WASHINGTON COUNTY

Revised

PERSONNEL RULES AND REGULATIONS

Revised – September 16, 2011

WASHINGTON COUNTY PERSONNEL RULES AND REGULATIONS

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PREFACE

Pursuant to Washington County Code, 2.32.080, the Board of County Commissioners has adopted these Washington County Personnel Rules and Regulations, the official personnel/human resources policies and procedures for Washington County employees. They are effective as of August 29, 2011 and supersede the most recently revised version effective October 1, 2010 and all prior Rules and Regulations. Where anything contained herein is contrary to any mandatory provision of federal, state or local law, the federal, state or local law governs.

NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO CREATE CONTRACTUAL OR VESTED RIGHTS

Applicability:

1. These Rules and Regulations apply to all classified civil service employees. Those employees represented by a collective bargaining agreement are regulated by the agreement. Should the agreement be silent on an issue, the represented employees shall be governed by these Rules and Regulations.

2. Certain Rules and Regulations apply to exempt, unclassified, and MAPPS (Management, Administrative and Professional Personnel System) employees as indicated in these Rules.

Responsibility:

1. It is the responsibility of each elected official, department head and manager to be familiar with and administer these Rules and Regulations in a consistent and impartial manner.

2. It is the responsibility of each supervisor to maintain an updated copy of the Revised Personnel Rules and Regulations in a location easily accessible to all employees.

3. It is the responsibility of each supervisor to provide each employee with access to these Rules and Regulations and to enforce compliance.

4. Generally, it is the responsibility of the Human Resources Division to provide guidance, assistance, support and interpretive aid to each department in the implementation of and compliance with these Rules and Regulations. Further, it is the responsibility of the Human Resources Division to monitor these Rules and Regulations to promote County-wide consistency and fairness. [See Section 1.3.]

5. It is the responsibility of each employee to familiarize him or herself and to comply fully with these Rules and Regulations.

Amendments:

The County reserves the right, at any time, to withdraw or amend any portion of these Rules and Regulations as they apply to current or future employees.

Severability:

If any portion of these Rules and Regulations is declared invalid or unconstitutional by law or by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. The validity of the remaining portions of these Rules and Regulations shall not be affected.

ARTICLE 1.

GENERAL PROVISIONS

Applicability: This Article applies to members of the public, applicants for County jobs and all County employees, including elected officials.

Reference: Washington County Code, 2.32.080.

Statement of Purpose

The purpose of these Rules and Regulations, policies and procedures is to implement a County system for personnel administration based upon merit principles and valid methods governing the Appointment, tenure, Promotion, transfer, Layoff, removal and discipline of its employees and other incidents of County employment. These Rules and Regulations will strive to:

(1) establish and maintain a uniform plan of Classification and pay based upon the relative duties and responsibilities of Positions;
(2) provide an equal opportunity to enter and advance in County employment;
(3) develop a program of recruitment, training, and advancement that will make a career in the County attractive to persons who possess the ability, integrity, knowledge and professional understanding of their particular field of endeavor.

1.1 <u>Introduction</u>

These Rules and Regulations shall be followed by Washington County in the administration of its human resources management program.

1.2 <u>Definitions</u>

The following definitions are applicable to these Rules and Regulations only. They are capitalized throughout these Rules and Regulations for ease of reference.

1. "Allocation" is the assignment of an individual Position to an appropriate Classification on the basis of the nature of the work, and type and level of knowledge and skill required to perform the work of the Position.

2. "Anniversary Date" is the date of an employee's last Appointment as adjusted for Qualified Payroll Periods, leaves without pay, and other provisions of these Rules and Regulations.

3. "Appointing Authority" is the Department Head (elected or appointed) or designee with the authority of Appointment for any County Position within their Department.

4. "Appointment" is the selection and designation of a candidate to fill a Position.

5. "Approved as to Form" means, with regard to personnel actions only, agreement that the legal requirements as to process and the form of a document have been complied with based on information provided to the person giving Approval as to Form.

6. “Benefits Eligible Domestic Partner” means an employee’s same sex partner with whom the employee has registered a declaration of domestic partnership with the State of Oregon or with the State of Washington that is compliant with Oregon law with the exception of the residency requirement.

7. “Candidate for Appointment” is an individual whose name has been placed on a Referral List and sent to a department to consider for Appointment to a current vacancy.

8. “Career Employee” is an employee holding a Classified Position who has completed the Initial Probationary Period.

9. “Career Probationary Period” is the Examination period following Promotion or Classification Transfer of a Career Employee. [See Article 4.6.4.]

10. “Cause” is a fair and honest reason(s), regulated by good faith on the part of the employer, which is not trivial, arbitrary or capricious, unrelated to business needs or goals, or pre-textual. (Examples of “cause” are identified, in part, in Section 5.1.)

11. “Civil Service Exempt Position” is an at-will Position that has been specifically exempted from the classified service by the Board of Commissioners. [WCC, 2.32.020; Compare: “FLSA Exempt Employee”, 1.2 (23) below.]

12. “Class or Classification” is a number of Positions sufficiently similar in duties, authority and responsibilities that the same descriptive class title may be used to designate each position allocated to the class, the same qualifications may be required for employees in the class, and the same schedule of pay can be equitably applied to positions in the group.

13. “Class Demotion or Classification Demotion” is the movement of an employee from a Position in one Class to a Position in another Class having a lower maximum salary rate. [Compare: “Salary Demotion,” 1.2 (55) below.]

14. “Classification Series” is a set of Classifications within a career line or occupational job family that are closely related in terms of work performed and distinguished primarily by the level of responsibility and scope of duties assumed. (An example of a Class Series is: Accounting Assistant I, Accounting Assistant II, and Sr. Accounting Assistant.)

15. “Classification Specification or Class Specification” is the written description of a Class that defines the title, duties and tasks, authority and responsibilities, distinguishing features, and the entrance qualifications for the Class.

16. “Classification Transfer” is the Appointment of an employee who meets the required qualifications in the Class Specification to a Position in a different Classification that has the same salary range as the Class presently held by the employee.

17. “Classified Position” is a Position in the classified service as adopted by the Civil Service Commission. [WCC, 2.32.020.]

18. “Commission” is the Civil Service Commission as established in the Personnel Ordinance. [WCC, 2.32.040.]

19. “Dismissal” means an Appointing Authority took specific action to sever the employment of a Career Employee from Washington County. [Compare: “Termination,” 1.2 (58); “Layoff,” 1.2 (32).]

20. “Eligible List” is a list of persons who have been found qualified by an examination, or who are appropriately placed on the Eligible List by possessing the status of “Recall” or “Re-employment.”

21. “Examination” is all methods designed to measure and assess an applicant’s qualifications for Appointment, including but not limited to evaluation of the application materials, written or oral board examinations, interviews, performance tests, and periods of Probationary Status.

22. “Extra-Help Position” is a type of Temporary Position that is established as intermittent or irregular in nature. The Position works sixteen (16) hours or less per week averaged over a six-month period, not to exceed sixty (60) hours in any one month.

23. “FLSA Exempt Position” is a Position that is not eligible for Overtime pay pursuant to the provisions of the Fair Labor Standards Act (FLSA). [29 U.S.C. sec. 201-2191.]

24. “Flexibly Staffed Classifications” means Classifications in a career series in which both the entry and journey level classes are assigned the same duties, the difference being the range of duties, the level of required skill and the amount and degree of supervision received. Entry-level Classifications in such a series are typically designated as “I” or “Assistant.” Journey-level Classifications in such a series are typically designated as “II” or “Associate.”

25. “FMLA/OFLA Same Sex Domestic Partner” is a partnership consisting of two persons of the same sex in which the members:

    a. Jointly share the same regular and permanent residence and intend to do so indefinitely;
    b. Have a close and personal relationship with each other;
    c. Are each other’s sole domestic partner;
    d. Are not legally married to anyone;
    e. Each are eighteen (18) years of age or older;
    f. Are not related by blood, closer than would bar marriage in the state of residence; and
    g. Are jointly responsible for each other’s common welfare including basic living expenses.

26. “Full-time” is a regular work schedule of 40 hours per week or 2080 hours in a year.

27. “Furlough” is a voluntary or involuntary placement of an employee in a temporary non-duty, unpaid status because of lack of work or funds, or other non-disciplinary reasons.

28. “Higher Classification Work” is work an employee is assigned to perform in which the duties are of a Class assigned a higher salary level than the employee’s designated Position.

29. “Human Resources Manager” is the employee to whom authority is delegated by the County Administrator to administer the Personnel Ordinance for the County; and to

establish, administer and ensure integrity in the application of the Personnel Rules and Regulations.

30. “Initial Probationary Period” is a working test period during which an employee is at will and is required to demonstrate, by actual performance of duties, fitness for the Position; an extension of the Examination process.

31. “Job Share” is a form of employment where two (2) employees fulfill the responsibilities for a single Position approved and budgeted as full-time.

32. “Layoff” is an employee’s involuntary separation from the County service due to the elimination of a position, lack of funds, curtailment of work, a material change in position duties, or other reasons which do not reflect discredit on the service of the employee. [See also: “Medical Layoff” (1.2 (36) below).]

33. “Leave with Pay” is authorized time off work in paid status. (Examples of leave with pay are vacation leave, sick leave and jury duty.)

34. “Leave without Pay” is authorized or unauthorized time off from work, in a non-paid status. (Examples of leave of absence without pay are sick leave without pay and educational leave.)

35. “Management, Administrative and Professional Personnel System” (“MAPPS”) is the plan adopted by the Board of County Commissioners that provides for a separate compensation and fringe benefits system for certain Positions designated by the Board of County Commissioners.

36. “Medical Layoff” is a type of layoff when a serious health condition prevents an employee from performing the essential duties of their position and the employee has exhausted state and federal protected leave benefits; or when a qualified disability prevents the employee from performing assigned duties and reasonable accommodation cannot be made.

37. “Official Personnel File” is the employee file maintained by the Human Resources Division.

38. “Overtime” is, generally, all hours worked in excess of forty (40) hours per workweek except as otherwise provided for in these rules and applicable collective bargaining agreements. (For a more complete definition, see Section 3.8.)

39. “Part-time” is a regular work schedule of less than 40 hours per week, or less than 2080 hours per year.

40. Payroll Period” is a designated bi-weekly period for which an employee receives compensation.

41. “Personnel Action” is any action taken with reference to Appointment, compensation, Promotion, transfer, Layoff, Dismissal, or any other action affecting status of employment.

42. “Personnel Ordinance” is the Washington County Code Chapter 2.32.

43. “Position” is a group of related duties and responsibilities assigned by the hiring authority to be done by an employee(s). Positions are budgetary units that may be full-time or part-time.

44. “Position Transfer” is the Appointment of an employee to a different Position but in the same Classification as the Position presently held by the employee. (An example is an Administrative Specialist II in Support Services transferring to an Administrative Specialist II Position in County Counsel.)

45. “Probationary Status” is that status to which an employee has been appointed from an appropriate Eligible List and is serving either an Initial Probationary Period or a Career Probationary Period.

46. “Promotion” is the movement of an employee from a Position in one Class to a Position in another Class having a higher maximum salary rate.

47. “Qualified Payroll Period” generally is a Payroll Period in which the employee has not had more than one (1) Work Day in unpaid status except as otherwise provided in these Rules and Regulations. [Cf. Definition #61.]

48. “Recall” is the return to work from Layoff status.

49. “Reclassification” is the reassignment or allocation of a position(s) to a different classification as a result of a classification analysis conducted by the Human Resources Division.

50. “Re-employment” means, generally, the Appointment, within one-year of separation, of a former employee who has served at least twelve (12) months in a “Regular Position” to the same Classification as previously held. [See also Sections 4.4.1(c), 4.5.7 and 7.2.4.]

51. “Referral List” is the list of names referred (or certified) from an Eligible List to an Appointing Authority for consideration in filling a specific Classified Position vacancy.

52. “Regular Position” is a Position with a work schedule of 20 or more hours per week for an anticipated continuous duration of thirteen (13) Payroll Periods or more which has been specifically allocated in the County Position and Salary Report.

53. “Reinstatement” is the act of appointing or returning an employee to the Classification previously held pursuant to an order of the Board of County Commissioners, Civil Service Commission, County Administrator, or a court of competent jurisdiction in accordance with federal, state or county law, rule or regulation.

54. “Resignation” is the act of an employee submitting oral or written notice to separate from County employment.

55. “Salary Demotion” is the reduction of the salary of an employee to a lower step in their salary range. [Cf. “Class Demotion”, 1.2 (13) above.]

56. “Spousal Equivalent” is an adult partner of an employee (of the same or opposite gender) who has an ongoing and committed spouse-like relationship with the employee.

57. “Step Increase” is an increase from one step to the next higher step within the established salary range for the Class or Position when the employee’s performance meets overall job requirements as determined by the Appointing Authority.

58. “Temporary Position” is an at-will Position whose anticipated duration is twelve months or less; or whose work schedule is less than 20 hours per week on a regular basis; includes Extra-Help Positions; does not include those Positions working less than 20 hours per week in Job Share Positions.

59. “Temporary Salary Reduction” is the reduction of an employee’s salary by one or more steps within their current range as a form of disciplinary action. [See Section 5.2.4.]

60. “Termination” is the act of discharging from employment an Unclassified, Civil Service Exempt or Probationary employee. [Cf. “Dismissal” 1.2 (19); “Layoff’ 1.2 (31).]

61. “Unclassified Position” is an at-will Position that, by code, is not included in the classified service but has not been specifically exempted by the Board of County Commissioners. [WCC, 2.32.020.]

62. “Voluntary Demotion” is a Class Demotion voluntarily requested by an employee.

63. "Work Day" is the number of hours an employee is regularly scheduled to work.

64. “Y-Rating” is the placement of an employee at a pay rate above the salary range of the new Classification. The Y-rated amount shall be no more than 10 percent higher than the top of the salary range. No raises or Cost of Living increases shall be awarded the employee until the Y-rated amount is equal to or lower than the top of the pay range for the classification. Once the top of the range is greater than the Y-rated amount, the employee shall be paid at the top of the range and is no longer considered Y-rated. [See also Section 3.5.3.]

1.3 Organization of Personnel Administration

1.3.1 Generally:

1) Responsibility of the County Administrator:

   a. The County Administrator has the authority to administer and is responsible for administering the Personnel Ordinance and these Rules and Regulations. This includes the authority to implement programs or procedures designed to reduce or adjust costs related to personnel administration.

   b. The County Administrator, pursuant to his/her appellate or review authority in the Personnel Rules and Regulations, has the authority to impose any and all remedial measures necessary and required under good management practices, including but not limited to reinstatement, reassignment, back pay or other monetary remedy up to $25,000, or any other just action [WCC 2.04.100].

2) Responsibility of the Human Resources Manager:

   a. The Human Resources Manager shall be responsible to the County Administrator for dissemination, notice and compliance with the Personnel Ordinance and these Rules and Regulations to and by all County employees.

b. The Human Resources Manager shall report to the County Administrator on the day-to-day personnel administration of the County.

c. The Human Resources Manager shall also be responsible to the County Administrator for interpretation and methods of administration of the Personnel Ordinance and these Rules and Regulations.

1.3.2 Salary Administration:

1) Each Appointing Authority shall report to the Human Resources Manager such information as is required for the purposes of assuring that all employees are paid in accordance with the Personnel Rules and Regulations.

2) Written certification by each Appointing Authority accompanying any payroll shall constitute an official report that services for which payment is to be made have been performed and that funds are available and allocated for that purpose.

1.3.3 Attendance Records:

1) Each Appointing Authority shall report to the Human Resources Manager such information as is required to assure that all persons have been appointed and are employed in accordance with the Personnel Rules and Regulations.

2) The County shall keep and maintain a record of employee attendance on official duty, including all leaves with or without pay. These records shall be available for review to each Appointing Authority.

3) Employees are permitted to inspect their own attendance records.

1.3.4 Roster:

The Human Resources Division shall establish and maintain a roster of all employees, documenting each employee's Class title, salary rate, date of employment and such other relevant employment data.

1.3.5 Other Reports to the Human Resources Division:

1) Every Appointment, transfer, Promotion, Demotion, Dismissal, Suspension, Termination, performance assessment, change of salary rate, leave of absence without pay of more than one Work Day, and other temporary or permanent change of status of County employees shall be reported to the Human Resources Division in writing on such forms as may be required.

2) All employees are required to report to the Human Resources Division, via their department, any change in home address or telephone number.

1.3.6 Personnel Records:

1) <u>Official Personnel Files</u>

(a) <u>Contents:</u> An employee's Official Personnel File will generally contain those documents relevant to their employment history with Washington County such as materials used to determine the employee's qualification for employment or promotion, additional compensation, position movement, or notices of disciplinary action, employment termination, and separation.

With the Human Resources Manager's approval, an employee may submit for inclusion in their Official Personnel File letters of commendation, training certifications, educational or other documents relevant to their employment.

(b) Exclusions: An employee's Official Personnel File shall not contain (i) medical records; (ii) conviction records, arrest records or records of investigation of criminal conduct; (iii) confidential reports from previous employers;(iv) information related to the employee's citizenship or immigration status, including the I-9 form, or (v) other matters that are excluded by federal or state laws. All medical information shall be kept in a separate file and shall be regulated as prescribed by law, including the Americans with Disabilities Act.

