

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR  
MULTNOMAH COUNTY, OREGON

Ordinance No. 10

An Ordinance providing for a civil service system for persons in the classified service of Multnomah County, Oregon.

Multnomah County ordains as follows:

A Civil Service System for employees of Multnomah County is hereby established in accordance with and under the following Articles: (Articles I - X)

ARTICLE I General Provisions. Construction of ordinance and definition of terms.

Section 1.100 Construction of ordinance. This ordinance shall be liberally construed in order that its intent and purposes may be given effect.

Section 1.101 Definition of terms.

As used in this ordinance unless the context requires otherwise:

- (1) "Appointing power" includes every person or group of persons who, acting singly or as a board or commission, are vested by law with authority to select, appoint or employ any person to hold any position subject to civil service.
- (2) "Appointment" includes all means of selecting or employing any person to hold any position subject to civil service.
- (3) "Commission" means a civil service commission created under the provisions of the Charter adopted by the voters on May 24, 1966.
- (4) "Commissioner" means a member of the civil service commission created under this charter.
- (5) "Position" includes any office, place or employment.

ARTICLE II Civil Service Commission

Section 1.102 County Civil Service Commission.

- (1) There shall be a civil service commission consisting of three members appointed by the board of county commissioners.
- (2) The term of office of each member of the commission shall be six years. Every two years the term of one member of the commission shall expire.

(Section 1.102 cont'd)

(3) Each member of the commission shall be a

(a) citizen of the United States

(b) qualified elector of the county

(4) No member of the commission shall receive compensation for his services as such.

(5) Two members of the commission shall constitute a quorum, and, except in matters requiring the unanimous consent of the commission, as provided in this ordinance, the votes of any two commissioners concurring shall be sufficient for decision in all matters and transactions pursuant to this ordinance.

(6) Any commissioner may be removed from office by the board of county commissioners for incompetency, incompatibility or dereliction of duty, or other good cause.

ARTICLE III Secretary of the commission: Office and clerical help; legal representation; rules of the commission; officers and employees to assist the commission; preservation of records.

Section 1.103 Secretary of the commission.

The commission shall appoint a secretary, who shall keep records of its proceedings, preserve all reports made to it, superintend and keep a record of all examinations and investigations held or made under its direction, and perform such other duties as it may prescribe. The secretary shall hold office during the pleasure of the commission and shall receive such salary as the board of county commissioners may fix.

Section 1.104 Offices and clerical help for commission.

The board of county commissioners shall provide the commission with suitable and convenient rooms and accommodations at the county courthouse, 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 with such clerical assistance as may be necessary.

Section 1.105 Legal representation of commission.

The district attorney of the county shall be the legal adviser of the commission and shall prosecute all violations of this ordinance. However, the board of county commissioners may employ special counsel for that purpose and may also employ special counsel to represent county elective officials in hearings before the commission.

Section 1.106 Rules of the commission; notice.

(1) The commission shall make suitable regulations not inconsistent with this ordinance, to carry out its provisions. The regulations shall provide in detail the manner in which examinations shall be held, and appointments,

(Section 1.106 cont'd)

promotions, transfers, reinstatements, suspensions and discharges shall be made.. The regulations may be changed, from time to time, and the same, together with all changes, shall forthwith be printed for distribution.

(2) The commission shall, not less than 10 days prior to the time when the regulations shall take effect, give notice, in a newspaper printed and published in the county and having a general circulation therein, of the place where printed copies of the regulations and changes therein may be obtained.

All publications required to be made pursuant to this ordinance shall be made in a newspaper which is printed and published not less than once a day for at least six days of each week.

Section 1.107 Officers and employees to assist commission.

All county officers and employees of the county shall aid in all proper ways in carrying out the provisions of this ordinance and such regulations as may, from time to time, be prescribed by the commission thereunder, and to afford the commission, its members and employees all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments subject to civil service, and also to produce such books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission, or any commissioner.

Section 1.108 Preservation and destruction of records and examinations; public records.

(1) The commission shall keep on file all examination papers and their markings and all other papers and their markings and all other papers, documents and communications received by it. All such reports and files of the commission shall be public records and accessible at convenient times in like manner as other public records.

(2) The commission may destroy any reports and files of the commission which are

(a) Not less than 4 years old.

(b) Less than 4 years old, provided they have been recorded by means of photography, microphotography, photocopying or filming and the commission determines that they have no further evidential value.

