

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

SUBTITLE 3 — POLICIES

POLICY 20

PERSONNEL POLICY MANUAL

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INTRODUCTION

20.001 General purpose of Personnel Policy as defined by LCC 310

(A) Pursuant to Chapter 310 of the Linn County Code, Linn County shall adopt and maintain in a current condition policies designed to provide for personnel administration governing the appointment, promotion, transfer, layoff, discipline, and removal of county employees on the basis of merit and fitness.

(B) The policies shall be referred to collectively as the Personnel Policy.

(C) The Personnel Policy shall provide a classification plan for positions in the county service, a compensation plan, and a system to facilitate the handling of other personnel matters.

[Adopted 94-611 eff 11/29/94; amd 94-504 eff 11/29/94]

[20.006 Reserved for “Background”]

20.012 Definitions

(A) As used in this Personnel Policy, unless the context requires otherwise:

(1) “**Anniversary date**” means a date assigned for administrative purposes, to measure an employee’s tenure in a position, or in a particular salary range or step of a salary range. It will always be the first day of a month, and if the event causing the anniversary date to be set occurs on or before the 15th day of the month, the anniversary date will be the first day of that month; if the event occurs on or after the 16th day of the month, the anniversary date will be the first day of the month following the event.

(2) “**Appointing authority**” means any person or group vested with the authority to employ, discipline, or discharge an employee. This definition includes all Linn County elected officials and all department heads.

(3) “**Appointment**” means all selections of Linn County employees and members of Commissions and Boards and of volunteers.

(4) “**Average annual hourly salary**” means an hourly salary rate determined by multiplying monthly salary by 12, dividing the product by 52, and dividing the quotient by either 37.5 for 37.5 hour employees or 40, for 40 hour employees. See also “Current month hourly salary.”

(5) “**Board**” and “**Board of Commissioners**” means the Board of County Commissioners for Linn County.

(6) “**Classification**” means the title and work description for various positions in county government.

(7) “**Continuous service**” means the period of time an employee has worked in uninterrupted county service from the date of the employee’s initial employment. Periods of time spent on unpaid leaves of absence pursuant to LCP 20.300 through 20.380 will not be included in the computation of continuous service.

(8) “**County**” means Linn County.

(9) “**County service**” means the holding of a position in county government in the classified service, management/exempt service, elected

service or exempt service or combination of two (2) or more of those types of service.

(10) “**Current month hourly salary**” means an hourly salary rate determined for each month by dividing monthly salary by “hours available.” See also “average annual hourly salary.”

(11) “**Day**” or “**days**” means a calendar day or days, unless otherwise defined or provided for in this Policy.

(12) “**Department head**” means the person to whom the Board has given the responsibility of administering a department of Linn County government.

(13) “**Disciplinary probation**” means a period of time defined by the employee’s appointing authority, which shall not be less than thirty (30) days nor more than six (6) months.

(14) “**Discharge**,” “**dismiss**,” and “**dismissal**” refer to a separation that is characterized by (1) the act of Linn County not allowing an employee to work for an additional period of time and (2) that employee is willing to continue to work.

(15) “**Domestic partnership**” means an Oregon Registered Domestic Partnership as provided for in ORS 106.300 to 106.340.

(16) “**Elected official**” means any of the following, individually or collectively; the Assessor, the Clerk, the District Attorney, the Sheriff, the Surveyor, the Treasurer, and Justices of the Peace.

(17) “**Employee**” means a person who engages to furnish services for a remuneration, subject to the direction and control of a Linn County appointing authority; employee does not include a person whose services are performed as an inmate of a correctional facility or in performance of a sentence to community service, or an independent contractor, or as a volunteer. An “employee” is in one or more of the following categories:

- (a) Entrance probation;
- (b) Full time;
- (c) Part time;
- (d) Regular full time;
- (e) Regular part time;

- (f) Irregular part time;
- (g) Promotion probation;
- (h) Seasonal;
- (i) Temporary;
- (j) 37.5-hour;
- (k) Intern;
- (l) 40-hour.

(18) “**Employ**” or “**employed**” means to be appointed to a Linn County position which is a paid position other than a person employed by contract to render professional or technical services.

(19) “**Entrance probation**” means a trial period of not less than six (6) months and not more than thirteen (13) months from the date of hiring by an appointing authority. During the trial period the employee is required to demonstrate by actual on-the-job performance the employee’s fitness for appointment to a regular or irregular position.

(20) “**Entrance probation employee**” means an employee subject to the requirements of entrance probation.

(21) “**40 hour employee**” means an employee whose monthly salary is based upon working forty (40) hours each week.

(22) “**Full time employee**” means an employee whose regular work week is 37.5 or more hours.

(23) “**Hours available**” means the number of hours in a calendar month that are required to be worked or compensated by paid leave or holiday pay to qualify an employee for a full monthly salary. Hours available are determined by multiplying the number of days of the month, excluding Saturdays and Sundays, by 7.5 for 37.5 hour employees, and by 8.0 for 40 hour employees.

(24) “**Intern**” means an employee with a predetermined fixed period of employment with an end date set by a Linn County appointing authority, with no guarantee of continued employment during the period and no expectation of continued employment past the end date, and who is paid from a “Temporary Help” budget line.

(25) **“Irregular part time”** means any position or appointment which is expected to average less than 20 hours per week and less than 1,040 hours in a fiscal year. An irregular part time employee is one appointed to an irregular part time position after satisfactorily completing an entrance probation period.

(26) **“LCP”** means the Linn County Policy.

(27) **“Layoff”** means separation from employment because of shortage of funds, work, or materials, elimination of a position because of reorganization, or for other reason not reflecting discredit upon the performance of the employee.

(28) **“Layoff list”** means a list of laid off persons who have been regular or irregular employees in a particular class of job who are entitled to be considered for reappointment to a position in that class within six (6) months following layoff.

(29) **“Military leave”** means a leave of temporary absence granted to employees while serving in the U. S. Armed Forces or the National Guard.

(30) **“Outside employment”** means engaging in business for the intent of making a profit, or of providing service for remuneration, not as an employee of Linn County.

(31) **“Part time employee”** means an employee whose regular work week is less than 37.5 hours.

(32) **“Personnel action”** means any action taken with reference to an employee.

(33) **“Position”** means a place in county service for which a group of duties (classification) to be performed by an employee has been designated, and for which the Board has authorized an employee to be hired.

(34) **“Position vacancy”** is a position which either; becomes vacant when an employee has been promoted, voluntarily demoted, voluntarily quit, discharged, or is newly authorized and not yet filled.

(35) **“Promotion”** means the movement of an employee from a position in one classification to a position in another classification which

carries a higher salary range than the former position classification.

(36) **“Promotion probation”** means a trial period established by the appointing authority in a higher salary classification position than previously held during which time the promoted employee is required to demonstrate by actual on-job performance the employee’s fitness for appointment to the position.

(37) **“Promotion probation employee”** means an employee subject to the requirements of promotion probation.

(38) **“Reclassification”** means a change in job classification of a position by raising it to a higher job classification, reducing it to a lower job classification, or moving it to another class of the same level. Reclassification is the recognizing that the job has certain different requirements and shall not be means of promotion or merely a means of increasing a salary.

(39) **“Regular full time”** means any position or appointment which is expected to function an average of 37.5 hours per week or 40 hours per week, depending on the position, for a period of 1,040 (40 hrs. x 26 weeks) hours or longer in a fiscal year. A regular full time employee is one appointed to a regular full time position after satisfactorily completing an entrance probation period.

(40) **“Regular part time”** means any position or appointment which is expected to average less than 37.5 hours per week or 40 hours per week, depending on the position, but more than 86 hours per month for a period of 1,040 (20 hrs. x 52 weeks) hours or longer in a fiscal year. A regular part time employee is one appointed to a regular part time position after satisfactorily completing an entrance probation period.

(41) **“Seasonal employee”** means an employee whose position occurs, terminates, and recurs periodically and regularly (such as summer help), and who is paid from a “Temporary Help” budget line item.

(42) **“Separation”** means the ending of the employment relationship between an employee and the employer.

(43) “**Subordinate employee**” means any employee over which a supervisor is responsible for assigning tasks and evaluating the performance of the employee, either directly or indirectly through subordinate supervisors.

(44) “**Supervisor**” means any person responsible for assigning tasks to and evaluating by a merit system evaluation form the performance of an employee.

(45) “**Suspension**” means a temporary interruption of work and pay of an employee by the appointing authority for disciplinary reasons.

(46) “**Temporary employee**” means an employee whose position is contemplated by the appointing authority to be for a specified maximum period of less than six (6) months, who is paid from a “Temporary Help” budget line item .

(47) “**37.5 Hour employee**” means an employee whose monthly salary is based upon working thirty seven and one-half (37.5) hours each week.

(48) “**Trainee**” means an employee whose skills for a position are incomplete, but whose supervisor believes may become worthy of regular employment at the end of a specified period of on-job training. The trainee may be paid at a rate less than the normal entry salary for the position, during a specified time period of training.

(49) “**Transfer**” means the movement of an employee from a specifically described position of employment and pay level in one department to a described position and pay level in another department.

(50) “**Voluntary demotion**” means a demotion requested by an employee in order to retain employment when a layoff is imminent or for other reasons where the action is entirely voluntary on the part of the employee.

(51) “**Voluntarily quits**” means a separation that is characterized by (1) the act of an employee not continuing to work for an additional period of time, and (2) Linn County is willing to allow that employee to work.

(52) “**Volunteer**” means a person who volunteers to perform certain service activities for

the benefit of Linn County and its citizens for no remuneration in return.

[Adopted 94-611 eff 11/29/94; amd 91-781 eff 11/6/91; amd 94-504 eff 11/29/94; amd 99-157 eff 3/31/99; amd 16-212 eff 6/22/16; amd 22-324 eff 9/27/22; amd 23-316 eff 8/22/23]

20.016 Goals established by Linn County Code 310

Pursuant to LCC Chapter 310 (Linn County Personnel Policy Code) of the Linn County Code, it is the goal of the Board of Commissioners of Linn County to provide the following for employees, as far as time, finances and facilities permit:

(A) Working conditions and environments suitable for the type of work program desired in the County, that are safe, healthful, and pleasant, and which develop effective, harmonious, and reasonable work relationships.

(B) Fair employment conditions free from discrimination or harassment, with recognition for growth and experience, and opportunities for promotion and transfer appropriate to the county’s needs.

(C) Materials and supplies appropriate to the assigned responsibilities and available at the time needed.

(D) A workload appropriate to the tasks to be performed and consistent with recognized standards and practices.

(E) Opportunities to make appropriate contributions to the implementation and improvement of the work programs of the county.

(F) Compensation in keeping with responsibilities, and with the economic level of the community and the county, and appropriate consideration for other conditions of employment.

(G) An avenue of appeal when decisions or regulations appear to inflict injustices or cause undue hardships.

(H) Personnel policies that comply with all federal and State laws and statutes governing employment practices and procedures.

[Adopted 94-611 eff 11/29/94; amd by 94-504 eff 11/29/94; amd 16-212 eff 6/22/16]

20.020 Types of service

For purposes of this policy, every position in county government shall be one of six types of service:

(A) *Classified Service*: Classified service shall include all positions, other than inactive, that are not specifically placed in the elected, management/exempt, represented, or exempt services.

(B) *Management/bargaining unit exempt or management/exempt*: Management/bargaining unit exempt or *management/exempt* service shall include the following:

- (1) Deputies appointed by elected officials, not in represented service.
- (2) Department heads appointed by the Board of Commissioners.
- (3) Employees in training programs, only during such training period.
- (4) Employees in confidential positions.
- (5) Employees in supervisory positions.
- (6) Unrepresented employees of the Sheriff's Office.

(C) *Elected Service*: Elected service shall include all elected officials compensated by county funds. These officials are:

- (1) Commissioners
- (2) Assessor
- (3) Clerk
- (4) Sheriff
- (5) Surveyor
- (6) Treasurer
- (7) Justices of the Peace
- (8) District Attorney

(D) *Exempt Service*: Exempt service shall include:

- (1) Members of commissions and boards.
- (2) Volunteers not compensated.
- (3) Persons employed by contract to render professional or technical services.

(E) *Represented Service*: Represented service shall include any person who is a member of a bargaining unit which is a party to a collective bargaining agreement with the county or with an elected official of the county, during the term of such agreement or during such time as negotiations for a successor agreement are taking place.

(F) *Inactive Service*: Inactive service shall include any person not currently employed in a Linn County position, but who by reason of a contract, a state statute or a federal law has a right to future employment in a Linn County position.

[Adopted 94-611 eff 11/29/94; amd 92-263 eff 6/1/92; amd 94-504 eff 11/29/94; amd 16-212 eff 6/22/16]

20.024 Applicability of Personnel Policy to types of service

Pursuant to LCC chapter 310, this policy shall apply as described herein to the types of services defined by LCC 310.300 :

(A) *Classified Service*: Except as otherwise provided by this Policy, classified service shall be entitled to and governed by all provisions of this policy.

(B) *Management/exempt Service*:

(1) Except as otherwise provided by this Policy, management/exempt service shall be entitled to and governed by all provisions of this policy.

(2) Sheriff's Office management/exempt staff will be entitled to the provisions of the Deputy Sheriffs Association Collective Bargaining Agreement for accruals, incentives, and other entitlements. Refer to the Sheriff's Office Management Pay Procedure, updated annually, for further details.

