

FILED

LINN COUNTY OREGON
Commissioners'
Journal

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AUG 1 2023

STEVE DRUCKENMILLER, CLERK
By *[Signature]* Clerk



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF A MEMORANDUM OF UNDERSTANDING BETWEEN LINN COUNTY JUVENILE DETENTION ASSOCIATION and LINN COUNTY AND DELEGATING AUTHORITY TO EXECUTE ORIGINALS

RESOLUTION &
ORDER NO. 2023-183
(Amending 2022-137)

COMES NOW, Darrin L. Lane, Linn County Administrative Officer, in a regularly scheduled and duly advertised meeting on August 1st, 2023, and respectfully requests that the Board of County Commissioners for Linn County (Board) approve a Memorandum of Understanding with the Linn County Juvenile Detention Association in the form found in Exhibit 1, attached hereto; and

WHEREAS, The Board having reviewed the Memorandum of Understanding, and being fully advised by staff; and, now, therefore, be it

RESOLVED, That the Memorandum of Understanding as set forth in Exhibit 1 with the Linn County Juvenile Detention Association, be approved; and

ORDERED, That duplicate originals conforming to Exhibit 1 be executed this day, and that Darrin L. Lane, Linn County Administrative Officer, be and hereby is delegated authority to sign the originals bearing this resolution and order number, and that the fully-executed originals be distributed as follows:

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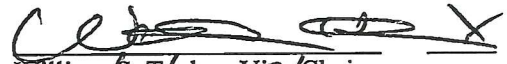
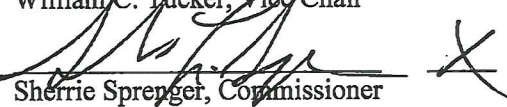
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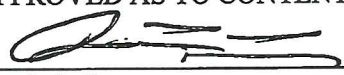


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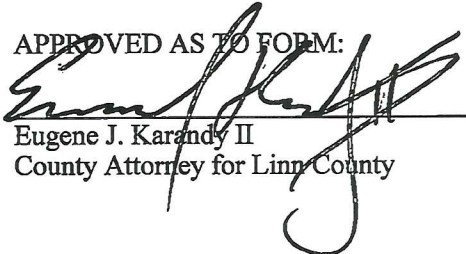
- (1) the originals to be distributed to Darrin L. Lane for signatures; and
- (2) a copy to be returned to the Linn County Board of Commissioners for filing.

Dated this 1st day of August, 2023.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY	AYE	NO
ABSENT		
Roger Nyquist, Chairman	_____	_____
 William C. Tucker, Vice Chair	_____	_____
 Sherrie Sprenger, Commissioner	_____	_____

APPROVED AS TO CONTENT:


 Darrin L. Lane
 Linn County Administrative Officer

APPROVED AS TO FORM:


 Eugene J. Karandy II
 County Attorney for Linn County



MEMORANDUM OF UNDERSTANDING
Between Linn County and the Linn County Juvenile Detention Association

Recognition of Changes to Performance Evaluation Process

This Memorandum of Understanding (“MOU”) is entered into by and between Linn County, hereinafter referred to as **COUNTY**, and the Linn County Juvenile Detention Association, hereinafter referred to as **UNION**. The **COUNTY** and the **UNION** are parties to a collective bargaining agreement (“Contract”) in effect through June 30, 2024, and agree to the following modifications to Article 24 and Appendix C of the Contract, which shall be effective immediately upon execution of this MOU.

I) The parties agree that *ARTICLE 24 – PERFORMANCE EVALUATION* shall be amended as follows (amendment in bold italics):

ARTICLE 24 – PERFORMANCE EVALUATION

Section 1 – Evaluation Purpose. The employee performance evaluation is a process that is part of the employee/supervisor relationship that focuses on: the work that should be done, the work that actually is done over a specific time period, and how efficiently and effectively the work is done. The performance evaluation represents an opportunity for the supervisor and the employee to openly discuss accomplishments, strengths, and areas for improvement. It should also facilitate a clearer understanding of performance expectations and actions to be taken to further the development of the employee. In addition, the employee should come to know that their work is essential and worthwhile, appreciated and accepted as the critical element in the County's service to the public.

Section 2 – Monitoring and Documenting Performance. A key factor in supervising employees is the ongoing monitoring and documentation of employee performance accompanied by ongoing communication with the employee. This monitoring, documentation and communication should happen throughout the rating period and recognize both good work and areas for improvement or problems. An employee whose performance does not meet recognized job requirements should be informed as soon as possible and be given an opportunity to improve the substandard performance with supervisory direction and coaching as appropriate. The notification of substandard performance should be documented and occur as far in advance of a performance evaluation as possible.