#### ARTICLE IV Classified Service.

The classified service of the county shall consist of all positions in the government of the county except those of

(1) elective officers, or anyone appointed to fill a vacancy caused by death, resignation or removal of any elective officer.

(2) their personal assistants and secretaries

(3) department heads.

- (a) Department of Judicial Administration
- (b) Department of Records & Elections
- (c) Department of Public Safety
- (d) Department of Medical Services
- (e) Department of Public Works
- (f) Department of Public Services
- (g) Department of Finance
- (h) Department of Administrative Services

(4) Employees excluded by county ordinance and by the civil service commission.

(5) Any official reporter, bailiff or crier, subject to appointment by any court or judge or justice thereof.

(6) Any person employed to perform manual labor, skilled or unskilled, in the construction, maintenance and repair of county property; provided, that electrical workers, members of road and bridge crews and laborers permanently employed shall be subject to civil service unless otherwise provided in this ordinance.

(7) Any special deputy sheriff or deputy constable appointed to act without compensation from the county.

(8) Any member of the county civil service commission.

(9) Any deputy district attorney.

(10) Any doctor, nurse, intern or superintendent or other executive officer, employed by, in or at the county hospital, county poor farm, or any home maintained by the county for the detention or care of juveniles.

(11) The roadmaster of the county.

(12) Any temporary, part-time or seasonal employe.

(13) Any person holding a position subject to the jurisdiction of the commission created by ORS 242.706.

(14) Any chief examiner appointed under ORS 242.716.

(15) Any undersheriff, deputy undersheriff or administrative aide to a sheriff appointed under ORS 206.220.

ARTICLE V Effect on incumbent when position first becomes subject to civil service.

Section 1.109

(1) All persons holding positions subject to civil service under this ordinance at the time such position first becomes subject to civil service and who have been employed in the public service of the county continuously for a period of at least two years next preceding the date when that position became subject to civil service and who are citizens of the United States are automatically inducted permanently into civil service into the positions then held, respectively, as if such persons had been permanently appointed thereto under civil service after examination and investigation.

(2) All persons holding positions subject to civil service under this ordinance at the time such position first becomes subject to civil service and who are not eligible for permanent induction into civil service as provided in subsection (1) of this section but who have been employed in the public service of the county continuously for a period of at least four months next preceding the date when that position became subject to civil service and who are citizens of the United States are automatically inducted on probation into civil service into the positions then held, respectively, as if such persons had been appointed thereto on probation under civil service after examination and investigation. Every person so inducted into civil service on probation shall be on probation for a period of one year from the date of induction and shall be subject to discharge as provided in this ordinance for other applicants on probation. However, no such person so inducted into civil service on probation and discharged as aforesaid shall be entitled to be placed on the eligible list of the classified civil service, but the status of such person shall, from the date of such discharge, be the same as that of any other person who has not qualified by examination or otherwise for appointment under civil service.

(3) All persons holding positions subject to civil service under this ordinance at the time such position first becomes subject to civil service, who are not eligible for induction into civil service as provided for in subsections (1) and (2) of this section shall continue to hold their respective positions until replaced by persons appointed thereto under civil service.

(4) Within 10 days after a position first becomes subject to civil service, the appointing authority for that position shall file with the Civil Service Commission and the Department of Finance a statement giving the name, resident, occupation, length of continuous service and compensation of the person holding that position, declaring whether that person is or is not eligible for induction into civil service as provided in subsections (1) and (2) of this section and certifying as to the citizenship of each such person.

(5) Within 60 days after any position first becomes subject to civil service under this ordinance, the commission shall classify such position. Within 90 days after a position first becomes subject to civil service, the commission shall hold an examination to fill such position if it is not filled by a person inducted into civil service as provided in subsections (1) and (2) of this section. As soon as such examination has been held and the eligible candidates have been ascertained, the commission shall certify to the appointing authority the names and addresses of the available eligible candidates. The appointing authority shall make the appointment from the list so certified except as to temporary, part-time and seasonal employees. The provisions of this ordinance govern the manner of certifying and appointing such candidates.

## ARTICLE VI Classifications and rules.

### Section 1.110 Classifications.

(1) The commission shall classify, with reference to the examinations provided for in this ordinance, all positions in the public service of the county to which this ordinance applies. The classifications shall be based upon the respective functions of the positions and the compensation attached thereto, and shall be arranged so as to permit the grading of positions of like character in groups and subdivisions, to the end that like compensation shall be paid for like duties.