(C) *Elected Service*: Elected service shall be entitled to and governed by the insurance, expense allowance, and as appropriate, retirement provisions (PERS) of this Policy. The District Attorney may elect to be covered by either the State of Oregon or Linn County for medical and dental insurance.

(D) *Exempt Service*: Except as provided by law or by approval of the Board of Commissioners, exempt service shall not be subject to the provisions of this policy.

(E) *Represented Service*: Represented service shall be covered by the provisions of this policy that are not inconsistent with or prohibited by a collective bargaining agreement that is in effect and applicable to the bargaining unit member. However, this provision shall not apply to employees who are members of the bargaining unit

represented by Teamsters Local 670 until approval by the members of that bargaining unit.

(F) *Inactive Service*: Unless otherwise stated herein, this Personnel Policy is not applicable to this type of service.

[Adopted 94-611 eff 11/29/94; amd 92-263 eff 6/1/92; amd 94-504, eff 11/29/94; amd 16-212 eff 6/22/16; amd 22-324 eff 9/27/22]

20.026 Certain Personnel Policies not applicable to certain Elected Officials; Elected official and department head policies

(A) The following provisions are not applicable to elected officials:

20.035	Outside Employment
20.210 (C, E)	Work Time
20.225	Employee Absenteeism
20.320	Vacation
20.380	Other Leaves
20.430	Employee Evaluation
20.460	Overtime & Additional Time
20.700	Grievances
20.900	Promotions

(B) Elected officials and department heads may establish written policies in addition to this Policy that are applicable to their employees.

[Adopted 94-611 eff 11/29/94; amd 92-263 eff 6/1/92; amd 94-504, eff 11/29/94; amd 22-324 eff 9/27/22]

20.028 Political activity

(A) In accordance with Oregon state law, no public employee shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or aid, promote or oppose the nomination or election of a candidate, the adoption of a measure or the recall of a public office holder while on the job during working hours. Employees shall have the right to freely express their views as citizens and to cast their votes and may engage in political activities when not on the job. Employees do have the right to express personal political views while on the job. However, this privilege can be exercised only to the extent it does not interfere with the work of the employee or other employees. Unacceptable conduct includes putting political posters on county property, passing out campaign literature while on the job, and contacting other persons about political or campaign views.

(B) Employees in classified, management/exempt, exempt and represented service whose principal employment is in connection with, and

who exercise functions in connection with, an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency, may not be a candidate for a partisan elective office, or otherwise violate any provisions of the Federal Hatch Act, 5 USC §§1501–1508.

[Adopted 94-611 eff 11/29/94; amd 94-504, eff 11/29/94; amd 16-212 eff 6/22/16]

20.030 Employment of dependents

Dependents or relatives, either by blood, adoption or marriage, of county employees may be employed in either full or part-time positions provided that they do not work in any direct line of supervision.

[Adopted 94-611 eff 11/29/94]

20.035 Outside employment

(Not applicable to elected officials)

(A) County employees are advised that outside employment is discouraged, however, it is recognized that some employees may feel a need for additional income or professional growth and will hold outside employment. Outside employment shall not interfere or conflict with the county job nor should it affect the employee's efficiency.

(B) The appointing authority may forbid outside employment for employees. In that event the affected employees shall be so notified in a written directive.

(C) An employee who now has or who obtains outside employment shall, before acceptance of outside employment give written notice to the appointing authority which shall contain, as to each outside employer:

- (1) Name of outside employer.
- (2) Address of outside employer.
- (3) Job description.
- (4) Hours of outside employment.

A copy of this written notice shall be filed in the permanent personnel file of the employee.

(D) An employee with outside employment shall immediately notify the appointing authority of any injury received during the course of outside employment.

(E) An employee with outside employment shall give the appointing authority written notice

of each and every separation of outside employment.

(F) Failure to provide prior notice required by subsection (C) above, or to provide notice required by subsection (D) or (E) above within ten (10) working days, is grounds for disciplinary action, including suspension or discharge.

[Adopted 94-611 eff 11/29/94; amd 94-504 eff 11/29/94]

20.040 Out-of-State Remote Work

In order to ensure compliance with taxes, payroll deductions, and labor and employment laws, no employee shall be allowed to regularly perform work for Linn County remotely outside of the State of Oregon without prior approval from the Board of Commissioners. Regular remote work outside Oregon is discouraged, and shall only be authorized at the discretion of the Board when such work will benefit Linn County's ability to provide services internally and to the public.

[Adopted 99-157 eff 3/31/99; repealed 16-212 eff 6/22/16; Adopted 22-324 eff 9/27/22]

CHAPTER 1 — BEGINNING EMPLOYMENT

20.100 Employee selection

(A) *Definitions.* The following definitions apply to this section, unless the context requires otherwise.

(1) **“Internal recruitment”** means advertising a position announcement to persons who at the time of the advertisement are already employed by Linn County.

(2) **“Open recruitment”** means advertising a position announcement to persons who at the time of the advertisement are already employed by Linn County and to persons who are not at the time of advertisement employed by Linn County.

(B) Vacancies in job positions shall be filled as described in this section.

(1) *Position Announcements; Contents.* When an appointing authority desires to fill a position, that appointing authority shall prepare a position announcement that contains at a minimum:

- the department name, address and telephone number;

- whom to contact;
- the job title;
- salary details;
- hours and days of work;
- specific job duties;
- screening requirements including minimum experience, special training and education, skills and abilities, tools and licenses,
- special working conditions or hazards,
- the opening and closing dates for filing applications,
- a statement that Linn County is an Equal Employment Opportunity Employer; and
- any other information the appointing authority considers pertinent.

(C) *Advertisements.* At least ten (10) working days before the last date for filing an application, the appointing authority shall advertise the position announcement in the following manner:

(1) internal recruitment: by posting a copy of the position announcement on the official bulletin board of the county;

(2) open recruitment:

(a) by posting a copy of the position announcement on the official bulletin board of the county;

(b) by providing a copy of the position announcement to the appropriate State Employment Division office;

(c) by distributing or otherwise publishing the position announcement to all employees within the appointing authority's respective department or office; and

(d) if deemed necessary to attract a sufficient number of qualified applicants, by publishing the position announcement in a local newspaper and/or trade journal.

(D) *Applications:* All persons applying for employment with the county shall fill out an official employment application form approved by the county counsel.

(E) *Qualifications and Screening of Applicants:*

(1) Applicants for appointment, promotion or transfer to positions shall possess at least the minimum qualifications and other requirements for the class as stated in the position classification description.

(2) One or more or any combination of the following techniques shall be used to determine

whether applicants meet the knowledge, skill and ability requirements listed in the class specification:

(a) Information the applicant supplies on the application form.

(b) Written performance, physical tests, examinations or any combination of these.

(c) Individual or group interviews.

(d) Information and evaluation data supplied by references and previous employers.

(e) Other job-related screening techniques as may be necessary.

(3) Records of screening and interviews shall be retained as prescribed by law.

(4) Applicants for appointment, promotion or transfer to a position that requires the employee to have a valid Oregon driver's license shall provide, at the applicant's expense, a current driving record history known as a "Certified Court Print," as described in OAR 735-010-0030.

(F) *Disqualification of Applicants:* The application for employment of any person may be rejected if the individual:

(1) Is found to lack the qualifications and other requirements for the class as stated in the class description.

(2) Is physically unfit even with reasonable accommodation to perform effectively the duties of the class.

(3) Has been convicted of an offense which the employer may consider upon application pursuant to the provisions of Section 1, Chapter 559, Oregon Laws 2015.

(4) Has used or attempted to use political influence or bribery to secure an advantage in obtaining appointment.

(5) Has made a false statement or has practiced or attempted to practice deception or fraud in the person's application for appointment.

(6) No applicant who is eighteen (18) years of age or older shall be rejected for employment because of age or because of race, color, sex, religion, political orientation, national origin, marital status, or mental or physical disability, or any other status or characteristic protected by

federal or state statute or regulations except in instances of a *bona fide* occupational requirement.

(G) *Time Period for Filling a Position Vacancy:* The appointing authority shall fill the position vacancy within one hundred twenty (120) calendar days (unless the position is outside-funded, in which case, there is no time limit so long as the funding is available). After the one hundred twenty (120) day period to fill the position has expired, the appointing authority shall apply to the Board of Commissioners who may grant additional time in which to fill the position. If at the end of that time period the position has not been filled, the position shall not be filled unless authorized in the subsequent budget year.

(H) *Employee start date:* No appointing authority shall allow an employee to start work until a Personnel Action Form (PAF) has been submitted by the appointing authority and approved by the Board of Commissioners. If an emergency or operational need requires an employee to start work before the PAF is approved by the Board, the employee may do so if the employee's appointing authority first obtains oral approval from the County Administrative Officer or Chair of the Board, in which case a PAF shall be submitted for Board approval within three (3) business days of the employee's commencement of work.

[Adopted 94-611 eff 11/29/94; amd 94-504 eff 11/29/94; amd 16-212 eff 6/22/16; amd 22-324 eff 9/27/22]

20.200 Veterans preference

Pursuant to, and in accordance with, the provisions of ORS 408.225 to 408.237 all Linn County Departments and Offices shall grant a preference in the hiring and promotion of veterans and disabled veterans.

[Adopted 16-212 eff 6/22/16]

CHAPTER 2 — ATTENDANCE

20.200 Business hours

The hours of Linn County departments that maintain an office or facility where members of

the public can conduct business with or receive services of the department are controlled by LCC 220.100 to 220.160 and LCC 710.010 to 710.400. [Adopted 94-611 eff 11/29/94; amd 94-504 eff 11/29/94]

20.210 Work time

(§§C & E, not applicable to elected officials)

(A) To be entitled to the full salary provided by the compensation plan, an employee must be present at work for the hours of each scheduled work day during the pay period, unless the hours of absence are charged to authorized leave with pay, except as otherwise authorized and/or required by the appointing authority. An employee who is not entitled to full salary will be paid for hours worked at the employee's current month hourly rate.

(B) Except as provided in LCP 20.220, a work week is five consecutive days, as scheduled by the department head, during a pay period, except holidays.

(C) An unpaid meal period of not less than one-half (½) hour nor more than one (1) hour in duration shall be allowed each employee as near as practicable to the middle of each work day longer than five (5) hours.

(D) Unless otherwise authorized by the Board of Commissioners, or appropriate elected official and except as provided in LCP 20.220, work hours shall be served between 8:30 a.m. and 5:00 p.m. each work day, excluding a meal period.

(E) Rest periods of not more than twenty (20) minutes in duration shall be allowed each employee each half work day during work hours. These rest periods shall be taken as near as practicable to the middle of each half work day.

[Adopted 94-611 eff 11/29/94; amd 95-016 §1 eff 1/25/95]

20.220 Alternate work week

A department head may establish, only with the approval of the Board of Commissioners, or appropriate elected official, a four (4) day work week for some or all employees of the department or some alternate work schedule, provided that:

(A) Such schedule provides a work week of four (4) ten-hour days for forty (40) hour employ-

ees; or four (4) days of ten (10) hours or less, totaling 37.5 hours, for 37.5 hour employees;

(B) Such schedule results in no increase in salary cost; and

(C) Such schedule does not result in reduced hours during which service to the public is available, and does not substantially affect service by the department to other county departments.

(D) For the purposes of this Policy, unless otherwise required by specific language in this Policy or by law, an employee on an alternate work week shall remain a 37.5 or 40 hour employee and when this Policy provides paid leave on a "day" basis that "day" shall be 7.5 hours for a 37.5 hour employee and 8 hours for a 40 hour employee. To receive full pay for additional hours beyond 7.5 or 8 hours of the employees normally scheduled work day the employee would have to utilize the employee's leave bank. For example, a 40 hour employee that normally works four ten hour days a week taking bereavement leave pursuant to LCP 20.370(E) would receive eight hours of paid leave for up to four days and need to utilize two hours each day from the employee's leave bank to receive full pay. See also LCP 20.250(E).

[Adopted 94-611 eff 11/29/94; amd 22-324 eff 9/27/22]

20.225 Employee absenteeism

(Not applicable to elected officials)

(A) Employees are expected to maintain regular and predictable attendance.

(B) Employees who know they are going to be absent shall personally notify their appointing authority or designee of a planned absence at least one day in advance of their regularly scheduled shift.

(C) Employees who cannot report for work because of an unforeseen emergency must provide notification to their appointing authority or designee at the start of their regularly scheduled shift.

(D) Employees failing to provide the required notice shall be considered as absent without leave and subject to disciplinary action, unless their appointing authority or designee grants medical or personal leave upon their return.

(E) Employees absent without approved leave for three (3) consecutive days shall be considered to have voluntarily resigned their employment.

(F) Employees on approved medical leave shall notify their appointing authority or designee at least weekly, personally or through their physicians, concerning their medical status and when it is expected they will be able to return to work.

(G) Employees are encouraged to schedule personal business and family obligations, including non-emergency medical and dental checkups, during off-duty hours.

(H) Abuse of sick leave and un-excused absence will result in progressive disciplinary steps.

(I) Employees absent without leave on the day immediately before or immediately after their scheduled days off more than three (3) times in a six-month period will be subject to disciplinary action.

