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THE CLERK OF COURSE

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WASCO COUNTY

PERSONNEL ORDINANCE

Amended: March 4, 1992

P92-0152

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF AN AMENDED WASCO)            O R D I N A N C E  
COUNTY PERSONNEL ORDINANCE.            )

THE COUNTY COURT OF WASCO COUNTY, OREGON, DOES ORDAIN AS FOLLOWS:

CHAPTER 81 - INTRODUCTORY MATTER

- 81.010 - Short Title
- 81.020 - Purpose
- 81.030 - Interpretation
- 81.040 - Repealer
- 81.050 - Severability
- 81.060 - Editorial Revision
- 81.070 - Distribution
- 81.090 - Effective Date
- 81.100 - Ordinance Revision
- 81.500 - Definitions
- 81.510 - Anniversary Date
- 81.520 - Appointing Authority
- 81.530 - Appointment
- 81.540 - Civil Service Commission
- 81.550 - Civil Service Rules
- 81.560 - Class or Classification
- 81.570 - Class Plan
- 81.580 - Classified Service
- 81.590 - County Court
- 81.600 - The Columbia Basin Nursing Home
- 81.610 - Department
- 81.620 - Discrimination
- 81.630 - Excluded Service
- 81.640 - Full-time Employees
- 81.650 - Holidays
- 81.660 - Monthly Pay Period
- 81.670 - Overtime
- 81.680 - Part-time Employees
- 81.690 - Personnel Action
- 81.700 - Reclassification
- 81.710 - Regularly Employed
- 81.720 - Salary Range
- 81.730 - Salary Range Adjustment
- 81.740 - Seasonal Employee
- 81.750 - Steps
- 81.760 - Transfer
- 81.770 - Unclassified Service
- 81.780 - Workday or Work Week

81.010. SHORT TITLE. This Ordinance shall be known as the Wasco County Personnel Ordinance.

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81.020. PURPOSE. This Ordinance is intended to implement and give effect to the Wasco County Civil Service Act, to regulate County personnel administration insofar as the same may not be controlled by the provisions of that Act or the statutes of this State, to set forth those personnel policies adopted by the County Court, and to establish an efficient and economical County service.

81.030. INTERPRETATION. This Ordinance shall be liberally construed to effect the purposes set forth above.

81.040. REPEALER. Any personnel action taken prior to the effective date of this Ordinance shall be governed by the rules in effect at the time of such action and shall not be affected by the adoption of this Ordinance. Except as herein provided, all prior Orders of this Court concerning employment conditions and compensation are hereby repealed. This repeal includes but is not limited to the Orders and Resolutions of this Court upon such subjects dated:

- (1) May 2, 1962; April 11, 1964; April 15, 1964; February 10, 1965; September 7, 1966; October 5, 1966; August 22, 1967; December 27, 1967; and September 11, 1968; relating to the Columbia Basin Nursing Home.
- (2) May 3, 1963; and August 18, 1968; relating to the Wasco County Road Department;
- (3) February 10, 1965; relating to the Wasco County Courthouse Employees;
- (4) October 11, 1967; relating to all Wasco County employees.

81.050. SEVERABILITY. The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is adjudged to be invalid by a Court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.

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1           81.060. EDITORIAL REVISION. The District Attorney may at any  
2 time direct such changes regarding currently maintained copies of this  
3 Ordinance as the legislative counsel is authorized to perform regarding  
4 acts of the legislature, pursuant to ORS 173.160, provided that such  
5 editorial revision be directed by written memorandum filed with the  
6 Clerk, but subject to disapproval by the County Court at its next  
7 regular meeting thereof following such filing.

8           81.070. DISTRIBUTION. The Clerk shall file and retain the  
9 original of this Ordinance, together with all amendments thereto and  
10 memoranda of editorial revision. He shall maintain in loose leaf  
11 form one or more copies of all provisions in effect at any time,  
12 reflecting amendments and editorial revisions, and make the same  
13 available for public inspection at his office during the regular  
14 office hours thereof. In addition he shall distribute at least one  
15 copy, together with all replacement pages necessary to keep the same  
16 in current condition, to the following:

- 17           (1) the County Court, the District Attorney, the Law  
18           Library, and each judicial officer within the County;
- 19           (2) each department head not enumerated above;
- 20           (3) each person or organization recognized by the County  
21           Court as a bargaining agent for persons employed in the County  
22           service;
- 23           (4) the Civil Service Commission; and
- 24           (5) any other person requesting the same, upon payment of  
25           such fee therefore as may be set by the County Court from time  
26           to time.

81.090. EFFECTIVE DATE. This Ordinance shall become effective  
on \_\_\_\_\_, 1992. Amendments thereto, unless other-  
wise specified, shall take effect when filed with the Clerk. Editorial  
revisions shall become effective, unless disapproved by the County

1 Court, on the first judicial day following the first regular meeting of  
2 the County Court after the directing memorandum is filed with the Clerk.

3 81.100. ORDINANCE REVISIONS. The Wasco County Personnel Ordinance  
4 shall be reviewed by a Committee designated by the Wasco County Court at  
5 least once every three (3) years.

6 81.500. DEFINITIONS. The following definitions shall apply  
7 whenever the indicated term is used in this Ordinance. Words used  
8 in the present tense include the future. Words used in the singular  
9 include the plural and words used in the plural include the singular.  
10 Masculine words include the feminine. The word "Shall" is mandatory  
11 and not directory.

12 81.510. ANNIVERSARY DATE. Except as otherwise specifically pro-  
13 vided in this Ordinance, a person shall be deemed employed in the  
14 County service upon the date he first reports for work therein if it  
15 is the first day of a monthly pay period, otherwise upon the first day  
16 of the next monthly pay period, and such date shall be used for all  
17 longevity computations.

18 81.520. APPOINTING AUTHORITY. That person authorized to appoint  
19 an employee to the County service within a department.

20 81.530. APPOINTMENT. Any means of selecting and employing a  
21 person in the County service.

22 81.540. CIVIL SERVICE COMMISSION. That body designated to  
23 administer the Civil Service Act.

24 81.550. CIVIL SERVICE RULES. The rules duly adopted by the  
25 Wasco County Civil Service Commission pursuant to the requirements  
26 of the Civil Service Act.

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1           81.560. CLASS OR CLASSIFICATION. A group of positions in the  
2 County classified service sufficiently alike in duties, authority and  
3 responsibilities that the same qualifications may reasonably be  
4 required for, and the same schedule of pay can be equitably applied  
5 to all positions in the group.

6           81.570. CLASS PLAN. The written description of a class, con-  
7 taining a title, statements of duties, authority and responsibilities  
8 and the desired minimum qualifications for the class.

9           81.580. CLASSIFIED SERVICE. See Section 82.013.

10          81.590. COUNTY COURT. The County Court of Wasco County, Oregon.

11          81.600. THE COLUMBIA BASIN NURSING HOME.

12          81.610. DEPARTMENT. See Sections 82.100-150.

13          81.620. DISCRIMINATION. See Section 84.310.

14          81.630. EXCLUDED SERVICE. See Section 82.011.

15          81.640. FULL-TIME EMPLOYEES. A person employed within a depart-  
16 ment of County service to work substantially that number of hours  
17 determined to constitute full-time employment within that department.  
18 For the purpose of determining whether an employee is within the clas-  
19 sified service and within the purview of the Civil Service Commission  
20 Rules, part-time employees regularly employed to work not less than  
21 one-half of the hours determined to constitute full-time employment  
22 in the department shall be considered full-time employees.

23          81.650. HOLIDAYS. See Sections 86.110-130.

24          81.660. MONTHLY PAY PERIOD. See Section 85.410.

25          81.670. OVERTIME. See Sections 85.510-515.

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1           81.680. PART-TIME EMPLOYEES. A person employed within the County  
2 service who is not regularly employed to work within a department  
3 substantially that number of hours determined to constitute full-time  
4 employment within that department.

5           81.690. PERSONNEL ACTION. Any action taken with reference to  
6 appointment, compensation, promotion, transfer, layoff, dismissal  
7 or any other action affecting status of employment.

8           81.700. RECLASSIFICATION. A change in class allocation of an  
9 individual position upon the basis of significant changes in the kinds,  
10 difficulty or responsibility of the work performed in such position.

11           81.710. REGULARLY EMPLOYED. A substantially continuous, routinely  
12 repeated or usual, course of scheduled employment in the County service.

13           81.720. SALARY RANGE. A series of increasing salary steps fixed  
14 within the compensation plan of the County and applicable to one or  
15 more positions within the County service.

16           81.730. SALARY RANGE ADJUSTMENT. See Section 85.310.

17           81.740. SEASONAL EMPLOYEE. A person employed within the County  
18 service for a fixed term less than six (6) months.

19           81.750. STEPS. A particular salary level fixed within a salary  
20 range provided by the compensation plan of the County.

21           81.760. TRANSFER. See Section 84.810.

22           81.770. UNCLASSIFIED SERVICE. See Section 82.012.

23           81.780. WORKDAY OR WORK WEEK. A calendar day or calendar week.  
24 Provided, that such day or week may commence or end at a time other  
25 than midnight when departmental shifts designated pursuant to Section  
26 86.030 so specify.

1 CHAPTER 82 - GENERAL PROVISIONS

- 2 82.010 - Categories of Positions  
3 82.011 - Excluded Service  
4 82.012 - Unclassified Service  
5 82.013 - Classified Service  
6 82.100 - Departments of County Service  
7 82.110 - Administered Departments  
8 82.120 - Supervised Departments  
9 82.130 - Elected Departments  
10 82.140 - Supported Departments  
11 82.145 - Multi-agency Departments  
12 82.150 - Assisted Departments  
13 82.200 - Civil Service Rules  
14 82.300 - Local Budget Laws  
15 82.510 - Part-time Employment Benefits  
16 82.520 - Seasonal Employment Benefits  
17 82.530 - Full-time Employment

11 82.010. CATEGORIES OF POSITIONS IN COUNTY SERVICE. Positions in  
12 the service of the County are divided into the following categories:  
13 the exempt service, the unclassified service; and the classified  
14 service.

15 82.011. THE EXCLUDED SERVICE. The Ordinance shall not apply to  
16 persons in the excluded service of the County. The excluded service  
17 shall include:

18 (1) any officer chosen by popular election or appointed  
19 to fill a vacancy caused by the death, resignation or removal  
of any such officer;

20 (2) any person appointed to a position to serve without  
21 compensation from the County other than reimbursement for his  
22 expense incurred in such position;

23 (3) any person employed jointly by the County and by  
24 another governmental unit or body for their mutual benefit;

25 (4) any person providing services to the County as an  
26 independent contractor;

(5) any official reporter, bailiff or crier, subject to  
appointment by any Court or Judge or Justice thereof;

(6) any deputy district attorney;

(7) any doctor or intern employed by, in or at the Columbia  
Basin Nursing Home or any other home maintained by the County  
for the detention or care of juveniles;



- 1 (8) any person holding a position subject to the juris-  
2 diction of the Civil Service Commission created by ORS 242.706,  
3 or any chief examiner appointed under ORS 242.716; and  
4 (9) any temporary employee.

