

Rules

Chapter 1 - Introduction

Section 1.000 – Scope and Objective of Rules

1. The purpose of these rules is to provide systematic and equitable regulations relating to the examination, appointment, employment and dismissal of custodians and assistant custodians as defined in ORS 242.320.
2. The “Rules and Regulations of Civil Service Board of School District No. 1” dated April 8, 1940 are hereby superseded and all actions taken or events after the adoption of these rules shall be governed by these rules. These rules shall not apply to any matter occurring prior to their adoption.
3. All employees of School District No. 1 (Portland Public Schools) described in ORS 242.320 and subject to the exceptions set forth in ORS 242.320 (1), (a), (b), and (c) are considered to be under the jurisdiction of this Board as provided in this law.
4. The Board recognizes the custodial classifications, with those exceptions noted above, as set forth in the current agreement between the School District and the District Council of Trade and Service Unions to be the Custodial Services of the School District.
5. In the event of any conflict between a provision of these rules and the provisions of any collective bargaining agreement between the School District and the collective bargaining agent for employees covered by these rules, the collective bargaining agreement shall prevail.

Section 1.005 - Procedure for Adopting Rules

1. These rules are adopted pursuant to ORS 242.390. In amending these rules, the Board shall proceed as follows:
 - a) Notice of a hearing and copies of proposed rules shall be printed by the Civil Service Board and distributed to known interested parties and published in a newspaper of general circulation not less than ten days prior to the meeting at which the Board will consider adoption of the rule.
 - b) Upon adoption of a rule by the Board, the Board shall give notice of the adoption to interested parties and in a newspaper of general circulation and the rule shall not become effective until ten days after the publishing date for such newspaper.
 - c) A rule adopted by the Board shall not contain subject matter other than set forth in the published notice.
2. At the request of any person interested in such adoption, amendment or repeal of rules, the Board may at its discretion convene a hearing. The final decision as to the adoption,

amendment or repeal of any rule shall be by majority vote of the Board.

Chapter 2 - Civil Service Board Organization and Authority

Section 2.000 - Meetings and Quorum

The Board shall annually select one of its members as board chair. The Board shall meet at such times and places as are specified by a call of the presiding officer or any two members of the Board. Two members of the Board shall constitute a quorum, and the votes of any two members concurring shall be sufficient to make any decision. Each member shall have an alternate, and such alternate may act for the member in the member's absence.

Section 2.005 - Duties of the Secretary

In addition to the duties prescribed by ORS 242.370, the Secretary shall serve as liaison between the Board and the School District. The Secretary shall also be responsible for all notices, advertising and records of the Board. The District shall provide clerical support and space according to Board requirements (ORS 242.380).

Section 2.010 - Appeals

1. Subject to the Board's rules on hearings and appeals, the Board shall review appeals of candidates for appointment or promotion to a position in the custodial service, where such applicant or candidate alleges that the District's decision was contrary to these rules or to any provision of civil service law.
2. The Board shall also review appeals from discharge under ORS 242.620.
3. The Board shall review and decide other complaints as are authorized under ORS Chapter 242.
4. And the Board may review appeals of examination procedure or results of security checks or physical examinations under section 2.025 (10).

Section 2.015 - Appeals Procedure

1. All appeals must be filed and processed in accordance with the Board's rules. An appeal shall be considered filed when received by the Secretary.
2. Any employee wishing to appeal a decision of the District must file a written appeal with the Board within ten days of the effective date of the action challenged or the employee's discovery thereof. The appeal must state the nature of the action being appealed and the reasons why the employee believes the action was improper.
3. The Secretary shall serve the District with a copy of the employee's written appeal.
4. Where a collective bargaining agreement provides a right to file a grievance or take other action under that agreement, the employee shall elect within 10 days after the effective date of the challenged action whether to pursue a remedy under the agreement or a

remedy under these rules. If this election is made by mailing, the election shall be effective on the date of postmark.