[Adopted 94-611 eff 11/29/94; amd 94-504 eff 11/29/94; amd 16-212 eff 6/22/16]

20.230 Alcohol and drugs

(A) *Definitions:* As used in this section, the following definitions shall apply:

(1) “**Controlled substance**” means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of the Federal Controlled Substances Act, 21 U.S.C. Section 801 et sequitur.

(2) “**Illegal non-prescription drug**” includes, but is not limited to, any drug prohibited in Schedule I of the Federal Controlled Substances Act, 21 U.S.C. Section 801 et sequitur.

(3) “**Marijuana**” is a prohibited drug in Schedule I of the Federal Controlled Substances Act, 21 U.S.C. Section 801 et sequitur.

(4) “**Workplace**” or “**in the workplace**” means a site for the performance of work done in connection with employment by Linn County; workplace includes County property, vehicles, equipment and any other place, without regard to ownership, where County work is performed.

(5) “**Under the influence of alcohol or any illegal non-prescription drug**” means that the employee’s physical or mental faculties are

affected to a noticeable or perceptible degree, because of use of alcohol or illegal non-prescription drugs. For alcohol, a blood alcohol content of .04% percent or higher shall constitute conclusive evidence that an employee is under the influence of alcohol.

(B) *Policy:*

(1) Except as provided in (E) (4), it is against the policy of Linn County for any county employee to use or be under the influence of alcohol or any illegal non-prescription drugs in the workplace at any time. Violation of this policy can be grounds for disciplinary action, including discharge. The County has provided County paid health insurance that includes coverage for alcohol and drug related problems. The County encourages employees to use those benefits when needed. Employees are urged to seek counseling.

(2) In compliance with the Drug-Free Workplace Act of 1988, it shall be the policy of Linn County to maintain an alcohol-and-drug-free workplace for all employees of Linn County. The County is committed to maintaining a safe and healthy workplace for all employees by identifying substance abuse and assisting employees in receiving appropriate treatment and, if necessary due to job performance, taking disciplinary action. The presence or treatment of a substance abuse problem will not necessarily relieve an employee from meeting performance, safety, or attendance standards or following other county instructions, nor from compliance with the provisions of this Section.

(3) The primary objectives of the County’s substance abuse program are to maintain employee performance and a safe work environment.

(4) Employees with substance abuse problems are encouraged to voluntarily seek help through the County’s Employee Assistance Program (EAP), which is available at no cost to employees or their family, or by other means.

(C) *Prohibited Conduct:* The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohib-

ited in the workplace. The following are examples of prohibited conduct under this policy:

(1) Buying, selling, providing, or possessing for the purpose of buying, selling, or providing controlled substances, including marijuana, while in the workplace, property or in County vehicles or equipment while on duty, but excluding activity connected with the dispensing, distributing or delivering by the Linn County Department of Health Services of those controlled substances lawfully prescribed by a physician or other health care professional with prescribing privileges.

(2) Being at work in the workplace while under the influence of alcoholic intoxicants or consuming alcoholic intoxicants.

(3) Possession of any controlled substance, while in the workplace, including marijuana, but excluding any substance lawfully prescribed to the employee for the employee's use which has not been obtained for the purpose of abuse and any controlled substance which is required to perform employer-assigned duties.

(4) Being at work in the workplace while under the influence of any controlled substance, including marijuana, excluding any substance lawfully prescribed to the employee for the employee's use which has not been obtained for the purpose of abuse.

(5) The consumption of alcohol or use of any illegal non-prescription drug by a county employee, from the beginning of his or her work shift to the end of the work shift is prohibited. This prohibition applies to a paid or unpaid lunch period or rest break, in addition to time actually on the job. Violation of this subsection is grounds for disciplinary action, including discharge.

(6) Possession of any alcohol in the workplace if the seal of the alcohol container is broken. Possession of alcohol in the workplace in a container with an unbroken seal does not constitute prohibited conduct under this policy.

(D) *Requirements:* As a minimum, employees arrested for criminal acts which relate to controlled substances or alcoholic intoxicants which would prevent the employee from being able to carry out that employee's normally assigned duties

and responsibilities or which occur in the workplace should report said arrest to the County within five (5) working days of the arrest. Employees must report convictions for said criminal act to the County within five (5) working days of the conviction. Convictions which result from occurrences while in the workplace will be reported to the applicable federal agency which provided a grant to the County within ten (10) days of the County learning of the conviction.

(E) *Sanctions for Violation of this Policy:*

(1) Within thirty (30) calendar days of learning of the conviction or other conduct prohibited by this policy, appropriate personnel actions will be taken by the County, up to and including discharge of the employee. The County may offer the employee an alternative of participation in a substance abuse assistance or rehabilitation program. Sanctions will be handled on a case-by-case basis subject to applicable provisions of collective bargaining agreements as they may apply.

(2) As a minimum, County employees who report for work while under the influence of alcohol or any illegal non-prescription drug, will be sent home for that shift; if it is a first offense, the employee will have the option of taking a day without pay, or as a vacation day, if he or she has accrued vacation credit; a subsequent offense is grounds for disciplinary action, including discharge.

(3) Refusal by a County employee to submit to a breath test or urinalysis for drug or alcohol testing when requested by his or her supervisor is grounds for discharge. A County employee subject to discharge under this rule is entitled to a due process hearing, at which the appointing authority must show there was reasonable cause to believe that the employee violated subsection (C) of this section, and that the test of breath or urine is likely to have provided evidence of that violation.

(4) Subsection (B) (1) of this section does not apply to consumption of alcohol in a County park when and where consumption of alcohol is permitted, by a County employee who is not on duty.

(5) The prohibition of subsection (C) does not apply to a Sheriff's deputy officially assigned to undercover duty, during the course of that duty.
 [Adopted 92-263 eff 6/1/92; amd 94-504 eff 11/29/94; amd 94-611 eff 11/29/94; amd 15-247 eff 7/14/15]

20.250 Holidays

(A) Subject to subsections (B) through (F), and except as otherwise provided in applicable collective bargaining agreements, each employee in the following designated employee groups shall be entitled to the following paid holidays:

(1) *Full time and regular part time employees in County service*

• NEW YEAR'S DAY*	January 1
• MARTIN LUTHER KING JR'S BIRTHDAY	Third Monday in January
• PRESIDENTS DAY	Third Monday in February
• MEMORIAL DAY	Last Monday in May
• INDEPENDENCE DAY*	July 4
• LABOR DAY	First Monday in September
• VETERANS' DAY*	November 11
• THANKSGIVING DAY	Fourth Thursday in November
• DAY AFTER THANKSGIVING	Fourth Friday in November
• ½ DAY CHRISTMAS EVE ¹	December 24 @ Noon
• CHRISTMAS DAY*	December 25

*When New Year's Day, Independence Day, Veterans' Day, or Christmas Day: (a) falls on a Saturday, the preceding Friday shall be considered a holiday; (b) falls on a Sunday, the following Monday shall be considered a holiday.

¹ If Christmas Day falls on a Saturday, the ½ day holiday for Christmas Eve shall occur on the preceding Thursday. If Christmas Day falls on a Sunday, the ½ day holiday for Christmas Eve shall occur on the preceding Friday. If Christmas Day falls on a Monday, the ½ day holiday for Christmas Eve shall occur on the preceding Friday.

(2) *Full-time and regular part-time employees after three months employment*

(a) *Floating holidays.* In addition to the paid holidays described in (A) (1), all full-time and all regular part-time employees, after three-months employment, may take two additional paid holidays known as floating holidays under the following circumstances:

- (i) the floating holidays will be scheduled and approved by the appointing authority so as not to hinder continued operation of essential county operations;
- (ii) the floating holidays shall be taken between June 1 and the following May 31;
- (iii) the floating holidays may not be carried over from year to year; and
- (iv) the floating holidays must be used in full day increments.

(B) Regular part-time employees shall not receive pay for holidays which occur on the employee's scheduled days off.

(C) The determination of holidays allowed with pay for irregular part time, temporary, and seasonal positions shall be approved by the Board of Commissioners, and shall be based on the employment and compensation conditions applicable to each case.

(D) Paid holidays which occur during vacation or sick leave shall be allowed; employees shall not be charged for vacation or sick leave taken on a paid holiday.

(E) Paid holidays which occur on a day when an employee on a four (4) day work week would normally work, shall be allowed only to the extent of 7.5 hours paid holiday for 37.5 hour employees, or 8 hours paid holiday for 40 hour employees. The balance of the day can be taken off and charged against vacation leave, or made up on another day during the same pay period, if that does not cause overtime pay liability to be incurred by the county.

(F) *Personal days in lieu of holidays:*

(1) Personal days in lieu of holidays shall be authorized for employees who are regularly scheduled to work holidays. The Board of Commissioners or appropriate elected official shall determine those positions for which personal days are authorized.

(2) If the Board of Commissioners or appropriate elected official has authorized personal days for employees:

(a) Such employees shall be authorized the equivalent of thirteen (13) personal days each calendar year which may be used at the discretion of the employee, with approval of the appointing authority.

(b) Personal days shall accrue at the rate of 8.13 hours per month for 37.5 hour employees and 8.67 hours per month for 40 hour employees. Accrual shall begin with the anniversary date of appointment or assignment to the position for which personal days are authorized.

(c) Such employees may accrue a maximum of the equivalent of thirteen (13) days. Any amount accrued over the maximum is lost.

[Adopted 94-611 eff 11/29/94; amd 89-090 2/15/89 eff 1/1/89; amd91-781 eff 11/6/91; amd 94-504 eff 11/29/94; amd 94-611 eff 11/29/94; amd 04-435 eff 11/23/04; amd 08-427 eff 10/21/08; amd 19-365 eff 11/5/19; amd 22-324 eff 9/27/22; amd 23-316 eff 8/22/23]

CHAPTER 3 — LEAVES

20.300 Authorization for leaves of absence

(A) No employee shall be paid for a period of absence unless leave with pay is authorized.

(B) No leave of absence with or without pay shall be granted unless a request is submitted by the employee and approved by the appointing authority or a designated appointing authority in accordance with these rules.

(C) Approval of leave shall be obtained prior to the beginning of leave periods, except as may otherwise be provided in these rules, and no payment for any leave of absence shall be made until leave has been properly approved. Requests for leave of absence shall be submitted to the appointing authority for approval or disapproval in writing prior to the taking of the leave.

(D) Any type of leave taken shall be reported on the payroll form submitted monthly to the Accounting section of the General Administration Department.

[Adopted 94-611 eff 11/29/94; amd 89-471 eff 9/6/89]

20.310 Continuous service

(A) Continuous service shall be service from date of employment, unbroken by leave without pay or separation, except that time spent by an employee on temporary active duty military leave during entrance probation shall be included as continuous service.

(B) Otherwise time spent on leave of absence without pay will NOT count as part of continuous service; however, employees returning from such leave, or employees who were laid off, shall be entitled to credit for service prior to such leave.

[Adopted 94-611 eff 11/29/94]

20.320 Vacation

(Not applicable to elected officials)

(A) *Computation:*

(1) The accumulation of vacation leave shall be computed on the basis of continuous service from the date of employment.

(2) Employees shall accumulate vacation leave as stated below:

LENGTH OF SERVICE	RATE OF ACCUMULATION (8-hr Emp)	(7.5-hr Emp)
0 through 48 months*	8.67 hrs /mo	8.13 hrs/mo
49 through 132 months*	11.33 hrs /mo	10.75 hrs/mo
133 through 204 months*	14.67 hrs /mo	13.75 hrs/mo
205 months and beyond*	16 hrs/mo	15 hrs/mo

*For convenience: 0-48 months is 0 through 4 years; 49-132 months is 5 through 11 years; 133-204 is 12 through 17 years; and 205 and beyond is 18 years and beyond.

(3) During the first three months of the entrance probationary period of an employee, no vacation leave will be granted or accrued. Upon completing the first three months of the initial probationary period, the employee will be credited with vacation leave equivalent to the amount that would have accrued at the above rate.

(4) Part-time employees and full-time employees not entitled to full salary for the month, shall accrue vacation leave on a *pro rata* basis. *Pro rata* accrual is the ratio of hours actually worked to hours available.

(5) Temporary and seasonal employees shall not accrue vacation leave.

(6) Vacation leave shall not accrue during a leave of absence without pay, nor during employee requested education leave or military leave with pay, which exceeds fifteen (15) calendar days per year. Any employee who is granted a leave of absence without pay shall first be charged for any accrued vacation leave before being placed on leave without pay.

(B) *Accumulation:*

(1) Classified service employees may accumulate vacation leave to a total of not more than 280 hours (35 days) for an 8 hour employee; and 262.5 hours (35 days) for a 7.5 hour employee.

(2) Management/exempt service employees may accumulate vacation leave to a total of

not more than 320 hours (40 days) for an 8 hour employee; and 300 hours (40 days) for a 7.5 hour employee.

(C) *Scheduling and payment:*

(1) Appointing authorities shall establish staff schedules to provide vacation leave for employees each year, 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 by individual employees. In establishing regular vacation schedules, appointing authorities shall give due consideration to the desires of individual employees within limits of work requirements of the department. Except by special permission of the Board or appropriate elected official, no employee shall be granted a continuous vacation of more than four (4) work weeks. In case of conflict between employees concerning scheduled vacations, the employee with greater continuous service shall be given first consideration.

(2) An employee may request to take vacation in increments as small as one half (.5) hour in cases of personal need or emergency subject to approval of the appointing authority.

