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4 **BEFORE THE BOARD OF COMMISSIONERS FOR**  
5 **POLK COUNTY, OREGON**  
6

7 In the Matter of )  
8 Personnel Rules Amendments )  
9

10 **RESOLUTION NO. 23-14**  
11

12 **WHEREAS**, the Polk County Code Section 11.110 requires the Board of Commissioners  
13 annually to review the Polk County Personnel Rules; and  
14

15 **WHEREAS**, the Board has disseminated proposed amendments for review and comment  
16 by County employees per Rule 2.1.1, Development of Rules; and  
17

18 **WHEREAS**, the Board reviewed the Polk County Personnel Rules on October 3, 2023 as  
19 required by Polk County Code Section 11.110; and  
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21 **WHEREAS**, the Board conducted a public meeting on October 3 2023 on amendments to  
22 the rules listed in Appendix A, a copy of which is attached hereto and incorporated by reference  
23 herein, as required by Polk County Code Section 11.115; now, therefore:  
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25 **THE POLK COUNTY BOARD OF COMMISSIONERS RESOLVE:**  
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27 The Polk County Personnel Rules are revised in the manner set out in Appendix A of this  
28 resolution.  
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30 DATED October 4, 2023 Dallas, Oregon.  
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32 **POLK COUNTY BOARD OF COMMISSIONERS**  
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35 unavailable to sign  
36 Jeremy Gordon, Chairman

37 Craig Pope  
38 Craig Pope, Commissioner  
39

40 Lyle B. Mordhorst  
41 Lyle Mordhorst, Commissioner  
42

43 Approved as to Form:  
44

45 Morgan Smith  
46 Morgan Smith  
47 County Counsel

- (a) Persons employed by contract to render expert services of an occasional or exceptional character, including those employed by temporary agencies to perform work for the County.
- (b) Volunteer uncompensated personnel.
- (c) Members of commissions or boards.

#### 1.2.4 Separability

In the event that any provision of these Rules is declared invalid by any court or competent jurisdiction, made illegal through enactment of federal or state law or through government regulations having the full force and effect of law, all other provisions not invalidated shall remain in full force and effect. The provision declared invalid shall be amended as provided for in Rule 2.1.

#### 1.2.5 At-Will Employment

Subject to applicable contractual provisions, employment at Polk County is at-will, meaning that employment may be terminated at any time, with or without notice or explanation, for any lawful reason, either by the County or the employee. All employees are hired for an indefinite period and may resign or be terminated without cause or notice at any time. This is what is meant by "at-will" employment. Normally we try to give regular employees (i.e., those who have successfully completed the probationary period) an opportunity to correct less serious performance problems before being terminated. In any given case, however, we may decide that the nature of the problem and/or the employee's overall record makes immediate termination appropriate. If we decide some form of lesser action is appropriate, we may choose a verbal warning, written reprimand, probation, ~~or suspension~~ or another appropriate action.

### RULE 3 - THE CLASSIFICATION PLAN

#### 3.1 - ADOPTION AND MAINTENANCE OF PLAN

Human Resources shall be responsible for developing and maintaining a position classification plan, which shall group all positions in the Classified and Unclassified Service, except for positions of elected officials and temporary employees, into classes based upon their duties, authority, responsibility and qualifications.

#### 3.2 - PURPOSE

The purpose of the classification plan is to provide a complete and continuous inventory of all positions in Classified and Unclassified Service and to provide accurate descriptions and specifications for each class of employment. The plan shall standardize titles, each of which shall be indicative of the definite range of duties and responsibilities and have the same meaning throughout the Classified and Unclassified Service.

#### 3.3 - ALLOCATION OF POSITIONS AND CLASSIFICATIONS

Subject to Board of Commissioners' approval, Human Resources shall be responsible for allocating all classifications in Classified and Unclassified Service to specific salary ranges or wage rates on the Compensation Plan and shall be responsible for assigning all positions to classifications. Human Resources may conduct, or have conducted, classification studies to determine the proper allocation of classifications to the salary ranges or position assignment to the proper classification. All salary schedules will be in compliance with the Equal Pay Act of 1963 and the Oregon Equal Pay Act.

##### 3.3.1 Classification Specifications

Each classification shall include the class title, a description of the duties and responsibilities of the work and a statement of the minimum qualifications a person should possess to perform the work with reasonable prospects of success.

The definitions in classification specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes, and determined by duties and responsibilities, and are not to be construed as declaring what the duties and responsibilities of any position may be, or as limiting or modifying the power of any supervisor to assign, direct and control the work of employees under their supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

- (a) In determining the classification to which any position should be allocated or assigned, the specification describing each classification shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements and relationships to other classes, as a composite description of the kind of employment, which the class is intended to embrace.

- (b) The minimum qualifications enumerated in a classification specification shall relate to the reasonable standards of experience and training required at the time of recruitment and appointment of an employee.

### 3.3.2 Use of Classification Titles

The classification title shall be the official title of every position allocated to the classification for the purpose of Personnel Actions and records and shall be used on all official documents referencing positions.

### 3.3.3 Changes to Positions/Classifications

Human Resources may recommend to the Board of Commissioners for final approval, the establishment, revision or abolishment of positions and classifications as necessary for the effective and efficient operation of the County. When a Department Head desires to establish a new position or classification, a description of duties, responsibilities and qualifications of the position or classification shall be submitted to Human Resources with supporting rationale and recommendation. Human Resources shall review the recommendation, and if approved, submit it to the Board of Commissioners.

### 3.3.4 Classification of Existing Positions, Allocations of Existing Classifications

Employees shall perform duties and be assigned responsibilities consistent with those outlined in the classification for the position to which they are assigned. If a Department Head determines that the duties and responsibilities performed have altered substantially, they may submit a written request for classification analysis to Human Resources, who shall make an appropriate recommendation to the Board of Commissioners.

### 3.3.5 Effect of Upward Reclassification on Incumbents

When a position is reclassified to a classification at a higher salary range, the incumbent employee shall be continued in the position. When an employee is reclassified, they will receive at least a one-step (four percent) pay increase. If the new range does not have a step that is one-step higher, the employee's salary will be advanced to the next step higher than four percent. If such increase is not sufficient to place the salary within the new salary range, the salary will be advanced to the minimum step of the new range. Department heads may grant higher promotional increases ~~with approval of the Board of Commissioners~~ after consultation with Human Resources. At no time shall the increase result in a step that is higher than available in the new salary range. Employees affected by upward reclassification, as just described, shall retain the salary review date previously established during their employment with the County.

- (a) If the incumbent employee of the position is unable to meet the minimum qualifications of the position as reclassified, the rules governing transfer, demotion, or layoff may apply. The position may be temporarily under filled at the discretion of Human Resources if it can be demonstrated that the

## RULE 4 - THE COMPENSATION PLAN

### 4.1 - PREPARATION AND ADOPTION OF THE COMPENSATION PLAN

Human Resources shall recommend to the Board of Commissioners for adoption a Compensation Plan for all classified and unclassified positions in the County. The Compensation Plan shall include for each classification a minimum and maximum rate of pay and such intermediate rates as are considered necessary and equitable. Flat rates may be used in place of salary ranges where appropriate.

The salary range assigned to each classification shall be established to equitably reflect the differences in the duties and responsibilities between it and other classifications and shall take into account salary rates and benefits paid by other employers for similar work in relevant public employment, the County's financial condition and policies, unusual problems of recruitment and turnover, and other relevant factors, including pay equity under the law.

### 4.2 - ADMINISTRATION OF THE COMPENSATION PLAN

Human Resources is responsible for the on-going maintenance and administration of the Compensation Plan. The following are general requirements of Human Resources in administering the Compensation Plan:

#### 4.2.1 Salary Adjustments

Salary range adjustments are to be distinguished from salary increases based on meritorious performance, as they are not intended to give recognition to length or quality of service, but are to be based on prevailing rates of pay for the various classes of work in the County. The rates of pay for incumbents when these adjustments are made shall be determined pursuant to Rule 3.3.5 and 3.3.6.

#### 4.2.2 Rates of Pay

Each employee shall be paid a rate of pay within the salary range for the classification in which they are employed. Rates of pay are those contained in the salary range. The rate of pay shall not be below minimum step or above the maximum step of the salary range for the classification in which the employee is employed. The exception to this rule would be the reclassification of a position to a lower range when the wage could be frozen.