Section 2.025 – Hearings

1. The time and place of any hearing under these rules will be set by the Board, and notice of such hearing shall be mailed by the Board to the employee affected, the employee's representative, if any, the District and the collective bargaining agent representing the affected employee for collective bargaining purposes.
2. Postponements --
The Board may grant a postponement of any hearing for reasonable cause shown by any interested party, and the Board may order a postponement at any time to meet its own needs.
3. General Hearings Procedure --
Subject to the direction of the Chairperson:
 - a) The Board will open the hearing with a brief introduction of the parties and issues.
 - b) To comply with ORS 192.660 (1) (b) (the Public Meeting Law), in any dismissal case the board shall honor any request made by the affected employee to have the case heard And/or deliberated in open session.
 - c) The parties or their representatives may make opening statements.
 - d) The parties or their representatives may present oral or documentary evidence in support of their respective positions. Cross-examination of witnesses will be allowed to opposing parties.
 - e) The parties may make closing statements or file written memoranda within the discretion of the Board.
4. Oaths and Subpoenas --
The Board may compel the attendance of witnesses and the production of documents through the issuance of subpoenas, either on its own motion or upon the application of a party in writing. An application for any subpoena must set forth the name of the witness and the general relevance and reasonable scope of the evidence sought. The Board shall not arbitrarily deny the issuance of a subpoena for such evidence. The presiding officer of the Board shall administer oaths to each witness.
5. Stipulation of Fact and Issues --
The Board shall encourage the parties in any hearing to confer and engage in stipulation as to relevant facts and issues. Such stipulations shall be put on the record and shall be binding on the parties to them.
6. Continuances --
The Board may on its own motion or on the motion of a party continue any hearing for the receipt of further testimony, documentary evidence or argument.

7. Burden of Proof --

In any appeal concerning dismissal, the School District shall have the burden of proof and the burden of presenting the facts within its control to fully reveal the circumstances of the dismissal. In any appeal alleging violation of the civil service statute of these rules concerning examination, classification or promotion, the party filing the appeal shall have the burden of presenting the facts within its control and the burden of proving the alleged violation. The School district shall present the facts within its control relevant to the alleged violation.

8. Record of Proceedings --

All hearings of the Board shall be recorded by audiotape or by such other verbatim method as the Board may prescribe. This shall constitute the official record of the Board. Any person wishing to make his or her own audio recording of any Board proceeding may do so by any method, which does not disrupt the proceedings.

9. Board Decisions --

All decisions of the Board after hearing shall be made solely on the basis of the record at the hearing and on relevant legal authorities. The Board may make its decision by voice vote at the close of the hearing and shall issue a written decision within 30 days after the close of the hearing record.

10. Examination Appeals --

a) Any candidate for appointment who is aggrieved by the results of an examination, including a security check, or physical examination must first request review by the District. Such review must be requested in writing within ten days of the date the applicant is notified of his examination or security check or physical examination results. The District shall render a decision within 15 days of the filing of any such appeal.

b) If the applicant is not satisfied with the District's decision, the applicant may file a written appeal with the Board within ten days of the date the applicant receives the District's decision. Such appeal must be in writing and must specify the reasons why the applicant believes the decision of the District was contrary to these rules or any provision of civil service law and the corrective action being requested.

11. Appeals from Dismissals --

The Board recognizes the District's authority to terminate employees in the custodial service for cause as defined in ORS 242.620. Any employee removed from the custodial service may, within ten days of the effective date of his/her removal, file a demand for investigation with the Board. The Board shall conduct an investigation as defined by ORS 242.630, which may include a hearing to determine whether or not the employee should be reinstated or the determination upheld. If the Board finds the employee should be reinstated to employment, it may provide for reinstatement with or without back-pay or benefits for such period as it finds warranted, and such other relief as it finds reasonable in the circumstances.

12. Appeals Concerning Examinations --

If the Board finds on an appeal concerning an examination, including a security check or physical examination that the allegations of the appeal are correct, the Board may order

such action, as it deems necessary to fulfill the purposes and principles of these rules and the custodial civil service law.

