
CODIFIED ORDINANCES OF JACKSON COUNTY

TITLE EIGHT - Employment Provisions

- Chap. 246 Officers and Employees Generally.
Chap. 247 Pension Plans.
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CHAPTER 246
Officers and Employees Generally

EDITOR'S NOTE: The Board of County Commissioners executes Agreements, from time to time, with representatives of various classes of County employees, which Agreements provide for compensation, benefits and various incidents of employment. The provisions of this chapter, therefore, apply only to those employees and subjects not otherwise provided for in such Agreements. The Board also executes Agreements, from time to time, with a private carrier, which Agreements provide for deferred compensation for County officers and employees. Copies of the latest relevant legislation and of such Agreements may be obtained, at cost, from the office of the County Counsel.

- 246.01 Purposes.
- 246.02 Definitions.
- 246.03 Classification Plan.
- 246.04 Appointment Procedure.
- 246.05 Applications.
- 246.06 Existence of Budgeted Position or Approval of Board Required.
- 246.07 Rate of Pay.
- 246.08 Testing.
- 246.09 Physical Requirements.
- 246.10 Disqualification from Consideration for Employment.
- 246.11 Open Recruitment; Selection.
- 246.12 Referral of Applicants.
- 246.13 Personnel Files.
- 246.14 Compensation Plan.
- 246.15 Minimum Wage.
- 246.16 Overtime.
- 246.17 Compensation Adjustments.
- 246.18 Anniversary Dates.
- 246.19 Promotions.
- 246.20 Reclassifications.
- 246.21 Demotions.
- 246.22 Salary Schedules.
- 246.23 End-of-Probation Salary Increase.

- 246.24 Pay Date.
- 246.25 Termination Pay.
- 246.26 Pay for Permanent Part-Time and Temporary Employees.
- 246.27 Leaves Generally.
- 246.28 Vacations.
- 246.29 Jury Service.
- 246.30 Voting Time.
- 246.31 Military and Peace Corps Leave.
- 246.32 Closure of County Facilities on Regularly Scheduled Work Days.
- 246.33 Inability to Report to Work.
- 246.34 Disability Leaves.
- 246.35 Funeral Plan.
- 246.36 Physician's Statement.
- 246.37 Notification of Supervisor.
- 246.38 Paid Absences; Workers' Compensation.
- 246.39 Unpaid Leaves.
- 246.40 Appearances before Courts, Committees, etc.
- 246.41 Hours of Work and Attendance.
- 246.42 Political Activity.
- 246.43 Nepotism.
- 246.44 Discipline and Disciplinary Discharge.
- 246.45 Supervision of Department Directors.
- 246.46 Separation from Service.
- 246.47 Grievance Procedure.
- 246.48 Employee Representation.
- 246.49 Fringe Benefits.
- 246.50 Holidays for Sheriff's Department.

CROSS REFERENCES

- Officers and employees generally - see CHTR. Ch. VI
 - Administrative officers - see CHTR. Sec. 18, 20; ADM. 216.06
 - Appointments - see Const. Art. VI, Sec. 7; ORS 204.601
 - Actions against County officers and employees; defense - see ORS 30.285
 - County officers - see ORS 204.005 et seq.
 - Compensation; civil service - see ORS 204.121
 - Fee disposition and accounting - see ORS 210.230
 - Interest in contracts - see ORS 279.990
 - Bonds generally - see ORS 742.354, 742.358, 742.360
 - Authority of County Administrator re personnel program - see ADM. 216.09
 - Pension plans - see ADM. Ch. 247
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246.01 PURPOSES.

The purposes of this chapter are to establish a system of personnel administration based on merit, fitness and systematic and equitable principles governing appointment, compensation, status, promotion, transfer, layoff, removal and discipline of County officers and employees and other considerations of County employment; to efficiently and economically utilize manpower in County service; to maintain a uniform plan of classifications and compensation based upon the relative key performance areas and responsibilities of positions in the County service; to develop and maintain a program of recruitment, training and promotion that will make a career in the County service attractive; and to develop and maintain a personnel system which complements recognized collective bargaining agreements.

(Ord. 82-36. Passed 12-22-82.)

246.02 DEFINITIONS.

As used in this chapter:

- (a) Appointing Authority means the official authorized to appoint or remove employees. This authority is reserved for department heads, elected officials, appointed boards authorized by State statute, the Board of County Commissioners and the County Administrator.
- (b) Compensation Plan means a system which identifies the pay range and steps for each classification.
- (c) Confidential Position means a position involving duties related to the fiscal or personnel affairs of a department or to policy formulation or management of a department.
- (d) County Administrative Officer means the individual appointed by the Board of County Commissioners to serve as the administrator of this chapter and is used synonymously with the term "County Administrator."
- (e) Demotion means a movement of an employee from one classification to another classification having a lower maximum salary range.
- (f) Discharge means a termination initiated by the County.
- (g) Discipline means the imposition of sanctions, including reprimand, suspension as defined in subsection 246.44(b) herein, or discharge.