#### 4.2.3 Pay Periods and Pay Dates

##### (a) Monthly

Employees shall be paid on a monthly basis with the payday being the last business day of the month. An employee in regular status may request and shall receive a pay advance no more than twice in a calendar year if Human Resources find there is a bona fide emergency. Pay advances will be limited to half the hours worked, less required taxes and deductions. Forms are available from Payroll. No payroll advances will be issued after the 20<sup>th</sup> of the month. Allow two days for check processing.



#### 4.2.4 Entrance Salary

Normally an employee will be appointed or re-appointed at the minimum or next higher step of the range established for the classification. Appointments at higher steps will be governed by the following procedures:

##### (a) Procedure

When a Department Head believes that an appointment should be made at a higher rate than step 52 the Department Head shall present a request in writing to ~~the Board of Commissioners~~ Human Resources prior to making such appointment. Human Resources shall review the recommendation and make a recommendation to the Board of Commissioners based on the information available.

##### (b) Basis of Approval

The factors to be reviewed in approving an appointment above the minimum or next higher step are availability of applicants with the qualifications for the vacant position, qualifications of all available applicants, the resulting pay relationship with other employees, prior experience of the candidate and the time available to continue the recruitment process.

#### 4.2.5 Part-time Employees

Pay for part-time employees shall be based upon the established hourly rate for the classification.

#### 4.2.6 Partial Monthly Pay

When a full-time employee's pay is based on less than a full month of employment, the employee's wages shall be based on a prorated amount of the full-time salary based on actual hours worked.

### 4.3 - SALARY ADJUSTMENTS BASED ON PERFORMANCE APPRAISAL

Salary increases are not automatic, but rather are based on the performance level of the employee. All salary increases, with the exception of salary increases resulting from classification changes, shall be recommended through the performance appraisal system described in Rule 9.

#### 4.3.1 Eligibility for Merit Salary Increases Based on Performance Appraisal

Employees hired at the first step in the salary range shall be granted a salary increase after six full months of continuous service and annually thereafter on their Anniversary Date if they are not at the maximum step of the salary range of their classification, and provided their performance is rated satisfactory or higher as reflected in their performance appraisal. The department head can grant or deny merit increases to employees rated needs improvement. Employees rated unsatisfactory shall not receive an increase. (Refer to Rule 9.2 - Denial of Salary Increase Based on Performance Review.) An employee hired at step 2 or above shall be eligible for a salary increase after 12 full months of continuous service. The anniversary date shall be the date of receiving the salary increase under this section.

Employees can be given more than a one-step increase if their performance is exceptionally good, the department head recommends it, and the Board approves it.

#### 4.4 - SALARY ADJUSTMENTS BASED ON CLASSIFICATION CHANGES

##### 4.4.1 Promotion

When an employee is promoted, they will receive at least a one-step (four percent) pay increase. If the new range does not have a step that is one-step higher, the employee's salary will be advanced to the next step higher than four percent. If such increase is not sufficient to place the salary within the new salary range, the salary will be advanced to the minimum step of the new range. Department heads may grant higher promotional increases with approval of the Board of Commissioners. The employee will be placed on probation to the position. If appointed to step 1, then upon satisfactory completion of the first 6 full calendar months of the probationary period, the employee will be eligible to proceed to the next step of the salary range. If appointed to step 2 or above, the employee will be eligible to proceed to the next step after 12 full calendar months of service. If an employee is serving a probationary period at the time of promotion, he/she shall be required to serve a 6-month probation in the new position, or complete the number of months remaining on the initial hire probationary period, whichever is longer, to commence on the date the promotion is effective. All employees will be eligible for salary increases annually thereafter, until they reach the maximum step of the salary range. Employees must be rated ~~outstanding, above average, or satisfactory~~ or above on the performance appraisal form to be eligible for the increase.

##### 4.4.2 Demotion

If an employee is demoted to a classification having a lower salary range, the salary shall be set as shown below. The employee's Anniversary Date shall remain unchanged as a result of demotion.

- (a) Promoted employees who have been demoted (or who request to be demoted) to their former lower class shall be put on the step in the lower range that they would have been on if they hadn't been promoted, taking into account merit increases they would have earned during time in the higher class.
- (b) Promoted employees who have been demoted (or who request to be demoted) to a class that is not their former shall be put on the step in the lower range that is closest to the step they were on prior to the promotion, taking into account merit increases they would have earned during time in the higher class.
- (c) Employees originally hired into a higher class shall be put on the same step in the lower class as they were on in the higher class.

##### 4.4.3 Transfer

Employees shall be eligible for overtime compensation as required by the Federal Fair Labor Standards Act (FLSA). Sworn law enforcement officers of the Sheriff's Office with the rank of Sergeant, upon request of the Sheriff and with the approval of the Board of Commissioners, shall be eligible for overtime compensation or compensatory time.

#### 4.6.3 Overtime Compensation

- (a) Compensation for authorized overtime shall be at the rate of time-and-one-half the employee's regular hourly wage rate. Overtime work shall be computed daily to the nearest quarter (1/4) hour. Compensation shall be paid in cash or compensatory time as determined by the County. Compensatory time off is to be scheduled by the mutual agreement of the department and employee. Employees may accrue up to ~~640~~ hours of compensatory time and carry this amount into each new fiscal year. Compensatory time in excess of ~~640~~ hours shall be paid at the end of the next regular pay period.
- (b) An employee shall not be entitled to multiple overtime compensation on a particular unit of time, even though more than one of the conditions set forth in Rule 4.6.1 may apply with respect to that particular unit of time.
- (c) For the purpose of computing overtime hours for overtime -eligible employees, ~~vacation leave, compensatory leave, and sick leave shall not be regarded as hours worked; vacation leave and compensatory leave shall be regarded as hours worked.~~

#### 4.7 - INCENTIVE AWARDS

The Board of Commissioners may authorize cash awards in recognition of meritorious proposals by employees to enhance efficiency and safety.



## **RULE 5 - CONTINUOUS SERVICE DATE/ANNIVERSARY DATE**

### **5.1 - DATE OF HIRE**

The Date of Hire is the first day an employee actually works in an authorized position.

#### **5.1.1 Use of Date of Hire**

The Date of Hire shall be used for determining length of service with the County and for determining the Continuous Service Date for each employee. Time in a temporary position will not be counted toward length of service.

#### **5.1.2 Adjustment of the Date of Hire**

Employees who are on leave of absence without pay for more than 14 consecutive calendar days shall have their Date of Hire adjusted the total number of calendar days that they are on such leave. The Date of Hire shall not be adjusted if an employee is on military leave, either with or without pay, ~~or on~~ workers' compensation leave without pay or leave covered under Federal Medical Leave Act, Oregon Family Leave Act, or Paid Leave Oregon.

### **5.2 - CONTINUOUS SERVICE DATE**

The Continuous Service Date is the first calendar day of the first full month worked. Employees shall receive credit for the first full month worked when initially appointed as a new hire, if the effective date of the initial appointment is on the first working day of the month. The Date of Hire will determine the Continuous Service Date.

#### **5.2.1 Use of the Continuous Service Date**

The Continuous Service Date shall be used for determining eligibility for employment benefits, which are based on full months of service.

#### **5.2.2 Adjustment of the Continuous Service Date**

Adjustment of the Date of Hire can result in an adjustment of the Continuous Service Date if the Date of Hire adjustment results in that date being moved to a later month, or later than the first working day of the month.

### **5.3 - ANNIVERSARY DATE**

The Anniversary Date is the date when an employee is eligible for a salary increase based on performance appraisal.

#### **5.3.1 Anniversary Date**

The Anniversary Date for new hires of the County hired at step 1 will be the first of the month following the completion of 6 full months of the probationary period, and annually thereafter. For those hired at step 2 or above, it will be the first of the month following completion of 12 full months of service, and annually thereafter.

## RULE 6 - RECRUITMENT AND SELECTION

### 6.1 - PURPOSE

The purpose of the Recruitment and Selection Processes for the County is to insure that all position vacancies are filled with qualified, competent individuals who are well suited to perform in the position for which they were employed. All vacancies in regular positions shall be filled as provided in this Rule and the Rules on compensation and classification.

