

# CLATSOP COUNTY PERSONNEL POLICIES

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**In cases where application of these policies would conflict with a valid and effective collective bargaining agreement between a recognized employee union and the County, or the Sheriff's Office Policy Manual, the provisions of the collective bargaining agreement or Sheriff's Office Policy Manual shall govern. In all other cases these policies shall govern.**

## DEFINITION OF TERMS

### 1. DEFINITION OF TERMS

The terms used in these Policies shall have the meanings defined below:

**Affirmative Action Officer:** The County staff member assigned the responsibility by the County Affirmative Action Plan to administer such plan, including the responsibility to receive, investigate and work to resolve complaints of alleged discrimination. The Human Resources Director is the appointed Affirmative Action Officer.

**Allocation:** The assignment of a single position to its proper classification on the basis of the duties, the authority and responsibilities assigned to the job.

**Anniversary Date:** The date the employee will be considered for salary increases and accruals of vacation and sick leave or is promoted or reclassified upward or downward. If the actual hire date is on or before the 15th calendar day of the month, the anniversary date will be the first of the month. If the actual hire date is on the 16th or after, the anniversary date shall be the first of the following month.

**Appointing Authority:** The County Manager or the County Manager's designee authorized by these Policies, Ordinance or Charter to hire others as employees of the County.

**At-will:** Status of employment wherein the person appointed may be terminated from County employment at any time with or without cause. An employee in at-will status has no property right nor a right to continued employment with the County.

**Board:** The Clatsop County Board of Commissioners.

**Break in Service:** A separation from regular employment with loss of accumulated service credit as occasioned by a "quit," "resignation," "discharge," or "retirement."

**Call-back Employee:** An employee who is required to return to work after leaving the work site having worked the normal shift and prior to the beginning of the next normal work shift.

**Candidate:** Any person who has completed, or is in the process of completing, an interview.

**Classification/Class:** All positions, sufficiently similar in duties, authority, and responsibility, which permit grouping under a common title, applying common standards of selection and setting compensation at the same rate. Classes are established in the County's classification plan.

**Class Series:** Two or more classes which are similar as to line of work, but which differ as to degree of responsibility and difficulty and which have been arranged in a ladder of Steps in a normal line of promotion.

**Class Specification:** A description of the essential characteristics of a class and the factors and conditions that separate it from other classes, written in terms of duties, responsibilities and qualifications.

**Comparable Class:** A class having the same maximum salary, involving the performance of similar duties, and requiring substantially the same basic qualifications as determined by the Human Resources Director.

**Conflicting Employment:** Outside employment is considered to conflict with County employment if it interferes with the employee's ability to perform his/her assigned County job or prevents his/her availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job; is conducted during the employee's work hours; requires the services of other County employees during their normally scheduled County work hours; utilizes County telephones, computers, supplies, or any other resources, facilities, or equipment; is represented as an activity of the County or an activity endorsed/recommended by the County; takes advantage of the employee's employment with the County, except to the extent that the work with the County may demonstrate expertise or qualification to perform the outside work; requires the employee to schedule vacation time at specific times that could disrupt the operation of the department; or if it is employment with a firm which has contracts or does business with the County.

**Continuous Service:** Employment in a regular position without a break in service, except for absences qualifying for protected leave under state or federal law.

## DEFINITION OF TERMS

**Date of Hire:** The actual date employee first renders paid service in a regular position.

**Day:** Calendar days unless workdays are specified.

**Demotion:** Discipline which moves an employee from one class to another class having a lower maximum base rate of pay or movement to a lower rate of pay within the same class for disciplinary purposes.

**Department Head:** A person appointed in at-will status by the County Manager to be the head of a department established by the Board of Commissioners, as well as the elected Sheriff and District Attorney.

**Discharge:** Termination, separation, dismissal or removal from a position.

**Discipline:** Suspension, demotion, discharge, or written reprimand.

**Discrimination:** Employment decisions or actions inappropriately based on such factors as age, race, gender, color, religion, marital status, national origin, disability, sexual orientation, age, genetic information or other protected status under state or federal law.

**Eligible:** A candidate for a given position or job class who has qualified for appointment to a probationary period.

**Eligible List:** A list of names of persons who have taken an open competitive examination for a regular position and have qualified; also includes **Reinstatement List:** A list of names of persons who have been laid off or reduced and are available for reinstatement.

**Employee:** A person employed in a regular or temporary position on a full or part-time basis that excludes elected officials and the County Manager.

**Exempt Employee:** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act. Such determination is made on the basis of duties and responsibilities performed and the method of pay computation.

**Non-Exempt Employee:** An employee who is subject to the overtime provisions of the Fair Labor Standards Act.

**Examination/Test:** Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, probationary periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms.

**Family Member- Immediate:** An employee's spouse, parents, children, sisters, brothers, grandparents, grandchildren, father-in-law, mother-in-law, brothers or sisters-in-law, whether or not residing with an employee, and other close relatives who reside in the employee's household, a person with whom the employee was or is in a relationship of in loco parentis, and the employee's biological, adoptive or foster parent or child. Grandparents include "grandparents-in-law."

**Full-time:** Work, which requires the daily, weekly and monthly hours of work as established by the County as full-time. A full-time employee is on average, regularly scheduled to work either 37.5 or 40 hours per week.

**Grievance:** A complaint filed by an employee or group of employees pertaining to employment conditions or personnel practices which is provided for in these policies, the personnel resolution or the personnel ordinance.

**Guideline:** An interpretation of a personnel policy intended as a reference point for use by those applying the policy. Interpretations or applications other than those given in a guideline are appropriate and permissible, so long as they are consistent with the applicable ordinance and collective bargaining agreements, as determined by the County Manager. .

**Human Resources Director:** Whomever is appointed by the County Manager to manage Human Resources.

**Lay-off:** A separation from the County service because of a shortage of funds or materials, abolishment of position or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.

## DEFINITION OF TERMS

**Leaves Without Pay:** An authorized leave in a non-paid status.

**Outside Employment:** Any employment, self-employment or business activity for which income is received.

**Part-time:** A position with daily, weekly, or monthly hours, which are less than the hours established by the County for full-time positions.

**Personnel Action:** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting status of employment.

**Personnel Policies:** These policies and procedures adopted by the County Manager pursuant to Clatsop County Code §2.20.030.

**Position:** A group of duties and responsibilities requiring the ongoing services of one or more employees and which is listed in the authorized position list contained in the current County budget as approved by the Board.

**Probation Period:** A trial or working test period which is an integral part of the examination and selection process during which an employee serves in an at-will status and is required to demonstrate fitness for a position by actual performance of the duties of the position.

**Promotion:** The movement of an employee from one class to another class having a higher maximum base rate of pay. Promotion does not include an increase in pay resulting from placement of an existing class at a new salary grade.

**PERS:** Public Employees Retirement System, the pension system for County employees

**Reallocation:** A change in the approved classification for a position, which results from changes in the duties and responsibilities assigned to an existing position.

**Reclassification:** The assignment of an employee to a new classification following reallocation of a position to a different or significantly revised class.

**Reduction:** Movement of an employee from one class to another class, which has a lower maximum salary when such movement is not for disciplinary reasons.

**Regular Position:** An authorized position, which appears in the authorized position list contained in the County's budget or its amendments. Normally a regular position consists of duties which must be performed at least twenty hours per week on a regular, year-round basis.

**Regular Position/Limited Duration:** An authorized position as above except that at its inception, it is specified to be of a limited duration of time.

**Regular Rate of Pay:** The rate of pay for an employee's Step as shown in the salary and benefits resolution or the applicable collective bargaining agreement for the employee's classification.

**Rehire:** To hire without examination a former employee who has separated from County employment within the previous twelve months for reasons other than discipline or lay off.

**Reinstatement:** The restoration of a laid off employee, or an employee rejected during a promotional probationary period, to a position in a class in which the employee formerly served as a regular employee.

**Rejection:** Termination of an employee during the initial probationary period with or without cause and without the right of appeal. A department head may also reject an employee serving a promotional probation.

**Reprimand:** A written notice to an employee which states specific improvements in behavior and/or performance which must be made and declares that further disciplinary action will follow if the required improvements are not made. A performance appraisal work sheet shall not be considered a reprimand.

**Resignation:** A written notice by an employee for separation from County service.

**Step Advancement:** A salary increase within the limits of a pay range established for a class.

**Suspension:** The temporary separation from service usually without pay of an employee for disciplinary reasons or pending investigation of an employee's conduct.

**Temporary Employee:** An employee in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employees can either be full-time or part-time. Temporary employees may not be eligible for benefits other than those mandated by applicable law..

## DEFINITION OF TERMS

**Transfer:** A change of an employee from one position to another position in the same class or in a class in the same salary range.

**Under Fill:** Appointment of an eligible candidate to a position when the salary grade of the employee's job class is lower than that of the position.

**Warning:** Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior. Notes may be made regarding a warning for the use of the supervisor. When such notes do not become a part of the employee's file, warnings are not reprimands and, therefore, are not discipline.

**Y-Rate:** The higher pay rate of an employee who is reduced to a lower class as a result of reclassification or reorganization that is not associated with layoff or discipline and not the result of employee action or request

## **GENERAL PROVISIONS**

### **2. GENERAL PROVISIONS**

#### **2.1. Scope**

In cases where application of these policies would conflict with a valid and effective collective bargaining agreement between a recognized employee union and the County, or the Sheriff's Office Policy Manual, the provisions of the collective bargaining agreement or Sheriff's Office Policy Manual shall govern. In all other cases these policies shall govern.

#### **2.2. Computing Time for Notices.**

For the purpose of determining the length of time periods for processing an action in these policies, days shall be counted beginning with the calendar day following mailing or delivery of notice and concluding at 5 PM on the last day to be counted. If the last day to be counted falls on a weekend or holiday, the period will end at 5 p.m. on the first County business day following the last counted day.

#### **2.3. Change of Address**

It is the responsibility of each candidate, eligible, and employee to keep the Human Resources Director informed, in writing, of current address, telephone number, change of name through marriage or otherwise, and change in eligibility for appointment.

#### **2.4. Failure to Receive Notices**

All written communications to employees and candidates shall be hand delivered, emailed or mailed to the most current address on record. The County is not responsible in the event that mail is not received. It is the employee's responsibility to respond to all County communications, including those mailed to the address on record, and the responsibility of the candidate to follow through with all phases of the selection process within the specified time. Failure to respond for any reason, including failure to receive written notice, may have an adverse effect on an individual's employment status and/or result in disqualification for the position.

#### **2.5. Personnel Files**

##### **2.5.1. Employee Access.**

An employee has the right to inspect the contents of their personnel file upon request to the County, excluding the confidential reports from previous employers or records of an employee relating to the conviction, arrest or investigation of conduct constituting a violation of criminal laws.

##### **2.5.2. Negative Information**

Negative or derogatory material shall not be placed in an employee's file unless the employee has had a reasonable opportunity to review the material. Employees will be asked to sign such material to acknowledge they have reviewed it. If the employee refuses to sign such material, it may be placed in the employee's file with a notation that the employee refused to sign for such material after being given an opportunity to do so.

##### **2.5.3. Employee Information Submitted**

Employees may submit a factual statement in rebuttal to adverse material placed in the personnel file, which shall also be placed in the personnel file. The Human Resources Director may place other information submitted by the employee in the personnel file if they find that such information is relevant to the employee's history with the County.

##### **2.5.4. Review and Removal**

All personnel files will be reviewed periodically by the County, or upon reasonable employee request, for materials reflecting favorably and/or adversely to determine the continued relevance and appropriateness thereof. Materials deemed inappropriate or of no further relevance to the County may be removed from the personnel file and destroyed or placed in a separate system of records for permanent retention, but not to be relied upon in personnel matters, with the employee concerned so notified.

## **GENERAL PROVISIONS**

### **2.5.5. Release of Personnel File Contents**

Pursuant to State law personnel files are public documents; provided, however, information of a personal nature in a personnel file, the disclosure of which would constitute an unreasonable invasion of privacy and information regarding disciplinary action may be exempt from public disclosure in a particular case depending upon the public interest in disclosure.

### **2.5.6. Employee Verification**

Information regarding an employee's address, telephone number, work history, or performance will not be given over the telephone. The County will release only employment dates, job title and current salary. Verification of employment requesting confidential information must be in writing and signed by the employee, authorizing release of the information.



## EMPLOYEE RELATIONS

### 3. EMPLOYEE RELATIONS

#### 3.1. Equal Employment Opportunity (EEO) Policies

The following EEO Policies apply to all employees. Members of management, elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination. All employees are encouraged to discuss these EEO Policies with the Human Resources Director any time they have questions relating to the issues of harassment, discrimination or bullying.

#### 3.2. No-Discrimination Policy

County provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran's status, or any other status protected by applicable federal, Oregon, or local law. This EEO policy applies to all aspects of the employment relationship – including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

#### 3.3. No-Harassment Policy

County prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during County-related or –sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any County employees. Such harassment is prohibited whether committed by County employees or by non-employees, such as elected officials, members of the community, and vendors.

#### 3.4. Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

- 3.4.1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
- 3.4.2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- 3.4.3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- 3.4.4. Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex. This is not a complete list.

#### 3.5. Other Forms of Prohibited Harassment

County policy also prohibits harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law. Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include:

- 3.5.1. Jokes, pictures (including drawings), epithets, or slurs;
- 3.5.2. Negative stereotyping;

## EMPLOYEE RELATIONS

- 3.5.3. Threatening, intimidating, or hostile acts that relate to a protected class; or
- 3.5.4. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

### 3.6. Bullying

County strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. County, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

- 3.6.1. **Verbal Bullying:** Slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- 3.6.2. **Physical Bullying:** Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
- 3.6.3. **Gesture Bullying:** Non-verbal threatening gestures, glances that can convey threatening messages.
- 3.6.4. **Exclusion Bullying:** Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
- 3.6.5. **Cyber Bullying:** Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.

### 3.7. Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of other employees and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or Human Resources Director, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

Employees are strongly encouraged to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop. Employees who have experienced any harassment, discrimination, or bullying, are expected and required to bring the matter to the attention of Human Resources or a supervisor or member of management as soon as possible.

In addition, any employee who observes any conduct that he or she believes constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to Human Resources Director.

## EMPLOYEE RELATIONS

### **3.7.1. Investigation and Confidentiality**

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with County's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, County will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

### **3.7.2. Protection against Retaliation**

County prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also *Reporting Improper and Unlawful Activity* below.

**3.8. Disability Accommodation Policy.** County is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

#### **3.8.1. Accommodations**

County will make reasonable efforts to accommodate a qualified applicant or employee with a known disability, unless such accommodation creates an undue hardship on the operation of County.

#### **3.8.2. Requesting an Accommodation**

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, County) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities. Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with Human Resources Director, and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for a reasonable accommodation.

**3.9. Reporting Improper or Unlawful Conduct: – No Retaliation.** Employees may report reasonable concerns about County's compliance with any law, regulation or policy, using one of the methods identified in this policy. The County will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- 1). A violation of any federal, Oregon, or local law, rules or regulations by the County; Mismanagement, gross waste of funds, abuse of authority,
- 2). A substantial and specific danger to public health and safety resulting from actions of the County; or

## EMPLOYEE RELATIONS

- 3). The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the County will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision.