(Article VI cont'd)

(2) The classifications and grades may, from time to time, be amended, added to, consolidated or abolished by the commission but no person holding any position under any established classification or grade shall be affected by any such change so as to deprive him of any of the benefits attached to the classification or grade applicable to the position then held by him.

(3) The commission shall establish maximum and minimum salary limits for each grade in its classification, and shall provide by rule for advancement or promotion from grade to grade on the basis of efficiency and length of service.

(4) The positions so classified and graded shall constitute the classified civil service of the county.

#### ARTICLE VII    Examinations

Qualifications for examinations; character of examinations; notice of examinations; civil service examiners; examinations for promotion; credits and preference to experienced applicants and veterans.

##### Section 1.111 Qualifications for examination.

(1) Examinations shall be confined to citizens of the United States who can read and write the English language and who also possess such qualifications as to fitness, habits and moral character as are prescribed by rules of the commission.

(2) 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 positions subject to the provisions of this ordinance shall be made solely upon merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation.

##### Section 1.112 Character of examinations.

(1) All examinations shall be practical in character and shall relate only to those matters which fairly test the relative fitness of persons examined to discharge the duties of the positions for which they are applicants. Examinations shall include, when appropriate, tests of health and physical qualification, and of manual, clerical or professional skill.

(2) No question in any examination shall relate to political or religious preference, affiliation, opinion or services.

##### Section 1.113 Examinations; notice.

(1) The commission shall, from time to time, hold public competitive examinations to ascertain the fitness of applicants for all positions in the classified service.

(2) Notice of the time, place and general scope of every examination shall be given by the commission by publication in a newspaper of general circulation and printed and published in the county, once each week for two consecutive weeks. Notices shall also be posted in three public places in the county, one of which shall be the office of the commission, for not less than two weeks prior to the examination.

#### Section 1.114 Civil Service Examiners.

The commission shall control all examinations and shall designate the persons who shall act as examiners at any examination. When a person in the official service of the county is designated as examiner, he shall act as such without extra compensation. Any commissioner may act as examiner.

#### Section 1.115. Examination for promotions.

- (1) The commission shall by regulations provide that wherever practicable vacancies shall be filled by promotion.
- (2) Examinations for promotions may be among the members of the lower classifications or grades established for each department who desire to offer themselves for such examination. The regulations adopted for examination of applicants for promotion shall, as near as may be, follow the regulations governing the examination of applicants for original appointments.
- (3) The commission shall by its regulations prescribe the weight to be given to the recommendation of the appointing power touching the qualifications of the candidate for promotion, and where a record of fidelity and efficiency is regularly kept in good faith in any department the commission shall give it at least equal value with the record of examination for promotion.

#### Section 1.116 Credits and preferences to experienced applicants and veterans.

- (1) The regulations of the commission shall provide for a credit on original entrance examinations, in a percentage to be determined by the commission, for experience in work similar to that for which examinations are held.
- (2) They shall also provide for preference for war veterans on civil service examinations as provided by ORS 408.230.

ARTICLE VIII Register of eligibles; certification; appointments; probationary period; efficiency records; compensation; reports of appointments and separations; roster; certification to Department of Finance; certification prerequisite to payment of salary.

#### Section 1.117 Register of eligibles; relative rank; striking of names.

The commission shall prepare and keep a register for each grade and classification in the classified civil service of all persons whose general average standing upon examination for such grade or classification is not less than the minimum fixed by the rules of the commission, and who are otherwise eligible. Such persons shall take rank upon such register, as candidates, in the order of their relative excellence, as determined by examination and investigation. Candidates of equal standing shall take rank upon the register according to the order in which their applications are filed. The commission, may, by rule, provide for striking candidates from the list after they have remained thereon for a specified time, and may limit the number of times the same candidate shall be certified to the appointing power.

#### Section 1.118 Certification of candidates for vacancies.

Whenever there is a vacancy in any position in the classified civil service, the appointing power shall immediately notify the commission thereof. The commission shall thereupon certify to the appointing power the names and addresses of the three eligible candidates standing highest upon the register for the classification or grade to which such position belongs. If there are less than three the commission shall certify all candidates upon the register. When vacancies exist in two or more positions of the same classification in the same department at the same time, the commission shall certify not less than two candidates for each position but those certified must be the eligible candidates standing highest upon the register. The appointing power may require the candidates so certified to come before him and he may inspect their examination papers. The regulations for certification of applicants for promotion shall, as near as may be, follow the regulations governing the certification of applicants for original appointment.