An active recruitment program will be conducted as part of the selection process to provide for a competitive system of filling positions in the County. Its purpose is to give all applicants an equal opportunity for employment with the County.

### 6.2 - NEPOTISM PROHIBITED

No relative shall be employed where one would supervise the other. "Relative" is defined as husband, wife, brother, sister, mother, father, son, daughter, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-child, qualified domestic partner or any person residing in the same household. In the event that two employees become relatives, neither will be required to transfer or terminate unless one will supervise the other. If a transfer or termination is required, the employees and the responsible Department Head ~~or~~ and Human Resources, as appropriate, will jointly attempt to find an alternative work assignment for one of the two employees. If no alternative assignment is available within 90 days, it will be necessary for one of the employees to be terminated under conditions of layoff pursuant to Rule 15.2.

### 6.3 - PROVISIONS OF THE RECRUITMENT AND SELECTION PROCESS

#### 6.3.1 Determination to Open Recruitment

Human Resources shall determine when position vacancies shall be opened and recruitment initiated for the purpose of filling current and projected vacancies.

##### (a) Posting of Announcements

Notice of all position vacancies will be posted on the official bulletin board of the County, on all department bulletin boards, and on the County website. In addition, information on position vacancies may be published as necessary to assure reaching qualified applicants.

##### (b) Equal Opportunity Employer

All job announcements shall indicate that the County is an "Equal Opportunity Employer."

##### (c) Recruitment Designation

Recruitment for all position vacancies shall be designated as either open to competition from all qualified applicants or for County employees only, except as provided for under Rule 7.5 - Reappointment. The department head shall designate the type of recruitment with the approval Human Resources.

(d) Recruitment Period

Announcement of all position vacancies shall be made for a minimum of 7 full calendar days in advance of the final closing date for the receipt of applications.

1. In the event that a position vacancy occurs within 6 months of the closing date of a previously advertised position in the same classification, such position will not require announcement again. Applications received for the previous position may be considered.
2. If a sufficient number of qualified applications, as determined by Human Resources, are not received for position openings, the position may be re-announced as many times as necessary.

6.3.2 Applications(a) Apply in Writing

Any applicant, including employees of the County, must apply in writing using the County employment application ~~form-process~~ for announced position vacancies.

(b) Receipt of Applications

All applications must be received no later than ~~5:00 p.m.~~ the time determined for-on the closing date on the recruitment announcement.

(c) Application for More than One Position

Applicants may apply for more than one position simultaneously, provided such positions are open for accepting applications and a separate application is submitted for each position.

(d) Maintenance of Files

All applications submitted for open positions shall be stored for three years. Applications over three years old may be destroyed in accordance with record retention laws.

6.3.3 Qualifications and Screening of Applicants(a) Minimum Qualifications

Applicants for appointment, promotion, or transfer must possess the minimum qualifications stated in the job announcement. ~~Applicants must be able to read, write, and speak English.~~

(b) Applicant Screening

All applications submitted for a position vacancy shall be reviewed for evaluation of qualifications based on skills and experience as related to the position for which they were submitted. In addition, applicants may be required to perform job-related tests or exercises either as part of the initial application process or of the screening process.

(c) Approval

All position appointments require the approval of the Human Resources Director and ratification of the Board of Commissioners. Should Human

Resources not approve the appointment, the Department Head may request review by the Board of Commissioners.

6.3.4 Preference for County Employees

- (a) County Employee is defined as a full-time or part-time employee currently listed on the payroll roster for the County. Temporary employees do not qualify for hiring preference.
- (b) Preference for County Employees shall mean that County employees submitting applications for vacancies who possess the minimum qualifications shall be interviewed for the vacant position.
- (c) If a minimum of three County employees possess the minimum qualifications for a vacant position, an internal recruitment and selection process may substitute for an open recruitment once approved by Human Resources. Temporary employees ~~shall not will~~ be considered eligible to compete in an internal recruitment if they meet the minimum qualifications. The recruitment procedure outlined in Personnel Rule 6.3.1 must be followed with the exception of publishing the announcement outside of the County.

6.3.5 Notification of Applicants

Applicants who are selected to interview shall be contacted by the department within three weeks after the closing date of the recruitment. ~~No correspondence will be sent to those not selected to interview, except in the case of Sheriff's Office applicants who will be notified via letter of test dates and test scores.~~

## **RULE 8 - PROBATIONARY PERIOD**

### **8.1 - PURPOSE**

The probationary period shall be an integral part of the selection and screening process. It shall be utilized by supervisors as an opportunity to observe the employee's work, to train and aid the employee in adjustment to his/her new position, and to reject any employee whose work performance and/or fit within the department is deemed substandard.

### **8.2 - DURATION**

All entrance appointments, re-appointments, and all promotional appointments in the classified service shall be tentative and subject to a probationary period. Employees in designated professional, technical, supervisory, and certified and supervisory law enforcement positions shall serve a probationary period of 12 full calendar months. Promoted employees shall serve a probationary period of 6 full calendar months, unless being promoted while serving a probationary period, then refer to Rule 4.4.1. Employees promoted to a supervisory position shall serve a probationary period of 12 full calendar months. All other employees shall serve a probation period of 6 full calendar months. Any interruption of service during the probationary period shall not be counted as part of such period.

#### **8.2.1 Commencement and Completion of the Probationary Period**

The probationary period shall commence on the employee's Date of Hire, and shall be completed on the first of the month following either 6 or 12 full consecutive calendar months of service in accordance with Rule 8.2. The Department Head may recommend an employee be appointed to regular status any time before 12 months and after at least 6 months when the employee's performance clearly demonstrates competence in the job. An employee shall receive credit for the first full month of service if the employee's Date of Hire is the first working day of the month.

### **8.3 - MID-PROBATION PERFORMANCE APPRAISAL ~~AND WORK PLAN~~**

At the mid-point of an employee's probationary period, supervisors shall prepare a written appraisal of the employee's performance of job duties, willingness and ability to satisfactorily perform the duties involved, and the employee's work habits and dependability. ~~A detailed work plan shall be submitted to indicate the specific duties, responsibilities, and expectations of the employee while working in this position.~~ The performance appraisal ~~and work plan~~ shall be entered into the employee's personnel file.

### **8.4 - TRANSFER DURING PROBATIONARY PERIOD**

An employee who is transferred to another position in the same classification prior to completion of the probationary period shall complete the probationary period in the latter position.



## 8.5 - DEMOTION DURING PROBATIONARY PERIOD

A probationary employee serving as a result of promotion, who fails to qualify in the new position for reasons other than misconduct or delinquency, and who held regular status immediately prior to this promotional appointment, may be demoted to the employee's former position, if available, or the policies governing layoff may be initiated.

## 8.6 - REMOVAL DURING PROBATIONARY PERIOD

At any time during an employee's probationary period with the County, Human Resources may remove an employee if, in the opinion of the Department Head and Human Resources, the employee is unable or unwilling to perform the duties satisfactorily, or the employee's work habits, conduct and/or dependability do not merit continuance in the service.

## 8.7 - ACTION AT END OF PROBATIONARY PERIOD

At the completion of an employee's probationary period, the assigned Supervisor or Department Head shall prepare a written appraisal of the employee's job performance, willingness and ability to satisfactorily perform the duties involved, and the employee's work habits and dependability. The assigned Supervisor or Department Head shall, through the Performance Appraisal process, recommend one of the following actions:

### 8.7.1 Regular Appointment

When the services of the employee have been found to be satisfactory or above, the Department Head shall recommend that the employee be appointed to regular status. When the employee has been found to be in need of improvement, the Department Head may recommend the employee is appointed to regular status in lieu of proceeding under Rule 8.7.2 or 8.7.3.

### 8.7.2 Termination of Employment

When the employee has been found to be in need of improvement, the Department Head may recommend termination, or in the case of a promoted employee, returned to his/her previous classification if there is a position available. When the services of the employee have been found unsatisfactory, the Department Head shall recommend that the employee be terminated, or in the case of a promoted employee, returned to his/her previous classification if there is a position available.

### 8.7.3 Continue Probation

Request that the probationary period be extended for an additional period up to 6 months. Human Resources shall review all requests for probation extension and approve or deny the request. A denial of the request shall be referred back to the requesting Department Head for action under Rule 8.7.1 or 8.7.2. Another performance appraisal will be required at the completion of the extended probationary period.