Chapter 3 - Examination and Appointment

Section 3.000

The District shall from time to time establish an eligibility list of candidates for initial appointment. When it is determined by the District that such a list is necessary, the following process shall be followed:

1. The District shall invite applications for a period of time that shall be at least 7 days, but shall not be more than 30 days, regardless of the number of applicants received:
 - a. Job notification will be via District website, various job search engines and collective bargaining agent for all PPS custodial employees.
 - b. If the number of applicants exceeds 250, the District may, by public lottery, select an appropriate number to be examined or may examine all applicants. If the number of applicants is 250, or fewer, all applicants shall be examined.
 - c. The Secretary to the Board or another designee of the Board shall superintend the examination of the candidates.
 - d. The examination shall be practical in character and relate only to those matters which test the relative fitness of the persons examined to discharge the duties for the respective positions for which they are applicants.
 - e. The examination process shall consist of two steps:
 - 1) Written test: The written test shall be administered to identified applicant pool:
 - a) The competencies of the written test will address general knowledge of industrial safety practices
 - b) General knowledge and ability to clean and disinfect
 - c) Ability to read and comprehend appropriate written materials
 - d) Ability to follow instructions
 - 2) Interview:
 - a) Oral interview shall be conducted by a panel of two (2) interviewers. The interview panel shall consist of one (1) panelist from Facilities Operations and one head custodian as selected by the labor union. A Human Resources representative shall review all interview materials submitted by the interview panel for adherence to District hiring processes.

b) Applicant ranking: The written test and oral interview will be equally considered in ranking the candidates.

2. The District will call from the eligibility list in rank order when a vacancy becomes available. The candidate must clear a security background check, fingerprinting clearance, reference checks, and the physical skills test pursuant to ORS 242.540 before becoming eligible for hire.

3. Candidates who are veterans and eligible for the employment advantages of state statute upon submitting satisfactory evidence shall be awarded the benefits including five (5) additional percentage points for honorable discharge or separation from the Armed Forces of the United States with a minimum of six (6) months active duty and five (5) additional percentage points for an American prisoner of war or a veteran of military service with 30% or more service-connected disability, all as prescribed in ORS 408.210 through 408.235.

4. The District shall screen candidates to determine their fitness as described in ORS 242.550. Any candidate rejected by the District under ORS 242.550 may appeal to the Board under these rules, and the Board's decision shall be final. A candidate rejected pursuant to this rule shall not be again eligible for consideration under this Section 3.000 unless 12 months has elapsed from the date of the Board rejection and the candidate proves to the satisfaction of the Board that the reason for the rejection has been fully remediated.

5. Examination results and materials shall be available for review by applicants who have taken the examination, under any reasonable conditions and limitations deemed necessary by the District to preserve the confidentiality and integrity of the examination.

6. Applicants may appeal their results within ten (10) days following receipt of written notification of the results, and written notice of this right to review shall be given to each applicant at the time the results are sent to the applicant.

7. The District shall compile and submit to the Board in rank order an eligibility list for initial appointment. Whenever there is a vacancy, the three (3) eligible candidates highest on this list shall be considered for appointment by the District. If an eligible candidate is considered three (3) times and not appointed, the candidate's name shall be dropped from the list. An eligible list established by examination shall remain in effect for a period of one (1) year from the date the list is accepted by the Board, unless such list is sooner exhausted by appointment or specifically extended by the Board.

Rule 3 Revised: May 2022

Chapter 4 – Promotion

Section 4.000 – Promotion

When the District determines that a position is available in the classified custodial service; it shall interview the three most senior and eligible employees in the next lower classification that have applied through a district application process. Fitness for promotion shall be determined by the contents of the employee's personnel file, the responses of the employee during the promotional interview, merit in service, and fidelity in service.

Section 4.005 - Involuntary “Freezing”

When one of the three most senior employees is not selected for promotion, that employee shall be considered “passed over” for promotion. An employee who accepts an interview, but later declines to attend the interview or accept the promotion, will also be considered involuntarily frozen. A candidate passed over for promotion three times shall be considered ineligible for future promotional interview for 12 months except as specifically provided herein. If a candidate is passed over three times upon request, that candidate shall be given documentation of reasons by the District. Such candidate may after the passage of twelve months from the time he or she becomes ineligible for promotion, petition the District in writing for reinstatement of eligibility. If the District finds the reasons for passing over the employee have been corrected or no longer apply, or for other good cause, the District may reinstate the employee’s eligibility for promotion. If the District refuses to reinstate an employee, the employee may appeal to the Board who may reinstate eligibility.

Section 4.015 - Promotion Register

On July 1st of each year, the District shall make available a register of candidates eligible for promotion. Such register shall list the names of all employees in each classification in rank order of seniority and shall note whether each candidate is eligible for promotion or is “frozen” in classification.