#### Section 1.119 Appointments.

Any person on the eligible list may waive any appointment and in such event shall retain his rank on the eligible list. The appointing power must make permanent appointments from the list of candidates certified, unless, for reasons assigned in writing by him, the commission consents to and certifies a new list of candidates. If any probationer is not discharged during the period of probation, his appointment shall be deemed permanent.

Appointment of undersheriff, deputy undersheriff and administrative aide; reinstatement to former positions.

(1) Notwithstanding any other provision of this ordinance, any person under a civil service system employed in the Department of Public Safety or registered on the eligible list is eligible for appointment as an undersheriff, deputy undersheriff or administrative aide to the Director of the Department of Public Safety as provided by ORS 206.220. If the deputy sheriffs in the county are under civil service, only a deputy sheriff in the law enforcement department of the Department of Public Safety is eligible for appointment as a deputy undersheriff.

(2) Any person appointed undersheriff, deputy undersheriff or administrative aide to the Director of Public Safety, upon termination of such appointment, shall be reinstated in his previous rank on the eligible list or in his last held position at the salary rates prevailing for such positions on the date of resumption of duty, without loss of seniority or other employment rights and with service credit for the time served as undersheriff or deputy undersheriff.

(3) temporary appointments. When there is no eligible list from which a position may be filled, the appointing power may, with the consent of the commission, fill such position by temporary appointment. A temporary appointment shall not continue for a longer period than three months, nor shall successive temporary appointments be made to the same position under this section without the previous consent of the commission. In no case shall any person hold a position under a temporary appointment for a period longer than six months without the unanimous consent of the commission. All temporary appointments caused by leaves of absence shall be made from the eligible list of the classified service.

(Section 1.119 cont'd)

(4) Emergency appointments. The commission shall establish rules and regulations under which emergency appointments may be made when those on the eligible list are not immediately available, and fix the time for which such emergency appointments shall be valid; provided, nothing contained in this ordinance shall be construed to change, alter or impair the power of any officer, as provided by law, to command the assistance of the inhabitants of his county in serving or executing, or overcoming resistance to the service or execution of, any process, order or paper delivered to him for execution or service.

Section 1.120 Probationary appointments; discharge during probation: effect of failure of promoted candidate to qualify.

(1) The appointing power shall appoint to each vacant position one of the candidates certified. The person so appointed shall be on probation for a period to be fixed by the regulations of the commission, not to exceed one year if the position is in the police department of the Department of Public Safety, otherwise not to exceed six months. During probation the appointing power may discharge the probationer, and in like manner appoint another of such candidates, and so continue until all candidates have been appointed. The reasons, in each instance, for such discharge, shall be filed in writing with the commission. If the reasons are deemed insufficient by the commission, the discharged candidate shall, notwithstanding such discharge, retain his rank upon the eligible list.

(2) When any person who has taken a promotional examination, and who has been appointed to a position in a higher classification or grade on probation, fails to qualify for the position in the higher classification or grade within the probationary period, he shall not lose his seniority in the lower classification or grade from which such promotion was made but shall return to employment and be reinstated in the position held by him in such lower classification or grade.

(3) Appointments and promotions to be made only as provided in this ordinance. No appointment or promotion to any position in the classified civil service of the county shall be made except in the manner provided in this ordinance.

Section 1.121 Efficiency Records.

(1) Records of individual efficiency of holders of positions under civil service shall be established and kept in all departments of the county government. The records shall be made by the appointing power, unless otherwise directed by the commission, and in accordance with such regulations as the commission may prescribe. Copies of the records shall be filed with the commission from time to time, as it may require.

(2) The commission shall investigate all efficiency records and may make its own records, and shall rate upon such records the item of ascertained merit in examinations for promotion. The commission shall establish and enforce regulations under which records of unsatisfactory service may lead to reduction in grade and compensation and provide for the manner in which persons falling below the standards of efficiency fixed by its regulations may be removed, discharged or reduced in grade or compensation.

Section 1.122 Compensation.