- (h) Employee means a person legally holding a position in the County service who receives remuneration for services performed for the County and is appointed to a position within the County service.
- (i) Exempt means a job classification for which occupants of a class are not eligible for overtime pursuant to the provisions of the Fair Labor Standards Act.
- (j) Hire Date means the effective date of appointment.
- (k) Immediate Family means a relative of the employee, such as a mother, father, sister, brother, spouse, child, stepchild or foster child. It also includes a grandparent, aunt, uncle, niece or nephew living in the home of the employee.
- (l) Job Description means a written description of a classification which sets forth the title, a statement of duties or key performance areas, responsibilities and supervisory authority, minimum requirements in terms of training and experience, required knowledge, skills and abilities.
- (m) Lead Worker means a nonsupervisory employee whose assignments include managing the work process and flow of others. Lead workers do not have the authority to appoint, terminate, evaluate or adjust grievances of subordinate employees.
- (n) Managerial/Supervisory Position means an exempt position involving duties relating to the management of the County's work force, including the authority to hire, fire, assign work, discipline and evaluate employees. An employee in such a position has the responsibility for supervision and/or setting policy.
- (o) Nonexempt means a job classification for which occupants of the class are eligible for overtime compensation pursuant to the provisions of the Fair Labor Standards Act.
- (p) Open Recruitment means recruitment to fill a vacant position that is available to any person and is not restricted by a labor agreement.
- (q) Outside Employment means employment by any organization that is not a regular department or office of the County.
- (r) Pay Range means the wage compensation for a given classification which states the minimum and maximum rates payable for the classification.
- (s) Permanent Full-Time means an employee or position which is regularly scheduled for not less than forty hours per week.
- (t) Permanent Part-Time means an employee or position which is regularly scheduled for less than forty hours per week.

(u) Position means the budgeted, approved slot which may be filled with an employee to perform prescribed tasks. A position may be full-time or part-time. An employee placed in a position may be permanent full-time or permanent part-time.

(v) Professional/Technical Employee means an employee in an exempt position, without supervisory or management responsibility and/or authority

(w) Promotion means the movement of an employee from one classification to another classification having a higher maximum salary range.

(x) Reclassification means a change in the classification of an employee because of a change in the responsibility and/or type of work assigned or the reorganization of functions.

(y) Recruitment means the active search for candidates which involves the announcement of a vacancy and the acceptance of applications by the County Administrator.

(z) Resignation means a termination initiated by an employee.

(aa) Supervisory Personnel means those employees of the County with the authority to assign and review work of other employees and to appoint, promote, discipline, evaluate or otherwise change the status of other employees.

(bb) Suspension means a temporary, involuntary removal of an employee from his or her assigned duties.

(cc) Temporary/Casual Employee means any employee who is selected to be employed 1,040 hours or less in one year, who works less than sixteen hours per week or who does not fill a regularly budgeted position.

(dd) Termination means a complete separation from County employment resulting from resignation, discharge, retirement, death, inability of the employee to work or any other reason.

(ee) Termination Date means the effective date of termination. Normally, this date is the last day worked.

(ff) Transfer means the relocation of an employee from one position to another position of a similar level within the same department or between departments.

(Adopting Ordinance. Passed 12-10-85; E. Ord. 96-48. Passed 9-18-96; P. Ord. 96-49. Passed 10-2-96.)

246.03 CLASSIFICATION PLAN.

(a) Establishment. - The Board of County Commissioners shall annually adopt, in conjunction with the adoption of the County budget, a classification plan which groups all permanent positions into classes based upon their duties, authorities and responsibilities. The classification plan shall include the compensation range for each position. The County Administrator shall maintain the classification plan.

(b) Amendments. - Amendments, additions and deletions of positions in the plan, following its annual adoption by the Board, shall be made by the County Administrator. Any appointing authority may request an amendment of the plan by first submitting the following information to the County Administrator:

- (1) A statement of the change within the department resulting in the request for a change;
- (2) A set of organizational charts, one depicting the department as presently organized and one depicting the department with the proposed change;
- (3) An updated description of duties for the new or reclassified position;
- (4) Identification of budget line items involved and a statement of the availability of funds; and
- (5) A statement of the total effect the reclassification would have on the department.

(c) Changes to Job Descriptions. - Changes to job descriptions shall be implemented as appropriate by the County Administrator to ensure that changes are in keeping with personnel policies, labor agreements, true minimum qualifications for the position and consistency throughout the County.

(d) Content of Job Descriptions. - All job descriptions shall contain a general statement of the duties and/or responsibilities of the position.

(e) Minimum Qualifications Statements. - Personal qualifications commonly required of an employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision and suggestions of superiors for improvement of service, and willingness to cooperate with associates, shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications. The desirable minimum qualifications enumerated in a job description shall relate to reasonable standards of experience and training required at the time of an original appointment of a new employee and shall not be construed as representing or measuring qualifications which an employee already working in such a class may actually possess. These minimum qualifications shall be used as the standard for accepting or rejecting applications for vacant positions. However, incumbents are expected to continually meet minimum qualifications in order to retain their positions. A request for reclassification may be originated by an employee or his or her supervisor. Such request may be initiated if it is believed that the existing classification does not reasonably describe the duties and responsibilities of work actually being performed.

(f) Reclassifications. - A request for reclassification of an existing position shall be submitted to the County Administrator and shall include the following information:

- (1) If applicable, an explanation of why the request was not made during the regular budget process;
- (2) A statement concerning the circumstances that make a reclassification necessary;
- (3) A statement concerning the amount and source of funding for any increased cost;
- (4) A statement concerning the impact of the reclassification on the organization of the department; and
- (5) A specific list of the increased duties and/or responsibilities inherent in the new position.

(Adopting Ordinance. Passed 12-10-85.)