5 82.012. THE UNCLASSIFIED SERVICE. Except where specifically  
6 provided otherwise, this Ordinance shall apply to persons in the  
7 unclassified service of the County. The unclassified service shall  
8 include:

- 9 (1) any person contracted with to perform manual labor,  
10 skilled or unskilled, in the construction, maintenance and repair  
11 of County property; provided, however, that electrical workers,  
12 members of road and bridge crews and laborers permanently  
13 employed shall be considered within the classified service  
14 unless otherwise provided by the Civil Service Act or the  
15 rules of the Civil Service Commission;  
16 (2) any nurse, superintendent or other executive officer,  
17 employed by Columbia Basin Nursing Home, or any home maintained  
18 by the County for the detention or care of juveniles;  
19 (3) any assistant to the County Court;  
20 (4) any roadmaster of the County; and  
21 (5) any part-time or seasonal employee.

22 82.013. THE CLASSIFIED SERVICE. This Ordinance shall apply to  
23 all persons within the classified service, except where such application  
24 is specifically prohibited by the terms of the Civil Service Act. The  
25 classified service shall include all offices and positions in the County  
26 service which are not covered by Sections 82.011 or 82.012 of this  
27 Ordinance.

28 82.100. DEPARTMENTS OF COUNTY SERVICE. Persons within the County  
29 service may within one or more of the following departments and  
30 divisions of County government, described in Sections 82.110 - 82.140,  
31 and persons employed therein shall act subject to the direction  
32 of the indicated department head.

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1           82.110. ADMINISTERED DEPARTMENTS. Employees serving within the  
2 following departments administered directly by the County Court are  
3 responsible to the County Judge who shall be considered the department  
4 head and appointing authority of:

- 5           (1) the Parks and Cemeteries Department;
- 6           (2) the Planning and Development Department;
- 7           (3) the Veterans' Service Department;
- 8           (4) the County Buildings Maintenance Department;
- 9           (5) the Emergency Management Services Department;
- 10          (6) the Community Corrections Department.

11           82.120. SUPERVISED DEPARTMENTS. Employees serving within the  
12 Columbia Basin Nursing Home and County Road Department, administered  
13 indirectly by the County Court, are responsible to a supervisor who  
14 shall be considered the department head and appointing authority. But,  
15 the County Court shall be considered the appointing authority of the  
16 Columbia Basin Nursing Home Administrator and the County Roadmaster.

17           82.130. ELECTED DEPARTMENTS. Employees serving within the fol-  
18 lowing departments are responsible to an elected official who shall be  
19 considered the department head and appointing authority of:

- 20           (1) the Assessor's Department (Assessor);
- 21           (2) the Clerk's Department (Clerk);
- 22           (3) the Sheriff's Department (Sheriff);
- 23           (4) the Surveyor's Department (Surveyor);
- 24           (5) the Treasurer's Department (Treasurer); and
- 25           (6) the County Court's Department (County Judge).

26           82.140. SUPPORTED DEPARTMENTS. Employees serving with the fol-  
lowing departments are responsible to an official of the State of  
Oregon who shall be considered the department head and appointing  
authority:

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- (1) the Juvenile's Department (Circuit Court Judge);
- (2) the District Attorney's Department (District Attorney);
- (3) the Watermaster's Department (Watermaster); and
- (4) the Extension Service's Department (Agents).

82.145. MULTI-AGENCY DEPARTMENTS. Employees serving within the following departments administered indirectly by joint agreement with the County Court and other affected agencies are responsible to a supervisor who shall be considered the Department Head and appointing authority, but the County Judge and other responsible officials from the affected agencies shall be considered the appointing authority of:

- (1) Wasco-Sherman Public Health Department (Public Health Administrator);
- (2) Museum Department (Commission Chairman); and
- (3) Mid-Columbia Center for Living (Center for Living Administrator).

82.150. ASSISTED DEPARTMENTS. Employees may be assigned to assist one or more agencies, authorities, boards, bureaus, commissions, committees, divisions, or departments upon a loaned basis and in so serving shall act under the direction thereof but remain responsible to their regular department head. If such employee has no other appointing authority the County Judge shall be deemed the appointing authority.

82.200. CIVIL SERVICE RULES. All personnel actions relating to employees within the classified service of the County shall conform to the rules of the Civil Service Commission insofar as the same may be made binding by the Civil Service Act.

82.300. LOCAL BUDGET LAW. The County shall provide sufficient funds for the operation of the compensation plan herein provided in salary range adequate to attract competent employees to the County

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1 service but at all times in compliance with the provisions of the  
2 Local Budget Law. In preparation of departmental budgets, each  
3 department head shall include sufficient funds to provide for rea-  
4 sonably foreseeable salary increases and expenditures resulting from  
5 appointments and promotions. NO SALARY INCREASE SHALL OCCUR UNLESS THE  
6 APPOINTING AUTHORITY CERTIFIES THAT SUFFICIENT FUNDS ARE AVAILABLE TO  
7 COVER THE COST OF THE INCREASE AND THAT NO DEFICIENCY WILL THEREBY BE  
8 CREATED. The County Court shall provide funds required to cover the  
9 costs of adjusting salary ranges in a manner consistent with sound  
10 budgetary administration. All increases are subject to the  
11 availability of budgeted funds.

12 82.510. PART-TIME EMPLOYMENT BENEFITS. At the conclusion of six  
13 (6) months of employment within the County Service, a part-time  
14 employee shall receive the sick leave benefit prorated on the basis  
15 of that employee's average monthly hours expressed as a percentage of  
16 the regular full-time hours per month of that department (162.5 hours  
17 for Courthouse and Annex Departments, 173.33 hours for Sheriff's,  
18 Road and Nursing Home Departments). The average monthly hours shall be  
19 calculated over the preceding six (6) month period and recalculated  
20 each six (6) month period thereafter.

21 At the conclusion of one (1) year of employment with the County  
22 Service, a part-time employee shall receive the vacation benefit  
23 prorated on the basis of that employee's average monthly hours  
24 expressed as a percentage of the regular full-time hours per month  
25 of that department (162.5 hours for Courthouse and Annex Departments,  
26 173.33 hours for Sheriff's, Road and Nursing Home Departments). The

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1 average monthly hours shall be calculated over the prior one (1) year  
2 period. Accrual of vacation benefits for part-time employees shall  
3 be at the rate of each monthly percentage of full-time employment after  
4 one (1) calendar year times 1/12 of the annual rate as defined in  
5 Article 86.211.

6 EXAMPLE:

7 60 hours divided into 162.5 (Full-time hours per month) = .37  
8 .37 times allowed sick leave or vacation for any full-time  
employee per approved charts or contracts.

9 The same formula shall work for employees on 8 hour shifts  
(173.33 hours per month and 2080 hours per year).

10 HEALTH, DENTAL AND LIFE INSURANCE. The County shall allocate and  
11 apply an amount equal to the amount allocated for full-time employee  
12 coverage for any part-time employee working a minimum of one-half the  
13 hours (81.25 for Courthouse/Annex and 86.67 for Sheriff's Department,  
14 Nursing Home and Road Department) regarded as full-time employment  
15 (162.5 for Courthouse/Annex and 173.33 for Sheriff's Department,  
16 Nursing Home and Road Department). Employees working less than the  
17 minimum required hours will not be eligible to receive Health, Dental  
18 and Life Insurance benefits. All the same rules apply regarding  
19 enrollments and changes.

20 82.520. SEASONAL EMPLOYMENT BENEFITS. Each seasonal employee  
21 whose term exceeds six (6) months shall become entitled to receive  
22 proportionate vacation and sick leave benefits computed in the same  
23 manner as though he were a full-time employee. No seasonal employee  
24 shall become entitled to vacation or sick leave by reason of seasonal  
25 employment in the County service unless he has been so employed for  
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1 two separate terms totalling at least six (6) months within a period of  
2 two (2) calendar years.

3 82.530. FULL-TIME EMPLOYMENT. Each department head shall file  
4 with the Clerk a statement of the number of hours worked per month  
5 constituting regular full-time employment within his department, which  
6 in no event shall be less than 162.5 hours per month. From time to time  
7 he may amend such statement as conditions require.

8 CHAPTER 83 - EMPLOYEE RESPONSIBILITIES

- 9 83.010 - Assignment of Duties
- 10 83.020 - Confidentiality
- 11 83.030 - Acceptance of Gratuities
- 12 83.040 - Inconsistent Employment
- 13 83.050 - Appearance
- 14 83.060 - Political Activities
- 15 83.070 - Physical Examination
- 16 83.080 - Conduct
- 17 83.090 - Reporting Injury or Accident
- 18 83.100 - Attendance

19 83.010. ASSIGNMENT OF DUTIES. Each department head shall be  
20 responsible for the assignment of tasks to employees within his  
21 department. He may delegate authority and divide responsibility at  
22 his discretion. Each employee shall perform the tasks assigned to him  
23 and shall do so in an attentive, competent and efficient manner. Pro-  
24 vided, however, that the department head in delegating authority and  
25 assigning responsibility for tasks to persons within the classified  
26 service shall comply with the rules of the Civil Service Commission  
applicable thereto.

83.020. CONFIDENTIALITY. Each department head may fix reasonable  
conditions for the release of information contained in the records of  
his department. No person in the County service shall reveal any

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1 information acquired in his capacity as a County employee otherwise  
2 than in accordance with the directions of his department head or as  
3 otherwise provided by law.

4 83.030. ACCEPTANCE OF GRATUITIES. No person in the County service  
5 shall solicit or accept any gift or gratuity from any person or group  
6 which is, has been, or foreseeably may be, the subject of such County  
7 employee's official duty. Provided that this section shall not be  
8 construed to prohibit accepting unsolicited donations to a department  
9 or departmental fund when the gift is of a value less than \$50.00.

10 83.040. INCONSISTENT EMPLOYMENT. No person in the County service  
11 shall accept employment or compensation outside the County service with-  
12 out first disclosing the same to his department head or appointing  
13 authority. No person shall accept or agree to accept employment or  
14 compensation outside the County service when the department head or  
15 appointing authority has reasonably determined that such action is  
16 inconsistent with the good of such service or may appear to bring the  
17 department into disrepute.

18 83.050. APPEARANCE. Each person within the County service shall  
19 endeavor to present a neat and clean appearance while on the job. Per-  
20 sons serving within the following departments may be required to pro-  
21 cure, wear and maintain uniforms prescribed by the department head:

- 22 (1) the Sheriff's Department; and
- 23 (2) the Columbia Basin Nursing Home's Department.

24 83.060. POLITICAL ACTIVITY. No person in the County service may  
25 be coerced, commanded or required to influence or give money, service  
26 or other valuable thing to aid or promote any political committee or to

1 aid or promote the nomination or election of any person to public  
2 office. No person in the County service shall solicit money, influence,  
3 service or other valuable thing to aid or promote any political  
4 committee or the nomination or election of any person to public office  
5 while on the job during working hours.