Board of County Commissioners to control creation of positions and fixing of compensation. All positions subject to civil service in the county shall be created by the board of county commissioners and the board is authorized to fix the compensation of all employees employed therein. In the creation

(Section 1.122 cont'd)

of each position subject to civil service, and in determining the amount of compensation thereof, the board may give due consideration to the recommendation of the civil service commission and the appointing power of the department under which the position is created.

#### Section 1.123 Report of appointments and separations.

Each appointing power shall:

- (1) Report to the commission forthwith upon each appointment the name of the appointee, the title or character of the position to which the appointment is made, the date of the commencement of service, and the salary or compensation therefor.
- (2) Report from time to time, and upon the date of official action in, or knowledge of, each case, any separation of any person from any position, or other changes.
- (3) Furnish such other information as the commission may require in order to keep the roster mentioned in Section 1.124.

#### Section 1.124 Official Roster.

The commission shall keep in its office an official roster of all persons holding positions under the provisions of this ordinance and shall enter therein all appointments, promotions, demotions, transfers, reinstatements, resignations, suspensions, leaves of absence, removals and discharges, setting forth in each instance the date of commencement or termination of service, or other change, the nature of the duties performed, and the salary or compensation therefor, together with sufficient information to show why and how such appointments, or other changes, were made. The roster shall be kept so as to disclose readily to any one desiring to inspect the same all such matters in connection with each position in each department of the county government, subject to civil service, and in connection with each person employed therein.

#### Section 1.125 Certification to the Department of Finance

The commission shall certify to the Department of Finance the name of each person appointed or employed in the classified civil service, stating in each case the title or character of the position held by such person, the salary or compensation paid, and the date of the commencement of service, and also, as far as practicable, the name of each person employed in violation of this ordinance, or the regulations established thereunder, and forthwith certify to the Department of Finance in like manner every change occurring in any position held by any person in the classified civil service.

#### Section 1.126 Certification as prerequisite to payment of salary.

- (1) No officer or employe of the county, so far as it concerns employes subject to civil service, shall draw, sign, countersign, issue, authorize or honor any warrant or order for the payment of, or pay, any salary or compensation to any person in the classified civil service who is not certified by the commission to the Department of Finance as provided in Section 1.125. Any person entitled to be certified may maintain a proceeding by mandamus to compel the issuance of such certificate.

(Section 1.126 cont'd)

(2) Any sums paid contrary to the provisions of this section may be recovered in an action in the name of the county from any officer or employe of the county paying the same, or from any officer signing, countersigning, drawing or issuing, or authorizing the drawing, signing, countersigning or issuing of any warrant or order for the payment thereof, and from the sureties on his official bond. All moneys recovered in such action must, when collected, after paying all expenses of such action, be paid into the county treasury.

ARTICLE IX     Investigations, Suspensions, Discharges and Hearings, Orders  
                             & Appeals, Leaves, Transfers, Reinstatement

Section 1.127

The Civil Service Commission shall make investigations concerning, and report upon all matters touching, the enforcement and effect of the provisions of this ordinance, and the regulations prescribed thereunder; inspect all county institutions, departments, offices and positions affected by this ordinance, and ascertain whether this ordinance and the Civil Service Commission regulations are being obeyed. An investigation may be made by the commission, or by any commissioner designed by the commission for that purpose.

Section 1.128    Compelling attendance of witnesses and production of documents.

(1) In the course of an investigation, the commission, or designated commissioner, may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation. Attendance of witnesses, either with or without books, papers, documents or accounts may not be compelled, unless such witnesses are personally served with subpoena within the county wherein the commission has jurisdiction.

(2) The circuit court in the county may compel the attendance of witnesses, the giving of testimony, and the production of books, papers, accounts and documents, as required by any subpoena duly issued by the commission, or designated commissioners, under this section, and may punish the disobedience of such witnesses as a contempt.

Section 1.129    Depositions of witnesses.

The commission or designated commissioner, may, in any investigation or hearing, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the circuit court. To that end, the commission may compel the attendance of witnesses and the production of books, papers, documents and accounts.

Section 1.130    Conduct of hearings and investigations

All hearings and investigations before the commission, or designated commissioner, shall be governed by this ordinance and by rules of practice and procedure to be adopted by the commission. In the conduct thereof neither the commission, nor designated commissioner, shall be bound by the technical rules of evidence.