246.04 APPOINTMENT PROCEDURE.

- (a) Personnel Requisitions. - Vacancies are filled by submitting a personnel requisition to the County Administrator stating the title and compensation level of the position, the reason for the vacancy and a statement of adequate funding.
- (b) Approval. - An appointment to a temporary or permanent position within the County service requires the approval of the Board of County Commissioners or its designee and shall be submitted by means of a personnel action notice.
- (c) Effective Date. - An appointment to a regularly permanent budgeted position shall become effective upon approval or an agreed upon effective date.
- (d) Minimum Qualifications. - Unless special circumstances apply, no applicant possessing less than the minimum qualifications as specified in the job description shall be appointed to any permanent position with the County.
- (e) Recruitment. - Unless otherwise agreed upon by the County Administrator, all vacant positions shall be filled by means of open recruitment.

(Ord. 82-36. Passed 12-22-82.)

246.05 APPLICATIONS.

- (a) No person who has failed to file a proper application by the filing deadline may be appointed to any permanent position with the County. Resumes may be accepted as additional information regarding the applicant. However, all information requested on the application shall also be submitted. Unsigned applications are subject to disqualification.
- (b) The application, or a copy thereof, of any person appointed to a permanent position with the County shall be sent to the County Administrator to be kept on file.

(Ord. 82-36. Passed 12-22-82.)

246.06 EXISTENCE OF BUDGETED POSITION OR APPROVAL OF BOARD REQUIRED.

An appointment to a permanent position shall be made only when a budgeted position within an existing job classification exists or upon the approval of the Board of County Commissioners.

(Ord. 82-36. Passed 12-22-82.)

246.07 RATE OF PAY.

An appointment at any level above Step 1 for nonmanagement employees or eighty percent of the salary range for management employees shall include written justification for the request of appointment at a higher rate of pay.

(Ord. 82-36. Passed 12-22-82.)

246.08 TESTING.

All selection devices, including specialized testing of applicants, must conform to applicable Federal and State guidelines.

(Ord. 82-36. Passed 12-22-82.)

246.09 PHYSICAL REQUIREMENTS.

An appointee to a permanent position shall meet the minimum physical requirements of the position before the effective date of the appointment. No person declared to be less than physically capable of performing the duties of the position shall be appointed. Incumbents shall maintain a minimum level of physical fitness in order to retain the position.

(Ord. 82-36. Passed 12-22-82.)

246.10 DISQUALIFICATION FROM CONSIDERATION FOR EMPLOYMENT.

A potential employee may be disqualified as an applicant for the following reasons:

- (a) Failure to meet minimum qualifications for the applicable position as described on the job announcement;
- (b) Conviction of a crime which would seriously affect job performance in the specific job for which the applicant is being considered;
- (c) Incomplete application/resume, which, in the view of the County Administrator, does not include all required information; or
- (d) False or misleading statements on the job application or resume.

(Ord. 82-36. Passed 12-22-82.)

246.11 OPEN RECRUITMENT; SELECTION.

(a) All vacancies shall be filled by means of open recruitment, unless otherwise specified. Open recruitment means an open period of time during which employees and members of the public may apply for a vacant position. Selection will be based on an applicant's relative qualifications as established by the statement of minimum qualifications.

(b) A potential applicant may compete for a job by submitting an application to the County Administrator. Applicants will be screened and those meeting minimum qualifications shall be forwarded to the requesting department for an interview and selection. The County Administrator is the final authority in cases of disputed appointments.

(Ord. 82-36. Passed 12-22-82.)

246.12 REFERRAL OF APPLICANTS.

(a) Upon completion of the recruitment period for applicants to fill a vacant position within the County service, the County Administrator or his or her designee shall review the qualifications of the applicant for the position as stated on the appropriate job description. As specified by the department which has the vacancy, three to ten applications for the position shall be referred to the department. Under no circumstances shall any application be referred for further consideration if the applicant does not meet or is not reasonably expected to meet the minimum qualifications for the position at the time of appointment. The number of applicants specified by the department shall not exceed the number of interviews anticipated by the department to be necessary to fill the vacancy.

(b) If the applications forwarded to the department are unsatisfactory to the department, recruitment procedures may be reinitiated, subject to the approval of the County Administrator.

(c) As the result of approved testing procedures or other circumstances, the County Administrator may grant an exception to this section, enabling the department to receive all applications of persons determined to meet minimum qualifications. A request for such an exception shall be in writing and shall state the result if the request is granted.

(Order 278-83. Passed 7-20-83; E.Ord. 2015-8. Passed 6-03-15; P.Ord. 2015-9. Passed 6-17-15.)

246.13 PERSONNEL FILES.

A new employee shall have an official, public, personnel file located in the County Administrator's office. The file shall contain all official records of appointment, compensation, classification, discipline, etc. The file may be reviewed only by the County Administrator, the employee, persons authorized in writing by the employee, the employee's supervisor and such other persons authorized by the County Administrator.

(Adopting Ordinance. Passed 12-10-85.)

246.14 COMPENSATION PLAN.

A compensation plan stating pay ranges and levels within such ranges shall be maintained by the County Administrator. Amendments, additions or deletions shall be made only by the Board of County Commissioners.

(Ord. 82-36. Passed 12-22-82.)

246.15 MINIMUM WAGE.

No employee or officer of the County shall be compensated at a rate less than the Federal minimum wage.

(Ord. 82-36. Passed 12-22-82.)

246.16 OVERTIME.

(a) Overtime for Employees Other Than Non-Exempt Certifiable Law Enforcement Employees.