(3) Any employee who is about to lose vacation credit because of accrual limitations may, by notifying his appointing authority five (5) work days in advance and obtaining permission, absent himself to prevent loss of vacation leave credit.

(4) When an employee is transferred to another department within county service the employees vacation leave credit shall be allowed by the new appointing authority.

(5) Upon separation the employee, or upon death of an employee the estate of the employee, shall be paid for unused accrued vacation leave, at the average annual hourly salary rate.

(D) *Sell Back.* Two (2) times per fiscal year, an employee may elect to sell back accrued vacation subject to the following: Total vacation sold back may not exceed forty (40) hours in one fiscal year. An employee must have a minimum balance of eighty (80) hours remaining after an amount of vacation time is sold back to the County. An employee may elect to receive a separate check or

have the amount added to the regular monthly pay check. Cash out requests must be received by the 10th day of the month preceding the month that the funds are issued.

[Adopted 94-611 eff 11/29/94; amd89-115 3/8/89 eff 1/1/89; 89-752 eff 12/20/89; amd 04-435 eff 11/23/04; amd 08-427 eff 10/21/08; amd 16-212 eff 6/22/16; amd 22-324 eff 9/27/22]

20.340 Sick leave for regular employees

(A) *Definitions.* The following definitions apply to this section only:

(1) “**Employee**” means any person appointed as a regular employee by Linn County, except and excluding such employees who are represented by a labor organization certified by the Employment Relations Board (ERB) or recognized by the Board of Commissioners or elected official for the purpose of collective bargaining with respect to employment relations.

(2) “**Family member**” has the meaning given that term in ORS 659A.150.

(3) “**Regular employee**” includes full-time and part-time regular employees.

(4) “**Retirement**” means separation of an employee upon attaining the age and other qualifications required by the applicable laws and regulations to retire under the Public Employees Retirement System.

(5) “**Year**” means the consecutive twelve (12) month period beginning on the anniversary of the date of employment of the employee.

(B) *Computation:*

(1) The accumulation of sick leave shall be computed from:

(a) June 1, 1977, for all employees permanently employed on or before May 31, 1977, or

(b) The date of employment for all employees permanently appointed on or after June 1, 1977.

(2) Regular employees shall accumulate one (1) work day of sick leave credit for each full month of continuous service.

(a) An employee shall begin to accrue sick leave beginning on the first day of employment. An employee may utilize sick leave beginning on the 91st calendar day of employment

and may thereafter utilize sick leave as it is accrued, except that an employee who is employed by the County on January 1, 2016 is eligible to utilize any accrued sick leave as it accrues on or after January 1, 2016.

(b) Part-time employees and full-time employees not entitled to full salary for the month, shall accrue sick leave on a *pro rata* basis. Pro rata accrual is the ratio of hours actually worked to hours available.

(3) Sick leave shall not accrue during any absence without leave, any leave of absence without pay, or a military leave with pay the duration of which exceeds fifteen (15) days. Sick leave shall not accrue during an education leave when the education leave was requested by the employee (see section 20.360).

(4) No deductions from sick leave shall be made for holidays or other days not scheduled as work days which occur during a continuing sick leave period.

(5) An employee who is reemployed by the County:

(a) within 180 days of separation from employment shall have accrued unused sick time restored to the employee.

(b) later than 180 days of separation from employment shall not have any previously accrued unused sick time restored, but shall begin accruing sick leave according to this Section from the date of reemployment.

(6) If an employee leaves employment with the County before the 91st day of employment and is subsequently reemployed by the County within 180 days of separation from employment, the employee may utilize accrued sick leave after the combined total days of employment with the County exceeds 90 calendar days.

(C) *Purpose for Sick leave utilization:*

(1) An employee may utilize sick leave for any of the following:

(a) For an employee's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or need for preventive medical care;

(b) For care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or care of a family member who needs preventive medical care;

(c) For the following purposes specified in ORS 659A.159:

(i) To care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability. Leave under this subsection must be completed within 12 months after birth or placement of the child, and an eligible employee is not entitled to any period of leave under this subsection after the expiration of 12 months after birth or placement of the child.

(ii) To care for a family member with a serious health condition as defined in OAR 839-009-0210(20);

(iii) To recover from or seek treatment for a serious health condition of the employee as defined in OAR 839-009-0210(20) that renders the employee unable to perform at least one of the essential functions of the employee's regular position;

(iv) To care for a child of the employee who is suffering from an illness, injury or condition that is not a serious health condition as defined in OAR 839-009-0210(20), but that requires home care;

(v) To deal with the death of a family member within 60 days of the date on which the eligible employee receives notice of the death of a family member by:

(I) Attending the funeral or alternative to a funeral of the family member;

(II) Making arrangements necessitated by the death of the family member; or

(III) Grieving the death of the family member.

(d) For the following purposes specified in ORS 659A.272:

(i) To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking.

(ii) To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent.

(iii) To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.

(iv) To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent.

(v) To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

(e) To donate accrued sick time to another employee if the other employee uses the donated sick time for a purpose specified in this Section. Donations are subject to the provisions of subsection (C)(4) of this section.

(f) In the event of a public health emergency, including, but not limited to:

(i) Closure of the employee's place of business, or the school or place of care of the employee's child, by order of a public official due to a public health emergency;

(ii) A determination by a lawful public health authority or by a health care provider that the presence of the employee or the family member of the employee in the community would jeopardize the health of others, such that the employee must provide self care or care for the family member; or

(iii) The exclusion of the employee from the workplace under any law or rule that requires the employer to exclude the employee from the workplace for health reasons.

(2) When absence for which sick leave utilization is authorized exceeds sick leave credit of the employee, further such absence shall be deducted from the employee's vacation leave credit.

(3) If further absence for which sick leave utilization is authorized, exceeds sick leave, and vacation leave credits, an employee may, with approval of the Board of Commissioners, be granted extended sick leave without pay for not more than ninety (90) days.

(a) In order to be considered for extended sick leave, an employee must make application in writing supported by a physician's or practitioner's written opinion that the employee will be able to return to work within the extended leave period.

(b) If the extended sick leave is granted, the county shall continue to pay the county's portion of the medical and dental insurance premiums specified by LCP 20.500, for the employee for the duration of the extended sick leave only if the employee has paid the employee share to the Accounting section of the General Administration Department.

(c) During the period of extended sick leave, the employee shall not accumulate additional vacation or sick leave credit.

(4) *Leave donations*

(a) The Board is desirous of providing an opportunity for an employee who is suffering from a very serious illness or injury to receive additional sick leave through a voluntary transfer of vacation or sick leave from a donating employee to a recipient employee under the following circumstances:

(i) *Donating Employees*

(I) A regular or irregular employee may donate up to five (5) days of accrued vacation or sick leave per year in full day increments (e.g. a 37.5 hour employee may donate

7.5 hours per day and a 40 hour employee 8 hours per day).

(II) Donating employees must maintain a minimum vacation or sick leave accrual balance of ten (10) working days after the number of donated days has been subtracted from their vacation or sick leave balance.

(III) Donating employees shall complete a form approved by the County authorizing the donated hours to be credited to the recipient employee.

(ii) *Recipient Employees*

(I) Regular and irregular employees may receive donated vacation or sick leave days from donating employees. Donated vacation or sick leave days shall be credited to the recipient employee's sick leave accrual balance on an hour-for-hour basis (e.g. one day from a 37.5 hour employee shall be 7.5 hours).

(II) A recipient employee shall be eligible to receive donated vacation or sick leave days only after the recipient employee's sick leave and vacation balances have been completely exhausted.

(III) Donated vacation or sick leave days can be credited to the recipient employee's sick leave account balance only for serious illness or injury of the recipient employee that exceeds fifteen (15) working days or for parental leave (i.e. to care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability).

(IV) The maximum number of donated days that a recipient employee will be eligible to receive for one illness or injury or parental leave shall be eighty (80) working days.

(iii) *Procedure and Limitations*

(I) Employees may arrange for the donation of days in advance of the need of the recipient employee, but only for a specified, known illness or injury.

(II) In the event donated days are not used by the recipient employee, they will

remain as accrued sick leave available to the recipient employee. In the event the recipient employee dies or leaves county employment, the sick leave balance is forfeited.

(III) Donation and receipt of donated days may be made between employees without regard to types of service.

(iv) *Exception to Donation and Use Limitations*

(I) An employee with an extremely serious illness or injury may request approval by the employer for an exception to either the five (5) day donation limit or the eighty (80) working day receiving limit.

(II) If approved by the employer:

(1) A regular employee may donate leave time in full day blocks up to a combined total of ten (10) days per fiscal year. The combined total may not include more than five (5) days of donated sick leave.

(2) The eighty (80) working day receiving limit may be increased to a maximum of one hundred and twenty (120) working days.

(5) *Notification and certification of sick leave utilization*

(a) Upon the request of an employee with accrued sick leave available, including the anticipated duration of the sick leave requested, the employee may use sick leave for a purpose in subsection (C)(1) of this Section.

(6) If the need to use sick leave is foreseeable:

(a) The employee must provide the employee's appointing authority at least ten (days) advance written notice of the employee's intention to use sick leave, or if ten days is not practicable as soon as otherwise practicable; and

(b) The employee must work with the employee's appointing authority to schedule the use of sick leave in a manner that does not unduly disrupt departmental operations.

(7) If the need to use sick leave is not foreseeable, if reasonably possible an employee shall cause the appointing authority to be notified

in advance of the work day, of an intent to use sick leave. In any event, the employee shall cause notification of such leave within thirty (30) minutes of the beginning of the work day. In the case of continuing illness or injury, the employee shall notify the immediate appointing authority or appointing authority of inability to report for work, on a daily basis.

(8) An appointing authority may require verification:

(a) by an attending physician or practitioner prior to approval of sick leave in excess of three (3) consecutive working days for a purpose described in subsection (C)(1)(a) to (c) of this Section, such verification to be provided no later than 15 calendar days after the appointing authority requests verification;

(b) in a manner provided in ORS 659A.280 prior to approval of sick leave in excess of three (3) consecutive working days for a purpose described in subsection (C)(1)(d) of this Section, such verification to be provided within a reasonable time after the appointing authority requests verification.

(c) If the need for sick leave is foreseeable and is projected to last more than three working days, an appointing authority may require verification be provided before the sick leave begins, or as soon as practicable.

(9) If the appointing authority believes sick leave is being abused, the appointing authority shall investigate the situation, including but not limited to the request for verification of the need for use of sick leave, regardless of whether the employee has used more than three consecutive days of sick leave. Employees found to be misusing sick leave benefits will be subject to immediate discharge or other disciplinary action.

(D) *Transfer of sick leave credit:*

(1) Sick leave accrual remaining to the credit of an employee upon retirement may be paid to such employee only upon the terms of section 20.530(D) of this Policy.

(2) No compensation shall be made for sick leave credit accumulated after June 1, 1977, except upon retirement as provided by this policy.

(3) When an employee is transferred to another department within county service the employee's sick leave credit shall be allowed by the new appointing authority.

(4) Sick leave donation in accordance with LCP 20.340 (C) (4).

(E) *Employee absence paid by worker's compensation insurance*

(1) An employee who is unable to work because of injury or illness which is compensable through Worker's Compensation Insurance benefits shall be paid from the employee's sick leave credit account an amount equal to the difference between the Worker's Compensation amount and the employee's monthly salary level. That monthly amount shall not exceed \$1,000 and such pro-rated payments will only be made until the sick leave accrual has been expended.

(2) An employee who has suffered an injury compensable under Oregon's Worker's Compensation law, and by reason of such injury has not worked for ninety (90) calendar days or cannot with reasonable medical certainty be expected to perform the work of the position held in less than ninety-one (91) days from the date of injury, shall be placed in inactive service.

(F) *Sick leave use incentive.* An employee may take one day of incentive leave if the employee has not used any sick leave during an entire fiscal year. Such day of incentive leave may only be taken during the fiscal year following the year in which the employee has not taken any sick leave. If the employee does not take the day of incentive leave during that following year, that day is forfeited and the employee loses that day. The day of incentive leave will be scheduled by the appointing authority consistent with the scheduling of other days of leave as set forth in this policy.

[Adopted 94-611 eff 11/29/94; amd Resolution 89-115 3/8/89 eff 1/1/89; amd 89-471 eff 9/6/89; amd 04-435 eff 11/23/04; amd 08-427 eff 10/21/08; amd 16-212 eff 6/22/16; amd 22-324 eff 9/27/22; amd 23-316 eff 8/22/23]

20.345 Sick leave for interns, irregular part-time, temporary, and seasonal employees

(A) Beginning January 1, 2016 interns, irregular part-time, temporary, and seasonal employ-

ees shall be eligible to accumulate and use sick time pursuant to the provisions of this section.

(B) *Definitions.* The following definitions apply to this section only:

(1) “**Employee**” means an intern, irregular part-time employee, seasonal employee, or temporary employee.

(2) “**Family member**” has the meaning given that term in ORS 659A.150.

(3) “**Year**” means the consecutive twelve (12) month period beginning on the anniversary of the date of employment of the employee.

(C) *Computation*

(1) An employee shall accumulate one (1) hour of sick leave for every thirty (30) hours the employee works.

(2) An employee shall begin to accrue sick leave beginning on the first day of employment.

(3) An employee may carry over up to 40 hours of unused sick leave from one year to a subsequent year.

(4) An employee shall receive no compensation for any accrued unused sick leave upon the employee’s separation from employment.

