





# Columbia County, Oregon

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## PERSONNEL RULES

**Mission Statement:** At Columbia County, we serve with integrity and leadership to provide responsible government. We engage by listening and being proactive to community needs. We connect to build partnerships and opportunities. We innovate with resourcefulness to promote a healthy and prosperous Columbia County.

## COLUMBIA COUNTY PERSONNEL RULES TABLE OF CONTENTS

<u>General Provisions</u>	Page 10
1.1 Authority	Page 10
1.2 General Statement of Policy	Page 10
1.2.1 Purpose	Page 10
1.2.2 Scope	Page 11
1.3 Definitions	Page 11
1.4 Organization for Human Resources Administration	Page 17
1.4.1 General	Page 17
1.4.2 Roster	Page 17
1.4.3 Reports to the Human Resources Department	Page 17
1.4.4 Disclosure of Personnel Records	Page 17
1.4.5 Personnel Files	Page 18
1.4.6 References on Employees	Page 19
1.4.7 Identity Theft Protection and Protected Personal Information	Page 19
 <u>The Classification Plan</u>	 Page 20
2.1 Administration	Page 20
2.2 Employee Categories	Page 21
2.3 FLSA Exempt/Non-Exempt Determination	Page 21
2.4 Independent Contractors	Page 21
2.5 Periodic Review of Classification Plan	Page 21
2.6 Procedure to Reclassify or Establish a New Position	Page 22
2.6.1 Incumbents of Reclassified Positions	Page 23
2.6.2 Request for Reconsideration	Page 23
 <u>Pay Plan</u>	 Page 24
3.1 Preparation and Adoption of the Pay Plan	Page 24
3.2 Pay Plan	Page 24
3.3 Administration of the Pay Plan	Page 24
3.3.1 Rates of Pay	Page 24
3.3.2 Beginning Salary	Page 24
3.3.3 Salary Step Increases	Page 25
3.3.4 Pay Periods, Pay Days and Payment of Salary	Page 25
3.3.5 Employee Evaluations	Page 26
3.3.6 Promotions	Page 26
3.3.7 Demotions	Page 26
3.3.8 Transfers	Page 26
3.3.9 Salary Range Changes	Page 27
3.3.10 Payment of Salary	Page 27
3.3.11 Salary Basis and Deductions for FLSA Exempt Employees	Page 27

3.3.12	Rate of Pay on Return by Reinstatement	Page 28
3.3.13	Rate of Pay on Recall	Page 28
3.3.14	Rate of Pay for Temporary Employees	Page 28
3.4	Overtime	Page 29
3.4.1	Authorization of Overtime	Page 29
3.4.2	Definition of Overtime	Page 29
3.4.3	Compensation	Page 29
3.4.4	Compensatory Time	Page 29
3.4.5	Other Benefits	Page 29
3.4.6	Exemption to Overtime	Page 29
3.4.7	On-Call Time	Page 30
3.4.8	FLSA (7)(k) Exemption for Overtime	Page 30
3.5	Compensation Review	Page 30
3.6	Out of Classification Work	Page 30
3.7	Severance Pay	Page 31
3.8	Additional Pay/Special Pay Categories	Page 31
<u>Recruitment, Examination, Appointment and Personnel Changes</u>		Page 32
4.1	Announcements and Applications	Page 32
4.1.1	Determination to Open Recruitments	Page 32
4.1.2	Approval Process for Open Recruitments	Page 32
4.1.3	Announcements and Recruiting	Page 32
4.1.4	Filing Applications	Page 33
4.1.5	Disqualification of Applicants	Page 33
4.2	Examinations Performed in Order to Establish a Hiring List	Page 34
4.2.1	Scheduling of Examinations	Page 34
4.2.2	Preparing and Conducting Examinations	Page 34
4.2.3	Form of Examinations	Page 34
4.2.4	Retake of Examinations	Page 34
4.2.5	Grading of Examinations	Page 34
4.2.6	Examination Results	Page 35
4.2.7	Inspection and Review of Examination Papers	Page 35
4.2.8	Preservation of Examination Papers	Page 35
4.2.9	Continuously Open Examinations	Page 35
4.2.10	Promotional/Internal Examinations	Page 35
4.2.11	Veterans' Preference	Page 35
4.3	Establishment of Hiring Lists	Page 36
4.3.1	Establishment of Lists	Page 36
4.3.2	Order of Names	Page 36
4.3.3	Duration of List	Page 36
4.3.4	Removal of Names from List	Page 36
4.4	Certification	Page 37
4.4.1	Requisition	Page 37
4.4.2	Certification of Eligible Applicants	Page 37



4.4.3	Appropriate Lists	Page 37
4.4.4	Availability	Page 37
4.4.5	Examinations/Tests Performed by the Appointing Authority	Page 37
4.4.6	Reference and Background Checks	Page 37
4.4.7	Travel Expenses	Page 38
4.5	Appointment	Page 38
4.5.1	Reinstatement/Hiring List	Page 39
4.5.2	Probationary Appointments	Page 39
4.5.3	Regular Appointments	Page 39
4.5.4	Temporary Appointments	Page 39
4.6	Probationary Period	Page 39
4.6.1	Nature, Purpose and Duration	Page 39
4.6.2	Status of Employees Not Subject to Civil Service	Page 40
4.6.3	Regular Appointments	Page 40
4.6.4	Promotional or Other Probationary Periods	Page 40
4.6.5	Appointment to a Higher Class During Promotional Probationary Periods and Initial Probationary Periods	Page 40
4.6.6	Dismissal During Probation	Page 40
4.7	Promotion	Page 41
4.8	Demotion	Page 41
4.8.1	Voluntary Demotion	Page 41
4.8.2	Class and Salary Demotions	Page 41
4.9	Transfer	Page 41
4.9.1	Position Transfer	Page 42
4.9.2	Classification Transfer	Page 42
4.10	Seniority	Page 42
4.11	Layoff	Page 42
4.11.1	Reasons for Layoff	Page 42
4.11.2	Method of Layoff	Page 42
4.11.3	Breaking Ties	Page 43
4.11.4	Status of Temporary Employees	Page 43
4.11.5	Notice of Layoff	Page 43
4.11.6	Demotion in Lieu of Layoff	Page 43
4.11.7	Offer to Accept Layoff	Page 43
4.11.8	Interruption of Employment for Military Service	Page 44
4.11.9	Loss of Service Credit	Page 44
4.11.10	Recall	Page 44
4.11.11	Salary and Benefit Administration At/After Layoff	Page 44
4.12	Inactive Employees	Page 45
4.13	Special Employment Programs	Page 45
4.14	Employment of Relatives/Nepotism	Page 45

### Conduct, Discipline and Appeals

Page 47

5.1	Employee Conduct	Page 47
5.2	Discipline	Page 47
5.3	Cause of Disciplinary Action	Page 47
5.4	Kinds of Disciplinary Action	Page 49
5.5	Procedure for Taking Disciplinary Action	Page 51
5.6	Appeal of Disciplinary Action	Page 53
5.7	Resignation	Page 53
<u>Attendance</u>		Page 54
6.1	Attendance	Page 54
6.1.1	Absence Without Authorization	Page 54
6.2	Time Records	Page 54
6.3	Work Periods	Page 54
6.4	Hours of Work	Page 55
6.5	Meals and Rest Periods	Page 55
6.5.1	Meals	Page 55
6.5.2	Breaks/Rest Periods	Page 56
6.6	Leaves of Absence Without Pay	Page 56
6.6.1	Leave Procedure	Page 56
6.6.2	Leave Without Pay	Page 56
6.6.3	Anniversary and Probationary Period Dates	Page 56
6.6.4	Benefits While on Leave Without Pay	Page 56
6.7	Administrative Leave	Page 57
6.8	Emergency/Disaster Leave	Page 57
6.8.1	Emergency Road Conditions	Page 58
6.8.2	Closure of County Offices	Page 58
6.9	Failure to Return from Unpaid Leave	Page 58
6.10	Maximum Leave Duration: Dismissal	Page 58
<u>Employee Family and Medical Leave/Military Family Leave</u>		Page 59
7.1	General Provisions	Page 59
7.2	Eligibility	Page 59
7.2.1	FMLA Eligibility	Page 59
7.2.2	OFLA Eligibility	Page 60
7.3	Type of Leave Covered	Page 60
7.4	Definitions	Page 61
7.5	Qualifying Exigency Leave Under FMLA	Page 62
7.6	Military Care Giver Leave Under FMLA	Page 63
7.7	Oregon Military Family Leave Act (OMFLA)	Page 63
7.8	Amount of FMLA/OFLA Leave	Page 63
7.9	Employee Status and Benefits During Leave	Page 64
7.10	Employee Status After Leave	Page 65
7.11	Use of Paid and Unpaid Leave	Page 65
7.12	Intermittent Leave or a Reduced Work Schedule	Page 65

7.13	Certification for the Employee's Serious Health Condition	Page 66
7.14	Certification for the Family Member's Serious Health Condition	Page 67
7.15	Certification of Qualifying Exigency for Military Family Leave	Page 67
7.16	Certification for Serious Injury or Illness of Covered Service Member For Military Family Leave	Page 67
7.17	Recertification	Page 67
7.18	Procedure for Requesting Family Leave	Page 67
7.19	Designation of FMLA/OFLA/OMFLA Leave	Page 68
7.20	Intent to Return to Work From FMLA/OFLA/OMFLA Leave	Page 68
7.21	OFLA/Bereavement Leave	Page 68

## Employee Benefits Page 69

8.1	Health and Welfare Benefits	Page 69
8.1.1	Eligibility	Page 69
8.1.2	Benefits	Page 69
8.1.3	Plan Modifications	Page 69
8.1.4	Medical Plan/County Contribution	Page 70
8.1.5	Dental Plan/County Contribution	Page 70
8.1.6	Coverage for Dependents	Page 70
8.1.7	Life Insurance Plan/County Contribution	Page 70
8.1.8	VEBA Plan	Page 70
8.1.9	Other Benefits	Page 70
8.1.10	Continuation of Benefits	Page 71
8.2	Retirement Benefits	Page 71
8.2.1	Public Employees Retirement System (PERS)	Page 71
8.2.2	Deferred Compensation	Page 71
8.3	Leave Benefits	Page 72
8.3.1	Eligibility	Page 72
8.3.2	Holidays	Page 72
8.3.2(a)	Weekend Holidays	Page 72
8.3.2(b)	Holidays Which Fall on Regular Days Off	Page 72
8.3.2(c)	Holiday Pay	Page 73
8.3.2(d)	Holiday During Leave	Page 73
8.3.2(e)	Eligibility for Holiday Pay	Page 73
8.3.2(f)	Floating Holidays	Page 73
8.3.2(g)	Work Performed on Holidays	Page 73
8.3.3	Vacation Leave	Page 73
8.3.3(a)	Accrual of Vacation Leave	Page 73
8.3.3(b)	Maximum Accrual	Page 74
8.3.3(c)	Vacation Schedule	Page 74
8.3.3(d)	Payment of Vacation Upon Resignation, Dismissal, Layoff or Death	Page 74
8.3.3(e)	Transfer of Vacation Leave	Page 74
8.3.4	Sick Leave	Page 74

8.3.4(a) Accrual of Sick Leave – Regular Employees .5 FTE or Greater	Page 75
8.3.4(b) Accrual of Sick Leave – Temporary Employees and/or Regular Employees Less Than .5 FTE	Page 75
8.3.4(c) Maximum Accrual	Page 75
8.3.4(d) Use of Sick Leave	Page 75
8.3.4(e) Voluntary Transfer of Accrued Sick Leave	Page 76
8.3.4(f) Sick Leave Without Pay	Page 76
8.3.4(g) Payment of Accrued Sick Leave Upon Retirement, Layoff or Death	Page 76
8.3.5 Personal Leave	Page 77
8.4 Other Leaves	Page 77
8.4.1 Jury Duty and Witness Leave	Page 77
8.4.2 Military Leave	Page 78
8.4.3 Bereavement Leave	Page 78
8.4.4 Domestic Violence Leave	Page 79
8.4.5 Lactation Breaks	Page 79
<u>Training</u>	Page 80
9.1 General Training Activities	Page 80
9.2 Orientation of New Regular Employees	Page 80
9.3 Authorized Travel and Training Attendance	Page 80
9.4 Tuition Reimbursement	Page 80
<u>Safety and Workers' Compensation</u>	Page 81
10.1 General Policy	Page 81
10.2 General Responsibility	Page 81
10.2.1 County Responsibility	Page 81
10.2.2 Supervisor Responsibility	Page 81
10.2.3 Safety Committee	Page 81
10.2.4 Employee Responsibility	Page 81
10.3 Safety Policy/Rules	Page 82
10.4 Workers' Compensation	Page 82
10.4.1 Reporting On-the-Job Injuries	Page 82
10.4.2 Leave for On-the-Job Injury	Page 82
10.4.3 Settlement of Injury Claims	Page 83
10.5 Workplace Violence	Page 84
10.6 Drug and Alcohol Policy	Page 85
10.6.1 Employee Assistance	Page 85
10.6.2 Workplace Prohibitions	Page 85
10.6.3 Required Testing	Page 86
10.6.4 Collection and Testing Procedures	Page 87
10.6.5 Definitions	Page 88
10.7 Drug Free Workplace Policy	Page 89

10.7.1 Purpose	Page 89
10.7.2 Establishment of Drug Free Awareness Program	Page 89
10.7.3 Policy	Page 89
10.7.4 Definitions	Page 90
10.7.5 Notification of Conviction	Page 91
10.7.6 Sanctions and Remedies	Page 91
10.7.7 Employee Assistance	Page 91
10.7.8 Leave for Participation in Assistance/Rehabilitation Program	Page 91
<u>Dispute Resolution Process</u>	Page 92
11.1 General Policy	Page 92
11.2 Disciplinary Grievances	Page 92
11.3 Discrimination and/or Harassment	Page 92
11.4 Retaliation	Page 93
11.5 Time Periods and Notices	Page 93
11.6 Definition of Non-Disciplinary Dispute	Page 93
11.7 Procedure	Page 93
11.8 Finality of Dispute Resolution Procedure	Page 96
<u>Civil Service Commission</u>	Page 97
<u>Performance Evaluation</u>	Page 98
13.1 General Policy	Page 98
13.2 Performance Evaluation	Page 98
13.3 Procedure for Performance Evaluations	Page 98
<u>Workplace Harassment/Discrimination Policy</u>	Page 99
14.1 Definitions	Page 99
14.2 Scope of Policy	Page 99
14.3 Policy Statement	Page 99
14.4 Program Responsibility	Page 100
14.5 Sexual Harassment	Page 100
14.6 Protected Class Harassment	Page 101
14.7 Religious Belief and Practices	Page 101
14.7.1 Accommodation	Page 101
14.7.2 Expression of Religious Beliefs	Page 101
14.8 Genetic Information	Page 102
14.9 Retaliation Prohibited	Page 102
14.10 Reporting and Investigation	Page 102
14.10.1 Making a Complaint	Page 102
14.10.2 Timeline Under Which Relief May be Sought	Page 103
14.10.3 Investigation	Page 103
14.11 Documenting Workplace Harassment	Page 103

14.12	Follow Up with Victims	Page 103
14.13	Tort Claim Notice	Page 103
14.14	Agreements	Page 103
14.15	Resources Available to Employees	Page 104
14.16	Notice to Employees	Page 104
<u>Americans With Disabilities Act (ADA)/Americans With Disabilities Amendment Act (ADAA) and Other Accommodations</u>		Page 105
15.1	Procedure to Request an Accommodation	Page 105
15.2	Procedure for ADA Complaints	Page 106
15.3	Accommodations for Pregnancy Related Conditions and Protection For Pregnant Employees	Page 106
<u>Whistle Blower Policy</u>		Page 108
16.1	Reporting Improper Conduct	Page 108
16.2	Investigation and Response	Page 108
16.3	Request for Reconsideration	Page 108
16.4	Disclosing Improper Conduct to Outside Agencies	Page 109
16.5	Retaliation Prohibited	Page 109
16.6	Whistleblower Protection (ORS 659A.200 and 659A.203)	Page 109
<u>Employee Responsibilities</u>		Page 112
17.1	Purpose	Page 112
17.2	Work Rules	Page 112
17.3	Workplace Bullying	Page 114
17.4	Code of Ethics	Page 114
<u>Travel</u>		Page 117
18.1	Travel Rule	Page 117
18.2	Authorized Travel	Page 117
18.3	Authorized Payment Method/Costs	Page 118
18.4	Insurance Requirements	Page 121
18.5	Unauthorized Costs	Page 121
18.6	Cash Advances	Page 121
<u>Miscellaneous</u>		Page 122
19.1	Cost Consciousness	Page 122
19.2	Dress and Personal Appearance	Page 122
19.3	Employee Identification Cards	Page 122
19.4	Employee Representation	Page 123
19.5	Information Technology (IT) Policy	Page 123
19.6	Claims Against the County	Page 123
19.6.1	Tort Claim Notices	Page 123
19.6.2	Litigation	Page 123

19.6.3 Incidents	Page 123
19.6.4 Communicating with Claimants	Page 124
19.7 Lobbying Before State Legislature or Other Governmental Agency	Page 124
19.8 Lockers/Desks and Other Equipment	Page 124
19.9 Outside Employment	Page 125
19.10 Political Activity	Page 125
19.11 Romantic or Sexual Relationships	Page 126
19.12 Solicitations	Page 127
19.13 Telephone	Page 127
19.14 Cell Phone Stipend	Page 127
19.15 Tobacco Use in the Workplace	Page 128
19.16 Uniforms/Clothing Expense	Page 128
19.17 Vehicles Used for County Business	Page 128
19.17.1 Driver's Licenses	Page 129
19.17.2 Use of Vehicles for County Business	Page 129
19.17.3 County Vehicles	Page 130
19.17.4 Personal Vehicles	Page 130
19.17.5 Use of Cell Phone While Driving on County Business	Page 131
19.18 County Payment of Professional Licenses and Defense Costs	Page 131

<u>Appendix A – Benefits and Special Pays</u>	Page 132
Certification Pay	Page 132
Oregon Roads Scholar	Page 132
Herbicide Applicator's License	Page 132
Severance Pay	Page 132
On-Call Time	Page 133
ORPAT Incentive	Page 133
Vacation Buy-Out	Page 133
Health Insurance	Page 133
Life Insurance	Page 133
HRA/VEBA Account	Page 133
Other Optional Benefits	Page 133

<u>Appendix B – Teleworking</u>	Page 134
Section 1 – Purpose	Page 134
Section 2 – Scope	Page 134
Section 3 – Definitions	Page 134
Section 4 – General Procedure	Page 135
Section 5 – Procedure Guidelines	Page 135
Section 6 – Interpretation and Implementation	Page 140

# 1. General Provisions

**1.1 Authority.** These rules set forth the policies that are to be followed by Columbia County in the administration of its human resources management program. These Rules are established in accordance with the provisions of the Columbia County Personnel Ordinance, Ordinance No. 95-5.

## **1.2 General Statement of Policy.**

**1.2.1 Purpose.** The purpose of these Rules is to implement and give effect to a set of Columbia County employee Personnel Rules pursuant to the following objectives:

- A. To establish and maintain for the County a system of human resources administration based on merit, with systematic and equitable principles governing the appointment, compensation, promotion, demotion transfer, layoff, training, evaluation, dismissal and discipline of employees and other incidents of county employment.
- B. To promote and increase economy, productivity and efficiency of County employees.
- C. To establish and maintain a uniform plan of classification and pay based on the relative duties and responsibilities of employment with the County.
- D. To develop a program of recruitment, training and advancement that will contribute to attracting and retaining qualified persons for County service.
- E. To provide a method of assuring that County management and employees are properly informed as to their respective mutual employment obligations.
- F. To provide that employment in County service be subject to proper conduct on the job, the satisfactory performance of work, the necessity for the performance of work, and the availability of funds.
- G. To assure impartial treatment of applicants and employees in all aspects of human resources administration without regard to political affiliation, race, religion, color, ancestry, sex, age, marital status, national origin, sexual orientation, gender identity, military status, veteran status, disability or any other protected classification with proper regard for their privacy and constitutional rights as citizens.
- H. To assure that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or nomination for office.



These Rules have been written to serve as a guide for the employer/employee relationship. The Rules contain general information and guidelines and are not intended to be comprehensive or to address all possible applications of, or exceptions to, the general policies and procedures described. If any employee has any questions, those questions should be addressed to the Human Resources Department.

- 1.2.2 **Scope.** These Rules shall govern and affect the administration of the human resources management program for all employees of Columbia County unless specified otherwise.

As provided in the Personnel Ordinance, particular sections of the Personnel Rules shall apply to Columbia County employees on the basis of the status of the position held by the employee as regular, probationary, temporary, etc. As noted in the relevant sections, rules governing the provision of benefits or rights to complaints or other similar processes do not apply to temporary employees.

It is the intent of these Rules that they be interpreted broadly as a fair and reasonable approach to specific problems and situations; that they be considered in total rather than each phrase being interpreted in isolation and out of context; and that the general principles stated will serve as a basis for the human resources policy for Columbia County.

The county reserves the right to: 1) make changes in the Rules in its sole discretion; and 2) interpret and administer these Rules in light of changing circumstances and events. Nothing contained in these Rules is intended to confer any property right in continued employment or to constitute a contract of employment. No employee or representative of the county has the authority to enter into an agreement for employment for any specified period of time (except in the case of temporary appointments which are to be of a specified duration) or to make any agreement contrary to these Rules, unless prior written approval from the Board of County Commissioners has been obtained.

In cases where the application of these Rules would conflict with a valid and effective collective bargaining agreement between a recognized employee union and the County, the provisions of the collective bargaining agreement shall prevail for employees represented by the employee union. In all other cases, these Rules shall govern.

- 1.3 **Definitions.** As used in these Rules, unless the context clearly requires otherwise:

- 1.3.1 “Anniversary Date” means the first day of the month in which the day of appointment or promotion occurs if the appointment or promotion occurs between the 1<sup>st</sup> and the 15<sup>th</sup> day of the calendar month or the first day of the following month if the day of appointment or promotion occurs between the 16<sup>th</sup> and the last day of the calendar month. The anniversary date of an employee’s initial appointment to a regular full-time position or part-time position equal to or greater than .5 FTE shall be used for purposes of calculating longevity and for benefit accruals. For purposes of calculating eligibility for step increases, the anniversary date of appointment into the current position held shall

be used, except as proved for in Section 3.6 – Out of Class Work. Thus, the anniversary date for step increases changes when an employee is promoted or otherwise changes positions at the County.

- 1.3.2 “Appointing Authority” means any person vested with the authority to appoint to any County position. This authority is typically vested with Department Heads.
- 1.3.3 “Appointment” means all methods of selection and employment of Columbia County employees.
- 1.3.4 “Bargaining Unit” means a specific group of employees who are covered by the same collective bargaining agreement and are represented by the same bargaining agent(s).
- 1.3.5 “Board” means the Board of County Commissioners of Columbia County, Oregon.
- 1.3.6 “BOLI” means the Oregon Bureau of Labor and Industries.
- 1.3.7 “Break in Service” means any period of unpaid leave of absence from County employment.
- 1.3.8 “Chain of Command” means the supervisory structure within a department. This typically refers to the direct supervisor of an employee, then the direct supervisor’s supervisor, ultimately ending with the Department Head of the specific department.
- 1.3.9 “Chief Examiner” means the Human Resources Director of Columbia County, if any, or, if not, such other person as appointed by the Civil Service Commission to administer the programs and areas assigned to the Commission.
- 1.3.10 “Civil Service” means the civil service system established under authority of ORS 203.035 and 241.004.
- 1.3.11 “Civil Service Ordinance” means Ordinance No. 2012-2 establishing the Columbia County Civil Service Commission.
- 1.3.12 “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.
- 1.3.13 “Classification Plan” means a document which embodies all classifications that have been established, and the specifications or descriptions of these classes. The Classification Plan includes positions that are subject to the Civil Service Ordinance and positions that are exempt from Civil Service.

- 1.3.14 "Classified Employee" means a person that has been appointed to a position in the classified service.
- 1.3.15 "Classified Service" means employment in the County in a position which is included and defined in the Classification Plan.
- 1.3.16 "Commission" means the Columbia County Civil Service Commission as established in the Columbia County Civil Service Ordinance, Ordinance No. 2012-2.
- 1.3.17 "Continuous Service" means service unbroken by separation from the County, less any time spent by an employee on leaves of absence without pay as covered under these Rules.
- 1.3.18 "Days" means calendar days, from 12:01 a.m. to 12:00 midnight, unless specifically noted otherwise in these Rules.
- 1.3.19 "Demotion" means an appointment of an employee from a position in one class to a position in another class having a lower maximum salary rate, or a reduction in salary to a lower step in the salary range for the position which the employee then holds.
- 1.3.20 "Department Head" means the employee appointed to the position of director or manager of an individual department or the elected official whose duties include the management of a specific department within Columbia County. Each Department Head is the appointing authority for each respective department.
- 1.3.21 "Discipline" means steps taken to address work performance or behaviors that do not meet the expectations of the job or of the County.
- 1.3.22 "Dismissal" means the permanent separation of employment with the County, usually for cause, and usually following disciplinary action.
- 1.3.23 "Employee" means any person compensated by the County through payment of wages in exchange for services performed for the County.
- 1.3.24 "Entrance List" means a list of persons who, after undergoing a prescribed recruitment process, have been found qualified to be considered as candidates for a position. This term may be used interchangeably with the term 'Hiring List'.
- 1.3.25 "Exempt Salaried" means the employee is excluded from the overtime provisions of the Fair Labor Standards Act (FLSA) and the overtime provisions of the Oregon Bureau of Labor and Industries (BOLI). This term is used interchangeably with the term 'FLSA Exempt'.

- 1.3.26 “Exempt Service” means the person is appointed to a position which has been specifically exempted from the classified service by the Civil Service Ordinance.
- 1.3.27 “FLSA” means the Fair Labor Standards Act.
- 1.3.28 “FLSA Exempt” see definition for “Exempt Salaried”.
- 1.3.29 “Full-Time” means an employee is appointed to a position which has the daily, weekly and monthly hours which are established by the Board of County Commissioners for full-time work. The weekly hours for full-time work are typically considered to be thirty-seven and one-half (37.5) or forty (40) hours per week.
- 1.3.30 “FTE” means full-time equivalent.
- 1.3.31 “Hiring List” see definition for “Entrance List” and “Promotional List”.
- 1.3.32 “Immediate Family” means an employee’s spouse, same sex domestic partner, parents, step-parents, children, step-children, siblings, step-siblings, grandparents, grandchildren, father-in-law, mother-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, aunt, uncle, niece or nephew, whether or not residing with the employee; and other close relatives or persons who regularly reside in the employee’s household.
- 1.3.33 “Independent Contractor” means an individual or firm which has been determined to qualify under Federal and State law to provide services to the County in a non-employment status.
- 1.3.34 “Job Description” means the written description of a particular position containing a title, statement of duties, authority, responsibilities and the minimum qualifications for the position. The term may be used interchangeably with the term ‘position description’.
- 1.3.35 “Layoff” means a separation from County service because of a shortage of funds or abolishment of position, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee’s control.
- 1.3.36 “Leave With Pay” means the employee is on an authorized leave in a paid status. Examples of leave with pay are vacation leave, sick leave, and jury duty.
- 1.3.37 “Leave Without Pay” means the employee may or may not be on an authorized leave, however, the leave is in a non-paid status. The employee on an unauthorized leave of absence without pay may be subject to disciplinary action. See Rule 5. Examples of leave without pay are sick leave without pay and educational leave.

- 1.3.38 "Non-Represented Employee" means an employee who is not represented by a collective bargaining unit.
- 1.3.39 "Out of Classification Work" or "Out of Class Work" means an assignment of an employee to perform duties of a class at a higher salary range than the employee's existing position.
- 1.3.40 "Overtime" means time worked in excess of forty (40) hours per week as established by Federal and State law.
- 1.3.41 "Part-Time" means an employee is appointed to a position which has daily, weekly, and monthly hours which are less than those established by the Board of County Commissioners for full-time work. Part-time positions are typically differentiated as to whether the hours worked are .5 FTE or greater or less than .5 FTE.
- 1.3.42 "Payroll Period" means a period from the 1<sup>st</sup> day of the calendar month to the last day of the calendar month.
- 1.3.43 "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting the status of employment.
- 1.3.44 "Personnel Ordinance" means Ordinance No. 95-5 authorizing adoption of personnel rules by resolution or order of the Board of County Commissioners.
- 1.3.45 "Personnel Rules" means these Rules as they may be amended by resolution or order of the Board of County Commissioners.
- 1.3.46 "Position" means a group of related duties and responsibilities requiring the full-time or part-time employment of one or more person(s).
- 1.3.47 "Probationary Period" means a working test period of six (6) to twelve (12) months during which a regular employee is required to demonstrate, by actual performance of duties, fitness for the position. After initial appointment to a regular position, a twelve (12) month "Initial Probationary Period" shall be served. After a promotional appointment, a six (6) month "Promotional Probationary Period" shall be served. After appointment to another position in the same or different classification which is not promotional, the employee shall also serve a six (6) month probationary period.
- 1.3.48 "Probationary Status" means the employee is serving a probationary period. An employee who is serving a promotional probationary period may be termed to be in a "Promotional-Probationary Status".

- 1.3.49 "Promotion" means the appointment of an employee from a position in one class to a position in another class having a higher maximum salary rate than the employee's present classification and is related in a classification series.
- 1.3.50 "Promotional List" means a list of current County employees, who, after undergoing a prescribed recruitment process, are qualified to be considered as candidates for a position. This term may be used interchangeably with the term 'Hiring List'.
- 1.3.51 "Recall" means the return of an employee who was laid off from a position to the same or similar position.
- 1.3.52 "Reclassification" means amendment to a classification affecting one or all of the positions within that class by a revision of the job description.
- 1.3.53 "Regular Status" means the employee has successfully undergone a defined recruitment process and successfully served an initial probationary period in a position which is either full-time or part-time and is for an anticipated continuous duration of six months or more. Part-time regular status is differentiated as to whether the position is less than .5 FTE or greater.
- 1.3.54 "Represented Employee" means an employee whose position has been determined to be appropriately represented by a designated collective bargaining unit.
- 1.3.55 "Resignation" means the employee has voluntarily ceased employment with the County.
- 1.3.56 "Retirement" means the employee has voluntarily resigned with the intent to receive retirement benefits. This intent is typically evidenced by application to receive benefits from the Public Employee Retirement System (PERS).
- 1.3.57 "Separation" means an employee has left employment with the County for reasons other than dismissal due to disciplinary action or resignation.
- 1.3.58 "Step Increase" means a merit based increase from one step to the next higher step within the established salary range for the class or position when a supervisor has determined that an employee has performed satisfactorily and the employee is otherwise eligible to receive a step increase.
- 1.3.59 "Supervisor" means an employee who has been appointed to a position which has primary supervisory responsibilities for other positions within a department.
- 1.3.60 "Temporary Status" means an employee who is appointed to a position which is established as temporary or seasonal in character with an anticipated duration of six (6) months or 1040 hours or less in any calendar year. Temporary employees are not

appointed to a regular position with the County and are not required to undergo a defined hiring process.