6 83.070. PHYSICAL EXAMINATION. As a condition of obtaining or  
7 continuing employment in the County service, any person may be required  
8 by the department head or appointing authority to obtain and undergo  
9 a physical and/or psychological examination from a licensed physician  
10 of the person's choice and to make the results thereof available to  
11 said department head or appointing authority. Provided, however, that  
12 no such person shall be required to do so at his own expense after he  
13 has been inducted into the classified service, except as a condition  
14 connected with absence from employment.

15 83.080. CONDUCT. No person employed in the County service shall  
16 engage in any willful failure of good conduct tending to injure the  
17 County service, including but not limited to:

- 18 (1) incompetency;
- 19 (2) inefficiency;
- 20 (3) inattention to or dereliction of duty;
- 21 (4) dishonesty;
- 22 (5) intemperance;
- 23 (6) immoral conduct;
- 24 (7) insubordination; or
- 25 (8) discourteous treatment of the public or of fellow  
26 employees.

23 83.090. REPORTING INJURY OR ACCIDENT. Each employee shall report  
24 to his department head any incident resulting in injury or accident to  
25 himself or another when such incident is duty-connected or occurs  
26 during duty hours. The department head should immediately file the



1 claim with the Payroll Clerk. Whenever there is a question on a claim  
2 the Department head shall notify the District Attorney and the employee  
3 shall cooperate with the District Attorney in such investigation as he  
4 shall undertake or cause to be made.

5 83.100. ATTENDANCE. Each person within the classified and  
6 unclassified service shall report for work promptly at the time, and  
7 remain working during the period, designated by his department head or  
8 appointing authority. In the case of absence due to illness or injury,  
9 the employee shall make all reasonable effort to notify the department  
10 in advance of his absence. Except in case of absence due to illness or  
11 injury, the department head may require the giving of advance notice  
12 and obtaining of approval. Where the absence is claimed to be due to  
13 illness or injury, the department head may require the absent employee  
14 to furnish satisfactory supporting evidence of cause.

15 CHAPTER 84 - SELECTION

- 16 84.010 - Appointment to Classified Service  
17 84.020 - Interviews and Inspection of Examination Papers  
18 84.030 - Additional Tests  
19 84.110 - Filling Vacancies in Unclassified Service  
20 84.210 - Applications to Law Enforcement Agencies  
21 84.310 - Discrimination Prohibited  
22 84.320 - Nepotism Prohibited  
23 84.510 - Classification Plan  
24 84.520 - Classified Service Classifications  
25 84.525 - Unclassified Service Procedure  
26 84.530 - Use of Class Titles  
84.610 - Creation of New Positions  
84.615 - New Positions in Classified Service  
84.650 - Unfilled Positions  
84.660 - Underfilled Positions  
84.710 - Probationary Period  
84.720 - Dismissal or Demotion During Probation  
84.810 - Transfers  
84.820 - Transfers Within Departments  
84.830 - Transfers Between Departments  
84.840 - Transfers in the Classified Service

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- 84.910 - Promotions
- 84.950 - Demotions
- 84.955 - Voluntary Demotions
- 84.960 - Demotions During Probation

84.010. APPOINTMENT TO CLASSIFIED SERVICE. All applications for, appointments to, and promotions or transfers within the classified service shall be made in accordance with the rules of the Civil Service Commission as the same may be made binding by the Civil Service Act.

84.020. INTERVIEWS AND INSPECTION OF EXAMINATION PAPERS. Prior to making any appointment or promotion within the classified service, the appointing authority may require candidates to come before him and may inspect their examination papers.

84.030. ADDITIONAL TESTS. In his discretion, the appointing authority may prepare, administer and consider such additional tests as he deems necessary to supplement information received from the Civil Service Commission in making appointments or promotions within the classified service.

84.110. FILLING VACANCIES IN THE UNCLASSIFIED SERVICE. Prior to making any appointment to, or promotion or transfer within, the unclassified service, the appointing authority may administer such tests, require the applicant to provide such information, conduct such investigation, and conduct such interviews as the appointing authority in his discretion may deem advisable.

84.210. APPLICATIONS TO LAW ENFORCEMENT AGENCIES. Any person applying for appointment within the Sheriff's Department, the District Attorney's Department, or the Community Correction's Department shall be deemed to give continuing consent to the department head to investigate

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1 police records concerning the applicant and members of his immediate  
2 family and such applicant may be required to submit to fingerprinting  
3 and photographing as a condition of such employment.

4 84.310. DISCRIMINATION PROHIBITED. The County is an equal  
5 opportunity employer as the same is defined by Federal Law and will  
6 permit no employment discrimination based upon race, creed, color,  
7 sex, national origin, mental or physical handicap.

8 (1) No question in any form of application or in any test  
9 shall be so framed as to elicit any information concerning the  
10 political or religious opinions or affiliations of any applicant  
11 for employment in the County service, nor shall any inquiry be  
12 made concerning such opinions or affiliations and all disclosures  
13 thereof shall be discounted.

14 (2) No discrimination shall be exercised, threatened or  
15 promised by any person in the County service against or in favor  
16 of any applicant, candidate, or employee because of his/her  
17 race or religious or political opinions or affiliations.

18 (3) No person applying for employment in the County service  
19 shall be rejected solely because of age. The provisions of this  
20 subsection shall not apply to those whose duties are classified  
21 as the regular duties of police officers or fire fighters.

22 (4) No person applying for employment in the County service  
23 shall be rejected solely because of the applicant's sex.

24 84.320. NEPOTISM PROHIBITED. No person shall be appointed to,  
25 promoted to, or transferred to a position in the County service in  
26 which his duties would be subject to or responsible for the super-  
vision or review of a person related as closely as first cousin,  
whether the relationship is by blood or through marriage, and shall  
include the cases of sisters-in-law or brothers-in-law. This sub-  
section shall not apply to occasional or part-time employees.

84.510. CLASSIFICATION PLANS. The Civil Service Commission shall  
classify all positions within the classified service and the County  
Court shall adopt a classification plan grouping all such positions

1 into classes based upon the determinations of the Commission. In  
2 addition, the County Court may adopt and utilize such groupings within  
3 the unclassified service for similar positions and may adopt a clas-  
4 sification plan for such service or parts thereof utilizing the  
5 classifications of the Civil Service Commission or other qualified  
6 persons for that purpose.

7 84.520. CLASSIFIED SERVICE CLASSIFICATIONS. Requests for amend-  
8 ment of the classification plan, for allocation of new positions, for  
9 reclassification of existing positions, for specifications and for  
10 minimum qualifications statements, shall be made and processed in  
11 accordance with Civil Service Rules as to all positions within the  
12 classified service. Such requests may be initiated by any appointing  
13 authority or by the County Court.

14 84.525. UNCLASSIFIED SERVICE PROCEDURE. As to any position in the  
15 unclassified service, requests listed in Section 84.520 shall be  
16 directed to the County Court. The County Court may adopt such pro-  
17 cedure for the processing of such requests as appears most expedient  
18 in the particular case.

19 84.530. USE OF CLASS TITLES. The class title adopted by the Civil  
20 Service Commission shall be the official title of every position within  
21 the classified service for the purpose of personnel actions and shall be  
22 used on all payrolls, budget documents and official records and reports  
23 relating to the position. Any other working title desired and  
24 authorized to be used by the appointing authority may be used as a  
25 designation of any position for purposes of internal administration or  
26 in contact with the public.

1           84.610. CREATION OF NEW POSITIONS. No new position in the County  
2 service shall be created without the specific approval of the County  
3 Court. When an appointing authority desires to establish a new  
4 position, he shall direct such request to the County Court accompanied  
5 by:

- 6           (1) the appointing authority's certification that no  
7           expenditure of additional departmental funds will result; or
- 8           (2) the appointing authority's certification that sufficient  
9           funds are available within the departmental budget to cover the  
10          cost of the increase without creating a deficiency, specifying  
11          the source of such funds; or
- 12          (3) the appointing authority's statement of facts justifying  
13          such action and the consequent transfer of contingency funds.

14           84.615 NEW POSITIONS IN THE CLASSIFIED SERVICE. Whenever an  
15 appointing authority wishes to establish a new position in the  
16 Classified Service, he/she shall request to do so, in writing, to the  
17 County Court. The Personnel Department shall draw up a new job  
18 description from information supplied by the requesting department,  
19 submit it to the Wage and Classification Committee and to Civil Service  
20 and return it to County Court for final approval.

21           84.650. UNFILLED POSITIONS. No appointing authority shall be  
22 required to expend budgeted funds nor to fill any vacant position when,  
23 in his judgment, such action is unnecessary to the performance of  
24 County business.

25           84.660. UNDERFILLED POSITIONS. An appointing authority may  
26 temporarily appoint to any vacant position in the County service a  
person not then qualified for such position classification whenever:

- (1) there are no available qualified candidates; or
- (2) the position's duties can be temporarily adjusted to  
the persons qualifications; and if

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1 (3) in the case of positions within the classified service,  
2 the Civil Service Commission has been previously consulted and  
authorizes such action; and

3 (4) the person temporarily appointed receives only that  
pay rate for which the person is qualified.

4 84.710. PROBATIONARY PERIOD. Each person appointed or promoted  
5 to a position in the County service shall serve a probationary period  
6 of six (6) months, except that person appointed to a position in the  
7 criminal division of the Sheriff's Department shall serve a probationary  
8 period of one (1) year. Completion of a probationary period does not  
9 mean an automatic pay increase.

10 84.720. DISMISSAL OR DEMOTION DURING PROBATION. At any time  
11 during the probationary period the appointing authority may remove or  
12 demote an employee whose work does not meet required standards. No  
13 prior approval is required for such action but if the employee is  
14 serving within the classified service the appointing authority  
15 shall provide to the employee and to the Civil Service Commission a  
16 written report of the action and the reasons therefore, in accordance  
17 with Civil Service Rules. In the case of an employee serving in a  
18 position in the classified upon promotion from another such position  
19 who is demoted to the former position, the action is subject  
20 to review by the Commission; in all other cases, the appointing  
21 authority's decision is nonreviewable except for absence of good  
22 faith or violation of Section 84.310.

23 84.810. TRANSFERS. An employee may be transferred from one  
24 position to another in the same service having the same salary range  
25 within or without the department, whenever the transfer is for the

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1 good of the County service. Such transfers are to be distinguished  
2 from:

- 3 (1) transfer to a position in a class having a higher  
salary range - this constitutes promotion;
- 4 (2) transfer to a position in a class having a lower  
salary range - this constitutes demotion;
- 5 (3) transfer from a position in one service to a position  
within a different service - this constitutes a new appointment.

6  
7 84.820. TRANSFERS WITHIN DEPARTMENT. The appointing authority,  
8 at any time, for the good of the service, may reassign an employee to  
9 another position within the same department.

10 84.830. TRANSFERS BETWEEN DEPARTMENTS. Transfers may occur  
11 between departments only with the consent of the employee and both  
12 appointing authorities.

13 84.840. TRANSFERS IN THE CLASSIFIED SERVICE. An employee within  
14 the classified service shall be the subject of transfer, as provided  
15 in Sections 84.820 and 84.830, only in accordance with the rules of  
16 the Civil Service Commission and shall be entitled to ten days notice  
17 of involuntary transfers.