### **3.9.1. Employee Reporting Options.**

- 1). In addition to the County's Open Door Policy, employees who wish to report potential improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the Human Resources Director. Supervisors and managers are required to inform the Human Resources Director about reports of improper or unlawful conduct they receive from employees.
- 2). Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.
- 3). If the County were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

- 3.9.2. **Additional Protection for Reporting Employees.** Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the County's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the disclosure must relate to the conduct of a coworker or supervisor acting within the course and scope of his or her employment. The disclosure must have been made to either:

- 1). A state or federal regulatory agency;
- 2). A law enforcement agency;
- 3). A manager with the County; or
- 4). An Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

### **3.9.3. Policy against Retaliation**

- 1). The County will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful.

## EMPLOYEE RELATIONS

- 2). In addition, the County prohibits retaliation against an employee because he or she participates in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no County employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The County may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.
  - 3). This policy is not intended to protect an employee from the consequences of his or her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the County determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.
- 3.10. **Standards of a Respectful Workplace.** Clatsop County strives to promote a safe, respectful workplace environment for all employees.
- 3.10.1. Clatsop County has zero tolerance for behavior, which to a reasonable person is intimidating, hostile, threatening, violent, abusive, bullying or offensive. Such behavior can include verbal or written statements, gestures, or expressions that communicate a direct or indirect threat of physical or psychological harm. Also prohibited are acts that express or are reasonably perceived as expressing intent to cause damage to property. Employees who commit such acts may be removed from the premises and will be required to stay off County property pending the outcome of an investigation, and may be subject to disciplinary action, criminal penalties or both.
  - 3.10.2. Clatsop County will respond appropriately to workplace violence where individuals other than employees are concerned. Appropriate action may include referral to appropriate law enforcement authorities, which may result in criminal charges.
  - 3.10.3. Any potentially dangerous situations must be reported immediately to a supervisor or Human Resources. Reports may be made anonymously, and all reported incidents shall be investigated immediately. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis or as required by law. Supervisors shall report incidents to Human Resources immediately.

Standards of respectful workplace behavior prohibits retaliation against employees who report or experience workplace violence. Any employee found to have engaged in retaliatory action or behavior may be subject to discipline, up to and including dismissal. The following measures shall be taken to effectively implement this policy and maintain a safe, respectful workplace:

- 1). The department head will set respectful workplace standards for consideration in their department.
- 2). Training: Employees and supervisors should be trained to identify unsafe workplace hazards or employees who exhibit behavior, which could be a sign of potentially dangerous situations.

## EMPLOYEE RELATIONS

- 3). Safety: The Clatsop County Safety Committee will conduct biannual inspections of the premises to evaluate and determine vulnerabilities to workplace violence or hazards. Necessary corrective action will be taken to reduce identified risks.
- 4). All individuals who obtain a protective or restraining order which lists County property as protected areas must provide the County Manager and County Sheriff's Office with a copy of the order. The County understands the sensitivity of the information requested and will recognize and respect the privacy of the reporting employees.

### **3.11. Religious Accommodation**

Reasonable accommodation may be provided for religious observances or practices of employees, unless providing the accommodation would impose an undue hardship on the County. With County Manager or supervisor approval, an employee may use vacation or other available leave for religious activities; if accrued leave is not available, then an employee may request to take unpaid leave.

### **3.12. Drug and Alcohol-Free Work Place.**

#### **Scope**

- 3.12.1. County works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to County's reputation.
- 3.12.2. County expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.
- 3.12.3. This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

### **3.13. Prohibited Conduct.**

- 3.13.1. Possession, transfer, use or being under the influence of any alcohol while on County property, on County time, while driving County vehicles (or personal vehicles while on County business), or in other circumstances which adversely affect County operations or safety of County employees or others.
- 3.13.2. Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence
- 3.13.3. The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- 3.13.4. Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on County property, on County time, while driving County vehicles (or personal vehicles while on County business), or in other circumstances which adversely affect County operations or safety of County employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on County property or on County time.

## EMPLOYEE RELATIONS

- 3.13.5. Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
  - 3.13.6. The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
  - 3.13.7. As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
  - 3.13.8. Bringing to County property, or possessing, items or objects on County property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in County property.
  - 3.13.9. Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law-enforcement work.
  - 3.13.10. Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to County property. This prohibition does not apply to employees who possess such items in connection with law-enforcement work.
- 3.14. Prescription Drugs and Medical Marijuana**
- 3.14.1. With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or County operations.
  - 3.14.2. Employees must inform their supervisor about any prescription drugs that they use and that could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect County operations or safety of County employees or other persons, County may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.
  - 3.14.3. The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as County will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)
- 3.15. Reasonable Cause Testing.**

## EMPLOYEE RELATIONS

- 3.15.1. If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, County may require the employee to undergo testing for controlled substances or alcohol. As used in this policy, unless the context indicates otherwise:
- 1). The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the Human Resources Director or the Human Resources Director's designee.
  - 2). "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
    - i. a pattern of abnormal or erratic behavior;
    - ii. information provided by a reliable and credible source;
    - iii. a work-related accident;
    - iv. direct observation of drug or alcohol use;
    - v. presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
    - vi. unexplained significant deterioration in individual job performance;
    - vii. unexplained or suspicious absenteeism or tardiness;
    - viii. employee admissions regarding drug or alcohol use; and
    - ix. unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.
- 3.15.2. Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to Human Resources Director. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" findings.
- 3.15.3. If an employee's initial laboratory screening for controlled substances is positive, a confirmation analysis will be conducted. If the confirmation test is positive the employee shall be notified in writing. The letter of notification shall state the particular substance identified in the confirmation test. If an employee wishes to dispute the results the request shall be made in writing within 24 hours (excluding weekends and holidays) of receiving the letter of notification. All costs related to the "dispute" test shall be paid by the employee.
- 3.16. **Post-Accident Testing.** Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage a County vehicle, machinery, equipment or property; or (b) result in an injury to themselves or another employee requiring offsite medical attention; and (c) when County has a reasonable basis to believe that the accident or injury may have been caused by drug or alcohol use.



## EMPLOYEE RELATIONS

- 3.17. **Search of Property.** When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on County property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, County may search the employee's possessions located on County property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to County property, or in property, equipment or supplies provided by County to employee.
- 3.18. **Employee Refusal to Test/Search**
- 3.18.1. An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.
  - 3.18.2. An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.
- 3.19. **Crimes Involving Drugs and/or Alcohol. Employees shall report:**
- 3.19.1. Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
  - 3.19.2. Entry into a drug court or diversion program; or
  - 3.19.3. Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or cdl).
  - 3.19.4. Failure to report as required will result in disciplinary action up to and including termination.
- 3.20. **Drug and Alcohol Treatment**
- 3.20.1. County recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. County is willing to help such employees obtain appropriate treatment.
  - 3.20.2. An employee who believes that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or Human Resources Director for assistance. County will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and County to the extent its existing benefits package covers some or all of the program costs.
  - 3.20.3. Although County recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance before drug or alcohol problems lead to disciplinary action. Once a violation of County policy is discovered, the employee's willingness to seek County or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.
- 3.21. **Discipline and Consequences of Prohibited Conduct**
- 3.21.1. An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

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- 3.21.2. A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address their substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with their performance and to specify the performance required for the employee to achieve in order to continue to be employed by County. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

### 3.22. Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or County is prohibited unless written authorization is obtained from the employee.

### 3.23. Employment of Family Members.

Oregon State Law: prohibits an employer from refusing to hire or from terminating 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:

- 3.23.1. Place a family member in a position of exercising supervisory, appointment, or grievance adjustment authority over another family member employed by the County;
- 3.23.2. Cause the County to violate a federal or state law or rule;
- 3.23.3. Cause the County to violate the conditions of eligibility for financial assistance from federal or state government; or
- 3.23.4. Cause the County to disregard a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business.
- 3.23.5. **Policy.** The County will not hire a person if doing so would create any of the above circumstances involving family members. 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.

### 3.24. Ethics

- 3.24.1. **State Law:** The provisions of ORS Chapter 244 shall be strictly applied. Employees are expected to comply with these standards and refrain from engaging in activities that are unlawful or unethical. Those provisions include, but are not limited to the following:
- 1). Employees shall not use their official positions or offices to obtain financial benefit for themselves, other than official salary, honoraria, or reimbursement of expenses, or for any member of their households, or for any business which they or a member of their households are associated that would not be available but for their position as a public official. The financial benefit can be either an opportunity for gain or to avoid an expense.
  - 2). No employee or a member of an employee's household or relatives shall accept anything of aggregate value in excess of the amount permitted by law in a calendar year from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the employee has any official position or over which the employee exercises any authority.
  - 3). No employee shall solicit or receive, either directly or indirectly, and no person shall offer or give to any employee any pledge or promise of future employment, based on any understanding that such employee's vote, official action or judgment would be influenced thereby.

## EMPLOYEE RELATIONS

- 4). No employee shall further their personal gains through the use of confidential information gained in the course of or by reason of their official positions or activities in any way.

### **3.24.2. Gifts, Gratuities, Fees**

- 1). County personnel shall not under any circumstances solicit any gift, gratuity, loan or fee where there is any direct connection between solicitation and their departmental membership or employment.
- 2). County personnel shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value, the acceptance of which may tend to influence directly or indirectly the actions of said personnel or other persons in any matter of county business.

### **3.25. Political Activity.**

3.25.1. **State Law Restrictions.** State law restricts political activities and no County employee may use their employment to solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or during working hours. This does not restrict the right of County employees to express their personal political views, to vote in any election or to support candidates or ballot issues as long as it is done outside of working hours.

3.25.2. **Employees Running for Political Office.** An employee may seek or accept nomination, election or appointment to a political office provided, however, such nomination, election or appointment does not in any way create a conflict of interest with the employee's regular duties with the County. The department head shall decide when a conflict of interest exists. In the event of such conflict of interest, an employee may be placed on an approved leave of absence without pay during the campaign.

### **3.26. Outside Employment**

#### **3.26.1. Policy**

- 1). Employees are prohibited from engaging in outside employment which conflicts, with the employee's County employment. An employee shall consult with his or her department head to determine whether the proposed outside employment may conflict with County employment. County employees shall not engage in outside employment which conflicts with their County employment.

### **3.27. Dress and Grooming**

#### **3.27.1. General Policy.**

All employees are expected to present a professional, businesslike image to clients, visitors, customers and the public by dressing and grooming appropriately for their job. The department head will offer guidance as to proper attire and grooming standards for his/her department. Employees are not permitted to wear ripped, frayed, tight or revealing clothing or athletic wear inappropriate for a workplace. Special dress requirements for reasons of safety may also be established. If the employee feels aggrieved by the dress and grooming requirements of his/her department, he/she may use the dispute resolution system. In setting standards for dress and grooming, supervisors will consider the following factors:

- 1). The nature of the work;
- 2). Safety considerations, such as necessary precautions when working with or near machinery;
- 3). The nature of the employee's public contact, if any.

## EMPLOYEE RELATIONS

- 4). Clatsop County recognizes the importance of individually held religious beliefs to persons within its workforce. Clatsop County will reasonably accommodate an employee's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for employees. Those requesting a workplace attire accommodation based on religious beliefs should be referred to Human Resources.
- 3.27.2. Enforcement. When an employee's dress does not comply with established standards, it should be discussed with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action. An employee who disagrees with a supervisor's judgment on matters of dress and grooming shall have recourse through the grievance process.
- 3.28. Fragrance Free Workplace**
  - 3.28.1. Clatsop County strives to maintain a workplace environment that is conducive to efficiency and productivity and free from unnecessary distractions and annoyances. As part of that effort, the County generally requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. Recognizing that employees and visitors to the County offices may have sensitivity or allergic reactions to various fragrant products, Clatsop County is a fragrance-free workplace.
  - 3.28.2. To ensure that Clatsop County is a fragrance-free workplace, employees are prohibited from wearing or bringing into the workplace natural or artificial scents, including perfumes, colognes, lotions, scented candles, potpourri and similar items, that are perceptible to others. The policy is intended to protect individuals with sensitivities or allergies to fragrances and products that emit scents. It provides that employees with a medical necessity for lotions or skin creams that emit odors or scents may request a reasonable accommodation from their supervisor.

## EMPLOYMENT STATUS

### 4. EMPLOYMENT STATUS

- 4.1. **Position Classification Plan. Preparation and Adoption.** The Human Resources Director shall develop and maintain, subject to approval by the County Manager, a classification plan for all positions and temporary work. The classification plan shall consist of classes of positions as defined by job specifications and job title. The classification plan shall be developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class.
- 4.2. **Classification**  
Each position shall be classified consistent with these Personnel Policies and in accordance with the knowledge, skill, responsibility, effort and working conditions of the position. Reclassification shall be effective when approved by the County Manager. Reclassifications resulting in increases in appropriations will be effective following Board approval. Positions will be allocated to the same classification with the following conditions:
- 4.2.1. The same descriptive title may be used to designate the positions;
- 4.2.2. Substantially the same level of knowledge, skill, responsibility, effort and working conditions of the position. are required to perform the duties
- 4.2.3. Similar tests may be used to select employees for the positions.
- 4.3. **New Positions.** When a new position is to be created, the Human Resources Director will recommend to the County Manager an appropriate class for the new position. When submitting grant applications or preparing a request for a new position, the department head shall consult the Human Resources Director to determine the appropriate classification for the duties to be assigned to the new position. The salary range for the new position will be submitted to any applicable union in accord with the terms of the governing collective bargaining agreement.
- 4.4. **Reclassification.** When the duties assigned to a position have been changed to the extent that they no longer fit within the current class, the duties will be reviewed, and the position allocated to an appropriate class. Reclassification will not be undertaken as a substitute for discipline or hiring regulations regarding demotions and promotions, nor to affect a change in salary in the absence of a significant change in assigned duties and responsibilities. The salary range for the new position will be submitted to any applicable union in accord with the terms of the governing collective bargaining agreement.
- 4.4.1. Reclassification resulting in an increase in appropriations will become effective following Board approval. All other reclassifications will become effective following approval by the County Manager.
- 4.4.2. A change in a position's allocation does not constitute a sole basis for determining whether the employee in a position will also be assigned to the new position.
- 4.4.3. The decision to reclassify an employee shall be made by the department head with the concurrence of the Human Resources Director and subject to final approval by the County Manager. The decision shall be based upon a change in position, duties and responsibilities. The change will be effective on the first day of the month following when it is confirmed. Whenever a position is reclassified to a lower level class, the employee shall be reclassified to the lower level class effective the first of the month following when the reclassification is approved by the County Manager. (See Y-Rate).
- 4.5. **Requests for Classification Review**
- 4.5.1. **Submission Process**  
Requests for classification review are made by a department head to the Human Resources Director. An employee may request that the department head submit a request for classification review to the Human Resources Director. The department head will review the request and, if appropriate, send it with a written memorandum

## EMPLOYMENT STATUS

explaining the reasons the request meets the criteria for a classification study to the Human Resources Director. The Human Resources Director will review the request and indicate whether or not they will conduct a classification study.