Section 1.131 Conclusiveness of orders; necessity for unanimity.

No informality in any proceeding or hearing, or in the manner of taking testimony before the commission, or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. However, no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by the other two members of the commission.

Section 1.132 Witness fees.

Any person served with a subpoena requiring his attendance before the commission, or any commissioner, shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil cases in courts of record, except that no person shall be entitled to any fees or mileage for such attendance who is employed in the public service of the county in which he is called as such witness. The fees and mileage allowed by this section need not be prepaid but the Department of Judicial Administration shall draw a warrant for the payment thereof when it is certified by the Civil Service Commission.

Section 1.133 Suspensions.

Any appointing power, may without hearing or trial, preemptorily suspend any subordinate for cause for a reasonable period, not exceeding 30 days, with loss of salary or other compensation. No suspension shall be made except upon written charges served upon the accused and filed with the commission, with the privilege to the accused of serving upon the appointing power a written answer and explanation of such charges, and filing a copy of the same with the commission. No suspension made by any appointing power pursuant to this section shall be subject to review by the commission or any other tribunal. No appointing power may suspend the same subordinate more than twice, or for a total of more than 45 days, during any one year.

Section 1.134 The tenure of a person holding a position under the provisions of this ordinance shall continue only during good behaviour. Any person may be dismissed for any of the following causes:

- (1) Incompetency, inefficiency or inattention to or dereliction of duty.
- (2) Dishonesty, intemperance, immoral conduct, insubordination or discourteous treatment of the public or of fellow employes.
- (3) Any other wilful failure of good conduct tending to injure the public service.
- (4) Any wilful violation of the provisions of this ordinance or the rules or regulations adopted pursuant thereto.

Section 1.135 Dismissal only for cause; written accusation.

No person in the classified civil service who has been permanently appointed under the provisions of this ordinance shall be dismissed except for cause, and only upon the written accusation of the appointing power or the commission. A written statement of the accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission.

Section 1.136 Necessity of a hearing prior to

Employees may be dismissed without a previous hearing except that persons who have been employed in the county public service continuously for five or more years shall be dismissed only after a hearing before the accusing authority.

Section 1.137 Investigation of dismissal.

A dismissed employee may, within 10 days from the time of his dismissal, file with the commission a written demand for an investigation. If the demand alleges, or if it otherwise appears to the commission, that the dismissal was made for political or religious reasons, or because of an unlawful employment practice as described in subsection (1) of ORS 659.026, or was not made in good faith for cause, the commission shall conduct an investigation. The investigation shall be confined to the determination of the question of whether the dismissal was or was not made for political or religious reasons or because of an unlawful employment practice as described in subsection (1) of ORS 659.026 and was or was not made in good faith for cause. The burden of proof shall be upon the dismissed person.

Section 1.138 Right of employee to public hearing and representation; limitations.

All investigations pursuant to this ordinance shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing. At the hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. However, the right of the accused to a public hearing and to representation by counsel shall not apply to any preliminary trial or hearing before the accusing authority.

Section 1.139 Orders of commission on review of investigation.

After an investigation, the commission may affirm the dismissal or if it finds that the dismissal was made for political or religious reasons, or because of an unlawful employment practice as described in subsection (1) of ORS 659.026, or was not made in good faith for cause, shall order the immediate reinstatement and reemployment of the employee in the position from which he was dismissed. Reinstatement shall be retroactive and entitle the dismissed employee to pay or compensation from the time of dismissal. The commission, upon investigation, in lieu of affirming the dismissal, may modify the order of dismissal, by directing a suspension without pay for a given period, and a subsequent restoration of duty or a demotion in classification, grade or pay. The findings of the commission shall be certified in writing to the appointing power and forthwith enforced by him.

Section 1.140 Order is final if unanimous.

No final judgment or order of removal, discharge, suspension or demotion made with the unanimous consent of the commission pursuant to this ordinance shall be subject to review by any tribunal.

Section 1.141 Orders appealable when not unanimous; issues on appeal limited.

(1) If the judgment or order made pursuant to Section 1.139 is concurred in by only two members of the commission, the accused may appeal to the county board of commissioners.

(Section 1.141 cont'd)

(2) The appeal shall be taken by serving upon the commission, within 30 days after the date of the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order be filed by the commission with the Board of County Commissioners. The commission shall, within 10 days after the filing of such notice, make, certify and file such transcript with the Board of County Commissioners.