- 1.3.61 “Transfer” means an employee is appointed to a position in the same or different class which has the same salary range provided, however, that employee is qualified to do the work.
- 1.3.62 “Unclassified Service” means a person has been appointed to a position which has not been included in the classified service and is not subject to the provision of the Civil Service Ordinance and Rules.
- 1.3.63 “Voluntary Demotion” means a demotion requested by an employee in order to retain employment when a layoff is imminent or for other reasons where the action is entirely voluntary on the part of the employee.
- 1.3.64 “Work Week” means a seven day period beginning on Monday of each week and ending on the following Sunday.

#### **1.4 Organization for Human Resources Administration.**

- 1.4.1 General. The Human Resources Director shall be responsible to the Board of County Commissioners for implementation and enforcement of these Personnel Rules as they may be amended, and shall report to the Board of County Commissioners on the human resources administration of the County.
- 1.4.2 Roster. The Human Resources Department shall establish and maintain a roster of all employees in the County showing for each employee the position title, salary rate, date of employment, and such other employment data as is deemed pertinent.
- 1.4.3 Reports to the Human Resources Department. Every appointment, transfer, promotion, demotion, performance evaluation, change of salary rate, and other change of status of County employees shall be reported to the Human Resources Department in writing on the Personnel Action forms provided by the Human Resources Department.
- 1.4.4 Disclosure of Personnel Records. All requests for public disclosure of any personnel records shall be sent to the Human Resources Department for review prior to disclosure. Such requests shall be processed in accordance with Oregon law and the County Public Records Policy. The County shall make reasonable effort to notify an employee when information has been requested from the employee’s file in a public records request. Pursuant to ORS 192.329, the County shall notify an employee when personal information found in the employee’s personnel file has been requested under a public records request.

In accordance with Oregon law, the County shall notify employees of upcoming federal inspections of employer's records regarding employees' identities and employment eligibility. Such notice will be provided within 72 hours of receiving notice of inspection from a federal agency.

All requests for information from personnel files must be referred to and approved by the Human Resources Director or the appropriate designee. No employee or elected official may have access to another employee's file or employment information without requesting that information from the Human Resources Department, unless that information is required by the requestor to perform the requestor's regular job duties (e.g. for payroll purposes). No employee or elected official who has access to employee personnel files shall provide any information from those files to other employees, unless that information is required to perform the employee's regular job duties, or to the public without approval from the Human Resources Director or legal counsel. Violation of this Section shall be considered cause for disciplinary action against an employee.

- 1.4.5 Personnel Files. A personnel file will be maintained in the Human Resources Department for each employee of the County. This personnel file, and the information contained therein, is the official employment record of each individual employee. This personnel file is solely the property of the County and, except as indicated below, no employee or other party has any right to or ownership in the personnel files. No information of any kind whatsoever shall be deemed official, or usable on behalf of or against any employee, unless it has been received in the Human Resources Department and included as part of the employee's official personnel file.

Department Heads will promptly forward all personnel documents to the Human Resources Department for inclusion into the employee's file. Department Heads may retain copies of certain documents for referral and convenience, but may not maintain separate personnel files within their departments.

Department Heads who choose to maintain files of convenience within their departments shall merge such files with the employees' official personnel file maintained in the Human Resources Department no later than thirty (30) days following the dismissal, resignation or separation of any employee.

Employees are responsible for ensuring that the County has accurate information on file. Employees must notify the Human Resources Department, in the format designated by the Human Resources Department, promptly with any change in information, such as addresses or telephone changes, emergency contact information changes, etc.

An employee may review the material in the employee's personnel file, except for background check information, responses to requests for information from previous employers, interview notes, or records of criminal investigations, and may make copies of the materials, subject to reasonable copy charges. An employee is entitled to such



review once per calendar year on County time. Any request to view a personnel file beyond that shall occur during hours other than the employee's regular work hours or the employee shall utilize vacation or comp leave. An employee who wishes to view their personnel file shall make such request to the Human Resources Department whereby an appointment shall be scheduled at an appropriate time but in no case later than 45 days after the employee's request. A representative from the Human Resources Department must be present during any personnel file review.

An employee may respond in writing to any material in the employee's personnel file and the response shall become a part of the file, provided that the written response is received within 15 days of the date of the document to which the response is directed.

Department Heads may have access to the personnel files of employees in their departments.

- 1.4.6 References on Employees. A supervisor or Department Head who responds to a request for an employment reference on a current or former employee shall limit the response to objective information which is verifiable by documented facts. This includes verifying dates of employment, positions held and salary. Whenever possible, employment references shall be referred to the Human Resources Department for response. Verification of employment requesting confidential information must be in writing and signed by the employee, authorizing release of the information. Protected personal information will be protected from disclosure to the extent possible.
- 1.4.7 Identity Theft Protection and Protected Personal Information. The Human Resources Director is responsible for coordinating the security program of personal information of employees that is collected by the Human Resources Department. The Finance Director is responsible for coordinating the security program of the personal information of employees that is collected by the Finance Department for payroll and benefits purposes.

The County shall comply with Federal and State law related to providing notice of any security breach to employees and to the disclosure, printing, displaying or posting of personal information as that term is defined in Federal and State law and in the County's Personally Identifiable Information Policy. Social Security numbers are necessary identification for federal and state tax and other purposes. Social Security numbers shall not be used, in their entirety, as internal identification numbers. The County recognizes its responsibility to protect personal information from unnecessary public disclosure. No protected personal information shall be printed unnecessarily on any report or form and shall be redacted from any documents which are required to be publicly disclosed but do not require the production of the protected personal information. Personnel documents which contain protected personal information shall be appropriately stored, whether electronically or physically, so that there is appropriate protection against a breach.

## 2. The Classification Plan

- 2.1 Administration.** The Human Resources Director shall have the authority for overall administration of the Classification Plan.

The Classification Plan is a document which embodies all classifications that have been established, and the specifications or job descriptions of these classes. The Classification Plan may consist of several different documents not necessarily collated into one document, including, but not limited to, the published salary ranges and appropriate job descriptions. The Classification Plan shall include positions that are subject to the Civil Service Ordinance and positions which are exempt from Civil Service.

The Human Resources Director shall be responsible for developing a uniform Classification Plan by ascertaining the actual duties, tasks and responsibilities of all appointed County positions, and having job descriptions prepared. The Plan shall be submitted to the Board of County Commissioners for positions which are not subject to Civil Service, and to the Civil Service Commission for those positions subject to Civil Service, for formal adoption and approval. Adoption of the Plan may be implemented through the adoption of individual job descriptions and other agreements, such as collective bargaining agreements, or the adopted budget.

The Classification Plan shall be developed and maintained to provide:

- A. That all positions which are substantially similar and comparable as to kind, difficulty and responsibility of work are included in the same classification.
- B. That the same means of recruitment and appropriate examination method may be used in filling all positions within a classification.
- C. That the same schedule of pay shall be applied with equity to all positions within a classification.
- D. A means to establish job performance standards, develop training programs, and establish appropriate career lines.
- E. A means to accomplish personnel planning and improved budgeting procedures.
- F. A means to appropriately identify the status of each position in relation to FLSA/BOLI rules on minimum wage, overtime, union representation and other factors.

The Classification Plan shall set forth for each County position:

- A. A title; a statement describing the nature and distinguishing characteristics of the essential duties of the work; knowledge, abilities and qualifications; general minimum recruiting qualifications; special requirements that are necessary for satisfactory performance in the classification; salary range; union status; FLSA/BOLI status.
- B. Job descriptions shall be construed as a general statement of the kind of work characteristics of all County positions allocated to that classification.
- C. The use of particular expressions pertaining to duties, qualifications, requirements or other attributes shall not be interpreted to exclude others not mentioned but appropriate to the job. Job descriptions are descriptive and shall not be construed as restrictive.
- D. Job descriptions shall be provided to each Department Head for each regular position under the department's jurisdiction on forms prescribed by the Human Resources Director. It is the responsibility of each Department Head to provide a copy of the appropriate job description to each employee in the department.

**2.2 Employee Categories.** Positions shall be defined as follows: Full-time or part-time (differentiated between <.5 FTE and =>.5 FTE); regular or temporary; represented or not represented; and FLSA exempt or FLSA non-exempt, as those terms are defined in Rule 1. Employees may not be re-categorized from either a temporary to regular position or a part-time <.5 FTE to =>.5 FTE part-time or full-time position without undergoing a defined recruitment process through the Human Resources Department.

**2.3 FLSA Exempt/Non-Exempt Determination.** The Human Resources Director shall determine which positions qualify under Federal and State law for minimum wage and/or overtime exemptions. A determination shall follow guidance from BOLI and the US Department of Labor.

**2.4 Independent Contractors.** The Human Resources Director shall review any requests to allow services to be performed by an independent contractor who is an individual not operating under a defined business license or federal business identification number, and make a determination as to the eligibility of that individual. The review and determination shall follow guidance from BOLI and the US Department of Labor regarding independent contractor eligibility.

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

- 2.6 Procedure to Reclassify or Establish a New Position.** When a Department Head plans a new type of work or a new position, or desires to reclassify a position, a request shall be submitted in writing to the Human Resources Director. The Human Resources Director will consider a reclassification if the request indicates that permanent and substantial changes in the duties assigned to a position have been made. The new duties must be clearly defined and assigned before a review is begun. The Human Resources Director will be responsible for determining into which classification and salary range the new position should be assigned or if it is necessary to create a new classification.

The Human Resources Director shall submit classification plans for new positions and reclassified positions to the Board of County Commissioners and shall submit new and reclassified positions that are subject to Civil Service to the Civil Service Commission after the position is classified and appropriate salary ranges are assigned by the Human Resources Director and approved by the Board of County Commissioners.

A reclassification request can be initiated by an employee who believes the position to which the employee is assigned is improperly classified. An employee shall submit such a request to their Department Head for consideration and recommendation. The employee's request and the Department Head's recommendation will be forwarded in writing to the Human Resources Department within fifteen (15) days from the date the employee requested reclassification. The employee or Department Head must provide substantive information that supports and justifies the reclassification request. If substantive information supporting the reclassification request is not provided, the request will not be considered.

When substantive or significant changes are planned in the work, duties and responsibilities of established positions, including changes that would constitute a promotion or demotion, written justification of the proposed changes shall be submitted on forms provided by the Human Resources Director.

Reclassification shall not be used to avoid the provisions of these Rules dealing with layoff, transfers, demotions, promotions or dismissals. If a reclassification includes a change of salary range, the employee shall be placed at the nearest and highest step in the new range to the employee's step in the old range. The anniversary date of a reclassified employee shall be adjusted according to whether the reclassification constitutes a promotion, demotion or transfer. See sections in Rule 3 related to these actions.

The Human Resources Director shall review a request for reclassification and the Department Head's recommendation and, if the reclassification is deemed appropriate, prepare a reclassification proposal for consideration by the Board of County Commissioners, and the Civil Service Commission if the position is subject to Civil Service. Reclassification reviews will take into consideration the timing of the budget process and corresponding constraints. After all approvals are obtained, the Human Resources Director will then amend the Classification Plan.

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

- A. The Human Resources Director determines that the reclassification results from an official recognition of a change in duties and responsibilities, which has already occurred;
- B. The Department Head determines that the performance of the duties and responsibilities of the incumbent has been satisfactory; and
- C. The Human Resources Director certifies that the incumbent possesses the minimum qualifications of the new job description.

The above conditions are intended to encourage proper classification and organization without jeopardizing the employment of employees. If all the above conditions cannot be met, the Department Head and the Human Resources Director shall be guided by other applicable provisions of these Rules.

2.6.2 Request for Reconsideration. Any Department Head or employee affected by the classification of a position may file a written request for reconsideration. The Human Resources Director shall review the classification of the position and submit findings to the Board of County Commissioners or the Civil Service Commission, as appropriate, and the employee concerned. The process of appeals to the Civil Service Commission are outlined in the Civil Service Rules. The Board of County Commissioners will make the final decision for all non-Civil Service reclassification requests.

### 3. The Pay Plan

- 3.1 Preparation and Adoption of the Pay Plan.** The Human Resources Director shall recommend a Pay Plan to the Board of County Commissioners for adoption for Columbia County. The Pay Plan shall include salaries negotiated with bargaining units as well as salaries for non-represented employees. The Pay Plan shall include for each class a salary with a minimum and maximum rate. Flat rates may be used instead of salary ranges when appropriate.

In the development of the Pay Plan, the Human Resources Director shall consider the principle of equal pay for equal work, (unless the pay is based on one or more bona fide factors as defined by Federal or State law), as well as the relationship between classes, the relative difficulty and responsibility of work, the availability of qualified applicants, prevailing rates of pay, cost of living factors, performance criteria, and the financial policies and economic considerations of the County.

- 3.2 Pay Plan.** The Human Resources Director is responsible for maintaining the Pay Plan. No department of the County may create new classifications or change the compensation for positions without requesting such new position or salary change from the Human Resources Director. Upon approval of a reclassification request, the Human Resources Director will amend the Pay Plan (See Rule 2).

- 3.3 Administration of the Pay Plan.** When the pay for a classification, as prescribed in the Pay Plan, is based on a salary range, the following rules shall govern.

- 3.3.1 Rates of Pay.** Each regular full-time and .5 FTE or greater part-time employee shall be paid at one of the steps of the range prescribed for the classification. Less than .5 FTE part-time employees shall be paid at a rate approved by the Human Resources Director.

- 3.3.2 Beginning Salary.** Normally an employee will be appointed at the first step of the range established for the classification. Appointments at higher steps will be governed by the following procedure:

- A. An Appointing Authority who believes that an appointment should be made at a step higher than the first step shall request authorization from the Human Resources Director to make an offer at a higher step. The request shall include justification for the request. The Human Resources Director shall review the matter and make a determination based upon the factors listed below. Should the Appointing Authority disagree with the determination by the Human Resources Director, the Board of County Commissioners shall make the final decision.
- B. The factors to be reviewed in approving an appointment beyond the first step are: availability of applicants with the qualifications for the vacant position; qualifications

of all available applicants; the resulting relationship with other similar classifications; prior experience of the candidate in a comparable position; equal pay considerations; and the time available to continue the recruitment process. Budget considerations will be an important factor in the determination of the Human Resources Director.

**3.3.3 Salary Step Increases.** An employee may be granted an increase in salary of one step at the completion of each twelve (12) month period from the employee's anniversary date of appointment or promotion upon a determination of the employee's Appointing Authority that the employee has performed satisfactorily in the twelve (12) month period. An employee may receive Salary Step increases until the employee has reached the top step of the salary range for the classification. Raises in salary resulting from step increases are based on satisfactory performance as determined by the Appointing Authority and are not granted automatically. A step increase may be denied or delayed based upon the employee's unsatisfactory performance. Eligibility for step increases will be delayed by layoffs or unpaid leaves of absences during the twelve (12) month period. Denial of a step increase is not disciplinary.

**3.3.4 Pay Periods, Pay Days and Payment of Salary.** Employees are paid on the last business day of each month for the period beginning on the 1<sup>st</sup> day of the calendar month and ending on the last day of the calendar month. If a pay day falls on a weekend or holiday, employees will be paid on the preceding business day. Any errors in an employee's pay shall be corrected with the next monthly pay, provided sufficient notice is given to Payroll.

Regular employees have the option of receiving a draw on their monthly pay up to an amount not to exceed forty-five (45%) percent of their gross wages. A draw check will be issued on the 15<sup>th</sup> of each month or the last business day before the 15<sup>th</sup>. Employees shall request draws using the forms and procedures provided by Payroll.

The County may implement a twice monthly regular pay for employees in which case, the regular pay days will be the 15<sup>th</sup> and the last business day of the month, or the preceding business day as described above.

Paychecks are normally distributed in each department. However, employees may be required to appear in the Finance Department to receive paychecks when paperwork is not complete or other communication is required with the employee. All other arrangements for mailing or pick-up must be made in advance with Payroll.

Employees may be paid by check or through direct deposit of funds. To activate direct deposit, employees must follow the procedure required by the Finance Department. Employees may opt for electronic paychecks. Paper copies may be obtained by the employee through the payroll processing online system at any time.

- 3.3.5 Employee Evaluations. All employees should have their work performance evaluated by their immediate supervisor and/or Department Head before completion of their probationary periods and at least annually thereafter.

All employees should have their work performance evaluated before any salary step increase is granted, except when across the board salary increases occur. Additionally, employees at the maximum salary rate in their classification should receive an annual evaluation (See Rule 13).

- 3.3.6 Promotions. A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification and is related in a classification series. Normally an employee shall receive the nearest higher salary to the employee's current salary in the new range on the date of promotion. An Appointing Authority who believes that a promotion should be made at a higher rate within the new range must present a request in writing to the Human Resources Director. The Human Resources Director shall review the matter and shall give consideration to the qualifications and prior experience of the candidate as well as the County budget. The process for final determination shall be as outlined in Section 3.3.2 above. The anniversary date of an employee who has been appointed to a promotional position will stay the same for purposes of calculating longevity and leave accruals. The date of the appointment into the promotional position shall become the anniversary date used for calculating eligibility for salary step increases. All promotions shall be made effective the first of the month following appointment.

- 3.3.7 Demotions. A demotion is an involuntary or voluntary appointment to a position in a classification which has a lower maximum salary rate than the employee's present classification or a reduction in rate to a lower step on the salary range. Normally, an employee shall receive the nearest lower salary to the employee's current salary in the new range on the date of demotion. A demotion shall not result in an employee receiving a higher salary. An employee's anniversary date shall not be changed when an involuntary demotion occurs. The anniversary date of an employee who has been voluntarily demoted shall be the date of demotion for purposes of calculating eligibility for salary step increases.

- 3.3.8 Transfers. A transfer is an appointment to another position in the same or similar classification and the same salary range. The employee's pay and anniversary date shall remain the same. An employee who 'bumps' another employee according to the terms of a collective bargaining agreement is not considered to have transferred into that position.



When an employee is transferred to a position in a different classification which has the same salary range, the employee's pay will remain the same. Transferred employees will be required to serve a probationary period of six (6) full months. However, the employee's anniversary date will not change. Should an employee not successfully complete the probationary period, the employee shall return to the same or comparable position previously held, provided that the position still exists, is funded and is vacant.

- 3.3.9 Salary Range Changes. When the salary range for a position is changed, an affected employee's pay will be based on the nearest higher salary level in the new range as in the old. If an employee's pay is higher than the highest step in the new range, the employee's pay shall be frozen until such time that the employee's pay becomes less than or equal to the highest step in the new salary range. The Human Resources Director may implement a different step in a salary range if conditions warrant. Such a range change shall not alter the employee's anniversary date.
- 3.3.10 Payment of Salary. All employees entitled to overtime under FLSA shall be paid on the basis of either the actual number of hours worked, including authorized leaves with pay, or on a monthly basis compensating for all regular hours worked, plus compensation for any overtime hours worked. All employees exempt from the provisions of the FLSA shall be paid on the basis of their monthly salary less any periods of leave without pay in compliance with the FLSA.
- 3.3.11 Salary Basis and Deductions for FLSA Exempt Employees. To qualify for FLSA exemption, employees generally must be paid on a salary basis not less than the salary required by federal law. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not on a "salary basis". If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from pay are permissible when an FLSA exempt employee: 1) is absent from work for one or more full days for personal reasons other than sickness or disability; 2) for absences of one or more full days due to sickness or disability if the deduction is made in accordance with the County's established policy and practice of providing compensation for salary lost due to illness; 3) to offset amounts employees receive as jury

or witness fees, or for military pay; 4) or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see County Policy on penalties for workplace conduct rule infractions). Also, the County is not required to pay the full salary in the initial or final week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

It is County policy to comply with the salary basis requirements of the FLSA. Therefore, all County supervisors are prohibited from making any deductions from the salaries of exempt employees. Employees are to be aware of this policy and that the County does not allow deductions that violate the FLSA.

If an employee believes that an improper deduction has been made to salary, the employee should immediately report this information to their supervisor and/or to Human Resources.

Reports of improper deductions will be promptly investigated by the Human Resources Director. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction. In addition, the County will implement any appropriate procedures and/or practices to ensure such improper deduction will not reoccur in the future.

**3.3.12 Rate of Pay on Return by Reinstatement.** When an employee is reinstated following an unpaid leave of absence, the employee shall be paid at the same step in the salary range that was being paid at the time the employee left for such leave of absence unless the salary range for that position has changed in the interim time period. The employee's anniversary date shall be adjusted forward to exclude the period of time spent on the unpaid leave of absence.

**3.3.13 Rate of Pay on Recall.** When an individual is recalled from layoff status, the employee shall be paid at the same salary step at which such employee was being paid at the time of layoff. The anniversary dates shall be adjusted forward to exclude the period of time spend on layoff status.

**3.3.14 Rate of Pay for Temporary Employees.** The pay for temporary employees shall usually be an hourly rate based on the pay for full-time employees in the same classification. If the position is not classified, the rate of pay shall be determined by the Human Resources Director. Temporary employees are not entitled to any other benefits or compensation outlined in these Rules. Such employees do not receive paid vacation leave or sick leave, (except as may be required by State law), holiday pay, out of class pay, or any other type of compensation.

### **3.4 Overtime.**

- 3.4.1 Authorization of Overtime. All overtime must be approved by an employee's supervisor in advance of the work. However, in the case of unanticipated need, an employee need not get advance approval, but the employee shall notify their supervisor as soon as possible of the need to work overtime. It shall be the responsibility of the Department Head to ensure that all overtime earned by their employees is recorded and paid or accrued as compensatory time off as described below.
- 3.4.2 Definition of Overtime. For FLSA non-exempt employees, overtime is time worked in excess of forty (40) hours per week except for employees working special schedules under an FLSA (7)(k) exemption in the Columbia County Sheriff's Office.
- 3.4.3 Compensation. The rate of compensation for overtime worked by FLSA non-exempt employees shall be one and one-half (1½) times the employee's rate of pay or one and one-half (1½) hours times the number of overtime hours worked as compensatory time.
- 3.4.4 Compensatory Time. Compensatory time shall be allowed to accumulate to a maximum of eighty (80) hours for all overtime eligible employees. When the maximum accumulation of compensatory time is exceeded, all overtime hours worked shall be paid at the overtime rate. The Department Head may require that compensatory time is taken as it is earned and not accumulated.
- Department Heads may require employees to utilize available compensatory time leave prior to utilizing vacation leave, regardless of the compensatory time accrual balance. At any time, the County may, in its sole discretion, pay any employee accrued compensatory time at the employee's current rate of pay.
- 3.4.5 Other Benefits. Time worked as overtime shall not be used to calculate employee benefits or to calculate probation or salary step increase periods. When taken, compensatory time off shall be included in the established work week to earn employee benefits and in probation and salary step increase periods.
- 3.4.6 Exemption to Overtime. Upon determination by the Human Resources Director, certain positions shall be considered as exempt from overtime on the basis of the nature of work, conditions of employment or by definition of administrative, executive and professional classifications as provided by Federal and State laws. The job descriptions for each classification shall indicate which positions are exempt from overtime. FLSA exempt employees shall not earn overtime pay or accrue compensatory time.

- 3.4.7 **On-Call Time.** Employees who are required to be on-call shall receive pay as outlined in Appendix A, to the extent such time is compensable under the FLSA.
- 3.4.8 **FLSA (7)(k) Exemption for Overtime.** Employees who work in the Columbia County Sheriff's Office and qualify as law enforcement personnel under the FLSA section (7)(k) overtime exemption may work schedules based on other than a forty (40) hour work week, as provided by federal law, and shall earn overtime based upon those schedules and in compliance with the law.
- 3.5 **Compensation Review.** Prior to the adoption of the budget for the ensuing year, the Human Resources Director shall submit a recommended Pay Plan covering all non-represented County employees to the Board of County Commissioners. This recommendation may come in the form of a cost of living adjustment included in the proposed personnel budget. The cost of living adjustment for non-represented employees will generally follow the AFSCME 1442 bargaining unit cost of living adjustment. The Board of County Commissioners may provide for a general salary adjustment to the salary range schedule and such adjustment shall be distinguished from merit salary step increases.
- 3.6 **Out of Classification Work.** Employees may occasionally be asked to perform duties beyond the scope of their normal positions or be asked to temporarily assume the duties of higher level positions for a short period. Such work is considered to be a part of an employee's duties. However, in the event that such work extends beyond a short-term assignment, the County establishes the following criteria for compensating employees for temporarily performing work beyond the assigned duties of their current job class, and for employees temporarily assigned the duties of management or administrative positions:
- A. Employees may be temporarily assigned the duties and responsibilities of a higher level position under the following circumstances: the position is currently vacant; the employee normally filling the position is on leave; the employee normally assigned to the position has been temporarily relieved of all their regular duties; or due to temporarily increased work load requirements.
  - B. The same employee shall not be assigned to the higher level duties for more than six (6) consecutive months unless specifically approved by the Human Resources Director, who may extend the assignment for not more than an additional six (6) months.
  - C. Employees must be formally assigned and actually performing the duties of the higher job class to be eligible for higher class pay.

- D. Except for on-the-job training, whenever an employee is required to perform any work for one (1) full work day or more in a classification above that in which the employee is normally classified, the employee shall receive the nearest higher salary to the employee's current salary in the higher classification range. If a higher classification does not exist for the level of work to be performed, then the employee shall be paid at one step higher than the current step earned.
- E. Time spent on leave while receiving out of class pay shall be compensated at the employee's regular rate of pay for the employee's regular classification. Employee's leaving County service while receiving out of class pay shall have all accrued and payable leave compensated at their regular classification rate.
- F. Work performed pending action on a request for reclassification of a position or approval of a recommendation to reclassify a position is specifically not covered by this policy. Out of class pay may not be used to reward employees for outstanding service, or for any other purpose than those specifically stated herein.
- G. Employees whose regular class is as an assistant to a Department Head or chief deputy are excluded from this Section.

**3.7 Severance Pay.** Regular full-time and .5 FTE or greater part-time employees who have completed at least one (1) full year of service with the County shall be entitled to severance pay as listed in Appendix A if they are laid off. An employee who has been laid off and returns to fill a position temporarily, shall not be entitled to severance pay when the temporary position is terminated.

Should an employee be offered and refuse another position in lieu of lay off, the employee's refusal shall be considered a resignation, provided the employee was able to perform the essential duties of the position with or without reasonable accommodation. In such a situation, the employee is not eligible for severance pay.

**3.8 Additional Pay/Special Pay Categories.** For information on additional special pay categories, see Appendix A.

## **4. Recruitment, Examination, Appointment and Personnel Changes**

All appointments shall be made in accordance with these and/or the Civil Service Rules. No question in any written or verbal test, on any application form, in any interview or otherwise shall be framed so as to attempt to elicit information concerning race, color, ancestry, national origin, sex, sexual orientation, gender identity, marital status, age, religion, military status, disability, political affiliation or any other protected classification, unless it is necessary to determine bona fide qualifications for a position. The County shall not request salary history from candidates for employment in compliance with State law. Neither shall the County require or request that candidates for employment reveal passwords to personal social media accounts nor request or require that candidates allow the County to view their non-public social media accounts. The County may view and/or question candidates related to public social media exposure associated with the candidate.

The County's employment application format shall be determined by the Human Resources Director and shall be in compliance with federal and state law. Data regarding protected classification may be collected by the Human Resources Department to the extent it is required by the federal Equal Employment Opportunity Commission (EEOC).

Sections 4.1 through 4.4 apply only to recruitments for positions that are not subject to Civil Service. The Civil Service Ordinance and Rules apply to recruitments for positions subject to Civil Service.

### **4.1 Announcements and Applications.**

- 4.1.1 Determination to Open Recruitments. The Department Head along with the Human Resources Director shall determine when to open a recruitment to establish a hiring list for a position. Recruitments may be announced in the absence of a hiring list, or when a hiring list is about to be exhausted or abolished.
- 4.1.2 Approval Process for Open Recruitments. If the Department Head and the Human Resources Director agree an open position needs to be filled, the Department Head will obtain approval from the Board of County Commissioners to proceed with the recruitment process. Once approved, the Department Head will provide the approval to the Human Resources Director, and the Human Resources Director will then move forward with the recruitment process.
- 4.1.3 Announcements and Recruiting. Public announcement of all recruitments shall be made at least two weeks in advance of the final closing date for the receipt of applications,

except in the case of promotional recruitments. Such notice shall be made by posting an announcement on the bulletin boards of the County and on the County's website. The Human Resources Director shall supplement this with a reasonable effort to attract qualified persons for the recruitment. Notice of a promotional recruitment shall be made by posting an announcement on bulletin boards within the County and on the County's website for a period of at least five (5) business days. Announcements of recruitments shall specify the title and salary range or rate of pay for the job, a summary of duties to be performed, the minimum qualifications required, the final date on which applications will be received, and all other conditions of the recruitment which the Human Resources Director determines should be included.

4.1.3 Filing Applications. All applications shall be properly made out on forms prescribed by the Human Resources Director and filed with the Human Resources Department on or prior to the last date for filing as given in the recruitment announcement. No applications will be accepted after the published closing date. Unsigned, incomplete or applications which are provided in other than the required format will not be accepted. The ability to appropriately follow instructions and submit a complete application and other materials as required for a recruitment, is considered part of the initial examination process. Candidates who do not successfully complete this process shall not be considered. Applications filed with the County shall become the property of the County. It is the responsibility of the applicant to notify the Human Resources Department of any change in address or contact information.

