving record which is within risk criteria, if any, established by the District's insurer.

Job applicants' driving records are checked prior to being hired as a condition of employment.

Employees who may be required to drive shall notify the Fire Chief of any change in license status, and all traffic violations. Failure to report a traffic violation or change in license status to the Fire Chief is viewed as a violation of District policy. The District monitors driving records as a component of risk management, in order to identify needs for driver improvement. This section is applicable to qualified individuals with disabilities only when driving is an essential function of their job.

### **L. LAYOFFS**

Should a reduction in the District work force become necessary, the following procedures shall apply.

Layoffs may be implemented on a District wide basis or in one or more departments, work groups, or job classifications depending on the needs of the District. Once it is determined what the scope of the layoff will be, employees generally will be laid off in the following order:

1. Temporary and on call employees;
2. Probationary employees;
3. Part-time employees; and
4. Regular employees, according to knowledge, skills, and abilities as determined by the District.

In lieu of layoff the District may reduce the hours of work of District personnel. The District will make available medical and dental insurance as required by COBRA.

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### **M. VOLUNTARY RESIGNATIONS**

To voluntarily resign in good standing, an employee must submit a written letter of resignation to the department head allowing at least ten working days' advance notice. Failure to submit a timely written resignation may preclude the individual from future employment opportunities with the District.

### **N. PERSONNEL RECORD**

1. Maintenance of File. Official personnel records of employees shall be maintained by the District. If there is a change of name, address, telephone number, marital status, or number of dependents, the Clerk should be notified.
2. Removal. Documents shall not be removed from a personnel file, except pursuant to a determination by the Fire Chief that each particular document is not accurate, or is no longer relevant or timely to any personnel or performance matter. Any document which is removed shall be maintained in a separate file containing all such documents, not indexed under the name of any employee.
3. Medical Records. Documents containing medical information shall be kept in a separate, confidential file that is not part of the employee's personnel file. While these records shall be treated as confidential, supervisors and managers may be informed regarding necessary work restrictions and necessary accommodations, first aid and safety personnel may be informed, when appropriate, of an employee's disability, if the disability might require emergency treatment, and government officials investigating compliance with discrimination laws shall be provided relevant information on request.
4. Personnel Files. This policy defines circumstances under which an employee may examine his/her personnel records; and an individual who is not an employee of the District may examine an employee's personnel record under provision ORS 192.502(2). This policy and procedure applies to all District employees.
  - (1) No material of a negative or derogatory nature shall be placed in an employee's file unless the employee has had an opportunity to review the material, which shall be noted on the documents.
  - (2) Employees may be allowed to include in their personnel file any material deemed relevant to job qualifications or performance, in the judgment of the District. Employees may inspect and review their personnel files, excluding confidential reports from previous employers.
  - (3) Employees may protest, or comment upon, in writing, any materials placed in their personnel file. Such protest/comments shall be placed in the personnel file.

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5. Procedure For Access By Employee.
  - a. Employees wishing to inspect/review their personnel file shall make an appointment in advance with the Fire Chief.
  - b. An employee may receive a copy of such records. The employee will be charged the actual cost of providing this service.
6. Access to Personnel Files - Persons Other Than Employee.
  - a. Personnel files are exempt from disclosure under the provisions of ORS 192.502(2) if disclosure would constitute an unreasonable invasion of privacy. Records of discipline may be exempt from public disclosure.
  - b. Any person seeking disclosure of material that would constitute an unreasonable invasion of any employee's privacy shall have the burden of showing that public disclosure would not constitute such an unreasonable invasion of privacy, by clear and convincing evidence.
  - c. In any event, no information in any employee's personnel file will be released until the employee is notified and has a reasonable opportunity to comment on the request. In all cases, the District must determine whether or not particular personnel records of any District employee are subject to public disclosure. An employee's expectation of confidentiality and privacy is, in each case, subject to the requirements of Oregon's Public Records Law. This decision shall be made by the Chief Executive of the District]
  - d. Information regarding an employee's address, telephone number, work history, performance or salary will not be given over the telephone. Only employment dates and job title may be released verbally.
  - e. Verification of employment, requests for salary or other confidential information must be in writing, signed by the employee, authorizing release of specific information.
  - f. Work reference requests, for both present and terminated employees, must be in writing and signed by the employee, authorizing release of information.
7. Management Review of Personnel Files.
  - a. All personnel files will be reviewed by Fire Chief every five years for material reflecting caution, warning, admonishment, reprimand and/or suspension, to determine the continued appropriateness of retention.
  - b. Materials deemed inappropriate or no longer relevant may be removed from the personnel file with the employee concerned so notified. Criteria which may be used include age of the material, seriousness of the infraction, and instances of repeated or similar infractions.