(3) The Board of County Commissioners shall thereupon proceed to hear and determine such appeal in a summary manner and its decision may be appealed to the circuit court of the county. The hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension, made by the commission, was or was not made for political or religious reasons, or because of an unlawful employment practice as described in subsection (1) of ORS 659.026, and was or was not made in good faith for cause. No appeal to the Board of County Commissioners shall be taken except upon such grounds.

Orders from Board of County Commissioners appealable when not unanimous; issues on appeal limited. (1) If the judgment or order made pursuant to this ordinance is concurred in by only four members of the commission, the accused may appeal to the circuit court of the county.

(2) The appeal shall be taken by serving upon the Board of County Commissioners within 30 days after the date of the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the Board of County Commissioners affecting or relating to such judgment or order be filed by the commission with the court. The Board of County Commissioners shall, within 10 days after the filing of such notice, make, certify and file such transcript with the court.

(3) The circuit court shall thereupon proceed to hear and determine such appeal in a summary manner, and its decision shall be final. The hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension, made by the commission, was or was not made for political or religious reasons, or because of an unlawful employment practice as described in subsection (1) of ORS 659.026, and was or was not made in good faith for cause. No appeal to such court shall be taken except upon such grounds.

#### Section 1.142 Leaves of absence.

(1) Leave of absence for not more than 30 days, without pay, and without the consent of the commission, may be granted by any appointing power to any person under civil service subject to his authority. The appointing power shall give immediate notice of such leave to the commission. Leaves of absence for longer periods shall not be granted except by express permission of the commission.

(2) Leaves of absence without pay for at least two years shall be granted automatically to all regular employes who serve in the Peace Corps as volunteers. Upon expiration of the leave the employe shall have the right to be reinstated to the position held before the leave was granted and at the salary rates prevailing for such positions on the date of resumption of duty, without loss of seniority or other employment rights. Failure of the employe to report within 90 days after termination of his service shall be cause for dismissal.

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Section 1.143 Prohibition of transfer, reinstatement, suspension or dismissal contrary to this ordinance.

(1) No person shall be reinstated in, or transferred, suspended or discharged from any position contrary to the provisions of this ordinance.

(2) The commission may authorize the transfer of any person legally holding one position to a similar position in the same classification or grade. The commission may provide for the reinstatement within one year of persons separated from positions in the civil service without fault or delinquency on their part, if within that time there is need for their services.

(3) No transfer or reinstatement shall be made from a position in one classification or grade to a position in another classification or grade, nor shall a person be transferred to or reinstated in a position for entrance to which there is required by ordinance or the regulations adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original appointment to the position held by such person.

ARTICLE X Prohibited conduct and penalties.

Section 1.144 Prohibited conduct generally. No person shall:

(1) By himself or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect of his right of examination or registration according to the regulations prescribed by the commission pursuant to this ordinance.

(2) Falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to this ordinance or aid in so doing, or make any false representation concerning the same, or concerning the person examined.

(3) Furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified.

(4) Impersonate any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination or registrations, or application or request to be examined or registered.

Section 1.145 Soliciting of political assessments prohibited.

No officer, agent, clerk or employe in the service of the United States Government, or the public service of the state or any civil division thereof, including counties and cities, shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatsoever, from anyone on the eligible list of the classified civil service of this county, or anyone holding any position under civil service. Every officer, agent or employe of the county government who has charge or control in any building, office, room or place occupied for any purpose of the county government, may prohibit entry of any person, and he shall not permit any person to enter the same, for the purpose of therein making, collecting, receiving or giving notice of, any political assessment, subscription or contribution. No person shall enter, or remain in, any such building, office, room or place, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding or collecting a political assessment, subscription or contribution,

(Section 1.145 cont'd)

nor shall any person therein give notice of, demand, collect or receive any such assessment, subscription or contribution contrary to the provisions of this section.

Section 1.146 Political services disregarded and prohibited.

No person in the public service of any county, holding any position subject to civil service, is under any obligation to contribute to any political 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 in the public service of such county, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. No person in the public service of such county shall use his official authority or influence to coerce the political action of any person or body, or to affect or interfere with any nomination, appointment or election to public office of any other person. Persons employed under civil service, or on the eligible list thereof, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no part in any political management or political campaign, or engage in any political activity whatsoever for or against any person, candidate or party.