(c) Employee Notice: No information reflecting critically on the performance of an employee shall be placed in the employee's personnel file unless the employee is notified.

(d) Employee Access: An employee may review the material in his/her Official Personnel File and make copies of the materials, subject to reasonable copy charges.

(e) Employee's Right to Respond: An employee may respond in writing to any material in his/her Official Personnel File and the response shall become a part of the file.

Other Access to Personnel File: An employee's Official Personnel File may be reviewed by supervisory or management personnel or similar authority with the prior approval of the Human Resources Manager. Review by supervisory or management personnel must be related to the function of that authority or to legitimate County business, and may include review for the purposes of consideration of the employee as a finalist for Appointment to any County department. An Official Personnel File, or portions thereof, may be subject to disclosure as provided by the Oregon Public Records laws.

1.4 Suspension of the Personnel Rules and Regulations

1.4.1 County Administrator Has Authority:

The County Administrator has the authority to suspend these Personnel Rules and Regulations when done in compliance with the rules and procedures below.

1.4.2 Basis for Suspension:

The County Administrator must make a finding that a specific provision of the Personnel Rules and Regulations in a specific situation would create an undue hardship on the efficient operation of County government.

1.4.3 Interim Procedure and Rule:

The decision to suspend the Rule and/or Regulation shall provide for a procedure and/or rules to be utilized during the period of suspension. The decision shall state the Rule and/or Regulation being suspended, the duration of suspension, and the basis for the decision.

1.4.4 Maximum Duration for the Suspension of a Rule:
The suspension shall terminate at the end of the period covered in the finding of the County Administrator, but in no case shall the rule be suspended for more than ninety (90) days.

1.4.5 Notice of Suspension:
The County Administrator shall notify the Board of Commissioners of any suspension of the Rules and Regulations and shall post notice of the suspension on bulletin boards of the County.

1.5 Remedial Authority of the County Administrator

1.5.1. Authority to Effectuate Orders:
Notwithstanding any other provision of these Rules and Regulations, the County Administrator is authorized to take whatever remedial steps are necessary to effectuate an order of the Civil Service Commission, arbitrator, mediator, court, or other agreed upon decision-maker in a disputed case.

1.5.2. Authority to Take Necessary Remedial Steps:
Notwithstanding any other provision of these Rules and Regulations, the County Administrator is authorized to take whatever reasonable remedial steps are necessary to settle a disputed matter, conform to legal requirements outside of these Rules and Regulations or resolve an unintended consequence of strict application of these Rules and Regulations when such action is necessary to minimize potential liability or is in the best interests of the County. The County Administrator shall first consult with County Counsel. Remedial steps may include, but are not limited to, reinstatement, payment of back wages, granting leave or transferring an employee. Nothing herein shall be construed as imposing any obligation to take a remedial step.

ARTICLE 2.

THE CLASSIFICATION PLAN

Applicability: This Article applies to all employees in Classified Positions; all employees in Unclassified Positions, except 2.4; and all employees in Civil Service Exempt Positions, except 2.4.

Reference: Washington County Code 2.32, Appendix. I, Sec. 16; ORS 241.2 15

Statement of Purpose

The purpose of the classification plan is to provide a structure that groups related County positions into common job titles. It establishes a consistent and uniform in methodology for classifying jobs and allocating Positions across Washington County. This system is intended to support and facilitate understanding between employees and their supervisors regarding job expectations, provide consistent entrance qualifications, and a structure to encourage equitable compensation of similar work.

2.1 Preparation and Revision of Classification Plan

2.1.1 Human Resources Manager's Duty:

1) The Human Resources Manager shall classify all positions and prepare, revise, add, or abolish classifications.

2) The classification plan shall be prepared and maintained in consultation with supervisors and, at the discretion of the Human Resources Manager, other persons who are technically familiar with the character of the work.

2.1.2 Plan Contents:
The classification plan will consist of a Class Specification or definition for each group of similar Position(s) and the procedures for maintaining the plan.

2.2 Class Specifications

The following describes the purpose and use of Class Specifications:

2.2.1 Descriptive of Job:
Class Specifications are descriptive only. They are not restrictive and do not prescribe every duty of any Position. They do not limit the ability of the Appointing Authority to assign work.

2.2.2 Essential Job Duties:
The part of the Class Specification that identifies specific duties critical to job performance.

2.2.3 Distinguishing Features:
The part of the Class Specification that describes characteristics of work distinguishing it from other classifications. Distinguishing features include the difficulty and complexity of the work, the kind and weight of supervision received and exercised, and the nature of the responsibilities.

2.2.4 Minimum Qualifications:
The part of the Class Specification identified as knowledge, skills and abilities and supported by experiences and training. The minimum qualifications are those demonstrated qualifications required to perform the work upon entry to the classification.

2.2.5 Additional Requirements:
A Class Specification may include additional requirements determined to be necessary for the best interests of the County in a particular Class. These additional requirements may include possession of a valid motor vehicle operator's license, physical ability, or other bona fide qualifications pertinent to the Position(s) covered by the Class Specification.

2.2.6 Temporary Assignments of Work:
Nothing in the Class Specification is to be interpreted as restricting a supervisor in assigning the employee of one Class to perform some of the duties of a higher Class or lower Class for a limited period of time. Accepting assignment to perform work of a higher Class or lower Class for a limited period is a requirement of work in all Classes. [See also Section 3.11.]

2.2.7 Use of Titles:

1) Official Title: The Class title designated in the Classification Specification shall be the official title of every Position allocated to the Classification for the purpose of Personnel Actions.

2) Use of Official Title: The official Class title shall be used on all payrolls, budget estimates, and official records and reports relating to the Position.

3) Working Title: Any other title authorized by the Appointing Authority may be used as a designation of any Position for the purposes of internal administration or in contacts with the public.

2.3 Allocation of Positions

2.3.1 Allocation to Classification Plan:
Each Position shall be allocated by the Human Resources Manager to one of the Classes in the approved Classification Plan.

2.3.2 Determination of Allocation:
In determining the Allocation of any Position to a Class, the Classification Specification shall be considered as a whole by comparing the overall duties, responsibilities, minimum qualifications and relationships to other Positions.

2.3.3 New Positions:

1) New Position Request: the Appointing Authority shall submit to the County Administrator a comprehensive statement containing the justification for the Position and a description of the proposed duties and responsibilities.

2) County Administrator to Approve: The County Administrator shall review the requested position and either deny or forward the request to the Human Resources Manager for review.

3) Allocation of New Position: After evaluation by the Human Resources Manager, the Position shall be allocated to the appropriate Class in the Classification plan. If the Human Resources Manager determines none of the existing Classes is appropriate, a new Class Specification shall be prepared as provided in Sections 2.1, 2.2 and 2.3 of this Article.

4) Filling of New Positions: No new Position shall be filled until:

   a. The Position has been created;

   b. The Position and Salary Report has been approved by the County Administrator and amended by the Board of Commissioners; and

   c. The position is either allocated to a Class Specification, or is approved by the Human Resources Manager if the new position is Unclassified.

2.3.4 Effect of Position Classification Change (Reclassification) on Incumbents:

1) When a Position is reclassified, the incumbent employee will be assigned to the Position without examination, provided the incumbent employee possesses a combination of experience and training that would provide the knowledge, skills, and abilities to perform the essential duties of the new classification.

2) If the incumbent employee of a reclassified position does not possess the knowledge, skills, and abilities to perform the essential duties of the new classification, the Appointing Authority, with approval from Human Resources, may choose to open recruitment. In such cases, section 4.9 Layoff shall apply to the incumbent employee.

3) The effective date of a reclassification is the first day of the pay period following the day the position reclassification was approved by Human Resources; or the first day of the pay period following the approval of salary through the Board of County Commissioners. Employees shall be notified of the Allocation of their Positions.

4) Effect on employee pay:

   a. When assigned to a classification with a higher salary range it will be considered a promotion and the employee's salary shall be adjusted according to section 3.5.2.(1)

   b. When assigned to a classification with the same salary range, the employee will retain their current salary rate.

c. When assigned to a classification with a lower salary range, the employee's salary shall be adjusted to the step or rate in the pay range closest to his or her current rate without a reduction in pay, or be "Y-rated".

5) Effect on probationary status and anniversary date:

a. In cases of reclassification resulting from a significant change in duties:

1. If an employee is allocated to a higher salary range, the date of the allocation will establish a new anniversary date and the employee shall serve a career probationary period.

2. If an employee is allocated to a lower salary range, the employee will be appointed with career status in the new classification provided the employee had achieved career status in the previous classification. The employee's anniversary date shall remain the same.

b. In situations of reclassification due to classification plan revision without a significant change in the employee's assigned job duties, or the employee has performed the full scope of duties with satisfactory performance for greater than 26 pay periods, then the following shall apply:

1. The employee will be appointed with career status in the new classification provided the employee had achieved career status in the previous classification; and

2. The employee's anniversary date shall remain the same.

2.4 Appeal of Classification Allocation

Any Appointing Authority or employee holding a Classified Position directly affected by a classification allocation may file a written appeal with the Civil Service Commission. The appeal must be filed in writing with the Human Resources Manager not later than ten (10) working days following receipt of a Notice of Classification Allocation. All Classification Allocation Appeals shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals. The standard of review for a Classification Allocation Appeal shall be whether or not the classification allocation decision was made in conformance with the requirements of Article 2 of the Washington County Revised Personnel Rules and Regulations.

2.5 Flexibly Staffed Classifications

2.5.1 Purpose of Flexibly Staffed Classification:

Flexible staffing provides the Appointing Authority with the option of filling a position at either the entry or journey level. (Refer to Rule 4.4.2) The employee hired at entry level receives on-the-job training and gradually gains the skills to successfully work at the next level of the classification series. The successful on-the-job demonstration of the employee's ability to work at the journey level serves as the promotional process.

2.5.2 Criteria for Flexible Staffing:

The Human Resources Manager shall designate classifications appropriate for flexible staffing. Pre-designated classifications must contain a statement on the

classification specification that they are part of a flexibly staffed classification series. The following criteria shall be followed for flexible staffing:

1) The lower level classification must be entry-level, requiring limited job skills, while the higher level classification must be the full journey or working level in the series.

2) Classifications describing work of an advanced level (e.g. senior level), and classifications that include lead or supervisory duties shall not be flexibly staffed.

3) The duties of the classifications should be of the same type permitting the various tasks to be assigned incrementally with employees at the entry level classification initially assigned a limited range of duties, under close supervision.

4) When filling positions at the entry level in the class series, the Appointing Authority shall provide employees with training and experience to develop the necessary knowledge and skills to reach the journey level. Typically, employees would be at the entry level from 6-24 months.

5) Upon successfully demonstrating competence at the journey level, and meeting the minimum qualification standards for the journey classification, the Appointing Authority shall request the Human Resources Manager to reclassify the employee to the journey classification. Rule 2.3.4 effect of classification change on incumbent employees shall apply.

ARTICLE 3.

COMPENSATION

Applicability: This Article applies to all employees in Classified and Unclassified Positions; and all employees in Civil Service Exempt Positions, except 3.5.1 (l), 3.5.3, 3.6.1, 3.8.1, 3.8.2, 3.8.3 and 3.9.

Reference: Washington County Code, 2.04.100(J), 2.32.060, Appendix. I, Sec. 16; Washington County Charter, Chapter VII, Sec. 72

Statement of Philosophy

The philosophy and objectives of our compensation system demonstrate the honor and value we place on working in public service. Accordingly, Washington County promotes a compensation system that:

- Attracts and retains exceptional employees;
- Promotes organizational effectiveness;
- Celebrates diversity with equitable pay and benefits;
- Complies with local, state, and federal laws and regulations; and
- Maintains public trust in the County's financial stewardship.

3.1 Preparation and Adoption of the Pay Plan

3.1.1 Preparation:
In consultation with the County Administrator, the Human Resources Manager shall prepare a Pay Plan.

3.1.2 Adoption:
Each year the Pay Plan shall be recommended to the Board of County Commissioners for adoption.

3.1.3 Content of Pay Plan:

1) All Salaries: The Pay Plan shall include all salaries established through collective bargaining as well as salaries for non-bargaining unit personnel.

2) Salary Range: The Pay Plan shall include for each Classification a minimum and maximum rate and such intermediate rates as are considered necessary and equitable. The salary range assigned to each Classification shall fairly reflect the differences in the duties and responsibilities between it and other Classifications in the County. It shall take into account such factors as rates paid by other employers for comparable work, the County's financial condition and policies, unusual problems of recruitment, turnover and any other relevant factors.

3) Flat Rates as Alternative to Pay Range: Flat rates may be used instead of salary ranges where appropriate.

3.2 Position and Salary Report

3.2.1 Content of Position and Salary Report:

The Position and Salary Report designates the status of all approved Positions as being in the classified, unclassified or exempt service.

3.2.2 Preparation:

The County Administrator is responsible for drafting the Position and Salary Report.

3.2.3 Monitoring Compliance:

The Human Resources Manager shall implement and maintain control measures to ensure compliance with the limitation on the number of Positions allowed by the Position and Salary Report. These measures shall also monitor compliance with the amount of compensation paid to each Position. No department, division or office of the County may exceed the number of Positions allowed by the Position and Salary Report, nor shall any department, division or office pay any Position contrary to any County compensation provisions.

3.2.4 Position Reduction:

The Appointing Authority, with County Administrator approval, may reduce the full time equivalent (FTE) of a position, or implement other position and salary adjustment measures to effectively manage budgetary and program goals.

3.3 Administration of the Salary Schedule

Where the compensation for a Classification, as specified in the Position and Salary Report, is based on a salary range, the following rules shall govern the use of the range.

3.3.1 Rates of Pay:

Each employee shall be paid at one of the steps within the range designated for the Classification.

3.3.2 Beginning Salary:

Normally an employee will be appointed at the first step of the range established for the Classification. An Appointing Authority may request in writing that the County Administrator approve an Appointment at a step higher than the first step. The County Administrator shall review the request and make a decision based upon the availability of applicants with the qualifications for the vacant Position, qualifications of all available applicants, the prior experience of the candidate in a comparable Position, the time available to continue the recruitment process, and availability of budgeted and sustainable funds.

3.3.3 Re-employment:

Upon Re-employment, an employee may be paid at or below the step at which the employee was being paid at the time of separation from employment, at the discretion of the Appointing Authority.

3.3.4 Reinstatement:

1) Rate of Pay: Upon Reinstatement, the employee shall be paid:

   a. The same step in the salary range that the employee was being paid at the time of separation, or

b. The salary specified by the body that directed the Reinstatement

2) Anniversary Date: The employee's Anniversary Date shall remain the same, unless otherwise directed by the terms of the Reinstatement.

3.3.5 Rate of Pay upon Recall from Layoff:
When an individual is recalled from a Layoff 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 the employee was being paid at the time of Layoff.

3.3.6 Temporary and Provisional Employees:
The pay for Temporary and provisional employees shall be based on the pay for Full-time employees in the same Classification (except benefits).

3.4 Qualified Payroll Periods

3.4.1 Generally:
Except as provided below and in Sections 6.3.2, 7.1.3 and 7.4.2, an employee must be in paid status for not less than 90% of the employee's regularly scheduled hours for the Payroll Period to be considered qualified.

3.4.2 Exceptions:

1) An employee initially appointed to a regular position in Washington County will be credited with the first Payroll Period provided the new employee works at least half of the regularly scheduled work days in the payroll period that includes the Initial Appointment.

2) The County Administrator shall have the authority to grant qualified pay period(s) that would ordinarily be restricted by section 3.4.1 if it is determined to be is in the best interest of the County to do so.

3) Any Payroll Period in which an employee is designated as suspended without pay for any period of time shall not be a Qualified Payroll Period. [See Section 5.2.3 (3).]

4) Time served in a Temporary Position prior to Appointment to a regular County Position shall not be counted as Qualified Payroll Periods.

3.5 Salary Adjustments

3.5.1 Annual Merit Increases:

1) Non-MAPPS (Management, Administrative and Professional Personnel System) Employees:

a. Generally, a non-MAPPS employee in a Classification with a salary range that has predetermined steps who has met the overall job requirements with satisfactory performance as determined by the Appointing Authority may be granted an increase to the next succeeding step in the salary range.

b. Such salary Step Increases may occur at the completion of twenty-six (26) Qualified Payroll Periods from the employee's Anniversary Date, until the employee has reached the highest step of the salary range for the Classification.

2) MAPPS Employees: When an employee is designated by the Board of County Commissioners as in the Management, Administrative and Professional Personnel System, the employee may be considered for at least one salary adjustment every twenty-six (26) Payroll Periods. The salary adjustment shall be set at any point within the salary range. MAPPS employees shall receive a salary adjustment only after a performance assessment is completed.

3) Employees on Military Reserve Leave: Regular employees who are members of an armed forces reserve program and who are called up to active duty or annual training will not have their salary/Step Increase eligibility affected by the military leave of absence.

3.5.2 Promotions:

Definition of "Regularly Assigned Salary:" For the purposes of this section and Section 3.5.3, "regularly assigned salary" means the rate or step in the range of the Classification to which the employee's Position is allocated in the financial system.