4.1.4 Disqualification of Applicants. Applicants may not be considered for a position and applicants who otherwise meet the minimum qualifications for a position may not be included on a hiring list for any of the following reasons:

- A. Failure to meet the minimum qualifications for the position which includes following the application instructions or failing to submit all required documents;
- B. Failure to furnish true statements;
- C. Practice or attempted practice of fraud or deception in connection with the filing of an application;
- D. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of the recruitment process;
- E. Submitting an application for the same position within the six (6) months immediately preceding the current recruitment;

- F. Using, or attempting to use, political pressure or bribery to secure an advantage in the recruitment process.

**4.2 Examinations Performed in Order to Establish a Hiring List.** This Section applies to examinations or tests of any type which are performed by or through the Human Resources Department in order to establish a hiring list. Examinations or tests which are performed by the Appointing Authority are not subject to the terms of this Section.

**4.2.1 Scheduling of Examinations.** Examinations shall be scheduled at such time or times as the Human Resources Director may approve and may be postponed by order of the Human Resources Director if the best interests of the County will be served thereby.

**4.2.2 Preparing and Conducting Examinations.** The Human Resources Director shall prepare or cause to be prepared all examinations, and the questions or tests shall be approved by the Human Resources Director prior to the holding of an examination.

**4.2.3 Form of Examinations.** Examinations shall be competitive and shall be of such form and type as may be deemed appropriate in the judgment of the Human Resources Director in order to 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 through a review of the application, verbal examinations and demonstrations of skill and tests of physical 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. Examinations also may solely consist of an evaluation of skills, education and working history as indicated in the application form.

**4.2.4 Retake of Examinations.** Applicants who fail an examination shall not be permitted to retake the exam during that recruitment process, except that for certain performance tests, more than one opportunity to take the test may be offered. A retake of a performance test shall be at the discretion of the Human Resources Director and shall depend on such factors as the number of applicants, time to administer the test and the level of the applicant's performance on the initial test.

**4.2.5 Grading of Examinations.** The Human Resources Director shall determine a final score for each applicant's examination, computed in accordance with the weight given to each of the examinations established by the Human Resources Director. Failure in any part of the examination shall disqualify the applicant in the entire examination. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the examination procedure. The Human Resources Director shall utilize appropriate



techniques and procedures in rating the results of examinations and in determining the passing score for an examination.

- 4.2.6 Examination Results. No examination shall be deemed to have been completed until the grades have been determined, the general averages computed, and the hiring list established. The results of an examination as determined by the Human Resources Director are final.
- 4.2.7 Inspection and Review of Examination Papers. The examination papers of applicants, which includes all documents submitted or prepared as part of the recruitment process, are not open to inspection by the public or by applicants except as required by Oregon Public Records Law. References received for an applicant are confidential to the extent authorized by law and shall not be disclosed to the applicant, to other applicants, or to the public except as may otherwise be required by law.
- 4.2.8 Preservation of Examination Papers. Examination papers shall be preserved for a period of at least ten (10) years after the establishment of a hiring list, after which time the examination papers of applicants may be destroyed.
- 4.2.9 Continuously Open Examinations. Other provisions of these Rules notwithstanding, continuously open entrance examinations may be held for classes in County service where vacancies are frequent and where the examination procedure described previously in this Rule is not practical. Applications will be accepted for continuously open examinations any time between the date of the original announcement and the termination of the open period.
- 4.2.10 Promotional/Internal Examinations. When the Human Resources Director believes there are qualified and interested employees currently employed by the County who are eligible for a position, the examination shall be designated as internal or promotional and recruiting shall be restricted to employees.
- 4.2.11 Veterans' Preference. The County shall comply with federal and state law in granting preference to veterans who indicate on the application form that they are eligible for preference. Applicants will be required to provide a DD-214 form as evidence of eligibility. A veterans' preference shall be provided at each scored/separate phase of the hiring process. For processes which are not numerically scored, the County shall demonstrate how the preference was provided to veterans in each phase of the hiring process. Nothing in this section requires the County to hire a veteran over another more qualified candidate.

### **4.3 Establishment of Hiring Lists.**

- 4.3.1 Establishment of Lists. After each examination, the Human Resources Director shall prepare a hiring list of those applicants who have successfully passed all parts of the recruitment process.
- 4.3.2 Order of Names. The names of successful applicants shall be placed on the list in the order of their final ratings, starting with the highest, if the applicants are rated numerically. If two or more applicants have final ratings which are identical, they shall be deemed to hold the same ranking on the list. If the applicants are not rated numerically and placement on the list is determined by a simple pass/fail review of the application, the names shall be placed on the hiring list alphabetically.
- 4.3.3 Duration of List. Each hiring list shall normally remain in force for one (1) year from the date of its establishment, except that at the discretion of the Human Resources Director, this period may be reduced, extended for not more than thirty (30) months, or terminated at any time, if, in the Human Resources Director's opinion, the best interests of the County would be served thereby.
- 4.3.4 Removal of Names From List. The Human Resources Director may remove the names of an applicant from a list:
- A. For any of the reasons listed in Section 4.1.4;
  - B. If the applicant fails to reply within five (5) business days from the date of mailing of a written inquiry sent to the applicant's last known address or fails to respond within three (3) business days to an email communication or telephone call;
  - C. If the applicant declines an appointment;
  - D. If the applicant has been previously considered but not appointed to any of the available positions in the class in the immediately preceding six (6) months;
  - E. If the applicant requests removal;
  - F. If the applicant is found to be not suitable for any of the available positions in the class;
  - G. If the applicant is appointed to a position in the class or a higher class in the County;

#### **4.4 Certification.**

4.4.1 Requisition. Whenever a vacancy is to be filled other than by reclassification, transfer or demotion, the Appointing Authority shall request that the Human Resources Department provide a certified hiring list including the names of applicants eligible for such vacancy.

4.4.2 Certification of Eligible Applicants. Upon receipt of a request for certification of eligible applicants, the number of available applicants shall be certified from an appropriate hiring list and provided to the Appointing Authority.

The hiring list, entrance or promotional, for all positions not subject to Civil Service shall consist of all applicants who have successfully passed the recruitment process. The number of names certified from the hiring list to the Appointing Authority shall not exceed twenty-five (25).

4.4.3 Appropriate Lists. If a hiring list is not available for a particular position, certification can be made from a list for a recruitment class which the Human Resources Director determines to be comparable or from a list for a class involving related duties, responsibilities, and qualifications, if deemed appropriate by the Human Resources Director. Whether an applicant has previously declined an appointment, or failed to receive an offer of appointment, shall not affect the consideration of the applicant for appointment to a position in the class for which the list was established.

4.4.4 Availability. An applicant may be considered not to be available for appointment if the applicant fails to reply within three business days of an email or telephone inquiry to the applicant's last known email address or telephone number or within five (5) business days from the date of mailing to a written inquiry mailed to the applicant's last known address.

4.4.5 Examinations/Tests Performed by the Appointing Authority. An Appointing Authority to whom the applicants' names are certified may examine the applications and conduct examinations including verbal interviews, structured questionnaires, practical tests, written tests, exercise or assessment center, etc. in the Appointing Authority's discretion. In all cases, testing will be job related and designed to determine each applicant's knowledge, skills and abilities for the position.

4.4.6 Reference and Background Checks. Before any offer of employment is made by an Appointing Authority, the Appointing Authority shall conduct appropriate reference checks and/or background checks on the candidate. An Appointing Authority may make conditional offer of employment once the reference checks are complete. If the conditional offer of employment is accepted, the Appointing Authority must obtain a Background Authorization Form so that a background check may be obtained. Once the

background check has been received, and the candidate is deemed to have passed the background check, a formal offer of employment may be made.

The Human Resources Director shall have the authority to obtain criminal background information and consumer reports as appropriate for all departments. No department, except the Sheriff's Office, may obtain consumer reports of any type on candidates except through the Human Resources Department. The Human Resources Director may make arrangements with the Community Justice Department and the District Attorney's Office for those individual departments to run criminal background checks on applicants, utilizing forms designed by Human Resources. Criminal background and driving record history shall be run on all candidates for employment with the County.

Criminal history records shall be considered, if relevant to a particular position. Except for law enforcement positions, criminal history shall not be an automatic disqualifier for County employment.

In obtaining any consumer report from a third party, the County shall comply with the provisions of the Fair Credit Reporting Act.

In determining fitness for a position, the County will not perform any background screening prohibited by Federal or State law. The County, as an employer, has numerous departments which are law enforcement agencies and is considered an employer in the criminal justice system and its hiring standards will reflect the higher standards required for law enforcement positions.

4.4.7 Travel Expenses. The County will not reimburse any candidate's travel expenses for initial interviews. The Board of County Commissioners may, in its discretion, permit reimbursement for travel expenses.

4.5 Appointment. All regular appointments to County positions shall be made in conformity with this Section. The Appointing Authority shall make a selection from the certified names. The Appointing Authority shall notify the Human Resources Director of the decision to employ an applicant and shall coordinate the starting date of employment with the Human Resources Department. The Appointing Authority shall notify the applicant of the selection, in writing, after review of the job offer letter by the Human Resources Director. A job offer letter shall include instructions for the selected applicant to be prepared to complete the required federal forms regarding eligibility to work in the United States. The Appointing Authority may contact the selected applicant to determine whether the applicant is willing to accept employment and to indicate that a request to hire has been made, but must state that a formal offer of employment can only be made

in writing. The Appointing Authority shall also notify all those certified and interviewed but not selected that they have not been selected.

4.5.1 Reinstatement/Hiring List Status. Every employee who accepts a position which may terminate upon the reinstatement of another employee is subject to layoff. Reinstatement of another employee may occur in the following circumstances:

- A. Reinstatement of a regular employee from a leave of absence granted by the Appointing Authority or the Board of County Commissioners.
- B. Reinstatement of a former employee in accordance with law or these Rules or by any order of a court of competent jurisdiction or other lawful order.

In the event an employee is displaced during their probationary period in the circumstances described above, the employee shall retain their position on the list from which the employee was certified.

4.5.2 Probationary Appointments. When a vacancy exists in a regular position and the duration of employment is expected to be in excess of six (6) months, a probationary appointment shall be made.

4.5.3 Regular Appointments. A regular appointment shall be made upon successful completion of a probationary period as provided in Section 4.6 and the employee so appointed shall be designated as having attained regular status.

4.5.4 Temporary Appointments. If there is a need for a temporary appointment, the Appointing Authority shall make a reasonable effort to attract qualified applicants to the position. A temporary appointment shall only be offered to an applicant who meets the minimum qualifications for the position. Temporary employees shall not be eligible to receive any of the employee benefits outlined in these Rules for probationary or regular employees. The Human Resources Director may designate certain temporary positions to be obtained through the County's temporary staffing agency.

#### **4.6 Probationary Period.**

4.6.1 Nature, Purpose and Duration. All initial appointments to positions as regular full-time or .5 FTE or greater part-time employee subject to Civil Service shall be subject to a probationary period of twelve (12) months. The probationary period is designed to give employees time to learn the position and to give the supervisor time to evaluate the employee's potential and performance. During a probationary period, the County may dismiss an employee at any time for any reason not otherwise prohibited by law.

A prior temporary appointment to a position shall not reduce the probationary period for a position appointment into a regular full-time or .5 FTE or greater part-time employment. Under certain circumstances, a probationary period may be extended. An extension must be approved by the Department Head and the Human Resources Director. Notice of an extension will be provided to the appropriate bargaining unit if an employee is represented.

- 4.6.2 Status of Employees Not Subject to Civil Service. Employees whose positions are not subject to Civil Service, such as Department Heads, temporary employees or regular part-time employees who are less than .5 FTE, are considered "at will" employees and serve no probationary period as they are not subject to the just cause protections afforded employees subject to Civil Service.
- 4.6.3 Regular Appointments. Regular appointment of a probationary employee shall begin the day following the end of a successful twelve (12) month probationary period.
- 4.6.4 Promotional or Other Probationary Periods. Following the completion of the initial probationary period, a regular employee shall be required to serve six (6) additional months of probation for each promotion or transfer. A regular employee may be required to serve an additional six (6) months of probation for each reclassification.
- 4.6.5 Appointment to a Higher Class During Promotional Probationary Periods and Initial Probationary Periods. An employee who is in a promotional or initial probationary period shall be eligible for appointment to a position in a higher classification provided the employee is otherwise eligible for the position. If an employee is appointed to a new position during a probationary period, the probationary period for the position to which the employee is appointed shall begin on the date of appointment to the new position and shall continue for a period of six (6) months. Notwithstanding the above, no employee in an initial probationary period shall be eligible for appointment to a higher classification before successfully completing at least six (6) months of the initial probationary period. If an employee has not served their entire probationary period upon appointment to a position in a higher classification, the balance of their initial probationary period will be added to the six (6) months of probation applicable to the new position.
- 4.6.6 Dismissal During Probation.
  - A. Dismissal During Initial Probation. At any time during the initial probationary period, a probationary employee may be dismissed from County service by the Appointing Authority without right of appeal or hearing. At the end of the probationary period, the Appointing Authority shall either notify both the employee and the Human

Resources Department, in writing, of the appointment to regular status or the dismissal of the employee from County service.

- B. Demotion During Promotional Probation. At any time during a promotional probationary period, if an employee's performance is unsatisfactory, that employee may be demoted or transferred to the employee's former position if it exists and is not filled. The Appointing Authority shall notify the employee in writing of the reasons for the demotion or transfer. The incumbent of the former position shall be returned to the appropriate list and/or to the incumbent's former position in a like manner. Upon return to the employee's former position, the employee will remain in probationary status to the extent the employee did not complete probation in that position before being promoted. If no position exists, the employee may be dismissed.

**4.7 Promotion.** Promotional procedures shall be those outlined in Rule 4 for recruitment, examination, certification and appointment. The appropriate salary changes shall be made in accordance with Section 3.3.

**4.8 Demotion.** A demotion is an appointment to a position in a classification which has a lower maximum salary rate than the employee's present classification, or a reduction in rate to a lower step in a range. See 3.3 for change in salary.

**4.8.1 Voluntary Demotion.** An employee may make a request in writing to the Appointing Authority for demotion from a position in one class to a position in a class of lower salary. If an employee is qualified, the appointing authority may, at his/her sole discretion, approve the request, provided it would not result in the layoff of another employee. Such an employee is required to serve an additional probationary period and the appointment does not have to be from a certified eligibility list.

**4.8.2 Class and Salary Demotions.**

- A. A class demotion shall be the demotion of an employee from one class to a lower class. This normally occurs as a part of disciplinary action (See Rule 5) or because of failure to perform the duties of the class satisfactorily, whether during or after the promotional probationary period. The employee's anniversary date shall remain the same.
- B. Salary demotion is the reduction of salary to one of the lower rates in the range for the class as a form of disciplinary action (See Rule 5). The employee's anniversary date shall remain the same.

#### **4.9     Transfer.**

4.9.1     Position Transfer. An appointment to a position in the same classification shall constitute a position transfer. In all cases, the employee shall be given ten (10) business days' notice of a change unless the employee and Appointing Authority mutually agree to a different effective date for the transfer.

4.9.2     Classification Transfer. A classification transfer is an appointment to a position in a different classification which has the same or similar salary range. Before a classification transfer is made, approval of both appointing authorities shall be required and the Human Resources Director shall verify that the employee is qualified to perform the duties of the new classification. See Section 3.3 for salary change. Ten (10) business days' notice shall be given to the employee of the new classification transfer unless the employee and both appointing authorities mutually agree to a different effective date for the transfer.

4.10     Seniority. The following guidelines apply to all employees, except that nothing contained herein shall supersede provisions of existing collective bargaining agreements. Seniority will be determined as follows: The total length of continuous service within the affected job classification. If a tie occurs, then the length of continuous service within the affected department. If a tie occurs, then the total length of continuous service within the County. If a tie occurs, then it shall be broken by lot in a manner to be determined by the Human Resources Director. In computing seniority, the following factors will be taken into account: Time spent on authorized leave with pay will count toward seniority; All time spent on a leave without pay will not be counted, except for certain military leave without pay as outlined by federal law which shall be counted; Time spent in temporary appointments will not be counted; Time spent on layoff will not be counted; Seniority will be forfeited by dismissal for cause, voluntary resignation or due to expiration of a layoff list.

#### **4.11     Layoff.**

4.11.1     Reasons for Layoff. An Appointing Authority may lay off an employee due to: the position being abolished; shortage of funds or work; a material change in duties, a disability which prevents the employee from performing assigned duties with or without reasonable accommodation; or for other reasons which do not reflect discredit on the service of the employee. A dismissal or leave of absence without pay of an employee as a disciplinary action shall not be considered a layoff.

4.11.2     Method of Layoff. Unless a layoff is the result of a disability that cannot be reasonably accommodated and except as provided below, layoff shall be within a department and within a classification (or specialty area within a classification) in inverse order of seniority



with the County. The Appointing Authority shall determine the number of positions in a specific classification to be reduced in the department. Where a classification has defined specialty areas as designated in the job description, the Appointing Authority shall determine the number of positions within such specialty areas to be reduced. The employee with the least seniority shall be laid off.

4.11.3 Breaking Ties. In the event two or more employees have the same seniority, the person whose date of classified employment within the County is chronologically first will be considered as having greater seniority. In the event that two or more employees have the same seniority and the same date of employment within the County, layoff will be determined by the Appointing Authority on a merit basis.

4.11.4 Status of Temporary Employees. Employees who are laid off may be offered any temporary position for which they are qualified and which may be available in the department from which they were laid off. Temporary employees will not be employed in any department implementing layoffs unless any laid off regular employees, who are qualified and available for the nature of the work involved, are first offered and decline to accept the temporary position. The determination of a regular employee's qualifications and availability to perform the work of a temporary employee shall be within the discretion of the Appointing Authority.

4.11.5 Notice of Layoff. An Appointing Authority will notify the Human Resources Director of a pending layoff as soon as practicable. All affected employees shall be given written notification by their Appointing Authority at least ten (10) business days before the effective layoff date, stating the reasons for layoff.

4.11.6 Demotion in Lieu of Layoff. Any regular employee subject to layoff may file a written request with the Appointing Authority requesting a demotion in lieu of layoff. The Appointing Authority may grant this request in any class for which a vacancy exists and where it appears that the employee may be expected to perform satisfactorily. If the Appointing Authority determines the employee will likely not perform satisfactorily in the vacant position or that this action is not in the best interest of the department, the Appointing Authority shall, upon conferring with the Human Resources Director, notify the employee in writing giving the reasons for denying the request.

In all cases where an employee is demoted in lieu of layoff, the employee's name shall be placed on recall lists for the positions from which the employee was demoted. See Sections 3.3 and 4.8 for information on demotions.

4.11.7 Offer to Accept Layoff. Prior to implementing any layoff, the Appointing Authority may announce impending layoffs within any classification. Any employee, within an affected

classification, regardless of the employee's seniority, may offer to accept a layoff. The Appointing Authority may elect to layoff an employee offering to be laid off in lieu of imposing a layoff based on seniority. The decision to accept an offer of layoff, as provided herein, is solely within the discretion of the Appointing Authority. An employee's offer to accept layoff is irrevocable.

4.11.8 Interruption of Employment for Military Service. Pursuant to ORS 408.270, regular employees who leave County service for military service and return to their position within ninety (90) days after receiving an honorable discharge or release from active duty under honorable conditions, shall receive full seniority credit for such military service.

4.11.9 Loss of Service Credit. An employee, other than an employee on layoff status or on an authorized unpaid leave of absence, who separates from County service and subsequently returns to County employment, shall not regain previously accrued service credit.

4.11.10 Recall. Any regular employee laid off from a position, or demoted in lieu of layoff, shall retain recall rights to that position for one (1) year from the date of layoff or demotion in lieu of layoff. Employees shall be recalled in order of seniority. If an employee no longer meets the minimum qualifications for the position to be recalled, that employee shall lose the right to recall to that position.

If an employee is unavailable to work or fails to reply within ten (10) business days from the date of mailing of a written recall inquiry, to the laid off employee's last known address, the employee shall lose the right to recall to that position. It is the responsibility of the employee to notify the Human Resources Department of any address change. If the laid off employee refuses an offer to return to employment in the position from which the employee was laid off, that employee shall be deemed to have resigned from the County and shall have no further right of recall.

4.11.11 Salary and Benefit Administration At/After Layoff.

- A. Regular employees who are laid off will retain any unpaid accrued sick leave during the time they are on the recall list. Unpaid accrued sick leave will become available for use upon appointment following recall. Sick leave is lost when the term of eligibility for recall expires.
- B. Employees who are laid off will be paid for unused accrued vacation leave at their regular rate of pay, provided they have completed at least six (6) months of service and are eligible for vacation benefits.

- C. Laid off employees retain, but do not continue to accrue, seniority during the time they are on the recall list. Seniority is lost when the term of eligibility for recall expires.
- D. Upon reappointment due to recall, an employee shall receive pay at the same step in the salary range that the employee was at when laid off or demoted in lieu of layoff. The employee shall begin to accrue benefits and status toward salary step increases as if there had been no break in service. The anniversary date of a recalled employee will be adjusted so that the time spent on layoff or in a lower level classification (as a result of a demotion in lieu of layoff) will not count towards salary step increases or leave accrual for the position to which the employee was recalled.

**4.12 Inactive Employees.** The Human Resources Department may remove any employee from active status in payroll if that employee has not worked any hours in the prior six (6) months and is not otherwise on a protected or established paid or unpaid leave. Such action shall be considered a “separation” from employment as defined in Rule 1.

**4.13 Special Employment Programs.** The Human Resources Department is responsible for the coordination of all special employment programs funded by external agencies (e.g., vocational rehabilitation programs, Experience Works, MTC Training programs, etc.). Department Heads will forward all requests for participation in special employment programs to the Human Resources Department.

**4.14 Employment of Relatives/Nepotism.** Oregon law prohibits any public official (elected or appointed) from appointing, employing, or promoting a relative or member of the household to a position with the public body for which the public official works or serves and from discharging, firing or demoting a relative or member of the household from a position with the County, unless the public official complies with the conflict of interest requirements. Further, under Oregon law, a public official may not supervise or participate in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or a member of the household.

Oregon law also prohibits an employer from refusing to hire or from dismissing an individual “solely because another member of that individual’s family presently works for that employer”. However, the County is not required to hire or to continue employment of an individual when this would:

- A. Place either family member in a position of exercising supervisory, appointment, or grievance adjustment authority over the other family member or in a position of being subject to such authority which a member of the family exercises;
- B. Cause the County to violate a federal or state law or rule;

- C. Cause the County to violate the conditions of eligibility for financial assistance from federal or state government; or
- D. Cause the County to disregard a bona fide occupational requirement reasonably necessary to the normal operation of the County.

For purposes of this Section, a member of an individual's family means: spouse, children, parents, grand-children, grand-parents, brother, brother-in-law, sister, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, first cousin of the individual, or any other relative living in the individual's household, or any person for whom the employee has a legal support obligation.

The County will not hire a person if so doing would create any of the above circumstances. Although a reasonable effort will be made to accommodate an existing employee, the County will not continue the employment of an individual if doing so would create any of the above circumstances.

See Rule 19 regarding Romantic/Sexual relationships between co-workers who are not family members. See Rule 5 regarding Conduct including the Oregon Government Ethics Standards.

## 5. Conduct, Discipline and Appeals

**5.1 Employee Conduct.** The County provides the public a number of important services on which many individuals, businesses and other public agencies rely. The quality and reliability of the County's programs and services are of the utmost importance. The expected standard of conduct for all employees in the service of the County shall be to uphold the public interest as opposed to advancing individual interests. Thus, all employees are expected to provide excellent and reliable service to the public and to co-workers. Any failure to meet this high standard is cause for discipline up to and including dismissal.

**5.2 Discipline.** Disciplinary action dealing with employee misconduct shall be instituted by the Appointing Authority when appropriate. Disciplinary action shall be taken for any of the causes set forth in this Section, in addition to any other violation of County or Department policy.

Any employee may be subject to disciplinary action by verbal reprimand, written reprimand, demotion, suspension without pay, reduction in salary and dismissal. Denial of a step increase and/or extension of a probationary period are not disciplinary actions.

Copies of written reprimands, demotions, suspensions without pay, reductions in salary and dismissals shall be sent to the Human Resources Director immediately upon such discipline being taken. An Appointing Authority who is considering disciplinary action including demotion, suspension without pay, reduction in salary or dismissal shall consult with the Human Resources Director prior to taking such action.

**5.3 Cause of Disciplinary Action.** Generally, 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 cause for discipline. Specifically, causes for discipline, include but are 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. Harassment or discrimination against a County employee, a member of the public or a member of another agency.
- E. The use of alcoholic beverages, or the use of non-prescription controlled substances (including marijuana), which affects the performance of an employee.
- F. Partaking of intoxicating beverages or non-prescription controlled substances while on duty, or being intoxicated or impaired 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 or removal of or damage to 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. Failure or refusal to carry out job assignments and supervisor requests.
- O. Inefficient or substandard performance of an assigned duty or responsibility.
- P. Unauthorized release of County information.
- Q. Use of profanity or verbal abuse.
- R. Physical violence of any type that is not an authorized use of force (e.g., restraining an inmate or subduing a suspect).
- S. Dishonesty.
- T. Absenteeism or tardiness in reporting to work or returning from rest periods or meal breaks.

- U. Failure to report and duly record an absence.
- V. Failure to create and maintain effective working relationships with co-workers and others.
- W. Unauthorized taking of County funds or unauthorized charges against a County account.
- X. Violation of a departmental or County-wide safety policy or other County-wide or departmental policy or procedure.
- Y. Willful giving of false information or withholding information with intent to deceive when making application for employment or promotion.
- Z. Violation of any provisions of law, rule or regulation, including but not limited to the Oregon Government Ethics standards (ORS 244.010 et seq).

These examples are not all-inclusive. Other conduct, not specifically listed, may also lead to discipline, up to and including dismissal.

**5.4 Kinds of Disciplinary Action.** Discipline is designed to be progressive and corrective and will usually, but not always, begin with a verbal reprimand. If the behavior in question continues, subsequent discipline will progress to more serious forms, which may end in dismissal from County employment. Discipline should correct conduct, and should be imposed only to the extent necessary to correct conduct.

Discipline may originate at any level. The disciplinary process may not necessarily commence with a verbal or written warning or include every possible disciplinary step. Some conduct, particularly that which is intentional or serious, may warrant more severe discipline for a first or subsequent offense. In all situations, consideration will be given to the seriousness of the offense, the intent and attitude of the individual, and the environment in which the offense took place. Dismissal is appropriate when efforts at corrective action fail or the seriousness of the violation or conduct warrants dismissal.

Supervisors shall adhere to the procedures and tenets of progressive and corrective discipline as outlined in this Rule.

Progressive discipline includes the following disciplinary steps having increasing levels of seriousness. However, discipline may originate at any level.

- A. **Verbal Reprimand:** This is a warning step rather than a punitive one, and should prevent on-going conduct that would lead to more serious discipline. When a verbal reprimand is administered, the supervisor shall make a brief record of the warning for the supervisor's personal record.
- B. **Written Reprimand:** The written reprimand is also a warning step. However, a written reprimand is used to put an employee on official notice that continued conduct will result in a more severe form of discipline. An employee may provide a written rebuttal to a written reprimand by submitting a rebuttal to the Human Resources Department within fourteen (14) days of the date of the written reprimand. A timely received rebuttal will be placed in the employee's personnel file attached to the written reprimand.
- C. **Suspension Without Pay:** Suspension without pay is commonly used as a form of discipline after a verbal and written reprimand. However, the step can be used earlier in the disciplinary process if warranted due to the severity of the conduct. A supervisor, with the approval of the Appointing Authority, may suspend an employee without pay for a period not to exceed thirty (30) days at any one time, by notifying the employee and stating the reasons for this suspension in writing. While on suspension without pay, an employee will not earn service credit, cannot complete qualified payroll periods, and will not be eligible for leave accrual. Employees who are exempt from the overtime provisions of the FLSA shall not be subject to suspension without pay if such a suspension without pay would violate the FLSA.
- D. **Demotions:** Demotions, both in pay and to a lower classification, may be used as a form of discipline when the Appointing Authority determines that the conduct is very serious but dismissal is not warranted because the employee has the potential to correct conduct. The procedures outlined in Section 3.3.7 and 4.8 shall apply to a demotion as discipline.
- E. **Dismissal:** Prior to dismissal of an employee, an Appointing Authority shall consult with the Human Resources Director, in a timely fashion, in order to ensure the appropriate process is followed.
  - 1. Probationary employees may be dismissed at any time for any reason not otherwise prohibited by law during their initial probationary period without right of appeal. In dismissing a probationary employee, written notification of the dismissal shall be delivered to the employee and the Human Resources Director.
  - 2. Regular employees who are subject to Civil Service may only be dismissed for just cause. When the decision to dismiss a regular employee subject to Civil Service



has been made, the Appointing Authority shall give the employee ten (10) business day's written notice of the right to appeal prior to the effective date of dismissal. If the Appointing Authority believes that, in the best interest of the County, the immediate separation of an employee from their assignment is required, the Appointing Authority may suspend the employee with or without pay during the ten (10) day notice period required by these Rules. Written notice to the employee and Human Resources Director that a dismissal will immediately follow a suspension is sufficient notice of dismissal. However, the ten (10) business day right to appeal is calculated from the date the dismissal actually becomes effective. Appointing Authorities and supervisors should review appropriate collective bargaining agreements for further guidance related to represented employees.

3. Employees who are not subject to Civil Service are considered "at will" employees and are not subject to paragraph 2 above. When a decision to dismiss an employee not subject to Civil Service has been made, the Appointing Authority shall give the employee ten (10) business day's written notice prior to the effective date of the dismissal. If the Appointing Authority believes the best interest of the County requires the immediate separation of an employee from their assignment, the Appointing Authority may suspend the employee with or without pay during the ten (10) day notice period required by these Rules. Written notice to the employee and Human Resources Director that a dismissal will immediately follow a suspension is sufficient notice for dismissal.
4. Regular part-time and full-time employees who have worked for the County for more than twelve (12) months shall be given "due process", meaning they will be afforded the opportunity to respond, in writing or verbally, to the Appointing Authority during the ten (10) day notice period regarding the reasons for dismissal. The Appointing Authority shall consider any response and may change the proposed dismissal action if warranted based on the employee's response.
5. Temporary and less than .5 FTE regular part-time employees may be dismissed at any time for any reason not otherwise prohibited by law, without right of appeal. The temporary or less than .5 FTE part-time employee shall be given written notice of the dismissal.