(5) An employee who is reemployed by the County:

(a) within 180 days of separation from employment shall have accrued unused sick leave restored to the employee.

(b) later than 180 days of separation from employment shall not have any previously accrued unused sick leave restored, but shall begin accruing sick leave according to this Section from the date of reemployment.

(6) If an employee leaves employment with the County before the 91st day of employment and is subsequently reemployed by the County within 180 days of separation from employment, the employee may utilize accrued sick leave after the combined total days of employment with the County exceeds 90 calendar days.

(D) *Sick leave utilization*

(1) An employee may utilize sick leave beginning on the 91st calendar day of employment

and may thereafter utilize sick leave as it is accrued, except that an employee who is employed by the County on January 1, 2016 is eligible to utilize any accrued sick leave as it accrues on or after January 1, 2016.

(2) An employee may utilize no more than 40 hours of sick leave in a year.

(3) An employee shall take qualifying sick leave in hourly increments.

(E) *Purposes for sick leave utilization.* An employee may utilize sick leave for any reason provided in Section 20.340(C)(1) of this Policy, excluding Section 20.340(C)(1)(e) for interns, temporary, and seasonal employees.

(F) *Notification and certification of sick leave utilization.* The process for notification and certification of sick leave shall be as provided in Section 20.340(C)(5) of this Policy.

[Adopted 16-212 eff 6/22/16]

20.350 Military leaves

(A) *Temporary active duty benefits:* An employee who is a member of the National Guard, National Guard Reserve or any reserve component of the Armed Forces of the United States or the United States Public Health Service shall be entitled, upon application, to a leave of absence for a period of active duty for training not exceeding fifteen (15) calendar days in any one calendar year.

(1) All such leave shall be allowed without loss of time or regular vacation leave and without impairment of efficiency rating or other rights or benefits to which the individual is entitled as a county employee.

(2) If such employee has been employed by the county for six (6) months preceding the employee’s application, the leave shall be without loss of pay; otherwise such employee is not entitled to receive pay while on such leave.

(B) *Military leaves of absence:*

(1) An employee who leaves a regular position to perform military duty pursuant to military orders, may not be discharged nor the position vacated. The employee shall be deemed absent on leave, but shall not receive the pay or

other benefits of such position. The position may be filled on a temporary basis during the period of leave of absence.

(2) However, subsection (B) (1) of this section does not apply unless the employee upon termination of military duty is qualified to perform in the position and applies for the position within ninety (90) days after the employee is relieved from such military duty or from hospitalization continuing after discharge not more than one (1) year.

(3) If such person is not qualified to perform the duties of such position by reason of such service, but is qualified to perform in another position, the employee shall be restored to such other position as will reasonably provide him like seniority, status and pay, or the nearest approximate status and pay thereof consistent with the circumstances of his case.

(4) Except as otherwise provided in this subsection, subsection (1) of this section does not apply if the total of such military duty exceeds four years. If the period of military duty is extended at the request of and for the convenience of the federal government, subsection (1) of this section is applicable if the total of such military duty does not exceed five years. Subsection (1) of this section is applicable also with regard to military duty that exceeds four years if the period of additional duty was imposed by law or resulted from inability of the officer or employee to obtain orders relieving the officer or employee from active duty.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

20.360 Employee development

(A) *Salary-paid leaves*

(1) The employer may administratively provide for employee absence from regular assignments to attend schools, conferences, seminars, visitations and professional meetings, referred to hereafter in this section as “school.” The intent of such attendance must be to improve service to the county by the employee and result in a substantial and positive contribution to county operations. Attendance at a school within the State

of Oregon must be approved by the appointing authority. Attendance at school outside the State of Oregon must be approved by the Board or appropriate elected official if the total cost (travel, meals and other expenses) is estimated to be \$500 or more. Attendance at school with an estimated cost of less than \$500 may be approved by the appointing authority.

(2) A leave for attendance at schools, pursuant to subsection (A) (1), shall be allowed without loss of salary, insurance benefits shall continue to be paid, and vacation and sick leave shall accrue during such leave.

(3) The expenses for authorized attendance at school may be paid by the county. Such expenses may include registration fees, transportation, housing, and meals, tuition, books and materials as approved. The employee shall furnish the employer proof of expenditures. An itemized listing of purchases will be required to support a claim for reimbursement.

(4) The employee must agree to return to employment in county service immediately following completion of the school, for a period of time at least four (4) times as great as the length of the school. Such agreement may be memorialized in a written contract, under which the employee is obligated to repay the employer all of the expenses paid by the county. However, such repayment will be forgiven the individual at the rate of 25% of the total expenditures for each period of continuous employment completed which equals the number of days of educational leave originally taken by the employee. Upon completion of four (4) such continuous periods of employment, the employee’s repayment obligation shall be fully forgiven.

(5) If an employee voluntarily quits or is laid off, the repayment obligation shall be fully forgiven.

(B) *Unpaid leaves*

(1) Education leave for a period of time may be allowed an employee upon application to and approval by the Board or appropriate elected official. The purpose of this leave is to provide the opportunity for an employee to receive education

or training desired by the employee. Attendance for training or education shall be at a *bona fide*, recognized organization or institution.

(2) Education leave requests shall be initiated by the employee, by written request to the appointing authority.

(3) An employee requesting education leave, shall not receive pay, or accumulate vacation, sick or other leave credit during such leave. Insurance benefits pursuant to LCP 20.620 may be paid.

(4) During the period of education leave requested by the employee, the anniversary date of the employee shall be postponed.

(5) The employee shall agree to return to employment in county service immediately following completion of the term of educational leave authorized by the Board or appropriate elected official. The employee agrees to continue in employment in county service for a period of time at least four (4) times as great as the length of the education leave of absence.

[Adopted 94-611 eff 11/29/94]

20.370 Miscellaneous leaves

An employee shall be granted a leave of absence with pay for:

(A) *Jury leave*. Service with a jury, provided that the daily juror fee paid to the employee shall be paid over to the county.

(B) *Judicial leave*. Appearance before a court, legislative committee or judicial or quasi-judicial body as a witness in response to a subpoena or other direction of proper authority, provided that any witness fee paid to the employee shall be paid over to the county. Any payment for mileage and expenses received in connection with judicial leave may be retained by the employee, unless a County car was used or the County paid or reimbursed mileage and expenses.

(C) *Court-duty leave*. Attendance in court in connection with an employee's officially assigned duties, including the time required going to the court and returning to his headquarters.

(D) *County-business leave*. Other duties in connection with county business when authorized

by the appointing authority and approved by the Board of Commissioners or appropriate elected official.

(E) Bereavement leave

(1) If an employee must be absent from scheduled work because of the death of a family member, as defined in ORS 659A.150, the employee is authorized to request up to four (4) days of paid bereavement leave for absence to attend to issues relating to the death such as arranging and attending the funeral services.

(2) The request will briefly outline the nature of the relationship and the issues to be dealt with.

(3) The up to four days of bereavement leave under this subsection (E) is in addition to any sick leave allowed to deal with the death of a family member under Sections 20.340 and 20.345.

[Adopted 94-611 eff 11/29/94 ; amd 04-435 eff 11/23/04; amd 16-212 eff 6/22/16]

20.380 Other leaves

(Not applicable to elected officials)

(A) 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 thirty (30) calendar days. Leaves of absence without pay for periods in excess of thirty (30) days must be approved by the Board of Commissioners or appropriate elected official.

(1) Requests for such leave must be in writing and must establish reasonable justification for approval.

(2) Such leave will not be approved for an employee who is accepting employment outside the county service.

(B) If an employee should obtain employment outside county service during this period, the employee shall be considered to have voluntarily quit such employment effective on the date other employment is accepted.

(1) The provisions of LCP 20.070 apply.

(2) Failure to promptly provide the information required by LCP 20.070 shall result in action being taken under LCP 20.070 (F).

(C) An employee on leave of absence without pay, shall not receive pay, other benefits, or accumulate vacation, sick or other leave credit during such leave except as provided in LCP 20.520.

(1) Upon granting leave of absence without pay, vacation leave credit shall be first depleted before the leave begins.

(2) The anniversary date of the employee on leave shall be postponed.

[Adopted 94-611 eff 11/29/94]

20.390 Leaves authorized by Federal or State laws

(A) Both federal and state law provide guarantees for employee leaves of absence related to family, parental and pregnancy needs. The county recognizes those employee needs and fully supports the provisions of the various statutes and any future amendments. The county requires that the eligibility and optional notice requirements of the various statutes be complied with and, in the situation where two (2) county employees from the same family are seeking leave, the total leave allowed would be subject to the optional restrictions in the various statutes.

(B) When a condition exists which is covered by more than one of the statutes discussed in subsections (E) through (G) of this section, leave shall be taken concurrently and a maximum of twelve (12) weeks of leave will be allowed, except as otherwise required by law.

(C) The certification requirements detailed in LCP 20.340(C) (5) also apply for these leaves to include relatives as the situation requires.

(D) With the exception of health benefits, the leaves of absence are without pay or accrual of benefits if the employee is not utilizing sick, compensatory, or vacation leave. The county will pay its portion of up to a maximum of three (3) monthly health (medical, vision, dental) insurance premiums during these family, parental and pregnancy leaves. These payments will only be made after the employee has either utilized all available sick, compensatory and vacation leave or, at the employee's option, reached a leave

balance of not more than ten (10) days of sick, compensatory or vacation leave; i.e. the employee can save ten (10) days of leave if desired for use upon return. The employer premium payment would only be continued in this situation if the employee continued to pay the appropriate employee share of the health insurance premium or as required by the various statutes.

(E) *Federal Family Medical Leave.* The Family and Medical Leave Act of 1993 (FMLA) provides employees with up to twelve (12) weeks of leave per year for employees with a qualifying condition. The "plan year" for FMLA leave is the calendar year, January 1 through December 31, until December 31, 2023. Effective January 1, 2024 the "plan year" is the 12 month period measured forward from the Sunday preceding the first date an employee takes FMLA leave.

(F) *Oregon Family Leave.* ORS 659A.150 through 659A.186 (The Oregon Family Leave Act, OFLA) provides employees up to 12 weeks of leave per year for employees with a qualifying condition. The "plan year" for OFLA leave is the calendar year, January 1 through December 31, until December 31, 2023. Effective January 1, 2024 the "plan year" is a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date an employee takes OFLA leave.

(G) *Paid Leave Oregon.* ORS Chapter 657B (Paid Leave Oregon, PLO) provides employees up to 12 weeks of paid insurance benefits per benefit year for employees with a qualifying condition. The benefit year for PLO is a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date an employee takes PLO leave. An employee receiving insurance benefits under Paid Leave Oregon may not supplement their benefits under ORS 657B.030(2), unless the leave is also a leave covered under FMLA and/or OFLA. An employee on PLO leave also covered under FMLA/OFLA may use all or a portion of their accrued paid sick time, vacation leave, compensatory time, or personal leave in addition to receiving PLO insurance benefits.

[Adopted 94-611 eff 11/29/94; amd 23-398 eff 11/7/23]

20.400 Maintenance of compensation plan

(A) The Board of Commissioners has adopted and shall maintain a compensation plan providing for each position, in the classified, management/exempt and represented services, a classification, a corresponding range of pay rates, a minimum, a maximum and intermediate steps. The pay ranges shall reflect the responsibilities of the position, availability of labor, prevailing market rates of pay and the financial conditions of the county. The Board of Commissioners shall, by the plan, fix the compensation of all classifications within the classified and management/exempt services and in the case of the represented services, shall, through collective bargaining, fix the compensation of all classifications within the represented services. In determining the amount of compensation thereof, the Board of Commissioners should give due consideration to the recommendations of salary surveys, an equal pay analysis when available, and the appointing authority.

(B) The County Budget Committee shall set the salary of all those in the elected service over whom they have total jurisdiction and shall set the county paid portion of the salary of those in elected service over whom they have limited jurisdiction. In setting such salaries, the Budget Committee shall give due consideration to the recommendations made by the County Compensation Board created pursuant to ORS 204.112.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

20.410 Administration of compensation; payment of wages

(A) *Definitions.* As used in this section, the following definitions shall apply:

(1) “**Bona Fide Factor**” means those factors that may be taken into consideration when setting an employee’s or appointment’s salary above the permitted rate of pay. These factors include:

- (a) A seniority system;
- (b) A merit system;

(c) A system that measures earning by quantity or quality of production, including piece-rate work;

(d) Workplace conditions;

(e) Travel, if travel is necessary and regular for the employee or appointment;

(f) Education;

(g) Training;

(h) Experience; or

(i) Any combination of the factors described herein.

(2) “**Pay period**” means the period of time beginning on the first day of each calendar month and ending on the last day of the calendar month for which an employee is entitled to receive pay.

(3) “**Pay day**” means the fifth (5th) day of each pay period.

(B) *Payment of wages.* Employees shall be paid no later than the fifth (5th) day of each month following the month of the pay period. Should payday fall on a Saturday, paychecks will be delivered to employees on the next preceding workday that is not a holiday as defined in LCP 20.250 (A) (1). Should payday fall on a Sunday, the county will make every effort to deliver paychecks on the next preceding workday that is not a holiday as defined in LCP 20.250 (A) (1), but in no event will paychecks be delivered to employees later than the first workday following payday. In an *absolute* emergency, such as a death in the family, an employee may request, in writing, full pay in advance, up to the sum of unpaid salary earned and the monetary value of accrued vacation leave, less deductions. Such emergency pay shall be granted only upon written application, approved by the appointing authority.