- 4.5.2. An employee may request the classification review be forwarded to the Human Resources Director even if the department head does not concur. The employee will notify the department head in writing when they want the Human Resources Director to review the denied request. The department head's reasons for disagreeing with the employee request shall accompany any request forwarded to the Human Resources Director.
- 4.6. **Criteria for Determining the Need for a Classification Study**
  - 4.6.1. The County Manager or the Human Resources Director may authorize a classification review when, in their judgment, the request indicates that permanent and substantial changes in the duties assigned to a position are necessary. Either a department head or the Human Resources Director may refer a request for review to the County Manager.
  - 4.6.2. The new duties must be clearly defined before a review commences. The Human Resources Director may include in any classification study any positions that are in the same work unit, have related duties, or are in the same class series as the position under classification review.
- 4.7. **Effective Date**
  - 4.7.1. The effective date of a reclassification shall be the first of the month following approval of a new salary. Retroactive pay back to the first of the month following the date of the employee's request will be paid if the employee has been performing the work in question for that period of time.
  - 4.7.2. The anniversary date for future Step increases shall be established as the first of the month following twelve (12) months in the new classification and shall not include the period from which retroactive pay is granted.
- 4.8. **Employee Job Description Plan. Human Resources Director shall maintain records.**
  - 4.8.1. The purpose, essential functions and auxiliary functions, qualifications, desirable qualifications, physical demands, working conditions and supervisory responsibility for each position will be contained in a job description, which will designate each position by job title. The Human Resources Director will maintain a file of all current descriptions, which shall be revised as job content and/or responsibility changes, subject to County Manager approval.
  - 4.8.2. Job descriptions will be prepared or reviewed for accuracy as the initial step in filling any vacancy.
  - 4.8.3. At the request of an employee, a supervisor or department head, or at the discretion of the County Manager, the Human Resources Director may conduct a job description review. A request for review shall describe in detail how the content of the job has changed since the description was last reviewed.
  - 4.8.4. A request from an employee shall be forwarded to the Human Resources Director with the department head's comments and recommendations.
  - 4.8.5. Each job description shall include a pay grade, job classification, Safety Sensitive designation, Labor Union affiliation, and Fair Labor Standards Act status.
  - 4.8.6. Prior to making any substantive change in job duties, a department head shall request that a new job description be prepared for the affected position and evaluated by the Human Resources Director. The job description shall become effective upon approval by the County Manager.

## COMPENSATION PLAN

### 5. COMPENSATION PLAN

#### 5.1. Rates of Pay

##### 5.1.1. Monthly Rates

The positions and corresponding rates of pay shown the attached Salary Schedule (attachment A) have been established by the Board of Commissioners. The rate of pay for each class is a monthly rate of pay which is a Step in the range assigned to the job classification.

##### 5.1.2. Periods of Less Than One Month

When payment is to be made for a period of less than one month, the monthly rate of pay shall be converted to hourly rate and amount of compensation due to the employee shall be computed based on the number of hours worked using the hourly rate.

5.1.3. For employees assigned to work in positions typically scheduled to work 37.5 hours per week, the hourly rate is computed by multiplying the monthly rate by 12 and dividing the result by 1950. The result shall be rounded to the nearest penny.

5.1.4. For all other employees, the monthly rate is computed by multiplying the monthly rate by 12 and dividing the result by 2080. The result shall be rounded to the nearest penny.

##### 5.1.5. Overtime exempt employees

Overtime exempt employees employed for part of a month, shall be paid in an amount determined by multiplying the monthly rate by the percent of the regular hours actually worked during the month.

5.2. **Pay Periods and Pay Days.** Employees are paid on the fifth day of each month for the period beginning on the first of each month and ending on the last day of the month. If a payday falls on a weekend or holiday, employees are paid on the preceding workday. Paychecks are normally distributed in each department; however, employees may be required to appear at the County Manager's Office to receive paychecks when paperwork is not complete or other communication is required with the employee. Regular employees have the option of receiving a draw on their monthly pay in an amount of not less than \$50 per month and not more than \$50 less than 1/2 of their net monthly pay. The draw check will be issued on the 20<sup>th</sup> of each month or the last workday before the 20th. Employees may not change their draw more than once every fiscal year, unless approved otherwise by the County Manager.

#### 5.3. Salary on Hire

##### 5.3.1. Hiring Rate of Pay

The normal hiring rate is the first Step of the pay range for the position's classification. Advanced Step appointments and accelerated Step advancement may occur only upon authorization by the County Manager or designee or Sheriff as applicable.

##### 5.3.2. Job Offers

Offers for County employment and commitments for salary on hire are made in the job offer letter. Hiring appointments above the first Step require prior approval by the County Manager or designee, or Sheriff as applicable.

##### 5.3.3. Salary on Promotion

Except as may otherwise be provided by collective bargaining agreement, a regular employee who is promoted to a new classification will move to that Step in the range for the new class, not to exceed the top Step in the range for the new class. In no event shall a promoted employee's salary be less than the starting pay of the salary range for the new position.

##### 5.3.4. Salary on transition from temporary to regular employment

Salary on transition from temporary to regular employment is not a promotion. The

## COMPENSATION PLAN

salary when a temporary employee is hired into a regular position is set following the procedures for a new hire.

### **5.3.5. Salary on Reclassification**

Re-classification to a class with a higher salary range is a promotion.

### **5.3.6. Assignment of an Existing Class to a Higher Salary Range**

Assignment of an existing class to a higher salary range is NOT a promotion.

Employees in a class that has its salary range adjusted will be assigned to their current Step in the new range. (For example, an employee at the third Step of the old range will be at the third Step of the new range.)

## **5.4. Step Advancement Schedule**

### **5.4.1. Step Advancements Authorized**

Employees who are not paid at the top Step of the salary range for their classes are normally eligible for a Step advancement on their anniversary date. Raises in salary resulting from Step advancements are based on longevity and satisfactory performance and are not automatic. The anticipated step advancement may be denied or delayed based upon the employee's performance. Except when Y- rated, an employee may not be paid a regular rate of pay above the top Step of the salary range for his/her classification. Eligibility for Step advancement will be delayed by layoffs or unpaid leaves of absence in excess of fifteen (15) working days. Salary Step advancements for all regular and probationary employees are administered by the Department Head.

### **5.4.2. Step Advancements Schedule**

Step advancements will normally occur per the applicable collective bargaining agreement. For management and unrepresented employees, advancements will normally occur after completion of probation and thereafter after satisfactory annual review.

### **5.4.3. Anniversary Date**

The date of the anticipated Step advancement is known as the Anniversary Date. Step advancements must be approved in writing before they become effective.

## **5.5. Withholding of Step Advancements**

### **5.5.1. Department Heads Authorized**

When a department head has determined that the job performance of an employee is less than satisfactory, the Step advancement may be withheld. The employee's performance shall be documented and a copy of the documentation provided to the employee.

### **5.5.2. Step Advancements and Probationary Periods**

In the event the initial or promotional probationary period is extended by agreement between the supervisor and the department head, the employee shall remain at the same Step as a condition of that extension. The date of the next step advancement will be adjusted with the extension of the probationary period.

### **5.5.3. Granting of Withheld Advancements**

The department head may approve the withheld step advancement at the beginning of any month upon a finding that the employee's performance is now satisfactory. The employee's anniversary date shall be adjusted based on the date on which the Step advancement is actually granted. If a Step advancement is not granted in the interim, the employee shall be considered for Step advancement on the next anniversary date.



## COMPENSATION PLAN

### 5.6. Temporary Worker Compensation

#### 5.6.1. Rates of Pay

Temporary workers will be paid the rate of pay established for the same work when performed by regular County employees; provided, however, students receiving school credit for work may be paid at a rate established by the County Manager for student interns. Rates of pay may be adjusted annually consistent with general salary increases granted to unrepresented regular employees at the option of the County Manager. Pay rates for temporary, fill-in nurses are established in the Union contract.

#### 5.6.2. No Leave/Insurance Benefits

Temporary workers are not eligible for paid leave, paid holidays, health or life insurance coverage, PERS, or any other parts of the employee benefit package, except to the extent that may be required by State or Federal law. Temporary employees may not be eligible for benefits other than those mandated by applicable law. Temporary employees may not be eligible for benefits other than those mandated by applicable law.

### 5.7. Y-Rate

#### 5.7.1. Pay Above the Top Step of a Range

An employee who is reduced to a lower class as a result of reclassification or reorganization that is not associated with layoff or discipline and not the result of employee action or request, may be paid at a rate of pay above the top Step of the range or between Steps of the range. Similarly, an employee in a class which has its salary adjusted to a lower rate may also be paid at a rate of pay above the top Step of the range. This rate shall be known as a "Y- Rate." Assignment to such a rate of pay is available to employees who are fully qualified to perform the work of the lower paid class at the discretion of the County Manager.

#### 5.7.2. Y-Rate Above the Top Step

An employee who is at a Y-rate above the top Step of the range for the new (lower) class shall continue to receive the Y-rate while employed in the new class until a change in the rate of pay for the employee's new class occurs through adjustment of the salary range for the class and causes the top Step of the new class to be equal to or greater than the employee's salary rate.

#### 5.7.3. Y-Rate Between Steps of Range

An employee who is at a Y-rate which is between the Steps of the range for the new (lower) class shall continue to receive the Y-rate until a change in the rate of pay for the employee occurs through adjustment of the salary range for the class or through eligibility for Step advancement which causes the rate for the Step in the range to which the employee is entitled to exceed his/her current rate of pay

### 5.8. Work Out of Class

5.8.1. **Policy.** Employees may occasionally be asked to perform duties beyond the scope of their normal position or asked to temporarily assume the duties of a higher level budgeted position for a short period. Such work is considered to be part of the employee's normal duties. However, in the event that such work extends beyond a short-term assignment, the County establishes these criteria for paying employees for temporarily performing work beyond the assigned duties of their current job class, and for employees temporarily assigned the duties of a management or administrative position. Employees whose regular class is Assistant department head or Chief Deputy are excluded from this policy.

5.8.2. **Assignments.** Employees may be temporarily assigned the duties and responsibilities of a budgeted, higher level position provided the position is currently vacant or the employee normally filling the position is on authorized leave or the employee normally assigned to the position has been temporarily relieved of all

## **COMPENSATION PLAN**

regular duties to complete a special project approved by the County Manager or because of temporarily increased workload requirements. The same employee shall not be assigned to the higher-level duties for more than six consecutive months unless specifically approved by the County Manager, who may extend the assignment for an additional six months.

### **5.8.3. Employee Eligibility**

- 1). Employees must be formally assigned and actually performing the duties of the higher job class.
- 2). The salary range for the higher-paid class must be at least five (5%) percent above the range for the employee's current job class.
- 3). Beginning on the eleventh consecutive work day of performing the duties of the higher-level position, employees will be paid at a rate five (5%) percent above their current rate of pay, or at the entry rate of the higher job class, whichever is greater, but not to exceed the top Step of the higher classification, provided they perform the duties for a period of ten-consecutive working days.
- 4). 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, nor may out-of-class pay be used to reward employees for outstanding service, nor for any purpose other than these stated. Out-of-class pay may be paid back to the date of reclassification request, when reclassification has been requested and subsequently approved.

### **5.8.4. Procedure**

- 1). A request for out-of-class pay because of workload or reassignment of existing staff must be made in writing and specify the circumstances which make the out-of-class assignment necessary, the starting date of the assignment, and the anticipated length of the assignment. The written request should be sent to the County Manager for approval. Upon receipt of approval, a Personnel Action Form (PAF) shall be forwarded to the Human Resourced Director. The authorization for out-of-class pay, which must be signed by the department head, will specify the position to be filled, the circumstances that make the assignment necessary, and the starting date of the assignment.
- 2). The out-of-class rate of pay shall apply only for that time actually worked in the higher-level class. Leave time is paid at the employee's normal rate of pay.
- 3). The consecutive-day work period may be interrupted by approved leave of not more than five (5) consecutive working days if the out-of-class work is continued on the first day returned.

## **5.9. Work Time**

### **5.9.1. Attendance**

Employees are expected to be available and ready for work at the beginning of their assigned shifts and at the end of their scheduled rest and meal periods. Preparation for rest and meal period, as well as the end of the workday is work time.

### **5.9.2. Work Hours**

Each regular full-time employee is assigned a regular schedule of five consecutive workdays of 7.5 or 8 hours each; however, department heads may schedule employees to work four consecutive workdays of ten hours each with the prior approval of the County Manager. Exceptions to regular work schedules may be assigned by department heads, with reasonable prior notice to the employee. The work hours of an employee of the Sheriff's Office are governed by the employee's Collective Bargaining Agreement.

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### **5.10. Time Reporting**

#### **5.10.1. Purpose of Time Reporting**

Recording of hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, to assure compliance with the federal and State law and to maintain an effective and efficient cost accounting system.

#### **5.10.2. Hours Worked**

Nonexempt employees will be paid for all hours worked. Hours worked include:

- 1). Hours worked before or after the normally assigned shift, or any other irregular hours, even if the employee volunteers his or her time. Periods of six minutes or less are not considered overtime.
- 2). Rest periods of 15 minutes or less.
- 3). Travel time that occurs during an employee's normally assigned work day and during normally scheduled work hours on non- work days (i.e., scheduled days off, holidays, etc.) An employee's commute from their home to their worksite (and back home again at the end of the workday) is not compensable work time.
- 4). Hours spent at lectures and training activities conducted by the County, unless attendance is completely voluntary and the employee's job performance is not dependent upon such training.
- 5). Hours spent in public or charitable, work if it is done at the County's request, or under the County's direction.

#### **5.10.3. Position Designations - Overtime Eligibility**

All County positions are designated as "exempt" or "nonexempt," according to FLSA regulations and consideration of common practices for particular fields of work. For cost accounting and billing purposes, the County requires employees in certain positions, regardless of FLSA status, to account for hours worked.

#### **5.10.4. Responsibility for Position Designations**

The County Manager will examine and evaluate position descriptions and duties for all positions and compare them with standards established by FLSA regulations to determine the employee's status as exempt or nonexempt. Departments will notify the County Manager when the duties of a position are substantially changed in order to ensure the FLSA designation is accurate.

#### **5.10.5. Responsibility for Time Reporting**

All employees are responsible for accurately completing their own monthly or daily time sheets.

- 1). All nonexempt employees will record all hours worked and all hours off work and the type of leave to be charged, whether paid or unpaid, on the time sheet.
- 2). All exempt employees in positions which require an accounting of hours worked by work order number will enter their hours worked for each project and all leave hours taken on the daily time sheet.
- 3). Exempt employees in positions not required to account for hours worked by work order number will record only those hours off for sick leave, vacation or other forms of leave.