**5.5 Procedure for Taking Disciplinary Action.** If disciplinary action is to be taken against an employee, it shall be done in a manner that will not embarrass the employee in front of other employees or the public, to the maximum extent possible. For all forms of disciplinary action, a supervisor shall follow any department procedures established by the Appointing Authority and should keep the Appointing Authority fully informed of any

action taken. When it is necessary to suspend, demote or dismiss a regular employee, the following steps should be taken in addition to requirements in Section 5.4.

- A. The supervisor shall prepare in writing a statement of the reason(s) for disciplinary action stating a description of the problem, including dates, location, rules violated and particular actions, if appropriate. The written statement should include previous verbal or written warnings given to the employee and any other discipline imposed for prior conduct. The statement shall be delivered to the Appointing Authority for review and necessary action.
- B. After a review of the supervisor's statement and consultation with the Human Resources Director, the Appointing Authority shall initiate the investigation process where appropriate. This may include meeting with the employee to review the information provided by the supervisor, and outline to the employee any investigation to be undertaken. If it is necessary to relieve the employee from the employee's duties, the Appointing Authority shall suspend the employee with pay pending the completion of the investigation process. The suspension with pay shall be only for such period of time as is reasonably necessary.
- C. Upon completion of the investigation, the Appointing Authority should meet with the employee and give the employee a reasonable opportunity to respond to the supervisor's statement and the findings of the investigation before action is taken.
- D. If, after the employee has responded or the time for a response has passed, the Appointing Authority still believes disciplinary action is appropriate, the Appointing Authority shall prepare a letter outlining the cause of action and the particular discipline to be imposed, along with the appropriate Personnel Action form if needed. The letter and Personnel Action form shall be approved by the Human Resources Director.
- E. The Appointing Authority shall notify the employee in person, by hand delivering the letter and Personnel Action form. A copy of those materials should be provided to the Human Resources Director immediately after delivery to the employee. If dismissal is the proposed action, the Appointing Authority shall notify Payroll and the Human Resources Director at least seventy-two (72) hours in advance so that a final pay check can be prepared in a timely manner.

All supervisors shall review collective bargaining agreements for variations in disciplinary actions and procedures for represented employees.

- 5.6 Appeal of Disciplinary Action.** Only employees subject to Civil Service who have attained regular status may appeal disciplinary actions under the provisions of the Civil Service Ordinance and Rules.

When a collective bargaining agreement provides for grieving disciplinary action, an employee represented by a bargaining unit may choose either the grievance procedure outlined in the bargaining agreement or may appeal to the Civil Service Commission per the provisions of the Civil Service Ordinance and Rules. However, a bargaining unit employee may choose only one of these procedures.

- 5.7 Resignation.** An employee may resign from County service, in lieu of discipline, by presenting a letter of resignation to the Appointing Authority. To resign in good standing, an employee must give the Appointing Authority at least two (2) weeks' notice, unless, because of extenuating circumstances, the Appointing Authority agrees to permit a shorter period of notice. If the Appointing Authority deems it in the best interest of the County, the resigning employee may be placed on administrative leave during the period before the resignation date. Administrative leave shall not exceed two (2) weeks. Resignations and signed personnel actions shall be promptly forwarded to the Human Resources Director. The Human Resources Director or Appointing Authority may conduct exit interviews or utilize other similar techniques to verify the reasons for each resignation.

A resignation shall provide an effective date which shall be the last day actually worked. All accumulated compensatory time off and vacation leave earned shall be paid and the employee may not use those benefits to complete a month of service or earn additional benefits.

## 6. Attendance

- 6.1 Attendance.** Employees are expected to be at their work location and ready to begin work at the beginning of their scheduled work shift and to remain at work for the entire shift, less breaks and meal periods.

Employees shall not be absent from work for any reason other than those specified in these Rules without making prior arrangements, as far in advance as possible, with their supervisor, except for in unavoidable situations. Unless prior arrangements are made, an employee, who for any reason fails to report to work on time, is required to notify their supervisor of the reason for being absent or tardy as soon as possible. If an absence continues beyond one (1) day, an employee must notify the supervisor of the reason for the absence on a daily basis unless other arrangements have been approved.

Any unauthorized absence of an employee from work will be an absence without pay and may be a cause for disciplinary action, up to and including dismissal.

Frequent tardiness or other attendance irregularities may be cause for disciplinary action up to and including dismissal.

- 6.1.1 Absence Without Authorization.** No employee shall be absent from work without permission of their immediate supervisor. An employee absent for three (3) consecutive work days without authorization, except for an unavoidable situation, shall be considered to have resigned his or her job as of the last day of active employment.

- 6.2 Time Records.** Daily individual attendance records will be maintained by each department and submitted to payroll in a manner prescribed by Human Resources. For FLSA non-exempt employees, this record shall include date, time in/out from work, time in/out for lunch and any absences and leave used. All FLSA non-exempt employees must record the actual time of day work started and ended with the actual time of day in and out for the meal period. For employee's using an electronic time-keeping system, FLSA non-exempt employees are to use the clock in/out feature whenever possible. Each employee is responsible for his or her own record. All time records must be signed by the employee or entered electronically via the employee's login. Employees are not to record time or clock in or out for other employees. Failure to accurately record time worked or leave will be cause for disciplinary action, up to and including dismissal.

- 6.3 Work Periods.** The work period for all FLSA non-exempt employees shall be a seven (7) day period beginning on Monday at 12:01 a.m. and ending on Sunday at 12:00 a.m.

(midnight). Other work periods may be established within collective bargaining agreements or by written authorization of the Human Resources Director.

- 6.4 Hours of Work.** The regular work week schedule for FLSA non-exempt, full-time employees shall consist of five (5) work days, Monday through Friday, inclusive. Each work day shall consist of seven and one-half (7 ½) hours for those employees working a thirty-seven and one-half (37 ½) work week and eight (8) hours for those employees working a forty (40) hour work week, not including a meal period.

A modified regular work week may be established for certain positions, which may consist of four (4) days of ten (10) hours for those employees working a forty (40) hour work week, or three (3) days of nine and one-half (9 ½) hours and one (1) day of nine (9) hours for those employees working a thirty-seven and one-half (37 ½) hour work week.

Sworn law enforcement officers may utilize work week schedules as set by the Sheriff's Office under the provisions of the federal Section (7)(k) exemption.

Hours of work for part-time and temporary employees may vary from the normal office hours and will be determined by the Department Head.

A flexible work schedule shall be established by the Appointing Authority of each department. The Appointing Authority shall send notice, in writing, to the Human Resources Department of any alternative schedule established for employees.

FLSA exempt employees are generally expected to work a schedule and hours which cross regular business hours for the department in which they work. FLSA exempt employees do not enter start/stop times of each day worked, except as may be permitted under FMLA/OFLA leaves (see Rule 7). FLSA exempt employees are expected to utilize leave for any full day(s) in which they work no hours. Such employees are not allowed to trade full days off for work that would otherwise be done in non-work hours (e.g. weekends, holidays).

## **6.5 Meals and Rest Periods.**

- 6.5.1 Meals.** All FLSA non-exempt employees who work for at least six (6) hours in a day shall take an unpaid lunch period of at least thirty (30) minutes during each full work shift. Employees may receive an unpaid lunch period of one (1) hour during each work day. Whenever possible, such meal periods shall be scheduled in the middle of a shift and may not be added to the beginning or end of a shift in order to shorten the work day. Additional thirty (30) minute unpaid meal periods shall be granted for work which extends more than three (3) hours beyond the regular full-time work day. Supervisors should

check collective bargaining agreements for specifics on meal periods for represented employees.

- 6.5.2 Breaks/Rest Periods. All FLSA non-exempt employees shall receive a paid rest period (break) of not less than fifteen (15) minutes for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period. Breaks and meal time not used may not accumulate for later use and may not be used to make up for a late arrival to or early departure from work.

## **6.6 Leaves of Absence Without Pay.**

- 6.6.1 Leave Procedure. Employees may request leaves of absence for the purposes specified in these Rules. Requests for leave shall be in the form determined by each Department Head. Approval of the leave shall be obtained prior to the beginning of the leave.
- 6.6.2 Leave Without Pay. The Appointing Authority may, for a reasonable purpose and in writing, grant a leave of absence without pay for a period not to exceed thirty (30) calendar days. Leave requests in excess of thirty (30) days must be approved by the Human Resources Director. Under no circumstances, except for military leave, shall leave without pay be granted which exceeds 180 days. When granting leave without pay, the employee must exhaust all vacation, compensatory, holiday and if the leave is for medical reasons, all sick leave, prior to being placed on leave without pay status. Notice of leave under this Section shall be sent to the Human Resources Director.
- 6.6.3 Anniversary and Probationary Period Dates. A probationary employee on a leave of absence without pay will have the end of the probationary period adjusted forward equal to the amount of leave without pay taken. An employee on a leave of absence without pay will have their anniversary date adjusted forward equal to the amount of leave without pay taken.
- 6.6.4 Benefits While on Leave Without Pay. Benefits may be extended for regular employees who are on approved leaves of absence without pay, as follows:
- A. Benefits shall continue to be paid by the County for any employee on an approved leave of absence without pay for the month in which the leave began, provided that the employee was considered to be in a regular employment status for at least half of the month in which the leave began.
  - B. Benefits will be paid during the month the employee returns from leave provided the employee returns to work for at least half of the month following the month the leave began.

- C. If an employee is on an authorized leave of absence for medical reasons, the County will continue to pay their benefits premiums for a period of three (3) months from the date that the authorized leave of absence without pay began.
- D. As provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees are entitled to continue their health insurance coverage subject to COBRA. When paid benefits by the County end, an employee shall be allowed to pay the full premiums for health insurance at the current premium rate provided that the employee complies with the procedures established by the Finance Department. If an employee fails to comply with such procedures, all coverage for the employee shall be discontinued without right of reinstatement until the employee returns to work in a regular capacity. At that time, the employee will be enrolled as though the employee were a new employee.
- E. Under no circumstances may an employee be authorized to continue benefits under these provisions beyond the period authorized by benefit policy agreements.
- F. Should insurance coverage lapse for any reason, the employee, upon returning to work, shall be subject to all of the terms and conditions of the insurance contract just as though the employee were a new employee.

**6.7 Administrative Leave.** Administrative leave is typically a leave with pay utilized by the County when it would not be appropriate for an employee to report to work while discipline is being considered or for other specialized reasons. Administrative leave is not a form of discipline. Employees may be placed on administrative leave by the Appointing Authority and the Human Resources Director for a period not to exceed ninety (90) days. Employees placed on administrative leave shall continue to receive their pay and accrue benefits while on administrative leave. While on administrative leave, an employee must be readily available at the employee's residence during regular working hours and must be immediately available for any interviews or other required work which occurs during regular working hours. If an employee wishes to be unavailable during regular working hours, the employee must receive prior authorization from the employee's supervisor to utilize paid leave for absences during regular working hours.

Employees on administrative leave will be expected to turn in their access keys/cards before beginning administrative leave and their computer/email accounts will be disabled from their access during leave.

**6.8 Emergency/Disaster Leave.**

- 6.8.1 **Emergency Road Conditions.** Any employee who is unable to report to work due to hazardous road conditions caused by ice, snow, flood waters, washouts or slides shall utilize accrued vacation, compensatory leave, personal days or flex holidays. If accrued leave is unavailable to an FLSA non-exempt employee, the employee will be on unpaid leave status. Employees shall use their best judgement when determining whether road conditions are too hazardous to travel. However, employees shall make reasonable efforts to report to work as soon as reasonably possible if County Offices are open. Employees will notify their supervisors or Department Heads as soon as possible of any such absence.

Any FLSA non-exempt employee who reports to work late due to hazardous road conditions will utilize accrued vacation or compensatory leave or, if accrued leave is unavailable, be on an unpaid leave for that period of time.

Employees who are unable to report to work or report to work late due to hazardous road conditions shall not be subject to discipline unless an Appointing Authority determines that an employee abused this policy. In the event the Appointing Authority is in doubt of the existence of hazardous road conditions, verification of conditions with an appropriate agency shall be obtained.

- 6.8.2 **Closure of County Offices.** Except for essential workers, if the County declares County offices closed due to emergency conditions, regular full-time and  $\geq .5$  FTE part-time employees shall receive regular pay for that day. If an employee is on scheduled paid or unpaid leave and County offices are closed due to emergency conditions, that employee shall continue on such leave and are not entitled to additional paid leave. This provision shall not apply for any closure of County offices greater than one (1) week in length. Appointing Authorities shall make the determination as to which employees in their departments are considered essential and, therefore, must report to work during emergency conditions. Emergency Disaster Leave is limited to five consecutive days unless otherwise approved in advance by the Board of County Commissioners.

- 6.9 **Failure to Return from Unpaid Leave.** Any employee who has been granted an unpaid leave of absence and who, for any reason, fails to return to work at the expiration of the approved leave of absence, shall be deemed to have resigned from County employment.

- 6.10 **Maximum Leave Duration: Dismissal.** An employee who has been granted paid leave of any kind (e.g. sick, vacation, compensatory, etc.), and who fails for any reason, to return to work at the expiration of the approved leave will be considered as a voluntary resignation. No paid or unpaid leave may extend for a period longer than six (6) months without approval of the Human Resources Director. Injured workers' compensation leave may have statutory reinstatement rights.



## 7. Employee Family and Medical Leave/Military Family Leave

The County will comply with the Federal Family and Medical Leave Act (FMLA), with the Oregon Family Leave Act (OFLA) and with other federal and state laws providing leave and/or leave benefits for employees' family and/or medical needs, including but not limited to the Oregon Military Family Leave Act. The County posts the mandatory FMLA/OFLA and other notices and, upon hire, provides covered employees with required notices on employee rights and responsibilities in this Rule.

This Rule provides employees with a general description of their FMLA/OFLA rights and responsibilities as well as other leaves. In the event of any conflict between this Rule and the applicable law, employees will be afforded all rights required by law.

If an employee has any questions, concerns or disputes regarding this Rule, the employee must contact the Human Resources Director.

This Rule covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Several types of illnesses and injuries are specifically excluded by law from the definition of serious health condition. Some examples include: Absence because of substance abuse by itself, cosmetic treatment, common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems and periodontal disease.

If an employee utilizes paid sick leave for a condition that progresses into a serious health condition and the employee then requests leave as provided under this Rule, the County may designate all or some portion of the earlier related leave taken as leave under this Rule, to the extent that the earlier leave meets the necessary qualifications.

**7.1 General Provisions.** The County will grant leave as described in this Rule to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid, depending on the circumstances of the leave and as specified in this Rule. The Human Resources Director may adopt forms and specific procedures to implement the terms of this Rule.

**7.2 Eligibility.** To qualify to take family or medical leave under this Rule, an employee must meet all of the following conditions:

**7.2.1 FMLA Eligibility.** The employee must have worked for the County for twelve (12) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven (7) years due to National Guard or Reserve military service obligations or when there is a written agreement, including a

collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

The employee must also have worked at least 1,250 hours during the twelve (12) month period immediately before the date when the leave is requested to commence. Time spent on paid or unpaid leave does not count as hours worked.

**7.2.2 OFLA Eligibility.** The employee must have worked for the County for a period of 180 calendar days immediately preceding the date that leave begins. Additionally, the employee must have worked an average of twenty-five (25) hours per week during the 180 day period, unless the leave is to care for a newborn child or newly placed adoptive or foster child (parental leave), in which case there is no hourly threshold for parental leave eligibility.

**7.3 Type of Leave Covered.** To qualify as FMLA/OFLA leave under this Rule, the employee must be taking leave for one of the reasons listed below:

- A. The birth of the employee's child and/or to care for newborn child within one year of birth.
- B. The placement of a child with the employee under 18 years of age (or older who is incapable of self-care because of a physical or mental impairment) for adoption or foster care and to care for the newly placed child under 18 years of age or older but who is incapable of self-care because of a physical or mental impairment within one year of placement.
- C. To care for a spouse, child or parent with a serious health condition (described below). OFLA leave may also include care for a parent-in-law, grandparent or grandchild or a person with whom the employee is or was in a relationship in loco parentis.
- D. For OFLA leave, home care for a non-serious condition of a child (Sick Child Leave) provided, however, that leave need not be provided if another family member is willing and available to care for the child.
- E. For OFLA leave, to deal with the death of a family member (see Rule 8 – Bereavement Leave).
- F. The serious health condition (described below) of the employee which makes the employee unable to perform one or more of the essential functions of the job and that involves inpatient care or continuing treatment by a health care provider. For OFLA leave, this includes pregnancy related conditions.

- G. For FMLA leave, a qualifying exigency for a spouse, son, daughter or parent who has been notified of an impending call to active duty in support of a military operation in which armed forces are, or may become, involved in actions against an enemy or opposing force, or during a war or national emergency.
- H. For FMLA leave, to care for a spouse, son, daughter or parent or next of kin (nearest blood relative unless another blood relative is specifically designated in writing), who is a military service member and was injured or became seriously ill in the line of duty (Military Care-Giver Leave also known as Covered Service Member Leave).

#### **7.4 Definitions.**

7.4.1 A “Serious Health Condition” is defined under FMLA as an illness, impairment, or physical or mental condition involving one of the following:

- Inpatient care at a hospital, hospice or residential medical care facility; or
- Continuing treatment by a health care provider, which requires one or more of the following:
  - A period of incapacity (inability to work) of more than three (3) consecutive calendar days and subsequent treatment or incapacity relating to the same condition and either: treatment two (2) or more times by a health care provider. These treatments must occur during a thirty (30) day period that begins on the first day of incapacity, unless this is prevented by extenuating circumstances beyond the employee’s control. The first visit must be in-person and must occur within seven (7) days of the first day of incapacity; or
  - Treatment by a health care provider on at least one (1) occasion and that results in a regimen of continuing treatment under the supervision of the health care provider. Again, the first visit must be in-person and must occur within seven (7) days of the first day of incapacity.

A “serious health condition” under OFLA is defined as an illness, injury, impairment or physical or mental condition of an employee or family member that:

- Requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home (with some restrictions, outlined in state law for the use of OFLA leave for family members residing in long term residential care); or
- The treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future; or
- Requires constant or continuing care such as home care administered by a health care professional; or

- Involves a period of incapacity (inability to work or to attend school or perform regular daily activities for more than three (3) consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition). This incapacity must involve two (2) or more treatments by a health care provider or one (1) treatment plus a regimen of continuing care; or
- Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as asthma, diabetes or epilepsy; or
- Involves permanent or long term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment; or
- Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three (3) days; or
- Involves any period of disability of an employee due to pregnancy or childbirth or period of absence for prenatal care.

7.4.2 "Incapacity" is the inability to work, to attend school, or perform other regular daily activities due to the serious health condition, treatment for the serious health condition or recovery from the serious health condition and includes incapacity due to pregnancy.

7.4.3 "Health Care Provider" is defined as the person who is primarily responsible for providing health care to an eligible employee or a family member and who is a doctor of medicine or osteopathy, a physician assistant, a nurse practitioner, a nurse-midwife, a clinical social worker, or a chiropractor (limited) who is authorized to practice medicine or surgery (as appropriate) by the state in which the provider practices within the scope of their practices.

7.4.4 "Treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations.

**7.5 Qualifying Exigency Leaver Under FMLA.** An eligible employee with a spouse, son, daughter or parent called to active duty status in the National Guard or Reserves in support of a contingency operations may take up to twelve (12) weeks of FMLA leave to deal with qualifying exigencies arising out of the relative's call to active duty. This does not apply to family members who are in the regular armed forces, because it is expected that these families are accustomed to the call-up.

Son or daughter for the type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor. The qualifying exigency must be one of the following: 1) short-notice deployment (a call to active duty seven (7) days prior to deployment) – limited to seven (7) calendar days of leaving beginning on the date the military member is notified of deployment, 2) military activities related to the call to active duty, 3) child care and school activities, 4) making or updating financial and legal arrangements, 5) counseling, 6) rest and recuperation (limited to five (5) days per leave to spend with the military member on leave), 7) post-deployment activities, defined as up to 90 days following termination of active duty status, and 8) additional activities that arise out of active duty agreed to by the employer.

If the employee is taking leave to deal with a third party (for example, to make child care arrangements), the employee must provide specific information about this third party and the nature of their meeting so that the employer can verify the need for leave.

**7.6 Military Care Giver Leave under FMLA.** Also known as Covered Service Member Leave, FMLA provides up to 26 weeks of leave to an eligible employee who is the spouse, child, parent or next of kin of a covered service member who is undergoing medical treatment, recuperation, or therapy or is otherwise in outpatient status for a serious injury or illness incurred while on active duty. This leave is available only during a single twelve (12) month period and will be combined with any other FMLA leave the employee takes in the same period. The combined total leave cannot exceed 26 workweeks. The leave year is a single twelve (12) month period that begins with the first day the employee takes leave.

**7.7 Oregon Military Family Leave Act (OMFLA).** During a period of military conflict, an eligible employee who is the spouse of a member of: 1) the Armed Forces of the United States, 2) the National Guard, or 3) the military reserve forces, who has been notified of an impending call or order to active duty or an impending leave from deployment is entitled to up to 14 days of leave per deployment, before deployment and/or during leave from deployment.

An employee intending to take leave under this section must provide notice to the County of the intent to take leave within five (5) business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

Military Family Leave counts against an employee's general OFLA leave entitlement. Eligible employee means an employee who works at least an average of 20 hours per week.

**7.8 Amount of FMLA/OFLA Leave.** An eligible employee can take up to 12 weeks for the reasons listed in 7.3 above during any 12-month period. An eligible employee can take up to 26 weeks for FMLA Military Care Giver Leave during a single 12-month period. The 12-month period is measured as a rolling 12-month period measured forward from the first date an employee uses any leave under this Rule.

For FMLA leave, if both spouses work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the two employees may only take a combined total of 12 weeks leave. If both spouses work for the County and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

For OFLA leave, an employee who uses any leave due to complications with pregnancy is entitled to take up to 12 weeks additional leave in the same leave year for any OFLA qualifying reason. Also for OFLA leave, an employee who uses the full 12 weeks of parental leave may still use up to 12 weeks of sick child leave during the same year.

**7.9 Employee Status and Benefits During Leave.** While an employee is on FMLA, OFLA, or OMFLA leave, the employee's health insurance benefits will continue during the leave period at the same level and under the same conditions as if the employee had continued to work.

If an employee chooses not to return to work after leave for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the employee will be required to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

If an employee pays a portion of a health care premium while on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance Department by the 20<sup>th</sup> day of each month or such other deadline as may be set by the Finance Department. If the payment is more than 30 days late, the employee's health insurance coverage may be dropped for the duration of the leave. The County will provide 15 days' notification prior to the employee's loss of coverage.

If an employee contributes to a life insurance or other benefit plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the County may discontinue coverage during the leave. If the County maintains coverage, the County may recover the costs incurred for paying the employee's share of any premiums from the employee, whether or not the employee returns to work.

An employee is not entitled to the accrual of seniority or employment benefits during a period of leave although any benefits that accrued before the leave began are unaffected

by the leave. Unpaid FMLA/OFLA/OMFLA leave is not credited towards benefits accrual, vesting or eligibility to participate in benefits.

- 7.10 Employee Status After Leave.** An employee who takes leave under this Rule may be asked to provide a fitness for duty clearance from a health care provider. This requirement will be included in the employer's response to a FMLA/OFLA request. Generally, an employee who takes FMLA/OFLA/OMFLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms, provided that such position otherwise still exists. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.
- 7.11 Use of Paid and Unpaid Leave.** FMLA/OFLA may be paid or unpaid, depending on an employee's status and whether or not accrued leave is available. Eligible employees will be required to use all accrued vacation, holiday, personal and compensatory leave prior to being placed in unpaid leave status. Eligible employees who utilize FMLA/OFLA leave for their own or a family member's serious health condition or for parental leave (or for sick child leave under OFLA) will also be required to utilize all accrued sick leave prior to being placed in unpaid leave status. FMLA/OFLA leave begins when eligible leave begins at which time the employee may be in paid or unpaid leave status. FMLA/OFLA leaves run concurrently and both also run concurrently with any qualifying paid leave taken.
- 7.12 Intermittent Leave or a Reduced Work Schedule.** An employee may take FMLA/OFLA leave in 12 consecutive weeks or may, when medically necessary, use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule (which is a change from full time to part time employment with benefits pro-rated per County policy). In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period), unless otherwise required by FMLA or OFLA.

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate an intermittent or reduced schedule in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

- 7.13 Certification for the Employee's Serious Health Condition.** The County may request certification of an employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of leave. Medical certification must be provided using the form prescribed by the County.

The County may directly contact an employee's health care provider for verification or clarification purposes. However, the employee's direct supervisor will not be allowed to make this contact. Before the County makes direct contact with a health care provider, an employee will be given an opportunity to resolve any deficiencies in a medical certification.

The County has the right to ask for a second opinion if it has reason to doubt a medical certification. The County will pay for the employee to get a certification from a second health care provider, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

- 7.14 Certification for the Family Member's Serious Health Condition.** The County may request certification for a family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification must be provided using the form prescribed by the County.

The County may directly contact the employee's family member's health care provider for verification or clarification purposes. However, the employee's direct supervisor is not allowed to make this contact. Before the County makes direct contact with a health care provider, an employee will be given an opportunity to resolve any deficiencies in a medical certification.

The County has the right to ask for a second opinion if it has reason to doubt the medical certification in which case the County will pay for the family member to get a certification from a second health care provider, which the County will select. The County may deny



FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

- 7.15 Certification of Qualifying Exigency for Military Family Leave.** The County may require certification of a qualifying exigency for military family leave. An employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide a certification may result in a denial of leave. Certification must be provided using the forms prescribed by the County.
- 7.16 Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave.** The County may require certification for the serious injury or illness of the covered service member. An employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide a certification may result in a denial of leave. Certification must be provided using the forms prescribed by the County.
- 7.17 Recertification.** The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, if the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. For OFLA leave, the County may provide an employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.
- 7.18 Procedure for Requesting Family Leave.** An employee requesting FMLA/OFLA leave must provide verbal or written notice of the need for the leave to the Human Resources Director. The Human Resources Director will complete and provide the employee with a Notice of Eligibility and Rights. It is also the responsibility of the employee's supervisor to ensure that the Human Resources Director is immediately informed of any employee's need for Family Leave. The Human Resources Director may develop and require the use of a form to request such leave.

When the need for the leave is foreseeable, an employee must provide the County with at least 30 days' notice. When an employee becomes aware of a need for FMLA/OFLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day after becoming aware of the need. When the need for FMLA leave is not foreseeable, the employee must comply with the

County's usual and customary notice and procedural requirements for requesting leave, absent normal circumstances. When the need for OFLA leave is not foreseeable, the employee must give verbal or written notice within 24 hours of starting leave.

- 7.19 Designation of FMLA/OFLA/OMFLA Leave.** The Human Resources Director or designee will complete and provide an employee with a written response to the employee's request for FMLA/OFLA/OMFLA leave designating whether or not the leave qualifies under FMLA/OFLA/OMFLA.
- 7.20 Intent to Return to Work from FMLA/OFLA/OMFLA Leave.** On a basis that does not discriminate against employees on leave, the County may require an employee on FMLA/OFLA/OMFLA leave to report periodically on the employee's status and intent to return to work.
- 7.21 OFLA/Bereavement Leave.** See Section 8.4.1 below.

## 8. Employee Benefits

The County provides a variety of employee benefit programs to assist regular employees and their eligible dependents. This Rule contains a general description of insurance and other benefits to which regular employees may be entitled. Specific benefits for represented employees are set out in their respective collective bargaining agreements. This general description is not intended to, and does not, provide all the details of benefits. Therefore, this Rule does not change or otherwise interpret the terms of the official plan documents. Employees' rights can be determined only by referring to the full text of official benefit plan documents, which are available in the Human Resources Department or the Finance Department. To the extent that any of the information contained in this Rule is inconsistent with official benefit plan documents, the provisions of the official benefit plan documents will govern in all cases. Temporary employees are not entitled to benefits under this Rule except as required by State law and/or explicitly mentioned below.

Nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the County and its employees, retirees, or other dependents. The County retains the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefits plans described herein, including the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein.

### 8.1 Health and Welfare Benefits.

8.1.1 Eligibility. Full-time regular employees and .5 FTE or greater part-time regular employees are eligible to enroll in County group medical, dental, and life insurance plans. All benefits listed under Section 8.1 are effective the first of the month following thirty (30) calendar days of service. Dependents of employees are also eligible for coverage under the County health insurance plan. "Dependents" is defined in the Plan documents, and is described in 8.1.6 below. Regular part-time employees who are .5 FTE or greater and any full-time employee who contributes to a monthly insurance premium may choose to waive the insurance coverages described below. Temporary employees and part-time employees whose regular work schedules are less than .5 FTE are not eligible for medical/dental/life benefit coverage.

8.1.2 Benefits. The specific terms and conditions of coverage are specified in the plan documents for health insurance issued by an insurance company, which are available in the Human Resources Department or the Finance Department.

8.1.3 Plan Modifications. From time to time, the Human Resources Director, in conjunction with the Health Benefits Committee, for as long as that Committee is active and functional, will evaluate the health coverage plan(s) to be offered and will make recommendations to the Board of County Commissioners related to benefits plans.