## 8.8 - FRINGE BENEFIT STATUS DURING PROBATIONARY PERIOD

This section applies only to new employees serving a period of probation to County. It does not apply to employees who are serving a period of probation to a position as the result of a promotion.

### 8.8.1 Leave

No leave, other than authorized leave without pay, sick leave, bereavement leave, compensatory time, military leave, or vacation leave approved under Rule 8.8.2 (b) shall be taken by an employee during the probationary period.

### 8.8.2 Accrual of Leave

- (a) Sick leave benefits are based upon or earned in connection with actual time worked and may be prorated as such. Sick leave will accrue during an employee's probationary period. The employee shall be allowed use of sick leave during his/her probationary period.
- (b) Vacation leave benefits are based upon or earned in connection with actual time worked and may be prorated as such. Vacation will accumulate during an employee's first six months of employment. Employees will be allowed to use vacation leave during their trial service period, but vacation leave shall not be payable upon termination of employment until the completion of six consecutive months of employment.
- (c) Bereavement leave will be granted to probationary employees pursuant to the applicable collective bargaining agreement or Personnel Rule 11.4.5.

### 8.8.3 Health Insurance and Dental Insurance

Employees serving the initial probationary period to the County are eligible to participate in the health and dental insurance programs subject to enrollment requirements.

### 8.8.4 Other Insurance

Employees serving the initial probationary period to the County are eligible to participate in other insurance programs subject to enrollment requirements.

### 8.8.5 Retirement Program

Employees are not eligible to participate in the Oregon Public Service Retirement Plan (OSRP) until after 6 full calendar months of employment, or unless otherwise required by statute.

## RULE 9 - PERFORMANCE APPRAISAL SYSTEM

### 9.1 - GENERAL POLICY

It is the policy of the County to review the work of each employee regularly to assure that the employee is meeting the performance standards of the particular position to which they are assigned. The objectives of performance appraisal are to provide employees with information relating to how well they are performing their assignments; to identify training and job experience needed to improve job-related skills and/or abilities; to provide a basis for regular appointment and salary increase decisions; to discuss professional conduct, and to set goals for the employee for the ensuing period.

#### 9.1.1 Performance Appraisal Ratings

The County shall establish and make effective a system of performance appraisal ratings designed to give a fair evaluation of the work performed and of the efficiency and effectiveness demonstrated by the employee in meeting the job responsibilities. The performance appraisal system established by the County shall allow for the rating of employee performance in the following manner:

- (a) Outstanding Rating Consistently Exceeds High Standards:  
~~Makes outstanding contribution in critical areas while meeting all major requirements of the position.~~ Employee exceeded job expectations and made significant contributions to Polk County. Showed consistent and unusual initiative, creativity, persistence or thoroughness in several performance areas.
- (b) Above Average Exceeds Standards:  
~~An employee exceeds the expected performance level in one or more major or critical areas.~~ Employee exceeded job expectations. Showed consistent initiative, creativity, thoroughness and persistence in at least one performance area.
- (c) Satisfactory Fully Meets Standards:  
~~Performs requirements of the position in a fully satisfactory manner.~~ Employee consistently met minimum job expectations in all performance areas. Performed well and exhibited no significant deficiencies.
- (d) Needs Improvement Improvement Needed in Areas:  
~~Employee did not perform to a satisfactory level in at least one Performance Area and did not perform well enough in the other Performance Areas to offset this rating. Supervisor has informed employee of actions needed and deadlines to correct deficiencies described.~~
- (d) Unsatisfactory Rating Needs Significant Improvement:  
~~Employee fails to meet performance requirements of the position. Work performance is either deficient in one or more central areas necessary to perform the job or overall performance is inadequate. Has not accomplished previous corrective actions, if any. Employee shall be denied a merit increase, if up for one. Supervisor has informed employee of actions~~

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needed to correct deficiencies. Employee has been warned of possible disciplinary action.

9.1.2 Use of Performance Appraisal Ratings

The performance appraisal rating forms shall be a part of the employee's personnel file and shall be used as a factor in determining promotion, demotion, transfer, layoff, salary increases, disciplinary action, and satisfactory completion of the probationary period.

### 9.1.3 Frequency of Appraisal

Informal appraisals of an employee should be frequent and honest. Formal appraisals should adhere to the following guidelines.

#### (a) New Hires

New hires shall be appraised at the mid-point of their probationary period to the County, at the completion of their probationary period to County for attainment of regular status, and at least once annually thereafter on their Anniversary Date.

#### (b) Promoted Employees

Promoted employees shall be appraised at the mid-point of their probationary period to the position and at the completion of their probationary period to position. Appraisals will occur at least once annually thereafter on the employee's Anniversary Date.

#### (c) Regular Employees

Regular employees shall be evaluated at least once annually on their Anniversary Date.

#### (d) Change of Employee's Department Head

Upon the change of an employee's Supervisor or Department Head, the employee, if he/she has not received an appraisal within a 6-month period, may request the outgoing supervisor prepare a report of performance appraisal.

### 9.2 - DENIAL OF SALARY INCREASE BASED ON PERFORMANCE REVIEW

The Department Head shall give employees notification in writing of the withholding of their salary increase due to unsatisfactory performance. Such notification shall be given to the employee not later than the employee's Anniversary Date for salary increase (Rule 4.3.1). The denial of an employee's annual salary increase must be documented on the performance appraisal form with any performance rating in the needs improvement or unsatisfactory below the "Fully Meets Standards" category (Refer to Rule 9.1.1).

### 9.3 - SIGNATURE ON PERFORMANCE APPRAISAL

The Performance Appraisal form will be signed by both the Department Head and the appraised employee. All Performance Appraisals shall be reviewed and signed by Human Resources and the Board of Commissioners or their designee. The employee's signature on the Performance Appraisal form shall indicate that the employee has read the appraisal, but does not necessarily mean that the employee is in agreement with the appraisal. If an employee refuses to sign the Performance Appraisal form, the Department Head shall note the employee's refusal on the form and forward to Human Resources for filing.

### 9.4 - EMPLOYEE DISAGREEMENT WITH RATING

If an employee disagrees with a performance rating, the employee may file a response with reasons for disagreement in the employee's personnel file. Such response must



## RULE 10 - ATTENDANCE AND WORK SCHEDULES

### 10.1 - HOURS OF WORK/WORKWEEK

The County's regular work schedule shall consist of 40-hours of work during a workweek. The standard is for personnel to be at work from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding rest periods and lunch breaks. Employees on approved flexible work schedules may have work hours that deviate from the standard, for which a PA is required. For overtime purposes, the workweek shall begin at 12:01 a.m. on Monday and end at midnight on Sunday. Employees of the Sheriff's Office observe a workweek that shall begin at 12:01 a.m. Sunday and end at midnight Saturday.

### 10.2 - MEALS AND REST PERIODS

#### 10.2.1 Meals

All employees shall be granted at least a 30 minute unpaid meal period when the work period is 6 hours or greater. Whenever possible, such meal periods shall be scheduled in the middle of the workday. In no event shall rest periods be used to shorten the workday or to earn overtime.

#### 10.2.2 Rest Periods

A rest period of 15 minutes shall be permitted for all classified employees for each 4-hour work period. Whenever possible, such rest periods shall be scheduled in the middle of the work period. In no event shall rest periods be used to shorten the workday or to earn overtime.

#### 10.2.3 Lactation Breaks

- a) The County shall provide ~~unpaid, 30-minute rest periods during each four-hour work period for employees to express breast milk. This shall only apply to an employee who is expressing milk for her child 18 months of age or younger.~~ rest periods to employees needing to express milk as required by law. The County will make reasonable efforts to provide a location other than a public restroom in close proximity to the employee's work area.
- b) The employee shall provide reasonable notice to the County that the employee intends to express milk upon returning to work.
- c) The employee shall, if feasible, take rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee.

### 10.3 - REPORTING TIME

Each employee shall have a fixed time for reporting to work and leaving from work, however, work schedules may be changed upon 10 days notice, whenever possible or as a result of an emergency.