"Regularly assigned salary" does not include higher class pay assignments or other temporary assignments reflecting a higher salary.

1) Generally: An employee who is promoted shall receive an increase to the hourly rate or step in the new range that is closest to a five (5) percent increase, but is not less than three (3) percent above the employee's regularly assigned salary immediately prior to the date of Promotion.

2) Exceptions: An Appointing Authority may request in writing that the County Administrator approve a Promotion at a higher rate within the new range. The County Administrator shall review the matter and give consideration to the qualifications, prior experience of the candidate, the County budget, and any other relevant factors. The County Administrator's decision is final.

3.5.3 Demotions:

1) Voluntary Classification Demotion and Demotion in Lieu of Layoff: When a voluntary classification demotion or demotion in lieu of layoff occurs the employee's salary shall be set at the step or hourly rate within the salary range of the lower Classification closest to the employee's current regularly assigned salary. The new salary may not be greater than the employee's regularly assigned salary prior to the demotion.

2) Involuntary Demotion and Demotion from Career Probation: Upon an involuntary demotion or a demotion from Career Probation, the Appointing Authority shall designate a salary for the employee that is one of the steps on the salary range of the lower classification that is not greater than the employee's regularly assigned salary prior to the demotion.

3) Anniversary Date: An employee's Anniversary Date shall not change when a voluntary demotion occurs. For involuntary demotions or demotion from Career Probation, an employee's Anniversary Date shall be changed to the effective date of the demotion.

4) Other Situations of Demotion: In situations of demotion not described above, provided the demotion is through no fault of the employee, the County Administrator may approve "Y" rating. The Appointing Authority must make such a request in writing to the County Administrator. The County Administrator shall review all relevant factors including, but not limited to, the reasons for the demotion, salary range adjustments, and past performance assessments. The County Administrator's decision shall be final.

3.5.4 Transfers:

1) Position Transfer: When an employee transfers to a different position in the same classification, the employee retains the same pay, performance evaluation and salary increase date, and Anniversary Date.

2) Classification Transfer: When an employee transfers to a Position in a different Classification with the same pay range, the employee's pay remains the same. [See Section 4.6.4, Career Probationary Periods.]

3.6 Range Adjustments

3.6.1 Classifications in the Non-Represented Pay Plan:

1) New Salary Range: When the pay range of a classification is changed to a new range, the employee's pay shall be adjusted to an equivalent step in the new pay range.

2) General Increase to the Current Salary Range: When a general increase is applied to a pay range of a classification (i.e., COLA), employees shall retain their current step and receive the general increase.

3.6.2 Classifications in the MAPPS Pay Plan:

1) New Salary Range: When a classification in the MAPPS pay plan is assigned a new salary range, the method of adjusting the pay for a MAPPS employee shall be determined by the County Administrator, but in no event shall the employee receive less than their current pay prior to the adjustment.

2) General Increase to the Current Salary Range: When a general increase is applied to the pay range of a classification in the MAPPS pay plan (i.e., COLA), employees shall retain at least an equivalent pay position within the current range and receive the general increase.

3.7 Payment of Salary

3.7.1 Non-Exempt:
Employees who are overtime eligible under the Fair Labor
Standards Act shall be paid on the basis of the actual number of hours worked, including authorized absences with pay.

3.7.2 Deputy Medical Examiners:
Employees occupying Deputy Medical Examiner positions shall be paid based on the number of annual on- duty hours, including authorized absences with pay.

3.8 Overtime (Section 3.8 is only applicable to FLSA covered employees)

3.8.1 Definition of Overtime:

1) Generally: Overtime shall be considered as time worked in excess of forty (40) hours per week.

2) Calculation of Hours Worked: For purposes of determining Overtime pay, hours worked shall include vacation, holiday, compensatory time, sick leave, or any other paid leave taken during the week for which Overtime pay is being calculated.

3) Modification of Work Schedule: With the employee's consent, an employee's schedule may be modified temporarily, for the purpose of avoiding payment of Overtime without notice otherwise required under Section 6.1.2.

4) Calculation of Hours Worked for Deputy Medical Examiners: For the purpose of determining overtime pay for employees occupying Deputy Medical Examiner positions, overtime calculations shall be based on actual hours worked, excluding authorized absences with pay.

5) Calculation of Hours Worked for Law Enforcement Personnel: Overtime for employees engaged in law enforcement activities shall be calculated in accordance with section 207(k) of the Fair Labor Standards Act and in agreement with the regular workweek established by the Appointing Authority.

3.8.2 Authorization of Overtime:

All Overtime shall be approved by the employee's supervisor, in advance of being worked; however, in the case of emergencies, the employee shall notify the supervisor as soon as possible of the need to work Overtime.

3.8.3 Overtime Compensation:

1) Eligibility for Overtime Compensation**:** Only employees who are covered by the overtime provisions of the Fair Labor Standards Act are eligible for Overtime Compensation.

2) Overtime Rate: The rate of compensation for Overtime worked shall be one and one-half times the employee's rate of pay. At the discretion of the Appointing Authority, compensation may be in the form of cash payment or Compensatory Time, subject to the limits of Section 3.9.

3.9 Accrual of Compensatory Time (Section 3.9 is applicable only to FLSA covered employees)

3.9.1. Compensatory Time in Lieu of Overtime Pay:

Compensatory Time earned as compensation for overtime in accordance with Section 3.8.3, shall be allowed to accrue to a maximum of 40 hours. The Appointing Authority will decide whether to pay the employee with Compensatory Time in lieu of overtime pay. When the maximum accumulation of Compensatory Time is reached, all subsequent Overtime shall be paid at the Overtime rate. Compensatory time earned in lieu of overtime shall be administered pursuant to the requirements of the Fair Labor Standards Act.

3.9.2. Compensatory Time for Holiday Work or On-call :
Compensatory time earned as compensation for working on a holiday, for call back (Section 6.6), or for on-call in accordance with Section 6.5 or Section 7.1.6 shall be allowed to accrue to a maximum of 80 hours. When the maximum accumulation of compensatory time is reached all subsequent holiday work, call back, or on-call hours shall be paid at the applicable rate.

3.9.3. Compensatory Time for Employees of the Fair Complex:
Employees of the Washington County Fair Complex may earn compensatory time as described above. In addition, for the period beginning eight (8) weeks prior to the last day of the annual County Fair, Fair Complex employees may have their maximum compensatory time allowed raised to one hundred-twenty (120) hours. Any compensatory time earned during the above-noted eight (8) week period must be used within the same calendar year it is earned, or those hours must be paid out to the employee within the same calendar year they are earned.

3.9.4. Impact on Qualified Pay Periods:
Time worked as Overtime shall not be used in the calculation of Qualified Pay Periods.

3.10 Annual Compensation Review

3.10.1 Responsibility of the Human Resources Manager:
Prior to the adoption of the budget each year, the Human Resources Manager shall submit a recommended compensation plan covering all non-bargaining unit County employees to the County Administrator for consideration by the Board of County Commissioners.

3.10.2 Board of Commissioners Review and Adjustment:
The Board of Commissioners may provide for a general salary adjustment to the annual compensation plan and this shall be distinguished from Step Increases and MAPPS salary increases.

3.11 Higher Class Pay

3.11.1 Eligibility:
Unless provided differently under collective bargaining agreement, an employee shall be eligible for higher Classification pay from the first day of the assignment under the following circumstances:

1) Higher Classification Duties: An employee is assigned responsibility for performing the full range of duties of a Classification with a higher salary level than that in which the employee is regularly employed, for a minimum of ten (10) consecutive days or the equivalent number of work hours.

2) Additional Supervisory Duties: An employee is assigned the added responsibility for supervision of a work unit beyond what would be included in the regular duties of the employee for a minimum of ten (10) consecutive days or the equivalent number of work hours.

   No minimum days are required for an employee who assumes supervisory responsibility for a “shift” in a 24/7 facility.

3) Employees will not receive higher class pay when receiving on-the-job training or career development assignments.

3.11.2 Maximum Duration:

Higher Class Work assignments exceeding one hundred and twenty (120) days in duration must be approved by the County Administrator.

3.11.3 Amount of Pay:

Employees meeting the above criteria shall be eligible for one of two levels of higher Class pay, to be determined by the Appointing Authority, and may be subject to additional considerations:

1) For performance of duties reflecting the full range of duties of the higher Classification, the employee shall be paid within that higher range. Assignment within the salary range will be the step closest to a five percent (5%) but not less than a three percent (3%) increase above the employee's regularly assigned salary.

2) For performance of duties limited to the addition of supervisory responsibilities, the employee shall receive an additional five percent (5%) pay.

3) Higher Class pay does not apply when supervision or other newly assigned duties are described in the current Class Specification for the employee's Position.

4) Should extraordinary circumstances exist where an Appointing Authority believes an employee should be awarded higher Class pay and the circumstances do not meet the above criteria, the Appointing Authority may submit in writing to the County Administrator a request and justification for an exception to the above provisions. The County Administrator's decision shall be final.

3.11.4 Accrual of Leaves during Higher Class Pay Assignment:

During a higher Class pay assignment, an employee's work day shall be based on the requirements of the higher Class. The employee shall accrue vacation and sick leave based on the number of hours per day that the employee is scheduled to work during the higher Class pay assignment. Employees shall retain the rights and limitations afforded them under the Personnel Rules and Regulations and any applicable collective bargaining agreement, based on their regularly assigned Classification. For the purposes of this Section, regularly assigned Classification means the Classification to which the employee's Position is allocated in the department budget.

3.11.5 Use of Leaves During Higher Class Pay Assignment:

Any employee assigned a higher Class pay assignment who uses paid leave shall be compensated for that leave at the higher rate when the higher Class pay assignment is expected to continue upon the employee's return. The amount of paid leave earned shall be based on the same number of hours per week that the employee is scheduled to work during the higher Class pay assignment.

ARTICLE 4.
RECRUITMENT, EXAMINATION, APPOINTMENT AND PERSONNEL CHANGES

Applicability: This Article applies to all employees in Classified Positions; all employees in Unclassified Positions, only as to 4.5.5, 4.5.8, and 4.9: and all employees in Civil Service Exempt Positions, only as to 4.9.

Statement of Philosophy:

Washington County's success is dependent upon the collective efforts of its employees. To that end, the County will make every effort to attract, motivate and retain a high performing and diverse workforce. Further, we recognize the importance of providing a system of equitable and uniform procedures for addressing recruitment and selection issues. In light of these principles, and within the context of the following guidelines, Washington County strives to address recruitment related issues with fairness, innovation, flexibility, and creativity while developing a premier workforce.

4.1 Announcements and Application

4.1.1 Determination to Recruit for a Position:
The Human Resources Manager, in consultation with the Appointing Authority, shall determine when a position shall be opened for recruitment.

4.1.2 Announcements and Recruiting:

1) When Made: Public announcements of all recruitments shall be made at least fourteen (14) calendar days in advance of the final closing date for the receipt of applications. Such notice shall be made by the Human Resources Manager, who, with the cooperation of the Appointing Authority, shall make efforts to attract a diverse and qualified pool of applicants.

2) Posting of County-Only Examinations: Notice of a County-Only Examination shall be made by posting an announcement on bulletin boards within county buildings or posting on the county's intranet site.

3) Contents of Announcements: Announcements of recruitments shall specify the title and salary range or rate of pay for the classification, a summary of the classification duties, the minimum requirements as listed in the class specification, the final date on which applications will be accepted and the examination process.

4.1.3 Filing Applications:
All applications shall be properly completed on forms prescribed by the Human Resources Manager. Application materials must be received by the Department of Support Services/Human Resources Division of the county on the last date for filing as given in the recruitment announcement. If mailed, applications must be postmarked on or before the closing date.

4.2 Examinations

4.2.1 Preparing and Conducting Examinations:

The Human Resources Manager, in coordination with the Appointing Authority, shall prepare and approve all parts of the examination process including, supplemental application materials, interview questions, rating criteria, final scores, and pass points.

4.2.2 Form of Examinations:

1) Examinations shall be competitive and shall be of such form and type deemed appropriate in the judgment of the Human Resources Manager.

2) Examinations shall be job related and based on criteria consistent with the Classification Specification for the Position.

3) Examinations may include but are not limited to one or more of the following:

   a. Written test;
   b. Evaluation of relevant qualifications of applicants from information submitted on application and/or supplemental application materials;
   c. Performance test;
   d. Oral board Examination; or
   e. Physical ability test.

4.2.3 Grading Examinations:

1) The Human Resources Manager shall oversee the evaluation of each applicant's examination, computed in accordance with the criteria established for each part of the examination.

2) Failure in any part of the examination process may disqualify an applicant from further consideration for the position for which the applicant applied.

3) All applicants for employment for the same position shall be accorded uniform and equal treatment in all phases of the examination process.

4.2.4 Examination Results:

No examination shall be deemed to have been completed until the grades have been determined and the Eligible List established. All candidates shall be mailed a written notification of their results in the examination process following the establishment of the Eligible List.

4.2.5 Inspection and Review of Examination Papers:

Applicants competing in an examination process may inspect their own examination papers and score computations within ten (10) calendar days of the postmark date of the notification of their grade. Applicants may contact the Human Resources Division to schedule this review. Scoring keys and results of other employment applicants shall not be reviewed by any applicant.

4.2.6 Request for Reconsideration of Examination Ratings:

1) Any applicant who has been disqualified from an examination process, or who has taken an examination may make written request to the Human Resources

Manager to reconsider the applicant's qualifications or to review any part of an examination to assure that reasonably uniform scoring/rating procedures have been applied equally and fairly.

2) Such requests for reconsideration must state the reasons for the request and must be submitted to the Human Resources Manager within five (5) working days of the postmark date of the notification of disqualification or Examination results.

3) The decision of the Human Resources Manager with respect to a review or change shall be in writing and shall be final. A rating in any part of an Examination shall not be changed unless the foregoing conditions have been met and unless the Human Resources Manager finds that an error has been made.

4) A correction in the rating shall not affect a referral or Appointment already made from the Eligible List.

4.2.7 Special Examinations:

1) If the Human Resources Manager finds that an applicant has failed to take or complete any part of the examination process because of an error or oversight that is the fault of the County, a special examination may be given.

2) The request for such an examination shall be presented in writing to the Human Resources Manager within ten (10) calendar days of the date of the original examination. A special examination shall not affect a referral or Appointment already made from the Eligible List.

4.2.8 Continuously Open Recruitments:

Continuously open recruitments may be held for positions in the County where vacancies are frequent or for other appropriate reasons as determined by the Human Resources Manager. At any time after ten (10) working days following the commencement of a continuously open recruitment, the Human Resources Manager, in consultation with the hiring department, may elect to close a continuously open recruitment. Applicants shall be allowed to test for the same open continuous examination only once every six months.

4.2.9 County-Only Recruitments:

When the Appointing Authority believes there is a sufficient number of qualified and interested Washington County employees, the Appointing Authority may request that Human Resources designate the examination process as County-Only, and restrict recruitment to regular County employees.

4.2.10 Preference for Veterans:

1) Preference Score: Veterans, who have successfully completed all phases of an employment examination, shall be granted Veterans Preference Points in accordance with Oregon Revised Statutes. In employment examinations for which a numerical score is not awarded, the Veteran will be referred to the hiring department provided they possess the minimum qualification standards for the position. When considering candidates of comparable qualifications, the Appointing Authority shall give hiring preference to the Veteran candidate. [Ref. ORS 408.230 and 408.235.]

2) Proof of Eligibility for Preference: Candidates for Veteran's Preference shall complete the required personnel form and provide proof of eligibility for preference by form DD214 or other satisfactory evidence showing honorable

service and length of service. In addition, disabled veterans shall submit a copy of their general disability letter from the United States Veterans Administration.

4.2.11 Examination of Full Time, Part Time and Temporary Employees:
The Appointing Authority shall grant full time, part time and temporary employees time off with pay to take any of the Washington County examinations that occur during the employee's regularly scheduled workday.

4.3 Establishment of Eligible Lists

4.3.1 Establishment of Eligible Lists:
After each examination, the Human Resources Manager shall prepare a list of eligible candidates who have successfully passed the examination process.

4.3.2 Order of Names:
The names of successful candidates shall be placed on the Eligible List in the order of their final grades, including veteran's preference points where applicable, starting with the highest. If two or more persons have final whole number base scores which are identical, their ranking on the list shall be considered equal.

4.3.3 Duration of Eligible Lists:
The duration of each Eligible List shall be determined by the Human Resources Manager, in consultation with the appropriate Appointing Authority. The usual duration of an Eligible List will be six (6) months from the date of its establishment. The duration of the Eligible List may be changed or terminated by the Human Resources Manager, at any time if deemed in the best interest of Washington County. If the duration of an Eligible List is terminated prior to the expiration date initially established, the Human Resources Manager shall notify each eligible applicant remaining on the list by mail. The notification shall be sent to the last known address of the applicant.