- 8.1.4 Medical Plan/County Contribution. Each eligible employee may choose to be covered by a medical insurance plan offered by the County. The County will pay the premiums for each plan, details which are available in the Human Resources Department or the Finance Department. The County will pay a pro-rated amount towards the premium for .5 FTE or greater part-time employees based on premium amounts paid for full-time employees in proportion to the normal hours worked for .5 FTE or greater part-time regular employees.
- 8.1.5 Dental Plan/County Contribution. Each eligible employee may choose to be covered by a dental insurance plan offered by the County. The County will pay the premiums for each plan, details which are available in the Human Resources Department or the Finance Department. The County will pay a pro-rated amount towards the premium for .5 FTE or greater part-time employees based on premium amounts paid for full-time employees in proportion to the normal hours worked for .5 FTE or greater part-time regular employees.
- 8.1.6 Coverage for Dependents. Dependents (spouses or children) covered under the County's health plan lose their eligibility for the insurance when a divorce occurs (for spouses) and when children reach age 26, unless otherwise provided by law. Employees have the responsibility to inform the County no later than 60 days after an event occurs that ends dependent(s) eligibility. ***Any employee who fails to notify the County within 60 days of loss of eligibility of any dependent(s) will be responsible for any cost difference in premium payment which the County cannot recoup from the insurance company.***
- 8.1.7 Life Insurance Plan/County Contribution. Full-time regular employees are covered by County paid term life insurance in the amount set out in Appendix A with an accidental death and dismemberment rider. The County will pay a pro-rated amount towards the premium for .5 FTE and greater part-time employees based on premium amounts paid for full-time employees in proportion to the normal hours worked for .5 FTE or greater part-time regular employees.
- Employees may purchase additional life insurance and long term disability coverage through the plan offered by the County. The premium shall be deducted from the employee's monthly paycheck.
- 8.1.8 VEBA Plan. The County shall fund VEBA accounts for eligible employees as set out in Appendix A. Upon retirement, an employee may have their sick and/or vacation payouts deposited into the VEBA account tax free based upon the annual employee vote. Each plan group must vote annually to determine how retirement payments are issued. The IRS does not allow for individual choice.
- 8.1.9 Other Benefits. The County may provide employees with optional benefits to be paid as payroll deductions such as flexible spending accounts and supplemental insurance programs. Details regarding such plans are available in the Human Resources Department or the Finance Department.

- 8.1.10 Continuation of Benefits. The County shall continue to pay insurance premiums for which an employee is otherwise eligible for employees on authorized leaves of absence without pay due to non-job related illness or injury, not to exceed three (3) months.

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plans when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; or when a dependent child no longer meets eligibility requirements.

Under COBRA, an employee or beneficiary pays the full cost of coverage at the County's group rates plus an administrative fee, if any. The County shall provide each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. The notice contains important information about the employee's rights and obligations.

The County will also comply with the provisions of ORS 243.303 which require that employees who retire from County service be given the opportunity to continue to carry health insurance coverage through the County's plan(s), at their own expense, until eligible for Medicare coverage.

## **8.2 Retirement Benefits.**

- 8.2.1 Public Employees Retirement System (PERS). The County shall participate in PERS and shall pay the required employer contribution as calculated by the PERS Board. The County will pick up the 6% employee contribution for all employees who qualify for PERS coverage.

- 8.2.2 Deferred Compensation. Regular employees may defer a portion of their taxable income by participation in a Section 457 deferred compensation plan offered through the County. Initial enrollment may be made at any time during the year for earnings beginning the first of the following month. Changes in contribution and other particulars are governed by the terms and conditions of the plan, which is available in the Human Resources Department or Finance Department.

Prior to retirement, participants may withdraw the balance of their deferred compensation account only upon separation of employment with the County. In the event of an unforeseeable emergency, that portion of the account needed to pay for the emergency may be withdrawn. The Internal Revenue Service (IRS) defines the conditions and restrictions of contributions and withdrawals from deferred compensation plans and requires employer approval of early withdrawal on a hardship basis. The Human

Resources Director must review and approve all requests for early withdrawal based on IRS guidelines.

### **8.3 Leave Benefits.**

8.3.1 Eligibility. Full-time regular employees and .5 FTE or greater part-time regular employees are eligible for leave benefits from the County. Regular part-time employees who are .5 FTE or greater receive leave benefits pro-rated based on the employee's FTE. Temporary employees, and part-time employees whose regular work schedules are less than .5 FTE are not eligible for leave benefits except for sick leave and Veterans' Day leave as outlined below as well as any other leave required by Federal or State law.

8.3.2 Holidays. The following days shall be recognized and observed as paid holidays effective on the date these Rules are adopted:

New Year's Day (January 1)  
 Martin Luther King Jr's Birthday (third Monday in January)  
 President's Day (third Monday in February)  
 Memorial Day (last Monday in May)  
 Juneteenth (June 19)  
 Independence Day (July 4)  
 Labor Day (first Monday in September)  
 Veterans' Day (November 11)  
 Thanksgiving Day (fourth Thursday in November)  
 Day after Thanksgiving  
 Christmas Day (December 25)  
 Half Day on either the day before Christmas or the day before New Year's Day  
 Two floating holidays (must be taken during the fiscal year)

Temporary employees who are veterans as defined by State law shall be eligible to take unpaid leave on the Veterans' Day holiday provided the employee would otherwise be required to work on that day and the employee provides the supervisor with at least 21 calendar days' notice that the employee intends to take leave on Veterans' Day. The County may request documentation showing that the employee is a veteran and may deny or limit the leave as provided for in State law.

8.3.2(a) Weekend Holidays. Whenever a holiday falls on a Sunday, the succeeding Monday shall be observed as the holiday. Whenever a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

8.3.2(b) Holidays Which Fall on Regular Days Off. Whenever a holiday falls on an employee's regular day off, the employee shall either take the preceding day off unless the day is a Monday in which case the succeeding Tuesday shall be taken as the holiday. In the alternative, with a supervisor's approval, an employee may accrue the holiday as leave to

be taken on a different day within the fiscal year. Any such holiday leave accrued but not used by June 30 of each year shall be forfeited and not paid.

8.3.2(c) Holiday Pay. Eligible regular full-time employees shall receive 7.5 (for 37.5 hour week) or 8 (for 40 hour week) hours pay for each of the holidays listed above on which they perform no work. Part-time regular employees whose FTE is .5 or greater shall receive holiday pay based on a full 37.5 or 40 hour week, in proportion to the number of hours normally worked in a week. Employees who have longer work days due to a modified schedule shall utilize vacation or compensatory time to make up the difference in holiday pay in excess of 7.5 or 8 hours, as applicable, or may revert to a regular 5/8 work schedule during a week in which a holiday falls.

8.3.2(d) Holiday During Leave. If an employee is on authorized leave with pay when a holiday occurs, the holiday shall be paid and not charged against sick or vacation leave accruals.

8.3.2(e) Eligibility for Holiday Pay. An employee is eligible to receive holiday pay only if present or on paid leave on the scheduled work day immediately preceding and immediately following the holiday.

8.3.2(f) Floating Holidays. Two (2) floating holidays shall be credited to employees who are on the payroll as of July 1 of each fiscal year. One (1) floating holiday shall be credited to employees hired between July 1 and January 1 of each fiscal year. No floating holidays shall be granted to employees hired between January 2 and June 30 of any fiscal year. Floating holidays must be used by June 30 of each fiscal year and shall not be allowed to accumulate to the following fiscal year. Floating holidays will not be paid upon separation from the County.

8.3.2(g) Work Performed on Holidays. Overtime wages shall be earned for work required to be performed on an observed holiday, in addition to regular pay for the holiday.

### 8.3.3 Vacation Leave.

8.3.3(a) Accrual of Vacation Leave. All full-time regular employees shall be credited with vacation leave according to the schedule listed below. Part-time employees whose FTE is .5 or greater shall accrue vacation leave in an amount proportionate to that which would be accrued if employed full-time. No employee shall take paid vacation leave prior to completing six (6) full months of employment with the County. Leave shall accrue to the employee's leave balance account at the end of each calendar month. Employees may not utilize leave which is not yet accrued.

Completed Years of Service	Hours Accrued	
	37.5 Hour Week	40 Hour Week
0 through 5 Years	7.5 Hours Per Month	8 Hours Per Month
5+ through 10 Years	9.375 Hours Per Month	10 Hours Per Month

10+ through 15 Years	11.875 Hours Per Month	12.667 Hours Per Month
15+ through 20 Years	13.125 Hours Per Month	14 Hours Per Month
20+ Years	15 Hours Per Month	16 Hours Per Month

8.3.3(b) Maximum Accrual. The maximum accrual of vacation leave for any employee shall be four hundred (400) hours except for employees who have twenty (20) or more years of service, in which case, the maximum accrual of vacation leave shall be five hundred (500) hours (see below for maximum payment of accrued vacation leave). The Board of County Commissioners may authorize individual exemptions to this limitation. An employee seeking an exception shall submit a written request to the Human Resources Director. Unless an exception has been granted, an employee will not accrue vacation leave in excess of the maximum accrual. An employee shall be given reasonable opportunity to utilize vacation leave prior to loss of accrual of benefits.

8.3.3(c) Vacation Schedule. An employee shall make a request for vacation leave using the method established by the Appointing Authority. To allow for appropriate staff scheduling, a request for vacation leave should occur in a timely manner, as established by the Department Head. A request shall be approved unless it is contrary to the needs of the department. Conflicts in scheduling shall be resolved by the Appointing Authority usually using seniority in the department as the determining factor. However, a more senior employee will not be granted leave if a less senior employee has already requested and been granted leave. Supervisors and Department Heads should check collective bargaining agreements for vacation scheduling procedures and prepare department procedures following these guidelines for leave requests.

8.3.3(d) Payment of Vacation Upon Resignation, Dismissal, Layoff or Death. An employee who resigns, is dismissed, laid off or dies before completing six (6) months service with the County shall not be compensated for accrued vacation leave. If an employee has completed six (6) months of service and resigns, is dismissed, laid off or dies, the employee or the estate shall receive cash compensation for up to a maximum of 400 hours of accrued vacation leave. Employees who separate from County service after the 15<sup>th</sup> of the month, but before the last day of the month, and are otherwise eligible to receive payment for vacation leave accrual, shall be paid for the full leave accrual for that month. Employees who separate before the 15<sup>th</sup> of the month shall not be paid for any leave accrual for that final month.

8.3.3(e) Transfer of Vacation Leave. In the event of an employee's separation from County employment due to the employee's death or terminal diagnosis, other employees may choose to donate up to sixty (60) hours of accrued vacation time each. An employee receiving such a donation may not receive payment upon separation of more than 400 hours.

#### 8.3.4 Sick Leave.



8.3.4(a) Accrual of Sick Leave – Regular Employees of .5 FTE or Greater. Full-time regular employees who work a 37.5 hour work week shall accrue sick leave at a rate of 7.5 hours per month. Full-time regular employees who work a 40 hour work week shall accrue 8 hours of sick leave per month. Part-time regular employees whose FTE is .5 or greater shall accrue sick leave in an amount proportionate to that which would be accrued if employed full-time. Leave shall accrue to the employee's leave balance account at the end of each calendar month. Employees may not utilize leave which has not yet been accrued.

8.3.4(b) Accrual of Sick Leave – Temporary Employees and/or Regular Employees Less Than .5 FTE. Sick leave will accrue for all employees not subject to 8.3.4(a) above at the rate of 1 hour for every 30 hours worked, starting on the first day of hire. Employees may begin to utilize this leave on their 91<sup>st</sup> day of employment with the County. While employees subject to this section may accrue up to 80 hours of sick leave in a calendar year, they may utilize only up to 40 hours of accrued sick leave in any one calendar year. Up to 40 hours of unused accrued sick leave may carry over from the end of one calendar year to the beginning of the next calendar year. This leave may be used by an employee to care for the employee's own health condition or that of a family member. Employees may also use this leave for any purpose allowed under OFLA (including stalking, domestic violence and bereavement leave). There shall be no payment of accrued sick leave under this Section upon the employee's separation from County employment.

8.3.4(c) Maximum Accrual. Regular .5 FTE or greater employees may accrue sick leave up to a limit of 2080 hours. Once this limit is reached, sick leave will not accrue to an employee until such time as the sick leave accrual balance becomes less than the maximum accrual.

8.3.4(d) Use of Sick Leave. An employee who is unable to perform the employee's duties by reason of personal illness or injury, pregnancy, necessity of medical or dental care, exposure to contagious disease or serious illness in the employee's immediate family requiring the attendance of the employee, may utilize accrued sick leave. See Rule 7 for sick leave absences covered under FMLA/OFLA. Absence to attend to an ill family member shall be limited to the time the employee's presence is actually required. Employees have the obligation to make other arrangements within a reasonable period of time for the care of immediate family members. A physician's statement regarding the nature of the illness, the need for the employee's absence and the estimated duration of the absence may be required at the discretion of the Appointing Authority for absences over three (3) days or whenever the County feels justification is required.

In the case of the employee's own illness or injury, notification should be given of the employee's intent to use accrued sick leave as soon as possible. When using leave which is foreseeable, the employee shall give the Appointing Authority sufficient notice to plan for staffing during the employee's absence. The employee shall notify the Appointing Authority as soon as a health care provider releases the employee to return to work.

In all cases, for sick leave absences of more than one (1) week, the employee is required to comply with FMLA/OFLA notice and certification requirements (See Rule 7).

Sick leave shall only be used for authorized reasons described in this Rule regardless of accruals and the maximum accrual limit. Abuse of sick leave benefits shall be cause for discipline up to and including dismissal. Disciplinary action may include a provision that an employee be required to furnish a physician's certificate for each use of sick leave following the abuse for a designated period of time.

8.3.4(e) Voluntary Transfer of Accrued Sick Leave. This Section is intended to allow employees to transfer accrued sick leave to an employee who is ill or injured. Transfer of sick leave is a free and voluntary act and no employee should feel compelled to donate sick leave unless the employee desires to do so.

If an employee uses all available accrued sick leave due to illness or injury and has exhausted all other leave balances, but remains unable to return to work, other employees may transfer accrued sick leave to the credit of the ill or injured employee. Sick leave transfers may be made only in units of whole hours. No employee may transfer more than forty (40) hours of sick leave to another employee during any fiscal year. When a sick leave transfer is processed, it is permanent and irrevocable. No employee in an initial probationary period may receive a transfer of sick leave of more than a total of forty (40) hours during the first six (6) months after hire and no more than a total of eighty (80) hours during the first twelve (12) months after hire. No regular employee shall be eligible to receive more than 240 hours of donated sick leave in any fiscal year.

Transferred sick leave shall not have any cash value and will not be paid upon separation from County employment.

Sick leave may not be transferred to cover periods of extended absence where illness or injury is not the principal reason for the leave.

Transfers of sick leave must be in writing and must be received by Payroll on or before the due date for time sheets in any month. The County has no obligation to retroactively pay transferred sick leave for a prior payroll period.

8.3.4(f) Sick Leave Without Pay. Upon written request from an employee, sick leave without pay may be granted by the Appointing Authority provided all available accrued leave, including sick, vacation, compensatory and holiday leaves have been exhausted.

8.3.4(g) Payment of Accrued Sick Leave Upon Retirement, Layoff or Death. Upon completion of at least five (5) years of consecutive service in County employment, full-time regular employees and part-time regular employees whose FTE is .5 or greater are eligible for payment of a portion of accrued sick leave balances. If such an employee retires, is laid off, or dies, the County shall pay up to 50% of the accrued sick leave balance for that

employee up to a maximum of 520 hours at the employee's regular rate of pay. Employees who separate from County service after the 15<sup>th</sup> of the month, but before the last day of the month, shall be paid for leave accrual for that month. Employees who separate before the 15<sup>th</sup> of the month shall not be paid for any accrual for that final month.

**8.3.5 Personal Leave.** Regular employees, who are exempt from overtime under federal or state law will receive personal leave subject to this Rule:

- A. Eligible employees will receive three (3) days per fiscal year of personal leave. Employees who are not on the payroll as of July 1 will not receive personal leave for the fiscal year.
- B. No carry-over of unused personal leave to the next fiscal year shall be allowed.
- C. Personal leave may only be taken in increments of full work days.
- D. Employees are expected to use good judgment when using personal leave.
- E. No employee will be allowed to use more than the maximum days of personal leave provided in this Rule.
- F. Employees who work less than full-time shall not be eligible for personal leave.
- G. Employees are not entitled to receive compensation for personal leave upon resignation, retirement, dismissal, lay off or death.

**8.4 Other Leaves.** Full-time regular employees and .5 FTE or greater part-time regular employees are eligible for other leave benefits from the County as described below. Regular part-time employees who are .5 FTE or greater receive other leave benefits pro-rated based on the employee's FTE. Temporary employees, and part-time employees whose regular work schedules are less than .5 FTE are not eligible for other leave benefits.

**8.4.1 Jury Duty and Witness Leave.** An employee shall be granted leave with pay any time they are required to report to jury duty or as a witness in cases in which the employee or County has no interest. An employee shall reimburse the County all witness fees or pay for jury duty, except mileage expenses, unless the employee receives said compensation while on an authorized leave of absence. With the exception of certain County related litigation, employees shall not be compensated for hours of work missed due to litigation in which they hold a personal interest.

Employees who are required to report for jury duty or as a witness shall not be required to appear for their normal shift on that work day if the jury or witness responsibilities

exceed four (4) hours. If jury duty or witness responsibilities constitute four (4) hours or less, employees on the day shift shall report for the remainder of their work day. Employees on other than day shift shall have the number of hours spent on jury or witness duty deducted from their normal shift on that work day and shall report for the remaining hours of their work shift.

Employees shall not be compensated for jury duty or witness duty outside regular work hours.

- 8.4.2 **Military Leave.** Military leave shall be granted in accordance with federal (the Uniformed Services Employment and Reemployment Act – USERRA) and state law. The County notifies employees of their rights under USERRA by posting a notice prepared by the Veterans’ Employment and Training Services (VETS) on employee bulletin boards. Employees who are granted military leave have the right to return to the same position upon completion of military deployment as long as an employee returns within the timelines below.

Employees must provide a copy of military orders to the Human Resources Department prior to leaving for training exercises or deployment. Employees who are deployed for thirty (30) days or less must return to work at the start of the next work period after service ends. For deployments lasting 31 to 180 days, employees must return to work within 14 days of completing service requirements. For deployments lasting more than 180 days, employees must return to work within 90 days of completing service requirements.

- 8.4.3 **Bereavement Leave.** A probationary or regular employee shall be granted up to five (5) days of paid bereavement leave, as may be necessary as a period of mourning, to make household adjustments, arrange for funeral services, or to attend funeral services in the event of a death in the employee’s immediate family.

In addition, an OFLA eligible employee is entitled to take up to two (2) weeks of OFLA leave (see Rule 7) upon the death of each family member of the employee within any one year period, except that the leave to deal with the deaths of family members may not exceed the total maximum allowed leave under OFLA. All leave taken under this section shall qualify as OFLA leave for eligible employees. Leave in excess of five (5) days is unpaid except as provided for in this and other sections of these Rules.

Employees must provide notice of the need for bereavement leave as soon as possible but in no event after 24 hours of taking leave.

Employees are expected to use only the amount of bereavement leave necessary. For purposes of bereavement leave, “immediate family” is defined as the spouse, domestic partner, son, daughter, grandparents, grandchildren, mother, father, brother or sister of the employee or the employee’s spouse or domestic partner, or the aunt, uncle, niece,

nephew, stepparent or stepchild of the employee or any relative regularly residing in the employee's home. Bereavement leave may also be authorized by the Human Resources Director at his/her sole discretion in circumstances justified by an employee who enjoyed an exceptional relationship with a person not falling within the definition of "immediate family".

Use of accrued sick leave and/or vacation may be authorized during extended OFLA bereavement leave beyond the five (5) days of paid leave.

Proof of death and relation to the employee may be required.

- 8.4.4 Domestic Violence Leave. The County will comply with federal and state law protecting crime victims and victims of domestic violence and will grant eligible employees a reasonable leave of absence to make arrangements related to domestic violence, harassment, sexual assault, or stalking experienced by the employee, the employee's minor child/dependent, or the employee's adult dependent child substantially limited by a physical or mental impairment. These arrangements might include such things as seeking medical treatment, obtaining counseling, relocating, getting legal advice or making contact with law enforcement personnel.

An employee is required to give reasonable notice of the need for leave to the extent notice is feasible. The employee is also required to provide documentation regarding the events leading to the need for leave. This documentation could include police reports, medical and/or counseling documentation, attorney records, etc. The Human Resources Director will keep such information confidential.

There is no fixed time period for this leave and it will be granted to the extent it is necessary and does not create an undue hardship or cause significant difficulty or expense to the County. Crime Victims' Leave is unpaid. However, an employee may utilize accrued vacation, sick or other accrued paid leave for this purpose.

- 8.4.5 Lactation Breaks. An employee may take lactation breaks as frequently as needed until their baby is 18 months of age. If an FLSA non-exempt employee takes a lactation break at the same time as a paid rest break, the break is paid. Otherwise, lactation breaks are unpaid. The County will provide a reasonable space to provide privacy for employees to use for lactation breaks.

## 9. Training

- 9.1 **General Training Activities.** The County shall encourage and promote training opportunities for employees and supervisors to ensure that services rendered to the County may be made more effective. The Human Resources Director shall assist the departments in meeting training needs and shall work in cooperation with the departments to encourage the development of training programs designed to meet personnel needs.
- 9.2 **Orientation of New Regular Employees.** The Human Resources Department shall provide an orientation to familiarize new regular employees with their obligations and rights and to inform them about the general functioning of County government. Departments shall provide additional orientation specific to the department and position.
- 9.3 **Authorized Travel and Training Attendance.** Food, lodging and travel expenses shall be paid by the County to an employee in accordance with Rule 18 according to the IRS per diem schedule and receipt of a properly detailed County expense form. See Rule 18 for additional information on travel.
- 9.4 **Tuition Reimbursement.** The County shall pay the tuition and costs of instructional material to any employee required by the County to attend a regular course of instruction. An employee who voluntarily attends courses which are directly related to the business of the County may receive tuition from the County if the employee has successfully completed the course of instruction, if prior to the employee attending the course of instruction, the County agreed, in writing, to pay tuition costs. The Appointing Authority shall determine if the course of instruction is directly related to the business of the County.

## 10. Safety and Workers' Compensation

**10.1 General Policy.** The County believes that safe working conditions for each of its employees can be attained through the proper use of safety equipment, by proper job instruction, frequent review of safe work practices and adequate supervision. The purpose of this Rule is to define the County policy and establish responsibility for the administration and coordination of an effective safety program, which includes the County's obligation to provide workers' compensation insurance.

### **10.2 General Responsibility.**

**10.2.1 County Responsibility.** It shall be the responsibility of the Board of County Commissioners to ensure the prevention of injury, illness and accidents. The County will provide direction and full support to supervisors and employees regarding all safety and health procedures, job training and hazard elimination practices. All County officers and officials are directed to continuously and effectively assist in the administration of the County's Safety Committee, safety programs, and policies, to monitor work practices and conditions, to promote safety awareness within the departments and to eliminate or report to the Safety Committee hazardous conditions and practices. It shall be the responsibility of the Human Resources Director to coordinate the administration of the County's safety program.

**10.2.2 Supervisor Responsibility.** Supervisors are directly responsible for supervising and training their workers. This includes implementing proper procedures, work practices and safe methods to do the job. Supervisors shall enforce County rules and take immediate corrective action to eliminate hazardous conditions and practices. Supervisors shall not permit safety to be sacrificed. In addition, supervisors will be held accountable for all safety and health practices.

**10.2.3 Safety Committee.** The Safety Committee shall consist of management and employee representatives from within the County. The Committee is responsible for making recommendations on how to improve safety and health in the workplace. The Committee is also responsible for accident prevention procedures, identifying hazards and recommending corrective actions, as well as identifying employee safety training needs, and establishing accident investigation procedures for the County. See County Safety Charter and Policy, separate from these Rules.

**10.2.4 Employee Responsibility.** All employees are required, as a condition of their employment, to follow all established safety policies and procedures. Each employee is expected to cooperate in all aspects of the County's safety and health program. Accidents that result due to employee negligence may subject such employee to disciplinary action. Employee obligations include compliance with the following:

- A. Accidents must be reported immediately to a supervisor.
- B. Required personal protective equipment must be worn by all employees. There are no exceptions.
- C. Hazardous conditions and other safety and health concerns must be reported to a supervisor immediately.

**10.3 Safety Policy/Rules.** The safety policies and rules adopted separately by the Board of County Commissioners are incorporated by this reference.

**10.4 Workers' Compensation.** All employees are insured under the provisions of the Oregon State Workers' Compensation Act for injuries received while on-the-job for the County.

**10.4.1 Reporting On-The-Job Injuries.** Employees have the right and duty to report on-the-job injuries and will not be discriminated or retaliated against for any report.

Any employee involved in an on-the-job injury or illness must report the incident to a supervisor and, if medical care was sought, complete the required workers' compensation Report of Injury or Illness (Form 801) within 24 hours of the incident unless medically unable to do so, in which case the Report shall be completed by the employee as soon as possible. Supervisors must report all on-the-job injuries or illnesses to the Human Resources Director within 24 hours, or as soon as complete.

**10.4.2 Leave For On-the-Job Injury.** The day of an on-the-job injury or illness shall be considered a work day and the employee will receive normal salary for that day. Thereafter, in order to receive workers' compensation leave, the need for the leave must be certified by a medical provider, and the employee must have completed the workers' compensation forms as well as any forms required by the Human Resources Department or the Columbia County Safety Committee.

A regular full-time or .5 FTE or greater part-time employee who sustains any injury compensable under the workers' compensation law, in addition to any compensation paid to the employee under the law, shall receive from the County, in lieu of wages, the difference between compensation payments and the amount of the employee's regular gross wage, less amounts ordinarily withheld from straight time wages for State and Federal income taxes and Social Security contributions, for a period not to exceed ten (10) business days from the date upon which workers' compensation payments commence. After the ten (10) business days, the employee may utilize vacation, compensatory time or sick leave at the rate of one-quarter (1/4) of the regular work day per each day on leave to cover the difference between workers' compensation payments and the employee's pay under the workers' compensation leave provision.



An employee may utilize workers' compensation leave only while the employee is medically unable to work due to a compensable work injury. The need for leave must be verified, in writing, by a health care provider. Workers' compensation leave will run concurrently with FMLA leave where applicable. Employees shall not receive service credit after the ten (10) business days workers' compensation leave, unless paid leave accruals are being used. Any leave taken due to an on-the-job injury or illness shall be reported on the employee's time sheet as such.

Any amounts received by an employee in time loss payments from the workers' compensation insurance carrier for any hours also paid to the employee by the County shall be deducted from the employee's paycheck.

Procedures for filing workers' compensation injury forms and County accident report forms, as well as notification procedures regarding length of absence and return to work shall be established by the Human Resources Director.

It shall be the responsibility of an employee to notify the Appointing Authority for their department as soon as the employee is permitted to return to work on a limited or full time basis. Failure to notify the Appointing Authority shall be cause for disciplinary action. The Appointing Authority or supervisor shall work in conjunction with the Human Resources Director to ensure that an appropriate physician's statement regarding the return to work without restrictions or return to work with restrictions is obtained. The release to return to work must be received prior to the first day back to work to ensure any restrictions may be accommodated. The Human Resources Director will consult with the Appointing Authority to determine if accommodations are needed and to ensure implementation of the accommodations where necessary. The Human Resources Director shall implement an Early Return to Work policy and all departments shall comply with that policy. All medical documentation will be retained in the Human Resources Department in the confidential medical files.

For FLSA non-exempt employees, if ongoing medical treatment is necessary during work hours after an employee has returned to work on a limited or regular basis, the employee may utilize accumulated vacation, compensatory, or sick leave to receive payment for such time away from work.

During leave for a verified workers' compensation claim, the County shall continue full insurance coverage for employees enrolled prior to the workers' compensation injury or illness for a period not to exceed six (6) months from the date of injury.

- 10.4.3 Settlement of Injury Claims. Occasionally, an employee's work-related injury or illness results from the negligent or wrongful acts of a third party for which the employee, the County, and/or other insurers are entitled to recover civilly. When an employee sustains a work-related injury or illness caused by another person and is then approached by such person or an agent of that person, insurance company or attorney and offered a

settlement of claims, that employee shall notify the employee's supervisor of the contact and provide a written report. The supervisor shall relay the report to the Human Resources Director.

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to a work-related injury or illness, the employee shall provide the Human Resources Director with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Human Resources Director. The purpose of such notice is to permit the County to determine whether or not the offered settlement will affect any claim the County may have regarding the payment for damage(s) to equipment or reimbursement for wages against the person who caused the injury or illness and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

**10.5 Workplace Violence.** The safety and security of County employees, customers, vendors, and contractors and the general public are of vital importance to the County. Therefore, the County will not tolerate acts of violence made by an employee against another person's life, health, well-being, family or property. Employees found guilty of violence will be subject to discipline up to and including immediate dismissal. The County expressly prohibits the following:

- A. Any act or threat of violence made by an employee against another person's life, health, well-being, family or property.
- B. Intimidation, harassment, or coercion by an employee.
- C. Endangerment of employees, customers, vendors, contractors or the general public.
- D. Acts or threats of violence including those made directly or indirectly by words, gestures, or symbols.
- E. Use or possession of a weapon on County premises, in County vehicles or while conducting business for the County. The sole exception is for those employees in the Sheriff's Office and Community Justice who are expressly authorized to possess and use weapons as part of their regular job duties. Possession of a concealed handgun license does not override this prohibition.

Employees are required to report to their supervisor or the Human Resources Director any behavior that compromises the County's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except when there is a business need to share the report.

- 10.6 Drug and Alcohol Policy.** The County has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of County employees and to the security of the County's equipment and facilities. For these reasons, the County is committed to the elimination of drug and alcohol use and abuse in the workplace.

The County will comply with all federal and state rules and regulations regarding drug and alcohol testing including, but not limited to, the rules of the Federal Department of Transportation and the DOT Clearinghouse.

- 10.6.1 Employee Assistance.** The County will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other County policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including dismissal.

Employees must report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. An employee must, however, consult with their doctor about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

**10.6.2 Workplace Prohibitions.**

1. Whenever employees are working, operating any County vehicle or equipment present on County premises, or are conducting County-related work offsite, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (including possession of drug paraphernalia).
  - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
  - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body, while performing County business or while in a County facility, is prohibited.

3. Employees are not allowed to perform their duties while taking prescribed drugs that may adversely affect their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.
4. Any illegal drugs or drug paraphernalia will be turned over by the County to an appropriate law enforcement agency and may result in criminal prosecution.

#### 10.6.3 Required Testing.

**Pre-Employment:** Applicants being considered for hire may be required to pass a drug test before beginning work. Refusal to submit to testing will result in disqualification for employment and the applicant will not be allowed to retest. Applicants will be required to submit a urine sample at a facility as directed by the County.