18 84.910. PROMOTIONS. Promotions shall occur within the classified  
19 service only in accordance with the rules of the Civil Service Com-  
20 mission. Promotions shall occur within the unclassified service in  
21 the same manner in which new appointments are made within that service.

22 84.950. DEMOTIONS. An appointing power may involuntarily demote  
23 an employee who has fulfilled his probationary requirements only for a  
24 cause listed in Section 89.250 and after providing the employee with a  
25 written statement of particulars alleged to constitute the grounds  
26 for disciplinary action. If the demoted employee holds a position

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in the classified service, the appointing authority must comply with applicable Civil Service Rules and his action is subject to review in accordance with the Civil Service Act.

84.955. VOLUNTARY DEMOTIONS. Any employee in the County service may request demotion from a position in one class to a position in a class of lower rank. All such requests shall be in writing, and if the demotion is within the classified service are subject to Civil Service Commission approval. Such requests shall be granted whenever the applicant is qualified and the demotion would not result in the layoff of another employee.

84.960. DEMOTIONS DURING PROBATION. An employee in the classified service who is demoted during a probationary period which he is serving upon promotion from another position in the classified service shall be reinstated in his former position unless misconduct or delinquency is the reason for the failure to qualify in his probationary position.

CHAPTER 85 - COMPENSATION

- 85.010 - Maintenance of Compensation Plan
- 85.020 - Rates of Pay
- 85.030 - Entrance Salary
- 85.040 - Salary Increases
- 85.050 - Eligibility for Salary Increases
- 85.055 - Difference Between Steps
- 85.070 - Nursing Home Aides
- 85.075 - Limited-step Ranges
- 85.080 - Exceptional Increases
- 85.110 - Salary Rate Upon Promotion
- 85.120 - Salary Rate Upon Demotion
- 85.130 - Salary Rate Upon Transfer
- 85.210 - Computing Eligibility for Salary Increase
- 85.220 - Part-time Employees
- 85.225 - Seasonal Employees
- 85.310 - Salary Range Adjustments
- 85.320 - Effect of Salary Range Adjustments

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- 1 85.330 - Costs of Salary Range Adjustments
- 2 85.410 - Monthly Pay Period
- 3 85.430 - Emergency Draw
- 4 85.435 - Monthly Pay Draw
- 5 85.450 - Anniversary Date
- 6 85.460 - Pay for Partial Month
- 7 85.470 - Hourly Rates
- 8 85.480 - Daily Rates
- 9 85.510 - Overtime
- 10 85.515 - Split Shifts
- 11 85.520 - Authorization for Overtime
- 12 85.550 - Eligibility for Overtime
- 13 85.560 - Overtime Compensation
- 14 85.570 - Overtime Compensation Rate

15 85.010. MAINTENANCE OF COMPENSATION PLAN. The County Court shall  
16 maintain a plan for the compensation of all persons within the County  
17 service whose salaries are not set by statute. The plan shall include,  
18 for each class, a minimum and a maximum rate and such intermediate rates  
19 as are considered necessary or equitable. The ranges shall reflect:  
20 the relative responsibilities of the class, availability of personnel  
21 and prevailing rates of pay.

22 85.020. RATES OF PAY. Each employee shall be paid at one of the  
23 rates in the salary range for the class in which he is employed.

24 85.030. ENTRANCE SALARY. Normally an employee shall be appointed  
25 or reinstated at the entrance rate for the class in which he is  
26 employed. Exceptions to this policy may be made by the County Court,  
upon request of the appointing authority, when justified by the qual-  
ifications and experience of the employee, the availability of qual-  
ified candidates for the position, and the resulting salary relation-  
ships with other similar positions.

85.040. SALARY INCREASES. Salary increases are not automatic but  
shall be based upon satisfactory service (and recommendation of the

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1 appointing authority). Such increases may be granted by the County  
2 Court when the appointing authority has recommended increase based upon  
3 high standard of work performance.

4 85.050. ELIGIBILITY FOR SALARY INCREASE. The employee shall  
5 advance to the second step upon completing twelve (12) months of  
6 satisfactory service in a class. Thereafter, advancement to the  
7 third step of the salary range may occur after one (1) additional year  
8 of satisfactory service within the classification. Thereafter,  
9 advancement to the fourth step may occur after one (1) additional year  
10 of satisfactory service within the classification. Thereafter,  
11 advancement to the fifth step may occur after two (2) additional years  
12 of satisfactory service within the classification. Thereafter,  
13 advancement to the sixth step may occur after two (2) additional years  
14 of satisfactory service within the classification.

15 85.055. DIFFERENCE BETWEEN STEPS. There shall be a difference  
16 of approximately five (5) percent between each salary step within the  
17 normal six step range.

18 85.070. NURSING HOME AIDES. Persons employed within the County  
19 service as Nursing Home Aides shall be considered to be within a  
20 multi-step range regardless of the number of steps provided within  
21 that range.

22 85.075. LIMITED-STEP RANGES. The compensation plan may provide  
23 for less than six steps within a particular range. In positions to  
24 which such ranges apply, the advancement to higher steps may occur after  
25 such periods of satisfactory service within the step as may be fixed  
26 for that particular range.

1           85.080. EXCEPTIONAL INCREASES. When exceptional circumstances  
2 justify such action, and upon request of the appointing authority, the  
3 County Court reserves the right to approve exceptions to the general  
4 rules of eligibility for salary increases.

5           85.110. SALARY RATE UPON PROMOTION. When an employee is promoted  
6 to or otherwise appointed to a position in a class having a higher  
7 salary range, he shall not enter said range at the entrance level rate  
8 if such rate would be lower than the salary rate he was receiving before  
9 the promotion occurred. Such an employee shall enter at the rate he  
10 was receiving in his former position or shall be placed at a rate step  
11 in the new range which would provide the rate equivalent to a one-  
12 step increase. (The advancement to a higher step may occur after such  
13 period of satisfactory service within the step as may be fixed for that  
14 particular range.)

15           85.120. SALARY RATE UPON DEMOTION. If an employee is demoted or  
16 reclassified to a position or class with a lower salary range for  
17 reasons which do not reflect discredit upon his employment record, his  
18 salary rate may remain the same if it is within the salary range of  
19 the lower class or position. Demotion occurring during probation shall  
20 normally result in a corresponding reduction of salary rate. Demotion  
21 for cause shall normally result in a corresponding reduction in salary  
22 rate.

23           85.130. SALARY RATE UPON TRANSFER. When an employee is trans-  
24 ferred his rate of pay remains the same.

25           85.210. COMPUTING ELIGIBILITY FOR SALARY INCREASE. In computing  
26 an employee's eligibility for salary increase and subject to Section

1 85.450, the period shall be measured from the date of his promotion,  
2 reclassification or appointment to his position. Transfers shall not  
3 affect such computation.

4 85.220. PART-TIME EMPLOYEES. Part-time employees who are not  
5 regularly employed more than 81.25 hours a month within a department  
6 shall receive such compensation for their service as may be  
7 individually fixed by the appointing authority with the approval of the  
8 County Court. Part-time employees who are regularly employed more than  
9 81.25 hours a month within a department shall be eligible for salary  
10 rate increase but the eligibility periods between salary rate steps  
11 shall be pro-rated.

12 85.225. SEASONAL EMPLOYEES. Seasonal employees shall receive such  
13 compensation for their services as may be individually fixed by the  
14 appointing authority with the approval of the County Court.

15 85.310. SALARY RANGE ADJUSTMENTS. The compensation plan is  
16 intended to provide reasonably competitive ranges of pay for each  
17 classification of County service. The County Court may annually  
18 review the compensation plan's achievement of this goal. The County  
19 Court may make adjustments in a salary range or ranges as it deems  
20 necessary to attract and hold competent personnel and to provide equity  
21 between the various classifications. Such salary range adjustments are  
22 to be distinguished from salary increases for individual employees as  
23 they are not intended to give recognition to length or quality of  
24 service but are to be based upon prevailing rates of pay for the  
25 various classes of work within the County service.

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1           85.320. EFFECT OF SALARY RANGE ADJUSTMENTS. The salary rate of an  
2 employee whose salary range is adjusted shall normally be adjusted the  
3 same number of steps that the revised range is adjusted and all  
4 employees so affected shall receive the adjustment uniformly. Such  
5 adjustments will not change an employee's eligibility for anniversary  
6 salary increases as provided in Sections 85.040-075, 85.210-225.

7           85.330. COSTS OF SALARY RANGE ADJUSTMENTS. Funds necessary to  
8 cover the costs of adjusting salary ranges shall be provided by the  
9 County Court in a manner consistent with sound budget administration.

10           85.410. MONTHLY PAY PERIOD. All monthly salaried employees shall  
11 be paid upon the basis of a monthly pay period beginning upon the first  
12 day of each calendar month and ending upon the last day of that  
13 calendar month. All hourly salaried employees shall be paid upon the  
14 basis of a monthly pay period beginning on the 26th day of each  
15 calendar month and ending upon the 25th day of the following calendar  
16 month. It shall be the County's policy to pay each employee on or  
17 about the last judicial day of each calendar month that compensation,  
18 less authorized and required deductions, which he has earned in the  
19 current monthly pay period.

20           85.430. EMERGENCY DRAW. Upon recommendation of the department  
21 head and under circumstances of an emergency nature, the County Court  
22 may authorize the County Clerk to pay an employee a sum of money  
23 representing an advance upon wages which he has already earned.

24           85.435. MONTHLY PAY DRAW. Each employee shall be entitled to one  
25 pay draw each month. This pay draw may be made on the 15th day of  
26 each month or the first business day after the 15th day of the

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1 month. Each employee may request a draw up to no more than the net  
2 amount earned by the employee on the date the draw is requested.

3 85.450. ANNIVERSARY DATE. For the purpose of computing eligi-  
4 bility for salary rate increases, each person appointed, promoted or  
5 reclassified into a position or classification or salary range shall be  
6 deemed to have been so on date such action occurred, if it was the next  
7 succeeding monthly pay period.

8 85.460. PAY FOR PARTIAL MONTH. In computing a partial month's  
9 pay, the amount paid to salaried personnel for working less than a full  
10 month shall be determined on the basis of pro-rating the number of  
11 days worked with the number of work days, including holidays, in that  
12 month.

13 85.470. HOURLY RATES. Hourly rates of pay shall be used for  
14 those positions within the County service where conditions of employ-  
15 ment may warrant.

16 85.480. DAILY RATES. Daily rates shall be used only where con-  
17 ditions of employment warrant.

18 85.510. OVERTIME. Overtime shall be considered as periods worked  
19 in the employee's regular position in excess of the work week or workday  
20 regularly scheduled for that position. Periods of less than one-half  
21 hour may be disregarded. Work performed on holidays which fall within  
22 the department's regular work schedule shall not be considered as  
23 overtime work, except that employees working on such holidays shall be  
24 granted time off equal to the time worked unless otherwise provided for  
25 by Union Contract.

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1           85.515. SPLIT SHIFTS. All work performed in one day after 12  
2 hours from the time the employee initially reports for work will be  
3 considered overtime.