4.3.4 Disqualification of Applicants:
The Human Resources Manager may refuse an applicant opportunity to participate in the examination process or remove a candidate from the Eligible List for any of the following reasons:

1) Failure to meet the standard published requirements for the classification for which the employment application is made;
2) Failure to furnish true statements of material facts;
3) Practice or attempted practice of fraud or deception in connection with filing of an employment application;
4) Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of an examination process;
5) The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in testing or Appointment; or
6) The applicant fails to reply within seven (7) calendar days from the date of notification (via mail telephone call, email, etc.) as provided on the application ;
7) The applicant declines Appointment three times in the same classification;
8) The applicant is referred three times from an Eligible List and declines to be considered for any reason;
9) The applicant notifies Human Resources that he or she does not want to be considered for any positions within the classification;

10) The applicant is found not suitable for all of the available positions in the classification in all of the agencies;
11) The applicant is appointed to a different position within the classification or a higher classification in the county; or
12) For any other legitimate business reasons as determined by the Human Resources Manager.

4.3.5 Request for Reinstatement after Removal from Eligible List:

1) An individual whose name has been removed from an Eligible List for any of the reasons specified in Section 4.3.4 may make written request that the Human Resources Manager reinstate him/her to the Eligible List provided the list remains active. [See also Section 4.6.5.]

2) Should the Human Resources Manager find that there is sufficient cause to reinstate the individual to the Eligible List, he/she shall be reinstated to the list in the same relative position as he/she originally held and with the same expiration date as originally held.

3) Restoration of any name to an Eligible List shall not affect a referral or Appointment which may have already been made from the list.

4.4 Use of Eligible Lists

4.4.1 Request to Fill a Vacancy:

Whenever there is a vacancy to be filled, in the absence of a recall list, the Appointing Authority may fill a vacancy through a transfer or demotion. Otherwise, the Appointing Authority may request referrals from any available list defined below. The Human Resources Manager will determine the appropriate number of applicants to refer to the Appointing Authority.

a. County-Only List: Consisting of regular county employees who have successfully passed the examination.

b. Open List: Consisting of applicants who have successfully passed the examination and are eligible for appointment to a position with the county.

c. Re-employment List: Consisting of former career employees who are eligible for re-employment under the provisions of Section 4.5.7. All candidates on this list shall be referred at the same time. [See Sections 1.2 (48) and 7.2.4.]

4.4.2 Use of Eligible List for Flexibly Staffed Classifications:

An Appointing Authority may, for the purpose of filling journey-level positions in flexibly staffed classifications, request a position be filled at the entry level through flexible staffing. The Human Resources Manager will identify the classifications eligible to be filled in this manner.

a. A person who is appointed to the entry classification may be reallocated to the journey level under the process outlined in Article 2.5.2.

b. No Position for which a Recall List exists shall be flexibly filled until all candidates have been considered under the provisions of Recall. (See Article 14 – Workforce Adjustment,9 – Layoff, and Redeployment)

4.4.3 List Availability:

1) If a list is not available for the Class to which a Position is allocated, a referral can be made from a list for a Class which is comparable or involves higher level and related duties as determined by the Human Resources Manager.

2) Declining or waiving Appointment or failure to receive Appointment or acceptance of an Appointment under this Section shall in no way affect the consideration of an individual for Appointment to a Position in the Class for which the list was established.

4.4.4 Appointment Declined:

1) An individual who does not respond to a notification of appointment within seven (7) calendar days from the date of notification shall be considered to have declined the appointment.

2) If an individual accepts an Appointment to a position and fails to be present for duty at the time and place specified, without giving reasons satisfactory to the Appointing Authority, the individual shall be deemed to have declined the Appointment.

4.5 <u>Appointment</u>

4.5.1 Applicability:

All Appointments to County Positions with classified status shall be made in conformity with this Section.

4.5.2 Interview and Selection:

1) The Appointing Authority to whom candidates are referred may examine their applications and interview all of the candidates referred, or may in conjunction with the Human Resource Division develop an alternative selection process.

2) The Appointing Authority shall make a selection from the names referred and candidates interviewed. The Appointing Authority shall notify the Human Resources Manager of the decision to employ the candidate and shall notify the candidate of the selection. The Human Resources Manager shall notify those candidates referred but not selected.

3) The Appointing Authority shall prepare and send an offer letter to the candidate selected for the position that includes the terms of employment.

4.5.3 Reinstatement:

1) Employees accept and hold a position subject to reinstatement of a Career Employee in accordance with law or these Rules or by any order of a court of a competent jurisdiction. (see definition of “Reinstatement”)

2) A person displaced under the provision of this Rule during the Initial Probationary Period shall be placed on a Recall List for the classification that the employee occupied.

4.5.4 Career Appointments:

Career Appointments shall only be made upon successful completion of the Initial Probationary Period as provided in Section 4.6. Upon successful completion, the employee shall be designated as a Career Employee.

4.5.5 Temporary Appointments:

1) Conditions: If an employee is needed for a temporary period, and there is an active eligible list for the classification, the Appointing Authority shall first use the eligible list as a resource pool in filling the position. In the absence of an active eligible list, the Appointing Authority shall contact the Human Resources Division prior to beginning the selection process for the position. The Human Resources Division shall assist the Appointing Authority with recruitment and selection process to fill the temporary position.

2) In times of immediate staffing needs: The Appointing Authority may, with approval from the Human Resources Manager, select any suitable individual who possesses the needed qualifications. The Human Resources Division shall review applications for minimum qualifications prior to any job offer being made.

3) Duration of Temporary Appointment: The duration of a temporary Appointment shall be limited to the period of the need but shall not exceed twelve (12) months. Temporary Appointments beyond six (6) months must be approved by the County Administrator. Successive temporary Appointments to the same or similar classification as determined by the Human Resources Manager may not be made so as to circumvent a regular probationary Appointment of a qualified applicant from an appropriate list. [See also 1.2 (58).]

4) Extra-Help Positions: Extra-Help Positions are not subject to the duration limitation imposed on Temporary Positions. Extra-help and temporary employees may not occupy a regular budgeted Position in the County Position and Salary Report (except in cases where the temporary employee is filling in for a temporary absence of the regularly appointed employee).

4.5.6 Employment of PERS Retirees:

A Public Employees' Retirement System (PERS) retiree who is receiving a service retirement allowance under Tier One/Tier Two or the Oregon Public Service Retirement Plan (OPSRP), or who has elected to retire without a PERS service retirement allowance may be employed by Washington County subject to certain employment restrictions.

1) Employment Restrictions

   a. Except as outlined in 1(g) below, employment of a PERS retiree is limited to a temporary assignment and may be to a classification which the retiree previously held or to another classification provided the retiree is qualified for the classification. The classification shall be related to the work of the temporary assignment, and be approved by the Human Resources Division.

   b. PERS retirees, who are receiving PERS retirement benefits upon employment, may only work a total of 1040 hours in a calendar year unless they qualify for an exception to the 1040 hour rule specified under the PERS system. PERS retiree employees are solely responsible for tracking their hours and determining if they fit within an exception to the 1040 hour limitation.

Washington County is not responsible for any impact upon the retirement benefits of a PERS retiree resulting from their employment with the County.

c. There must be at least a two (2) week break in service between the retirement date of an employee and the effective date of his or her employment. Employment of a PERS retiree shall not be effective until the beginning of the pay period following at least two (2) weeks from the retirement date of the employee. Under no circumstances will an employee be able to return to service during the same month that he or she retires.

d. Employment of any PERS retiree must be approved by the Appointing Authority and the Human Resources Division prior to the employment of the PERS retiree.

e. PERS retirees hired into a temporary position by the County may continue their temporary employment, subject to the calendar year hourly limit, for as long as the County determines the person's services are needed.

f. The Appointing Authority is not required to use an active eligible list when hiring PERS retirees into a temporary position.

g. PERS retirees may be employed in regular positions (generally part-time if receiving PERS retirement benefits due to the PERS hour restrictions) provided they have applied for and have been hired through a competitive recruitment process or through re-employment under the provisions of section 4.5.8. If a PERS retiree is hired to a regular position, the retiree will receive all benefits and rights associated with that position. The position must be a regular budgeted position for the purpose of providing services on a continuing basis. A PERS retiree's regular position prior to retirement may not be modified to part-time to accommodate the on-going employment of the employee after retirement.

h. No regular employee shall be displaced by the employment of a PERS retiree.

2) Salary and Benefits:

a. Working after retirement for Washington County constitutes a new employment relationship. The PERS retiree shall not be entitled to any previously held seniority, or qualified pay periods within the organization.

b. When any employee retires, the employee's vacation accruals and compensatory time are paid and sick leave balance is zeroed. A PERS retiree, employed in a temporary position, shall not accrue any form of paid leave or be eligible to receive holiday pay. Temporary PERS retirees shall not accrue seniority and do not earn qualified pay periods. Their tenure is "at will". As such, there is no need to establish cause for discipline or removal from their position.

c. When a PERS retiree is re-hired into the same classification as held prior to retirement, their salary shall be at a step or position in the salary range no higher than previously held. When a PERS retiree is re-hired into a different classification, the retiree shall be paid at any rate in the salary range as allowed under the Washington County Personnel Rules and Regulations.

d. PERS retirees employed in temporary assignments are not eligible to receive County health benefits offered to regular positions. PERS retirees in temporary assignments may continue to exercise COBRA rights they may have to receive benefits as a retiree including medical, dental, vision, and the County's Employee Assistance Program (EAP).

e. PERS retirees employed in temporary assignments are eligible to participate in the County's Flexible Spending Accounts only until the end of the plan year in which they retire from regular employment.

f. PERS retirees employed in temporary assignments may convert their County-paid life insurance to an individual plan subject to the provisions of the providers upon retirement.

g. PERS retirees employed in temporary assignments are eligible to participate in the County's deferred compensation programs upon their re-employment subject to the limitations and eligibility requirements of the providers.

h. PERS retirees employed in regular or temporary positions with Washington County are generally not eligible for distributions from a deferred compensation program. PERS retirees actively receiving a distribution from the County sponsored deferred compensation programs should consider this when seeking employment with the County.

4.5.7 Provisional Appointments:

1) If, in the opinion of the Appointing Authority and the Human Resources Manager, there are urgent reasons for filling a vacancy, and there are no individuals on a list established as a result of an examination for the classification, and no other appropriate Eligible List exists, the Human Resources Manager and/or Appointing Authority shall endeavor to locate a person to fill the position pending Examination and establishment of a list.

2) If the qualifications of the individual have been determined by the Human Resources Manager as meeting the minimum qualifications as to training and experience for the classification, that individual may be provisionally appointed to fill the existing vacancy until an appropriate list is established and Appointment made from the established list. No provisional Appointment shall be made unless the position has been allocated to a classification, pursuant to Section 2.4, and minimum qualifications have been established.

3) No provisional Appointment shall be continued for more than thirty (30) calendar days after an appropriate list has been established for the classification and in no event for more than six (6) months from the date of Appointment. Successive provisional Appointments of the same person shall not be permitted and a position shall not be filled by repeated provisional Appointments.

4) The period of provisional Appointment shall constitute a part of the Initial Probationary Period and shall be considered Qualified Payroll Periods.

5) Employees hired under this provision but not appointed once an Eligible List is established shall be terminated without Recall or Re-employment rights.

4.5.8 Re-employment:

Career Employees, who have separated in good standing from employment with the County, as determined by the Human Resources Manager, may make written request to the Human Resources Department for Re-employment to the same classification previously held within one (1) year of the date of separation from the County. Former employees who meet these criteria and who possess the minimum qualifications for the classification may remain on the Re-employment List for up to one (1) year following the date of separation from the County.

4.5.9 Eligibility of Unclassified Employees for Appointment in the Classified Service:

An employee in the unclassified service may demote, or transfer to a Position in the classified service provided:

1) A vacancy exists in the classification which is similar to the Unclassified Position;
2) The employee is qualified to perform the work of the Classified position as determined by the Human Resources Manager; and
3) Both Appointing Authorities have agreed to the timing and logistics of the change.

4.5.10 Appeal from Candidate for Appointment:

Either an Appointing Authority or an employee who believes an injustice has been done during a candidacy process for a Washington County position may file a Notice of Appeal to the Civil Service Commission. The appeal must be filed in writing with the Human Resources Manager not later than ten (10) days following the date of the action or the date the candidate knew or should have known of the action. The Notice of Appeal shall include the name, address and telephone number of the employee, specify the decision being appealed and the date of the decision, include the name and title of the decision maker, and the rule, policy or law alleged to have been violated and the reasons why. Candidate for Appointment Appeals shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals. The standard of review for a Candidate for Appointment Appeal shall be whether or not the decision was made in conformance with the requirements of Title 2.32 of the Washington County Code and Article 4 of the Washington County Revised Personnel Rules and Regulations.

4.6 <u>Probationary Period</u>

4.6.1 Nature, Purpose and Duration:

1) Except as specified in an applicable collective bargaining agreement, all original Appointments to regular classified positions shall include an Initial Probationary Period of twenty-six (26) Qualified Payroll Periods. The Initial Probationary Period shall be an essential part of the examination process, and shall be used to determine the ability of the employee to perform the required duties and fitness for the Position.

2) Time served in a Temporary Position shall not reduce the Initial Probationary Period for Appointment to a regular Position.

4.6.2 Conditions Preliminary to Career Appointments:

Career Appointment of a probationary employee shall begin at the start of the twenty-seventh (27th) Qualified Payroll Period from Appointment unless the employee has been terminated by the Appointing Authority prior to the end of the twenty-sixth (26th) Qualified Payroll Period.

4.6.3 Failed Initial Probation:

A probationary employee may be terminated without cause, and without rights of appeal or hearing any time during the Initial Probationary Period. A Notice of Failed Probation shall be issued to the employee no later than the effective date of termination. An employee who fails probation may make written request that the Human Resources Manager reinstate him/her to the Eligible List from which the employee was referred, provided the list has not expired. The Human Resources Manager, after consultation with the Appointing Authority may restore the name of an employee who failed probation, to the list from which the employee was referred until the Eligible List expires. The decision of the Human Resources Manager to approve or deny the request shall be final. If the employee's name is restored to the Eligible List, the Human Resources Manager shall not, for the remaining duration of the Eligible List, refer the name of such person to the department from which they were terminated. Restoration of any name to an Eligible List shall not affect a referral or an Appointment already made from the list.

4.6.4 Career Probationary Periods:

1) Following a promotion or transfer to a different classification, an employee shall serve an additional twenty-six (26) Qualified Payroll Periods of Career Probation in the new classification.

2) Employees who accept a promotion within their department and do not successfully complete their Career Probationary period will be reinstated to their former position from which the promotion was made. If there is an incumbent employee in the position into which the employee is to be reinstated, that employee shall be returned to their position or the appropriate eligible list in a like manner.

3) Employees who accept a promotion outside of their department and do not successfully complete their Career Probationary period will be dismissed from County service under the provisions of Section 4.6.3. If a vacancy exists within the department into which the employee promoted, the Appointing Authority may permit an employee to return to their former classification.

4.6.5 Promotion or Transfer to a Different Classification during Career Probationary Periods and Initial Probationary Periods:

An employee may transfer or promote to a position in a different classification during their probationary period.

4.6.6 Demotion/Transfer during Career Probation:

If a vacancy exists and the Appointing Authority determines that it is in the best interest of the department, an employee on Career Probation may be demoted or transferred to the employee's former classification without appeal rights.

4.7 Voluntary Classification Demotions:

An employee may make a request in writing to the Appointing Authority for a Classification Demotion from a position in one classification to a position in a classification with a lower pay range. If an employee is qualified as determined by the Human Resources Manager, the Appointing Authority may approve the request, provided it would not result in the Layoff or demotion of another employee. The employee demoting is not required to serve an additional probationary period and the Appointment does not have to be made from a Referral List, provided the employee has successfully completed the probationary period for the employee's former classification. Employees who have not completed the probationary period for the former classification shall complete a new Career Probationary Period within the classification to which the employee is demoted. [See Sections 3.5.3 and 5.2.5.]

4.8 Transfers

4.8.1 Notice of Transfer:

An employee shall be given seven (7) calendar days notice in case of a transfer to a different position and/or classification as determined by the Appointing Authority.

4.8.2 Approval of Transfer at the Request of an Employee:

Prior to a classification or position transfer, the Appointing Authorities affected must agree to the timing and logistics of the transfer. In addition, prior to a transfer of an employee to a different classification, the Human Resources Manager shall verify that the employee is qualified to perform the duties of the new classification.

4.8.3 Probationary Status Upon Transfer:

1) An employee who has completed an Initial or Career Probationary Period and transfers to a position in the same classification does not serve a new Probationary Period.

2) An employee who has completed an Initial or Career Probationary Period and transfers to a position in a different classification shall serve an additional twenty-six (26) Qualified Payroll Periods of Career Probation in the new classification.

4.9 Resignation

4.9.1 Notice of Resignation:

Any employee may resign from his or her position by presenting a resignation notice in writing to the employee's Appointing Authority. To resign in good standing and be eligible for re-employment, an employee must give the Appointing Authority at least fourteen (14) calendar days notice unless, because of extenuating circumstances, the Appointing Authority agrees to permit a shorter period of notice. The resignation notice shall provide an effective date which shall be the last day for which an employee receives pay from the county. Employees who leave county service prior to the date indicated in their written resignation notice or the date agreed upon by the Appointing Authority may not receive pay for any days in which they do not work or do not use accrued leaves, except as provided in Section 6.4.