## RULE 11 - COUNTY-PROVIDED BENEFITS

### 11.1 - HOLIDAYS

The following days shall be recognized and observed as holidays for trial service and regular employees in the County service working fifty percent (50%) or more of the equivalent full-time position:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
<del>Juneteenth</del>	<del>June 19</del>
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving Day	Fourth Friday in November
Christmas Eve	On Monday: The whole day. On Tuesday, Wednesday, Thursday: 1:00 p.m. to 5:00 p.m. or four hours paid leave depending on the work schedule. On Friday, Saturday, and Sunday: No paid time off.
Christmas Day	December 25
Personal Leave Days	Employees' choice subject to County staffing requirements. (Union contract specific)

The floating holidays will be converted to personal leave days each fiscal year on July 1 and must be used by June 30 of the next year. Employees must be in employed status (as opposed to temporary) on July 1, or the first working day of July if July 1 falls on a Saturday or Sunday of each year to be eligible for floating days off. Personal leave days must be taken in full day increments.

Personal Leave Days will be accrued at the following rate based on dates of hire:

- Employees hired on July 1<sup>st</sup> will receive 4 PLDs.
- Employees hired between July 4<sup>th</sup> and ~~October~~ September 130<sup>th</sup> will receive 3 PLDs.
- Employees hired between October 1<sup>st</sup> and ~~January~~ December 31<sup>st</sup> will receive 2 PLDs.

Employees hired between January 1<sup>st</sup> and April 1<sup>st</sup> will receive 1 PLD.

Non-represented employees shall receive five personal leave days. These days must be used during the course of the fiscal year and shall not be carried over for future use.

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Also, any other holiday granted by the Board of Commissioners.

#### 11.1.1 Eligibility for Paid Holidays and Personal Leave Days

- (a) Employees in regular positions of 40-hours per week shall receive 8 hours of pay for each day listed above except Christmas Eve. All employees must be in paid status both the working day before and the working day after the holiday to be eligible to receive pay for the holiday.
- (b) Part-time employees in regular positions working more than 50 percent of a full-time position shall receive paid holiday hours for each day listed above on a prorated basis (actual hours worked each week computed as a percentage of a 40-hour workweek).
- (c) In no case shall an employee receive holiday compensation for both the actual holiday and the observed.
- (e) (d) Temporary employees are not eligible for paid holidays.

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#### 11.1.2 Holidays Falling on Saturday or Sunday

Whenever a holiday observed by the County falls on Saturday, the preceeding Friday shall be observed as a holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as a holiday.

#### 11.1.3 Holiday Compensation

- (a) An overtime-eligible employee who works on a holiday will be compensated at a rate of time-and-one-half for all hours worked on the holiday.
- (b) Employees on flexible work schedules shall receive the same number of holidays as employees working a regular workweek according to their eligibility described in Rule 11.1.1.
- (c) In no case shall an employee receive holiday compensation for the actual holiday and the observed holiday.
- (d) Employees in the classifications of Sergeant, ~~Lieutenant, Sheriff's Office Manager and Emergency Operations & Support Services Manager~~ Correctional LPN or Correctional RN shall receive one day off each calendar month, or 12 each year, in lieu of holidays. A maximum of 80 hours in lieu of holidays may be accrued.

#### 11.1.4 Holiday during Leave

Should an employee be on an authorized leave with pay when a holiday occurs, the holiday shall be paid and not charged against sick leave or vacation leave accumulation. Pay for holidays occurring during leave without pay shall be prorated.

### 11.2 - VACATION LEAVE

For Sheriff's Office non-represented employees, hours accrued in excess of 200 or 250 (per 11.2.1 above) shall be forfeited from the employee's accumulation unless work scheduling by management prevents use of vacation, in which case the employee shall be compensated in pay for the excess.

#### 11.2.4 Vacation Buyout

Each fiscal year, employees with vacation leave balances of 100 hours or more may elect during ~~August and/or March~~ January, May and/or October payroll periods to cash out up to 40 hours of accrued vacation. ~~Employees who wish to cash out their vacation time (up to 40 hours) shall note the amount of vacation time on their March and/or August timesheet.~~ At no time shall the buyout cause the employee to drop below 60 hours of accrued vacation.

#### 11.2.5 Vacation Accrual during Probation

- (a) New employees serving their probationary period to the County will ~~be awarded~~accrue vacation hours ~~they would have accumulated during that time after six full calendar months~~their probationary period, however, they will not be paid out for vacation hours upon leaving County employment unless they have been employed for at least six months. They may use vacation hours while serving their first six months probationary period only as allowed under Rule 8.8.2.
- (b) Employees who have served at least six full calendar months and are serving a probationary period to a position as a result of promotion or other employment action are eligible to accrue and use accrued vacation leave with pay.

#### 11.2.6 Scheduling of Vacations

Whenever possible, employees shall have the right to determine vacation time; however, the County reserves the right to schedule vacation time. Requests for vacation leave shall be reviewed with and approved by the Department Head, ~~or their designee~~, in advance so as to ensure continuity of services.

#### 11.2.7 Vacation Pay on Termination of Employment

An employee who terminates employment during the first 6 full calendar months of the probationary period shall not be entitled to cash compensation for accrued vacation leave. Those employees who complete 6 full calendar months of the probationary period, and then separate from the County, shall be entitled to pay for accrued vacation leave balances, including prorated accruals for time worked during the final month of employment. Prorated accruals shall be computed in accordance with Rule 11.2.1. In no case shall payment be for more than the maximum accumulation allowed. In case of death of the employee, compensation for accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

### 11.3 - SICK LEAVE

#### 11.3.1 Accrual of Sick Leave

Sick leave shall accrue at the rate of 8 hours for each full calendar month of service and shall be credited to the employee's leave account the first day of the month following accrual. Employees having unpaid leave during a calendar month shall accrue sick leave in the same manner as vacation leave as stated in Rule 11.2.2.

- (a) New employees serving their initial probationary period in regular positions are eligible to accrue and utilize sick leave.
- (b) Part-time regular employees working 50 percent or more of a full-time position shall accrue sick leave on a prorated basis (computed as a percentage of a 40-hour workweek).



- (c) Temporary employees are ~~not~~ eligible to accrue sick leave at a rate of one hour of leave for every 30 hours worked, in accordance with Oregon Sick Leave law.

## RULE 12 - STAFF DEVELOPMENT AND TRAINING

### 12.1 - GENERAL TRAINING ACTIVITIES

The County shall encourage the development of training programs designed to meet personnel needs and to prepare employees for promotion to positions of greater responsibility.

### 12.2 - ORIENTATION OF NEW EMPLOYEES

The County shall provide an orientation to familiarize new employees with their obligations and rights and to inform them about the general functions of the County.

### 12.3 – TRAVEL AND CONFERENCE REGULATIONS

\* See stand alone Travel and Per Diem Policy

#### 12.3.1 Purpose and Application

~~These regulations establish the conditions and procedures governing reimbursement for out-of-pocket expenses incurred by Polk County officers and employees resulting from authorized travel. These regulations apply to all County officers and employees, unless a specific exception is granted in writing and in advance by the Board of Commissioners or as otherwise specified in a collective bargaining agreement.~~

#### 12.3.2 Definitions – As used in these regulations:

- ~~(a) "Board" means the Polk County Board of Commissioners or its designee.~~
- ~~(b) "Common carrier" means aircraft, train, bus, or taxi.~~
- ~~(c) "Daily private auto expense" means use of private automobile daily or regularly in the course of county business.~~
- ~~(d) "Miscellaneous expenses" means expenses directly related to the conduct of official business, such as official telephone calls, office supplies, parking fees and local transportation.~~
- ~~(e) "Personal expenses" means expenses incurred by an employee that are of a personal nature such as laundry, personal grooming, alcoholic beverages, entertainment or personal telephone calls.~~
- ~~(f) "Travel expenses" means expenses for transportation, meals, and lodging.~~

#### 12.3.3 Reimbursement Rates

- ~~(a) Meals. Reimbursement shall be the actual cost or the following limits, whichever is less:~~

~~Breakfast: \$10 (No substitution for meals included in the registration fee.)~~

~~Lunch: \$12~~

~~Dinner: \$18. Tips shall not be reimbursed at any time. When travel or training requires an employee to leave the state an additional \$5 per day will be added to the maximum reimbursement rate for meals.~~