4           85.520. AUTHORIZATION FOR OVERTIME. A department head may  
5 authorize overtime when in his judgment, work in excess of the standard  
6 work week or workday is required. Time worked, beyond the standard  
7 work week or workday will not be considered overtime unless it has been  
8 specifically authorized by the department head.

9           85.550. ELIGIBILITY FOR OVERTIME. The eligibility of positions  
10 within the classified service for overtime compensation shall be deter-  
11 mined by the County Court. Exceptions to the rules regarding  
12 eligibility for overtime compensation may be approved by the County  
13 Court when, in their judgment, circumstances warrant making such an  
14 exception.

15           85.560. OVERTIME COMPENSATION. Compensation for overtime worked  
16 will normally be in the form of compensatory time off. The department  
17 head may authorize cash compensation when he deems the use of compen-  
18 satory time off to be impracticable. Except for overtime earned in the  
19 last month of any Fiscal Year, compensatory time off and/or cash  
20 compensation must be provided within the Fiscal Year in which it has  
21 been earned for overtime worked. When an employee is terminated,  
22 he/she shall receive cash compensation for any overtime accrued. Weed  
23 and Pest Department employees are exempt from this Section.

24           85.570. OVERTIME COMPENSATION RATE. An employee shall be com-  
25 pensated for authorized overtime at the rate of one and one-half for

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1 each hour worked. In computing cash compensation, the conversion  
2 table furnished by the Civil Service Commission may be used to convert  
3 monthly, weekly or daily salaries into hourly amounts.

4 CHAPTER 86 - ATTENDANCE

- 5 86.010 - Normal Hours of Work
- 6 86.020 - Departmental Designations
- 7 86.030 - Designation of Departmental Shifts
- 8 86.110 - Holidays
- 9 86.120 - Weekend Holidays
- 10 86.140 - Holiday Compensation
- 11 86.211 - Paid Vacation Leave
- 12 86.215 - Vacation Accrual
- 13 86.230 - Scheduling Vacation Leave
- 14 86.240 - Accumulation of Vacation Credits
- 15 86.250 - Transfer Credits and Terminal Vacation Pay
- 16 86.310 - Sick Leave
- 17 86.320 - Verification of Illness or Injury
- 18 86.330 - Family Death
- 19 86.340 - Paid Sick Leave
- 20 86.350 - Absence Paid by State Accident Insurance Fund
- 21 86.360 - Sick Leave Without Pay
- 22 86.370 - Sick Leave Compensation
- 23 86.410 - Computation of Longevity
- 24 86.430 - Transfer from Part-time to Full-time Employment
- 25 86.440 - Date of Employment
- 26 86.510 - Temporary Interruption of Employment
- 86.520 - Longevity Following Re-employment or Re-  
instatement
- 86.610 - Jury and Witness Leave of Absence
- 86.620 - Military Leave with Pay
- 86.630 - Educational Leave
- 86.640 - Military Leave Without Pay
- 86.650 - Other Leaves of Absence Without Pay

20 86.010. NORMAL HOURS OF WORK. The regular hours of work each day  
21 shall be consecutive except for interruptions for rest and meal periods,  
22 or for instances where a different practice may be in effect. The  
23 normal workday shall consist of a seven and one-half (7 1/2) hour day  
24 for employees who work in the Courthouse, excepting the Sheriff's  
25 Department, and eight (8) hours for all other employees, exclusive of  
26 meal periods. However, in the event the County elects to schedule four

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1 (4) consecutive days of ten (10) hours work per day as the regular work-  
2 week in any department or departments, regular hours of work shall be  
3 scheduled within such department(s) consistent with such weekly  
4 schedules.

5 86.020. DEPARTMENTAL DESIGNATIONS. Any department head may file  
6 with the County Clerk a designation of office hours for his department,  
7 unless disapproved by the County Court as applicable to that department.

8 86.030. DESIGNATION OF DEPARTMENT SHIFTS. Except where continuous  
9 operations are involved, and insofar as consistent with the normal  
10 operations of the department in which they work, all employees shall  
11 be scheduled to work on a regular shift and each shift shall have a  
12 regular starting and quitting time. Changes in regular work schedules  
13 may be made, provided that employees are given notice of such schedule  
14 changes, except for emergency situations, and for the duration of the  
15 seventy-two (72) hours in advance. (An emergency situation shall be  
16 deemed to be one where the County reasonably believes that immediate  
17 action on its part is necessary if serious public or private injury or  
18 damage is to be limited or avoided.)

19 86.110. HOLIDAYS. The following days are holidays for persons  
20 employed in the County service:

- 21 (1) New Years Day - January 1
- 22 (2) Lincoln's Birthday - The First Monday in February
- 23 (3) Washington's Birthday - The Third Monday in February
- 24 (4) Memorial Day - The Last Monday in May
- 25 (5) Independence Day - July 4
- 26 (6) Labor Day - The First Monday in September
- (7) Veteran's Day - November 11
- (8) Thanksgiving Day - The Fourth Thursday in November
- (9) Christmas Day - December 25

1 (10) Floating Holiday - An eligible employee's floating  
2 holiday each contract year shall be scheduled by mutual agreement  
between the employee and his/her supervisor.

3 86.120. WEEKEND HOLIDAYS. Whenever a holiday shall fall on  
4 Sunday, the succeeding Monday shall be observed as the holiday. When-  
5 ever a holiday shall fall on Saturday, the preceding Friday shall be  
6 observed as the holiday. However, where continuous operations are  
7 involved, should a day of holiday observance fall on an employee's  
8 regularly scheduled workday, in lieu of observance of the holiday on  
9 that date, another day off may be scheduled for the employee as his/her  
10 holiday.

11 86.140. HOLIDAY COMPENSATION. Each regular full-time employee who  
12 works his last regularly scheduled day before and his first regularly  
13 scheduled day after any of the above holidays shall be eligible for  
14 holiday pay. However, an employee's failure to work on such prior or  
15 next following scheduled workday shall be excused if due to one of the  
16 following:

- 17 (1) jury selection;
- 18 (2) scheduled vacation;
- 19 (3) bona fide injury or illness. The County will  
20 not normally require a signed statement from a licensed  
21 physician as verification of the injury or illness the first  
22 time an employee fails to satisfy the "day before" or "day  
23 after" requirements of this section because of an injury  
or illness. However, unless specifically excused from doing  
so by the employee's supervisor or department head, such  
a statement will be required in all subsequent instances  
where the employee fails to satisfy these requirements  
because of injury or illness;
- 24 (4) any other verified reason excused by the County.

25 Employees who are on layoff or unpaid leave of absence are not  
26 eligible for holiday pay for holidays occurring during the layoff or  
leave.

1 An eligible full-time employee shall receive one day's pay for  
2 each of the holidays listed above where no work is performed.

3 Should an employee be on authorized leave when a holiday occurs,  
4 such holiday shall not be charged against such leave.

5 Subject to the exception provided for continuous operations in  
6 Section 86.120, if an employee performs work on a scheduled holiday  
7 the employee shall be compensated as follows:

8 The employee's regular hourly rate times the number of hours  
9 for the holiday (7.5 hours for Courthouse and Annex Employees;  
10 8 hours for Sheriff's, Road and Nursing Home Employees), plus one  
11 and one-half times the employee's regular hourly rate for only those  
12 hours the employee actually works.

13 86.211. PAID VACATION LEAVE. Regular full-time employees who have  
14 at least one (1) year of continuous employment with the County shall be  
15 entitled to annual paid vacation in accordance with the following  
16 schedule:

LENGTH OF EMPLOYMENT	AMOUNT OF VACATION	HOURS/MONTH	
		8 hrs.	7.5 hrs.
18 1 to 4 years	10 workdays	6.67	6.25
19 4 years	11 workdays	7.33	6.875
20 5 years	12 workdays	8.00	7.5
21 6 years	13 workdays	8.67	8.125
22 7 years	14 workdays	9.33	8.75
23 8 years	15 workdays	10.00	9.375
24 9 years	16 workdays	10.67	10.00
25 10 years	17 workdays	11.33	10.625
26 12 years	18 workdays	12.00	11.25
	14 years	12.67	11.875
	15 years	13.33	12.5

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1 For purposes of this Article, a workday shall be defined as seven  
2 and one-half (7 1/2) hours for employees assigned to the Courthouse or  
3 its Annexes and eight (8) hours for all other employees.

4 Continuous employment for the purpose of accumulating vacation  
5 leave credit shall be service unbroken by separation from employment  
6 with the County. Periods of excused absence of less than one (1) month  
7 shall be included as continuous employment. Layoffs of one (1) month  
8 or more, or leave of absence of one (1) month or more, including  
9 absences due to sick leave, will not be counted as part of continuous  
10 employment for accrual purposes, but employees returning from any such  
11 leave and from layoff status within one (1) year of the layoff shall be  
12 entitled to credit for service prior to the leave or layoff.

13 86.215. VACATION ACCRUAL. After the first anniversary date vac-  
14 ation will be accrued on the basis of 1/12 annual rate per month.

15 86.230. SCHEDULING VACATION LEAVE. Employees shall be permitted  
16 to request a split or single vacation. Whenever possible, consistent  
17 with the judgment of the department head as to the needs and require-  
18 ments for vacation relief, employees may schedule their vacation  
19 times. Subject to such requirements, vacation time shall be scheduled  
20 as between employees on the basis of seniority, provided, however, each  
21 employee will be permitted to exercise seniority only once a year. The  
22 County shall have the final determination of vacation times based on  
23 operations and the availability of vacation relief.

24 86.240. ACCUMULATION OF VACATION CREDITS. Sheriff's Department  
25 employees, see OPEU Contract. For all other employees, maximum  
26 accumulation of vacation leave shall be twenty-five (25) workdays, or

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1 computed to hours by location, 187.5 hours for Courthouse and Annex  
2 employees, 200 hours for all other employees. An employee who is about  
3 to lose vacation credit because of accrual limitations and who, because  
4 of County insistence, has been unable to schedule and take sufficient  
5 amounts of vacation in the current year in order to avoid exceeding  
6 such maximum accrual, may, by notifying his supervisor at least thirty  
7 (30) days in advance, absent himself to prevent loss of this vacation  
8 time. In such instances, such action taken by the employee shall not  
9 constitute a basis for disciplinary action or loss of pay.

10 86.250. TRANSFER CREDITS AND TERMINAL VACATION PAY. Accumulated  
11 paid vacation days to which an employee is entitled shall:

- 12 (1) be assumed by a new appointing authority whenever an  
employee is transferred to or appointed to another department;
- 13 (2) be paid to an employee in the form of cash compensation  
upon his expiration from the County service; and
- 14 (3) be paid to the heirs of the deceased employee in the  
15 same manner that salary due to him is paid.

16 86.310. SICK LEAVE. Persons regularly employed full-time in the  
17 County service shall be excused from attendance at work when unable to  
18 perform their duties by reason of:

- 19 (1) illness;
- 20 (2) injury;
- 21 (3) necessary medical or dental care;
- 22 (4) quarantine - exposure to contagious disease which will  
endanger the health of the employee if he continues to work or  
the health of those who associate with him;
- 23 (5) serious illness in the employee's immediate family, which  
shall be defined to include the employee's mother, father, spouse,  
24 sister, brother, children and grandparents, or any relative  
residing in the employee's immediate household. This does not  
provide extended household or child care. A maximum of three  
25 (3) days' absence shall be allowed for each such serious illness.