Section 1.147 Corrupt practices prohibited.

No public officer and no person who is nominated or seeks nomination or appointment for public office shall use, or promise to use, directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, in the way of conferring upon any person, or in order to secure or aid any person to secure, any office or appointment in the public service, or any nomination, confirmation or promotion, or increase of salary on consideration that the vote, political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer or political party or association, or upon any other corrupt condition, or consideration. No public officer or employe, or person having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer or employe, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the political vote or action of any citizen, or the removal, discharge or promotion of any public officer or public employe, or upon any corrupt consideration. As used in this section, the phrase "public officer" includes all public officials within the county, whether paid directly or indirectly from the public treasury of the United States, the state or any civil division thereof, including counties and cities, and whether by fees or otherwise, and the phrase "public employe" includes every person not being an officer who is paid from any such treasury.

Section 1.148 Limitations on recommendations of applicants; political or religious opinions not to affect recommendation, appointment or removal.

(1) No recommendation, other than those allowed by the rules of the commission, in favor of any person who applies for any position under civil service, or for examination or registration under this ordinance, except as to resident, character, and, in case of former employes, as to ability, when a recommendation as to character or ability is specifically required by the rules, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion, under this ordinance.

(2) No recommendation under this ordinance shall relate to the religious or political opinions, affiliations or services of any person. No appointment, change in or removal from, any position under this ordinance shall be affected or influenced in any way by such opinions, affiliations or services.

Section 1.149 Penalties; jurisdiction.

(1) Except as otherwise provided in this section, wilful violation of any of the provisions of this ordinance is a misdemeanor and, upon conviction, is punishable by a fine of not less than \$25 nor more than \$1,000, or by imprisonment in the county jail for not longer than one year, or both.

(2) Wilful false swearing in any hearing or investigation before the commission, or designated commissioner, is perjury and punishable as such.

(3) Violation of Section 1.147 is punishable, upon conviction, by a fine of not less than \$50 nor more than \$1,000 or imprisonment of not less than 10 days nor more than two years, or both. In addition, if the person convicted is a public officer of the state or any civil division thereof, including counties and cities, he shall be deprived of his office.

(4) The circuit court shall have jurisdiction of all offenses defined in this ordinance.

This Act being necessary for the immediate preservation and establishment of the civil service rights of the employees of Multnomah County, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

Date of passage January 3, 1967

MULTNOMAH COUNTY, OREGON  
BOARD OF COUNTY COMMISSIONERS

M. James Gleason  
Chairman

J. W. Ashworth  
Commissioner

R. J. [Signature]  
Commissioner

L. [Signature]  
Commissioner

M. [Signature]  
Commissioner

APPROVED AS TO FORM:

GEORGE VAN HOOMISSEN  
District Attorney

By Willis West  
Chief Deputy  
Civil Department

MULTNOMAH COUNTY  
CIVIL SERVICE COMMISSION

OWEN J. CARD  
SECRETARY

PORTLAND 4, OREGON

723 COUNTY COURT HOUSE  
227-8441  
EXTENSION 388

December 30, 1966


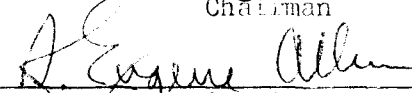
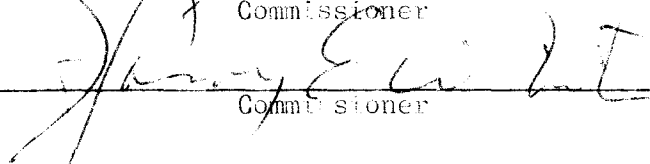
Board of County Commissioners  
605 County Courthouse  
Portland, Oregon

Gentlemen:

We submit herewith a proposed ordinance which prescribes the details of a civil service system for persons in the classified service of Multnomah County.

The provisions of this proposal have been reviewed by the Commission and it is recommended that the proposed ordinance be passed by earliest action of the Board, with amendments to be made at a later date.

MULTNOMAH COUNTY CIVIL SERVICE COMMISSION

  
Chairman  
  
Commissioner  
  
Commissioner

cc-Comr. Gleason  
cc-Comr. Gordon  
cc-Comr. Eccles  
cc-Comr. Aylsworth  
cc-Comr. Mosee

SUPPLEMENT TO  
JOURNAL  
PAGE