- (1) Overtime for nonexempt employees shall be at the rate of one and one-half times the regular rate of pay.
- (2) Overtime shall be paid or compensatory time granted for any work in excess of eight hours in any one day. However, only overtime shall be paid for all work performed in excess of forty hours in any one week.
- (3) Employees working a "4-10" work week consisting of four ten-hour days shall be paid overtime or granted compensatory time off for time worked in excess of ten hours in any one day. However, only overtime shall be paid for work performed in excess of forty hours in any one week.
- (4) The County Administrator shall determine which positions in County service, if any, are exempt. The decision of the County Administrator shall be final and binding on the County.

- (5) Except as provided in subsection (b) hereof, for the purpose of overtime calculations, the workweek shall be 12:01 a.m. on Monday through 12:00 midnight the following Sunday.

(b) Overtime for Non-Exempt Certifiable Law Enforcement Employees.

- (1) Employees who are uniformed members of the Sheriff's Department, who are non-exempt from overtime under state and federal law and who are certified by the Department of Police Standards and Training as police or corrections officers, shall be considered law enforcement officers for the purpose of overtime compensation.
- (2) Designated law enforcement who are subject to a collective bargaining agreement shall be compensated for overtime in accordance with the collective bargaining agreement.
- (3) Designated law enforcement officers who are not subject to a collective bargaining agreement shall be paid or compensatory time granted for overtime for any work in excess of their regularly scheduled work shift. Overtime shall be at the rate of one and one-half times the regular rate of pay. Additionally, designated law enforcement officers who are not subject to a collective bargaining agreement who are required to work on a regularly scheduled day off shall be compensated for a minimum of three hours overtime.

(c) Volunteers. Volunteers are not eligible for overtime, compensation or remuneration of any kind, except for reimbursement of actual expenses, if such reimbursement is consistent with an authorized agreement. Volunteers may not be employees of the County "volunteering" additional service outside the ordinary work period. The volunteer service must only be of a humanitarian or public service nature.

(Adopting Ord. Passed 12-10-85; Ord. 85-25. Passed 10-2-85; Ord. 2006-5. Passed 5-17-06; E.Ord. 2011-4. Passed 2-16-11; P.Ord. 2011-5. Passed 3-16-11.)

246.17 COMPENSATION ADJUSTMENTS.

Compensation may be adjusted following completion of a performance appraisal. An appointing authority may, for an employee whose performance warrants a compensation adjustment, either upward or downward, submit a personnel action to the County Administrator requesting a salary adjustment. The appropriate performance appraisal shall accompany the request for adjustment.

(Ord. 82-36. Passed 12-22-82.)

246.18 ANNIVERSARY DATES.

Anniversary dates are the first day in a given month and are established for purposes of compensation changes. Anniversary dates do not indicate completion of probation, seniority or other matters of employment. An employee beginning County service prior to the sixteenth day of each month shall have his or her anniversary computed from the first day of the given month. An employee beginning County service after the fifteenth day of a given month shall have his or her anniversary date computed from the first day of the following month.

(Ord. 82-36. Passed 12-22-82.)

246.19 PROMOTIONS.

(a) A promotion to a vacant budgeted position of a job classification with a higher pay range is allowed only if the employee meets the minimum qualifications of the higher job classification.

(b) A promotion shall not result in a salary decrease for the employee, unless agreed to by the employee.

(c) Anniversary dates shall be treated as they are for a reclassification.

(d) A promoted employee shall normally be placed at the first step of the new position. Requests for appointment at a higher level require justification.

(Ord. 82-36. Passed 12-22-82.)

246.20 RECLASSIFICATIONS.

(a) A department shall submit the proper documentation to the County Administrator and obtain approval before an employee's position is reclassified.

(b) If the reclassification results in no salary increase, the employee's anniversary date will remain the same.

(c) If the reclassification results in a salary increase, the anniversary date shall be changed to coincide with the effective date of the reclassification.

(d) If a downward reclassification results in a lower salary range, the employee shall be paid in the new range at the salary level closest to the previously held position.

(e) No reclassification shall be made to a classification that has not been officially approved.

(Adopting Ordinance. Passed 12-10-85.)

246.21 DEMOTIONS.

(a) A demotion may be voluntary or involuntary. A voluntary demotion shall not result in a change of anniversary date, and a trial service period shall not be required.

(b) An involuntary demotion may occur as the result of discipline short of discharge or as a result of inability to perform satisfactorily after a promotion. In either instance, the employee's pay may be lowered. In no case shall an employee receive more than the salary range for the position.

(Adopting Ordinance. Passed 12-10-85.)

246.22 SALARY SCHEDULES.

Salary schedules which reflect competitive pay for all positions, as defined by collective bargaining, salary surveys, policy decisions and prudent management, shall be computed and maintained by the County Administrator.

(Ord. 82-36. Passed 12-22-82.)

246.23 END-OF-PROBATION SALARY INCREASE.

An employee beginning probation at the first step is normally eligible for an end-of-probation increase after six months. The amount of the increase is normally five percent, provided that proper documentation is forwarded with the request.

(Ord. 82-36. Passed 12-22-82.)

246.24 PAY DATE.

The pay date shall be set by the Board of County Commissioners.

(Ord. 82-36. Passed 12-22-82.)

246.25 TERMINATION PAY.

(a) Unless specifically authorized by the County Administrator, no severance pay shall be granted. Pay due on termination shall include accrued vacation and overtime pay.