### **5.11. Overtime**

#### **5.11.1. Non-Exempt Employees**

- 1). Overtime Eligibility. For overtime purposes, County employees in positions designated as overtime eligible will receive additional compensation, either cash or compensatory time off, when they work more

## COMPENSATION PLAN

- 2). than the number of hours which normally constitute a full-time work schedule for the class; i.e., 37.5 or 40 hours per week or 7.5 or 8 hours per day. Consistent with FLSA regulations, County employees in exempt positions are not eligible for overtime pay.
- 3). Time paid but not worked, like sick leave, holidays and vacations, counts toward hours worked for the purpose of computing overtime hours.
- 4). Positions eligible for overtime premium pay are listed in the Salary Schedule.
- 5). Work Week Defined  
Unless otherwise stated in the employee's respective collective bargaining agreement, the established workweek for purposes of the Fair Labor Standards Act is a 168-hour period beginning at 12:01 am Sunday and concluding at 12:00 (midnight) the following Saturday.
- 6). Overtime Authorization  
All overtime shall be specifically authorized by an employee's supervisor. Computation for overtime compensation (cash or compensatory time off) is based on hours worked in each work week or work period. If an employee is not authorized but allowed to work in excess of his or her scheduled shift, all of those hours will be counted when determining hours worked for compensation purposes.

### 5.11.2. Form of Compensation for Overtime.

- 1). Compensation for overtime hours worked shall be at the rate of 1.5 times the eligible employee's regular rate of pay either in cash or compensatory time off. The form of compensation shall be at the option of the County. No employee shall accrue more than 80 hours of unused compensatory time off except that eligible non-represented employees of the Fisheries Project shall be allowed to accumulate up to 240 hours of compensatory time off. Accrual of compensatory time off shall be at the rate of 1.5 hours of compensatory time off for each hour worked. An employee who has accrued the maximum allowed balance of compensatory time off shall be paid cash on his/her next regular pay check for any excess overtime hours worked. (Different compensatory time accrual limits apply for certain bargaining unit employees.)
- 2). Compensatory time off is intended to be taken as soon as it is mutually convenient following the date on which it was earned.
- 3). At any time, the County may pay an employee in cash on any regular paycheck for compensatory time off earned and not used. At the rate of 1.5 times the eligible employee's current regular rate of pay.

### 5.11.3. Variable Work Hours - Exempt Employees. Generally, exempt personnel are hired with the understanding that they are responsible for accomplishing the duties outlined for their assigned position or job. The focal point is the job to be done, not the number of hours worked. However:

- 1). Exempt jobs are usually designed with a 37.5 or 40.0 hour standard in mind. The necessity to consistently perform work for a substantial amount of hours over 37.5 or 40 per workweek should be examined (employee's performance, methods and procedures, and changes in workload).
- 2). Exempt employees and department heads are generally expected to be available to perform their job duties during normal business hours (usually 8 AM to 5 PM, Monday through Friday). However, completing the work assigned to an exempt position will, from time to time, require extra work to be performed in other hours or on other days.

## **COMPENSATION PLAN**

- 3). Recognizing the varying demands placed on exempt employees' time, the County gives department heads the flexibility of allowing exempt employees to take limited periods of time off without using accrued vacation or personnel holiday leave in recognition of instances where an employee has spent substantially more than a typical workweek in accomplishing the job.
- 4). Variable work hours are not compensation to exempt employees on an hour-for-hour basis for hours worked in excess of forty hours per week or eight hours per day. Accordingly, exempt employees do not "accrue a balance" of variable work hours.
- 5). **Procedure**  
At the request of an overtime exempt employee or at the suggestion of a department head, an exempt employee may be granted up to two days administrative leave in any calendar month in recognition of extraordinary work assignments completed. The County Manager may approve such leave for department heads. The decision to grant such leave is at the discretion of the department head. Such leave is not accrued leave; therefore it is not recorded on the employee time sheet.

### **5.12. Compensation Plan**

The Compensation plan for positions not included in a bargaining unit or in a unit which has negotiated a compensation plan based upon pay ranges shall be administered in accordance with the following provisions.

#### **5.12.1. Salary on Hire**

- 1). Offers for County employment and commitments for salary on hire are made in a job offer letter.
- 2). Prior approval of the County Manager is required before any job offer is made above the mid-point for the pay range established for the position.
- 3). Authorization for salary offers above the mid-point for the pay range shall be based on the following conditions:
- 4). Qualifications, including education, training and experience indicate applicant will perform at a level commensurate with the requested Step;
- 5). Other applicants with similar qualifications who would not require as high an advance level salary are not available; and
- 6). Adequate funds are authorized in the hiring department's budget to pay the higher rate.

#### **5.12.2. Pay Range and Salary Increases**

- 1). Employees who are at the maximum pay for the position and whose performance is less than satisfactory may, on recommendation of his or her supervisor, receive a lesser increase or no increase as a result of a change in the pay range.
- 2). Upon recommendation of the department head, employees whose performance is satisfactory will receive an increase in salary of up to one Step upon completion of twelve (12) months of employment and every twelve (12) months thereafter up to the maximum established for the position.
- 3). The salary of an employee whose job performance is less than satisfactory may be granted an increase less than authorized for satisfactory performance and may receive no increase in salary. If the employee's job performance is less than satisfactory, the recommendation of the department head shall include a description of the specific job performance that is not satisfactory and a description of the specific performance which is required to achieve a satisfactory evaluation.

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- 4). The salary of an employee whose performance has been evaluated as less than satisfactory shall be reviewed upon the completion of six (6) additional months of employment. If then judged satisfactory, the salary may thereafter be increased but not more than it could have been adjusted for satisfactory performance in terms of dollars at the time of the original evaluation.

### **5.12.3. Salary on Transfer to New Position**

- 1). An employee who is transferred to a position assigned a higher maximum pay range may be granted a pay increase indicated by the employee's training, knowledge, skill and readiness to assume the new duties, but an increase shall not exceed one Step or the range minimum, whichever is more.
- 2). An employee who is transferred to a position with the same or a lower maximum pay range shall do so without a change in pay except:
- 3). The employee's new rate of pay shall not exceed the maximum for the new position unless the transfer is made at the County's discretion to avoid a layoff in which case the employee's salary shall be "Y" rated.
- 4). If the transfer is for disciplinary purposes, the new rate of pay shall be within the established range for the new position.

## **5.13. Work Breaks**

### **5.13.1 Scheduling**

Work shall be scheduled in a manner that allows employees rest periods and meal periods. Rest and meal periods will be scheduled by department heads in a manner which allows maximum public access to County Services. Provided employees receive the rest periods and lunch periods to which they are entitled, schedules and lengths of rest and meal periods may be adjusted from time to time to meet the needs of individual employees and to respond to changes in department work load.

### **5.13.2 Rest Periods**

Full-time employees shall receive one fifteen-minute paid rest period near the midpoint of each half of the workday. All employees working more than two and one half consecutive hours shall receive one rest period about midway in the work period. No employee shall work more than four consecutive hours without either a rest period or a meal period. Rest periods cannot be used to arrive at work late or leave early. Rest periods must be taken in a continuous block of time.

### **5.13.3 Meal Periods**

Employees, who work more than four consecutive hours, including a rest period, shall be given a half hour or longer meal period before beginning the sixth hour of work. Meal periods are mandatory and are not optional and may not be used to come in late or leave early. Except as specified in applicable union contracts, meal periods will be an unpaid, one-hour period during which no work is performed.

## **5.14. Expression of Breast Milk.**

Female employees breastfeeding a child 18-months or younger are allowed a 30-minute unpaid break during each 4-hour work period or major part of a 4-hour work period for expression of breast milk.

- 5.14.1 An employee who intends to express milk during work hours must provide her supervisor reasonable written notice to allow the County time to make any preparations necessary to comply with this rule.
- 5.14.2 If feasible, the employee will take the rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee. If not feasible, the employee is entitled to take reasonable time as needed to express milk.

## **COMPENSATION PLAN**

- 5.14.3 The County will treat the rest periods used by the employee for expressing milk as paid rest periods up to the amount of time the County is required to provide as a paid rest and/or meal periods under applicable County personnel policy and/or collective bargaining agreements. Additional time needed beyond the paid rest and/or meal period may be taken as unpaid time.
- 5.14.4 If an employee takes unpaid rest periods, the County may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest period.
- 5.14.5 The County will allow, but not require an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.
- 5.14.6 The County will make a reasonable effort to provide a room or other location in close proximity to the employee's work areas, other than a restroom, where an employee can breast-feed her child or express milk in privacy. For the purposes of this policy "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. The room shall include electrical outlets for electric pumps; sanitation facilities including a sink close by, for hand washing and the rinsing of containers; and a sign posting the room as "private" during use.
- 5.14.17 Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

## **BENEFITS**

### **6. BENEFITS**

#### **6.1. Health Plan**

##### **6.1.1. Eligibility**

- 1). Unrepresented full-time regular, and part-time regular employees working at least 20 hours a week are eligible to enroll in a County group medical and dental insurance plan which includes vision coverage effective the first of the month following thirty days of employment or one full month when the new employee started on the first working day of the month. A Part-time employee's premium contribution is pro-rated. Temporary employees meeting Affordable Care Act criteria are also eligible to enroll as provided in the Act.
- 2). Dependents of employees are defined in the current benefit plan document. To conform with Federal and State laws, Clatsop County offers group insurance benefits to registered, same-gender domestic partners and legally married partners of employees. Non-registered, unmarried partners are not eligible.
- 3). Employees must authorize payroll deductions of any premium cost share for health & welfare benefits (medical, dental, vision, life insurance, disability insurance and other such benefits made available by the County) in order to maintain eligibility. Payroll authorizations are collected from employees during new hire orientation and annual open enrollment periods. Employees will be required to complete a new payroll authorization when requesting changes to their benefits as a result of a qualifying event. Benefit change requests must be submitted to Human Resources within 31 days of the date of the qualifying event (examples include marriage, divorce, birth, adoption, death).
- 4). Failure to report and remove non-qualified dependents in a timely manner may result in uncovered health claim expenses and back-due premiums owed to Clatsop County.
- 5). Employees may opt out (waive/decline) the Clatsop County medical benefit offering. In accordance with the Affordable Care Act of 2010 (ACA), employees who opt out of the County's medical plan are required to provide proof of other coverage.

#### **6.2. Benefits**

The specific terms and conditions of coverage are described in the benefit plan documents.

#### **6.3. Plan Changes**

The County will from time to time evaluate the benefit coverage plans to be offered and will make adjustments in the level of coverages and the amount of premium costs to be paid by the County, as the Board of Commissioners deems appropriate.

#### **6.4. Medical Plan Contribution**

- 6.4.1. Each eligible employee may elect medical insurance coverage through the County's current health insurance plan. The medical plan and the amount which the County may pay towards the premium cost is specified in the benefit notices provided during new hire orientation and annual open enrollment periods.
- 6.4.2. Shared dependents of County employees cannot be enrolled under multiple County employees' medical insurance elections. Employees with non-County insurance may or may not qualify for dual coverage. In all cases, employees should verify dual coverage eligibility with the carriers involved.

#### **6.5. Dental Plan Contribution**

The County provides a dental insurance plan. The dental plan and the amount which the County



## **BENEFITS**

will pay towards the premium cost is specified in the benefit notices provided during new hire orientation and annual open enrollment periods.

### **6.6. Vision Coverage**

Vision coverage is included within the County's medical plan. The vision plan premium cost is included within the medical insurance plan. Vision plan coverage details are provided during new hire orientation and annual open enrollment periods.

### **6.7. Eligibility for Part-time Employees**

- 6.7.1. Eligible regular, part-time employees with an average regularly scheduled workweek of 20 hours per week or more may elect medical and/or dental insurance benefits and shall pay a pro-rata share of the premium amount.
- 6.7.2. The County contribution during the first three months shall be based on the anticipated average number of regularly scheduled hours to be worked each month. At the beginning of the first calendar quarter following two months of employment, the County contribution will be adjusted at the beginning of each new calendar quarter. The adjusted contribution rate will be based on the average number of hours worked per month during the previous quarter. No contributions shall be made at the end of any month in which the employee has worked fewer than 81.5 hours.
- 6.7.3. Also, in accordance with the Affordable Care Act of 2010 (ACA), temporary employees may be eligible for medical insurance benefits depending on the number of hours worked in the measurement period. Affected employees will be notified if and when this is applicable.

### **6.8. Health Savings Account (HSA) Contribution**

Clatsop County offers a qualified High Deductible Health Plan (HDHP) which allows employees to open a qualified pre-tax advantaged, Health Savings Account (HSA). Clatsop County will make contributions to the HSA for eligible employees.

- 6.8.1. The County will pay, on behalf of each HSA eligible, regular full-time benefit eligible and enrolled employee, a monetary contribution that varies based on enrollment tier (Employee Only or Employee + 1 or more dependents), through a qualified, third party HSA administrator/bank selected by County Management. The County's HSA contribution for eligible and enrolled regular part-time employees is pro-rated based on the FTE amount.
- 6.8.2. New eligible regular employees shall receive a pro-rated contribution based on their date of medical insurance eligibility to the HSA.
- 6.8.3. All employees will certify their eligibility to receive County contributions and/or make their own contributions into their HSA account upon hire or annually during open enrollment by completing the HSA Supplemental Enrollment form.
- 6.8.4. County Management will determine the frequency of the contribution to the HSA plan. HSA contributions for eligible, regular and enrolled part-time employees are pro-rated based on the FTE amount. Contact Human Resources or Payroll for pro-rated contribution information.

### **6.9. Voluntary Employees' Beneficiary Association (VEBA)**

As an alternative for employees who are ineligible to participate in an HSA plan, the County will pay, on behalf of each eligible, regular full-time benefit eligible and enrolled employee, the monetary contribution that varies based on the dependent enrollment tier (Employee Only or Employee + 1 or more dependents), through a qualified third party VEBA administrator selected by County Management. The Internal Revenue Service (IRS) guidelines do not allow participants in VEBA plans to make individual or extra pre-tax contributions.

### **6.10. Flexible Spending Account (FSA) for Dependent Care**

The County offers a FSA benefit to offset dependent daycare expenses. This benefit is managed through the carrier, City/County Insurance. Benefit details are provided during new hire orientation and open enrollment periods.

## **WORKERS' COMPENSATION & SAFETY ON THE JOB**

### **7. WORKERS' COMPENSATION & SAFETY ON THE JOB**

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

#### **7.1. Steps to Take if You Are Injured on the Job.** *Failure to timely follow these steps may negatively affect your ability to receive benefits*

- 7.1.1. To ensure that you receive any workers' compensation benefits to which you may be entitled, you must follow the instructions in the Safety Manual and do all of the following:
- 7.1.2. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than 24 hours after injury
- 7.1.3. Seek medical treatment and follow-up care if required
- 7.1.4. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources Director.

#### **7.2. Return to Work**

- 7.2.1. If you require workers' compensation leave, you will – under most circumstances – be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit an approved medical certificate demonstrating your ability to return to work.
- 7.2.2. When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. County does not discriminate against employees who suffer a workplace injury or illness.

#### **7.3. Early Return-to-Work Program**

- 7.3.1. Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time
- 7.3.2. The Return-to-Work program for job-related injuries consists of a team effort by County, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.
- 7.3.3. If your doctor determines that you are able to perform modified work, County will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with County. While you are on modified or transitional work, you are still subject to all other County rules and procedures.

#### **7.4. Overlap with Other Laws**

County will account for other leave and disability laws that might also apply to your situation,

## **WORKERS' COMPENSATION & SAFETY ON THE JOB**

such as the Americans with Disabilities Act (ADA) and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

### **7.5. Life Insurance Coverage**

#### **7.5.1. Eligibility**

Full time regular, regular limited duration, and those part time regular employees who are regularly scheduled to work at least 65 hours per month are covered by a County paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following thirty days of employment.