(C) *Rates of pay:* Each employee with the exception of temporary employees shall be paid at one of the steps in the salary range for the classification of the position in which that employee is employed.

(1) *Entrance salaries:* The minimum rate of pay for a class shall be paid upon appointment

(2) *Appointment above the minimum rate:*

If the appointing authority believes that it is

necessary to make an appointment above the minimum rate, they may only do so if the bump is based on a Bona Fide Factor. Any appointment above Step 2 of the classification salary range shall be approved in advance by the Board of Commissioners and prior to actual appointment.

(3) *Hourly rates of pay*: An appointing authority may request hourly rates of pay when conditions of employment warrant hourly rates rather than monthly rates. However, only after the Board of Commissioners grants approval in writing of hourly rates may an appointing authority utilize such rates.

(4) *Rate of pay on transfer to a class with the same salary range*: When an employee transfers, or the employee's position is reclassified, to a class having the same salary range, the employee's rate of pay will not be reduced involuntarily.

(5) *Rate of pay upon promotion or reclassification*: When an employee is promoted or in a position that is reclassified a classification with a higher maximum salary rate, the employee shall be placed on a step in the new range that will provide the equivalent rate of one-step salary increase but no less than the minimum of the new range. The date of such promotion or reclassification shall establish a new anniversary date which shall be (six) 6 months after the promotion or reclassification. The employee shall be advanced to the next step of the salary range on the first of the month after six (6) full continuous months of successful service in the class.

(6) *Rate of pay on downward reclassification*: If an employee's position is reclassified downward, that employee's salary rate may remain the same if it does not exceed the maximum rate for the new class. If a position is reclassified to a class that carries a lower salary range, the rate of pay of an incumbent employee whose salary is above the maximum rate for the lower class shall not be reduced. Such employee's salary shall not be increased by cost of living adjustment or otherwise, during the period of time that the employee is being paid at a rate that exceeds the

maximum provided for the lower class to which the employee's position has been assigned.

(7) *Rate of pay on voluntary demotion*: If an employee takes a voluntary demotion, the employee's salary shall be set by the Board upon recommendation of the appointing authority, within the range of the lower classification. The voluntarily demoted employee shall be eligible for a salary increase on the employee's anniversary date except if the employee is at the highest step of the salary range.

(8) *Rate of pay on appointment from layoff list*: When an individual is appointed from a layoff list to a position in the same class in which the person was previously employed, the employee shall be paid at the same salary step at which such employee was being paid at the time of layoff.

(9) *Request for salary history prohibited*: An appointing authority may not seek out the salary history of an applicant or employee prior to making an offer of employment that includes an amount of compensation.

[Adopted 94-611 eff 11/29/94; amd 89-471 eff 9/6/89; amd 19-365 eff 11/5/19]

20.420 Salary increases

(A) *Types of salary increases*: Salary increases may be given in the following eight (8) circumstances:

- (1) successful completion of entrance probation or promotion probation;
- (2) entrance into promotion probation;
- (3) merit increase;
- (4) special salary increase;
- (5) cost of living increase;
- (6) longevity pay;
- (7) certification pay; and
- (8) bilingual pay. Employees approved for bilingual pay shall receive an additional five percent (5%) of salary.

(B) *Upon successful completion of entrance probation or promotion probation*. Upon successful completion of entrance probation or promotion probation pursuant to LCP 20.410 (C) (4), an employee shall be advanced one (1) step in the salary range on the first of the following month. This salary increase is indicative that the employee's performance is acceptable.

(C) *Upon entrance into promotion probation.* Upon entrance into promotion probation, a raise shall be as set forth in LCP 20.410 (C) (4).

(D) *Merit increase.* Merit increases shall be based upon the employee's performance appraisal. No employee shall be granted a merit increase except upon the written recommendation of the appointing authority. Consideration for merit increase shall first come at the employee's anniversary date and thereafter upon the anniversary of the last merit increase, or if no merit increase has been granted, upon the anniversary of the last increase. If the merit increase is not granted on the anniversary date, the employee's eligibility for that increase is retained for no longer than eleven (11) months beyond the anniversary date. If the increase is subsequently granted within the eleven (11) months, it shall be effective on the first of the following month and not be retroactive. When an employee is increased to the maximum rate for a class, that employee no longer has an anniversary date for a merit salary increase and shall not be eligible for merit increases since that employee has reached the maximum compensation level for that classification. Approval by the Board of Commissioners or appropriate elected official is required for all merit increases. A written evaluation approved by the appointing authority indicating meritorious performance is a prerequisite to approval by the Board of Commissioners of merit increases.

(E) *Special Salary Adjustments.* A special salary increase may be given under special circumstances, but only when the adjustment is based on a Bona Fide Factor. This type of salary adjustment shall not be used to give an employee a salary increase once the employee has reached the maximum step of the salary range for the employee's classification. The granting of a special salary adjustment will not affect the employee's anniversary date for annual increase. An appointing authority shall request of and receive permission from the Board of Commissioners before a special salary adjustment is granted.

(F) *Cost of living increases and decreases.* A cost of living adjustment may be

granted by the budget committee during the annual budget hearing and such adjustment shall be applied to the compensation plan adopted by the Board of Commissioners, except employees being paid at a rate greater than the maximum step of the range for their position, as adjusted by the cost of living increase, will be granted only such part of the cost of living increase that will bring the employee's salary to new maximum step of their salary range.

(G) *Longevity Pay.* All employees shall receive longevity pay as follows (shown as percent of salary):

- (1) After ten (10) years of service 2.5%
- (2) After fifteen (15) years of service 2.5%
- (3) After twenty (20) years of service 2.5%
- Total with all three 7.5%

(H) *Certification Pay.* All Sheriff's Office employees shall receive DPSST certification pay as follows (shown as percent of salary):

- (1) Intermediate DPSST Certification 2.5%
- (2) Advanced DPSST Certification 2.5%
- Total with both 5%

[Adopted 94-611 eff 11/29/94 ; amd 04-435 eff 11/23/04; amd 19-365 eff 11/5/19; amd 22-324 eff 9/27/22]

20.430 Employee evaluation

(Not applicable to elected officials)

In an effort to insure fairness to both the employee and employer, an evaluation of an employee's performance is required at least once annually until the employee reaches the top salary step in that employee's range, at which time an evaluation is required at least once every two (2) years. This annual evaluation should normally be completed during the three (3) week period prior to the employee's anniversary date or completion of the probationary period. An evaluation can be given at any time at the discretion of the appointing authority. The Board of Commissioners may require an evaluation of an employee to substantiate personnel action(s) requested by an appointing authority and shall require an evaluation when the personnel action is a merit increase.

[Adopted 94-611 eff 11/29/94 ; amd 04-435 eff 11/23/04]

20.440 Hourly rates of pay

Hourly rates of pay may be used for those classes or positions where conditions of employment warrant. Rates set by such actions shall be an average annual hourly salary rate based on the established monthly rates for the class involved, and governed by rules relating to monthly rates.

[Adopted 94-611 eff 11/29/94]

20.450 Daily rates of pay

Daily rates shall be used only where conditions of employment warrant. The amount paid shall be prorated to the full-time based on yearly average of work days.

[Adopted 94-611 eff 11/29/94]

20.460 Overtime and additional time

(Not applicable to elected officials)

(A) *Definitions*: As used in this section:

(1) “**Additional time**” is the time worked by employees whose regular shift is less than eight (8) hours per day or regular work week is less than forty (40) hours, Monday through Sunday, that is in addition to the regular workday or work week, up to eight (8) hours total worked in one (1) day, or up to forty (40) hours total worked in one (1) week.

(2) “**Law enforcement personnel**” are Sheriff’s Office employees with the job classification of civil clerk, civil deputy, communications clerk, corporal, corrections officer, deputy sheriff, dispatcher, resident deputy sheriff, detective, polygraph examiner, resident sergeant, corrections nurse, and training officer.

(3) “**Overtime**” means, except for those positions listed in Appendix 1, the time worked by employees that is in excess of eight (8) hours in any one (1) day or forty (40) hours in any seven (7) consecutive days, Monday through Sunday for non-law enforcement personnel; and, in excess of forty (40) hours in any seven (7) consecutive days, beginning with the first day of the work week, for law enforcement personnel.

(B) *Policy*. It is the policy of the county to reduce to a minimum the necessity for overtime work or additional time work. Except when

overtime work or additional time work is reasonably necessary to meet a life or property threatening emergency, no employee not excepted by LCP 20.460 (C) shall work overtime or additional time that is not specifically authorized in advance by the employees appointing authority. Violation of this policy shall be cause for disciplinary action.

(C) *Positions not eligible for overtime or additional time pay*.

(1) The Board of Commissioners may by order make and maintain a list of certain classifications that are ineligible for overtime or additional time compensation on the basis of the nature of the work or conditions of employment. The criteria for making such positions ineligible for overtime pay are identified by the Federal Fair Labor Standards Act (FLSA) and state law. Since those position classifications are subject to change which may result in additions or deletions, the list of ineligible classifications may not always be complete. The Board of Commissioners may amend the list from time to time by further order as it deems necessary. The list shall be published at the end of this Personnel Policy in Appendix 1.

(2) Positions created, or positions altered in character, after the date of adoption of this policy that are determined by the Board of Commissioners to be ineligible for overtime pay shall be identified as such in Appendix 1 found at the end of the Personnel Policy.

(D) *Additional time worked*. Employees other than those excepted by LCP 20.460 (C) shall be compensated for additional time worked, at the option of the appointing authority, either by payment in money, at the average annual hourly salary time, or in compensatory time off, on an hour for hour basis.

(E) *Overtime worked*. Employees other than those excepted by LCP 20.460 (C), shall be compensated for overtime worked by payment in money at the rate of 1.5 times the average annual hourly salary, or in compensatory time off at the rate of 1.5 times the time worked; whether the compensation will be paid in money or compensa-

tory time off will be decided by the appointing authority or the appointing authority's designee.

(F) Compensatory time earned pursuant to LCP 20.460(D) and (E) may be accumulated to a maximum balance of two weeks (80 hours for a 40 hour employee or 75 hours for a 37.5 hour employee).

(G) *Compensatory leave for employees excepted by 204.070 (C).*

Employees not eligible for time and one-half pay for overtime, shall be granted compensatory leave, up to the equivalent of ten (10) days per year, on an hour for hour basis,

(1) For time worked in excess of 7.5 hours in one day for 7.5 hour employees or in excess of 8 hours in one day for 8 hour employees, or

(2) For time worked in any one week, Monday through Sunday that, when added to sick leave, vacation leave or compensatory time off, or a holiday day off within that week, exceeds 37.5 hours for 7.5 hour employees or that exceeds 40 hours for 8.0 hour employees.

(3) Compensatory time off under this subsection shall be taken when approved by the appointing authority. The maximum use in a calendar year is two working weeks. Compensatory time accumulated under this subsection has no cash payment value. The ten (10) working days per year limit on compensatory leave may be waived by the Board.

[Adopted 94-611 eff 11/29/94; amd Ord 89-471 eff 9/6/89; amd 90-277 eff 6/6/90; amd 92-017 eff 1/15/92 ; amd 04-435 eff 11/23/04; amd 22-324 eff 9/27/22]

20.470 Reclassifications

Any appointing authority may request reclassification of any position. A copy of the existing classification description and the proposed classification description will be submitted together with a memo to the Board of Commissioners requesting a position reclassification. The Board of Commissioners shall attempt to reach a decision within thirty (30) days. Requests for reclassification are encouraged to be submitted with the departments annual budget request so that any salary adjustment may be accurately

reflected in the personnel authorization in the department's budget.

[Adopted 94-611 eff 11/29/94]

20.480 New positions

(A) In order to control and be aware of the number of employees in Linn County, when creating a new position an appointing authority shall submit a request to the Board. A narrative justifying the position shall accompany the request.

(B) Following the Board's informal approval:

(1) If the new request involves establishing a new classification the appointing authority shall submit a classification description to the county Administrative Officer. Following approval of the wording in the classification description, the Administrative Officer shall submit it to legal counsel, who will attach it with a resolution for the Board to sign at a regular Board meeting.

(2) If the request involves establishing a new position, the appointing authority shall request an account from the budget officer and submit a personnel action form for approval by the Board.

[Adopted 94-611 eff 11/29/94]

CHAPTER 5 — INSURANCE AND RETIREMENT PLANS

20.500 Health insurance

(A) All personnel in the elected, classified and management/exempt services, except temporary and seasonal employees, who have a maximum of ninety (90) days county service, shall be covered by group health insurance policies or as otherwise required by the provisions of the Affordable Care Act. Subject to the terms of the policies, family members (as defined by the policies) may be covered, upon application by the employee. When an employee has not been in county service for the time required to be eligible for coverage, the employee may apply for such policies, to be paid for totally by the employee.

The county may provide, each fiscal year, for payment by the county of all or part of the premium for employees with at least ninety (90) days service, and all or part of the premium for such employees dependents, or as otherwise required by the provisions of the Affordable Care Act.

(B) Regular part-time employees working a minimum of 53% of hours available per month will be afforded health and dental insurance benefits pursuant to subsection (A) of this section.

(C) Exempt service personnel shall not receive any insurance benefits.