(b) An employee's termination date shall be the last day worked. In no case shall the termination date be advanced to include any paid leave accrued by the employee.

(Ord. 82-36. Passed 12-22-82.)

246.26 PAY FOR PERMANENT PART-TIME AND TEMPORARY EMPLOYEES.

All permanent part-time and temporary employees will be paid on an hourly basis.

(Ord. 82-36. Passed 12-22-82.)

246.27 LEAVES GENERALLY.

(a) Categories. The following categories of leaves are hereby established:

- (1) Paid leaves;
- (2) Disability leaves; and
- (3) Unpaid leaves.

(Ord. 82-36. Passed 12-22-82; REPEALED E. Ord. 92-19. Passed 12-23-92; P. Ord. 93-1. Passed 1-6-93.)

(b) Authorization for Leave.

- (1) Approval of leave is subject to the terms and conditions of this section. The employee shall ascertain that full authority for and approval of his or her leave is granted prior to beginning any leave.
- (2) Each appointing authority, upon submitting payroll data of his or her department to the Finance Department, shall indicate clearly and fully thereon all leaves taken by employees of his or her department during the payroll period.

(c) Computation.

- (1) A paid leave shall be computed on the basis of allowing not more than eight hours (5/8) or ten hours (4/10) of regular pay for any calendar work day that involves paid leave. (For example, even though an employee might spend more than eight hours on jury duty on a calendar work day, the pay for that day shall be limited to eight hours of regular pay, less the amount of money received for jury duty that day.)

- (2) A paid leave shall be computed solely on the basis of normal work days and shall not exceed compensation for more than five days in any seven consecutive days (five days times eight hours equals forty hours maximum). (For example, no payment will be made for regularly assigned days off, such as weekends, even though the employee might be cloistered with a jury for an indefinite number of days.)
- (3) A nonpaid leave shall be computed on the basis of actual calendar days involved. (For example, a thirty-day nonpaid leave effective 12:01 a.m., June 1, would terminate at 12:00 midnight, June 30.)

(d) Continuous Service. - For purposes of computing an employee's leave credits, continuous service is considered as the most recently paid County service unbroken by separation for any reason other than military leave, Peace Corps duty, absence subject to Workers' Compensation and/or authorized paid leaves. Except as provided elsewhere in this chapter, unpaid leave shall constitute a period in which the employee does not accrue seniority credits or vacation, sick or holiday leave and is not eligible for County payment of insurance premiums. However, an employee who returns to work upon the expiration of an authorized unpaid leave and/or who is recalled to work from a layoff is entitled to any unused credit for continuous service immediately prior to such unpaid leave and/or layoff.

(e) Scheduling; Transfers; Termination Pay.

- (1) Scheduling vacation. Each appointing authority shall establish staff schedules to provide vacation leave for employees and employees shall take vacation leave at the time scheduled. Such schedules may be amended by the appointing authority to meet work emergencies or to grant requests of individual employees. Consideration will be given to the desires of individual employees within limits of work requirements of the division.
- (2) Transfer credits and termination vacation pay. When an employee of any County department is transferred to or appointed to another department, his or her vacation and sick leave credit shall be assumed by the new appointing authority. An employee who has served for at least six consecutive months and who is not on probationary status at the time of separation from County service is entitled to cash compensation for accrued vacation leave. In case of death, compensation for earned accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

(f) Other Leaves. - Any request for a leave of absence (paid or unpaid) not covered elsewhere in this chapter shall be submitted to the department director for approval. Upon approval of the department director, the request for leave shall be submitted to the County Administrator for final approval prior to the granting of such leave.

(g) Failure to Return from Leave. - Any employee who has been granted a leave of absence and who, for any reason, fails to return to work at the expiration of such leave of absence, shall be considered as having resigned his or her position with the County. Such position shall thereupon be declared vacated, except and unless evidence is provided that the employee is unable to return to work by reason of sickness, physical disability or any other legitimate reason beyond his or her control.

(h) Absence without Leave. - An absence of an employee from duty, including any absence for a single day or part of a day, which is not authorized by a specific grant or leave of absence under this chapter, shall be deemed to be an absence without leave. Any such absence shall be without pay and may subject the employee to disciplinary action, including discharge.

(Ord. 82-36. Passed 12-22-82.)

246.28 VACATIONS.

(a) Vacation accrual rates are determined by collective bargaining agreements and management fringe benefit policies. In no instance is a temporary or casual employee eligible for paid vacation.

(b) In all cases, vacation time is credited to an individual's account in an amount equal to the annual accrual divided by twelve months.

(c) An employee who has not served for at least six complete months in the paid employ of the County shall not be credited with paid vacation leave until the completion of six months of service.

(Ord. 82-36. Passed 12-22-82.)

246.29 JURY SERVICE.

An employee may be granted leave with pay at the regular rate any time he or she is required to report for jury service, provided that the salary paid to the employee for the period of absence is reduced by the amount of money he or she received for such jury service.

(Ord. 82-36. Passed 12-22-82.)

246.30 VOTING TIME.

An employee shall be granted up to two hours for the express purpose of voting in any election conducted under the auspices of the County Clerk, if, due solely to scheduling of work, he or she would otherwise not be able to vote.

(Ord. 82-36. Passed 12-22-82.)

246.31 MILITARY AND PEACE CORPS LEAVE.

(a) Military and Peace Corps leave shall be granted in accordance with requirements of Oregon Revised Statutes.

(b) An employee may utilize fifteen calendar days per year without loss of pay or use of vacation for military service.