4.9.2 Acceptance of Resignation Notice:

Once an employee has submitted a written resignation, it shall be considered to be accepted by the receiving department and may not be rescinded without the written approval of the Appointing Authority. Resignations and signed Personnel Actions shall be promptly forwarded to the Human Resources Manager. The Appointing Authority and/or the Human Resources Manager may conduct exit interviews or similar techniques to bring closure to a resignation.

4.9.3 Effect of Resignation on Qualified Pay Periods:

The final pay period that an employee is employed with the county will be considered a Qualified Pay Period, as long as the employee is in paid status for no less than 90% of their regularly scheduled hours.

4.9.4 Compensatory Time and Vacation Leave Payoff:

All accumulated compensatory time off and vacation leave earned shall be paid upon resignation in accordance with Oregon state and federal laws.

4.9.5 Interruption of Employment for Military Service:

Employees who leave the County for military service and return to their position shall receive those benefits and credits mandated by state and federal laws. [See also Section 7.4.2.]

ARTICLE 5.

PROHIBITED CONDUCT, DISCIPLINE AND APPEALS

Applicability: This Article applies to all employees in Classified Positions with Career status.

Reference: ORS 659.

Statement of Philosophy:

Washington County requires a commitment to public service based upon a high standard of behavior congruent with our stewardship of the public trust. In carrying out the responsibilities that have been entrusted to us, a significant emphasis must be placed on individual accountability. This Article provides a system intended to assist employees in understanding and maintaining that public trust.

5.1 <u>Prohibited Conduct and Cause for Disciplinary Action</u>

Any action that reflects discredit upon the County service or is a hindrance to the effective performance of County functions shall be considered Cause for disciplinary action. Improper action by an employee in an official capacity, any action by an employee not connected with official duties that bring the County into discredit, any action that affects the employee's ability to perform the duties of the employee's position, or improper use of the employee's Position for personal advantage shall also be considered Cause for disciplinary action. Cause may include, but is not limited to the following:

1) Conviction of a felony, or conviction of any crime where the conviction would tend to impair effectiveness as an employee or tend to bring discredit upon Washington County;

2) Violation in any manner of the County's drug-free workplace policy, or partaking of illegal substances, intoxicating beverages or non-prescribed controlled substances while on duty, or being intoxicated while on duty;

3) Use of alcoholic beverages or controlled substances that affects performance in the Position held by the employee;

4) Acts of discrimination or harassment based on race, religion, color, gender, national origin, age, marital status, sexual orientation, gender identity, disability or other protected status;

5) Discourteous treatment of the public or other employees, offensive conduct or conduct unbecoming a Washington County employee;

6) Bullying;

7) Physical violence, including engaging in acts of bodily harm or threatening to inflict bodily harm, physical intimidation, verbal or written threats of violence;

8) Acts of retaliation against employees for any reason;

9) Insubordination, willful disobedience or failure to follow a lawful supervisory directive;

10) Incompetence, inadequate performance or nonperformance of assigned duties;

11) Damage to or negligence in the care and handling of County property, or improper or unauthorized use of County vehicles or equipment;

12) Claim of leave under false pretenses or misuse of leave;

13) Habitual or excessive absence or tardiness, or abuse of sick leave privileges;

14) Absence from duty without authorization or failure to notify one's supervisor when unable to report to work on time;

15) Willful giving of false information or withholding information with intent to deceive, including information provided during the recruitment and selection process;

16) Unauthorized use or disclosure of confidential information, including but not limited to the unauthorized disclosure of any private health information or medical records;

17) Falsification of timesheets;

18) On duty or off duty use of social media to post statements that (1) disclose confidential information obtained through county employment; (2) discriminate against, harass, or defame county employees; or (3) otherwise violate Washington County rules, regulations and policies;

19) Willful violation of any provision of Ordinances, Policies or Rules and Regulations adopted by the Board of Commissioners, or any provisions of county or departmental rules, policies and regulations; or

20) Willful violations of Article 13 relating to ethical standards.

5.2 Types of Disciplinary Action

The severity and type of infraction under consideration and the employee's prior work history shall be the determining factor in deciding the appropriate level of discipline. The goal of corrective discipline is to put the employee on notice of unacceptable conduct and give reasonable opportunity to modify the behavior. Serious offenses may justify discharge without the necessity of prior warnings or attempts at corrective discipline. The following is a description of the disciplinary measures available for corrective action. Supervisors and managers should consult with the Human Resources Division when considering corrective action.

5.2.1 Oral Warning:

This is a warning procedure and should serve to educate, as well as deter the employee from conduct that would warrant a more severe form of action. An oral warning is not considered disciplinary action. The warning may become a part of the supervisory record or department file, but shall not become part of the employee's Official Personnel File.

5.2.2 Written Reprimand:

The written reprimand puts the employee on official notice that future occurrences may result in more serious discipline. A copy of the written reprimand shall be placed in the employee's Official Personnel File.

5.2.3 Suspension without Pay:

The Appointing Authority may suspend an employee without pay for disciplinary reasons for a maximum of thirty (30) calendar days, at any one time.

1) Procedure: The Appointing Authority shall follow the procedures outlined in Section 5.3.

2) Approval as to Form: Suspension without pay of any duration requires Approval as to Form by County Counsel prior to imposition.

3) Effect on Qualified Payroll Periods: Regardless of the length of suspension without pay, the employee is not eligible to complete Qualified Payroll Periods while on suspension without pay unless specified differently by a collective bargaining agreement.

4) Special Rule for FLSA Exempt Employees: Pursuant to the Fair Labor Standards Act, suspensions without pay for workplace conduct violations or violations of safety rules of major significance, excluding attendance or performance issues shall not be imposed for less than one (1) full workday for employees who are exempt from the Fair Labor Standards Act.

5.2.4 Temporary Salary Reduction:

An employee's salary may be reduced temporarily by one or more salary steps as a form of disciplinary action. The employee's Anniversary Date and Step Date shall remain unchanged. A Temporary Salary Reduction shall be considered a type of demotion for purposes of Section 5.4.2.

5.2.5 Involuntary Demotion:

1) Demotion, either in salary or to a lower Classification (Class Demotion), may be used as a form of discipline. The procedures, as outlined in Section 3.5.3, shall govern a demotion as a disciplinary action. Supervisors and Appointing Authorities shall follow the procedures outlined in Section 5.3.

2) No demotion in either salary or Classification as a disciplinary action shall occur without Approval as to Form by County Counsel.

3) When an employee is demoted in Class and/or receives a Salary Demotion, the employee's Anniversary Date and performance evaluation and salary increase date shall be changed to the effective date of the demotion.

5.2.6 Dismissal:

Classified Career Employees may be dismissed only for Cause.

1) In dismissing a Career Employee, the supervisor and Appointing Authority shall follow the procedure outlined in Section 5.3. No classified Career Employee shall be dismissed without Approval as to Form by County Counsel.

2) When the decision to dismiss a Career Employee has been made following the due process procedures outlined in Section 5.3, the Appointing Authority shall give the Career Employee fourteen (14) calendar days written notice prior to the effective date of the Dismissal.

3) If the Appointing Authority believes that it is in the best interest of Washington County to immediately separate an employee from the employee's assignment, the Appointing Authority may suspend the employee with or without pay during the fourteen (14) calendar days notice period required by these Rules and Regulations. Written notice to the employee and Human Resources Manager that a Dismissal will immediately follow a suspension is sufficient notice for Dismissal.

4) Fourteen (14) calendar days notice of appeal is calculated from the date the Dismissal becomes effective.

5.3 Procedure for Taking Disciplinary Action

Generally, supervisors shall inform an employee when he or she is the subject of an investigation. For all forms of disciplinary action, the supervisor shall follow any department procedures established by the Appointing Authority, shall keep the Appointing Authority fully informed of any action taken and work in collaboration with the Human Resources Division.

When an action is taken to suspend, reduce in pay, demote or dismiss a Career Employee, the following steps shall be taken.

5.3.1 Prepare Written Statement:

The supervisor shall prepare in writing a statement of the reasons for disciplinary action stating dates, location, rules and regulations violated and particular actions, if appropriate. The written statement shall include reference to discussions, oral warnings given and any written warnings given to the employee previously. The statement shall be delivered to the Appointing Authority for review and necessary action.

5.3.2 Inform the Employee of Disciplinary Action:

After a review of the supervisor's statement, the Appointing Authority shall inform the employee that the information has been provided by the supervisor, and outline to the employee any further investigation to be made if any, and the disciplinary action being considered by the Appointing Authority. If it is necessary to relieve the employee from his/her duties, the Appointing Authority shall suspend the employee with or without pay during the investigation and disciplinary process. The County Administrator must approve any pre-disciplinary suspension without pay. The Appointing Authority shall give the employee a reasonable opportunity to respond to the supervisor's statement or investigative report where appropriate, before action is taken.

5.3.3 Further Action Required after Employee Response:

If, after the employee has responded, the Appointing Authority believes disciplinary action at a level higher than a written reprimand is appropriate, the Appointing Authority shall prepare a letter outlining the cause of action and the particular action to be taken along with the appropriate Personnel Action form. The letter and Personnel Action shall be approved as to Form by County Counsel prior to being presented to the employee.

5.3.4 Notify Employee of Decision:

The Appointing Authority shall notify the employee of his or her decision by certified mail or by hand delivering the letter and Personnel Action form. A copy of those materials shall be provided to the Human Resources Manager within 24 hours of delivery to the employee. If Dismissal is the proposed action, the Appointing Authority shall notify the Human Resources Manager so that a final paycheck can be prepared on the effective date of the Dismissal.

5.4 Appeal of Disciplinary Action

5.4.1 Appeal of Disciplinary Action for Employees Represented by a Collective Bargaining Agreement:

When a union agreement provides for grieving a disciplinary action, the bargaining unit employee may choose either the grievance procedure from the collective bargaining agreement or the disciplinary appeals procedures outlined in Section 5.4.2; however, a bargaining unit employee may not choose both of the procedures.

5.4.2 Disciplinary Appeals For Career Employees

1) Any Career Employee who is suspended, demoted in classification or pay, or dismissed shall have the right to appeal to the County Administrator and subsequently to the Civil Service Commission as follows:

   a) Any appeal shall be in writing and submitted within ten (10) working days of the effective date of such action. All appeals shall, at a minimum, set forth the decision being appealed, the basis of the disagreement with the action, and the relief or remedy the employee is seeking.

   b) The County Administrator may direct the Human Resources Manager to investigate the matter and make a recommendation on the appeal. The County Administrator's decision shall be conveyed to the employee in writing within fifteen (15) working days following the date of receipt of the appeal.

   c) Within ten (10) calendar days of receipt of the County Administrator's written response, an employee shall have the right to appeal the decision of the County Administrator to the Civil Service Commission. The employee shall file a written Notice of Appeal directed to the Human Resources Manager as secretary to the Commission. The Notice of Appeal must include the name, address and telephone number of the employee, specify the decision being appealed and the date of the decision, include the name and title of the decision maker, and set forth reasons why the initial disciplinary action, or the disciplinary action as modified by the County Administrator, was not taken for cause. Appeals to the Civil Service Commission shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals.

ARTICLE 6.

ATTENDANCE

Applicability: This Article applies to all employees in Classified and Unclassified Positions, and all employees in FLSA Exempt, and Civil Service Exempt Positions, except 6.5 and 6.6.

Statement of Philosophy:

Washington County takes pride in a service delivery philosophy that places our community and its needs at the forefront of our decision making process. These needs may on occasion present scheduling challenges that require flexibility, creativity and efficiency on behalf of employees. With our citizens at the forefront of our thoughts, we strive to afford our employees adequate time to take pleasure in outside interests and deal with personal matters. Through this effort we cultivate a healthy and vital workforce.

6.1 Hours of Work

6.1.1 Standard Workweek:
Regular and predictable attendance is an essential job function of all Positions.

1) Each Appointing Authority shall establish a schedule of regular working hours for the department's staff. The Full-time schedule shall provide for a workweek of forty (40) hours or 2080 hours annually except as otherwise provided for in Section 6.1.1 (2).

2) The workweek shall generally provide for five (5) eight-hour days. The Appointing Authority may establish workweeks in accordance with the provisions of section 207(k) of the Fair Labor Standards Act for employees engaged in law enforcement activities.

3) FLSA exempt (MAPPS) positions shall have regular core working hours established by the Appointing Authority, generally spanning regular county business hours. Such employees are expected to accomplish their assigned work activity in a manner that routinely includes core working hours and additional work hours when needed to complete assigned responsibilities.

4) Alternative or reduced workweeks may be authorized provided they are aligned with FLSA guidelines and approved by the County Administrator.

6.1.2 Change of Regular Work Schedule:
Except in urgent situations, an employee shall be notified at least seven (7) calendar days in advance of a change in his/her regular work schedule.

6.2 Meals and Rest Periods

Generally, this Section shall be administered by departments in compliance with wage and hour law, except where these Rules are more liberal.

6.2.1 Meals:

Generally, all employees shall receive a one (1) hour lunch period on the employee's own time during each work shift. The Appointing Authority may designate a shorter lunch period, however all employees shall be granted at least a one-half (l/2) hour lunch period during each work shift. Whenever possible, such meal periods shall be scheduled in the middle of a shift. An additional meal period shall be granted for work more than two (2) hours beyond the regular shift.

6.2.2 Rest Periods:

All employee work schedules shall provide for a fifteen (15) minute rest period during each one-half (l/2) of the regular work shift. An additional rest period shall be granted for each additional two- (2) hour increment an employee is required to work beyond the regular workday unless the period is replaced by a meal period as provided in Section 6.2.1. All employees are required to take all of the above authorized rest periods during the workday or any extension thereof. An employee who fails to take any required rest period is required to notify his or her immediate supervisor not later than the following day.

6.3 <u>Leaves of Absence Without Pay</u>

6.3.1 Absence Without Authorization:

1) No employee shall be absent from duty without the authorization of the employee's immediate supervisor. Any employee on an unauthorized leave of absence without pay may be subject to disciplinary action.

2) An employee absent for three (3) consecutive work days without authorization, except for an unavoidable situation that does not permit the employee to obtain authorization for absence, shall be considered to have voluntarily resigned without notice as of the last day of active employment.

3) Except as provided in Sections 6.3.1 (4), 6.3.2, 6.4, 7.1.3, 7.4.2, 8.5, and 14.2.13 (2) an employee shall not be authorized a leave of absence without pay until all accumulated compensatory time, vacation accruals, personal/floating holiday and administrative leave, in that order, have been applied toward payment for the absence. After the exhaustion of the above noted accruals, the Appointing Authority may grant a leave of absence without pay for a reasonable time period based on the needs of the work unit. Request for such leave must be in writing and must establish reasonable justification for approval of the request.

4) The Appointing Authority, with approval from the County Administrator, may grant an employee a leave of absence without pay for an intermittent period (for example: voluntary furlough) without the employee first exhausting other paid leave accruals.

5) Leaves of absence without pay for periods in excess of ninety (90) calendar days must be approved by the County Administrator.

6) Except as provided in Article 6.3.2, a leave of absence without pay shall not be approved for an employee who is accepting employment outside the County service.

7) Except where provided otherwise in these Rules, employees shall not be credited with a Qualified Payroll Period for leaves of absence without pay of more than one (1) day in a given Payroll Period.

6.3.2 Leave of Absence Without Pay for Cooperative Work Assignments:

1) The County Administrator may authorize a leave of absence without pay for an employee participating in a cooperative work assignment with another employer or agency. All requests for such leaves must be in writing and state the nature and anticipated duration of the assignment.

2) Employees shall earn Qualified Payroll Periods during the leave and will not be required to use accrued leaves or compensatory time prior to being granted a Leave without Pay for such an assignment. The employee's Step Increases will continue as if the employee were present. [See also Section 8.5 - Education Leave.]

6.4 Administrative Leave With Pay

When the County Administrator believes the best interest of the County will be served by removing an employee from the work environment, the County Administrator may authorize an "Administrative Leave with Pay". Administrative Leave with Pay may occur when the County Administrator believes that the employee should be removed from the work environment, but suspension of any kind is an inappropriate action. An Administrative Leave with Pay must be authorized by the County Administrator prior to the beginning of leave. For continuous service operations, the County Administrator may delegate this authority to the Appointing Authority, limited to 24 hours of Administrative Leave with Pay.

6.5 On Call (Section 6.5 is applicable only to FLSA covered employees.)

6.5.1 On Call on Occasional Basis:
When an Appointing Authority requires an hourly paid employee to be available for call back during assigned designated off-duty hours, the employee will be considered on call. The rate of compensation for on call duty shall be one hour at the employee's rate of pay for each eight (8) continuous hours of on call duty whether they are called out or not. Compensation for on call duty less than eight (8) continuous hours will be pro-rated. At the discretion of the Appointing Authority, compensation may be in the form of cash payment or Compensatory Time, subject to the limits of Section 3.9.

6.5.2 On Call Duty for Deputy Medical Examiners:
Employees in the position of Deputy Medical Examiner are not eligible to receive additional compensation for on call duty.