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1           86.320. VERIFICATION OF ILLNESS OR INJURY. Certification by an  
2 attending physician or practitioner showing sufficient disability to  
3 require the employee's absence from his duties may be required of an  
4 employee after three (3) days absence as a precondition to receipt  
5 of compensable sick leave. If the certification does not show such  
6 disability, sick leave shall not be paid and the employee will be  
7 subject to disciplinary action.

8           86.330. FAMILY DEATH. Regular full-time employees shall be  
9 allowed up to three (3) days leave with pay (22 1/2 hours pay for  
10 employees who work in the Courthouse, excepting the Sheriff's Depart-  
11 ment, and 24 hours pay for other employees) in any year for scheduled  
12 work time lost when necessary to arrange for and/or attend a funeral  
13 of a member of the employee's immediate family. Funeral leave shall not  
14 be cumulative from year to year.

15           Immediate family for purpose of this Section shall mean the  
16 employee's mother, father, spouse, sister, brother, child and grand-  
17 parents, and any relative residing in the employee's immediate house-  
18 hold.

19           86.340. PAID SICK LEAVE. After an employee has completed six (6)  
20 full months of employment, he shall be credited with forty-eight (48)  
21 hours of accrued sick leave, unless he works in the Courthouse, in  
22 which event he shall be credited with forty-five (45) hours of accrued  
23 sick leave. Thereafter, the employee shall continue to accrue sick  
24 leave at the rate of eight (8) hours per month (seven and one-half  
25 (7 1/2) hours per month if he works in the Courthouse) for each full  
26 calendar month of active employment. Sick leave is provided by the

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1 County to cover "sickness" and is not to be used as a supplement for  
2 vacation. Sick leave may be taken only for the purposes specified in  
3 Section 86.310 hereof. Except as provided in Section 88.410 below, no  
4 compensation for accrued sick leave shall be provided for any employee  
5 upon his death or termination of employment, for whatever reason. Sick  
6 leave shall not accrue during any period of layoff or leave of absence,  
7 except for a leave of absence required by the County for job-related  
8 educational or training purposes.

9 In the event an employee suffers from "sickness" and is unable  
10 to perform his duties, he shall notify his supervisor of his expected  
11 absence and the nature and expected length thereof prior to the start  
12 of his regular work shift.

13 86.350. ABSENCE PAID BY STATE ACCIDENT INSURANCE FUND. When an  
14 injury occurs in the course of employment, the injured employee may  
15 utilize accrued sick leave to receive the difference between payments  
16 received under Workmen's Compensation and his regular salary. In such  
17 instances, prorated charges will be made against the employee's  
18 accrued sick leave.

19 86.360. SICK LEAVE WITHOUT PAY. Upon application by an employee  
20 and recommendation of the appointing authority, the County Court may  
21 authorize sick leave absence without pay not to exceed one year's dur-  
22 ation. Such sick leave without pay shall not be granted until all  
23 accrued sick leave with pay has been exhausted. The appointing  
24 authority may require an employee to submit a certificate from an  
25 attending or examining physician, as a condition to recommending or  
26 continuing the leave. In the event of a failure or refusal to supply

1 such certificate, or if the certificate does not clearly show suffi-  
2 cient disability to preclude the employee from performance of duties,  
3 such sick leave shall be cancelled and the employees service terminated.

4 86.370. SICK LEAVE COMPENSATION. Accumulated sick leave shall  
5 be payable at the employee's regular straight-time rate commencing  
6 with his/her first scheduled workday absent because of illness or  
7 injury and shall continue for the duration of the illness or injury  
8 or until the employee's sick leave bank has been exhausted. However,  
9 should an employee have more than three (3) instances in a calendar  
10 year when he/she misses work because of a nonhospitalized illness or  
11 injury within subparagraphs (1) and/or (2) of Section 86.310,  
12 in all subsequent instances of absence because of such nonhospitalized  
13 illness or injury within that calendar year, sick leave payments may  
14 commence on the second scheduled workday of absence.

15 86.410. COMPUTATION OF LONGEVITY. In computing periods of  
16 continuous County service for the purpose of vacation and sick leave  
17 longevity, all periods of excused absence less than a month may be  
18 ignored. Leaves of absence of a month or more due to sick leave or  
19 other authorized leaves of absence shall be excluded from the com-  
20 putation but shall not break continuity of service. Transfer of  
21 employees from one department to another shall transfer accrued  
22 vacation and sick leave days. No promotion, demotion or change of  
23 classification shall affect the computations and all paid sick or  
24 vacation leave shall be paid at the rate current when taken.

25 86.430. TRANSFER FROM PART-TIME TO FULL-TIME EMPLOYMENT. Any  
26 person in the County service who has accrued paid vacation or sick

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1 leave credits as a part-time employee and subsequently is appointed  
2 to a full-time position in the County service shall be credited with  
3 such proportionate accrual. A seasonal employee who is subsequently  
4 employed in a full-time position shall be similarly credited.

5 86.440. DATE OF EMPLOYMENT. For purposes of computing accrual  
6 of paid vacation and sick leave days, the date of employment for each  
7 person in the County service shall be the date of his employment if  
8 occurring on the first day of a monthly pay period. Provided that  
9 when a part-time or seasonal employee entitled to vacation or sick  
10 leave credits is appointed to a full-time position within the County  
11 service his date of employment shall be his date of employment in such  
12 position and for purposes of computation thereto shall be added any  
13 accrued sick or vacation days.

14 86.510. TEMPORARY INTERRUPTION OF EMPLOYMENT. Any temporary  
15 interruption of employment because of adverse weather conditions,  
16 shortage of supplies or for other unexpected or unusual reasons, which  
17 does not exceed ten (10) days shall not be considered a layoff if, at  
18 the termination of such conditions, employees are to be returned to  
19 employment. Such interruptions of employment may be charged to accrued  
20 vacation leave or may be recorded as leave without pay.

21 86.520. LONGEVITY FOLLOWING RE-EMPLOYMENT OR REINSTATEMENT. An  
22 employee who is re-employed following a Civil Service Hearing, a  
23 layoff, or a separation of leave without pay, shall have vacation and  
24 sick leave credits accrued during the previous employment restored. An  
25 employee who is reinstated within one year of a voluntary separation

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1 may have all or a portion of his sick leave credits restored by the  
2 appointing authority and the County Court.

3 86.610. JURY AND WITNESS LEAVE OF ABSENCE. A person holding a  
4 regular full-time position in the County service shall be credited  
5 a leave of absence with pay for attendance:

6 (1) in Court for jury service, provided that the salary  
7 paid to the employees for the period of absence shall be  
8 reduced by the amount of money he receives for jury service;

9 (2) before a Court, legislative committee, or a judicial  
10 or quasi-judicial body, as a witness in response to a subpoena  
11 or other direction by proper authority, provided that the salary  
12 paid to the employee for that period of absence shall be reduced  
13 by the amount of any witness fees he receives;

14 (3) in Court in connection with the employees officially  
15 assigned duties, including the time required to go to the Court  
16 and to return to his place of work.

17 86.620. MILITARY LEAVE WITH PAY. A person employed within the  
18 County service upon a regular full-time basis who has served in such  
19 capacity for six (6) months or more immediately preceding his appli-  
20 cation for military leave, and who is a member of the National Guard  
21 or any reserve components of the armed forces of the United States, is  
22 entitled to a leave of absence from his duties for a period not  
23 exceeding fifteen (15) calendar days in any calendar year. Such leave  
24 shall be granted without loss of time, pay or other leave, and without  
25 impairment of merit ratings or other rights or benefits to which he is  
26 entitled. Military leave with pay must be granted only when an employee  
receives bona fide orders to active or training duty for a temporary  
period, and shall not be paid if the employee does not return to his  
position immediately following the expiration of the periods for which  
he was ordered to duty. Leave with pay shall not be granted to

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1 employees entering the military service for extended and indefinite  
2 periods of active duty.

3 86.630. EDUCATIONAL LEAVE. An appointing authority may require  
4 an employee to attend designated educational or training courses. When  
5 so required, the attending employee shall be reimbursed for all or part  
6 of the costs and expenses thereof. An appointing authority may auth-  
7 orize an employee to attend designated educational or training courses  
8 at his own expense. For such educational or training purpose an  
9 appointing authority may grant a leave of absence to the employee.  
10 The appointing authority may grant no such leave of absence with pay  
11 exceeding one (1) month unless he has first obtained the approval of  
12 the County Court. The appointing authority shall grant no leave of  
13 absence with or without pay for a period longer than one (1) month  
14 unless he has first received the approval of the County Court.

15 86.640. MILITARY LEAVE OF ABSENCE WITHOUT PAY. A person  
16 employed within the County service upon a regular full-time basis  
17 who has served in such capacity for six (6) months or more immediately  
18 preceding his application for military leave shall be entitled to a  
19 military leave of absence without pay during a period of service with  
20 the armed forces of the United States. He shall, upon honorable  
21 discharge from such service, be returned to a position in the same or  
22 similar class as his last held position, at the salary rate prevailing  
23 for such class, without loss of seniority or employment rights. If  
24 it is established that he is not physically qualified to perform  
25 the duties of his former position by reason of such service, he shall  
26 be reinstated in other work that he is able to perform at the nearest

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1 appropriate level of the pay of his former class. Such employees  
2 shall make application for reinstatement and shall report for duty  
3 within ninety (90) days following separation from active duty. Failure  
4 to comply may terminate military leave. Where an employee voluntarily  
5 re-enlists, or extends his period of military service, his military  
6 leave shall be deemed cancelled.

7 86.650. OTHER LEAVES OF ABSENCE WITHOUT PAY. In instances  
8 where the County service will not be seriously handicapped by the  
9 temporary absence of an employee, the County Court, upon recommendation  
10 of the appointing authority, may authorize a leave of absence without  
11 pay of appropriate duration. All requests for such leave must be in  
12 writing and must establish reasonable justification for approval of  
13 the request. Normally, such leave of absence will not be approved  
14 for an employee who has accepted employment outside the County  
15 service.

16 CHAPTER 87 - EMPLOYEE RELATIONS

- 17 87.010 - Educational and Training Policy
- 18 87.020 - Departmental Training
- 19 87.030 - Educational Leave
- 20 87.040 - Tuition Aid
- 21 87.110 - Employee Representation, Generally
- 22 87.120 - Formation of Bargaining Unit
- 23 87.130 - Excluded Employees
- 24 87.140 - Candidates for Representative
- 25 87.150 - Election Procedure
- 26 87.160 - Recognition of Representatives
- 87.170 - Withdrawal of Representative Recognition
- 87.210 - Negotiations
- 87.220 - Agreements
- 87.310 - Grievance Policy
- 87.320 - Grievance Procedure
- 87.330 - Departmental Grievances
- 87.340 - Civil Service Commission

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1           87.010. EDUCATIONAL AND TRAINING POLICY. It is the policy of the  
2 County Court to encourage appointing authorities to familiarize new  
3 employees with departmental functions, to familiarize employees with  
4 the general functions of County government and it is further the policy  
5 of the County Court to provide assistance to selected employees for  
6 the purpose of obtaining advanced education or training and to assist  
7 in the development of County personnel of superior ability and  
8 potential.