**Reasonable Grounds:** Employees are subject to testing based on (but not limited to) observations of apparent workplace use, or possession or impairment. Human Resources and/or County Counsel should be consulted before sending an employee for testing. The Appointing Authority must use the Reasonable Grounds Observation Checklist to document specific observations and behaviors that create reasonable grounds that an employee is subject to testing. Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or water eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching)
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable grounds testing is warranted, both the Appointing Authority and Human Resources will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two (2) hours. Refusal by an employee will be treated as a positive drug test result and may result in dismissal.

*Under no circumstances will an employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.*

**Post-Accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a County vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring medical attention.

In any of these instances, an investigation and subsequent testing must take place as soon as possible but no later than two (2) hours following the accident. Refusal by an employee will be treated as a positive test result and may result in dismissal.

*Under no circumstances will an employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.*

**10.6.4 Collection and Testing Procedures.** Employees subject to alcohol testing will be transported to a County designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If the employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be breath, blood or saliva test, at the County's discretion. For purposes of this Rule, test results generated by law enforcement or medical providers may also be considered by the County.

An employee subject to drug testing will be transported to a County-designated testing facility and directed to provide a urine specimen. Employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of illegal drugs, including but not limited to marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by the County, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the employee's own expense. Such requests must be made within 72 hours of notice of test results. If a second facility fails to find any evidence of drug use in the split specimen, the employee will be treated as passing the test. In no event should a positive test result be communicated to the County until such time that the MRO has confirmed the test to be positive.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy may be dismissed. If the employee refuses to be tested, yet the County believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Employees who test positive, or otherwise violate this Rule, will be subject to discipline, up to and including dismissal. Depending on the circumstances, the employee's work

history/record and any state law requirements, the County may offer an employee who violates this policy or tests positive, the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, including rehabilitation, which could include follow-up drug testing at times and frequencies determined by the County for a minimum of one year but not more than two years as well as a waiver of the right to contest an termination resulting from a subsequent positive test. If the employee either does not complete a rehabilitation program or tests positive after completing a rehabilitation program, the employee will be immediately dismissed from employment.

An employee will be paid for time spent in alcohol or drug testing. An employee will be placed on unpaid leave or may utilize accrued vacation leave or compensatory leave pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test. This meeting will include the Appointing Authority, a union representative (if requested and employee represented), and the Human Resources Director. An employee will receive back pay for the times/days on leave if results are negative.

#### 10.6.5 Definitions.

“County premises” includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the County or any site on which the County is conducting business.

“Illegal drug” means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

“Under the influence of alcohol” means having a blood alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

“Under the influence of drugs” means a confirmed positive test result for an illegal drug. In addition, it means the misuse of legal prescription drugs when there is no valid prescription for the drug in the course of medical treatment or the employee is impaired (containers must include the patient’s name, the name of the substance,

quantity/amount to be taken and the period of authorization). An employee may also be under the influence of drugs if use of over the counter drugs causes impairment.

## **10.7 Drug Free Workplace Policy.**

10.7.1 Purpose. The purpose of this Policy is to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace.

The County and its officers, agents and employees are subject to the Drug Free Workplace Act of 1988. This Policy is established to comply with the County's obligations under the Drug Free Workplace Act of 1988 (41 U.S.C. Section 701 et. seq.) and impending Federal regulations.

10.7.2 Establishment of Drug Free Awareness Program. The County has established a Drug-Free Awareness Program to inform employees of the:

- A. Dangers of drug abuse in the workplace;
- B. Existence of and content of this Policy for maintaining a drug-free workplace;
- C. Availability of drug counseling, rehabilitation, and employee assistance programs, if any; and
- D. Penalties that may be imposed for drug abuse violation occurring in the workplace.

## **10.7.3 Policy.**

Prohibition. An employee shall not unlawfully manufacture, distribute, dispense, possess, or use a controlled substance in the workplace. The following is a non-exclusive list of prohibited conduct:

- A. The buying, selling, or providing controlled substances while on County property or in County vehicles or equipment, or during work hours, including rest and meal periods.
- B. Being at work under the influence of alcohol, or consuming alcohol while in County vehicles or equipment at any time or on County property during work hours, including rest and meal periods.
- C. Possession of any controlled substance while on County property or in County vehicles or equipment at any time, or during work hours, including rest and meal periods.
- D. Being at work under the influence of drugs while on County property or in County vehicles or equipment at any time, or during work hours, including rest and meal periods.
- E. Use of a prescribed drug or over the counter medicine outside of its directed use, which results in the impairment of job performance.

Application. This Policy applies to all exempt, unclassified, classified and temporary employees as defined herein. Each such employee shall be provided with a copy of this Policy.

Compliance with Policy. An employee shall, as a condition of employment, abide by this Policy.

Violation. Any violation of this Policy will subject the employee to discipline, up to and including dismissal, in accordance with the Civil Service Ordinance, Personnel Rules and, for employees represented by a bargaining unit, in accordance with the appropriate Collective Bargaining Agreement.

#### 10.7.4 Definitions.

Appointing Authority: any person vested with the authority to appoint to any County position.

Controlled Substance: a controlled substance means a substance defined by ORS 475.005 Uniform Controlled Substances Act, and/or in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation in 21 C.F.R. Sections 1300.11 through 1300.15.

Conviction: a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance.

Employee: any employee of Columbia County directly engaged in the performance of work under a federal contract or pursuant to the provisions of a federal grant.

Illegal Drug: any drug which is not legally obtainable under federal law, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and/or not being used for prescribed purposes.

Legal Drug: includes prescribed drugs and over the counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Under the Influence: means, for the purpose of this Policy, that the employee is noticeably affected by a drug.



- 10.7.5 Notification of Conviction. In addition to the general employee obligations provided in this Policy, Section 5 applies to any employee whose position is funded in whole or in part by a federal grant or with other federal funding. All such employees, shall, as a condition of employment, notify the Appointing Authority of any conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) days after such conviction. Upon receipt of a notice of conviction, the County is required to notify the applicable federal agency of the conviction.
- 10.7.6 Sanctions and Remedies. In addition to the notice and conviction provisions in Section 5, within thirty (30) days of receipt of notice of an employee's criminal drug statute conviction for a violation occurring in the workplace, the County shall take appropriate personnel action against the employee, up to and including dismissal, or require satisfactory participation in a drug abuse assistance or rehabilitation program approved by a federal, state, or local health agency, a law enforcement agency, or other appropriate agency.
- 10.7.7 Employee Assistance. An employee having a drug or alcohol problem is encouraged to seek assistance, on confidential basis, under the employee's health insurance coverage or Employee Assistance Program if such coverage or program is provided.
- 10.7.8 Leave for Participation in Assistance/Rehabilitation Program. The Appointing Authority may, upon employee request, grant leave with or without pay to permit the employee to participate in a drug abuse assistance or rehabilitation program.

## 11. Dispute Resolution Process

- 11.1 General Policy.** It is the policy of the County to provide for an orderly process whereby employees may have their disputes considered as fairly and rapidly as possible without fear of reprisal. This dispute resolution process is available to all regular full and part-time employees for non-disciplinary issues. However, employees represented by a bargaining unit must use the relevant grievance procedure outlined in the applicable collective bargaining agreement. This process is not an alternative to following the grievance process in the County's collective bargaining agreements. Every effort shall be made to find an acceptable solution to a dispute by informal means at the lowest possible level of supervision. Unless otherwise designated by the Board of County Commissioners, the Human Resources Director shall act as the Board's designee for receiving disputes at Step 3 of the dispute resolution process. All matters relating to disputes shall be directed to the Human Resources Director.

Prior to the initiation of a dispute resolution request, an employee should discuss the dispute with their supervisor in an attempt to resolve the dispute informally. However, even when such discussions are ongoing, the employee must file a request for dispute resolution within the timelines set forth in this Rule. Only the Human Resources Director may grant an extension of the timelines for the dispute resolution process. Such an extension must be in writing to be effective. An extension may be granted if the employee demonstrates a sincere attempt to address the dispute but was unable to come to a successful resolution with the supervisor.

All proceedings and evidence of any kind whatsoever that are related to the dispute resolution process shall be considered exempt from public disclosure to the extent allowed by law in the County's discretion until the conclusion of the final administrative proceeding within the County.

The dispute resolution process shall be commenced and processed according to the provisions stated in this Rule and they shall constitute the exclusive and binding process for the resolution of disputes under this Rule. In no case shall an employee be allowed to bypass any of the steps of the dispute resolution process.

- 11.2 Disciplinary Grievances.** Non-represented full-time and greater than .5 FTE part-time regular employees may use the dispute resolution process outlined above for disciplinary actions involving demotions, suspensions without pay and/or dismissals taken by their supervisor or Department Head. This Rule does not apply to temporary and/or part-time employees who are < .5 FTE.
- 11.3 Discrimination and/or Harassment.** If any employee (regular, temporary, full or part-time) thinks he/she has been discriminated against or harassed due to a protected

classification status, the employee should file a complaint as described in Rules 14 and 15 below.

**11.4 Retaliation.** Retaliation against an employee for filing a request for dispute resolution in good faith is strictly prohibited. The Human Resources Director shall investigate allegations of retaliation for good faith requests to use the dispute resolution process. Where Human Resources determines that the request merits further review, Human Resources shall investigate and make a report and recommendation to the Department Head and/or the Board of Commissioners, as appropriate. Any supervisor or Appointing Authority who retaliates against an employee for filing a good faith request for dispute resolution is subject to discipline, up to and including dismissal.

**11.5 Time Periods and Notices.** Time limits established by this Rule may be waived through the written mutual consent of the employee and Human Resources. However, absent a written extension by the Human Resources Director, failure of an employee to submit a request for a dispute resolution process in accordance with time and notice limits established herein shall constitute waiver of the right to dispute resolution.

Failure of the County to respond in any step in the dispute resolution process within the time limits specified herein shall result in the employee having the right to elevate the complaint within ten (10) business days to the next higher step in the dispute resolution process. Failure of the employee to take the appropriate action within the time limits specified herein shall be treated as final disposition of the subject matter of the dispute. A request for the dispute resolution process may be rescinded at any time by the employee. A complaint may be dismissed at any time, and at any step, upon receipt by Human Resources of a signed statement from the employee(s).

All time periods specified in this section are measured in business days.

**11.6 Definition of Non-Disciplinary Dispute.** A request for a dispute resolution process may be filed under this Rule if an employee or group of employees in the County believes an injustice has occurred due to:

- A. A lack of a County policy or department policy;
- B. A policy that is unfair;
- C. A deviation from a policy;
- D. A disagreement with another employee or supervisor; or
- E. A discretionary action of a Department Head or elected official in the application of the Rules of the County.

**11.7 Procedure.**

**11.7.1 Step 1.**

- A. A Request for Dispute Resolution must be in writing, signed by the employee(s) and must:
  - a. Arise in the department in which the employee works;
  - b. Pertain directly and personally to the employee's own employment with the County;
  - c. Not be used to harass or otherwise impede the efficient operations of the County;
  - d. Not have been pursued through any other internal or external process;
  - e. Not challenge the same issue challenged by another dispute filed by the employee(s).
- B. A dispute at Step 1 shall be initiated by the filing of a written statement with the employee's immediate supervisor within ten (10) business days following the occurrence of the events giving rise to the dispute, or the date the employee first knew or should have known of such event.
- C. The written statement shall include the following information:
  - 1. The name and position of the employee(s) seeking dispute resolution.
  - 2. The date of the events giving rise to the dispute and the date the employee claims first knowledge thereof.
  - 3. A clear and concise statement of the issue of dispute, including all relevant facts necessary for a full and objective understanding of the dispute.
  - 4. The specific Rule, Policy or provision alleged to have been violated, if any.
  - 5. The remedy or relief sought by the employee.
  - 6. The signature of the person submitting the request for dispute resolution.
- D. The supervisor's response shall be in writing to the employee who filed the request for dispute resolution within ten (10) business days following receipt of the written request for dispute resolution. This response shall either deny the disputed matter or acknowledge what step(s) will be taken to remedy the issue.
- E. If the employee is satisfied with the supervisor's written response, the dispute shall be deemed resolved without further action. If the employee is not satisfied with the supervisor's written response, or if the supervisor fails to respond within ten (10) business days, the employee may proceed to Step 2 of the dispute resolution process. If the employee's immediate supervisor is the Department Head, the employee shall proceed to Step 3 of the dispute resolution process.

As a general rule, the employee must initiate the dispute resolution process with the employee's immediate supervisor. However, an employee may initiate the dispute resolution process with someone other than the immediate supervisor in the following circumstances:

- a. A complaint alleging discrimination or retaliation by the immediate supervisor may be initiated with the Department Head or the Human Resources Director.
- b. A dispute involving a dismissal, demotion, suspension without pay (see Section on Disciplinary Complaints below) may be initiated with the Department Head.
- c. A dispute about the application of the layoff policy should be initiated with the Human Resources Director.

#### 11.7.2 Step 2.

- A. Within ten (10) business days following the date of a supervisor's written response at Step 1, or in the case of no written response, within ten (10) business days of the last date for a written response, the employee shall file a copy of the statement submitted at Step 1, together with the supervisor's response or a statement that the supervisor failed to respond within the time limit provided herein with the employee's Department Head.
- B. A Department Head's response shall be in writing to the employee(s) filing the dispute within ten (10) business days following receipt of documents by the Department Head. The Department Head may meet with the employee to clarify the issues presented in the written statement.
- C. If, after the tenth (10<sup>th</sup>) business day following the Department Head's receipt of the employee's written statement, the Department Head has not responded in writing, or if the employee is not satisfied with the Department Head's response, the employee may proceed to Step 3 of the dispute resolution process.

#### 11.7.3 Step 3.

- A. Within ten (10) business days following the date of the written response at Step 2, or in the case of no written response, within ten (10) business days of the last date for a written response, the employee may file with the Human Resources Director all of the written materials that are required to be filed with the Department Head at Step 2, together with the Department Head's written response, or a statement that the Department Head failed to respond within the time limit established herein.
- B. Within ten (10) business days following receipt of the written statements by the Human Resources Director, the Human Resources Director will schedule a hearing with the Board of County Commissioner, which date shall be no later than thirty (30) calendar days after the Step 3 filing date unless otherwise agreed by the parties. In the case of extreme hardship and at the written request of the employee filing the dispute and with approval of the Human Resources Director, or for the convenience of the Board, the hearing may be delayed for a period not to exceed an additional thirty (30) calendar days.

- C. The Human Resources Director shall ensure that an official record of the hearing is prepared and made available to all parties within a reasonable amount of time before the hearing. The Human Resources Director shall, with the assistance of County Counsel, determine and establish all administrative procedures of a Step 3 dispute resolution hearing.
- D. Step 3 dispute resolution hearings shall be limited in attendance to:
  - 1. The Human Resources Director and any aide(s) he or she may request;
  - 2. Other representative(s) of the County who shall present evidence for the County's case, and their legal representatives;
  - 3. The employee(s) filing the request for dispute resolution;
  - 4. Representative(s) of the employee(s);
  - 5. All other witnesses either party wishes to call to testify;
  - 6. County Counsel
- E. In order to allow reasonable notice to witnesses who are employees of the County, the employee and Department Head shall provide the Human Resources Director a written list of witnesses they will call at least five (5) business days prior to the hearing. The Human Resources Director will thereafter notify each affected Department Head to arrange for the witnesses to be present and available for the hearing. The employee is responsible for arranging for any non-employee witnesses to appear on the date and time set for the hearing.
- F. At the hearing, the parties shall be given a reasonable opportunity to present evidence, examine and cross examine witnesses, orally argue their positions and generally attempt to resolve all issue(s) in dispute. The Human Resources Director will set appropriate time limits for testimony. Unless a remedy is specifically agreed to in writing by the parties at the hearing, the Board of County Commissioners shall adopt written findings of fact and conclusions of law within twenty (20) business days following the close of the Step 3 hearings record.

**11.8 Finality of Dispute Resolution Process.** The written findings of fact adopted by the Board of County Commissioners shall be the final decision of the County.

## **12. Civil Service Commission**

The Columbia County Civil Service Ordinance No. 2012-2 and Rules set forth the formation, rights and responsibilities of the Columbia County Civil Service. The Civil Service Ordinance and Rules govern all matters related to hiring for positions subject to Civil Service.

## 13. Performance Evaluation

- 13.1 General Policy.** It is the policy of the County to review the work of each regular employee at least annually to assure that the employee is meeting the performance standards of the position. The review shall include a rating of the employee's quality and quantity of work, a review of problems and successes which occurred during the previous year, establishment of a goal for career development and job enrichment, a review of the areas which may need improvement and setting of goals for the ensuing year.
- 13.2 Performance Evaluation.** The Human Resources Director shall establish and make effective a system of performance evaluation designed to give a fair evaluation of the work performed, and of the efficiency, faithfulness and value of employees in the County. Such evaluations should be prepared and filed for each employee annually. Department Heads are responsible for ensuring the completion of the performance evaluations of employees working in their departments.
- 13.3 Procedure for Performance Evaluations.** Formal performance reviews should be conducted at least annually for regular employees. Employees in a probationary period should receive regular performance evaluations as feasible. Department Heads shall follow the evaluation procedures outlined by the Human Resources Director.

The immediate supervisor of the employee shall meet with the employee being evaluated and complete the performance evaluation form in accordance with the procedures established by the Human Resources Director. The performance evaluation form shall be completed by the immediate supervisor and/or the Appointing Authority prior to the completion by the employee and copies shall be distributed after all required signatures have been obtained. A performance evaluation should be completed prior to the end of the month in which an evaluation is due. Upon establishment of the performance evaluation system, Department Heads shall conduct performance evaluations prior to granting a salary step increase to employees. After twelve (12) months of satisfactory service, no employee shall be deprived of a salary step increase due to a Department Head's lack of timeliness in preparing performance evaluations.

Department Heads who wish to establish a performance evaluation for their department that is different than the established system, may request that the Human Resources Director review and consider approving such alternate evaluation system.

Copies of all performance evaluations shall be sent to Human Resources for the employee's personnel file.



## 14. Workplace Harassment/Discrimination Policy

### 14.1 Definitions.

14.1.1 "Sexual Assault" means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

14.1.2 "Workplace Harassment" means conduct that constitutes discrimination prohibited by ORS 659A.030 or by other federal or state law, including conduct that constitutes sexual assault or that constitutes conduct prohibited by ORS 659A.082 or 659A.112.

14.2 Scope of Policy. This policy and implementing procedures apply to all elected public officials, employees, volunteers, interns and contractors of Columbia County in the work place or in any work-related setting outside of the workplace.

14.3 Policy Statement. It is the policy of Columbia County to be fair and impartial in all of its relations with its employees or applicants for employment at the County. The County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equitable opportunities and prohibits discriminatory practices, including workplace harassment. Therefore, the County expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment. The County prohibits workplace harassment whether from co-workers, supervisors, managers, volunteers, temporary workers, or by someone not directly connected to the County (e.g. an outside vendor, consultant or customer).

### **AFFIRMATION OF POLICY**

*The Columbia County Board of Commissioners hereby reaffirms its official policy of non-discrimination towards any qualified employee or applicant for employment. Discrimination on the basis of race, sex, color, religion, national origin, age, sexual orientation, gender identity, political affiliation, marital status, military reservist status, ancestry, genetic information, disability, veteran status or use of military leave, association with a protected class, or any other characteristic protected by law (except where there are bona fide occupational qualifications), is prohibited by all elected officials, employees and volunteers of Columbia County. This policy applies, but is not limited to, recruitment, promotion, hiring, layoff, dismissal, demotion, transfer, rates of pay, fringe benefits, training or other forms of compensation, use of facilities, social and recreational programs, and other terms conditions and privileges of employment for all job classifications. All personnel actions will be administered in accordance with this Rule. This Rule shall be*

-6-

*disseminated to all County employees and be available to all affected members of the community and relevant labor market.*

**14.4 Program Responsibility.** The Human Resources Director shall be responsible for carrying out this Policy and Program. The Human Resources Director shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with this Workplace Harassment policy. Department Heads and supervisors shall be responsible for compliance within their own departments and sections. Employee questions or concerns should be referred to the Human Resources Department.

**14.5 Sexual Harassment.** It is the County's policy that sexual harassment is unacceptable conduct and will not be tolerated. Sexual harassment is a form of sex discrimination and is an unlawful employment practice under federal and state laws. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when, for example (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual assault is a form of sexual harassment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. It can include, but is not limited to: unwanted sexual advances or requests for sexual favors, sexual jokes and innuendo, verbal abuse of a sexual nature, commentary about an individual's body, sexual prowess or sexual deficiencies, leering, catcalls or touching, insulting or obscene comments or gestures, display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail), and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment that does not involve sexual activity or language (e.g. a male supervisor who yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex/gender.

Some specific examples of other inappropriate or illegal behaviors include: (1) negative or offensive comments, jokes or suggestions about another employee's gender or sexuality; (2) obscene or lewd sexual comments, jokes, suggestions or innuendoes; (3) slang, names or labels such as "honey", "sweetie", "boy", "girl", that others find offensive; (4) talking about or calling attention to another employee's body or sexual characteristics in a negative or embarrassing way; (5) laughing at, ignoring or not taking seriously an employee who experiences sexual harassment; (6) blaming victims of sexual harassment for causing the problems; (7) continuing certain behaviors after a co-worker has objected to that behavior; (8) displaying sexual pictures, cartoons or calendars on any County property.

Sexual harassment negatively affects morale, motivation and job performance. It results in increased absenteeism, turnover, inefficiency and loss of productivity. It is inappropriate, offensive and illegal, and it will not be tolerated by the County.

- 14.6 Protected Class Harassment.** Harassment on the basis of a protected class is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, sex, color, religion, national origin, age, sexual orientation, gender identity, political affiliation, marital status, military reservist status, ancestry, genetic information, disability, veteran status, the use of military leave, or any other protected classification defined by federal or state law. Protected class discrimination also includes discrimination on the basis of an association with a protected class, (an individual's relatives, friends or associates) that (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping, threatening, intimidating or hostile acts, denigrating jokes and display or circulation in the workplace of written or graphic materials that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

**14.7 Religious Beliefs and Practices.**

- 14.7.1 Accommodation.** Sometimes individuals hold religious beliefs or conduct religious practices that conflict with their work schedules or assigned responsibilities. At an employee's request, the County will attempt to provide a reasonable accommodation for sincerely held religious beliefs and practices of the employee if to do so does not impose an undue hardship on the County, or interfere with the employee's ability to perform the essential functions of the position. If an employee would like to request, or if a supervisor receives a request for a religious accommodation, the employee or supervisor should contact the Human Resources Department. Employees may be asked to provide appropriate documentation to support the request.

The County is not obligated to provide the employee's preferred accommodation, if there is more than one effective alternative from which to choose.

- 14.7.2 Expression of Religious Beliefs.** The County will allow expression of sincerely held religious beliefs by employees in the workplace, to the extent that other types of personal expression are allowed, provided that such expression is not harassing or disruptive. Employees who object to religious conduct occurring in the workplace should first inform the individual (co-worker or third-party) engaging in the conduct that they wish it to stop. If the conduct does not stop, employees should report it to their supervisor or the Human Resources Department. Employees who do not wish to personally confront an individual who is directing unwelcome religious or anti-religious conduct towards them should

report the conduct to their supervisor or the Human Resources Department. The circumstances will be investigated and appropriately addressed. Any employee who feels he/she has been subject to religious discrimination or harassment should follow the complaint procedures outlined in this Rule.

While supervisors are permitted to engage in certain religious expression, they should avoid expression that might, due to their supervisory authority, reasonably be perceived by employees as coercive, even when not so intended.

**14.8 Genetic Information.** The County will not attempt to obtain or discriminate against employees or applicants because of genetic information. Genetic information includes not only information about an individual's genetic test and the genetic tests of an individual's family members, but also information about any diseases, disorders, or conditions that someone's family member may have. If an employee or applicant feels the County has discriminated against them on the basis of genetic information, that individual should follow the complaint procedure outline in this Rule.

**14.9 Retaliation Prohibited.** The County prohibits retaliation against any individual who in good faith reports workplace harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this Policy and, like harassment or discrimination itself, will subject the offender to disciplinary action. Employees who believe they have been the subject of retaliation for reporting conduct under this Rule shall file a complaint of such alleged retaliation as outlined in Section 14.10 below.

**14.10 Reporting and Investigation.** Victims of workplace harassment have a right to seek redress through the County's internal process described herein, through the Bureau of Labor and Industries' complaint resolution process under ORS 659A.820 to 659A.865, or under any other available law, whether civil or criminal. A civil action under ORS 659A.885 alleging a violation of ORS 659A.030, 659A.082, 659A.112, Section 2 of SB 726 (2019), or Section 4 of SB 479 (2019) must be commenced not later than five (5) years after the occurrence of the alleged violation unless a complaint has been timely filed under ORS 659A.820.

**14.10.1 Making a Complaint.** A victim of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment. The Human Resources Director is the person designated to receive workplace harassment complaints. If the Human Resources Director is not available, the County Counsel is an alternative. However, employees may also report workplace harassment to a supervisor or Department Head. The receiving supervisor, Department Head, or Human Resources Director shall provide the employee making the complaint with a copy of this policy.

- 14.10.2 Timeline Under Which Relief May Be Sought. The County desires to address workplace harassment as soon as possible. Therefore, the County encourages complaints to be made as soon as possible following workplace harassment. In all cases, complaints must be filed within four (4) years of the date on which alleged harassment occurred or within the applicable time limitation on the commencement of an action under ORS 659A.875, whichever is greater.
- 14.10.3 Investigation. Upon receipt of a complaint alleging workplace harassment, the County will provide the complainant with a copy of this policy, will conduct an appropriate investigation, and will notify the complainant of the result as soon as possible. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action and public records laws. Misconduct constituting workplace harassment, or retaliation under this Policy will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, suspension without pay or dismissal, as the County believes appropriate under the circumstances. The County will inform the complainant that the County will follow up with them until and unless the person objects to such action in writing.
- 14.11 Documenting Workplace Harassment. The County and employees are advised to document any incidents involving discrimination and/or sexual assault that may be covered under State law. Records regarding workplace harassment complaints shall be kept in careful accordance with State records retention laws.
- 14.12 Follow Up with Victims. Following a report of workplace harassment, the supervisor, Department Head or Human Resources Director shall follow up with the victim of such alleged harassment at least once every three (3) months for the twelve (12) month time period following the date of the report to determine if the harassment has stopped or if any retaliation has occurred. The victim of the alleged workplace harassment shall be informed of this follow up and may request, in writing, that such follow up not occur.
- 14.13 Tort Claim Notice. Effective for the conduct that occurs on or after October 1, 2019, Oregon law provides that the statute of limitation for filing discrimination claims shall be five (5) years from the date of conduct. However, ORS 30.275 requires that any notice of claim against the County must be filed with the County within 180 days of the conduct.
- 14.14 Agreements. Except as provided in Section 4 of Senate Bill 479 (2019), the County will not require or coerce an employee, as a condition of employment, continued employment, promotion, compensation or the receipt of benefits, to enter into a nondisclosure or non-disparagement agreement for the purpose or effect of preventing the employee from disclosing or discussing conduct that constitutes workplace harassment including sexual assault. A nondisclosure agreement is a contract by which

one or more parties agree not to disclose confidential information that they have shared with each other as a necessary part of doing business together. A non-disparagement agreement restricts individuals from taking any action that negatively impacts an organization, its reputation, products, services, management or employees. This does not prevent an employee claiming to be aggrieved by discriminating conduct covered under State law from voluntarily requesting to enter into an agreement that contains a nondisclosure, non-disparagement or no-rehire provision. If an employee enters into such an agreement with the County, the employee shall have seven (7) calendar days from date of signing to revoke the agreement.

- 14.15 Resources Available to Employees.** Employees who believe they have been the victim of workplace harassment may connect with legal resources, counseling and other support services provided by qualified professionals in the community. Assistance may also be available by contacting Oregon Bureau of Labor and Industries and/or utilizing the County's Employee Assistance Program.

**14.16 Notice to Employees.**

**IMPORTANT NOTICE TO ALL EMPLOYEES:** *Employees who have experienced conduct they believe is contrary to this Policy have an obligation and right to take advantage of this internal complaint procedure. Employees who believe they have been the victim of workplace harassment also have a right to utilize the complaint resolution process through the Oregon Bureau of Labor and Industries or any other process allowed by federal or state law. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note that federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the County strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The County will make every effort to stop alleged workplace harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.*

This Policy shall, at a minimum, be provided to all employees at the time of adoption and shall be included in orientation materials that are provided to new employees at the time of hire. Additionally, this Policy shall be provided to all County volunteers, interns, and independent contractors by the Department managing such persons.

## **15. Americans with Disabilities Act (ADA)/Americans with Disabilities Act Amendment Act (ADAAA) and Other Accommodations**

The County is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendment Act (ADAAA) of 2008 and state law. This Rule refers to federal and state law jointly as “ADA”. It is the County’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual’s qualified disability or perceived disability so long as the employee can perform the essential functions of the job. See also Columbia County’s ADA Title II Policy; Order No. 9-2022, as amended.

Consistent with its policy of nondiscrimination, the County will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the County aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the County.

Employees or job applicants with disabilities who believe they need a reasonable accommodation to perform the essential functions of a job should contact the Human Resources Department. The County encourages individuals with disabilities to come forward and request reasonable accommodations.

**15.1 Procedure to Request an Accommodation.** A request for a reasonable accommodation should be made to the employee’s supervisor. When an accommodation request has been received, the employee, Human Resources and a department representative will usually engage in an interactive process, to identify the precise limitations resulting from the disability and potential accommodations that the County could make. The County may request additional information in order to better consider any accommodation request. The County will determine the reasonableness of any requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, the County’s overall financial resources and organization, and the accommodation’s impact on the operation of the County, including its impact on the ability of other employees to perform their duties and on the County’s ability to conduct business.

The County will inform the employee of its decision on the accommodation request. If the requested accommodation is granted, instructions will be provided regarding the accommodation. If the accommodation request is denied, the employee will be advised of his/her right to dispute the decision.