6.5.3 On Call on Regular Basis:
A department in which an employee is on call on a regular basis may establish an hourly rate with approval by the County Administrator.

6.6 Call Back Duty (Section 6.6 is applicable only to FLSA covered employees).

6.6.1 Call back Duty:

Employees required by an Appointing Authority to return to work during designated off-duty hours are considered to be on call back duty.

6.6.2 Rate of Compensation for Call Back Duty:

The rate of compensation for call back duty shall be one and one-half hours for every hour worked. Employees shall record only the time that they worked in call back duty, and will be compensated for a minimum call back of two (2) hours. At the discretion of the Appointing Authority, compensation may be in the form of cash payment or compensatory time, subject to the limits of Section 3.9. Travel time involved in call back duty shall not be considered time worked. Telephone calls to an employee due to business needs during the employee's off-duty hours shall be recorded as time worked, for only the time spent on each phone call.

6.6.3 Call Back Duty for Deputy Medical Examiners:

Employees are not eligible to receive additional compensation for call back duty.

ARTICLE 7.

LEAVES

Applicability: This Article applies to all employees in Classified and Unclassified Positions; and all employees in Civil Service Exempt Positions.

Statement of Philosophy:

Washington County's ability to meet its strategic mission is driven by the professional success of our employees. We realize that for employees to perform at their full potential, they must also take steps to ensure their continued physical and mental health and meet other personal needs. Washington County supports these efforts by providing an equitable and competitive fringe benefit package that fosters employee fulfillment and longevity.

7.1 <u>Holidays</u>

7.1.1 Paid Holidays:
The following days shall be recognized and observed as paid Holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (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)
- Christmas Day (December 25)
- One Floating Holiday (must be taken during the calendar year)

7.1.2 Weekend Holidays:

1) Except for employees in positions requiring continuous operations, when a holiday falls on Sunday, the following Monday shall be observed as the holiday; when a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.

2) When an employee's regularly scheduled days off are other than Saturday and Sunday and the day observed by the County as a holiday falls on the employee's regularly scheduled day off, the employee shall receive a paid holiday in a manner that is similar to employees scheduled to work Monday through Friday. Therefore, if the holiday falls on the first day of the employee's regularly scheduled days off, the employee will receive the preceding workday off, and if the holiday falls on the second day of the employee's regularly scheduled days off then the employee will receive the following workday off.

3) Employees in positions designated by the Appointing Authority as requiring continuous operations shall observe holidays on the actual date the holiday occurs.

7.1.3 Holiday Pay:

1) Full-Time Employees. Eligible regular Full-time employees shall receive eight (8) hours holiday pay for each of the holidays listed in this Article on which they perform no work. Employees whose regular workday is in excess of the standard workday may:

   a. Use accrued compensatory time, vacation leave or Leave Without Pay to make up the difference between their paid holiday hours and their regular work hours; or

   b. With the authorization of their supervisor, the employee may flex their work hours to make up the hours within the same workweek.

   Employees electing to take Leave without Pay under the provisions of this Rule will not be denied a Qualified Payroll Period due solely to use of Leave without Pay to cover a holiday.

2) Part-Time Employees. Part-time regular employees shall receive holiday pay in an amount proportionate to that paid for Full-time employment. Part-time employees whose regular work hours on the day of the holiday are greater than the proportionate amount of hours they are entitled to for the holiday may:

   a. Use accrued compensatory time, vacation leave or Leave Without Pay to make up the difference between their paid holiday hours and their regular work hours; or

   b. With the authorization of their supervisor, the employee may flex their work hours to make up the hours within the same workweek.

   Part-time employees electing to take Leave without Pay under the provisions of this Rule will not be denied a Qualified Payroll Period due solely to use of Leave without Pay to cover a holiday.

7.1.4 Holiday during Leave:
Should an employee be on an authorized Leave with Pay when a holiday occurs, the holiday shall be paid and not charged against sick or vacation leave accumulation.

7.1.5 Eligibility for Holiday Pay:
Regular employees shall be eligible to receive holiday pay only if present or in a paid status for the full time period of their regularly scheduled workday both immediately preceding and immediately following the holiday.

7.1.6 Work Performed on Holidays:
In addition to holiday pay, FLSA covered employees directed by their supervisor to work on a holiday shall be compensated at the rate of one and one-half times the employee's rate of pay. At the discretion of the Appointing Authority, compensation may be in the form of cash payment or Compensatory Time, subject to the limits of Section 3.9. FLSA exempt employees will not receive additional compensation for time worked on a holiday.

7.2 Vacation Leave

7.2.1 Accrual of Vacation:

All Full-time regular employees shall be credited with vacation leave per the following schedule. Part-time regular employees shall accrue vacation leave in an amount proportionate to that which would be accrued for Full-time employment.

Hours of Vacation Leave
Per Qualified Payroll Period

No. of Qualified Payroll Periods	Full-time Employees
1 to 130	3.6924
131 to 260	4.6154
261 to 390	5.5385
391 to 520	6.4616
521 and over	7.3847

7.2.2 Exception to Vacation Accrual Rate:

The County Administrator shall have the authority to set the beginning vacation accrual rate for an appointee hired to a position in the Management, Administrative, and Professional Personnel System (MAPPS) at a rate that is commensurate with the appointee's years of service in the profession.

7.2.3 Exception to Vacation Beginning Balance:

1) All Directors, Assistant Directors and Division Managers appointed from outside of County employment, may be appointed, at the County Administrator's discretion, with a beginning vacation bank of up to eighty (80) hours.

2) The County Administrator may apply the provisions of this Section to other Classifications in the County that he/she deems equivalent or higher in level and to those hard-to-fill Positions as recommended by the Human Resources Manager and approved by the County Administrator on a case-by-case basis.

3) Vacation awarded under the provisions of this section shall not be eligible for cash compensation under the provisions of section 7.2.8 if the employee separates from the County before completing one year of service.

7.2.4 Vacation Accruals on Return by Re-employment:

When a former employee is re-employed less than one year (365 calendar days) from the date of separation from the County, the employee shall begin accruing vacation upon completion of a qualified payroll period. The employee will begin accruing vacation at the same rate as was being accrued at the time of separation from the County.

7.2.5 Maximum Accrual:

The maximum accrual of vacation leave for any employee shall be three hundred and sixty (360) hours. When exceptional circumstances exist, the Board of Commissioners may authorize individual exceptions to this limitation.

7.2.6 Vacation Schedule:

The employee shall make a request for vacation leave to the employee's immediate supervisor. The request shall be approved unless it is contrary to the

needs of the County. Conflicts in scheduling shall be resolved by the Appointing Authority.

7.2.7 Transfer of Vacation Leave:

1) When an employee is transferred to a Position in a new agency that is under the authority of the Board of Commissioners, all accrued vacation leave shall be transferred to the new agency.

2) When an employee is transferred to a Clean Water Services Position, the employee's vacation leave shall be transferred with the agreement of the Agency. If agreement cannot be reached, vacation shall be paid in accordance with Section 7.2.8.

7.2.8 Payment of Vacation upon Termination, Layoff or Death:
If the employee resigns, is terminated, laid off, or dies, the employee or his/her heirs shall receive cash compensation for accrued vacation leave to a maximum of forty-five (45) days.

7.2.9 Vacation Benefits for Employees on Military Reserve Leave:
Regular employees who are members of an armed forces reserve program and who are called up to active duty will continue to accrue vacation leave during the military leave of absence and/or annual training. The accrual rate will not be affected by the leave. Employees will have the option to use accrued vacation leave while on active duty or during annual training. [See also Section 7.4.2.]

7.3 <u>Sick Leave – When referring to these sections, also refer to the Washington County Family Medical Leave Policy as applicable.</u>

7.3.1 Accrual of Sick Leave:
Full-time regular employees shall accrue sick leave at a rate of 3.6924 hours per Qualified Payroll Period. Part-time regular employees shall accrue sick leave in an amount proportionate to that which would be accrued for Full-time employment. Sick leave may be accrued without limit.

7.3.2 Use of Sick Leave:

1) An employee who is unable to perform his/her job by reason of personal illness or injury, pregnancy, necessity of medical or dental care, exposure to contagious disease, or illness in the employee's immediate family reasonably requiring the attendance of the employee, or in accordance with the Washington County Medical Leave Policy, may utilize accrued sick leave.

2) For the purposes of this Section, "immediate family" shall be defined as spouse, spousal equivalent, parent, stepparent, parent-in-law, foster parent, child, stepchild, foster child, legal ward, brother, sister, son-in-law, daughter-in-law, grandparents and grandchildren. "Immediate family" shall also include any other close relative who resides in the employee's household. Further, for the purposes of this Section, parents of a spousal equivalent shall be treated the same as if they were parents of a spouse.

3) The Appointing Authority may require the employee to furnish a written medical statement issued by a licensed physician or practitioner, or other satisfactory

evidence of illness that confirms the illness of the employee or their immediate family member, provides an estimate of when the employee will be able to return to work, states whether the employee's incapacity will require intermittent treatments, states the estimated frequency and duration of such treatments, and provides the estimated period for recovery, if known. Abuse of sick leave shall be cause for disciplinary action. If the employee's leave qualifies as protected leave under the Family Medical Leave Act or the Oregon Family Leave Act, the Appointing Authority may require a medical certification as provided by state or federal law.[See also Section 7.4.5(2).]

7.3.3 Sick Leave Notification:

An employee shall notify his or her supervisor of the employee's intent to use accrued sick leave as soon as possible and in compliance with individual department guidelines. For a temporary disability that is predictable, the employee shall give the Appointing Authority sufficient notice to plan for staffing during the employee's absence and, if requested, shall provide the Appointing Authority with a written statement from the attending physician estimating the dates of absence. The employee shall notify the Appointing Authority as soon as the attending physician releases the employee to return to work.

7.3.4 Sick Leave without Pay:

Upon application of an employee and after available accrued sick leave and applicable leave options have been exhausted, Sick Leave without Pay of a reasonable period, subject to the business needs of the department, may be granted by the Appointing Authority. Leaves in excess of ninety (90) days may be granted at the discretion of the County Administrator.

7.3.5 Sick Leave Benefits for Employees on Military Reserve Leave:

Regular employees who are members of an armed forces reserve program and who are called up to active duty will continue to accrue sick leave during the military leave of absence. The use of sick leave will not be allowed if on "called up" status.

7.4 <u>Other Leaves</u>

7.4.1 Jury Duty and Witness Leave:

1) An employee shall be granted Leave with Pay when required to report for jury duty or as a witness in cases in which the employee has no interest. The employee shall waive all witness fees or pay for jury duty, except mileage expense, unless the employee receives said compensation while on an authorized leave of absence without pay. County temporary or part-time employees will be granted jury or witness leave only if the jury or witness duty coincides with the employee's regularly scheduled hours.

2) An employee required to report for jury duty or as a witness may be excused, with approval from the employee's supervisor, from appearing for the employee's normal shift on that work day if the jury duty or witness responsibility exceeds four (4) hours.

3) If jury duty or witness responsibilities continue for four (4) hours or less, employees on the day shift shall report for the remainder of their work day. Employees on other than day shift shall have the number of hours spent on jury

or witness duty deducted from their normal shift on that work day and shall report for the first remaining hours of their work shift.

7.4.2 Military, Alternative Service, and Peace Corps Leave:
Military, alternative service and Peace Corps leave shall be granted in accordance with Oregon Revised Statutes and Federal Regulations. The county shall pick up the employee portion of OPSRP/PERS for military deployments requiring the employee's absence that exceeds thirty (30) continuous days, for the duration of the deployment. The pick-up of the employee portion of OPSRP/PERS shall apply to deployments commenced on or after January 1, 2003. Refer to sections 7.2.9 and 7.3.5 for use and accumulation of leave.

7.4.3 Worker's Compensation Leave:
A probationary or Career Employee who sustains an injury compensable under the worker's compensation law, shall receive from the County, regular straight time compensation, for a period not to exceed one hundred and eighty (180) calendar days from the date upon which worker's compensation payments commence. These wages will commence after the required three (3) day waiting period has been met. After the one hundred and eighty (180) calendar days, the employee will begin receiving worker's compensation time loss payments as required by law. The employee may then use vacation, compensatory time or sick leave to cover the difference between worker's compensation payments and his/her regular straight times pay under the worker's compensation leave provision. Sick Leave without Pay may be granted after all accumulated sick leave has been exhausted.

7.4.4 Bereavement Leave:

1) An employee shall be allowed up to three (3) workdays time off with pay for death in the employee's immediate family. An additional leave of two (2) workdays shall be allowed for necessary funeral travel time when approved by the Appointing Authority. Work days are defined as the employee's regular daily work schedule.

2) For the purposes of bereavement leave, immediate family shall be defined as an employee's child, spouse or spousal equivalent and their children, parents, step-parents, sisters, brothers, grandparents, grandchildren, father-in-law, mother-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law. Under exceptional circumstances, bereavement leave may be granted by the Appointing Authority upon the death of a person other than the employee's immediate family. Use of accrued sick leave may be authorized in addition to bereavement leave when deemed appropriate by the Appointing Authority.

3) At the discretion of the Appointing Authority, and with consideration of department operating needs, bereavement leave may also be granted up to eight (8) hours to attend funeral services for a fellow County employee.

ARTICLE 8.

PERFORMANCE MANAGEMENT AND EMPLOYEE DEVELOPMENT

Applicability: This Article applies to all employees in Classified and Unclassified Positions; and all employees in Civil Service Exempt Positions, except 8.3 (1), (2), (3) and (4).

Statement of Philosophy

Washington County believes that the continuous learning and employee development are critical to the productivity and professionalism of the County work force.

Washington County believes that continuous learning and employee development are critical to the productivity and professionalism of the County workforce. The County encourages all employees to identify opportunities for development and performance improvement through individual or group development opportunities and training. Within budgetary and workload guidelines, employee training and development will be supported by the County. This policy is intended to support efficient and productive performance and the developmental needs and career goals of employees.

8.1 Performance Management

8.1.1 General Provisions:
It is the policy of the County to review the performance of each employee at least annually to assure that the employee is meeting the performance standards of the particular Position and to develop learning objectives for the coming year.

8.1.2 Performance Assessments:
The Human Resources Manager shall establish, and make effective, a system designed to give a fair assessment of an employee's performance, and to provide for learning opportunities. A performance assessment shall be prepared and recorded for all employees annually.

8.1.3 Procedure for Performance Assessments:
A performance assessment should be conducted:

1) Thirteen Qualified Payroll Periods after hire or Promotion, and

2) Twenty-six Qualified Payroll Periods after hire or Promotion, or if the above is not applicable, then

3) Twenty-six Qualified Payroll Periods after the employee's last salary increase, or if the employee is at the top of their salary range, then

4) Twenty-six Qualified Payroll Periods after the employee's last performance assessment.

The immediate supervisor of the employee shall meet with the employee and complete the performance assessment form with the employee. The performance assessment form shall be reviewed and signed by the Appointing Authority or his/her designee and copies shall be distributed after all required signatures have been obtained.

The performance assessment should be completed prior to the end of the month in which the assessment is due and may be appealed according to the non-disciplinary appeals procedures in Article 10.

8.2 Employee Education and Training

8.2.1 Required Training:

The County will pay for tuition, registration fees, and costs for required instructional materials for any training required of an employee by the County. Any instructional materials that are paid for by the County become the property of the County. All claims for expenses incurred during required training must be submitted on a Washington County Expense Report Detail along with supporting documentation.

Attendance at required training is considered time worked and is paid at the usual rate of pay of the employee.

8.2.2 Required Technical and Professional Training:

Subject to departmental budget limitations, the County may authorize attendance and pay for the costs related to training required by a professional or licensing organization to maintain a professional certification or technical license required for the employee's position.

Attendance at required technical and professional training classes or activities is considered work time and is paid at the usual rate of pay of the employee.

8.2.3 Technical and Professional Associations:

The County encourages employee membership and participation in technical or professional associations and activities on a local and national level. Within budgetary guidelines, the Appointing Authority may authorize leave and approve reimbursement for professional dues or attendance at professional or technical meetings, seminars, or similar work-related activities.

Generally, attendance at technical and professional association functions or activities during the employee's regular work hours is considered work time and will be paid at the usual rate of pay of the employee.

8.2.4 Conferences, Seminars, and Other Training:

Employees may be approved to attend conferences, seminars, or other training functions that are directly related to county business or that are intended to enhance the skill or professional ability of the employee. Approval of the Appointing Authority is required prior to the employee attending. Upon approval, the County will pay for tuition, registration fees and costs for required instructional materials for the training.

Attendance at conferences, seminars or other training under this section is considered work time and will be paid at the usual rate of pay of the employee.

8.2.5 Related Travel Costs and Expenses:

Related travel costs and related expenses to and from required training and approved conferences or seminars will be reimbursed by the County in accordance with the Washington County Travel Policy. All claims for reimbursement of authorized expenses incurred must be submitted on a Washington County Expense

Report Detail. Employee is required to submit all related supporting documentation.