#### **7.5.2. Policy**

The specific terms and conditions of coverage are described in the plan document issued by the insurance company and available from the Human Resources Director.

#### **7.5.3. Coverage**

Eligible regular, full time and part-time employees are covered by a policy. Plan coverage details are provided during new hire orientations and annual open enrollment periods.

### **7.6. Deferred Compensation**

#### **7.6.1. Policy**

Employees may defer a portion of their taxable income by participation in a deferred compensation 457(b) plan offered through the County by an approved plan provider. Contact Human Resources for enrollment information.

#### **7.6.2. Enrollment**

Initial enrollment may be made at any time during the year for earnings beginning the first of the following month. Changes in contribution are governed by the terms and conditions of the particular plan.

#### **7.6.3. Participant Agreement Acknowledgment Form**

At the time an employee signs the agreement to participate in a 457 (b) deferred compensation plan, the employee must also complete a Participant Agreement Acknowledgment form provided by the County. Only income earned after the effective date of initial or increased participation can be deferred.

#### **7.6.4. Canceling Participation**

Employees may cancel their participation in the deferred compensation plan at any time with respect to any pay period by notifying the County's Human Resources Director in writing, at least two (2) weeks prior to the month the cancellation will be effective.

#### **7.6.5. Withdrawal Prior to Retirement**

Prior to retirement, participants may withdraw the balance of their deferred compensation account only upon termination of employment. In the event of an unforeseeable emergency, the portion of account needed to pay for the emergency may be withdrawn. IRS defines conditions and requires employer approval of early withdrawal on a hardship basis. The Human Resources Director must review and approve all requests for early withdrawal. Questions about enrollment should be directed to Human Resources. All other questions should be directed to the customer care department for your respective plan.

## **WORKERS' COMPENSATION & SAFETY ON THE JOB**

### **7.7. Salary Continuation Coverage (Long Term Disability Insurance)**

#### **7.7.1. Eligibility**

Regular full time, regular limited duration, and part-time regular employees are eligible for a salary continuation insurance plan offered by the County.

#### **7.7.2. Coverage**

After satisfying the waiting period, the disability benefit plan provides 50% of the employee's salary up to a maximum monthly benefit amount.

## **TUITION REIMBURSEMENT**

### **8. TUITION REIMBURSEMENT**

#### **8.1. Eligibility.**

Employee Eligibility. Regular full-time employees with at least one year of continuous service and satisfactory job performance may be eligible for reimbursement of tuition for job-related courses. A recommendation by the employee's department head and final approval by the County Manager or designee is required for eligibility.

#### **8.2. Eligible Courses**

Courses must provide knowledge and/or skills that can reasonably be expected to relate to the employee's current position and job responsibilities and/or consistent with the human resources needs of the County. Courses must be taken from an institution accredited by an agency recognized by the U.S. Secretary of Education.

#### **8.3. Amount Reimbursed**

Tuition shall be reimbursed for payments made by the employee at a rate not to exceed the highest rate at an Oregon public state school, even if the employee is paying more. The employee may be reimbursed up to four (4) credits per quarter/semester. The amount budgeted annually by the County for this program shall serve as a cap for reimbursement payments. Reimbursement is available only for tuition and not for books or other fees.

- 8.3.1. If the employee leaves the County's employment within one calendar year after receiving a reimbursement, the employee shall return to the County the full cost of the reimbursed tuition. Participation in the program is on a voluntary basis – all coursework is to be completed outside of the normal working hours. Coursework shall be of such a nature and level of demand as to not interfere with an employee's work performance, capacity to work, concentration, alertness or any other measure of performance.

#### **8.4. Procedure.**

- 8.4.1. Applications for reimbursement must be recommended by the department head and approved by the County Manager prior to the employee registering for a course.
- 8.4.2. Requests will be date and time stamped by the Human Resources Department and considered in the order received. If more requests are received than funds are available, the County may select employees through a lottery process.
- 8.4.3. Applications must be complete and include a copy of the official course description from the accredited school's catalog or bulletin, an explanation of how the course relates to the employee's current job responsibilities, and a fee schedule reflecting course cost per credit hour.
- 8.4.4. Applicants will normally be notified of approval or disapproval within fifteen (15) workdays after the application is filed with Human Resources.

#### **8.5. Reimbursement.** Participants shall maintain a B grade or better in order to receive reimbursement.

- 8.5.1. To be reimbursed, an employee must submit a completed Request for Reimbursement to Human Resources within sixty (60) days following completion of a pre-approved course.
- 8.5.2. Requests must be accompanied by a copy of an official invoice or statement bearing the school's name and address and reflecting tuition costs and payment in full of such costs. Copies of canceled checks or credit card receipts are not sufficient. Requests must also include official notice of grades reflecting the employee's name, school term, and course name for the term corresponding to the invoice or statement. Electronic grade documentation is sufficient if from the school registrar.

- 8.5.3. The use of a County procurement card is not authorized for payment of tuition or any other associated costs.

## LEAVE PLANS

### 9. LEAVE PLANS

#### 9.1. Vacation Leave

9.1.1. **Regular Part-Time Employees.** Regular employees working fifty percent or more of the standard thirty-seven and one half or forty-hour week will accrue vacation on a pro-rata basis in the same proportion as their regular work schedule is to the regular work week. Pro-ration shall be on the basis of actual hours worked in each month.

#### 9.1.2. Eligibility Maximum Accrual

- 1). Vacation Accrual: All regular and regular limited duration employees will accrue vacation benefits upon the last day of the month of the employee's date of hire.
- 2). A schedule specifying the rate at which vacation leave accumulates is contained in Section 10.1.5. The maximum accrual of vacation leave shall be **three hundred (324) hours**. Accrued vacation leave may not be earned by any employee if the earning of such leave would result in a balance of unused vacation leave greater than maximum accrual rate. If it is determined the employee cannot be, or could not have been scheduled for vacation as a result of County business requirements, the County Manager, or his designee, may authorize the accrual of vacation leave beyond the maximum accrual rate, or may authorize cash payment for accrued vacation, subject to funds being available in an approved budget.
- 3). Vacation is accumulated in an employee's account on the last day of the month for the preceding month worked. The amount of accrual is based upon years of service adjusted as appropriate for leaves of absence without pay.

9.1.3. **Using Vacation.** Employees will accrue vacation at the end of each month worked. Hours accrued in one month cannot be used in the same month. The hours must be included in the employee's vacation balance before the employee can charge hours off work against them.

9.1.4. **Vacation Pay at Termination.** Upon termination of employment, an employee with more than six months service with the County will be paid for earned and accrued vacation at the employee's rate of pay. Any accrued vacation over the accrual cap **will not be paid out** unless authorized by the County Manager or his designee.

9.1.5. **Vacation Accrual Rates.** Except as noted, all accrual rates are expressed in terms of fractions of an hour earned for each regularly scheduled hour worked or on paid leave. Employees do not earn extra vacation for overtime hours worked. Employees will accrue vacation benefits at the rate indicated in the following table:

Years of Service	Accrual Rates		
	Unrepresented & Management	Days Per Month	Days Per Year
0 thru 4	.04615 (1.0)	1	12
After 4	.05769 (1.25)	1.25	15
After 9	.07202(1.50)	1.5	18
After 14	.08077 (1.75)	1.75	21
After 19	.09231 (2.0)	2	24
After 24	.10385 (2.25)	2.25	27

## **LEAVE PLANS**

### **9.1.6. Transfer of Vacation**

#### **1). To Another Employee**

Any County employee may transfer accrued, unused vacation leave to another employee who is suffering from an injury, illness or disability preventing the employee's return to work when the employee who is off work has exhausted all of his/her accrued vacation, sick leave, compensatory time off and other paid leave to which he/she is entitled. Vacation leave may also be transferred to an employee whose immediate family member suffers from a catastrophic injury, illness or disability preventing the employee's return to work and the employee has exhausted all of his/her accrued vacation, sick leave, compensatory time off and other paid leave to which he/she is entitled. Vacation leave received under this section may be used for family sick leave by an employee who has an accrued sick leave balance remaining but who has used the maximum sick leave allowed for "family" sick leave use.

#### **2). Approval**

The County Manager shall approve such transfers when in his/her judgment the conditions for a transfer have been met. Approval for use of leave made available through such transfers is not automatic and shall be based upon the same criteria applied in approving leave without pay for circumstances involving personal and/or family illness.

#### **3). Transfer**

The employee transferring vacation time shall authorize the transfer in writing. Transfers are voluntary and irrevocable. Leave shall be transferred in increments of one full workday based on the employee's regular schedule. Vacation may be transferred only in the month when the employee receiving the leave will use the leave.

### **9.2. Sick Leave**

#### **9.2.1. Policy**

##### **1). Attendance**

The County expects each employee be available for work on a regular and reliable basis. Attendance and leave use is monitored from this perspective.

##### **2). Use of sick leave**

Sick leave is for use in those situations in which the employee must be absent from work due to illness or for any other reason permitted by FMLA/OFLA as set forth in Section 10.9.

#### **9.2.2. Accrual**

- 1). Sick leave for regular full or part-time employees will be accrued at the rate of 0.04615 hours per regularly scheduled hour worked or on paid leave status. Sick leave is not accrued for any other hours. No employee shall accrue sick leave benefits in any month in which the employee does not work at least 81.5 hours.
- 2). Sick leave hours are accumulated in an employee's account on the last day of the month for the preceding month worked.
- 3). Eligibility to accrue sick leave is established after one month of employment from the date of hire. If an employee's hire date is before the 16th of the month, he/she will accrue from the first day of that month. If the employee's hire date is on or after the 16th of the month, accrual of sick leave begins the first day of the following month. One month of continuous service is based on the month in which accrual begins. Regular part-time employees who



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work at least 18.75 hours or more per week shall accrue sick leave prorated based on the hours worked.

- 4). Temporary employees will accrue sick leave in accordance with the Oregon Sick Leave law.

9.2.3. **On-the-Job Injury.** Leave hours for on-the-job injury or illness are charged to sick leave. If a time loss payment is authorized, it may be taken as time loss or sick leave may be used.

9.2.4. **Sickness Beyond Accrued Sick Leave Benefits.** Employees who use all their accumulated sick leave and require more time off work due to the illness or injury shall use any remaining accumulated vacation and personal holiday benefits for the hours not worked and may use accumulated compensatory time off. Any time after exhausting accrued paid leave, time off without pay may be granted; provided no overtime exempt employee who has exhausted all leave benefits shall be docked in their monthly salary for any day on which the employee works for a portion of the day.

9.2.5. **Sick Leave at Retirement.**

- 1). Sick leave hours accrued but remaining unused upon leaving County service for any reason shall not be paid.
- 2). For Tier One and Tier Two PERS employees, who retire from the County service, an employee's retirement account shall be credited with amount equal to one half the value of accrued, unused sick leave. Such credit will be computed and granted according to the PERS rules applicable to the employee at the time of the employee's retirement.

9.2.6. **Illness During Vacation.** Should an employee become ill while on vacation and require medical attention or hospitalization, the time ill may be charged to accumulated sick leave provided the employee furnishes a certificate issued by a licensed physician or practitioner or other satisfactory evidence of illness.

9.2.7. **Sick Leave Conversion**

Based on accrual rates as of July 1 of each fiscal year, employees shall be allowed to convert sick leave to personal holiday hours accordingly:

- 1). When an employee has accrued 150 hours of sick leave, he/she may convert one accrued sick leave day to one additional personal holiday each fiscal year.
- 2). When an employee has accrued 360 hours of sick leave, he/she may convert two accrued sick leave days to two additional personal holidays each fiscal year.

9.2.8. **On-the-Job Injury.** Employees are insured under the provisions of the Oregon State Workers' Compensation Act for injuries received while at work for the employer. The day of the injury shall be considered a work day, and the employee will receive normal salary for that day. An employee may elect that wages for a period of sick leave covered by Workers' Compensation shall be equal to the difference between the worker's compensation for lost time and the employee's regular take-home pay. Coverage of that employee's normal voluntary or involuntary deductions will also be provided. For that portion paid by the County, prorated charges will be made as follows:

- 1). Against accrued sick leave, or at the option of the employee accrued comp time may be substituted; when depleted,
- 2). Against accrued comp time and vacation time; when depleted,
- 3). Employee will be placed on leave without pay status.

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### 9.2.9. Notification

Any employee who is ill or unable to report to work for any reason shall notify his/her immediate supervisor no later than one (1) hour into the shift. In the event of a continuing illness the employee shall continue to notify his/her immediate supervisor weekly, or at appropriate times agreed on by the supervisor, of his/her ability to report to work. Sick leave may be denied for noncompliance.

### 9.3. Holidays

#### 9.3.1. Designated Holidays

**The following are holidays recognized by the County:**

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
*1/2 day before Christmas	December 24
Christmas Day	December 25
**Personal Days	2 per fiscal year
<b>**Personal days</b> will be credited to each regular and probationary employee on July 1 of each year based on the length of employment in the prior fiscal year as follows: More than nine (9) months                      2 days Nine (9) to three (3) months                      1 day Less than three (3) months                      0 days	

Personal days are to be taken at any time as scheduled by the mutual consent of the employee and the department head. Personal holidays may not be carried over from year to year and shall be lost if not taken before the end of the fiscal year.

Part-time regular employees working fifty percent or more of the standard thirty-seven and one-half or forty-hour week shall receive prorated pay based on the number of hours normally worked by full-time employees in the job class.

- 1). In recognition of the non-exempt unrepresented sergeants in the Sheriff's Office, these employees shall work their scheduled shifts without regard to holidays. In lieu of time off on the holidays designated in 11.5.1, Sergeants shall receive one day of paid leave per month to be taken in conjunction with the employee's normal scheduled days off or other days mutually agreed to each month, and in addition shall be entitled to 3.5 floating holidays to be scheduled in the same manner as vacation leave. The above employees covered under this section who work on a designated holiday shall not receive any additional benefit for working on the holiday.
- 2). An employee may accumulate up to twenty-four (24) hours of "red letter" compensation time. The employee shall designate to his/her supervisor which months are chosen for accrual. These days shall be scheduled in the same manner as vacation leave.

9.3.2. **Weekend Holidays.** Any holiday falling on a Saturday will be celebrated on the preceding Friday. Any holiday falling on a Sunday will be celebrated on the following Monday.

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9.3.3. **No Accrual.** Holiday leave shall not be accrued except as may be otherwise provided by collective bargaining agreement.

9.3.4. **Work on Holidays.** Nonexempt employees who are not in a bargaining unit shall be paid for the holiday plus one-and-one-half times their regular rate of pay for any time worked on a holiday. Holiday pay for bargaining unit employees shall be as provided in the collective bargaining agreement.

### 9.4. Leave of Absence without Pay

9.4.1. **Policy.** The County may grant leaves of absence without pay for up to six months only for exceptional circumstances and conditions, such as education or prolonged illness, when the appropriate authority determines the granting of such leave is consistent with the good of the County service. Such leaves may be extended for an additional period of up to six (6) months by the County Manager. Leaves of absence are granted at the discretion of the County Manager or his designee. Leaves of absence without pay may be granted when, in the judgment of the affected department head, the work of his department will not be handicapped by the employee's absence.