(D) Since health insurance premiums are prepaid monthly, an employee who leaves employment during the month will be charged on a *pro rata* basis for prepaid premiums, except that if an employee leaves employment on or after the 15th day of the month no charge or deduction shall be made.

(E) Any health and dental insurance benefits provided to individuals in a marriage shall be provided on an equivalent basis to individuals in a domestic partnership.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16; amd 22-324 eff 9/27/22]

20.510 Life insurance

All employees shall be provided, upon making application, after ninety (90) days service, a group term life insurance plan, except interns, temporary employees, and seasonal employees.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

20.520 Insurance benefits while on leave without pay

(A) A regular employee who has requested and has been approved for a leave of absence without pay will be covered for the first ninety (90) days under the county's health policy.

(1) If the employee should request an additional ninety (90) days absence without pay, the Board of Commissioners may, but need not, grant insurance coverage, if warranted.

(2) The employee shall be notified in writing if this coverage is to be discontinued.

(B) During family, medical leave, parental leave, pregnancy leave without pay, medical,

vision and dental premiums will be paid by the county, as set out in LCP 20.390.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

20.530 Public Employees Retirement System (PERS) and Oregon Public Service Retirement Plan (OPSRP)

(A) *PERS /OPSRP membership:*

(1) After six (6) months employment, or when the employee first qualifies to become a member of the Public Retirements System (PERS /OPSRP), all county employees except temporary employees, shall become members of PERS /OPSRP.

(2) Such retirement system membership is compulsory, and payments into the system referred to as "employee contribution" will be deducted from the pay of the employee until the employee except, as allowed by statute, may be paid by the county.

(B) *Withdrawals; generally.* Subject to the exception in subsection (C) of this section, if an employee withdraws funds from PERS /OPSRP, the employee shall be considered to have separated from employment with the County. If the employee is reinstated, then the employee, in order to gain full status and continuous service credit, must redeposit the amount of funds withdrawn from PERS /OPSRP. Failure to do so will cause the reinstated employee to be considered as a new regular employee and not entitled to the benefits which the employee may have accrued through former service.

(C) *Withdrawals by employees over 70.* Employees above the retirement age of seventy (70) may withdraw funds from PERS /OPSRP. Employees so withdrawing funds from PERS /OPSRP must comply with all PERS /OPSRP rules and requirements applicable to such withdrawal and must notify the County of the fund withdrawal.

(D) *Payment for sick leave upon retirement:*

(1) Upon retirement the county shall either:

(a) Advise PERS /OPSRP of the total number of accrued sick leave hours, one-half

of which will be used in the computation of the employee's monthly retirement pay amount, or

(b) pay to the retiring employee, one-half of the amount of the money equal to the number, not exceeding 960, of unused sick leave hours accrued by the employee after June 1, 1977, multiplied by the employee's average annual hourly salary at retirement, and thereafter inform PERS that zero hours of sick leave is accrued.

(c) Notification under subsection (D) (1) (a) of this section shall be made to PERS /OPSRP unless at least thirty (30) days prior to retirement, or such lesser time as may be allowed by the Accounting section of the General Administration Department, the employee requests in writing to the Accounting section of the General Administration Department, that payment under subsection (D) (1) (b) of this section is to be made to the employee.

[Adopted 94-611 eff 11/29/94; amd 94-618 eff 12/7/94; amd 94-647 eff 12/21/94; amd 95-016 eff 1/25/95; amd 97-031 eff 1/1/97; amd 97-033 eff 1/1/97; amd 04-435 eff 11/23/04; amd 16-212 eff 6/22/16]

CHAPTER 6 — EXPENSE ALLOWANCE

20.600 General provisions

(A) Provided that sufficient budgeted funds are available, and subject to the following provisions, personnel of the elected, classified and management/exempt services shall be reimbursed for expenses necessarily incurred in the performance of official duties if approved pursuant to LCP 20.600 (D).

(B) Reimbursement shall be permitted for expenses reasonably incidental to the performance of duties or official obligations as distinguished from unofficial interest or normal personal expenses.

(C) Allowances or actual costs may be paid in advance of the occurrence of the expense, including meals, commercial travel, registration, reservation or similar expenses by payment directly to the appropriate business or organization, or, when approved by the appointing authority, by advance payment to the employee. Advance payments for allowances of costs that are not

spent for the intended purpose shall be repaid to the county promptly upon completion of the travel.

(D) All claims for expense reimbursement shall be itemized on the form, "Linn County Individual Travel and Expense Voucher," shall be signed by the employee and approved and signed by the appointing authority; except that if the payment is on behalf of, or if the payee is an elected or appointed department head or a member of the Board, it shall be authenticated by two members of the Board who are not the payee.

[Adopted 94-611 eff 11/29/94; amd 96-511 eff 10/23/96; amd 16-212 eff 6/22/16]

20.610 Out-of-State travel

Cost of all out-of-state travel shall be estimated specifying travel, meals, and other expense, and a formal request for such travel estimated to cost \$500 or more shall be submitted in advance for administrative approval by the Board of Commissioners or appropriate elected official. The appointing authority may authorize such expenditures up to \$500.

[Adopted 94-611 eff 11/29/94]

20.620 Travel reimbursement

(A) Employees in the elected service, and employees authorized by the Board of Commissioners, elected officials, or department heads, who travel by private automobile will be reimbursed as provided in subsection (B) for such travel. All other employees who obtain a non-availability slip from the motor pool, will be reimbursed as provided in subsection (B).

(B) Reimbursement for travel by private automobile, when authorized, shall be at the current IRS business rate for mileage reimbursement, except when such travel is in connection with an activity paid for by non-county funds, such as a state or federal grant, which by its terms provides reimbursement for travel at a higher rate, reimbursement shall be at the rate specified by the source of the non-county funds.

(C) Travel by commercial bus, rail, or air will be reimbursed at coach or economy fare cost.

[Adopted 94-611 eff 11/29/94; amd 08-187 eff § 5/28/08; amd 22-324 eff 9/27/22]

20.630 Meal reimbursement

(A) *Definitions*: for purposes of this section:

(1) “**Authorized meal reimbursement**” means those amounts set forth in subsection (B) of this section.

(2) “**Day**” means the twenty-four (24) hour period from midnight of one day to the following midnight.

(3) “**County activity**” includes any work-related activity, event, or conference sponsored, approved, or authorized by Linn County.

(B) A meal reimbursement based on actual expense may be claimed for meals (breakfast, lunch, and dinner) for each day without receipts or other documentation. Individual meal reimbursements may be claimed based on actual expenses without receipts or other documentation up to the current fiscal year U.S. General Services Administration Meals and Incidentals Per Diem Rates for Oregon for breakfast, lunch, and dinner.

(C) If a meal is prepaid by the County or provided as part of a County activity, the County will not grant a meal reimbursement for that meal, regardless of whether the employee participates in the provided meal.

(D) Employees may choose to spend more for one meal and less for another, *providing that* the total amount claimed does not exceed the combined total of the authorized meal allowances for that day. For example, if no meals are provided as part of a Linn County activity during a day, the authorized meal reimbursement would be the combined total amount; however, if dinner, for instance, is provided during a day, the authorized meal reimbursement would be the combined total amount of (the remaining amounts for breakfast and lunch), etc. Meal reimbursement are intended to include tips and non-alcoholic beverages.

(E) Breakfast may not be claimed unless departure from the office or home is necessarily made prior to 7:00 a.m., and dinner may not be claimed unless return to the office or home after 7:00 p.m. is necessary.

(F) A banquet, other special meals or high cost locations costing more than the established

allowance will be reimbursed at cost in lieu of the established allowance if approved by the appointing authority [see LCP 20.600 (D)]. In reviewing bills, the Board of Commissioners or the department’s elected official shall require receipts or other documentation to be submitted by the employee to substantiate the cost. Documentation will be returned to and retained by the employee and not filed with the claim form in the Accounting section of the General Administration Department.

(G) Meals shall not be charged to Linn County purchasing cards except as allowed by Linn County Policy 36, Use of Procurement Cards.

[Adopted 94-611 eff 11/29/94; amd 89-471 eff 9/6/89; amd 96-511 eff 10/23/96; amd 10-210 eff 6/29/30; amd 22-324 eff 9/27/22]

20.650 Lodging reimbursement

(A) Expenses for lodging may be claimed by an employee with evidence of a receipt. Employee should exercise moderation in selection of accommodations.

(B) No allowance may be claimed for lodging within thirty-five (35) miles of either the employee’s residence or the employee’s office except when an emergency exists or with the prior approval of the Appointing Authority. No allowance may be claimed for lodging within Linn County, except in extraordinary cases and with the approval of the Board or appropriate elected official.

[Adopted 94-611 eff 11/29/94; amd 96-511 eff 10/23/96]

20.660 Miscellaneous expenses

(A) Claim may be made for reimbursement of necessary miscellaneous costs such as parking and telephone calls.

(B) Claim may not be made for items of normal personal expense.

(C) If an employee is working with members of a lay committee or commission, the members of which are duly authorized to accept reimbursement for authorized expenses while on county business, other than the Budget Committee or Board of Property Tax Appeals, the employee will NOT take the lay member to lunch, etc., and

put the amount on the employee's expense account. The lay member shall be given an expense voucher to submit his/her own expenses for reimbursement. No classified, management/exempt or represented county employee shall take another county employee to lunch and claim reimbursement.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

20.670 Reimbursement procedure

(A) Reimbursed expenses for travel, registrations, lodging, and the like shall be presented upon a voucher detailing the nature of the expenses claimed, and verified by the signature of the payee. Advances for travel, conference registration and similar expenses shall be submitted and authenticated prior to incurring the expenditure. The voucher or advance payment shall be authenticated by the appropriate department head, except that if the payment is on behalf of, or if the payee is an elected or appointed department head or a member of the Board, it shall be authenticated by two members of the Board who are not the payee.

(B) The County Administrative Officer may prescribe the formats for authenticating documents and vouchers, with the advice of department heads and subject to approval of the Board.

[Adopted 94-611 eff 11/29/94; amd 89-471 eff 9/6/89]

CHAPTER 7 — GRIEVANCES

20.700 Grievance procedure

(Not applicable to elected officials)

(A) Employees shall be informed of and shall comply with the following procedure, established for processing complaints or grievances that the employee may have concerning working conditions or the interpretation of personnel policies.

Step One—The employee shall present the complaint in writing to that employee's immediate supervisor. This shall be done at the time the

controversy arises, or within ten (10) work days thereafter.

Step Two—If the complaint is not or cannot be settled by the supervisor within ten (10) work days to the satisfaction of the employee, the employee shall submit a copy of the written grievance to the appointing authority (Dept. Head) for action.

Step Three—If, after ten (10) more work days the complaint has not been settled to the satisfaction of the employee, a conference between the appointing authority, the employee and the Administrative Officer to the Board of Commissioners shall be arranged promptly upon notice to the Administrative Officer to the Board of Commissioners. The employee may select any two (2) county employees to attend this conference as witnesses or to give testimony on the employee's behalf. These county employees shall attend without loss of pay; however, the time for attendance must be approved by their appointing authority. The employee shall be informed, in writing, by the Administrative Officer to the Board of Commissioners within ten (10) work days following the conference of the decision made upon consideration of the complaint. If the complaint has not been settled to the satisfaction of the employee, the employee must appeal this decision within ten (10) work days to the Board of Commissioners.

Step Four—The employee may appeal this decision to the Board of Commissioners, who will arrange for a personal interview with the employee and all personnel concerned. Whatever decision is rendered by the Board of Commissioners is considered the final step in the grievance procedure provided by the county Personnel Rules. Failure or refusal by the employee to comply with the decision will be cause for suspension or discharged .

(B) *Failure to Comply with Appeal Procedure*: An employee who fails to comply with the procedural steps (1 – 4) of subsection (A) of this section loses his/her right to appeal the matter further, leaving intact the last decision.

(C) Employees discharged during the entrance probationary period are not entitled to file a grievance.

[Adopted 94-611 eff 11/29/94]

CHAPTER 8 — EMPLOYEE RECORDS

20.800 Records and reports

The Linn County Administrative Officer is designated by the Board of Commissioners as the person who shall be responsible for establishing and maintaining a roster of all employees in county employment.

(A) Every appointment, transfer, promotion, voluntary demotion, change of salary rate, leave of absence without pay, and any other change in the status of an employee, shall be reported to the Accounting section of the General Administration Department in writing on such forms as may be required to administer the county pay and benefits programs.

(B) A permanent personnel file on each employee is maintained in the office of the Board of Commissioners or appropriate elected official and each employee shall have the right to see and review his own personnel file for purposes of checking its accuracy and for general review of its content.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

20.820 Personnel files as public records

(A) *Personnel files.* Personnel files are public records, but partially exempt from disclosure. The Oregon Public Records law provides that when a public record contains material which is partially exempt from disclosure and partially subject to disclosure, the public body shall separate the exempt and non-exempt material, and make the non-exempt material available for examination. County employee personnel records include the employee's name, address, telephone number, employment application, personnel action forms, and other material.