Section 3 – Rating System. The System consists of a Performance Evaluation Guide, Performance Evaluation Form and Employee Evaluation Worksheet; the Guide, Form and Worksheet are included in Appendix D. Joint training for supervisors and Association Representatives on the System and the evaluation process will be provided per Article 30, Labor Management Committee, Section 4. The System's general features are outlined below:

- (a) Performance Factors. There are *six* performance factors - initiative, judgment, communications, teamwork, dependability, *and* effectiveness. The rating on the summary factor is used in Article 25, Layoff, Section 4(a)(1) for the computation of layoff credit.
- (b) Levels of Performance. There are five levels of performance - outstanding, very good, fully successful, needs improvement and unsatisfactory.
- (c) Evaluation Frequency. In general, an evaluation is tied to the event that establishes the employee's anniversary date; i.e. the hire (after the first 6-month step increase, and annually thereafter based upon the

6-month date) or promotion date. The System is intended to increase communications for new or newly promoted employees and to support merit step increases. The evaluation frequencies are shown below:

- i. *New employees and newly promoted employees shall receive a "mini" evaluation at six (6) and twelve (12) months after hire or promotion.*
- ii. *New employees and newly promoted employees shall receive a full evaluation at eighteen (18) months after hire or promotion; then annually until the employee reaches 54 months of employment after hire or promotion. Thereafter, employees shall receive a full evaluation on a biennial basis (every two years). ;*
- iii. In addition, an evaluation will be done "on request" of either party. Special unscheduled evaluations may be required before recommendations for demotion or discharge are made.

Section 4 – Work Plans. When an employee's performance is less than fully successful, as indicated by either a regular performance evaluation or by a special performance evaluation, the Employer shall develop a work plan and appropriate time schedule for completing the work plan with the objective of improving the employee's performance to the fully successful level. Performance improvement work plans shall remain in effect for no more than sixty (60) days. If the required improvement is not achieved during the life of the work plan, the employee shall be subject to disciplinary action up to and including termination of employment. The provisions of Article 27, Grievances, Section 1 (a) apply to the implementation of a work plan, in that the employee may request a union representative.

Section 5 – Grievance Level. Performance evaluations may be grieved to the level of the Employer.

II) The parties agree that **APPENDIX C – PERFORMANCE EVALUATION GUIDE** shall be amended as follows (amendment in *bold italics*):

APPENDIX C - PERFORMANCE EVALUATION GUIDE

A. General Comments:

I. PERFORMANCE EVALUATION SYSTEM PURPOSE:

The employee performance evaluation is a process that is part of the employee/supervisor relationship that focuses on:

- a. *The work that should be done.*
- b. *The work that actually is done over a specific time period.*
- c. *How efficiently and effectively the work is done.*

The performance evaluation represents an opportunity for the supervisor and the employee to openly discuss accomplishments, strengths, and areas for improvement. It should also facilitate a clearer understanding of performance expectations and actions to be taken to further the development of the employee. In addition, the employee should come to know that their work is essential and worthwhile, appreciated and accepted as the critical element in the County's service to the public.

II. PERFORMANCE EVALUATION SYSTEM RESULTS:

Linn County's system is intended to provide a standard but flexible procedure and forms aimed at making the performance evaluation process as objective and useful as possible. It is also intended to increase and improve communications between the supervisor and the employee.

a. What should it do for employees?

1. Let employees know how well they are doing, what their strengths and weaknesses are on the job.
2. Recognize good work. The evaluation is an opportunity to express approval and appreciation.
3. Serve as a warning to below-standard employees. An employee whose performance does not meet recognized job requirements should be informed as soon as possible and be given an opportunity to improve the substandard performance.

b. What should it do for supervisors?

1. Encourage communication between supervisors and employees. Serve as a basis for constructive discussions with employees on how well they are performing their job.
2. Help to head off serious disciplinary problems.
3. Ensure that supervisors periodically evaluate employees' job performance.
4. Give supervisors a strong role in personnel management.

c. What should it do for the Elected Officials and Department Heads?

1. Help pinpoint weak spots in the operation such as training, supervision, discipline, staffing, etc.
2. Help to evaluate the supervisor's ability. Sometimes "employee" problems are really supervisory problems.
3. Identify employees with supervisory and leadership potential.
4. Improve work performance by ensuring that both supervisors and employees really know what employees are supposed to be doing. The employee may have been improperly trained when starting work or the job may have been changed.
5. Provide a check on proper placement. May show the need for transfer or promotion.

d. What should it do for the County?