#### 9.4.2. Procedure

- 1). **Approval - Less Than 30 Days.** Leaves of absence not exceeding thirty (30) days and without pay, may be granted by the department head following the employee's use of all accrued paid leave credits.
- 2). **Approval – More Than 30 Days.** For leaves in excess of thirty (30) days, the department head forwards requests to the County Manager for consideration.

9.4.3. **Termination of Leave.** The County may terminate any leave of absence not covered by FMLA/OFLA or other federal law, prior to its expiration date by sending written notice to the employee concerned whenever the County determines that such action is appropriate. The employee is then required to return to work within fourteen (14) calendar days from the date the notice is received. In the event the County terminates a leave of absence, the employee will be returned to the same class or position he or she occupied when the leave of absence was granted.

9.4.4. **Failure to Return.** An employee who fails to return to duty upon expiration or termination of leave is considered to have resigned from County employment.

9.4.5. **Insurance.** Employees on approved leave of absence may continue their medical, dental and life insurance coverage in accordance with COBRA health benefit continuation regulations.

9.4.6. **Return from Leave.** The following apply provisions to return from all leaves of absence not subject to FMLA/OFLA.

- 1). An employee who declines reinstatement to any position at the same salary as his/her former position waives any right to reinstatement.
- 2). At the discretion of the County Manager an employee may be reinstated to a position in his/her former class for up to two years after the leave of absence has expired.
- 3). Anniversary Date:
- 4). An employee's anniversary date will be adjusted according to the time off work for all unpaid leaves of absence extending beyond thirty days.

9.4.7. **Benefit Accrual.** If an employee is on an unpaid leave in excess of fifteen up to thirty consecutive days, no leave benefits shall be accrued, nor shall he county contribute toward the cost of insurance benefits. An employee returning to his or her position on a part-time basis with the approval of the affected department head shall receive pro-rated benefits based upon the actual hours worked.

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### 9.5. Jury/Witness Leave

- 9.5.1. Employees are granted time off with pay to respond to a summons for service on a jury or subpoena as a court witness.
- 9.5.2. Employees will receive full pay and will not have any leave accounts debited for time spent in jury or court witness service
- 9.5.3. Upon completion of jury/court witness service, employees will forward any reimbursement monies received from the court or other party served to the County immediately upon receipt of the same.
- 9.5.4. Monies reimbursing the employee for out-of-pocket expenses may be kept by the Employee, unless the expenses were paid by the County

9.6. **Late Start/Early Release.** Employees are expected to notify their supervisors and, if required, return to work in the event jury/court duty starts late or ends early on a regular work day.

9.7. **Bereavement Leave.** Employees who have worked for County for 180 calendar days, and averaged at least 25 hours per week, may take up to five (5) working days of paid bereavement leave per death of an Immediate Family Member. Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The bereavement leave must be taken in the 60-day period following notice of death of a family member. The employee may request additional unpaid leave if necessary, which will be deducted from the employee's available leave time under OFLA. Employees who wish to take bereavement leave must inform County as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Written notice must be provided to the employer within three days of returning to work.

### 9.8. Military Leave and Reemployment Policy - Military Leave

Employees who wish to serve in the military and take military leave should contact the Human Resources Director for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

### 9.9. FMLA/OFLA Policy

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave of absence for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies and collective bargaining agreements govern the employee's and the County's rights and obligations, not this policy

Employees seeking further information should contact Human Resources Director. Please also refer to the "Employee Rights and Responsibilities under the Family Medical Leave Act" and

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“Oregon Family Leave Act” notices posted -the County employee website “Inside” and the County bulletin boards, which are incorporated here by reference.

### 9.10. Definitions:

9.10.1. **Child/Son or Daughter:** For purposes of OFLA, “child” includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the “child” can be any age; for all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care.

1). A “son or daughter” is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability” at the time FMLA leave is to commence. FMLA also provides separate definitions of “son or daughter” for FMLA military family leave that are not restricted by age – see below.

### 9.10.2. Eligible Employee:

1). OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

2). OMFLA – For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave; see Human Resources Director for more information.

3). FMLA – Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin. They must also be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

4). Leave under Oregon and federal law will run concurrently when permitted.

9.10.3. **Family Medical Leave:** This includes all of the types of leave identified in the section below, entitled “Reasons for Taking Leave,” unless otherwise specified.

9.10.4. **Family Member:** For purposes of FMLA, “family member” is defined as a spouse, parent or a “son” or “daughter” (defined above). For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes adult children (for “serious health condition” leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

9.10.5. **Serious Health Condition.** “Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined

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with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

### **9.10.6. Reasons for Taking Leave. Family Medical Leave may be taken under any of the following circumstances:**

- 1). **Call to Active Duty Leave:** Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.
- 2). **Employee’s Serious Health Condition Leave:** To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
- 3). **Family Member’s Serious Health Condition Leave:** To care for a family member with a serious health condition.
- 4). **Parental Leave:** For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
- 5). **Pregnancy Disability Leave:** For incapacity due to pregnancy, prenatal medical care or birth.
- 6). **Servicemember Family Leave:** Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.
- 7). **Sick Child Leave:** To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental

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appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.

- 9.10.7. **Length of Leave.** In any One-Year Calculation Period, eligible employees may take:
- 1). Up to twelve (12) weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), Sick Child Leave, or Call to Active Duty Leave;
  - 2). In some cases, an additional twelve (12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
  - 3). In some cases, employees who take the entire twelve (12) weeks of OFLA Parental Leave will be entitled to an additional twelve (12) weeks of Sick Child Leave.
  - 4). When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember Family Leave is taken, an eligible employee is entitled to a combined total of 26 weeks of FMLA Leave (some of which may include other types of FMLA-specific leaves of absence).
- 9.10.8. **One-Year Calculation Period.** The "12-month period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by a rolling 12-month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.
- 9.10.9. **Intermittent Leave.** Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without their express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of County operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both County and the employee. Intermittent leave for Parental Leave is not available.
- 9.10.10. **Employee Responsibilities – Notice.** Employees must provide at least 30 days' advance notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.
- 1). For Call to Active Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.
  - 2). Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee

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must let Human Resources Director know as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

- 3). If circumstances change during the leave and the leave period differs from the original request, the employee must notify Human Resources Director within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.
- 4). Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with County's normal call-in procedures. Employees who fail to comply with County's leave procedures may be denied leave, subject to discipline, or the start date of the employee's Family Medical Leave may be delayed.

### 9.10.11. **Certification.**

- 1). Generally speaking, employees must provide sufficient information for County to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave.
- 2). Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified.  
Additionally:
- 3). Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
- 4). Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.
- 5). Employees must furnish County's requested medical certification information within 15 calendar days after such information is requested by County. In some cases (except for leave to care for a sick child), County may require a second or third opinion, at County's expense. Employees also may be required to submit subsequent medical verification.
- 6). Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

9.10.12. **Fitness-for-Duty Certification.** If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.

9.10.13. **Substitution of Paid Leave for Unpaid Leave.** Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.



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- 9.10.14. **Holiday Pay While on Leave.** Employees receiving short- or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.
- 9.10.15. **On-the-Job Injury or Illness.** Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA Leave if the injury or illness is a “serious health condition” as defined by applicable law.
- 1). OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a “serious health condition” as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.
  - 2). If the employee’s serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers’ compensation time-loss benefits.
- 9.10.16. **Benefits While on Leave.** If an employee is on approved FMLA or OFLA Leave, County will continue the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Employees wishing to maintain health insurance during a period of approved unpaid OFLA leave will be responsible for bearing the cost of coverage. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on unpaid FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in County benefit plans.
- 9.10.17. **Job Protection.** Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.
- 1). Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. With the exception of employees on leave as the result of an on-the-job injury or illness or otherwise required by law, reinstatement shall not be considered if the leave period exceeds the maximum allowed.
  - 2). The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.
  - 3). Employees who work for other employers during a “serious health condition” leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.
- 9.11. **Protective Leave Law for Victims of Violence**
- 9.11.1. **Policy.** Unpaid leave of absence is provided to eligible employees who are victims of certain crimes to deal with issues of domestic violence, sexual assault, or stalking.
- 9.11.2. **Eligibility**

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- 1). Employees eligible for leave of absence under the Oregon victims of Certain Crimes Leave Act (OVCCCLA) must have been employed by the County for 180 days and worked an average of 25 hours or more per workweek and:
  - 2). is a victim or domestic violence sexual assault or stalking; or
  - 3). is the parent or guardian of a minor child or dependent who is the victim of domestic violence, sexual assault or stalking
- 9.11.3. **Qualifying Purposes.** OVCCCLA leave is provided to include such things as seeking medical treatment, obtaining counseling, relocating, getting legal advice or contacting law enforcement personnel.
- 9.11.4. **General Provisions.** Employees may be required to give reasonable notice of the need for leave when it is foreseeable. If notice is not foreseeable, notice must be provided as soon as practicable and comply with the County's call-in procedures. Should leave extend beyond the authorized leave, notice must be provided as soon as practicable following the County's call-in procedures.
- 9.11.5. **Certification.** Employees may be required to provide certification of the need for leave. The eligible employee will provide the certification within a reasonable time after receiving the County's written request. Any of the following constitutes sufficient certification:
  - 1). A copy of a police report;
  - 2). A copy of a protective order or other evidence from a court or attorney;
  - 3). Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider.
- 9.11.6. **Paid, Other Leave to Run Concurrently.** Paid leaves and unpaid leaves run concurrently with unpaid OVCCCLA where allowed by law. Any accrued paid leave, such as vacation and accrued sick leave, must be substituted for unpaid OVCCCLA and taken before the remainder of OVCCCLA is taken as unpaid leave. Sick leave may only be used consistent with our sick leave policy and is generally only available for leaves related to the employee's own illness or injury or for any leave covered by Oregon Family Leave Act (OFLA).
- 9.11.7. **Continuation of benefits.** The County will maintain an employee's health coverage under the County's group health plan on the same terms as if the employee had continued to work while in paid leave status.
- 9.11.8. **Intermittent Leave**

In situations where intermittent or reduced schedule leave is available and foreseeable, employees may be temporarily transferred to available alternative positions that better accommodate intermittent or reduced schedule leave. Any such transfer covered by OVCCCLA will be with the employee's consent.
- 9.11.9. **Reinstatement**

Generally, employees returning from leave will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms, unless their former position has been eliminated, in which case the employee may be entitled to reinstatement to an available, equivalent job.
- 9.11.10. **Crime Victim Leave Policy**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

  - 1). Employees who are eligible for crime victim leave must:

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- 2). Use any accrued, but unused vacation/sick leave during the leave period; 3). Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
  - 4). Submit a request for the leave in writing to Human Resources Director as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.
  - 5). In all circumstances, County may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.
- 9.12. **Blood Donation Leave.** All employees may be granted up to an hour of time off with pay to donate blood as often as four times a year. This is contingent upon department coverage, and will be as approved by management to ensure adequate scheduling within the Department.
- 9.13. **Administrative Leave with Pay (non-disciplinary).** When the County Manager believes the best interest of the County will be served by temporarily removing an employee from the work environment for non-disciplinary purposes that supports the health, interest and safety of the employee, department and/or county. Requests for Administrative Leave with Pay (non-disciplinary) shall be reviewed by the Human Resources Director and approved by the County Manager prior to the beginning of leave. For continuous service operations, the County Manager delegates this authority to the appointing authority. Administrative Leave (non-disciplinary) may be for a portion of a day or full day depending on circumstances.

## **HIRING**

### **10. HIRING**

#### **10.1. Request for Eligible Candidates**

When a vacant position is to be filled, the department head shall complete a Job Requisition form and submit it to the Budget & Finance Officer for approval. The Budget & Finance Officer will provide the approved requisition to the Human Resources Director who forwards the requisition to the County Manager for final approval. The department head may request to fill any position by transfer, reduction, reinstatement, or appointment of an eligible candidate.

#### **10.2. Referral of Candidates for Hire**

The department head will select a candidate for appointment from among those candidates referred and notify the Human Resources Director of the candidate selected.

#### **10.3. Offers of Employment**

##### **10.3.1. Job Offer Letters**

- 1). After the department head has selected a candidate for employment or promotion, the department head will notify the Human Resources Director who will extend an official written offer of employment or promotion and establish a starting date. A Request to Hire form is used to notify the Human Resources Director of the desire to hire. A completed Personnel Action Form must accompany each Request to Hire. The department head may contact the selected candidate by telephone to determine whether he/she is still willing to accept employment and to indicate that a request to hire has been made, but must state that a job offer can only be made in writing. As appropriate for the particular job offers of employment may be made contingent upon the employee passing certain additional tests and/or submitting other documentation of qualifications.

##### **10.3.2. Pre-employment Drug Screening**

- 1). Pre-employment drug testing is required (at County's cost) for all positions that are safety-sensitive. A "safety-sensitive position" is any job in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person. Such positions are identified in the County's job descriptions. Applicants for safety-sensitive positions will be notified that drug testing is a requirement during the application process.
- 2). As a condition of employment, the selected applicant for a safety-sensitive position will be directed to an appropriate collection facility. A drug test result which is verified as positive for unauthorized use of controlled substances regulated by federal law, including marijuana, or found to be substituted or adulterated, will disqualify the applicant for the offered position. A negative dilute result is an unsatisfactory result on a pre-employment test. Applicants may, at their cost, have one additional opportunity to provide a valid specimen. If a second specimen is provided, the result of the second test will determine whether the applicant is eligible for employment. A person who receives a positive, substituted, or adulterated result is not eligible to be hired.
- 3). Applicants shall be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed only by the County's medical consultant to determine whether the individual is lawfully using an otherwise illegal drug.
- 4). The County shall inform such applicant that a confirmed presence of an illegal drug in the applicant's urine, or a substituted or adulterated result, precludes the County from hiring the applicant.