(c) An employee shall notify his or her supervisor of military duty, in writing, as soon as it becomes available to the employee.

(Ord. 82-36. Passed 12-22-82.)

246.32 CLOSURE OF COUNTY FACILITIES ON REGULARLY SCHEDULED WORK DAYS.

If a County facility is closed on a regularly scheduled work day, an employee who is scheduled to work that day shall receive pay equal to the amount of time he or she was scheduled to work. Such pay will not be credited against vacation or sick leave.

(Ord. 82-36. Passed 12-22-82.)

246.33 INABILITY TO REPORT TO WORK.

An employee who is unable to work for a reason beyond his or her control, for a reason other than sickness, when County facilities are open for business, shall have deducted from his or her pay an amount equal to the amount of hours lost in his or her work day or may use vacation leave in an amount equal to the hours lost in the work day. Sick leave may not be used in such instances.

(Ord. 82-36. Passed 12-22-82.)

246.34 DISABILITY LEAVES.

(a) Short Term. - For the purpose of short-term disabilities, including pregnancy, sick leave is provided at a rate of accrual as ordered by the Board of County Commissioners.

(b) Long Term. - A regular full-time employee is eligible to participate in long-term disability programs as specified by the Board.

(c) Approval; Conditions. - Leave granted for reasons of inability to work, including pregnancy, shall be approved in the same manner as regular sick leave, provided that:

- (1) The period of absence, if any, prior to and immediately following disability shall be authorized only upon receipt of a written statement from the employee's physician indicating the approximate length of the absence which is medically necessary.
- (2) Other complications of the disability shall require a written statement from the employee's physician prior to the granting of any additional leave of absence.
- (3) A leave of absence shall be granted when complications occur with a newborn child that necessitate the constant care of the mother. A written statement from the employee's physician stating the necessity and duration of such leave time requested shall be obtained. Other extensions of leave that are simply for the convenience of the mother will not be granted unless substantial medical evidence warrants the same.
- (4) Retention of employee benefits during leaves of absence are subject to the application of rules pertaining to regular sick leave.

(Adopting Ordinance. Passed 12-10-85.)

246.35 FUNERAL PLAN.

In the event of a death in the immediate family of an employee, the employee may take not more than five days sick leave with pay to make funeral arrangements, if necessary, and to attend the funeral. A written statement providing details may be required from an employee, at the option of the department head or the County Administrator, where such leave is taken.

(Ord. 82-36. Passed 12-22-82.)

246.36 PHYSICIAN'S STATEMENT.

A physician's statement of the nature and identity of an illness and the need for the employee's absence of over five days may be required prior to payment of any sick leave benefit.

(Ord. 82-36. Passed 12-22-82.)

246.37 NOTIFICATION OF SUPERVISOR.

Any employee who is ill and unable to report to work shall, if reasonably possible, notify his or her immediate supervisor not later than thirty minutes after his or her normal reporting time. In the case of a continuing illness, the employee shall continue to notify his or her immediate supervisor of his or her inability to report to work.

(Ord. 82-36. Passed 12-22-82.)

246.38 PAID ABSENCES; WORKERS' COMPENSATION.

Employees who are absent because of an on-the-job illness or injury covered by workers' compensation shall be compensated according to the workers' compensation laws of the State of Oregon. Any additional compensation shall be paid in accordance with the applicable collective bargaining agreement, or, in the absence of a collective bargaining agreement, by administrative policy.

(Ord. 82-36. Passed 12-22-82; E. Ord. 89-5. Passed 5-24-89; P. Ord. 89-6. Passed 6-7-89.)

246.39 UNPAID LEAVES.

(a) Generally. - A position need not be held open for an employee on an unpaid leave of absence. However, when a leave has expired and the employee is eligible to return to work, the County will place the employee in the next available position, within the department, for which the employee is qualified.

(b) Temporary Interruption of Employment. - Any temporary, involuntary interruption of employment because of adverse weather conditions, shortage of supplies or other unexpected or unusual reasons, which does not exceed ten days, is not considered a layoff, and at the termination of such conditions, employees shall be returned to employment. Such interruptions of employment may be chargeable to accrued vacation leave or may be recorded as leave without pay.

(c) Sick Leave Without Pay. - Upon application, sick leave without pay may be granted. The County Administrator may require that the employee submit medical evidence of the need for such leave. If the employee fails or refuses to supply such evidence, or if medical disability precludes the employee from the performance of duties, such sick leave shall be canceled and the employee's services shall be terminated. Sick leave without pay in excess of sixty days shall not be granted, unless and until the employee has first been scheduled for any accrued vacation.

(d) Other Leaves of Absence. - In instances where the work will not be seriously handicapped by the temporary absence of an employee, the appointing authority may grant a leave of absence, without pay, not to exceed sixty calendar days. Leaves of absence without pay for periods in excess of sixty days may be approved only by the Board of County Commissioners via the County Administrator. A request for such a leave shall be in writing and shall establish all particulars. Such leave will not be approved for an employee who is accepting employment outside the County service, except in those cases where the Board judges it to be in the best interest of the residents of the County.

(Ord. 82-36. Passed 12-22-82.)

246.40 APPEARANCES BEFORE COURTS, COMMITTEES, ETC.

In reference to appearances at hearings before a court, legislative committee or judicial or quasijudicial body, such appearances shall be considered leave with full pay only if the appearance is the result of County employment and approved by the County.