1. Measure the overall effectiveness of staff.
2. Provide a key element in program analysis and personnel management.
3. Serve as a basis for merit salary increases.
4. Serve as a check on recruitment and hiring practices.
5. Help to ensure achievement of the County's overall goal of outstanding public service.
6. Serve as a basis, if required, for layoff decisions.

III. THE EVALUATION PROCESS FOR A SUPERVISOR

a. The Process: Three steps are critical to quality performance evaluations - personal observations, evaluating and recording.

1. *Personal Observations:* In making your ratings, you must rely mainly on what you have seen. Learn to observe your employees and get to know their strong points and develop them. Also recognize their weak points and help them improve. Notice their behavior, performance and work including production, efficiency and morale. The observation on which ratings are based must cover the period from the last rating date to the current rating date and nothing that happened outside that rating period.

2. *Evaluations:* Evaluate what you have observed in relation to each factor on the evaluation form. Judge what the employee does. Evaluate performance on the job rather than the importance of the job itself. Compare their performance with the duties of the job.
3. *Recording:* The evaluation form provides a standard format for recording your evaluations for the purposes outlined in Section II above.

b. As You Begin:

1. Familiarize yourself with the Performance Evaluation Form, the Employee Evaluation Worksheet and this Performance Evaluation Guide.
2. Understand thoroughly the duties and requirements of the particular position held by the employee to be evaluated. Review the classification description.
3. Be objective and avoid personal prejudice, bias or favoritism. You are not rating employees on your personal likes or dislikes of certain mannerisms. What matters is measuring competency and effectiveness on the job. Don't discriminate on the basis of race, color, religion, gender, national origin, age, and mental or physical disability.
4. Don't let your evaluation on one factor influence your evaluation on other factors.
5. Base your judgment on demonstrated performance during the rating period, not on past or anticipated performance.
6. Evaluate on the experience of the entire rating period.
7. Consider performance for the rating period only; length of service is not a factor.
8. Provide a Linn County Employee Evaluation Worksheet to the employee. Use of the Worksheet by the employee is optional but it can be a valuable input to the process if returned to you.
9. The use of additional inputs, such as information from outside agencies or peer evaluations, can sometimes provide valuable insight about an employee's performance; if requested, peer evaluation inputs by fellow employees are totally voluntary and are not required to be made.

c. Developing the Evaluation:

1. Be objective and direct in rating the employee's strengths and weaknesses. Don't assume that good work needs no comment or that poor performance will be self-correcting.
2. Use the narrative sections to help describe the employee's performance and provide "specifics". Thoughtful comments give the most complete picture of the employee's performance.
3. Consider unusual circumstances such as employees you have observed for short periods, employees who have done poorly as a result of temporary ill health or unavoidable conditions. In all unusual circumstances, evaluate the actual work performance, but comment fully to indicate reasons.

d. The Evaluation Review with the Employee:

1. Complete the Evaluation form and provide a copy to the employee before the review. Schedule the time and place for the review with the employee. Plan to meet in private.
2. Determine what you want to accomplish in the interview and plan your discussion accordingly. The review should be an open discussion of accomplishments, strengths and areas for improvement.
3. Evaluation reviews can produce curiosity, tension or anxiety so be prepared to work through any barriers to an open discussion.
4. Be open to input by the employee - the review is supposed to be a TWO WAY communication period. Remember that the employee may do most of the talking at some points of the interview as follows:
 - In expressing their opinions and feelings on issues.
 - In gaining a better understanding of themselves.

- In identifying their own areas of needed or potential improvement and in making plans for their accomplishment.
- 5. Focus the discussion on the evaluation and close when you have made clear whatever points you intended to cover; when the employee has had a chance to make an input; when plans of action have been cooperatively developed; and when you and the employee are at a natural stopping point.

B. Preparation of the Performance Evaluation Form:

I. The Performance Evaluation Form should be typewritten or legibly written ink. The original copy should be sent to the Personnel Files, with a copy retained in the Departmental files (if applicable) and a copy given to the employee. Make sure all copies can be easily read. If any changes are made after completion, it should be initialed by both the employee and the supervisor.