~~(b) Lodging. The cost of lodging will be reimbursed when an employee is required to remain overnight away from home. The amount will be based on single occupancy rates, not to exceed \$85. If lodging is associated with the attendance at a conference, the cost of lodging will be approved. Employees are expected to select lodging at reasonable rates, considering the circumstances of the conference.~~

~~(c) The limits of this section may be exceeded with prior written approval by the Board if the employee is attending an official function where lodging and meal costs are higher, or if suitable lodging or meals cannot be found except at a higher cost.~~

#### 12.3.4 Method of Transportation

~~(a) General Services must approve in advance any proposed method of transportation, except as provided in Rule 12.3.5 (d).~~

~~(b) No employee shall drive a motor vehicle, whether owned by the County or privately owned, while outside the State of Oregon on official business, except as provided in Rule 12.3.5 (d).~~

~~(c) Regulations governing use of County and privately owned vehicles being driven on official business are contained in Motor Pool Requirements.~~

#### 12.3.5 Out of State Travel

~~(a) All out-of-state travel must be approved by the Board at least 10 workdays before the proposed travel begins, except for demonstrated emergencies and as provided in Rule 12.3.5 (d).~~

~~(b) Requests for out-of-state travel must be accompanied by complete justification for the travel.~~

~~(c) Consistent with Rule 12.3.4 (a), out-of-state travel must be by common carrier only except as provided in Rule 12.3.5 (d).~~

~~(d) Notwithstanding Rules 12.3.4 (a), (b) and 12.3.5 (a) and (c), the Sheriff may approve out-of-state travel on an emergency basis for purposes of returning fugitives from justice, and the Human Services Director may approve out-of-state travel on an emergency basis for purposes of returning runaway juveniles. When use of a common carrier is not feasible, use of a County or privately owned vehicle may be authorized. However, the Sheriff or Human Services Director immediately shall report such authorization the Administrative Officer and the Board, with a concise statement of the circumstances demonstrating an emergency.~~

#### 12.3.6 Reimbursement Procedures

- (a) All claims for travel expense reimbursement must be submitted to Accounts Payable on a Polk County Payment Voucher with the Polk County Travel Expense Voucher attached or the combined Polk County Payment Voucher and Travel Reimbursement Form.
- (b) All claims for daily private auto expense reimbursement must be submitted to Accounts Payable on a Polk County Payment Voucher with the Polk County Automobile Reimbursement Log attached or the combined Polk County Automobile Reimbursement Log and Voucher form.
- (c) Claims for reimbursement must be submitted not later than the 10<sup>th</sup> day of the month following calendar month during which the travel was performed.
- (d) Itemized and original receipts are required for all travel expenses including transportation, meals, lodging, and registration fees. Receipts are not required for bridge, ferry and parking charges not exceeding \$10.

#### 12.3.7 Travel Advances

- (a) Travel advances require prior written approval by the Board.
- (b) To be considered for a travel advance, the employee's department head must submit a request to the Board at least five workdays before the travel begins, stating the destination and purpose of the travel and the estimated costs.
- (c) Within three working days after returning, the employee must submit to the Board a completed Travel Expense Voucher and a receipt from the County Treasurer's Office showing that any excess amounts of the travel advance have been returned.

#### 12.3.8 POLK COUNTY MILEAGE GUIDE

This mileage guide may be used for reimbursement of travel expenses in lieu of odometer readings.

Albany	31	Lincoln City	45
Ashland	248	McMinnville	25
Astoria	129	Medford	236
Baker City	364	Newberg	37
Beaverton	59	Monmouth	9
Bend	146	Newport	70
Burns	276	Ontario	406
Coos Bay	164	Pendleton	268
Corvallis	29	Portland	60
Eugene	70	Prineville	163
Florence	112	Redmond	144
Forest Grove	51	Roseburg	140
Grants Pass	208	Salem	15
Gresham	71	Seaside	113

Independence	11	Springfield	73
John Day	280	St. Helens	89
Klamath Falls	242	Sunriver	161
La Grande	320	The Dalles	143
Lakeview	320	Tillamook	64



12-3-9 Accidents

~~(a) Report all accidents to General Services or the Board of Commissioners by phone immediately. If physically unable to do so, ask the police to notify the County.~~

~~1. If physically able, accomplish the following:~~

~~i. Ascertain if anyone appears injured. If so, take action to obtain ambulance and medical care.~~

~~ii. Call police to the scene before vehicles are moved. Request the investigating officer to file a written report regardless of the extent of damage.~~

~~iii. Do not discuss the accident with anyone except police or County officials. When answering questions state the facts, but Do Not Admit or Imply Fault.~~

~~(b) Exchange the following information with the other driver or person involved in the accident:~~

~~1. Name, address and telephone number.~~

~~2. Driver's License (State and license number).~~

~~3. Vehicle make, model, year and license plate number.~~

~~4. Insurance company's name, agent and address. (Polk County is your insurer.)~~

~~(c) An accident report must be filed with General Services within 24 hours of the accident. If the employee is unable to file a report, the employee's supervisor shall file the report.~~

~~(d) State law requires an Accident Report to be filed with the Division of Motor Vehicles, County Sheriff or Chief of Police within 72 hours if property damage exceeds \$1,500 or anyone was injured (See ORS 811.720 to 811.740). The Sheriff can supply the necessary forms.~~

(s) Unprofessionalism

Failure to conform to generally accepted standards of conduct for a profession and/or county department. In this context, "conduct" includes actions, communications and appearance. Employees are expected, at all times, to represent Polk County in an appropriate and professional manner.

## 13.4 - DRUG FREE WORK PLACE

Creating a healthy and safe work environment is a top priority of the County. This policy reflects our commitment to our employees and our belief that drug or alcohol abuse poses a serious risk, not only to the individual but also to other employees and the public. In addition to emphasizing the County's belief that safety and health are essential, the policy underscores our firm commitment to a drug-free workplace.

Employees are prohibited, as a condition of employment, from the unlawful manufacture, distribution, dispensing, possession, use, or being under the influence of a controlled substance or intoxicant. Additionally, the possession, use, or sale of alcohol, marijuana or misuse of any legal drugs in the workplace is prohibited. Employees who come to work under the influence of alcohol, marijuana, misused prescription drugs or any illegal drug, or consume them during work hours, to include breaks and lunch hours, will be subject to discipline, up to and including termination.

13.4.1 Employees Convicted of Drug Violations

Employees who are convicted under any criminal drug statute for any violation occurring in the work place shall notify the County in writing within 5 calendar days. The County shall take one of the following actions within 30 calendar days after receiving notice of a drug conviction:

- (a) Take appropriate personnel action against a convicted employee, up to and including termination.
- (b) Require the convicted employee to participate in and satisfactorily complete a drug abuse assistance or rehabilitation program approved by the appropriate agency.

## 13.5 - DISCIPLINARY ACTION

It is the policy of the County that employee discipline be corrective, progressive, and lawful.

13.5.1 Corrective

Disciplinary action shall be corrective in the sense that the employee understands about the causes and reasons for an employee's deficiencies, corrects those deficiencies and attempts to restore himself/herself/themselves to a productive and positive employment status. The object of disciplinary action is to correct problem situations and mistakes, and to the extent possible under the circumstances, minimize employees' loss of dignity and self-esteem. Disciplinary action is not punitive in nature and is not undertaken with the intent to punish. Disciplinary actions will be handled on a fair and equitable basis.

## **RULE 16 - CONFLICTS OF INTEREST/RESTRICTIONS ON POLITICAL ACTS**

### **16.1 - CONFLICTS OF INTEREST**

The proper operation of the County requires that employees be independent, impartial and responsible to the people it serves; that decisions and policy be made in the proper channels of the County structure; that County employment not be used for personal gain; and that the public have confidence in the integrity of the County and its employees.

No employee shall engage in any business or transaction or shall have a financial or other personal interest ~~or that of a family member~~, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the County interest or would tend to impair ~~his/her~~~~their~~ independence of judgment or action in the performance of ~~his/her~~~~their~~ official duties. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of employees.

#### **16.1.1 Preferential Treatment of Individuals Generally**

Employees shall not grant any special consideration, treatment, or advantage to any ~~citizen-person~~ beyond that which is available to every other ~~citizen-person~~.