8.2.6 <u>College or University Courses:</u>

Eligible employees may request approval and reimbursement for courses directly related to County business or as part of a certification program; or an associates, bachelors, graduate or accelerated degree program. The County may reimburse all or part of the costs for tuition and instructional materials for these activities under the following guidelines:

1. Employee must be in career or career probationary status.
2. The educational program must be determined to be closely related to the current job of the employee or necessary for the continued career growth of the employee within the County.
3. The Appointing Authority may establish limitations as to the number of classes or credit hours for which an employee may be reimbursed.
4. Reimbursements are subject to available funds and budget limitations of the department or division.
5. Requests for reimbursement must be submitted and approved in writing prior to attending the course.
   a. Employee must submit a completed Washington County Tuition Reimbursement Form to the Division Manager or Department Director.
   b. The Division Manager or Department Director must approve reimbursement prior to employee attending the course.
6. Employee must advance payment of all costs involved with the approved course.
7. Reimbursement is made to the employee only after proof of successful completion of the pre-approved course, generally with a grade of 'C' or better, or a grade of 'pass' on a pass/no-pass grading system.
8. Reimbursements of tuition are not considered taxable provided the educational course is job related and either (a) maintains or improves job skills or (b) is expressly required by Washington County or the law.
9. Reimbursements of tuition for courses that (a) are required to meet minimum educational requirements, or (b) are part of a study program that qualifies an employee for a new trade or business are considered taxable and will be taxed in accordance with current Internal Revenue Code requirements [*IRC §132(d)]*.

   Attendance at college or university courses is not considered work time. If attendance at these courses is within the normal working schedule of the employee, use of accrued vacation leave or compensatory time, or leave without pay may be approved for use by the employee.

8.3 <u>Education Leave</u>

8.3.1 Education Leaves of Absence After One Year of Service:

After completing one (1) year of service an employee, upon request, may be granted a leave of absence without pay by the Appointing Authority for educational purposes at an accredited school, when it is related to the business of the County. The period of such leave of absence shall not exceed one (1) year, but it may be renewed or extended when necessary at the request of the employee, and with the approval of the Appointing Authority.

8.3.2 Length and Limitations of Educational Leave:

A one- (1) year leave of absence for education purposes, with any requested extension, may not be provided more than once in any three- (3) year period. Employees are not required to use compensatory time off or vacation leave prior to educational Leave without Pay. Employees shall not be credited with Qualified Payroll Periods, however, during their absence.

8.3.3 Leave of Absence for Other Educational Purposes:

The Appointing Authority may also grant leaves of absence with or without pay for educational purposes, for reasonable lengths of time, to attend conferences, seminars, briefing sessions or other functions of a similar nature that are intended to improve or upgrade the employee's skill or professional ability, provided it does not interfere with the operation of the County. Travel time for seminars and training sessions will be paid in accordance with OAR 839-20-045. [See Section 6.3.2 Leave of Absence without Pay for Cooperative Work Assignments.]

ARTICLE 9.

SAFETY

Applicability: This Article applies to all County employees and elected officials.

Statement of Philosophy:

Washington County is committed to creating and maintaining a safe and healthy place of employment. Each employee is expected to contribute and adhere to the safety rules and practices of Washington County.

9.1 General Policy

The County believes that safe working conditions for each of its employees can be attained through use of safety equipment, by proper job instruction, frequent review of safe work practices and adequate supervision. The purpose of this Article is to define County policy and establish responsibility for the administration and coordination of an effective safety program.

9.2 General Responsibility

9.2.1 County Responsibility:
The County recognizes the need for the development of safe working practices for every job. The County promotes the advancement of safety in design of buildings, equipment, tools and other devices.

9.2.2 Employee Responsibility:
All employees are required, as a condition of employment, to follow all established safety practices.

9.2.3 Supervisory Responsibility:
All supervisors will consider administering the safety program to be an essential part of their job.

ARTICLE 10.

NON-DISCIPLINARY APPEALS PROCEDURE

Applicability: This Article applies to all employees in Classified Positions; and employees in Unclassified Positions and Civil Service Exempt Positions, except 10.2.

Statement of Philosophy:

A County workforce that functions as a focused and well-coordinated team is essential in fulfilling our public stewardship role. Unresolved individual conflicts and issues should not impede this role. To achieve such an environment all employees must have a forum in which their problems and complaints may be resolved in a fair and timely manner without fear of reprisal. Innovative problem solving shall be encouraged in order to find solutions using informal means at the lowest possible level of supervision.

It is the policy of the County to provide for an orderly process whereby employees may have their problems and complaints considered as fairly and as quickly as possible without fear of reprisal. These processes are available to all employees; however, bargaining unit employees may choose to use the grievance procedure in their collective bargaining agreement if the action pertains to an issue covered under that agreement. Efforts shall be made to find an acceptable solution to employee issues by informal means at the lowest possible level of supervision. [See Sections 14.2.14, 5.4, and 12.4.2]

10.1 Definition of Non-Disciplinary Appeal

An employee or group of employees in the County may file an appeal in writing if they believe an injustice has been done because of:

- lack of County policy or agency policy;
- a policy that is unfair;
- a deviation from a policy; or
- a discretionary action of a department in the application of rules and regulations of the County.

The procedures for filing a non-disciplinary appeal are contained in Appendix A of these Rules.

10.2 Non-Disciplinary Appeal Procedures

1) Departmental Review

a. Every attempt shall be made to resolve non-disciplinary appeals within the employee's department. The first step for a non-disciplinary appeal shall be filed with the employee's department. Employees must first bring their issue in writing to the attention of their immediate supervisor. If the issue cannot be resolved

satisfactorily by the supervisor, the employee may appeal the issue to the next level of management within the department. If an employee's issue involves their immediate supervisor, the employee may appeal to the next level of management without first appealing to their immediate supervisor. Each department shall determine the levels of management that an appeal shall proceed through.

b. The initial appeal within a department shall be in writing and made within ten (10) working days of the date the action, event or decision took place or the date the employee became aware of the action, event or decision unless extenuating circumstances can be shown as to why this time frame could not be met.

c. Supervisors, managers, and department heads shall respond to an employee's written appeal within ten (10) working days of receipt unless management determines that there are extenuating circumstances that preclude meeting this time frame. The supervisor or manager's response will include both a decision and explanation of the decision or, if an investigation is required, a projected date that the decision will be rendered. In the event that an investigation is required, the department shall proceed with as much expedience as practicable.

d. An appeal being made in response to an immediate supervisor's or Division Manager's decision regarding an initial appeal shall be submitted in writing within ten (10) working days from the date the employee is provided with written notification of the decision.

e. Appeals at every level shall be in writing and, at a minimum, set forth the action, event or decision being appealed, the basis of the disagreement, and the relief or remedy the employee is seeking.

2) <u>Consideration of Appeals by the County Administrator</u>

a. When the appeal of a non-disciplinary issue cannot be resolved after exhausting the departmental procedure, the appeal may be directed to the County Administrator who shall review the issue.

b. Any appeal to the County Administrator shall be made within ten (10) working days from the date the employee received written notification of the Appointing Authority's final decision. The appeal shall be in writing and at a minimum set forth the action, event or decision being appealed, and the relief or remedy the employee is seeking.

c. The County Administrator may direct the Human Resources Manager to review and/or investigate the matter and make a recommendation on the appeal. The appealing employee shall be advised accordingly.

d. The Human Resources Manager shall respond to the County Administrator within ten (10) working days of receipt of the appeal. The County Administrator's decision on the appeal shall be final.

ARTICLE 11.

CIVIL SERVICE COMMISSION

Applicability: This Article applies to all employees in Classified Positions; to all employees in Unclassified and Civil Service Exempt Positions.

Reference: Washington County Code 2.32.

11.1 Membership

The Civil Service Commission shall be composed of five members appointed by the Board of County Commissioners. No member of the Civil Service Commission shall be a member of the governing body or an employee of Washington County or Clean Water Services, except that Commissioners may serve as a member of any other Civil Service Commission. The persons appointed shall be known to believe in the principles of civil service and shall be electors residing within the County.

The Board of County Commissioners may remove any Civil Service Commissioner for incompetence, dereliction of duty or other Good Cause after giving due notice in writing of the charges against the Commissioner and providing him/her an opportunity to be heard publicly on such charges before the Board of County Commissioners. A copy of the charges and a transcript of the record of the hearing shall be filed with the Board of County Commissioners.

11.2 Term of Office and Compensation

The term of office of a member of the Civil Service Commission shall be two years and each shall serve without compensation. Members may serve consecutive terms.

11.3 Organization of the Civil Service Commission

11.3.1 Election of Chair:
At the first meeting following the Appointment or confirmation of members, or upon conclusion of the term for an existing chair, or upon the Resignation of the chair, the Civil Service Commission shall elect a new chair who shall serve for one year.

11.3.2 Quorum:
Three members of the Civil Service Commission shall constitute a quorum and a majority vote of the quorum shall be sufficient for a decision in all matters and transactions.

11.3.3 Frequency of Meetings:
The Civil Service Commission shall hold such meetings as may be required for the proper discharge of its duties and such additional meetings as are requested by any Commission member. Any person subject to civil service may request in writing a special meeting of the Commission, and the request shall be granted when Good Cause is shown, unless the Personnel Rules designate the action taken by the County as not being subject to appeal before the Civil Service Commission.

11.3.4 Appointment of Chief Examiner and Secretary:
The Civil Service Commission shall appoint the Chief Examiner, who shall act at the direction of the Commission, investigate complaints, and prepare reports for Commission meetings. Unless otherwise designated by the Civil Service Commission, the Chief Examiner shall be the Human Resources Manager or his or her designee. The Chief Examiner shall serve as secretary to the Commission and shall keep records of the Commission's proceedings and preserve all records of the Commission.

11.4 Responsibility of County Officials to the Civil Service Commission

11.4.1 Responsibility of the Board of Commissioners:
The Board of County Commissioners shall supply the Civil Service Commission with all office supplies, equipment and space necessary to carry on the business of the Commission. The Board of County Commissioners shall also provide the Civil Service Commission with such assistance as the Commission may reasonably consider necessary.

11.4.2 Responsibility of Officers of the County:
The Officers of the County shall aid the Civil Service Commission in all proper ways to carry out their responsibilities under the Personnel Ordinance of the County. The Officers shall afford the Commission, its members and employees, all reasonable facilities and assistance in inspecting books, papers, documents, and accounts relating to all classified Positions.

11.5 Rules of Procedure

The Civil Service Commission shall adopt rules of procedure as required to carry out the Commission's responsibilities under the Personnel Ordinance of the County. Rules of procedure for conducting disciplinary and candidate appeals hearings, which have been previously adopted by the Civil Service Commission, may be modified at the discretion of the Commission.

11.6 Investigations

In connection with an appeal, complaint, protest or any other purpose authorized by the Personnel Ordinance, the Civil Service Commission may conduct such investigation or civil suit as the Civil Service Commission deems necessary for the proper enforcement of the Personnel Ordinance or these Rules and Regulations. The Civil Service Commission shall make a public report upon all matters investigated under the Personnel Ordinance.

ARTICLE 12.

EQUAL OPPORTUNITY EMPLOYER

Applicability: This Article applies to all employees in Classified Positions; to all employees in Unclassified and Civil Service Exempt Positions; and to all elected officials.

Statement of Philosophy

Washington County's policy affirms our belief in the value of all employees and a respect for the differences among people. Washington County is committed to providing a productive work environment for all employees, and application processes for applicants that is fair, positive, and respectful of each person's dignity and free from all forms of illegal discrimination or harassment. The goal of the county is to provide an environment that supports employees so that they may realize their full potential. Washington County values all diverse backgrounds, experiences, special abilities and characteristics that employees bring to the organization.

12.1 Policy Statement

It is the policy of Washington County to be fair and impartial in all of its relations with its employees and applicants for employment and to adhere to the principles of equal employment opportunity and affirmative action.

Affirmation of Policy

The Washington County Board of Commissioners hereby reaffirms its official policy of non-discrimination towards any qualified employee or applicant for employment. Discrimination on the basis of race, gender, gender identity, religion, national origin, age, source of income or economic status, disability, disabled or Vietnam era veteran status, sexual orientation, or marital status is prohibited by all employees of Washington County (except where there are bona fide occupational qualifications). This policy will apply, but not be limited to, recruitment, promotion, hiring, layoff, termination, demotion, classification, transfer, rates of pay, fringe benefits, training, or other forms of compensation, use of facilities, social and recreational programs, and other terms, conditions and privileges of employment for all job Classifications. All Personnel Actions will be administered in accordance with this policy. This policy shall be made available to all County employees and to all affected members of the community and relevant labor markets.

The Board of Commissioners hereby directs that a Countywide Affirmative Action Plan be established and directed by the Human Resources Manager. The Human Resources Manager shall design, implement and monitor internal audit and reporting systems to measure the program's effectiveness and to determine where progress has been made and where further action is needed. This Affirmative Action Plan is adopted and implemented in good faith, in reliance upon, and in conformance with the Equal Employment Opportunity Commission Guidelines on Affirmative Action set forth in 29 CFR Part 1608 and Section 7 13(b)(1) of the Civil Rights Act of 1964.

The County recognizes that it is insufficient to proclaim opposition to discrimination; therefore, the County takes initiative and affirmative action to achieve the status of an equal opportunity employer.

12.2 Affirmative Action Plan

The Washington County Affirmative Action Plan and accompanying departmental plans, as adopted by the Board of Commissioners, are included and by reference incorporated herein.

12.3 Responsibility

The Board of County Commissioners delegates the final responsibility for the administration of the Affirmative Action Plan to the County Administrator. The County Administrator is responsible for recommending necessary changes in the policies and procedures to effectively meet the goals and timetables of the program.

The County Administrator, Appointing Authorities and supervisors are responsible for supporting and participating in the implementation of the Affirmative Action Plan.

12.4 Responsibility of the Civil Service Commission on Affirmative Action

12.4.1 Affirmative Action Plan:

The Board of County Commissioners designates the Civil Service Commission as an affirmative action advisory committee to evaluate the affirmative action program and recommend changes when appropriate.

Following are the responsibilities of the Civil Service Commission with regard to the Affirmative Action Plan:

1) Evaluate the affirmative action program in terms of effectiveness, and

2) Provide active support for the principles of Equal Employment Opportunity and Affirmative Action in the community and with County employees.

12.5 Appeal of Alleged Discriminatory Conduct

If an employee or a Candidate for Appointment to a Position with the County feels that the County has engaged in a discriminatory employment conduct against a member of a protected class, the employee may file a written Notice of Appeal to the Civil Service Commission with the Human Resources Manager within ten (10) working days from the date of action or from the date when the claimant gains knowledge of the action. The Notice of Appeal shall include the name, address and telephone number of the Appellant, a description of the specific decision or conduct that is being appealed and the date of the decision or conduct, the name and title of the decision maker or other person accused of discriminatory conduct. All appeals to the Civil Service Commission shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals.

Candidates appealing under this Article may not also choose to appeal under Section 10.2.

ARTICLE 13.

ETHICAL STANDARDS

Applicability: This Article applies to all County employees.

13.1 Political Activity

13.1.1 Political Activity on the Job:
Employees of the County shall not solicit any money, influence, service or other things of value or otherwise aid or promote any political committee or cause, or the nomination or election of any person to public office or passage/defeat of any ballot measure while on the job during working hours. Further, employees shall not use County equipment, materials or other resources to promote any political committee or cause or the nomination or election of any person to public office or passage/defeat of any ballot measure.

13.2 Outside Work

13.2.1 Approval of Outside Work:
Unless authorized by the County Administrator, no employee shall perform outside compensated work whether part-time, temporary or permanent. Each change in the conditions of previously approved outside compensated work or any change in outside employer shall require separate approval.

13.2.2 Basis of Approval:
Outside compensated work may be approved when: (a) the employment is compatible with or unrelated to the work of the employee's County position, (b) the employment does not detract from the efficiency of the employee's work, (c) the employment does not create a conflict of interest or the appearance of a conflict of interest, and (d) the employment does not bring discredit upon the County.

13.3 Gifts, Gratuities and Fees

13.3.1 Solicitation:
County employees shall not under any circumstances solicit any gift, gratuity, loan or fee where there is any direct connection between the solicitation and their departmental membership or employment.

13.3.2 Acceptance:
County employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value in excess of $50.00 per year from any person or organization with an administrative or legislative interest in any decision or vote made by the employee in their official capacity, or when the acceptance of any such gift might tend to influence directly or indirectly the actions of the employee or any other person regarding any County business activity.

13.4 Overpayment to County Employees:

Any circumstances resulting in payment in excess of what is allowed under these Rules and Regulations to a County employee through wages, reimbursements, benefits, or other type of payment shall be returned to the County. The County shall use all legally, available means to recover the overpayment from the employee.

13.5 Family, Business and Personal Relationships:

As a public service organization, Washington County recognizes that our principles and policies must reflect the highest standards of integrity. With that in mind, we will continually strive to balance the rights of employees with the interests of the community we serve. The manner in which we conduct ourselves either supports or detracts from the public's perception of the value of government service.