## HIRING

- 10.3.3. **Orientation.** Upon appointment, the department head and Human Resources shall be jointly responsible for the orientation of each new employee. Orientation shall include, but need not be limited to review of the organization and services of the County, work rules, personnel manual and procedures, completions of payroll forms, descriptions of benefits packages, and introduction to County personnel with whom the employee will be working closely.
- 10.3.4. **Failure to Appear for Work.** If a candidate fails to report for work within the time period prescribed by the department head, the candidate may be deemed to have declined the appointment and be removed from the eligible list.
- 10.4. **Probationary Period.** The probationary period is a part of the selection process and shall be utilized for observing the employee's work and for securing the adjustment of a new employee to the position.
- 10.5. **Employee Status.** All original and promotional appointments to regular positions are tentative and subject to a trial period known as a probationary period. During the probationary period following an original appointment and any extension of such period, employment is at-will and may be terminated at any time, with or without cause.
- 10.6. **Length.** The probationary period following appointment and promotion will be twelve (12) months. (See collective bargaining agreements' length of probationary periods for bargaining unit employees.) Upon request of the department head and approval by the County Manager, an employee's probationary period may be extended for up to six (6) months when warranted by the employee's performance, ability, or other circumstance.
- 10.7. **Rejection of New Employee.** During the probationary period, an employee may be terminated at any time, with or without cause and without the right of appeal. Notification of rejection by the appointing authority shall be provided to the employee. Rejection of an employee during the initial probationary period terminates the employment. The Human Resources Director and CIS Pre-Loss Department will be consulted prior to termination.
- 10.8. **Rejection Following Promotion.** A regular employee who has completed a probationary period and is rejected from a subsequent probationary period following promotion, will be reinstated to a position which is at the same salary range as the position from which the employee was promoted, provided the employee is not discharged for cause.
- 10.9. **End of Probationary Period.** Human Resources will generally notify the Department thirty days prior to the end of a probationary period. If the department head decides to retain a probationary employee, the department head will notify the Human Resources Director using a Personnel Action Form indicating "Change of Status". The Personnel Action Form notice shall be filed before the end of the probationary period.
- 10.10. **Change in position/rehire.** An employee may be transferred by a department head from one position to another position in the same or comparable class. Any transfer from one department to another must be approved by the County Manager or by both department heads. Transfer may not be used to effectuate a promotion, demotion, advancement, or reduction.
- 10.11. **Reduction**
  - 10.11.1. **Non-disciplinary.** A department head may reduce an employee who is not able to perform the assigned duties, or for other non-disciplinary purposes.
  - 10.11.2. **Reduction Made to Vacant Position.** Upon request of an employee, and with the consent of the department head, reduction may be made to a vacant position. No employee shall be reduced to a position for which the employee is not qualified.
- 10.12. **Rehire**
  - 10.12.1. **After Resignation.** A regular employee, or an employee serving a probationary period following promotion, who resigns may be rehired within one (1) year of the effective date of the resignation. The rehire must be to a position in the same

## HIRING

class or a class comparable to the one in which the employee formerly served as a regular employee.

10.12.2. **Rehire at Discretion of Department Head.** The decision to rehire shall be at the complete discretion of the department head, and no former employee shall have any right to such rehire.

10.12.3. **Probationary Period.** Upon rehire, the employee shall serve a probationary period. The employee must successfully complete the probationary period to remain employed. No credit for former employment shall be granted in determining eligibility for leave or other County administered benefits.

### 10.13. Resignation

10.13.1. **Notice.** A regular employee may resign by giving written notice of the effective resignation date to the supervisor. The requested minimum amount of written notice is fourteen days; however, a resignation in good standing may be accepted immediately upon receipt when the notice requirement is waived by the department head.

10.13.2. **Return of County Property.** To resign in good standing, an employee must return all County property, before the final paycheck will be issued.

10.13.3. **Withdrawal.** At the discretion of the department head, an employee may withdraw a resignation at any time prior to its effective date, provided the position has not already been filled.

10.13.4. **No Notice.** Failure to give notice as required by this section shall be cause for denying future employment by the County.

10.13.5. **Job Abandonment.** Employees who are absent from work without approved leave for a period of three consecutive work days may be considered by the County to have abandoned their position and may be discharged. An employee discharged under this provision may appeal the action under the provision of the disciplinary appeal procedure.

10.13.6. **Supervisor Responsibilities.** Following receipt of notification of an employee's resignation, the supervisor will as soon as possible, but not later than the last day of employment, forward the letter of resignation, completed employee time sheet and the Personnel/Payroll Action Form to the Human Resources Director.

10.13.7. **Final Paycheck.** A paycheck will be issued on the last day of employment when the employee resigns in good standing and in accordance with Oregon law following a termination, or resignation that occurs with less than two days' notice.

### 10.14. Temporary Workers

10.14.1. **Authorization To Hire Temporary Workers.** In general, a temporary worker may be hired for work of limited duration which is indefinite and/or irregular with regard to schedule. Temporary hires shall not be made to avoid establishing a regular position when the work to be performed is on-going work of the County.

10.14.2. **Duration of Temporary Employment.** A temporary hire has no right to continued employment or property right regarding employment. A temporary hire may be terminated at any time with or without cause and shall have no right to appeal except when the action is alleged to violate the state or federal law.

10.14.3. **Appointment to a Regular Position.** A temporary worker may be appointed to a regular County position only after successfully completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to the date of appointment to the regular position. No credit will be given for the time an employee was hired for temporary work, except as required by Oregon law.

## HIRING

- 10.14.4. **Procedure.** Any person who possesses the qualifications to perform the work to be done, who is of legal working age and who is eligible to work in the United States may be hired for temporary work. There is no requirement that a recruitment or examination process be conducted; however, when a recruitment is conducted:
- 1). The hiring department must notify the Human Resources Director before soliciting applications;
  - 2). All applications must be received at the State Employment Department, or other special site approved by the Human Resources Director;
  - 3). All hiring must be done in writing by letter issued by the Human Resources Director. Persons hired for temporary work are required to complete forms required for personnel and payroll records on their first day of work.
- 10.15. **Job Sharing.** One position may be filled by two employees under the following conditions:
- 10.15.1. **Budgeted.** The position to be shared must be an adopted and budgeted full-time position.
  - 10.15.2. **Requests.** All job share requests must be submitted in writing, and under the signature of the department head, to the County Manager for approval. Written justification should include whether there are any staff currently filling the position to be shared, how the duties will be distributed, and what impact the job share will have on services. Job sharing requests will be evaluated on a case-by-case basis.
  - 10.15.3. **Discontinuing.** The County reserves the right to discontinue a job share position at any time.
  - 10.15.4. **Union Positions.** No job share arrangement will be allowed for positions represented by a collective bargaining unit unless specifically provided for.
  - 10.15.5. **Hours Worked.** Each job sharer is required to work an average of 20 hours per week for positions budgeted at 40 hours per week in order to qualify for County paid insurances. Insurance costs are pro-rated for time worked consistent with part-time employee pro-rating. Sick leave, holiday and vacation shall also be pro-rated.
  - 10.15.6. **One Position.** An employee may only job share one County position at a time.
- 10.16. **Evaluation**
- 10.16.1. **Ongoing Communication Regarding Performance.** It is the policy of Clatsop County to manage employee performance through ongoing communications between employee and supervisor regarding performance expectations and employee accomplishments. Periodic formal performance reviews cannot take the place of ongoing communication.
  - 10.16.2. **Written Record.** A written record of any formal review process will be made by the supervisor on a Performance Review form. All information in the written record shall be consistent with the information communicated verbally during the performance review sessions. The completed form, along with any written comments submitted by the employee, shall be placed in the employee's personnel file. The employee and the supervisor may make additional working notes of preparation activities and of any information which is exchanged during the performance review meeting.
  - 10.16.3. **Personnel Actions Resulting from Performance Reviews.** Personnel actions taken by the County are based on the actual performance and behavior of the employee, not on the performance review itself. Performance review sessions are not for the purpose of discussing potential disciplinary actions. In the event that discipline may be the direct result of the performance review session, a union

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employee will be notified and afforded the opportunity to have a representative present at the session.

- 10.16.4. **Employee Involvement.** Employee participation in the performance review process is encouraged. Opportunities for participation may include the following:
- 1). Discussions with the supervisor regarding performance;
  - 2). An opportunity to have the employee's written comments on the supervisor's findings made part of any permanent record of the performance review;
  - 3). Discussions with the supervisor regarding performance expectations for the next evaluation period;
  - 4). If requested by the employee, a discussion with the next level supervisor to review any disagreements over a performance review may be held.
- 10.16.5. **Frequency of Formal Performance Reviews.** Formal performance reviews are to be conducted at least annually, at the midpoint of a probationary period, and thirty days before the end of a probationary period. In addition, supervisors will typically conduct formal reviews at the following times:
- 1). At the end of the first year in any position;
  - 2). Six months following transfer to a new position within the same class;
  - 3). When there is a significant change (either improvement or deterioration) in performance;
  - 4). Within three months following a finding that the employee's performance needs substantial improvement. (Frequent, on-going meetings with the supervisor are encouraged);
  - 5). At any other, more frequent, interval the supervisor deems appropriate.
- 10.16.6. **Review of Performance Review Findings.** Employee Comments. The employee reviewed will be provided a copy of the finalized Performance Review form for review. The employee will sign the form and, at the employee's option, provide any written comments regarding the performance review. All written comments provided by the employee will become a part of the performance review document.
- 10.16.7. **Initial Management Review**
- 1). The supervisor completing the performance review will give the original of the completed review work sheet, including any employee comments, to the next level supervisor for review and signature;
  - 2). The next level supervisor will review the form for completeness, consistency with other reviews by that supervisor, consistency with reviews by other supervisors, and overall appropriateness. The review may include meetings with the supervisor and/or the employee being reviewed;
  - 3). Changes in the Performance Review form may be made at this step in the process. If changes are made, they shall be discussed with the employee and the employee will be given a copy of the revised review form. The employee may provide written comments on the revised review;
- 10.16.8. **Additional Review Procedure.** An employee who disagrees with the findings or expectations stated in the performance review may request a meeting with the next level supervisor to present information and seek resolution of the disagreements. The following are the steps to this review process:
- 1). The employee who wishes an additional review will submit written comments to the reviewing next level supervisor and state that a meeting is requested. The request shall explain the disagreement and state the resolution wanted. The request must be made as soon as is practical after the employee receives the written copy of the performance review;



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- 2). The next level supervisor will schedule a meeting with the employee and the employee's immediate supervisor. An employee in a represented job class may have a Union representative present at the meeting;
- 3). Following this meeting, the next level supervisor will provide the employee with a written statement of findings. As a result of the meeting, it may be decided to revise the performance review findings. Any such revisions must be made by the immediate supervisor. If the review is changed, neither the original review nor the employee comments will be made a part of the employee's personnel file;
- 4). Following receipt of the notice from the next level supervisor, the employee or his/her representative may submit an additional written statement regarding the performance review. If submitted, these comments will be made a part of the performance review documentation.

## **INVESTIGATIONS AND DISCIPLINE**

### **11. INVESTIGATIONS AND DISCIPLINE**

#### **11.1. Work Place Investigations.**

##### **11.1.1. Personnel Complaints**

- 1). Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of policy, procedure, rule or federal, state or local law. Personnel complaints may be generated internally or by the public.
- 2). All complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. If a supervisor is not immediately available to take the complaint the receiving employee shall obtain contact information sufficient for the supervisor to contact the complaining person.
- 3). This policy does not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine, unplanned contact of an employee in the normal course of duty. The purpose of the policy is to define the procedures for when a complaint is likely to result in discipline and does not include verbal or written warnings or training memorandums.
- 4). It is the policy of the County to ensure that the community can report misconduct without concern for reprisal or retaliation.

##### **11.1.2. Documentation**

- 1). Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary. When a complaint is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the receiving supervisor should document the complaint based on information received from the complainant and request the complainant sign the statement.

##### **11.1.3. Supervisor Responsibilities**

- 1). In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct.
- 2). A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.
- 3). The responsibilities of the investigating supervisor include, but are not limited to:
  - i. Ensuring that upon receiving or initiating any formal complaint a memorandum is completed that is forwarded to the Department Head and Human Resources Director.
  - ii. Respond to all complaints in a courteous and professional manner.
  - iii. Resolve those personnel complaints that can resolved immediately
    - a. Complaint is not of a serious nature
    - b. Complainant accepts the supervisor's resolution
    - c. Ensure follow-up with complainant to close the complaint out

## INVESTIGATIONS AND DISCIPLINE

- d. Fully document the complaint and resolution and forward to Department Head.
  - 4). Ensure that upon receipt of a complaint involving allegations of a potentially serious nature the Department Head, Human Resources Director and County Manager are notified as soon as practicable.
  - 5). Promptly contacting the Department Head and Human Resources Director for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
  - 6). Investigating the complaint as follows:
    - i. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses
    - ii. Interview all known witnesses including co-workers
    - iii. Collect physical/corroborating evidence such as photographs
    - iv. Complete background research in accordance with the Pre-Disciplinary checklist
    - v. Complete Investigation report as described in 11.18.5
  - 7). Ensuring that the procedural rights of the accused employee are followed.
- 11.1.4. **Administrative Investigation Procedures.** Except as necessary to obtain a general overview and sufficient facts of an incident to assess the necessity of an inquiry, or in order to obtain pertinent public safety information, an employee shall not be required to answer questions until the employee has been informed of the nature of the investigation and of facts reasonably sufficient to inform the employee of the circumstances surrounding the allegations under investigation. In cases where discipline may result prior to questioning the employee, the employee should be provided a written notice of interview which includes the original complaint or summary adequately listing the relevant facts, the date, time and location of the interview, the name of the interviewer(s) and an advisement that the employee has the right to have an association/union representative present during the interview.
- 11.1.5. **Procedural Safeguards:**
- 1). Interviews of accused employees shall be conducted during reasonable (normal waking) hours and preferably when the employee is on duty. If the employee is off-duty, he/she shall be compensated.
  - 2). No more than two interviewers should ask questions of the accused employee
  - 3). The interviewer shall inform the employee of their authority to compel a statement (Garrrity Warnings)
  - 4). The employee can be required to truthfully and fully answer all questions directly related to the performance of his/her duties
  - 5). Any required self-incriminatory admission made during the interview may only be used in subsequent administrative proceedings, and shall not be used against the employee in subsequent criminal proceedings
  - 6). Refusal to comply with an order to answer such questions is a violation of policy that may subject the employee to further discipline up to and including termination
  - 7). All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
  - 8). No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used.

## INVESTIGATIONS AND DISCIPLINE

- 9). The interviewer should record all interviews of employees and witnesses.
- 10). All bargaining unit employees subjected to interviews who reasonably believe that the interview could result in discipline may, upon request, have an association/union representative present at the interview. (Weingarten Rights). The role of the association/union representative is limited as follows:
  - i. The employee may not delay the interview unreasonably by requesting a representative that is unavailable.
  - ii. The representative may not interfere with the investigative process by instructing the employee not to answer a question, suggest responses or withhold cooperation.
  - iii. The represented employee may consult with the representative prior to the interview, and the employee has a right to a general statement of the charges before consulting with the representative.
  - iv. The investigator may insist on hearing the employee's explanations and answers to questions prior to permitting the association/union representative to interject questions in aid of clarification. The representative may not demand the interview end or interrupt questioning whenever a question or line of questions is in process.
  - v. The representative may seek clarification of a confusing question or matters at the conclusion of the interview.
  - vi. Before the end of the meeting, the representative may suggest other witnesses to interview, describe relevant practices, prior situations, or mitigating factors that could have some bearing on the employer's deliberations.
  - vii. Employees are not entitled to representation by a private personal attorney at an administrative/investigatory interview. The association/union is the exclusive representative of employees in this circumstance and representation is reserved to an association/union representative, which may be the association/union's attorney.
  - viii. All employees shall provide complete and truthful responses to questions posed during interviews in a forthcoming and cooperative manner.
  - ix. No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

11.1.6. **Investigation Format.** In cases where the proposed discipline is a Written Reprimand or less the format may be abbreviated.

- 1). **Introduction and Synopsis:** Include the identity of the employees, assigned investigator(s), witness contact information, initial date and source of the complaint. Provide a brief summary of the facts giving rise to the investigation.
- 2). **Summary:** List the allegations separately, including applicable policy sections, with detailed summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation/policy violation.