9           87.020. DEPARTMENTAL TRAINING. Appointing authorities are  
10 encouraged to develop departmental training programs, conducted either  
11 during or after regular working hours, or both. Attendance by employees  
12 at training sessions conducted after regular working hours shall be  
13 voluntary unless arrangements for such training includes the granting  
14 of an equal amount of compensatory time off.

15           87.030. EDUCATIONAL LEAVE. The appointing authority is authorized  
16 to require or permit employees to attend educational or training courses  
17 and for that purpose to grant educational leaves of absence as provided  
18 in Section 86.630, within the limitations of the department's budget.  
19 No appointing authority shall authorize such a leave of absence, paid or  
20 unpaid, in excess of thirty (30) days without prior approval by the  
21 County Court.

22           87.040. TUITION AID. Upon approval by the County Court, tuition  
23 aid in the amount of a required course fee and necessary travel expenses  
24 may be authorized to employees who successfully complete classes when  
25 such training will be beneficial to the County. Requests for tuition  
26 aid must be in writing and provide sufficient information to permit the

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1 County Court to review the request and determine whether or not such  
2 action would be in the best interest of the County service and the  
3 availability of funds therefore. Where grants, scholarships or other  
4 outside sources of funds are available, the County Court will make pro-  
5 visions for such grants, but shall not permit the duplication of funds  
6 for any purpose nor permit the combination of income sources to exceed  
7 the monthly salary of the individual granted educational assistance.

8 87.110. EMPLOYEE REPRESENTATION, GENERALLY. Employees shall  
9 have the right to form, join and participate in organizations of  
10 their own choice for the purpose of representation and collective  
11 bargaining on matters concerning employment relations; employees  
12 shall also have the right to refrain from joining and participating  
13 in the activities of employee organizations.

14 (1) Nothing in this ordinance shall be interpreted to  
15 preclude an individual in the County service from representing  
16 himself in individual personnel matters.

17 (2) Employees shall not be interfered with, intimidated,  
18 restrained, coerced or discriminated against in the application  
19 of these rights.

20 87.120. FORMATION OF BARGAINING UNIT. A bargaining unit may  
21 consist of:

- 22 (1) all eligible employees in the County service;
- 23 (2) if the Civil Service Commission determines that a  
24 bargaining unit of all employees within the County service is  
25 inappropriate, then one bargaining unit composed of all employees  
26 within the classified service and one bargaining unit composed  
of all other employees within the County; or
- (3) any other proposed bargaining unit which appears to  
the County Court to be appropriate on the basis of the existence  
of distinct and homogeneous group of employees.

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1           87.130. EXCLUDED EMPLOYEES. No bargaining unit shall include per-  
2           sons occupying positions within the County service of an elected, pro-  
3           fessional, management or supervisory nature.

4           87.140. CANDIDATES FOR REPRESENTATIVE. A petitioning candidate  
5           for employee representative may be a person, club, organization, or  
6           council of organizations. Petitions for representative election shall  
7           be submitted in writing and must include:

- 8                     (1) the identity of petitioning candidates;
- 9                     (2) the identity of bargaining units to be formed;
- 10                    (3) acceptable evidence that at least thirty (30)  
11                    percent of the employees within the proposed bargaining  
12                    unit desire to be represented by the petitioner; and
- 13                    (4) a statement that the petitioning candidate for  
14                    representative supports the constitution of the State  
15                    of Oregon and of the United States and pledges non-  
16                    discrimination in regard to age, color, creed, political  
17                    affiliation, race, sex, mental or physical handicap.

18           87.150. ELECTION PROCEDURE. All requests for representative  
19           elections which shall include within the bargaining unit persons within  
20           the classified service shall be processed in accordance with applicable  
21           Civil Service Commission Rules. When such requests include within the  
22           bargaining unit employees both within and without the classified ser-  
23           vice, the appropriate Civil Service Commission Rules shall be deemed  
24           applicable and by this reference are incorporated herein. When the  
25           request includes only persons who are not employed within the classified  
26           service, the request shall be processed in accordance with Sections  
27           89.310 through 89.370.

28           87.160. RECOGNITION OF REPRESENTATIVES. When a candidate for  
29           employee representation receives a majority of the votes cast, the  
30           County Court shall recognize and certify that representative for that

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1 unit. The representative shall serve without discrimination as to  
2 membership, if the representative is for all employees in the bargaining  
3 unit.

4 87.170. WITHDRAWAL OF REPRESENTATIVE RECOGNITION. After the  
5 recognized representative has served for at least one (1) year, the  
6 representation may be challenged by petition requesting a new election  
7 and supplying acceptable evidence that at least thirty (30) percent of  
8 the employees in the bargaining unit desire different representation  
9 or no representation.

10 87.210. NEGOTIATIONS. The County Court shall negotiate in good  
11 faith with all employee representatives on matters concerning employment  
12 relations. Similarly, appointing authorities shall negotiate in good  
13 faith upon matters concerning employment relations within their depart-  
14 ments.

15 87.220. AGREEMENTS. Any agreement between the County Court and  
16 recognized representatives may be reduced to writing in the form of  
17 a memorandum of agreement, exchange of letters, or any other appro-  
18 priate form.

19 87.310. GRIEVANCE POLICY. It is the policy of the County Court  
20 to assure persons employed within the County service that they may have  
21 their complaints considered as fairly and rapidly as possible without  
22 fear of reprisal. To that purpose individual employees are encouraged  
23 to discuss their complaints informally with their immediate supervisor.

24 87.320. GRIEVANCE PROCEDURE. If the complaint arises under  
25 these rules or arises within administered or supervised departments,  
26 and after presenting any grievances to the department head, an



1 employee, employees or employee representative may present any  
2 grievances or complaint to the County Court for consideration. The  
3 complaint or grievance should be in writing within ten (10) days  
4 from occurrence, and should be so framed as to include all items  
5 necessary to assist the County Court in reaching an equitable  
6 decision. The County Court may uphold the original decision, action  
7 or failure to act which motivated the complaint or may modify,  
8 reverse or cancel such decision or action.

9 87.330. DEPARTMENTAL GRIEVANCES. Any employee, employees, or  
10 recognized representative may present a complaint or grievance to a  
11 department head in whose department the matter occurred. If the depart-  
12 ment head requests, the complaint should be in writing and so framed  
13 as to include all items necessary to assist the department head in  
14 reaching an equitable decision. The department head may decide whether  
15 to uphold the original decision action or failure to act which motivated  
16 the complaint or grievance or he may decide to modify, reverse or cancel  
17 such decision or action.

18 87.340. CIVIL SERVICE COMMISSION. As to grievances or complaints  
19 against the Civil Service Commission or its rules, and as to matters  
20 arising under the Civil Service Act, complaints or grievances may be  
21 directed to the commission in accordance with its rules.

22 CHAPTER 88 - SEPARATION

- 23 88.010 - Reduction in Force
- 24 88.011 - Reassignment of Duties
- 25 88.012 - Order of Layoff
- 26 88.110 - Suspension
- 88.115 - Investigative Suspension
- 88.120 - Suspension Review
- 88.210 - Disciplinary Demotion and Salary Reduction

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- 88.220 - Dismissal
- 88.230 - Immediately Effective Dismissal
- 88.240 - Departmental Hearing
- 88.310 - Method of Resignation
- 88.320 - Failure to Give Notice
- 88.410 - Retirement
- 88.420 - Police Officers
- 88.430 - Extended Service
- 88.520 - Vacation Pay on Termination

88.010. REDUCTION IN FORCE. An appointing authority may layoff an employee for any of the following reasons:

- (1) abolition of position;
- (2) shortage of funds or work;
- (3) a material change in duties;
- (4) changes in an organization unit or department; and
- (5) any other reason which does not reflect discredit on the service of the employee.

88.011. REASSIGNMENT OF DUTIES. The department head may reassign to any other employee, holding a position in an appropriate class, those duties formerly performed by the laid off employee.

88.012. ORDER OF LAYOFF, (LAYOFF AND RECALL). In the event of a layoff of employees in a department, selection of employees retained will be in accordance with the seniority within the affected job classification(s) in that department, so long as the senior employees possess qualifications, aptitude and ability to perform the work equal to those of the employees laid off. Except in unusual circumstances, employees shall normally be given at least two (2) weeks' notice of layoff.

An employee displaced from his job by reason of a layoff shall be entitled to displace an employee in an equal or lower job classification, provided the displacing employee has greater seniority

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1 and possesses qualifications, aptitude and ability to perform the  
2 work equal to the employee he displaces.

3 88.110. SUSPENSION. An appointing authority may peremptorily  
4 suspend any subordinate for cause for a reasonable period not  
5 exceeding thirty (30) days with loss of salary or other compensation.  
6 Cause, within the meaning of this Section, shall consist of that  
7 conduct listed in Section 89.220. No person within the classified  
8 service shall be suspended except upon written charges served upon  
9 him and filed with the Civil Service Commission.

10 88.115. INVESTIGATIVE SUSPENSION. Where the appointing authority  
11 has reason to believe that cause may exist for disciplinary suspension,  
12 demotion, salary reduction, or dismissal, he may suspend a subordinate,  
13 with pay, pending investigation of allegations. No such suspension  
14 shall exceed the suspension periods permitted in Section 88.110. In  
15 the event that the allegations appear to be unfounded, no entry  
16 regarding suspension under this Section shall be made or retained in  
17 any record of the County, except upon the employee's request.

18 88.120. SUSPENSION REVIEW. No suspension pursuant to Section  
19 88.110 or Section 88.115 shall be subject to review by the Civil Service  
20 Commission or any other tribunal.

21 88.210. DISCIPLINARY DEMOTION AND SALARY REDUCTION. An appointing  
22 authority may demote an employee for cause or may reduce the salary of  
23 an employee within the range provided for positions of that class. A  
24 written statement of the reasons for such action shall be furnished to  
25 the employee and, in the case of classified employees, a copy filed with  
26 the Civil Service Commission, at least five (5) days prior to the

1 effective date of the action. Disciplinary demotions shall not be made  
2 unless the employee is eligible for employment in the lower class nor  
3 when such action will cause a person in the classified service to be  
4 laid off.

5 88.220. DISMISSAL. An appointing authority may dismiss any  
6 subordinate for one or more of those causes listed in Section 89.220.  
7 A written statement of the cause for dismissal shall be served upon the  
8 employee and a copy filed with the County Court or, in case of clas-  
9 sified employees, with the Civil Service Commission. Such statement  
10 should normally be served and filed ten (10) working days prior to the  
11 effective date of the dismissal.

12 88.230. IMMEDIATE EFFECTIVE DISMISSAL. The appointing authority  
13 may, when in his judgment the good of the service so requires, suspend  
14 an employee without pay during the notice period required by Section  
15 88.220. Such period of suspension may be with or without pay at the  
16 discretion of the appointing authority.