(Ord. 82-36. Passed 12-22-82.)

246.41 HOURS OF WORK AND ATTENDANCE.

(a) Open Hours. - Generally, County facilities are open 8:00 a.m. through 5:00 p.m., Monday through Friday. Some facilities, due to the nature of their operation, may be open longer. Full-time employees are normally expected to work five consecutive eight-hour days in one week or four ten-hour days. The 5/8 and 4/10 work weeks are approved work schedules.

(b) Building Security. - Individual department heads are responsible for authorizing persons for after-hours building access. The County Administrator is responsible for issuing keys to employees. (Ord. 82-36. Passed 12-22-82.)

(c) Attendance. - Each employee shall remain alert and fully capable of carrying out job functions throughout the assigned shift. Additionally, employees whose ability to carry out job responsibilities is affected by their use of alcohol or drugs shall be subject to disciplinary action.

(Order 168-84. Passed 5-23-84.)

246.42 POLITICAL ACTIVITY.

(a) Generally. - Political activity among County employees and officers is governed by Federal and State legislation. Generally, no County officer or employee shall 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. However, nothing in this section is intended to restrict the right of a public employee to express his or her personal political views.

(b) Federally Funded Positions. - An employee whose job is wholly or partially aided by Federal funds may run for political office, even when gained through a partisan election, and may also take an active role in political management and political campaigns. An employee in this category may not become a candidate for an elective office in a partisan election.

(Ord. 82-36. Passed 12-22-82.)

246.43 NEPOTISM.

(a) Generally. - Pursuant to Oregon Revised Statutes, no person shall be refused employment or terminated solely because another member of such person's family presently works for the County.

(b) Exceptions. - A person may be refused employment or his or her employment may be discontinued if continuation of such employment would:

- (1) Violate a law of the State or the United States, or any rule promulgated pursuant thereto, with which the County must comply;
- (2) Cause a violation of any condition of eligibility for receipt of Federal or State financial assistance;
- (3) Place the individual in a position of exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family, or in a position of being subject to such authority exercised by a member of the individual's family; or

- (4) Cause the County to disregard a bona fide occupational requirement reasonably necessary to the normal operation of County business.

(c) Family Members Defined. - For purposes of this section, a member of an individual's family means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual.

(Ord. 82-36. Passed 12-22-82.)

246.44 DISCIPLINE AND DISCIPLINARY DISCHARGE.

(a) Generally. - In general, the County prescribes that discipline and discharge be handled in a progressive manner. The County prescribes that discipline and disciplinary discharge shall be done in a fair and equitable manner so that disciplinary actions are applied equally. However, there may be occasions when progressive discipline is not appropriate, such as in actions which substantially endanger public safety, which result or could result in damage to public persons or property or which constitute a serious breach of the public trust. Any disciplinary action appropriate to the offense shall be imposed.

(b) Progressive Discipline. - If used, the steps of progressive discipline and discharge include:

- (1) Oral reprimand;
- (2) Written reprimand;
- (3) Suspension without pay only under the following circumstances:
 - A. for violations of safety rules of major significance, or
 - B. in one-week increments for violations which warrant serious discipline;
and
- (4) Discharge.

(c) Safety rules of major significance are those that are intended to prevent serious danger to the workplace or to other employees.

(d) Documentation. - In all steps, documentation shall be kept. Documentation includes copies of materials used in discipline, notes of discussions and pertinent dates. Improper documentation or lack of it may reverse disciplinary action.

(e) Procedure. - Disciplinary action which may include discharge shall be conducted in the following manner:

- (1) The employee shall be notified that his or her supervisor is considering disciplinary action against him or her, which may include discharge.
- (2) A predetermination hearing shall be set for the employee and the supervisor to discuss charges. The hearing is also for the purpose of allowing the employee to explain his or her side of the problem. At the predetermination hearing stage, no decision about which disciplinary action shall be taken shall be made.
- (3) After the hearing, the appropriate course of action shall be determined. If discharge is the decision, then the employee must be notified, in writing, of the date of termination and the just cause for such discipline.
- (4) The employee shall be provided with the option of a post termination hearing or action through a recognized grievance procedure.
(Ord. 82-36. Passed 12-22-82.)

(f) Review of Disciplinary Actions. - Any disciplinary action taken by a supervisor, department director or elected official that involves either suspension as defined in Section 246.44(b), or discharge, shall be reviewed by the County Administrator or his or her designee. Upon delivery of a written reprimand, the appropriate department director or elected official shall forward a copy of such discipline, including explanatory documents or memorandums, to the County Administrator or his or her designee. Department directors or elected officials considering suspension as defined in Section 246.44(b), discharge or another form of discipline shall first consult with the County Administrator or his or her designee. The purpose of this section is to ensure uniform administration of discipline throughout the County.

(Order 340-83. Passed 8-24-83; E. Ord. 96-48. Passed 9-18-96; P. Ord. 96-49. Passed 10-2-96.)

246.45 SUPERVISION OF DEPARTMENT DIRECTORS.

As outlined in 216.06, Administrative Officers are subject of the authority of the County Administrator. The County Administrator is hereby authorized to perform all normal supervisory functions, including appointment, discharge, compensation adjustment and discipline.

(Order 364-83. Passed 9-14-83; Ord. 2010-5. Passed 6-9-10.)