The ADA does not require the County (i) to make the best possible accommodation, (ii) to make the specific accommodation requested by the employee if another effective

accommodation exists, (iii) to reallocate essential job functions, or (iv) to provide personal use items (e.g. eyeglasses, hearing aids, wheelchairs, etc.). An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

**15.2 Procedure for ADA Complaints.** Complaints related to an employee or job applicant who feels he/she has been discriminated against based on a real or perceived disability or has been denied a request for reasonable accommodation shall be sent, in writing, to: Human Resources Director, Columbia County, 230 Strand Street, St. Helens, Oregon 97051. Telephone: 503.397.3874. The Human Resources Director has been designated as the ADA Coordinator in relation to employment at the County. The Human Resources Director shall maintain the files and records of the County relating to complaints filed and any ensuing investigations.

- A. A complaint must be in writing and should contain: The name and address of the person filing it, or on whose behalf it is being filed, and a brief description of the alleged violation of the ADA. The complaint must be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation.
- B. An investigation, as may be appropriate, shall follow the filing of the complaint. An investigation shall be commenced by the Human Resources Director, or the designee of the Human Resources Director, within a reasonable period of time after receipt of the complaint. An investigation will be informal but thorough, affording all interested persons an opportunity to submit relevant information.
- C. A written determination as to the validity of the complaint and any resolution of the complaint shall be issued by the Human Resources Director, with a written copy provided to the complainant within thirty (30) calendar days following the filing of the complaint, unless the breadth of the investigation necessitates additional time to respond, in which case the determination shall be issued as soon as is reasonably possible. The decision of the Human Resources Director is final.

**15.3 Accommodations for Pregnancy Related Conditions and Protection for Pregnant Employees.** Oregon law prohibits employers from discriminating against pregnant employees. Additionally, the Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA) provide for protected leave for pregnant workers and their spouses (see Rule 7).

The County will not:

- Deny employment opportunities to an applicant or employee based on the need to make reasonable accommodation to the known limitations relating to pregnancy, childbirth or a related medical condition, including but not limited to lactation;



- Fail or refuse to make reasonable accommodation to such known limitations, unless the accommodation would impose an undue hardship;
- Take an adverse employment action or in any manner discriminate or retaliate against an applicant or an employee, with respect to hire or tenure, or any other term or condition of employment, because the applicant or employee has inquired about, requested or used a reasonable accommodation;
- Require an applicant or an employee to accept a reasonable accommodation that is unnecessary to perform the essential duties of the job or to accept a reasonable accommodation if the applicant or employee does not have a known limitation; or
- Require an employee to take family leave, or any other leave, if the employer can make reasonable accommodations for the known limitations.

## 16. Whistle Blower Policy

The County strives to conduct operations with the utmost integrity and in strict accordance with all applicable federal, state and local laws. Accordingly, employees are encouraged to bring to the attention of the County any improper conduct of County officials, employees, volunteers or agents of the County. The County will not retaliate against any employee who makes such a disclosure in good faith and in accordance with the procedures set forth in this Rule.

For purposes of this Rule, improper conduct is any action undertaken by an officer, employee, volunteer or agent of the County in the performance of his or her official duties which (a) is in violation of any federal, state or local law; (b) constitutes an abuse of authority; (c) creates a substantial and specific danger to public health or safety; or (d) grossly wastes public funds. Improper conduct does not include common personnel actions, such as the processing of complaints, decisions regarding hiring, promotion, dismissal and other discipline, or grievances arising out of collective bargaining agreements, employment contracts, or County policies or procedures.

- 16.1 Reporting Improper Conduct.** Misconduct can often be corrected most expeditiously if handled internally. Accordingly, an employee who has a good faith belief that improper conduct has occurred, or is about to occur, must first raise that concern with the County. Specifically, except as provided in Section 16.6 of this Rule, the employee must submit his or her concerns and related information, in writing, to the Department Head of the department in which the employee works. In the event that the complaint concerns the Department Head or if the employee has other concerns regarding reporting to the Department Head, the complaint shall be submitted to the Human Resources Director. The identity of the reporting employee shall be kept confidential to the extent possible under law, unless the reporting employee authorizes disclosure.
- 16.2 Investigation and Response.** The County shall have fifteen (15) working days to address a complaint raised by a reporting employee and to provide the reporting employee with a written response which identifies the alleged improper conduct at issue, describes the scope and findings of the investigation and states what, if any, action, will be taken to correct any finding of improper conduct. If, in the County's opinion, the breadth of an investigation necessitates additional time to respond, the County shall provide a written notice to the reporting employee within fifteen (15) days notifying the employee of the estimated time to provide a written response.
- 16.3 Request for Reconsideration.** If a reporting employee is not satisfied with an investigation response and/or resolution of the complaint, the reporting employee may request reconsideration, in writing, within five (5) working days of receipt of the County's response. Written requests for reconsideration must be submitted to the Human Resources Director or designee and must identify the specific elements of the County's investigation or written response which the reporting employee finds unsatisfactory. The

County has five (5) working days to notify the reporting employee, in writing, as to whether reconsideration is granted. Reconsideration will be limited to examination of the specific issues raised in a written request for reconsideration. The County will have ten (10) working days from the date reconsideration is granted to complete its additional investigation and provide the employee with a written response.

**16.4 Disclosing Improper Conduct to Outside Agencies.** If, after a request for reconsideration, a reporting employee is still dissatisfied with the County's investigation or response, the employee may disclose the improper conduct to an outside agency or organization for further review, provided that such outside agency or organization has regulatory authority over the issue which is the subject of the complaint. Employees must exhaust the internal complaint process before reporting to an outside agency or organization unless an employee can establish that persons or property will suffer substantial or irreversible damage if the alleged improper conduct is not immediately reported to an outside agency or organization.

**16.5 Retaliation Prohibited.** Employees who comply with this Rule and who, in good faith report improper conduct, as defined in this Rule, shall not be subject to discipline or dismissal for reporting, disclosure or other activities within this Rule. If an employee believes there has been retaliation for reporting improper conduct in accordance with this Rule, the employee shall report, in writing, such alleged retaliation to the Human Resources Director, who shall investigate and respond appropriately.

**16.6 Whistleblower Protection (ORS 659A.200 and 659A.203).**

**16.6.1** Notwithstanding the foregoing, no employee is prohibited from discussing, either specifically or generally with any member of the Legislative Assembly, legislative committee staff acting under direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district, the activities of the County or any person authorized to act on behalf of the County. No employee shall be subject to disciplinary action for employee actions described in this section.

**16.6.2 Disclosure.** No employee shall be disciplined or threatened with discipline for disclosing any information that the employee reasonably believes is evidence of:

- A. A violation of any federal or state law, rule or regulation of the County;
- B. Mismanagement, gross waste of funds or abuse of authority or substantial and specific danger to public health and safety resulting from action of the County; or
- C. Subject to ORS 659A.212(2), the fact that a person receiving services, benefits or assistance from the County, is subject to a felony or misdemeanor warrant for arrest issued by the state of Oregon, any other state, the federal government, or any territory, commonwealth governmental instrumentality of the United States.

16.6.3 No employee shall be required to give notice to the County prior to making any disclosure under this Section, except as required in ORS 659.206(1).

16.6.4 No employee shall be discouraged, restrained, dissuaded, coerced, prevented or otherwise interfered with when making disclosures or engaging in discussions under this Section.

16.6.5 Public Record Disclosures. An employee's good faith and objectively reasonable belief of a violation of federal, state or local law, rule or regulation by the employer shall be an affirmative defense to a civil or criminal charge related to the disclosure by the employee of lawfully accessed information related to a violation, including information that is exempt from disclosure pursuant to ORS 192.338, 192.345 and 192.355, if the information is provided to:

- A state or federal regulatory agency;
- A law enforcement agency;
- A manager employed by the County;
- An attorney licensed to practice law in the state of Oregon if a confidential communication is made in connection with the alleged violation described in this Section and in furtherance of the rendition of legal services to the employee that are subject to ORS 40.225.

An employee may not assert an affirmative defense described if the information:

- Is disclosed or re-disclosed by the employee or at the employee's direction to a party other than the parties listed above;
- Is stated in a commercial exclusive negotiating agreement with the County, provided that the agreement is not related to the employee's employment with the County;
- Is stated in a commercial nondisclosure agreement with the County, provided that the agreement is not related to the employee's employment with the County.

An affirmative defense described in this Section is available to an employee who discloses information related to an alleged violation by a co-worker or supervisor described in this Section if the disclosure relates to the course and scope of employment of the co-worker or supervisor.

An affirmative defense described in this Section may not be asserted by an employee who is an attorney or by an employee who is not an attorney but who is employed, retained, supervised or directed by an attorney if the information disclosed pursuant to this Section is related to the representation of the County.

Disclosure made under this Section is subject to the rules of professional conduct established pursuant to ORS 9.490.

Subject to the rules of professional conduct established pursuant to ORS 9.940, a public employee who is an attorney may report to the Attorney General the employee's knowledge of a violation of federal, state or local law, rule or regulation by the County.

Disclosure of information pursuant to this Section does not waive the attorney-client privilege or affect the applicability of any exemption from disclosure of a public record under ORS 192.501 to 192.505.

- 16.6.6 Notwithstanding the provisions of this Section, information protected from disclosure under federal law, including, but not limited to, the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), may be disclosed only in accordance with federal law.
- 16.6.7 Other Opportunities for Reporting. The procedures specified herein are for the purpose of reporting allegations of improper governmental conduct. These procedures are not exclusive and do not replace procedures for employees to bring complaints or grievances pertaining to their employment. Specifically, County employees maintain their rights pursuant to other sections of these Personnel Rules, the Civil Service Rules and/or collective bargaining agreement to appeal discipline and County policies or actions; and any rights they may have pursuant to federal and state law to pursue civil complaints.
- 16.6.8 Implementation. Elected officials and Department Heads are expected to be knowledgeable of and shall be responsible for, implementing this policy within their respective departments. Observance of this policy is mandatory for all County employees and violation may result in disciplinary action, up to and including termination.

## 17. Employee Responsibilities

**17.1 Purpose.** The orderly and efficient operation of County government requires that employees abide by certain responsibilities. Work rules governing personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service and to protect the County's property. All employees are reminded that the County is a professional, business organization and its employees are expected to conduct themselves accordingly. All employees shall actively work to provide the best possible service and promote the highest quality of public service.

**17.2 Work Rules.** The following work rules shall apply to all County employees. These are not intended to be all inclusive and the County may amend this Rule to ensure the effective operation of County government.

- A. Employees (FLSA non-exempt) shall be at their designated work area on time and ready to work. Employees shall, except for regular breaks and meal periods, remain at work until the scheduled quitting time unless permission to leave is granted by a supervisor. Employees shall maintain their work areas in a clean and neat fashion.
- B. Where operations are continuous, employees shall not leave their positions until replaced by the next shift employee or until relieved by a supervisor.
- C. Employees shall follow all safety regulations including wearing protective clothing and using protective equipment. Employees shall immediately report safety hazards, accidents or injury to their supervisors.
- D. Employees shall be responsible for and not misuse County property, records, or other materials in their care, custody and control.
- E. Employees shall deal with the public in a courteous and professional manner.
- F. Employees shall deal with fellow employees, County officials and other governmental agencies in a courteous, professional and effective manner.
- G. Employees shall immediately report to their supervisors any inability to work and the reason therefore.
- H. Employees shall update their personal information in the personnel system when there is a change in their personal data affecting their personnel or payroll records. Some employees do not have access to the personnel system and those employees shall provide updated information to the Human Resources Director.

- I. Employees shall not restrict or interrupt work or interfere with/interrupt the work of others.
- J. Employees shall be able to perform the essential duties of their jobs when they report for work and at all times during work, with or without accommodation.
- K. Employees shall not neglect their duties and responsibilities or refuse to perform assigned work unless to perform such work would constitute a safety hazard. Employees must report safety hazards.
- L. Employees shall not engage in conduct that reflects discredit on the County while on duty.
- M. Employees shall not engage in political activity while on duty.
- N. Employees shall not use their positions for personal gain, to solicit or conduct personal business or to coerce others.
- O. Employees shall not use their positions to obtain information that is not necessary to perform their duties. Employees shall use the public records process, on their personal time, to obtain any such information.
- P. Employees shall not possess unauthorized firearms, weapons, or drug/intoxicants while on duty or on County premises. Employees who are specifically assigned a duty firearm are not in violation of this rule related to firearms/weapons if they are otherwise in compliance with parameters of their assignments.
- Q. All reports, records or claims completed by employees, verbally or in writing, shall be true and accurate, to the best of their knowledge.
- R. Employees shall not remove County property or the property of other employees from the workplace without express approval of their supervisor or the owner of such property. Employees shall not use County property for personal financial gain or to avoid a personal financial detriment.
- S. Employees shall not violate any federal, state, or local laws, rules or regulations while on duty or on County premises.
- T. Employees shall comply with all County rules, policies and procedures. Employees are expected to be knowledgeable about the County's rules, policies and procedures.

- U. Employees shall not engage in gossip or spread rumors regarding other County employees. Unsubstantiated or baseless charges made by one employee against another employee will not be tolerated.
- V. Employees shall report to their supervisors, any and all conflicts of interest or potential conflicts of interest, as defined under State law, in relation to their work at the County.

**17.3 Workplace Bullying.** Workplace bullying is strictly prohibited. The hallmarks of bullying include serious or repeated behavior that is unreasonable or unwarranted under the circumstances and that is intended to be harmful or reasonably should be known to be harmful to the physical or mental wellbeing of others. A supervisor does not bully employees by insisting that employees consistently follow rules, meet deadlines and produce top-quality work.

An employee who feels they have been subjected to or witnessed bullying in the workplace should report the behavior according to the procedures outlined in Rule 11. See also Rules 14 and 15 related to complaints of workplace harassment and discrimination.

**17.4 Code of Ethics.** The Board of County Commissioners assert that public office is a public trust, and that as one safeguard for that trust, all County officials and employees are required to adhere to the ethics rules set forth in ORS Chapter 244 and to these Rules.

- A. No County employee shall engage in any act which is in conflict, or creates an appearance of conflict with the performance of official duties. An employee shall be deemed to have a conflict if the employee:
  - a. Has or has a family member with any financial interest in any sale to the County of any goods or services.
  - b. Solicits, accepts or seeks a gift, gratuity or favor from any person, firm, or corporation involved in a contract or transaction which is or may be the subject of official action by the County. The County recognizes that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the County. Reasonable exceptions to this section are permitted for those occasions which are social in nature and a result of such a prior personal friendship and are not predicated on the employee's ability to influence, directly or indirectly, any matter before the County.
  - c. Participates in his/her capacity as a County employee in the issuing of a purchase order or contract in which the employee or a member of the employee's family has a private pecuniary interest, direct or indirect, or



performs in regard to such contract some function requiring the exercise of discretion on behalf of the County.

- d. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties or give the appearance of the above.

B. Further, the following conduct is prohibited:

- a. No employee shall use the employee's employment to obtain financial gain for the employee's household or family as defined in these Rules or any business in which the employee or a member of the employee's household or family is associated.
- b. No employee shall use information received because of the employee's employment for private gain if that information is confidential or normally available to the general public only by special request or has not otherwise been dispersed by the County.
- c. No employee shall solicit or receive a promise of future employment with the understanding that the promise will influence the employee's official action.
- d. No employee shall solicit or receive any gift in anticipation of official action to be taken by the employee in the course of employment. For the purposes of this and the following sub-section, "gift" shall have the meaning set forth in ORS Chapter 244.
- e. No employee shall solicit or receive during a calendar year gifts with an aggregate value of over \$0 from a source that has a legislative or administrative interest in the employee's office. Any gift in cash (which includes gift cards) is presumed to be a donation to the County and shall be deposited with the County Treasurer.
- f. No employee shall take any action on behalf of the County which would create an actual or potential conflict of interest without first notifying the employee's Appointing Authority in writing of the actual or potential conflict of interest and requesting the Appointing Authority to dispose of the matter giving rise to the conflict pursuant to ORS Chapter 244.
- g. County officials and employees who are in a position to influence contract decisions affecting non-profit organizations shall not serve on decision making

boards of, or be employed by, contractors who could benefit from such involvement.

- h. No employee shall solicit private business from other employees for personal gain while on County time. No supervisor or lead worker shall solicit private or charitable business from their staffs at any time, with the exception of a charitable effort organized Countywide.

For purposes of this rule “family member” includes any person who would otherwise fall within the definition of “family member” but for divorce.

The County expressly allows gifts to be received from the County by employees, including but not limited to, annual holiday gifts, annual gifts at the County picnic, service award gifts and any food or other items offered during or after employee events and includes such items in the official compensation package for employees.

This Rule is not all-encompassing. The “prudent person” theory can and will be applied: Action deemed inappropriate by a reasonable person, whether or not specifically cited in this Rule or in ORS Chapter 244, will be subject to inquiry.

## 18. Travel

### 18.1 **Travel Rule.** This Rule applies to travel for all County employees, volunteers and elected officials (employees).

It is the responsibility of each Department Head to ensure that the employees under his/her authority comply with this Rule. Department Heads may establish additional procedures when necessary for the operation of their respective departments, so long as such procedures do not conflict with this Rule. The Finance Department shall be responsible for developing and maintaining travel expense reporting procedures and forms in order to ensure compliance with IRS regulations.

Other rules/regulations may apply if travel is funded by grants or specialized funding source. A Department Head who is responsible for the administration of a grant or specialized funding source is responsible for ensuring compliance with any additional rules/regulations. The Finance Department will provide assistance when it would minimize conflicts or reduce duplication of effort.

In all cases, employees are expected to understand and respect the County's responsibility, as a public entity, to expend public funds in a responsible and cost effective manner. Employees are expected to use cost effective travel options reflecting the County's responsibility to use public funds in a responsible and cost effective manner.

### 18.2 **Authorized Travel.**

- A. Travel costs may be incurred by an employee for any legitimate County business purpose. Some examples include: attendance at work related conventions or conferences, meetings of professional associations, training seminars or workshops, and meetings with government officials from other public agencies.
- B. All travel requests must be approved in advance by the Department Head or, if so authorized by the Department Head, the appropriate supervisor. Department Heads shall inform the Finance Department which supervisors are authorized to approve travel. Appointed Department Heads must obtain pre-authorization from the Board of County Commissioners for any out of state overnight travel. A supervisor's travel requests must be approved by their Department Head. The amount of any per diem cash advance and the final actual expenses to be paid must both be approved by the Department Head or the appropriate supervisor. A supervisor's cash advances and final actual expenses must be approved by the Department Head.
- C. The County recognizes that air travel on behalf of the County often takes place on what otherwise would be non-work time, including traveling or staying over weekends so as to secure the lowest total travel cost for the County; that often in the

course of such travel, incidental expenses are incurred that are not reimbursable under the County travel policy or are of a nature that reimbursement does not occur; and that travel often involves being away from family and results in the inability to deal with family matters.

Therefore, subject to the limitations described below, frequent flier miles awarded to any of the following individuals in connection with air travel are part of the salary, benefits or compensation of those individuals when the County pays or reimburses their air carrier travel expenses. Elected officials who serve on regional or national boards on behalf of the County if such compensation is not otherwise in conflict with any charter, ordinance or policy of the County, or unless such compensation is declined by the official, and County employees.

- 18.3 Authorized Payment Method/Costs.** Employees who have been issued a County credit card are expected to pay for authorized travel costs utilizing the County credit card rather than receive reimbursement for costs paid directly by the employee. If a County credit card has not been issued to a particular employee or is otherwise unavailable for use, any points, cash rewards, or other incentives provided by the employee's personal credit card may be retained by the employee as part of the official compensation package.

Authorized travel costs include meals, mileage, transportation to and from a destination, lodging, and conference registration, as outlined below:

**A. Meals** – Authorized meal costs including the cost of any associated tip.

- a. Per diem payment for meal costs – Per diem payments are payments received prior to an overnight trip for anticipated expenses as authorized by IRS rules. Employees are not required to submit receipts justifying the per diem payments when the per diem payments are received in advance of travel.

On trips requiring one or more overnight stays, the County will pay a per diem amount to cover the cost of meals and incidentals for each 24 hour period between an employee's departure and return. When the travel period, or any part thereof, is less than 24 hours, the per diem will be paid on a pro rata basis, taking into consideration meals and incidental costs that would normally be incurred during that particular travel period. Employees must be involved in travel or the event crossing over the meal period to receive per diem for the meal. Employees who are required to begin or end travel more than three (3) hours before or after the time of the employee's regular commute would have begun or ended may be eligible for an additional meal reimbursement. Eligible meal periods are to be separated by a minimum of four (4) hours. The amount of the per diem shall be regulated by federal tax guidelines. Per diem shall be reduced for meals that are included in conference registration fees regardless of whether an employee chooses to eat a conference provided meal.

Conference provided “continental breakfasts” are not considered a conference provided meal. Per diem shall be reduced by the scheduled per diem amount for each conference provided meal (see sub-section c below for percentage amounts). Per diems will only be provided if a request is submitted to the Finance Department at least two (2) weeks before the departure date.

Volunteers are not entitled to per diem and must turn in all receipts for expenses, with an official claim form signed by the Department Head, upon their return from the approved travel in order to be reimbursed.

- b. Actual Meal Costs – If employees do not receive per diem payments prior to an overnight trip, they may request reimbursement by submitting receipts for actual meal costs along with a claim form signed by the Department Head or supervisor. The County will reimburse employees for authorized actual meal costs up to the maximum allowed under IRS guidelines and broken down as necessary per meal as described in sub-section c below. Payment for meals by County credit card are subject to the same limits and documentation requirements. Credit card receipts must detail the actual meal purchased.
  - c. Day Trip Meal Costs – Employees attending a full day event may be reimbursed for the lunch meal unless the meal was included in a registration fee. Employees traveling away from the regular workplace for several hours crossing the lunch hour may also be eligible for reimbursement for the lunch meal. Employees who conduct County related meetings during a meal hour may also be eligible for reimbursement for the meal costs. Employees who are required to begin or end travel more than three (3) hours before or after the time of the employee’s regular commute would have begun or ended may be eligible for an additional meal reimbursement. Employees must submit actual receipts for reimbursement.
  - d. Reimbursement Amount – The amount allowed per meal reimbursement shall be based on IRS guidelines outlining the maximum per diem for the geographic location of the employee’s travel proportioned from the IRS daily total which is breakfast at 20%, lunch at 30% and dinner at 50%. Reimbursement for meals for day trips shall be taxed as appropriate under IRS guidelines. Meals paid for with a County credit card are subject to the same guidelines.
- B. Transportation to and from a destination – Out of area travel shall be undertaken by the most cost effective means, taking into consideration salary costs. Preference should always be given to travel by common carrier (coach or tourist class), or by County-owned vehicles. If travel is by motor vehicle and more than one employee is attending the same event, employees are expected to car-pool when reasonable. If an employee chooses not to utilize an available County vehicle or chooses not to car-pool, the County may refuse to reimburse the employee’s personal costs of

transportation. Transportation by common carrier may be either paid in advance or reimbursed, upon presentation of an appropriate claim with travel documentation.

Reimbursement for the use of personal vehicles will be at the current mileage rate allowed by the Internal Revenue Service for each mile traveled from the place of employment, less mileage that would otherwise be driven in an employee's regular commute. When personal or rented vehicles or airplanes are used for personal convenience, reimbursement shall be limited to the cost of the most economical common carrier rate.

- C. Lodging – When employees require overnight lodging, the lodging costs will be paid by the County, provided the employee meets the requirements of this section. Requests for advance lodging payments for conferences, conventions, etc. must be made at least two (2) weeks prior to the event and will be paid directly to the hotel. An advance lodging payment must be supported by conference registration materials detailing the dates of a conference, the name of the hotel, and the amount of the lodging costs (plus tax). When lodging payments are made in advance, hotel receipts are still required to be submitted to the Finance Department upon the employee's return. Discrepancies between advance lodging payments and actual payments must be resolved within thirty (30) days of the employee's return. If lodging costs are not paid in advance, reimbursement will be made for the actual cost paid by the employee. It is presumed that lodging at the location of a conference is the most cost effective lodging choice. Employees shall choose the most cost effective lodging choice and shall request exemption from lodging taxes, when appropriate, using the form supplied by the Finance Department.

If traveling by air and staying over an additional night would be more cost effective than the cost of the air fare for returning the day prior (e.g. cheaper rates for Saturday night stay overs), the County will pay the costs of that extra night, provided the employee is able to document the cost effectiveness.

Lodging costs will only be paid when the commute to and from the lodging would be three (3) or more hours beyond a regular workday. If travel is for a multi-day conference, lodging costs will typically be paid when the commute would be more than two (2) hours. The Department Head may approve individual exceptions to this requirement if the circumstances warrant, including cost effectiveness and safety considerations.

- D. Conference Registration – Conference registration costs are generally paid in advance to conference organizers. Whether conference registration costs are paid in advance or reimbursed to an employee, back-up documentation must be submitted to the Finance Department detailing the dates of the conference and the registration.

**18.4 Insurance Requirements.** Employees using personal vehicles of any type for County business are required to maintain insurance coverage on their own vehicle (as required by Oregon Revised Statutes). Employees should be aware that their personal insurance is the primary insurance coverage when they are using their personal vehicles on County business. The County does not provide insurance coverage for an employee's personal vehicle when it is used for County business. Employees who rent vehicles for County business shall rent the vehicles in their own names. Employees who are in a vehicle accident in a personal vehicle while on County business may apply to the Board of Commissioners for reimbursement of the insurance deductible, up to a maximum of \$500, if the facts show that the employee was indeed engaged in County business and was not at fault in the accident.

**18.5 Unauthorized Costs.** The County will not reimburse or pay for costs incurred by spouses, relatives or any other person or persons who accompany County employees on business trips. The costs of alcoholic beverages will not be reimbursed or paid by the County. Unreasonable or extravagant costs of any kind will not be reimbursed or paid by the County. The Finance Department has the authority to determine whether submitted requests for payment are reasonable.

**18.6 Cash Advances.**

- A. For purposes of this Rule, an advance payment made directly to a vendor for lodging, air travel, or other services on behalf of an employee is considered an advance to the employee. Lodging and travel advance payments will be accounted for as receivables due from the employee. Upon return from travel, the employee must turn in lodging receipts and air travel invoices to the Finance Department in order to clear a receivable. Per diem allowances paid to the employee are advances, but do not need to be receipted to the Finance Department.
- B. According to IRS rules, cash advances cannot be issued prior to sixty (60) days before an event requiring the advance. If more money was advanced than used for lodging, or travel, IRS rules require that the unused portion of the advance be returned within thirty (30) days after travel. If cash advances are made more than sixty (60) days in advance or if the unused portion is not returned within thirty (30) days after travel, the IRS considers the advance to be employee compensation and it becomes income taxable to the employee. (Note: This only applies to cash advances received directly by the employee. Payments made directly to conference organizers and hotels are not included under this Rule.) An employee who fails to return cash advances when due is subject to discipline up to and including dismissal.

## 19. Miscellaneous

**19.1 Cost Consciousness.** County employees shall practice every economy possible in the performance of their duties. Employees are encouraged to recommend to their supervisors work procedures which will result in a cost saving or improved service to the public.

**19.2 Dress and Personal Appearance.** Each employee is expected to dress and groom appropriately for the job. The Appointing Authority will be responsible for setting standards for appropriate dress in the department. The Human Resources Director will consult with and advise the Appointing Authorities so as to ensure that a proper appearance for the professional standards of the County is maintained. If an employee feels aggrieved by the dress and grooming requirements of the department, the appropriate dispute resolution system should be utilized.

In setting standards for dress and grooming, Appointing Authorities will consider the following factors:

- A. The nature of the work being performed.
- B. Safety considerations, such as necessary precautions when working with or near machinery.
- C. The nature of the employee's public contact, if any. Professional appearance for those employees with primary public contact is considered essential.

Failure to comply with established standards of appearance for a department will be considered grounds for disciplinary action.

**19.3 Employee Identification Cards.** The County shall issue employee identification cards to all regular full-time and regular part-time employees. Cards may also be issued to other employees who may require County identification in the performance of their duties. Employee identification cards should be visually displayed by all employees, except as noted below, during work hours, while in County facilities or when acting in an official capacity. Employees, such as facilities, parks and road maintenance workers, for whom wearing the identification card would create a safety hazard shall carry the card on their persons in order that it may be produced upon request.

The Sheriff's Office may issue its own department identification card in lieu of the County identification card, if preferred.



Unauthorized or inappropriate use of the employee identification card is prohibited and will result in disciplinary action. Employees shall turn in their cards when they leave County employment.

The General Services Department and/or other Departments involved in the granting of security access may adopt other policies/procedures for the issuance of employee identification cards, provided such policies/procedures do not conflict with this Section.

- 19.4 Employee Representation.** Employees of the County shall have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions as allowed by the Oregon Revised Statutes and Administrative Rules of the Employment Relations Board.

Each bargaining unit separately negotiates contracts for its members with the County. Wages, benefits and conditions of employment for represented employees will be provided as specified in the respective collective bargaining agreements. Employees are not granted time off with pay to perform union activities unless specifically provided for in a collective bargaining agreement. County equipment and facilities are not to be used for union activity unless specifically provided for in the collective bargaining agreement, or as specifically approved by the Board of Commissioners or Human Resources Director on a one time basis.

- 19.5 Information Technology (IT) Policy.** Employee use of technology at the County shall be subject to the provisions of the County IT policy, as amended, which is incorporated herein by reference.

- 19.6 Claims Against the County.** With the exception of workers' compensation claims, this Section applies to all potential or actual claims against the County.

- 19.6.1 Tort Claim Notices.** Tort claim notices are any written document received by the County that allege the County has damaged a third party. When a tort claim notice is received by an employee, the employee shall immediately notify their supervisor. The supervisor shall send the tort claim notice to County Counsel as soon as possible. If an employee receives a verbal threat of litigation, the employee shall notify their supervisor as soon as possible. The threat shall be communicated to County Counsel as soon as possible.

- 19.6.2 Litigation.** Upon service of a summons and complaint an employee shall immediately notify their supervisor and forward the original summons and complaint to County Counsel.

- 19.6.3 Incidents.** Any incident which reasonably could lead to the filing of a claim against the County (e.g. trip and fall; breach of contract) must be documented on the County's incident report form and reported to a supervisor immediately. The supervisor is then to

report the claim or potential claim to County Counsel by the close of business on the day of the incident. The employee and supervisor will complete a written incident report and submit a copy to the Department Head.