(B) *Information subject to disclosure.* The following are subject to disclosure:

(1) Name;
(2) Personnel Action Form (PAF), except for information exempt or conditionally exempt from disclosure;

(3) Biographical materials such as identity of prior employers, nature of prior employment, or educational data, included in an application for employment;

(C) *Information exempt, or conditionally exempt, from disclosure.* The following are exempt, or conditionally exempt, from disclosure:

(1) residential addresses and telephone numbers;

(2) personal cellular numbers;

(3) other telephone numbers contained in personnel records;

(4) personal email addresses;

(5) driver license numbers;

(6) employer issued identification card numbers;

(7) employer issued identification badges and cards, without the employees consent;

(8) emergency contact information;

(9) social security numbers;

(10) date of birth;

(11) Any information about the employee's family;

(12) All information of a personal nature, including medical information, except to the extent such information is subject to disclosure pursuant to subsection (B), and subject to ORS 192.355(2); or

(13) Any other material not listed in subsections (B) or (C);

(D) In the event a request for disclosure under the Oregon Public Records law of material listed in subsection (C) is received, the employee shall be consulted, and the employer shall attempt to conform to the employee's wishes, insofar as is consistent with the Oregon Public Records law.

(E) Nothing in this section is intended to limit an employee's inspection of the employee's own personnel file, or to prevent the employee from providing information from the file to anyone.

(F) Nothing in this section is intended to limit the employer from disclosure of material from an employee's personnel file in the course of accomplishing the employer's business.

[Adopted 94-611 eff 11/29/94; amd 22-324 eff 9/27/22]

CHAPTER 9 — PROMOTIONS

20.900 Promotions

(Not applicable to elected officials)

It shall be the policy of Linn County to promote employees from within, if in the determination of the appointing authority current employees are the most qualified, available and desire such promotions.

[Adopted 94-611 eff 11/29/94]

CHAPTER 10 — DISCIPLINE

20.1000 Discipline of irregular and regular employees resulting in suspension or disciplinary probation

If action is taken toward the suspension or the placement on disciplinary probation of an irregular part-time, regular full-time or regular part-time employee, the employee shall be notified in writing of the reasons for the proposed action. The employee shall have an opportunity to refute or answer the reasons either orally or in writing in a pre-decision hearing before the appointing authority. Following the pre-decision hearing, the employee shall be notified of the result of the decision of the appointing authority.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16; amd 22-324 eff 9/27/22]

20.1020 Grounds for disciplinary action; Investigation

(A) In addition to any grounds for disciplinary action otherwise listed in this Policy, in any other County policy, or in internal departmental or elected offices' policies, the following are grounds for employee disciplinary action up to and including discharge:

(1) violation of any provision of this Policy;

(2) dishonesty;

(3) theft;

(4) conviction of a crime;

(5) unlawful possession of a weapon in the workplace;

(6) insubordination;

(7) intentional or negligent destruction or damage to County property or the property of other County employees, agents, or contractors;

(8) engaging in a romantic relationship with a subordinate employee;

(9) failure to supervise subordinate employees, including but not limited to the failure of a supervisor to apply and enforce any applicable County laws or policies with subordinate employees;

(10) Unauthorized use or disclosure of confidential information obtained through County Employment;

(11) Violation of any provision of ORS Chapter 244 (Government Ethics), including but not limited to use of official position to obtain financial gain or avoid a financial detriment and conflicts of interest.

(B) Whenever a supervisor has reason to investigate allegations of any conduct of an employee that if found to be true could result in the discipline or discharge of the employee, a supervisor may place the employee on paid administrative leave for the duration of the investigation. While the investigation is pending an employee on paid administrative leave shall not perform any work for the County and shall remain available during normal County business hours for consultation on ongoing matters and for an interview as part of the investigation. If the employee will be unavailable during normal business hours, the employee shall contact the employee's supervisor in advance of any period of unavailability.

[Adopted 22-324 eff 9/27/22]

20.1100 Separation from employment; voluntarily quit

(A) If an employee desires to voluntarily quit the employee shall submit a separation letter to the appointing authority two (2) weeks prior to such separation. In any event actual notice, either written or verbal, shall be given to the appointing authority and be made a part of the employee's personnel file.

(B) An appointing authority may, but is not required to, excuse an employee from up to ten (10) working days of further service, with pay, upon receipt of written notice of intent to voluntarily quit, given at least two (2) weeks prior to such separation.

(C) When an employee voluntarily quits and has given at least forty-eight (48) hours notice, excluding Saturday, Sundays and Holidays, all wages earned and unpaid at the time of such quitting shall become due and payable immediately at the time of separation. If such notice is NOT given, such wages shall be due and payable in forty-eight (48) hours, excluding Saturdays, Sundays and Holidays, from the time of notice of separation.

[Adopted 94-611 eff 11/29/94]

20.1110 Layoffs

An appointing authority may layoff an employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least ten (10) working days, or ten (10) days pay if notice cannot be given, to such employee. The conditions of layoff shall be as follows:

(A) *Order of Retention*: Preference for retention shall be based first upon performance and when this is not decisive, then upon greater continuous service.

(B) *Offer of Reassignment*: An employee shall not be laid off before a reasonable offer of reassignment or transfer to a different position, classification, or department has been made, if such offer is immediately possible.

(C) *Appointment of Laid-Off Employees to Lower Class*: A department head, with the approval of his elected supervisor and the employee, may appoint an employee who is to be laid off to a vacancy in a lower class for which the employee is qualified.

(D) *Layoff List*: The names of employees who have been laid off shall be placed on the appropriate layoff list.

(E) *Re-employment*: An appointing authority should make every effort to rehire from the layoff list where appropriate.

[Adopted 94-611 eff 11/29/94]

20.1120 Separation of probationary, temporary, interns, and seasonal employees

Entrance probationary, temporary, interns, and seasonal employees shall be given oral or written notice of separation, with no advance notice being required. During an entrance probationary period, employment may be terminated at anytime without cause and without advance notice to the employee.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

20.1130 Discharge of an irregular part-time, regular full-time or a regular part-time employee

(A) If action is taken toward the discharge of an irregular part-time, regular full-time or regular part-time employee, the employee shall be notified in writing of the reasons for the proposed action.

(B) The employee shall have an opportunity to refute or answer the reasons either orally or in writing in a pre-decision hearing before the appointing authority.

(C) Following the pre-decision hearing, the employee shall be notified of the result of the decision of the appointing authority.

(D) If the final decision is to discharge the employee, the employee shall be so advised in writing.

(E) No severance pay shall be paid upon discharge.

(F) The date of discharge shall be established by the appointing authority.

[Adopted 94-611 eff 11/29/94; amd 16-212 eff 6/22/16]

References and Authorities:

ORS ch. 203; ch. 238; LCC 310; Measure 8 initiative adopted by the voters November 1994 (the Measure (a) required individual members of PERS (instead of their employers) to pay the employee's share into PERS, (b) prohibited off-setting salary increases after 1/1/95, and (c) prohibited the use of sick leave to increase retirement benefits); *Oregon State Police Officers' Ass'n v. State*, 323 Or 356, June 21, 1996, held Measure 8 unconstitutional; Or Laws 2017, ch 197

Legislative History of Policy 20:

Adopted 1978 "Personnel Policy" by R78-131 eff 6/14/78 and 1979 "Personnel Policy for Employees of Elected Officials" Ryy-nnn eff mm/dd/79. (R78-131 was recorded the Linn County Commissioners' Journal at Book 52, Page 27; the text of the 1978 Policy was recorded at Book 116, Page 474 on 1/88 (for some reason almost ten years later). Resolution yy-nnn was recorded at Book __, Page __; the Board of Commissioners minutes of 8/29/79 show that the text of the 1979 Policy was adopted that date and the text was recorded at Book 56, Page 349 on 8/29/79).

Amendments to the above Policies:

- #1 81-184 eff 5/15/81
- #2 82-172 eff 5/5/82
- #3 82-355 eff 8/25/82
- #4 82-408 eff 10/27/82
- #5 84-169 eff 3/28/84
- #6 86-037 eff 1/22/86
- #7 86-579 eff 10/15/86
- #8 87-029 eff 1/28/87
- #9 88-524 eff 9/7/88

Adopted "Personnel Policy Code" by Ordinance 88-687 12/28/88 eff 1/1/89 (§1 repealed the 1978 and 1979 Policies and all amendments thereto; original codification format as LCC 3.10; § 3.10.910 authorized amendment of the ordinance by resolution!)

Amendments to 88-687:

- #1 89-045 eff 1/1/89
- #2 89-090 eff 1/1/89
- #3 89-115 eff 1/1/89
- #4 89-471 eff 9/6/89 (changes pursuant to creating Accounting Section)
- #5 89-752 eff 12/20/89
- #6 90-277 eff 6/6/90
- #7 91-781 eff 11/6/91
- #8 92-017 eff 1/15/92
- #9 92-263 eff 6/1/92

- #10 Ordinance 94-504 eff 11/29/94 (repealed most of 88-687 retaining only the administrative portions as ordinance; amended § 1 by which amendment parts of the 1978 and 1979 Policies were resurrected!)

Adopted Linn County Policy 20 ("Personnel Policy Manual") 94-611 eff 11/29/94

Amendments to 94-611:

- #1 94-618 eff 12/7/94
- #2 94-647 eff 12/21/94
- #3 95-016 eff 1/25/95
- #4 96-511 eff 10/23/96
- #5 97-031 1/22/97 eff 1/1/97
- #6 97-033 1/22/97 eff 1/1/97
- #7 97-042 1/22/97 eff 1/1/97
- #8 99-157 eff 3/31/99 (*Tanner* case update)
- #9 04-435 eff 11/23/04
- #10 08-427 eff 10/21/08
- #11 10-210 eff 6/29/10
- #12 15-247 eff 7/14/15

#13 16-212 eff 6/22/16
#14 19-365 eff 11/5/19
#15 22-324 eff 9/27/22
#16 23-316 eff 8/22/23
#17 23-398 eff 11/7/23

Appendix 1 —Positions Ineligible for Overtime
[see LCP 20.460 (A) and (C)]

Position classifications which are *not* eligible for overtime or additional time pay are as follows:

CLERICAL, FISCAL, ADMINISTRATIVE

Accounting Officer
Administrative Assistant/Office Manager 1
Administrative Assistant/Office Manager 2
Administrative Assistant/Office Manager 3
Budget Officer
Chief Deputy Clerk
Chief Deputy Treasurer
Chief Office Deputy/Office Manager
County Administrative Officer
Director
Elections Supervisor
Fair and Expo Director
Geographic Information System
Office Specialist 2
Payroll Specialist
Printing Supplies Supervisor
Real Property Program Manager
Recording Supervisor
Senior Personnel-Benefits Specialist
Veterans' Services Officer

INFORMATION TECHNOLOGY SERVICES

IT Director
GIS Analyst
GIS Systems Programmer/Analyst
Programmer Analyst
Systems Manager

TAX AND ASSESSMENT

Admin Assistant II/A&T
Admin Assistant/Office Manager 3
Cartographic Drafting Supervisor
Chief Appraiser

HEALTH SERVICES

Administrative Assistant/Office Manager 3
Alcohol & Drug Program Manager
Application System Analyst
Assistant Health Services Admin Manager
Behavioral Health Medical Director
Compliance/Privacy Officer
DD Case Management Supervisor
DD Program Manager
DD Quality Assurance Manager
Deputy Mental Health Program Manager
Environmental Health Program Supervisor
Environmental Health Specialist 2
Environmental Health Specialist 3
Fiscal Services/Health Administrative Manager
Health Administrator

Health Educator
M-ED Group Home Manager
M-ED Program Manager
Medical Technologist
MH Program Manager
MH Specialist 1
MH Specialist 2
Microcomputer Support Specialist
Nurse Practitioner
Psychiatric Nurse 1
Psychiatric Nurse 2
Psychiatrist
Psychologist 1
Psychologist 2
Public Health Emergency Preparedness Planner
Public Health Lactation Consultant
Public Health Nurse 1
Public Health Nurse 2
Public Health Program Manager
Quality Assurance Specialist
Supervising MH Specialist
Supervising Nurse
WIC Program Supervisor

ROADS AND ENGINEERING

Administrative Assistant Roads
Bridge Operations Supervisor
Bridge Supervisor
Civil Engineer 1
Civil Engineer 2
Construction/Road Maintenance Supervisor
County Engineer
District Road Supervisor
Road Department Operations Manager
Roadmaster
Shop Supervisor
Traffic Control Manager
Vegetation Management Foreman
Weighmaster

PLANNING & BUILDING

Administrative Assistant/Office Manager
Associate Planner
Building Official
Director, Planning & Building
Office Specialist 3
Senior Planner

JUDICIAL

Administrative Supervisor
Crime Victim Program Coordinator

Deputy County Attorney 1
Deputy County Attorney 2
Deputy County Attorney 3
Deputy District Attorney 1
Deputy District Attorney 2
Deputy District Attorney 3
County Attorney
Operations Supervisor
Senior Deputy District Attorney
Education/Information Specialist

JUVENILE

Juvenile Detention Manager
Juvenile Director
Juvenile Office Manager
Supervising Probation Officer

SHERIFF

Captain
Dog Control Supervisor
Undersheriff

BUILDING SERVICES

Building Maintenance Supervisor
General Services Director
Custodial Services Supervisor

PARKS SERVICES

Parks & Recreation Director
Parks Operations Supervisor

SURVEYOR'S OFFICE

Chief Deputy Surveyor
Senior Survey Crew Chief

ELECTED SERVICE

Assessor
County Clerk
County Commissioners
District Attorney
Justice of the Peace
Sheriff
Surveyor
Treasurer

[Last updated by 22-324 on 9/27/22]

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