- a. *Who Does the Evaluation?* The individual who is most immediately responsible for the supervision of the employee.
- b. *What is a "Mini " Evaluation?* An evaluation using the same form and process with any narrative completely optional. The intent is to provide an interim update in a new employee or promotion situation.
- c. *When Are Evaluations Done?*
 1. ***New employees and newly promoted employees shall receive a "mini" evaluation at six (6) and twelve (12) months after hire or promotion.***
 2. ***New employees and newly promoted employees shall receive a full evaluation at eighteen (18) months after hire or promotion; then annually until the employee reaches 54 months of employment after hire or promotion. Thereafter, employees shall receive a full evaluation on a biennial basis (every two years).***
 3. In addition, an evaluation will be done "on request" of either party. Special unscheduled evaluations may be required before recommendations for demotion or discharge are made.

For example:

<u>AFTER HIRE</u>	<u>6 and 12 Months</u>	<u>18 through 54 months</u>	<u>BEYOND</u>
New Employees	<i>MINI</i>	<i>FULL</i>	<i>FULL Biennial Basis</i>
After Promotion	<i>MINI</i>	<i>FULL</i>	<i>FULL Biennial Basis</i>

- d. *What are the Levels of Performance?*
 1. **Outstanding:** Total work performance is definitely superior and well above expectations.
 2. **Very Good:** Differs from outstanding in terms of degree. The employee, while usually performing above the level of a fully-successful employee, has not achieved a complete constancy of outstanding performance in all areas of work.
 3. **Fully Successful:** Work performance is consistently up to or exceeds expectations. This is the performance level which is expected of a qualified employee.
 4. **Needs Improvement:** Work performance is below expectations. Positive effort is needed to improve performance.
 5. **Unsatisfactory:** Work performance is inadequate and definitely inferior. An employee would not normally be rated unsatisfactory without previous knowledge of unsatisfactory performance.

II. COMPLETING THE FORM:

- a. *Complete the information blocks at the top of the form's front page.*

b. Performance Areas:

1. **Employees will be evaluated in six (6) performance areas: Initiative, Judgement, Communication, Teamwork, Dependability, and Effectiveness.**
2. Not all employees do all things well and not all of the things they do are equally important to their job and thus, the evaluation of their work performance. The purpose of this part of the evaluation is to help you avoid rating general impressions and to identify the separate qualities you should look for and rate.
3. The **six (6) areas** listed each have additional descriptions included on the form to assist in defining what they mean and how they apply. The block should be marked with an "X" and any narrative comments should be consistent; i.e. an "outstanding" block should not be combined with narrative focused on needed improvements. The "Summary" factor is not a product of a specific formula but rather how the employee, in total, has performed. Different classifications will require different skills so **all performance areas** don't always carry equal value - the summary is thus intended to be just that, the "complete view" of the performance for the time period.

c. Narrative Sections:

1. The narrative sections are intended to amplify the rating of the factors. Although the performance ratings portion of the form is important, most people feel that the comments portions "explain" the evaluation.
 - a. Comments can explain to the employee the reasons behind the ratings.
 - b. Comments can point the way toward goals and future performance; ratings describe only the past.
 - c. Comments can tell how to improve performance; ratings can do no more than indicate whether past performance was good or poor.
 - d. Comments are more understandable than ratings and form a better basis for discussion.
 - e. Comments can describe actual behavior, incidents, or data and be used as examples.
2. *What to Include in the Narrative Sections:*
 - a. Explanation of the ratings as desired (required if evaluated as "unsatisfactory", "needs improvement" or "outstanding").
 - b. Specific examples of good work and poor work.
 - c. Suggestions for improvement.
 - d. Descriptions and results of discussions with the employee.
 - e. Goals/objectives to be achieved during the next evaluation period or inputs on how to improve.
 - f. Progress since the last evaluation period.
 - g. Recognition of good work.
 - h. Remarks on areas of performance which are not covered by the rating.
3. *What Not to Include in Narrative Section:*
 - a. Hearsay, rumor.
 - b. Labels. Don't say the employee is "lazy", "argumentative", etc. Instead describe the behavior or performance itself.
 - c. Interpretation of employee attitudes. Again, describe the actual behavior instead.
 - d. Long, complicated comments. Keep them to the point.
- d. The last section is provided to allow a look forward to the coming year with space to record any agreements regarding such things as career development, objectives, etc.
- e. The form is completed with signatures and dates. The employee's signature does not indicate agreement and employee comments may be attached if desired. Additional comments can also be attached expanding on any section if desired.

Any dispute concerning this agreement shall be resolved under the terms of the Contract's ARTICLE 27 – GRIEVANCES.

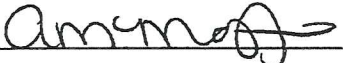
Except as specifically modified by this MOU, all terms and conditions of the Contract will remain in full force and effect.

Dated: 9/7/23

Dated: 10/10/2023

For the UNION:

For the COUNTY:

By: 

By: 