19.6.4 Communicating with Claimants. Unless otherwise directed by County Counsel, employees are not to interact with any potential claimant about a claim, other than to provide the contact information to County Counsel. Employees are strictly prohibited from making promises to claimants (such as “we’ll take care of it” or “the County will pay for all damages”) or from making any statements which might indicate that the County is responsible for the claim. Insurance will determine if a claim is covered.

19.6.5 Employees shall cooperate fully in the County’s handling of claims. This obligation includes preserving all relevant documentation, providing it to County Counsel or outside counsel, and cooperating throughout the duration of any litigation. Employees may be required to be deposed and/or testify at trial. Employees shall not take any action that would interfere with the County’s ability to prevail.

19.7 Lobbying Before State Legislature or Other Governmental Agency. In order to assure that only the official County position is expressed during appearances before legislative bodies or other governmental agencies, the following will apply:

- A. All testimony or statements, written or verbal, given by an employee of the County before any governmental legislative body or other governmental agency on behalf of the County, shall strictly comply with any position set forth by the Board of County Commissioners by motion, resolution or ordinance.
- B. Where there is lack of formal action by the Board, written authorization must be obtained from the Board of County Commissioners prior to any lobbying or legislative activity conducted by a County employee.
- C. This section applies to any correspondence written on County stationary or sent from County email and to any verbal conversation when the speaker represents him/herself in any way as a County employee.
- D. No County employee who appears before any governmental legislative body or any agency during non-work hours may represent him or herself as a County employee, except in compliance with this Section. If, during the course of an appearance or verbal interchange, the fact emerges that the employee is a County employee, the employee must clearly state that the information or testimony given represents the personal views of the employee and not that of the County.

19.8 Lockers/Desks and Other Equipment. Some employees are provided lockers, desks or other equipment for work. Such equipment is provided for the convenience of

employees, but remains the exclusive and sole property of the County. No personal locks on County lockers or desks or other equipment are allowed. Moreover, the County reserves the right to open and inspect lockers, desks, or other equipment, as well as the contents, effects or articles that are in said equipment. Such inspection can occur at any time, with or without advance notice or consent, either before or after working hours, conducted by any Department Head or supervisor, with a Department Head's approval.

**19.9 Outside Employment.** No employee shall accept outside employment that is incompatible or in conflict with the employee's position in County service. No employee shall accept outside employment that meets any of the following criteria:

- A. Involves the use of County time, facilities, equipment and supplies or the prestige or influence of the employee's County position.
- B. Involves the performance of an act which may later be subject to control, inspection, review or audit by the department in which the employee works.
- C. Involves the receipt of money or other consideration for performance of duties which the employee is required to perform in the regular course of the employee's job.
- D. Involves competing with the County in providing a service or product.
- E. Would violate Article II, Section 10 of the Oregon Constitution which prohibits any person from holding more than one lucrative office at the same time.

Employees are responsible for assuring that their outside employment does not conflict with these Rules. Employees should report their outside employment to their Department Heads, who may deny such outside employment if it would violate any of the above provisions.

**19.10 Political Activity.** No County employee may solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours.

No County employee shall be eligible for appointment or election to any public office when the holding of such office would be incompatible or would substantially interfere with the discharge of official duties.

No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service, or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate,

the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure of the recall of a public office holder.

Nothing contained in this Section shall affect the rights of employees to hold membership in and support a political party, to vote as they choose, to express opinions while not in an official capacity on all political subjects and candidates, to maintain political neutrality and/or to attend political meetings on their personal time and without the use of County resources.

**19.11 Romantic or Sexual Relationships.** Consenting romantic or sexual relationships between a supervisor/manager and an employee may at some point lead to unhappy complications and significant difficulties for all concerned – the employee, the supervisor/manager and the County. Any such relationship may, therefore, be contrary to the best interests of the County. Accordingly, the County strongly discourages such relationships and any conduct (such as dating between a supervisor/manager and an employee) that is intended to or may reasonably be expected to lead to a romantic or sexual relationship. By its discouragement of romantic and sexual relationships, the County does not intend to inhibit the social interaction that is or should be an important part or extension of the working environment.

If a romantic or sexual relationship between a supervisor/manager and an employee develops, the supervisor/manager is responsible for and required to promptly disclose the existence of the relationship to the Human Resources Director. The non-supervisory employee may make the disclosure as well, but the responsibility for doing so is with the supervisor/manager. The Human Resources Director shall inform those who have a need to know of such a relationship. Upon being informed of such a relationship, the County will take the steps it deems appropriate. At a minimum, the employee and supervisor/manager must withdraw from participation in activities or decisions including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline, that may reward or disadvantage the employee with whom the supervisor/manager has such a relationship. If the relationship inhibits or prevents either party from effectively performing their essential duties, both employees are subject to discipline.

Any person (the parties involved in the relationship, co-workers, or others) who believes that he/she has been adversely affected by a relationship between a supervisor/manager and an employee is encouraged to report this to the Human Resources Director so that the County may deal effectively with any potentially adverse consequences the relationship may have on the working environment.

Non-supervisory employees who develop a romantic and/or sexual relationship with each other shall ensure that such relationship does not adversely affect the workplace.

**19.12 Solicitations.** With the exception of activities formally approved by the Board of County Commissioners, employees may not sell, solicit for sale, or seek donations of any kind on County premises or during work hours. Employees are free to discuss these matters before or after normal working hours and during lunch or rest periods in non-work areas.

**19.13 Telephones.** All County employees are expected to provide courteous and informative service when using the telephone to conduct County business. Employees are not to make personal long distance phone calls on the County telephone system unless charging them to a personal calling card. Personal calls shall be limited to breaks and lunches except in the case of emergency. Personal calls on County provided cell phones must be limited to emergency/notification needs only.

When an employee is required to travel overnight on County business, one phone call to a family member per day of the overnight trip is permitted for notification purposes. These calls may be on a County provided cell phone or charged to a hotel room. Such phone calls should not exceed ten (10) minutes in length. Personal telephone calls in excess of this one call per day shall be paid for by the employee or shall be made from a personal cell phone.

**19.14 Cell Phone Stipend.** The County recognizes that, due to the nature of most positions, it is more cost effective and provides more flexibility to provide a cell phone allowance in lieu of providing employees with County owned cell phones.

The County encourages departments to provide cell phone stipends to employees rather than providing County owned cell phones. Department Heads should take the initiative to communicate this Policy to employees. However, this is a voluntary stipend and employees may not be forced to accept the stipend in lieu of a cell phone.

A Department Head may designate employees who will be provided with a monthly allowance to obtain a personal cell phone to be used for County related business in addition to personal use.

Employees accepting the monthly allowance will be responsible for acquiring their own cell phone and calling plan, which they agree to use for County business according to the job requirements. Such requirements may include but are not limited to publication of the employee's personal cell phone number as needed and call availability requirements.

Employees will receive an approved cell phone allowance in monthly payments as part of compensation through the payroll system, per IRS and State Department of Revenue rules and regulations.

Payment of a monthly cell phone allowance to any employee is at the sole discretion of the County and the County reserves the exclusive right to modify or discontinue payments at any time for any reason.

Cell phone stipends will be approved in one of three categories: \$20 per month, \$30 per month or \$50 per month. The amount of the allowance provided shall be requested using the form adopted by the Finance Department. The Finance Department shall determine the appropriate cell phone allowance for each employee based on the employee's job duties. Most employees will qualify for the \$20 or \$30 category with few qualifying for the \$50 category.

In no event will the amount of the monthly allowance provided an employee exceed the amount it would cost the County to provide that employee with the appropriate level of service on a County owned cell phone.

Employees who receive a monthly cell phone allowance may not seek any separate reimbursement from the County for any cell phone charges incurred.

Employees who receive a monthly cell phone allowance must understand that information, such as cell phone bills, that documents use for County business may be requested through public records requests and/or if the County is engaged in litigation. Typically, only the information related to County business is released when this occurs.

Employees who are eligible for overtime under a union agreement or under the Fair Labor Standards Act should respond to phone calls, emails and texts during normally scheduled work hours and on-call periods. At other times (outside normal work hours or outside on-call periods) employees should not respond without prior approval from their supervisors. However, after hours County related calls which are de minimus in nature (usually defined as less than seven (7) minutes in length) would not incur an overtime obligation on the part of the County. Employees who work unauthorized overtime may be subject to discipline.

**19.15 Tobacco Use in the Workplace.** Smoking, chewing tobacco and use of other forms of tobacco such as vaping/e-cigarettes are banned in all County buildings, offices, and vehicles or while conducting County business. Violation of this Section will be grounds for disciplinary action.

**19.16 Uniforms/Clothing Expense.** If an employee is required to wear a uniform, protective clothing or any type of protective device as a condition of employment, such uniform, protective clothing, or protective device shall be furnished to the employee by the County or the County shall provide a reasonable clothing allowance to the employee.

The cost of maintaining the uniform or protective clothing or protective device in proper condition including tailoring, cleaning and laundering, shall be paid for by the County.

**19.17 Vehicles Used for County Business.**

19.17.1 Driver's Licenses. Any employee whose work requires driving a vehicle for County business must hold a valid driver's license from the State in which the employee resides. Candidates for hire into such position will undergo a driving records check through the Department of Motor Vehicles, processed through the Human Resources Department except as delegated elsewhere, as a condition of employment. A report indicating a suspended or revoked license status or a history of traffic violations may be cause to deny or terminate employment.

Periodic checks of employee's drivers' license may also be made throughout employment. No employee who does not hold a valid driver's license will be allowed to operate a vehicle for County business until such time as a valid license is obtained. If driving is an essential duty of the position held by an employee, loss of a driver's license may lead to dismissal from County employment.

An employee performing work which requires the operation of a vehicle for County business must immediately notify their immediate supervisor if their license becomes expired, suspended or revoked and/or the employee is unable to obtain an occupational permit from the State Motor Vehicle Department. If an employee fails to report, the employee will be subject to disciplinary action, up to and including dismissal.

19.17.2 Use of Vehicles for County Business. Employees who operate vehicles for County business are expected to exercise care, perform required maintenance and to follow all operating instructions, safety standards and guidelines. This includes, but is not limited to:

- A. Employees must wear seatbelts at all times the vehicle is in motion.
- B. Consumption of alcohol or drugs while operating a vehicle for County business is prohibited. Driving while impaired is also prohibited.
- C. Employees are prohibited from providing rides to hitchhikers.
- D. Employees may use County radios or cell phones to arrange for aid to stranded motorists.
- E. Employees must notify a supervisor immediately of any accidents, damage or needed repairs and complete the appropriate reports.
- F. Employees must notify a supervisor of any personal conviction of any major traffic violations.
- G. Employees must obey all laws and regulations related to the operation of motor vehicles.

19.17.3 County Vehicles. In addition to the requirements in Section 19.17.2 above, the following rules apply for use of County vehicles.

The improper, careless, negligent, destructive or unsafe use or operation of a County vehicle, as well as excessive or avoidable traffic and parking violations while using a County vehicle, can result in disciplinary action, up to and including dismissal.

County vehicles are not to be used for transporting family members or friends or conducting personal errands, except that, during the work day and within the area of work an occasional personal errand, such as driving to a restaurant for the lunch break, is allowed.

County vehicles may not be taken home overnight except as follows:

- A. Department Heads may formally assign a County vehicle to an employee for use in commuting daily, provided there is an underlying justifying reason, such as frequent need for after-hours response. Payroll shall be notified of such assignments in writing so that payroll can calculate the tax consequences of the fringe benefit.
- B. An employee who is formally "on call" for a designated period, and is being paid for such status, may take a County vehicle home for the nights during this designated period.
- C. Employees may take a County vehicle home for one night when attending an out of County meeting, training, or conference which takes place late at night after normal working hours or early in the morning prior to normal working hours. Department Heads may approve additional nights for multi-day events.
- D. Department Heads may establish supplementary department vehicle policies.
- E. Vehicles operated by sworn and unsworn employees of the Sheriff's Office.

The Sheriff will establish rules as deemed appropriate for the use of marked and unmarked vehicles in the Sheriff's Office.

19.17.4 Personal Vehicles. In addition to the requirements in Section 19.7.2 above, the following rules apply to use of personal vehicles for County business. Employees are encouraged to use County vehicles when conducting County business instead of their personal vehicle whenever possible. Personal vehicles may be used for official County business with the prior approval of the employee's Department Head. Employees shall be reimbursed for mileage according to the terms of the Travel Rule.



An employee who operates a privately-owned vehicle while conducting business for the County must maintain automobile liability insurance in accordance with State law. Auto claims that arise while using a personal vehicle are the responsibility of the employee or owner of the vehicle.

**19.17.5 Use of Cell Phone While Driving on County Business.** The use of a cell phone while driving on County business presents a hazard to the driver, other employees, and the general public. This section is meant to ensure the safe operation of vehicles operated for County business.

Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or other ordinance.

Employees shall not use hand held cell phones for business purposes while driving. If an employee needs to make a business call while driving and does not have hands free access, the employee should locate an appropriate area to park and make the call. Employees may use hands free cell phones to make business calls, but only in emergency situations.

Texting while driving is prohibited, as is any other distracting use of a cell phone or other electronic devices (e.g. taking pictures, watching video).

The Sheriff's Office may adopt its own rules regarding appropriate use of mobile technology to be used by sworn deputies.

**19.18 County Payment of Professional Licenses and Defense Costs.** The County shall pay the professional licensing fees for employees who are required to maintain a professional license to perform the duties of their positions. Furthermore, the County shall pay to defend such employees against complaints made to the regulatory bodies issuing professional licenses, to the extent a complaint is directly related to work within the employee's scope of performance. Employees must cooperate fully with any investigation into complaints in order to receive payment under this Section.

## Appendix A. Benefits and Special Pays

The pay and benefits listed below are for eligible, non-represented employees of the County.

**Certification Pay:** Twelve (12) months after hire, regular, full-time, FLSA non-exempt, employee's in the Sheriff's Office or Community Justice Department who receive certification listed below in the field in which they are working shall receive certification pay as listed. The pay is not cumulative.

Patrol/Police, Corrections, Parole/Probation Officer DPSST Intermediate	2.5% of base pay
Patrol/Police, Corrections, Parole/Probation Officer DPSST Advanced	5.0% of base pay

Regular, full-time, FLSA exempt employees in the Sheriff's Office who receive certification listed below in the field in which they are then working shall receive certification pay as listed. The maximum pay that may be received for combined certifications is 5%.

Patrol/Police, Corrections DPSST Advanced	2.5% of base pay
DPSST Supervisory	2.5% of base pay
DPSST Executive or Middle Management	2.5% of base pay

**Oregon Roads Scholar:** Regular, full-time, FLSA non-exempt employees in the Roads Department who have received certification for completion of the Oregon Roads Scholar Program sponsored by the Oregon Technology Transfer Center shall receive a one-time payment of \$500.

**Herbicide Applicator's License:** Regular, full-time, FLSA non-exempt employees in the Roads Department who receive an Herbicide Applicator's License from the Oregon Department of Agriculture shall receive a one-time payment of \$500. An additional \$500 shall be paid each time the license is renewed for that employee.

**Severance Pay:** Any regular, full-time employee who has completed one (1) full year of service with the County but less than five (5) full years of service, and who shall be laid off as a result of causes other than dismissal, retirement, or resignation, shall receive two (2) full weeks' pay. Any employee who has completed five (5) or more full years of service with the County and who shall be laid off as a result of causes other than dismissal, retirement, or resignation, shall receive four (4) full weeks' pay. Such severance pay shall be in addition to any other accrued pay to which the employee is entitled.

However, if an employee is offered a transfer and refuses the offered transfer within the same classification, reclassification within the same pay scale, or retraining for a class within the same pay scale or higher, the employee's refusal shall be considered as a resignation, if the employee was able to perform the essential duties of the job.

**On-Call Time:** Regular, full-time, FLSA non-exempt employees, except employees of the Sheriff's Office, who are required to be on-call to the extent such time would be compensable under the FLSA shall receive the equivalent of one (1) day's pay (either paid or accrued as compensatory time) at straight time for each full week (seven days) of on-call time served. Employees of the Sheriff's Office will be paid \$25 per each day assigned to on-call status.

**ORPAT Incentive:** DPSST sworn, regular, full-time and non-represented employees of the Sheriff's Office may receive incentive pay of \$200 each twelve (12) months if the employee successfully passes the ORPAT twice in the calendar year.

**Vacation Buy-Out:** Once every twelve (12) months, employees may choose to be paid for one (1) week (equal to the employee's regular work week hours) of accrued vacation and/or compensatory leave, provided the employee has a combined accrued vacation/compensatory leave balance of at least 100 hours before the payout. Employees who choose to request this buy-out explicitly, clearly and unmistakably agree to the following waiver: any amounts paid to employees under the terms of this section for accrued vacation and/or compensatory leave payouts are specifically not to be included in the calculation of an employee's overtime rate.

**Health Insurance:** The Human Resources Department and Finance Department will maintain summaries of the current medical and dental insurance plans provided by the County. The County will pay the premium for said coverages for each eligible employee and eligible dependents as recommended by the Health Benefits Committee and approved by the Board of County Commissioners. Payment of insurance premiums by the County shall be pro-rated for part-time employees and eligible dependents. The insurance coverages may change per recommendation from the Health Benefits Committee or for other reason.

**Life Insurance:** The County shall provide group life insurance in the amount of \$40,000 for each employee. Employees may purchase additional coverage through the plan offered by the County. The additional premium shall be deducted from the employee's monthly paycheck.

**HRA/VEBA Account:** The County will set up an HRA/VEBA account for each eligible employee. The County will set aside funds each year.

**Other Optional Benefits:** The County may, at its discretion, choose to offer other benefits (either paid by the County or the employee).

## Appendix B. Teleworking

### SECTION 1. PURPOSE

The purpose of this procedure is to establish guidelines for teleworking. Teleworking is an alternative work arrangement that the County may offer to employees when feasible and beneficial to the County, the community we serve, and the employee.

### SECTION 2. SCOPE

This procedure is applicable to all regular, exempt and non-exempt employees. Where any section, subsection, sentence, clause, or phrase of these rules and procedures are found to be inconsistent with properly negotiated and ratified working agreements between Columbia County and duly certified employee organizations, the terms of such agreements shall prevail. Participation under this policy does not grant or create any additional rights or benefits to employees.

Departments wishing an exception to the application of this procedure will submit a written proposal to the Human Resources Director. Exceptions will take effect upon written approval of the Human Resources Director.

### SECTION 3. DEFINITIONS

Medical Teleworking – Provisions for employees who are unable to report to the regular worksite because of a temporary medical condition that allows them to work from a telework site for a limited period of time, as agreed to in advance with an employee's supervisor and approval by Human Resources.

Regular Teleworking – A schedule in which the employee teleworks on specific days per week as agreed to in advance with their supervisor on a non-temporary basis.

Regular Workplace – The employee's regular reporting place of work.

Telework Agreement – A documented agreement approved by the Department Head or designee, signed by the supervisor and the employee specifying terms and conditions of teleworking.

Telework Assignment – A guide used by the employee's supervisor, Human Resources, Technology Services (TS) and the Division Manager and/or Department Director or designee to determine the suitability of the Telework Request.

Teleworking – A work option agreed to by the County in which the employee works at a telework site on specified days and/or hours.

Telework Request – A Telework Request is completed by the employee and submitted to the employee's supervisor. The supervisor will review and determine if a request meets the requirements before passing it to the Department Head.

Telework Site – A worksite alternative to the Regular Workplace.

Temporary Teleworking – Occasional, short periods of telework as agreed to in advance with an employee's supervisor. Typical uses of temporary teleworking includes situations where an employee needs to work elsewhere for a short time in order to complete a specific task.

#### **SECTION 4. GENERAL PROCEDURE**

Columbia County may approve employees to telework. Teleworking will not be suitable for all employees and/or positions and will be voluntary unless specifically stated as a condition of employment. Teleworking does not change the basic terms and conditions of employment with the County. Teleworking is not a universal employee benefit or right and approval, suspension, or discontinuation of a teleworking arrangement at any time is at the sole discretion of the County with no right of grievance or appeal.

#### **SECTION 5. PROCEDURE GUIDELINES**

##### **A. Eligibility and Criteria for Teleworking**

Eligible employees may submit a Telework Request to their supervisor for consideration by the County.

The teleworking employee's position must be able to provide supervision to staff, where appropriate, and connect with customers with available technology; minimal and/or flexible need for specialized materials; and clearly defined and measurable objectives, tasks and results.

The telework must be arranged so that there is no discernable difference in the level of service provided to the customer and the location of the Telework Site is not disruptive to the customer. The Telework Site must not disrupt or alter the teleworking employee's or co-workers' job responsibilities.

Equipment and software used while teleworking must meet the County's standards. Support from TS must be manageable and shall not require a TS staff member to come to the Telework Site.

In case of injury, theft, loss, or tort liability related to teleworking, the employee must allow agents of the County to investigate and/or inspect the teleworking site. Reasonable notice of inspection and/or investigation will be given to the employee.

The employee is responsible for establishing and maintaining a safe and professional Telework Site. While teleworking, employees act as representatives of Columbia County and shall adhere to all County and department expectations on professional appearance.

**B. Terms of Employment**

Telework does not change the employee's conditions of employment. Columbia County and departmental policies, procedures, rules, and expectations shall apply at the Telework Site. Failure to follow policy, rules, and procedures may result in termination of the Telework Agreement and/or disciplinary action, up to and including dismissal.

**C. Work Schedule and Accessibility**

The employee will not be paid for time involved in travel between the Telework Site and the Regular Workplace. Travel between the Telework Site and the Regular Workplace will not be reimbursed.

The employee's budgeted FTE will not change under a Telework Agreement. The Telework Agreement will specify work schedules, including rest and meal periods, which are in compliance with federal and state wage and hour laws, and any applicable collective bargaining agreements. The employee must obtain advanced documented supervisory approval before working t or overtime.

Consideration will be given to the overall impact of the employee and co-workers' schedules in maintaining adequate communication.

In approving the telework schedule, the supervisor will take into consideration the overall impact of the teleworking employee's total time out of the Regular Workplace. Considerations include flex time and compressed workweek schedules, meetings, consultations, presentations, and conferences.

The employee shall attend job-related meetings, training sessions, and conferences, either in-person or virtually, as required by the supervisor or expected as part of regular job duties. The employee is expected to be available just as they would if they were reporting to the Regular Workplace and may be called into the regular worksite upon supervisor request. While teleworking, the employee must be reachable via telephone, email, or other agreed upon communication tool, during agreed upon work hours.

If the Regular Workplace is closed due to an emergency or inclement weather, the supervisor will contact the employee. The employee will continue to work at the Telework Site, unless they are on approved leave. If there is an emergency at the Telework Site, such as a power, internet outage, or other similar situation preventing the employee from completing their normal work duties, the employee will notify the supervisor as soon as possible. The employee may be assigned to the Regular Workplace or a different Telework Site. If the

employee experiences recurring technology issues at the Telework Site that adversely impact their work, the supervisor will revisit the Telework Agreement and modify or discontinue the agreement if necessary.

D. Dependent Care

Teleworking employees will not act as primary caregivers for dependents or other individuals during the agreed upon work hours, unless otherwise specified in other policies or collective bargaining agreements. This does not mean dependents will be absent from the home during the employee's work hours. It means they will not require the employee's attention during work hours. Employees must make dependent care arrangements to permit successful completion of work assignments and be able to report to their regular worksite upon supervisor request.

E. Telework Site

The employee will maintain a designated workspace that is clean, safe, and free from distractions. In the event of a job-related incident or accident during teleworking hours, the employee needs to immediately report the event to the employee's supervisor. The County does not assume responsibility for injury to any persons other than the employee or damages to any property at the Telework Site for any reason, unless otherwise specified in this procedure.

The employee will not hold in-person business meetings with clients or customers, the public, or professional colleagues at their Telework Site. Meetings with other County staff will not be scheduled at the Telework Site.

Employees are advised to consult with their insurance agent and a tax consultant for information regarding home worksites, individual tax implications, auto and homeowners insurance. Incidental residential utility costs and other costs, including, but not limited to, internet, electricity, and cell phones, are the responsibility of the employee.

F. Supplies, Equipment and Furniture

Any reimbursable expenses related to teleworking not covered by this policy must be pre-authorized by the supervisor prior to purchase or installation. Any supplies, equipment and/or furniture reimbursed or purchased by the County for telework purposes will be property of Columbia County and returned upon termination of the Telework Agreement or employment.

Columbia County will provide standard office supplies (pens, paper, pencils, etc.). Out-of-pocket expenses for supplies normally available at the Regular Workplace will not be reimbursed. Employees will utilize Regular Workplace supply areas to refill provided standard office supplies.

Employees are responsible for providing Telework Site furniture and equipment that meet ergonomic and OSHA standards. Unless approved by the Department Director or designee, and specified in the Teleworking Agreement, the employee will provide their own data communications (internet access) and services. If an employee will be using an employee-owned computer or device, they must ensure their device(s) maintain current anti-virus software, utilize current operating system versions, maintain up-to-date security patches for the computer or device, and will use a multi-factor authentication to access all Columbia County related networks and documents. Columbia County is not responsible for any individual cyber-crimes, exposures, personal data breaches, or personal losses sustained on personal electronics while using equipment for work purposes. In certain cases, other arrangements may be approved by the Department Director or designee and documented in the Teleworking Agreement.

The following conditions apply to use of supplies, Columbia County records, personal computers used for teleworking and other Columbia County owned equipment:

- A. Responsibility in use of Columbia County equipment will be the same as at the Regular Workplace.
- B. Only the employee may use Columbia County owned equipment and supplies.
- C. Passwords for Columbia County equipment, systems, and data must not be accessible or given to others and must follow applicable departmental policies and procedures.
- D. Restricted-access information (examples include, but are not limited to, Protected Health Information, personnel records, etc.) must not be taken out of the Regular Workplace or accessed digitally unless approved in advance by the supervisor. Any such information, regardless of format, must also be safeguarded from any persons other than the teleworking employee. Any breach of information must be immediately reported to the employee's supervisor or other appropriate personnel.
- E. Products, documents, and records used and/or developed while teleworking remain the property of Columbia County and are subject to applicable policies and procedures regarding confidentiality and records retention requirements.
- F. Products, documents, and records that are used, developed, or revised while teleworking must only be created, copied, or maintained on Columbia County equipment. Employees shall not use personal email or communication software, cloud storage or data transfer devices (such as USB drives) to share or transfer Columbia County information to personal devices. If such items are inadvertently stored on the employee's personal computer the information will be subject to public records law and retention schedules.

By signing the Teleworking Agreement the employee grants permission, with reasonable and legal notice, to Columbia County staff access to personal equipment to retrieve Columbia County data. This may require access to the Telework Site.



For employees in positions that have security and/or confidentiality requirements, procedures must be established to guarantee protection of confidential information. Procedures may include a locked or secure work space, computer access passwords, or restricted use of files at the Telework Site. If security and/or confidentiality issues exist, they must be addressed in the Teleworking Agreement.

Columbia County is not responsible for loss, damage, or wear of employee-owned equipment or property. Repair and/or replacement costs and liability for personally owned equipment, furniture, and property used during teleworking is the responsibility of the employee.

Repair and/or replacement costs and liability for Columbia County-owned equipment used during teleworking for normal use and wear, not as a result of negligence or deliberate damage, destruction, or loss, is the responsibility of Columbia County. Columbia County may pursue recovery from the employee for County-owned/leased property that is deliberately, or through negligence, damaged, destroyed, lost or stolen while in the teleworking employee's care, custody or control.

Each department will maintain central inventory of Columbia County-owned equipment and software located in the Telework Sites of employees. All Columbia County equipment and software used at the Telework Site must be noted on the Telework Agreement.

#### G. Procedure to Apply

Employees interested in teleworking should review and complete the Teleworking Request Form and submit it to their supervisor. The supervisor will review the form to determine if the request meets eligibility requirements before completing the Teleworking Assessment Form. The supervisor may consult with Human Resources if there are any questions or need for assistance in evaluating the request.

The supervisor will then request a review by IT to determine if the proposed Teleworking Assessment meets Columbia County's equipment and software standards and determine feasibility of proposed arrangement. If the Teleworking Assessment is accepted by IT, the supervisor will seek approval from the appropriate Department Head or designee. Once approved by the Department Head or designee, the Telework Request Form and the Teleworking Assessment Form will be sent to the department contact and Human Resources for final processing. Denial of a telework request by the Department Head or designee is final and not subject to appeal or grievance processes.

If a teleworking assignment has been approved and the employee wishes to end the Teleworking Agreement, the employee will meet with the supervisor and set an effective end date. If Columbia County wishes to discontinue the Teleworking Agreement, the supervisor is responsible for setting a meeting with the employee to set an effective date for discontinuation of the Teleworking Agreement. When a Teleworking Agreement is rescinded or discontinued, the supervisor is responsible for sending a notification to Human Resources

and IT indicating the date of the discontinuation. The Department Head or designee is responsible for collecting any Columbia County-owned equipment.

#### H. Temporary and Medical Teleworking

Temporary Teleworking may be approved for temporary work arrangements during a temporary interruption of work due to a Columbia County closure such as inclement weather or instances where safety and health measures are put in effect by Columbia County or other governmental agencies.

Employees may be approved to work from a Telework Site based on the operating needs of the department after identifying a specific timeframe and core functions that can be performed remotely and subject to the approval of the supervisor.

Medical teleworking may also be used for transitional work purposes to assist employees in returning to work from a temporary non-occupational medical condition in consultation with Human Resources.

Medical teleworking is completely voluntary and the employee is under no obligation to telework if on approved FMLA/OFLA leave. Medical Teleworking must also comply with any restrictions or limitations that the employee's physician has prescribed. In some instances, a physician approval may be needed in order to establish the Telework Agreement for medical purposes. Any time worked while teleworking for medical purposes will not count towards an employee's annual FMLA/OFLA entitlement.

Medical teleworking may qualify as modified duty in occupational (on-the-job) medical leaves; such determination will be made by the employee's attending physician in consultation with Human Resources.

Medical Teleworking Agreements are temporary and a discontinuation date must be indicated on the Teleworking Agreement. Renewal of a Medical Teleworking Agreement is subject to approval by the Department Head or designee and Human Resources.

## **SECTION 6. INTERPRETATION AND IMPLEMENTATION**

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Director or designee who is delegated the responsibility for interpreting and implementing this procedure.