## INVESTIGATIONS AND DISCIPLINE

- 3). **Case Report:** This is a full investigation report that includes all details of interviews, evidence and exhibits, includes a chronological accounting of all investigative action and conclusions of fact.
- 4). **Pre-Discipline Worksheet:** The worksheet addresses the following 12 components:
  - i. Pre-disciplinary meeting conducted? Date and time of meeting. Brief synopsis of findings of fact.
  - ii. Employees past record: The employees past work record, including performance and past discipline
  - iii. Seriousness of offense: The nature and seriousness of the offense and its relation to the employee's duties, position and responsibilities.
  - iv. Rank: The employee's job level and type of employment. Length of service in each rank.
  - v. Length of service: Date of hire. Note any prior experience with in the same role.
  - vi. Past practices (individual versus collective): Penalties imposed upon employees who violated similar rules in the past.
  - vii. Adverse impact: The notoriety of the offense and its impact upon the reputation of the County's harmony, good order, effectiveness, efficiency or morale.
  - viii. Knowledge of rules: The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.
  - ix. Attitude: Did the employee accept their responsibility for their misconduct? Did they present a plan that is likely to prevent recurrence? Did the employee present a positive attitude toward the County and mission.
  - x. Weighing Pre-Disciplinary meeting response: Potential for the employee's rehabilitation. What is the adequacy and effectiveness of alternative sanctions in deterring such conduct?
  - xi. Aggravating circumstances: Including whether the offense was intentional, technical or inadvertent. Was it committed maliciously or for gain or frequently repeated? Did the act place any person in danger of physical harm.
  - xii. Mitigating circumstances: Such as unusual job tensions, personality problems, mental impairment, harassment, bad faith, malice or provocation on the part of others involved in the matter.

As the format suggests the pre-discipline worksheet will be developed by multiple supervisors as the investigation moves through the process, however, it will be completed in total after the pre-discipline meeting and prior to discipline being imposed.

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### 11.1.7. Dispositions

- 1). **Unfounded:** When the investigation discloses that the alleged acts did not occur or did not involve employees. Complaints that are determined to be frivolous will fall within this classification.
- 2). **Exonerated:** When the investigation discloses that the alleged act occurred but that the act was justified, lawful and proper.
- 3). **Not Sustained:** When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
- 4). **Sustained:** When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.
- 5). **Policy/Training issue:** When everything in the complaint is determined to be accurate, including the employee's actions, but the issue appears to require a modification of policy or training practices, the need for policy or training modifications shall immediately be directed to the Department Head for action.

### 11.2. Discipline

#### 11.2.1. Major Disciplinary Action

Prior to taking disciplinary action against any regular employee, except an employee serving either an initial probationary period or a probationary period following rehire, the procedures set forth below shall be followed and the County Human Resources Director shall be notified. For purposes of this section, disciplinary actions are limited to the following:

- 1). Suspension
- 2). Temporary Pay Reduction
- 3). Demotion
- 4). Discharge

#### 11.2.2. **Written Notice.** Written Notice of a proposed disciplinary action shall be mailed or delivered to the employee. Such notice of proposed disciplinary action shall include the following:

- 1). The nature of the proposed disciplinary action;
- 2). The effective date of the proposed disciplinary action;
- 3). A statement of the reasons claimed to support the action and an explanation of the evidence supporting the reasons;
- 4). A statement identifying the primary documents (excluding privileged and confidential documents, if any) upon which the proposed action is based, and either providing the employee copies or informing the employee that such documents are available for inspection; and
- 5). A statement advising the employee of his/her right to respond either verbally or in writing to the department head and advising of the time limit for such response.

#### 11.2.3. **Employee Review.** Upon request, the employee shall be given an opportunity to review the documents (except for confidential and privileged documents, if any) upon which the proposed disciplinary action is based. The employee may have a copy of such documents.

#### 11.2.4. **Employee Response.** Within the time stated in the notice of the proposed discipline, the employee may respond, orally or in writing, to the supervisor intending to take disciplinary action. The employee may request and is entitled to a meeting with the Department Head or designee intending to take disciplinary action to discuss the proposed action prior to its implementation.

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- 11.2.5. **Implementation of Discipline.** After the employee has responded to the written notice, or the time for response has expired, and after a timely requested meeting, the Department Head or designee shall render a decision on the proposed disciplinary action and provide the employee with written notice of the decision, either by hand delivery or by mail. The notice of disciplinary action shall contain the information identified in the Written Notice above and, in addition, shall include a statement of any appeal rights.
- 11.2.6. **Administrative Leave during Disciplinary Proceeding.** The County Manager or department head may place an employee on administrative leave with or without pay pending a decision of whether to implement the proposed discipline. An employee placed on administrative leave without pay who is later reinstated with no disciplinary action will be reimbursed for any pay lost during the leave.
- 11.2.7. **Appeal.** The affected employee may appeal a disciplinary decision to the County Manager or designee by filing a written request with the County Manager or designee within ten days of the mailing date (or the delivery date if hand delivered) of the notice of decision. The written notice of appeal must state the basis of the appeal and contain a specific admission or denial of each of the material statements in the decision of the department head. Failure to file a written request conforming to these requirements within the prescribed time limit waives the right to appeal. An employee who has available a grievance or disciplinary appeals procedure in an applicable collective bargaining agreement has no right to appeal under this section.

After an employee has timely appealed to the County Manager, the County Manager or designee shall set a date for a hearing concerning the issues raised by the appeal. In such hearing the employee will have the right to be represented by an attorney or other representative retained by the employee; to present evidence and argument in response to the disciplinary action; and to confront and cross-examine adverse witnesses. The hearing may be conducted informally, and no informality in the hearing or in the manner of taking testimony shall invalidate the decision rendered. The County Manager or designee shall not be bound by technical rules of evidence in conducting the hearing. The decision of the County Manager or designee following such hearing shall be the County's final decision.

### 11.3. Minor Disciplinary Action.

- 11.3.1. When any of the following disciplinary actions are taken by an authorized County employee, the disciplined employee may request review of the disciplinary action by the County Manager:
  - 1). Written Reprimand
  - 2). Review of minor disciplinary actions shall be based upon written information supplied by the employee seeking the review and information supplied by the department head, and a hearing shall not be required.
- 11.3.2. **Notice.** Notice of minor disciplinary action shall be given to the employee in writing stating:
  - 1). The disciplinary action being imposed;
  - 2). The effective date of the disciplinary action;
  - 3). The charges and an explanation of the evidence supporting the charges;
  - 4). A statement advising of the right to request review of the action and advising of the time limit for requesting review.
- 11.3.3. **Review Process**
  - 1). An employee wanting the County Manager or designee to review a minor disciplinary action must submit a written request for review to the

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department head within ten days following notice of the discipline to the employee. Filing of a request for review shall not delay imposition of the discipline. The notice must be filed with the department head and state the reasons why the employee disagrees with the disciplinary action and the remedy sought.

- 2). The department head shall either grant the employee's request or submit the matter to the County Manager for review within five (5) days of receipt of the request for review.
- 3). The County Manager or designee shall issue a written decision within ten (10) days of receipt of the request for review. The decision shall confirm the disciplinary action, impose an alternate disciplinary action, or rescind all discipline.

### 11.4. Layoff

- 11.4.1. **Reasons for Layoff.** The County may lay off employees because of lack of work, lack of funds, material change in duties or organization, or in the interests of economy, efficiency, or other causes, as determined by the County Manager.
- 11.4.2. **Alternatives to Layoff.** Whenever a layoff is anticipated, employees whose jobs may be affected will be notified of the situation and what options in the County may be available to them. Efforts will be made to integrate affected employees into other available employment. Options such as part-time work schedules, job sharing, or reductions in class or pay may be used in lieu of layoff if approved by the County Manager as feasible and consistent with Board of Commissioners' policy.
- 11.4.3. **Order of Layoffs.** The order of layoff among positions in the same class within a department shall be: temporary workers first; then employees serving a probationary period; then all other employees. Temporary workers will be considered for layoff before regular employees performing similar work in the same department. Once all temporary workers have been considered for layoff, employees serving their initial probationary period will be considered for layoff if further reduction in the number of employees performing similar work is necessary. Then regular employees will be considered for layoff. In deciding which persons shall be laid off and which shall be retained, job related factors such as an employee's job knowledge, skill and ability to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the reduction in force; attendance, safety and disciplinary records; work performance with the County; and efficiency of operations will be considered. Where two employees are equally qualified under these factors, the employee with the most time served since the current hire date shall be retained.
- 11.4.4. **Reinstatement.** Employees who have been laid off are eligible for reinstatement for a period of two years following the date of layoff.
- 11.4.5. **Procedure**
  - 1). Designation of Employees to be Laid Off. In the event of a layoff, the department head shall provide the Human Resources Director a list designating the class, position, and names of employees to be laid off. It shall be the responsibility of the department head to provide the rationale for selecting particular employees within the same job class for layoff. The Human Resources Director shall review the list for conformance with County policy.
  - 2). Layoff Notice. Upon confirmation of the layoff list, the department head shall provide each affected employee notice of layoff. Written notice of



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layoff shall either be delivered to the affected employees in person or mailed. If practical, the layoff notice shall be delivered or mailed at least fourteen (14) days prior to the expected date of layoff.

- 3). Reinstatement List. The names of persons laid off or demoted shall be placed on a reinstatement list. All employees laid off from positions in the same class shall be placed on a single reinstatement list without regard to department. When a vacancy occurs in the same job class for which there exists a reinstatement list, a department head shall fill the vacancy using the appropriate reinstatement list. Names shall be placed on the reinstatement list in the order of date of layoff.
- 4). Reinstatement Process. The most recently laid off employee on the applicable reinstatement list who is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be reinstated. The department head may select the most qualified employee based upon the same considerations used to determine order of layoff. An employee reinstated to a position in the same class and department will not serve any additional probationary period.

### **11.5. Grievance (Does not apply to employees of Sheriff's Office)**

11.5.1. **Definition of Grievance.** Subject to the exclusions listed below, a grievance is any dispute between the County and an employee concerning the application or interpretation of the County Personnel Ordinance and Personnel Policies implementing the Ordinance; or an allegation by an employee that the County has failed to provide a condition of employment which is established by the County's compensation plan. The term grievance shall not include any of the following:

- 1). Disciplinary action;
- 2). Complaints for which the County provides an alternate dispute resolution procedure;
- 3). Any impasse or dispute in collective bargaining negotiations or any matter within the scope of representation;
- 4). Any matter which is to be or has been grieved under an applicable collective bargaining agreement;
- 5). Termination of a probationary employee;
- 6). Termination of a temporary employee.

11.5.2. **No Discrimination.** There shall be no restraint, interference, coercion, discrimination or reprisal against any employee for using the grievance procedure.

#### **11.5.3. Time Limits**

- 1). Grievant's Submission to Next Level. If at any stage of the grievance procedure the grievant is dissatisfied with the decision rendered, it shall be the grievant's responsibility to submit the grievance to the next designated level within the time limits set forth below. The grievant's failure to submit the grievance to the next designated level within the time limits imposed shall terminate the grievance process, and the grievance shall be considered settled on the basis of the last decision, and the grievance shall not be subject to further appeal or reconsideration.
- 2). Grievant's Right to Proceed If Management Fails to Respond. The grievant has the right to promptly proceed to the next step within the prescribed time limits if the appropriate management representative fails to respond within the time limits specified. Any such failure shall not constitute an admission of the grievance.

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### 11.5.4. Grievance Procedure Steps

#### 1). Step 1. Discussion with Immediate Supervisor

- i. The grievant shall first discuss the grievance informally with the immediate supervisor. The discussion shall be held within fourteen (14) days of the action causing the grievance or of the date the action reasonably could have been expected to be known to the grievant. In no event shall any grievance be accepted for consideration more than six (6) months from the date of the action causing the grievance, regardless of the date the action became known to the grievant.
- ii. The immediate supervisor shall verbally respond to the grievant within fourteen (14) days of the informal discussion between the grievant and supervisor.

#### 2). Step 2. Formal Written Grievance

- i. In the event the employee believes the grievance has not been satisfactorily resolved at Step 1, the employee may submit the grievance in writing on a prescribed form to the supervisor within fourteen (14) days after receipt of the immediate supervisor's verbal response. The grievant shall file one copy with the Human Resources Director. If the written grievance is not presented within the time limits provided herein, it shall be waived. The written grievance shall:
- ii. Fully describe the grievance and how the employee(s) was/were adversely affected.
- iii. Set forth the section(s) of the ordinance, resolution, or written policy allegedly violated and state specific nature of the violation.
- iv. Indicate the date(s) of the incident(s) grieved.
- v. Specify the remedy or solution to the grievance sought by the employee(s).
- vi. Identify the grievant and be signed by the grievant.
- vii. Identify the person, if any, chosen by the grievant to be his/her representative.
- viii. No modifications in the alleged basic violation shall be made subsequent to filing of a grievance, unless mutually agreed to by both the County and the grievant. However, corrections in citations can be made at any time by the grievant or the grievant's representative.
- ix. The immediate supervisor may meet with the grievant to discuss the grievance and shall deliver a written decision to the grievant within fourteen (14) days of the receipt of the written grievance outlining the reasons behind the decision.
- x. Any grievance settled at this step shall be subject to the review and confirmation of the respective department head and the Human Resources Director before the settlement is effective. Such review will occur within fourteen days or the grievance will automatically be moved to Step 3. In the event the department head or Human Resources Director does not confirm the settlement, the grievant may initiate Step 3 of this procedure.

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### **3). Step 3: Department Head Review**

- i. If a grievance is not settled at Step 2 of this procedure, the grievance may be appealed in writing to the department head within fourteen (14) days from the receipt of the decision of the immediate supervisor or the failure to respond to the grievance. A copy of the appeal shall be filed with the Human Resources Director. Said grievance appeal must specifically set forth the reason the answer previously provided by the supervisor is not satisfactory. In submitting the grievance to Step 3, the grievant or his/her representative may request a meeting with the department head.
- ii. If requested at the time of filing with the department head, a meeting will be held within fourteen (14) days of the receipt of the appeal. The department head may conduct such a meeting without a request from the grievant. The department head shall deliver a written decision to the grievant and/or his/her representative within fourteen (14) days of the date of the grievance meeting, if a meeting was held, or within fourteen (14) days of the receipt of the appeal if no meeting was held. The department head's decision shall include the reasons on which the decision is based and the remedy or correction which has been offered, if any, to the grievant.
- iii. Any grievance settled at this step shall be subject to the review and confirmation of the respective department head and the Human Resources Director before the settlement is effective. Such review will occur within fourteen (14) days or the grievance will automatically be moved to Step 4. In the event the department head or Human Resources Director does not confirm the settlement, the grievant may initiate Step 4 of this procedure.

### **4). Step 4: County Manager Review**

- i. If a grievance is not settled at Step 3 of this procedure, the grievance may be appealed in writing to the County Manager or designee within fourteen (14) days from the receipt of the department head's written response. A copy of said appeal shall be concurrently filed with the Human Resources Director. Said grievance appeal must specifically set forth the reason the answer(s) previously provided by management is/are not satisfactory. A meeting may be held by mutual agreement of the parties.
- ii. Within a reasonable time (normally fourteen days) from receipt of the grievance, the County Manager or designee shall deliver a written decision to the grievant and his/her representative. Said decision shall be final and binding.