#### **16.1.2 Incompatible Employment**

(a) No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of employee's duties or would tend to impair employee's independence of judgment or action in the performance of employee's official duties.

(b) Employees shall not independently provide for a fee to another agency, organization, employer, or person, services for which the employee is compensated by County to provide on behalf of the County, unless the provision of such services is authorized in writing by the Board of Commissioners.

#### **16.1.3 Notification of Outside Employment**

Employees are required to notify their Department Heads when accepting secondary, or concurrent employment, outside the service of the County. Such documentation shall become part of the employee's personnel file, which is secured in the Human Resources Department.

#### **16.1.4 Disclosure of Confidential Information**

No employee shall disclose confidential information concerning the property, government or affairs of the County without proper legal authorization; or, use such information to advance the financial or other private interest of ~~himself/herself~~~~themselves~~ or others.

#### 16.1.5 Representing Private Interests before the County or Courts

No person whose salary is paid in whole or in part by the County shall appear on behalf of private interests before any County-related activities. County employees shall not represent private interests in any action or proceeding against the interests of the County in any litigation to which the County is a party.

An employee may appear before the County and its committees on behalf of constituents in the course of his/her/their duties as a representative of the County or in the performance of his/her/their obligations. However, no person shall accept a retainer or compensation that is contingent upon a specific action by the County.

#### 16.1.6 Interest in Contracts with the County

No employee of the County shall have any interest or accrue any benefits from any contract issued by the County. Employees shall fully disclose any indirect relationship or financial benefit relating to grants, programs, and contracts between the County and other organizations and individuals.

#### 16.1.7 How to Know if You Have a Conflict of Interest

How does a public official know when they are met with a conflict of interest and, if met with one, what must they do? Oregon Government Ethics law identifies and defines two types of conflicts of interest. An actual conflict of interest is defined in ORS 244.020(1) and a potential conflict of interest is defined in ORS 244.020(13). In brief, a public official is met with a conflict of interest when participating in official action which would or could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words "would" and "could." A public official is met with an actual conflict of interest when the public official participates in an official action, decision, or recommendation that would affect the financial interest of the official, their relative, or a business with which they or their relative is associated. A public official is met with a potential conflict of interest when the public official participates in an official action, decision, or recommendation that could affect the financial interest of the official, their relative, or a business with which they or their relative is associated. The following hypothetical circumstances are offered to illustrate the difference between actual and potential conflicts of interest and what is not a conflict of interest:

- POTENTIAL CONFLICT OF INTEREST: A school district has decided to construct a new elementary school and the school board is at the stage of developing criteria for the construction bid process. A recently elected school board member's son owns a construction company in town. The school board member would be met with a potential conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes

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could financially impact her son's construction company, a business with which her relative is associated.

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• ACTUAL CONFLICT OF INTEREST: A school district is soliciting bids for the construction of a new elementary school. The bid deadline was last week and the district Superintendent has notified the school board that there are four qualified bids and the school board will be awarding the bid to one of the four bidders at their upcoming meeting. One of the qualified bids was submitted by the construction company owned by a school board member's son. The school board member would be met with an actual conflict of interest when awarding this bid because the effect of her decision would have a financial impact (either positive or negative) on her son's construction company, a business with which her relative is associated. Public Official Guide Page 12 Adopted April 2021

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• NO CONFLICT OF INTEREST: A school district is soliciting bids for the construction of a new elementary school. One of the qualified bids was submitted by a construction company owned by a board member's best friend but neither the board member nor any relative are associated with the construction company. The school board member would not be met with a conflict of interest when awarding this bid because the effect of her official decision would not or could not have a financial impact on herself, a relative, or a business with which she or her relative is associated.

Public officials who are hired as public employees, agents, or who volunteer with their public bodies must provide written notice to the person who appointed or employed them (their "appointing authority"). The notice must describe the nature of the conflict of interest with which they are met and request that their appointing authority dispose of the conflict. This written disclosure to the appointing authority satisfies the requirements of ORS 244.120 for the employee. The appointing authority must then designate an alternate person to handle the matter or direct the public official in how to dispose of the matter. [ORS 244.120(1)(c)]

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Example of Disclosure and Disposal: A County employee's job includes issuing building permits. An application concerns property owned by the employee's stepfather. The employee would be met with a conflict of interest and would need to make a written disclosure of his conflict to his appointing authority, in this case his department supervisor, and ask that the supervisor dispose of the conflict. Once the employee makes the written disclosure, he has complied with the conflict of interest statute. Upon receipt of a written disclosure from an employee, the supervisor must respond by either delegating an alternative person to handle the matter or directing the public official in how to dispose of the matter. Note: If the supervisor directs the public official to dispose of the conflict by handling his Public Official Guide Page 13 Adopted April 2021 relative's permit the same as any other permit, the supervisor could be asking an employee to take official actions that may violate the prohibited use of position statute, ORS 244.040(1). See page 17

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#### 16.1.7 Disclosure of Interest



An employee of the County who has a financial or other private interest in any project or program being considered by the County shall disclose on the records of the County or other appropriate authority the nature and extent of such interest. This provision shall not apply if the person disqualifies ~~himself/herself/themselves~~ from any action relating to the program or project. All employees having a real or potential conflict of interest shall notify their Department Head and Human Resources, and shall hand off all decision making responsibilities to their direct supervisor or an other employee as determined by the Department Head.

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An employee who has a financial or other private interest and who participates in discussion with or gives an official opinion to the County shall disclose on the records of the County, or other appropriate authority, the nature and extent of such interest.

## 16.2 - RESTRICTIONS ON POLITICAL ACTIVITIES

### 16.2.1 Incorporation of ORS 260.432

ORS 260.432 is hereby incorporated into these Personnel Rules.

### 16.2.2 Political Activities During Work Hours

No employee – (other than employees in elected positions) including temporary employees, volunteer, or intern of the County shall solicit any money, influence, service or other thing of value, or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours; however, nothing in this subsection is intended to restrict the right of employees to express their personal political views.

### 16.2.3 Use of Position for Political Influence

No employee shall promise an appointment to any County position, favorable treatment or the influence of ~~his/her/their~~ office or other favor or reward in return for partisan and non-partisan political activity on ~~his/her/their~~ behalf, or on behalf of any candidate or cause.

### 16.2.4 Use of Title

No employee – (other than employees in elected positions) – holding an administrative, management or professional position with the County shall use ~~his/her/their~~ working title in any letter to the editor, endorsement or publication that is an outlet for political advocacy.

## 16.3 – APPLICABILITY

When an employee has doubt as to the applicability of a provision of these Rules to a particular situation, they should request an interpretative decision from Human Resources. The employee shall have the opportunity to present ~~his/her/their~~

## RULE 17 - NON-DISCRIMINATION

### 17.1 - EQUAL OPPORTUNITY POLICY

Polk County is an Equal Opportunity Employer and, as such, states its commitment to providing equal employment opportunities to all persons in matters affecting, but not limited to, recruitment, employment, compensation, benefits, promotions, training, discipline, transfer and layoff practices without regard to a persons race, color, religion, national origin, sex, gender identity, age, marital or family status, association, disability, sexual orientation, injured worker or Veteran's status (except where age or non-disability are bona fide occupational qualifications).

Polk County does not discriminate on the basis of disability in the admission or access to or treatment of employment in its programs or activities.

Polk County is committed to providing all employees with a work environment free of discrimination or harassment of any kind.

Polk County is committed to fostering an inclusive, diverse and equitable environment where all employees are valued, respected and empowered. Through this commitment, we can better serve our community and our employees.

Discrimination will not be tolerated in our workplace. It is against the policies of Polk County for any employee to discriminate against another employee, client or any other member of the public. This includes acts of discrimination against any applicant during the hiring process, against an employee during disciplinary investigations or through the evaluation process.

Any supervisor or other employee found in violation of this policy will be subject to discipline up to and including discharge.

### 17.2 - HARASSMENT PROHIBITED

It is the policy of Polk County that all employees be able to work in a setting free from all forms of unlawful discrimination, including harassment, on the basis of protected class status, including, but not limited to: race, color, religion, gender (sex), national origin, age, sexual orientation, disability or retaliation. (Examples of retaliation are opposing discrimination and participating in an investigation of discrimination.)