17 88.240. DEPARTMENTAL HEARING. No person who has been continuously  
18 employed in the County service for five (5) or more years shall be  
19 dismissed by an appointing authority unless the employee has been  
20 afforded a hearing by the appointing authority, but this Section shall  
21 not prevent suspension pending hearing.

22 88.310. METHOD OF RESIGNATION. In order to resign in good  
23 standing, an employee shall give at least fourteen (14) calendar days  
24 written notice to the appointing authority. The appointing authority  
25 may agree to a shorter period of notice. Because of extenuating cir-  
26 cumstances with the approval of the appointing authority, an employee

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1 may withdraw his resignation at any time within ten (10) days after the  
2 effective date of such resignation; in such case, time not worked shall  
3 be treated as authorized leave of absence without pay.

4 88.320. FAILURE TO GIVE NOTICE. Willful failure to give that  
5 notice required by Section 88.310 shall constitute insubordination and  
6 shall be cause for peremptory dismissal from the service.

7 88.410. RETIREMENT. The County shall be a member and participant  
8 in the Public Employees Retirement System. Employees shall be subject  
9 to the laws and rules administered by the Public Employees Retirement  
10 Board. Upon the service or disability retirement of an employee, the  
11 retiring employee's accumulated sick leave shall be reported to the  
12 Public Employees Retirement System, and, pursuant to procedures of  
13 the PERS, taken into account in determining the employee's retirement  
14 benefits.

15 88.420. POLICE OFFICERS. The mandatory retirement age for persons  
16 employed within the criminal department of the Sheriff's Office shall be  
17 age 60.

18 88.430. EXTENDED SERVICE. Upon recommendation of a department  
19 head, an employee who applies to the County Court may be granted per-  
20 mission to continue employment past the mandatory retirement age.

21 88.520. VACATION PAY ON TERMINATION. Each person who has been  
22 employed in the County service for one (1) year or more shall receive  
23 vacation pay in accordance with Section 86.215 at the rate current when  
24 terminated for each month's employment in the County service since the  
25 employee's last vacation accrual.

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CHAPTER 89 - PROCEDURE

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89.010. RECORDS AND REPORTS. It is deemed necessary for the purposes of this Ordinance to provide the preparation, maintenance and use of certain records and reports. It shall be the duty of each department head to submit to the County Court, the Civil Service Commission, and/or the County Clerk those records and reports herein required. It shall be the duty of each person employed within the County service to furnish to the department head such information as he may deem necessary to the preparation of such reports. All such reports and records are privileged and their inspection is hereby limited to the individuals and officers of the County engaged in the administration and enforcement of this act.

89.020. CLASSIFIED SERVICE RECORDS. Each department head shall furnish to the Civil Service Commission that information regarding

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1 classified employees which may be necessarily required by Civil  
2 Service Commission Rules, upon forms provided by the Commission.

3 89.030. REPORTS TO COUNTY CLERK. Each department head shall  
4 furnish to the County Clerk, upon forms provided by him, information  
5 concerning every personnel action occurring within his department. Each  
6 department head shall maintain within his department detailed records  
7 reflecting the absence of any employee upon vacation leave, sick leave,  
8 military leave, educational leave, or other authorized or unauthorized  
9 absence. He shall also maintain records reflecting authorized overtime  
10 worked; provided, that periods of less than one-half hour may be dis-  
11 regarded. He shall, monthly, submit to the County Clerk, upon forms  
12 provided by him, a summary containing the detailed accounting of the  
13 foregoing information, as to each employee, together with an accounting  
14 of the accumulated vacation leave, sick leave, and overtime which that  
15 employee has accumulated. As to overtime, the monthly report shall  
16 instruct the Clerk, subject to approval of the County Court, whether  
17 the employee is to receive compensatory time off or a money compen-  
18 sation. This Section shall not be construed to prohibit separate  
19 accounting within those departments authorized by the County Court.

20 89.210. DISCIPLINARY ACTION. All disciplinary action shall con-  
21 form to the following procedure except where Civil Service Commission  
22 Rules otherwise specifically provide as to classified employees.

23 89.220. CAUSES FOR DISCIPLINARY ACTION. Any person within the  
24 County service, holding non-elective office, may be subject to dis-  
25 ciplinary action for:

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- 1 (1) incompetency;
- 2 (2) inefficiency;
- 3 (3) inattention to or dereliction of duty;
- 4 (4) dishonesty;
- 5 (5) intemperance;
- 6 (6) immoral conduct;
- 7 (7) insubordination;
- 8 (8) discourteous treatment of the public;
- 9 (9) discourteous treatment of fellow employees;
- 10 (10) willful violation of the provisions of the Civil Service Act or of Civil Service Commission Rules adopted pursuant thereto;
- 11 (11) willful violation of the provisions of this Ordinance, including but not limited to: Sections 83.010-83.100; Sections 84.310-84.320; Section 86.320; Section 87.110(2); Section 88.320; and Section 89.010.

12 89.230. TYPES OF DISCIPLINARY ACTION. For a cause specified  
13 in Section 89.220, a department head may initiate and appointing  
14 authority may impose: suspension, with or without pay; demotion;  
15 reduction in salary; or dismissal from the County service. In no event  
16 shall the investigative suspension provided in Section 88.115 be con-  
17 sidered disciplinary action.

18 89.240. SUSPENSION. No regular full-time employee who has  
19 completed his probationary period shall be suspended without furnishing  
20 to him a written statement of cause.

21 89.250. DEMOTION. No regular full-time employee shall be  
22 demoted unless he has been furnished with a written statement of  
23 cause. A copy of which shall be furnished to the County Court,  
24 which copy shall contain the appointing authority's certification  
25 that the employee is eligible for employment in the lower class  
26 and that the action will not cause a person in the classified ser-  
vice to be laid off.

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1           89.260. SALARY REDUCTION. No regular full-time employee who  
2 has completed his probationary period shall be reduced in salary  
3 for disciplinary reasons unless he has been furnished with a written  
4 statement of the reasons for such action.

5           89.270. DISMISSAL. No regular full-time employee who has com-  
6 pleted his probationary period shall be dismissed from the County  
7 service unless he has been first served with a written statement of  
8 cause and a copy thereof has been filed with the County Court, and when  
9 applicable the provisions of Section 88.240 have been followed.

10           89.280. COUNTY COURT HEARING. As to any person not included  
11 within the classified service, action pursuant to Sections 89.250,  
12 89.260 and 89.270 may be appealed to the County Court for hearing.  
13 Provided, that written request for such hearing is filed with the  
14 County Clerk no more than ten (10) days after such action would other-  
15 wise become effective. The County Court shall forthwith schedule a  
16 hearing to consider such appeal and shall cause notice thereof to be  
17 served upon the employee, the appointing authority, and the District  
18 Attorney.

19           89.290. HEARINGS PROCEDURE. All hearings held pursuant to  
20 Section 89.280 shall be conducted informally and unless the employee  
21 requests otherwise, in private. The requesting employee may appear in  
22 person and by counsel or employee representative. The District Attorney  
23 shall appear and advise the County Court. The department head shall  
24 appear and offer evidence in support of his action. Any such hearing  
25 may be postponed from time to time for the convenience of the Court and  
26 parties. The County Court may submit the question presented to a fact

1 finding referee, mediator, conciliator or arbitrator. The County Court  
2 shall, in writing, adopt or reject the report of any fact finding  
3 referee, mediator, conciliator or arbitrator; reversing or, with the  
4 appointing authority's approval, modifying the action taken; or  
5 sustaining the action taken. As to all persons other than those within  
6 the classified service, the County Court's decision shall be final.

7 89.310. REPRESENTATIVE ELECTION PROCEDURE. When the County  
8 Court receives a candidate's petition for employee representative,  
9 conforming to Section 87.140, including within the Bargaining Unit  
10 only persons who are not employed within the classified service, the  
11 County Court shall without undue delay conduct a representative  
12 election.

13 89.320. NOTICE OF ELECTION. The County Court shall provide  
14 notice of the election to employees within the Bargaining Unit and  
15 to the appointing authorities affected at least fifteen (15) calendar  
16 days in advance of the election. The notice shall include the date  
17 when the election is to be held.

18 89.330. ADDITIONAL CANDIDATES. The County Court will place  
19 the names of additional candidates for representative on the election  
20 ballot if:

- 21 (1) such request is received in writing at least five  
22 (5) calendar days in advance of the election;  
23 (2) the request shows acceptable evidence of at least  
24 ten (10) percent representation within the Unit; and  
25 (3) the request otherwise complies with the provisions  
26 of Section 87.140.

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1           89.340. ELIGIBLE VOTERS. Persons within the Bargaining Unit  
2 who will be eligible to vote will be those regularly employed within  
3 the County service within the Bargaining Unit, and excluding those  
4 employees described in Section 87.130 and on a pay status 30 calendar  
5 days prior to the date of the election. A roster of such employees  
6 will be posted by the County Court and copies thereto shall be fur-  
7 nished to the affected appointing authorities and to the candidates  
8 on the ballot five (5) days before the election.

9           89.350. SUPERVISION OF ELECTION. The County Court shall super-  
10 vise all elections held hereunder and voting shall be by secret ballot  
11 and shall permit an opportunity to vote for any one of the candidates  
12 on the ballot, or for no representative. The District Attorney and  
13 parties to the election may be present as observers during the election  
14 and at the counting of ballots.

15           89.360. REPORT OF ELECTION. The results of the election shall  
16 be reported to the appointing authorities affected and to the candi-  
17 dates listed on the ballot.

18           89.370. IMPROPER ELECTION PRACTICES. Any charge of improper  
19 election practices, in violation of Section 87.110, must be filed  
20 with the County Court not later than ten (10) calendar days following  
21 the date of the election. The person, persons, candidates or  
22 organizations, so charged will be given an opportunity to answer  
23 the charges. If the County Court finds that improper election  
24 practices were used, it may invalidate the election and it may order  
25 a new election.

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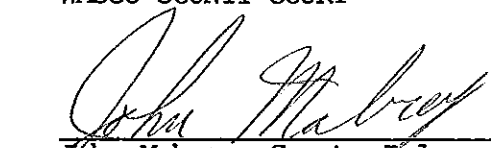
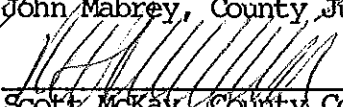

89.610. AMENDMENTS TO ORDINANCE. Amendments to this Ordinance may be adopted at any regularly scheduled meeting of the County Court and shall be effective immediately upon adoption or upon such later date as the amendment may specify.


This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect March 4, 1992.


Regularly passed and adopted by unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

DONE AND DATED this 4th day of March, 1992.

WASCO COUNTY COURT

  
\_\_\_\_\_  
John Mabrey, County Judge  
  
\_\_\_\_\_  
Scott McKay, County Commissioner  
  
\_\_\_\_\_  
C.E. Filbin, County Commissioner

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Bernard L. Smith  
Wasco County District Attorney

ATTEST:  
  
\_\_\_\_\_  
Karen LeBreton  
Wasco County Clerk

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