13.6 Impropriety or Conflict of the County's Interest:

The County will not permit employment situations in which impropriety or a conflict of the county's interest is created based upon family, personal or business relationships. An impropriety or conflict of the county's interest shall be deemed to exist when any employee has the authority or practical power to exert favorable or unfavorable influence over the employment of a relative or other personal relationship including employment with outside agencies doing business with the county. This includes the authority to supervise, appoint, terminate or discipline, or to review or audit work. Impropriety or conflict may be determined to exist based upon an actual or potential conflict or impropriety or the appearance of a conflict or impropriety.

13.7 Definition of Family or Personal Relationship:

For the purposes of this Section, family or personal relationship is defined as spouse, spousal equivalent, former spouse, former spousal equivalent, fiancée, or children, step children, foster children, parents, grandparents, in-laws, foster parents, siblings, aunts, uncles, nieces, nephews or cousins of the employee, the employee's spouse or the employee's spousal equivalent. Additionally, employees are advised to consider other relationships not distinguished by blood or marriage that may lead to perceptions of favoritism or impropriety.

13.8 Resolution of Impropriety or Conflict of the County's Interest:

Employees who become related or otherwise involved such that the relationship would create a potential impropriety or conflict of the county's interest shall immediately notify their respective Appointing Authority. The Appointing Authority shall determine if an actual or potential impropriety or conflict exists and, if appropriate, make such changes as are necessary to preclude the impropriety or conflict of the county's interest. Employees will be allowed a "grace period" in which to change work responsibilities, supervisors, or positions in order to comply with the intent of the policy. The grace period shall be determined by the Appointing Authority but shall be for no longer than ninety (90) calendar days from the date the Appointing Authority was first notified of the conflict. If a resolution that eliminates the impropriety or conflict of the county's interest has not been achieved, then the matter shall be referred to the County Administrator. The County Administrator may take any reasonable action necessary to alleviate the impropriety or conflict of the county's interest up to and including termination.

13.9 Willful Violation:

Willful violation of this Section will be construed as cause for disciplinary action pursuant to Section 5.1, up to and including termination.

ARTICLE 14.

WORKFORCE ADJUSTMENT, LAYOFF AND REDEPLOYMENT

Applicability: This article applies to all Classified County Employees

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Statement of Philosophy:

Employees are Washington County's most valuable resource. The County will strive to adjust to environmental, program and funding fluctuations through the use of human resource planning methods. In the event a reduction in force is unavoidable, it is the goal of Washington County to minimize the negative impact on operations and employees. The County will maximize opportunities for employment continuation for employees impacted by a workforce reduction or layoff through demotion, redeployment, and opportunities to accept part-time, seasonal and temporary positions if available.

Employees in positions exempt from Civil Service and employees serving their initial probationary period do not have recall rights covered in this chapter.

14.1 Alternative to Layoff:

Prior to deciding on a reduction in force, the Appointing Authority shall consider alternatives to layoff, which may include but not be limited to:

a) Reduction through attrition
b) Employee reassignment
c) Voluntary salary reduction
d) Voluntary or involuntary reduction in regular work hours or FTE
e) Voluntary or involuntary furlough periods
f) Voluntary leave of absence
g) Position work sharing
h) Voluntary separation programs
i) Transferring employees to vacancies within their department
j) Eliminating or postponing hiring into vacant positions
k) Assigning work currently done by temporary employees to regular staff
l) Restructuring work processes

Prior to implementation, workforce adjustment plans shall be reviewed by the Human Resources Manager and the County Administrator.

14.2 Layoff

14.2.1 Reasons for Layoff:

In the event alternatives to layoff are insufficient or unsuitable, an Appointing Authority may initiate a layoff for the following reasons:

a) Abolishment of a position;
b) Shortage of funds or work resulting in the Appointing Authority's determination of a need to reduce the work force;
c) A material change in duties resulting in the employee not meeting the qualifications for the position;

d) Other reasons which do not reflect discredit on the service of the employee as approved by the Human Resources Manager.

A temporary or permanent separation of an employee who is in a designated Temporary or Extra-Help Position, a Provisional Appointment or an employee receiving disciplinary action shall not be considered a Layoff.

14.2.2 Method of Layoff:

1) Classifications to be Reduced for Purpose of Layoffs: Unless a Layoff is the result of section 14.2.8 (Offer to Accept Voluntary Layoff), Layoff shall be within a classification (or specialty area within a classification) in inverse order of seniority with the County.

2) Number of Positions: The Appointing Authority shall determine the number of Positions in a specific classification to be reduced in the department. Where a classification has a defined specialty area(s) as designated in the adopted class specification, the Appointing Authority shall determine whether and how many positions within such specialty area(s) should be reduced. Layoffs are restricted to the department reducing positions.

3) Human Resource Responsibility: To initiate a layoff, the Appointing Authority shall request that the Human Resources Manager prepare the departmental classification seniority list and prepare layoff letters. The request shall include the reasons for layoff and be submitted as soon as possible, but not later than thirty (30) days prior to the effective date of the layoff.

4) Method of Employee Layoff: The employee with the least County seniority within the classification and department shall be laid off, except as provided for in any applicable collective bargaining agreement.

5) No Displacement: Except for Section 14.2.7 (Layoff of Employees in Sworn Public Safety Classifications), no employee shall displace (bump) another employee due to layoff unless authorized by a collective bargaining agreement.

6) Seniority: For the purpose of Layoff or Recall, computation of seniority shall be based on Qualified Payroll Periods as a Provisional, probationary or Career Employee, and shall be computed as follows: [See Section 14.2.9]

   a). Full-time employment: An employee's seniority in a full-time position(s) shall be calculated at one (1) point per Qualified Payroll Period.

   b). Part-time and Job-Share employment: Effective June 5, 1993, an employee's seniority in a part-time and/or job-share Position(s) shall be calculated based on an amount proportionate to a full-time position.

   c). Part-time and Job Share employment prior to June 5, 1993: An employee's seniority for the time served in part-time and/or job share position(s) prior to June 5, 1993 shall be calculated as if the time served was in a full-time capacity.

14.2.3 Breaking Ties:

In the event two or more employees have the same seniority, the person whose date of employment with the County is chronologically first will be considered as having greater seniority. In the event that a tie in seniority still exists, seniority

within the department shall be the tie breaker. In the event that a tie in seniority still exists, the Human Resources Manager shall identify an alternative method to break the tie.

14.2.4 Status of Temporary, Extra-Help and Provisional Employees:
Employees who are laid off will be offered any temporary, extra-help or provisional position for which they are qualified and available in the department from which they are laid off. Temporary, extra-help, or provisional employees will not be employed in any department implementing layoffs unless any laid off career or probationary employee(s), who are qualified and available for the nature of the work involved, are first offered and decline to accept the temporary, extra-help, or provisional position. The determination of a career or probationary employee's qualifications and availability to perform the work of a temporary, extra-help, or provisional employee shall be within the discretion of the Appointing Authority. An employee may appeal this decision as provided in Appendix A of these Rules.

14.2.5 Layoff Notice:
All affected employees shall be given written notification by their Appointing Authority as soon as Human Resources has prepared the classification seniority list and notice of layoff. The Layoff Notice shall include the reasons for layoff and any options available to employees being laid off such as demotion in lieu of layoff, available temporary employment opportunities and redeployment program information. In no circumstances shall the Layoff Notice be given less than fifteen (15) calendar days prior to the effective Layoff date.

14.2.6 Demotion in Lieu of Layoff:

1) Any career or probationary employee who is about to be laid off may file a written request with their Appointing Authority for a demotion in lieu of layoff. The Appointing Authority may grant the request in any classification at a lower salary range for which a vacancy exists and where the employee may reasonably be expected to perform satisfactorily. Human Resources shall determine if the employee meets the minimum qualifications for the classification to which the employee is requesting demotion.

2) If the Appointing Authority determines that a demotion is not in the best interest of the department, the Appointing Authority shall, upon conferring with the Human Resources Manager, immediately notify the employee in writing and give the reasons for denying the request. An employee denied a demotion in lieu of layoff may appeal the denial under the provisions of Appendix A of these Rules.

3) Employees may request demotion in lieu of layoff into a different department. The Appointing Authority receiving the request may consider the request in the same manner as a Voluntary Classification Demotion under Section 4.7.

4) In cases where employees are demoted in lieu of layoff, their names shall be placed on the Recall list for the Classifications from which they were demoted. [See Sections 3.5.3 and 4.6.6 for information on demotions.] Employees serving an initial probationary period, who are not selected for demotion in lieu of lay off, will be returned to the appropriate eligible list, if still active.

14.2.7 Layoff of Employees in Sworn Public Safety Classifications:

1) For employees in the Classifications of Sergeant or Lieutenant, layoff shall be by classification in inverse order of seniority within the classification. Upon written request to the Appointing Authority within seven (7) calendar days from receipt of notice of layoff, a career or probationary employee who is about to be laid off may displace the employee with the least seniority in the classification the employee held immediately proceeding the employee's current classification, provided that such displacement does not result in a promotion and that the employee being laid off may only displace an employee in the classification of Sergeant, Corrections Sergeant or Lieutenant.

2) An employee who displaces an employee in a lower classification, resulting in a demotion, shall be considered to have the greatest seniority in the classification for purposes of this section. In the event that two or more employees have demoted in this manner, the employee with the greatest seniority in the former classification shall be considered as having the greatest seniority.

14.2.8 Offer to Accept Voluntary Layoff:

As provided in Section 14.2.2, after a decision to proceed with Layoff has been made, but prior to implementing any Layoff, the Appointing Authority may announce impending Layoffs within any classification. Employees within an affected classification, regardless of the employee's seniority as provided by Section 14.2.2 (6), may offer to take a Layoff or a reduction in FTE (full time equivalent). The Appointing Authority may elect to Layoff or reduce the FTE of an employee offering to be laid off or accept a reduction in FTE in lieu of imposing Layoff based on seniority. The decision to accept a voluntary offer of Layoff or reduction in FTE, as provided herein, is solely within the discretion of the Appointing Authority.

14.2.9 Restoration of Qualified Payroll Period Credit:

A Career Employee who has voluntarily left classified employment to accept employment in an Civil Service Exempt or Unclassified Position within the County, or any employee who has been laid off and subsequently Appointed from the list in the same classification, or a comparable classification, shall be considered to have accrued seniority for the purpose and as provided by Section 14.2.2 (6) during the time the employee was in the Civil Service Exempt or Unclassified Position. Further, for the purpose of Section 14.2.2 the employee shall regain seniority for Qualified Payroll Periods earned prior to the voluntary acceptance of a Civil Service Exempt or Unclassified Position.

14.2.10 Temporary Interruption of Employment:

Any temporary interruption of employment which does not exceed ten (10) working days resulting from adverse weather conditions, shortage of supplies, or for other unexpected or unusual reasons as determined by the County Administrator shall not be considered a Layoff if, at the termination of such conditions, employees are to be returned to employment. The standard provisions of the Rules and Regulations regarding Qualified Payroll Periods shall apply under these circumstances.

14.2.11 Medical Layoff:

A layoff shall be considered a medical layoff in situation where a serious health condition prevents an employee from performing the essential duties of their position and the employee has exhausted state and federal protected leave benefits; or when a qualified disability prevents the employee from performing assigned duties and reasonable accommodation cannot be made. The provisions

of recall, (Section 14.2.12) shall be applied in situations where an employee may return due to improvement in their medical condition.

14.2.12 Recall:

1) Eligible for Recall: Laid off Civil Service covered employees who are not serving an initial probation period are eligible for Recall.

2) Duration of Recall List: Each Recall list shall remain in force for one (1) year from the date of layoff or demotion in lieu of layoff.

3) Recall List: The Recall list consists of all employees who were laid off, reduced in FTE under Section 3.2.4, or demoted in lieu of layoff from a position in the appropriate classification. The names on the Recall list shall be in the order of seniority.

4) Order of Recall: The Recall list shall be referred to any department (used in filling vacant positions) before any of the other hiring lists may be used. The Recall list shall be referred in the order of seniority. Where Layoff has occurred within a specialty area as designated in the adopted classification specification, Recall will take place within that specialty area.

5) Appointment of Recalled Employees: The Appointing Authority shall appoint the employee referred, provided the employee is still qualified to perform the duties of the position. If, in the opinion of the Appointing Authority, the employee is not qualified to perform the duties of the position, the Appointing Authority shall notify the Human Resources Manager of the reasons for not appointing the employee. The Human Resources Manager will review the reasons for not appointing the employee and determine if appropriate and in accordance with these rules.

6) Removal of Names from Recall List: The Human Resources Manager may remove the name of a person from a Recall list if the laid off employee fails to reply within ten (10) calendar days from the date of mailing of a written inquiry, sent by certified mail, to the laid off employee's last known address. It is the responsibility of the employee to notify Human Resources of any address change.

The Appointing Authority may request the referral of the next person on the Recall list if the laid off employee is not available to work within fourteen (14) calendar days after the date the employee is mailed written confirmation by the department that they are to return to work. This will not affect the status of the employee on the Recall list.

14.2.13 Salary and Benefit Administration:

1) Sick Leave: Employees who have been laid off will retain their accrued sick leave during the time they are on the Recall list. Accrued sick leave will become available for use upon Appointment from the Recall list. Sick leave is lost when the term of eligibility for Recall expires.

2) Vacation Leave: Employees who are laid off will be paid for unused vacation leave at their regular rate. Upon Appointment from a Recall list, an employee's rate of accrual for vacation leave will remain the same as it was at the time of layoff.

3) Seniority of Laid off Employees: Laid off employees retain, but do not continue to accrue, seniority (accrued Qualified Payroll Periods) during the time they are on the Recall list. Seniority is lost when the term of eligibility for Recall expires.

4) Salary Administration: Upon re-appointment from a Recall list, an employee shall receive the same step in the salary range that the employee held when laid off or demoted. The employee shall begin to accrue vacation and sick leave benefits as if there had been no break in service. The anniversary date and step date of a Recalled employee will be adjusted so that the time spent on layoff or in a lower level classification (as a result of a demotion in lieu of layoff) will not count towards step increases upon Recall.

14.3 Redeployment:

It is in the interest of Washington County to place an employee impacted by Layoff into a vacant position for which they are qualified. It is not intended that redeployment guarantee placement of an employee. It is the county's intention to redeploy employees in lieu of layoff whenever possible.

14.3.1 Employees Eligible for Redeployment:

Employees whose position is impacted due to Layoff are eligible for redeployment, and may elect to participate in the program. Employees who are selected for and accept Appointment through redeployment automatically waive recall rights to their former positions.

14.3.2 Human Resources Responsibility:

The Human Resources Division will manage the redeployment process. This includes:

1) Assessment of the impacted employee's experience, skills and abilities to match them to suitable positions
2) Providing the employee with information about job search resources within the community, county vacancies and other resources for employment services
3) Providing names of employees eligible for redeployment to hiring managers for consideration when filling vacancies
4) Matching employees to positions for which they may qualify through participation in a redeployment training program
5) Informing employees that if they obtain a regular position through redeployment that their name will not be placed on the list for recall to their former position

14.3.3 Human Resources Manager shall have discretion to:

1) Require that the Appointing Authority give priority consideration to eligible employees prior to certifying names from an existing eligible list.

2) Grant exceptions to the existing hiring process for internal hiring of impacted employees, and waive the competitive process for those participating in a training plan.

14.3.4 Appointing Authority Responsibility:

The Appointing Authority shall participate in the redeployment process and will interview and consider all qualified employees referred through the redeployment program. The Appointing Authority retains discretion to extend a job offer to the

most qualified candidate, including those candidates who are not in the redeployment program. The Appointing Authority may choose to consider employees eligible for training under redeployment.

14.3.5 Redeployment Training Plans:
The Appointing Authority may select a redeployed employee who is within a year of meeting the minimum qualification standards and provide training. The employee will serve a training period equal to the experience needed to qualify for the classification. During the training period, the employee will be compensated at 10% below the classification's entry salary rate. After successful completion of the training period, the employee will be appointed to probationary status in the position and receive the entry level salary rate for the classification. Employees will retain their Recall rights to their former classification while in training, and shall be considered Recalled upon appointment to their new classification.

14.4 Layoff Appeals

1) Notice of Appeal: Any employee affected by a decision made under Section 14.2, except decisions made pursuant to Sections 14.2.8 and 14.2.10, may appeal that decision. Any appeal shall be in writing and made within ten (10) working days of the date the employee was notified of the decision being appealed. All appeals shall, at a minimum, set forth the decision being appealed, the basis of the disagreement with the decision, and the relief or remedy the employee is seeking.

2) Consideration of Appeals by the County Administrator: Any appeal of a decision authorized under 1) shall be submitted to the Human Resources Manager. The Human Resources Manager shall investigate the appeal and submit findings and a recommendation to the County Administrator. The County Administrator shall consider the appeal and, if practicable, provide a written response within ten (10) working days of receipt of the appeal.

3) Consideration of Appeals by the Civil Service Commission: Within ten (10) calendar days of receipt of the County Administrator's written decision, an employee may file a Notice of Appeal to the Civil Service Commission. The Notice of Appeal must be in writing and be delivered to the Human Resources Manager as clerk of the Civil Service Commission. The Notice of Appeal must include the name, address and telephone number of the employee, specify the decision being appealed and the date of the decision, include the name and title of the decision maker, and the rule, policy or law alleged to have been violated and the reasons why. All appeals to the Civil Service Commission shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals.

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