246.46 SEPARATION FROM SERVICE.

(a) In Good Standing. - An employee may be separated in good standing from the County service if he or she meets one of the following criteria:

- (1) Reduction in Force - An employee laid off due to lack of funds, discontinuation of a program or position or lack of work shall be considered separated in good standing.
- (2) Resignation - An employee who resigns a position and gives two weeks' notice shall be considered separated in good standing.

(b) Not in Good Standing. - An employee shall be considered terminated not in good standing if he or she meets one of the following criteria:

- (1) An employee who resigns a position in lieu of being terminated or who fails to give proper notice shall be considered terminated not in good standing.
- (2) An employee who is dismissed as a result of a disciplinary termination shall be considered terminated not in good standing.

(c) Personnel Action Notices. A personnel action notice concerning termination must state the reason for the termination.

(Ord. 82-36. Passed 12-22-82.)

246.47 GRIEVANCE PROCEDURE.

(a) Generally. - It is the policy of the County to ensure its officers and employees, through the use of a formalized procedure, a method and procedure whereby they may have their complaints considered as fairly and as rapidly as possible, without fear of reprisal.

(b) Grievance Defined. - A grievance is a dispute arising between an employee and his or her supervisor resulting from an alleged violation of a specific policy, procedure or disciplinary action. An employee who has access to a grievance procedure as a result of being represented by a collective bargaining organization may utilize the grievance procedure set forth in this section or the bargaining agreement procedure, but not both.

(c) Statement of Grievance. - Any grievance filed as prescribed in this section shall state the nature of the grievance, the specific policy or procedure violated and the remedy requested.

(d) Procedure. - An employee or offer may have a representative of his or her choosing present the complaint and/or represent him or her in the proceedings through the steps described as follows:

- (1) Step 1. Immediate Supervisor - Within thirty days of the occurrence, the grievant may discuss the matter with the immediate supervisor. The supervisor shall render a decision, in writing, within ten days of the discussion.
- (2) Step 2. Next Highest Supervisor - If the decision reached by the immediate supervisor is not of a disposition which is satisfactory to the employee, the grievant may appeal, in writing, to the next highest supervisor within ten days of receipt of the decision. The next highest supervisor shall render a decision, in writing, within ten days of the receipt of the grievant's appeal.
- (3) Step 3. Department Head - If the decision of the next highest supervisor is not of a disposition which is satisfactory to the employee, the grievant may present the grievance to the department head within ten days of the receipt of the supervisor's response in Step 2. The department head must render a decision, in writing, within ten days of the receipt of the grievant's appeal.
- (4) Step 4. County Administrator - If the decision of the department head is not satisfactory, the employee may appeal, in writing, within ten days of the receipt of the department head's decision, to the County Administrator. The County Administrator shall hear the case and render a decision within ten days of the receipt of the appeal. The decision of the County Administrator is considered final and binding.

(e) Departments Headed by Elected Officials. - In the case of a department which is headed by an elected official or a member of the Board of County Commissioners, Step 3 shall apply to the elected official or member of the Board.

(f) Other Rights. - The grievance procedure set forth in this section does not waive an officer's or employee's right to have a case heard through court procedures or other administrative bodies, such as the Equal Employment Opportunity Commission.

(g) Time Frames. - Any of the time frames set forth in this section may be extended, in writing, by mutual agreement of the parties.

(Ord. 82-36. Passed 12-22-82.)

246.48 EMPLOYEE REPRESENTATION.

In general, an employee may elect to be represented by an employee organization according to applicable State statutes and the County Charter.

(Ord. 82-36. Passed 12-22-82.)

246.49 FRINGE BENEFITS.

(a) Maintenance of Programs. - All fringe benefit programs shall be maintained by the County Administrator or the appropriate bargaining unit as specified by labor agreements. The information, booklets, contracts, etc., shall be housed in the County Administrator's office. Changes in fringe benefit programs may be made only through collective bargaining or a policy set by the Board of County Commissioners.

(Ord. 82-36. Passed 12-22-82.)

(b) Accrual. - All fringe benefits for persons regularly scheduled to work less than forty hours per week shall be calculated as follows:

- (1) To receive benefits, an employee must be paid for at least eighty hours per month. Paid time may be the result of scheduled work, holidays, paid vacation and paid sick leave.
- (2) Benefits shall be paid on a prorated basis, based on the actual number of hours paid divided into the actual number of hours available for work in a given month. As an example, an employee who is paid for 136 hours in a month for which there are 168 hours available would receive eighty-one percent of benefits paid ($136 \div 168 = 81\%$).
- (3) For the purpose of this section, fringe benefits include all County paid insurance programs, holidays, vacation accrual and sick leave calculations.

(Order 328-84. Passed 9-12-84.)

246.50 HOLIDAYS FOR SHERIFF'S DEPARTMENT.

(a) Management employees in the Sheriff's Department shall be credited with twelve holidays for the fiscal year beginning July 1, 1983, and in each fiscal year thereafter.

(b) Holiday leave shall be requested at the option of the employee, subject to the approval of the Sheriff.

(c) Holiday credits shall not be carried over from one fiscal year to another. If unused, earned holiday credits shall terminate at the end of the fiscal year.

(d) Upon separation of employment, the employee shall be eligible for compensation for unused holiday credits at the rate of one day per month of employment within the fiscal year, i.e. if a manager completes six months of employment within a fiscal year and has used four days of holiday credit, the employee shall be compensated for the remaining two days of holiday credit. Utilization in excess of the holiday pay earned at the time of separation shall be deducted from the employee's final paycheck.

(Order 196-83. Passed 6-1-83.)