#### 17.2.1 Harassment

Harassment is verbal or physical conduct that demeans or shows hostility or aversion toward an individual because of race, color, religion, gender, national origin, age, sexual orientation, or disability, or that of their relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, sexual orientation, or disability; and (2) written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and that is placed on walls, bulletin boards, computers or elsewhere on the employer's premises, or circulated in the workplace.

Harassment shall also include private behaviors via written or spoken language, social media posts, etc., that have an adverse effect on the workplace, work environment and work culture.

#### 17.2.2 Sexual Harassment

Sexual harassment is a form of gender (sex) discrimination. The Equal Employment Opportunity Commission has defined sexual harassment as follows:

"Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when directed at an individual because of an individual's gender, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Prohibited sexual harassment may include, but is not limited to, unwelcome sexual advances; sexual jokes, calendars, posters, cartoons, magazines; derogatory or physically descriptive comments about or towards another employee; sexually suggestive comments or demands for sexual favors in exchange for favorable treatment or continued employment; inappropriate use of County communications including e-mail and telephone (inappropriate as viewed by the receiver of the communication), unwelcome touching or physical contact, flirtations, leering, whistling, obscene comments or gestures; punishment or favoritism on the basis of an employee's gender; sexual slurs; negative sexual stereotyping; inappropriate comments about a person's gender.

Harassment will not be tolerated in our workplace. It is against the policies of Polk County for any employee to harass another employee, client or any other member of the public. This includes acts between supervisors and employees; it also includes acts between one employee and another.

#### 17.2.3 Complaints of Harassment

If you believe that you have been harassed, report the harassment immediately. The report should be to either: (1) your supervisor, (2) Human Resources, or (3) your department head. You may report harassment to

In compliance with the ADA, Human Resources is appointed to coordinate ADA compliance in all aspects except facilities. The Administrative ~~Officer~~ Services Director will work in conjunction with Human Resources to coordinate ADA compliance with respect to County facilities.

17.3.3 ADA/504 Coordination/Complaints

A complaint alleging discrimination based on a disability will be submitted in writing to the County's ADA/504 coordinators (~~County Administrative Officer~~ or Human Resources Administrative Services Director). Complaints concerning employment practices will be submitted to Human Resources; those concerning County facilities will be submitted to the Administrative ~~Officer~~ Services Director.

## RULE 18 - WORKPLACE VIOLENCE

### 18.1 - PURPOSE

The safety and security of Polk County employees, customers, vendors, contractors, and the general public are of vital importance. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner by Polk County.

The Oregon Occupational Safety and Health Administration (OR-OSHA) requires employers provide employees with a safe place of employment, free from recognized hazards that are causing or are likely to cause death or serious harm to employees.

### 18.2 - DEFINITIONS

#### 18.2.1 Zero Tolerance:

Employees who display any violence in the workplace or threaten violence in the workplace, or use social media to threaten violence in the workplace, whether created during work hours or after work hours, are subject to disciplinary action up to and including the possibility of termination of employment. Members of the public who display any violence in the workplace or threaten violence in the workplace shall be reported to law enforcement officials.

#### 18.2.2 Violence:

Physically harming another, shoving, pushing, intimidating, coercion, brandishing weapons, and/or communicating threats or talk of violence in written, electronic, physical, or verbal form.

### 18.3 - GENERAL POLICY

This policy applies to, but is not limited to all employees, contractors, and volunteers of Polk County.

#### 18.3.1 The following is prohibited by Polk County:

- (a) Any act or threat of violence made by an employee against another except in the performance of the employee's official job duties.
- (b) Any act or threat of violence, including, but not limited to, intimidation or coercion.
- (c) Any act or threat of violence, which endangers the safety of employees, customers, vendors, contractors, or the general public.
- (d) Any act or threat of violence made directly or indirectly by words, gestures, or symbols.



(e) Use or possession of a weapon in any County building, except by law enforcement officials.

(f) Any threat of violence through a social media platform with an expectation of such threat taking place at work or against an employee.

While certain employees of Polk County may be required as a condition of their work assignment to possess or are permitted to carry, as authorized by law, firearms, weapons, or other dangerous devices, it is Polk County policy that employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

Employees are expected to report to their supervisors, department head or Human Resources any behaviors that compromise this policy and the County's ability to maintain a safe work environment.

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#### 18.4 - POLICY GUIDELINES/PROCEDURES

##### 18.4.1 Report threats of violence

Each employee of Polk County and every person on Polk County property are encouraged to report incidents of threats or acts of violence of which s/he is/they are aware.

In cases where the individual is a County employee, the report should be made to the individual's immediate supervisor, a management level or supervisory employee, if the immediate supervisor is not available, or to the Board of Commissioners, Human Resources, Administrative Services Director or the Administrative Officer (Risk Manager).

If the threat is immediate, the supervisor should call 911 or contact the Sheriff's office at 503 623-9251. Each supervisor shall promptly refer the matter to the Board of Commissioners or to Human Resources. Concurrently, with the initiation of any investigation leading to a proposed disciplinary action, the County shall report the incidents of threats or acts of violence promptly to the appropriate law enforcement agency.

In cases where the reporting individual is NOT a County employee, the report should be made to the appropriate law enforcement agency.

Nothing in this policy alters any other reporting obligation established in these Personnel Rules or in State, Federal, or other applicable law.

#### 18.5 - INVESTIGATION PROCEDURE

A confidential investigation will be conducted immediately. Anonymity and confidentiality for the employee reporting the threat or act will be maintained to the degree possible.

### 19.3 - RESPONSIBILITIES

Supervisors are responsible for the safety of their employees. Safety suggestions are encouraged, and will be objectively evaluated by the supervisor, senior management, and/or the area Safety Committee for necessary action. If employees have any questions about safety, or the safe way to do something, they should ask questions. Employees should not take unnecessary chances. Only through an intensive, cooperative effort between management and employees can we be assured of a successful County that provides a safe and stable workplace.

### 19.4 - PROCEDURES FOLLOWING AN ACCIDENT

(a) EMPLOYEE:

Immediately notify supervisor, no matter how small the accident. Complete an Accident/~~Incident~~ Report ~~(available from Payroll)~~. This form must be filled out on any accident no matter how minor. The Accident Report is retained by ~~Payroll~~ Human Resources; it is not sent to the County's workers' compensation insurance carrier. Do not fill out Form 801, unless the accident requires medical treatment or time loss from work.

(b) SUPERVISOR/DEPARTMENT HEAD:

Forward completed ~~Supervisor~~ Accident/~~Incident~~ Investigation ~~Form~~ to ~~Payroll~~ Human Resources ~~along with the employee Accident Report and an 801 if necessary and supervisor sections completed and signed~~. The applicable safety committee will review the accident and conduct an accident investigation if indicated.

(c) **FOR ACCIDENTS REQUIRING MEDICAL TREATMENT AND/OR TIME LOSS FROM WORK:**

1. EMPLOYEE:

Must complete the worker's section of Form 801 ~~(available from Payroll) and forward it to supervisor immediately by calling Rapid Care at (855)959-2741.~~

2. SUPERVISOR/HUMAN RESOURCES:

~~Fill out the employer's sections of Form 801. Supervisors are required to forward Form 801 to Payroll within five days of the injury with the completed accident investigation form. A delay may cause loss of benefits to the employee. A Human Resources representative will complete the employer portion of the online 801 form after receiving it from SAIF.~~

## **RULE 20 – LEAVE SHARING**

### **20.1 – GENERAL PROVISIONS**

Regular-status employees may be eligible for the Leave Sharing Program.

The intent of the Leave Sharing Program is to provide a means for employees to assist another employee who is out on, or is likely to go on, leave without pay because of a serious non-occupational illness, injury, impairment or physical or mental condition, or to care for a seriously ill family member of the employee's immediate family (spouse, same sex domestic partner, parent, parent-in-law, child, stepchild or *de facto* parent). A *de facto* parent is a person with whom the employee has developed a parental relationship in the absence of a biological or adoptive parent.

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability insurance, or other supplemental income is not eligible to receive donated leave. Human Resources shall verify an employee's eligibility.

Employees may donate time to the County for use by a specific recipient. Such donations will be confidential. Employees will be allowed to donate or receive accrued vacation, compensatory time, or, for the Sheriff's Office only, holiday time. Sick leave cannot be donated. Donations may not be withdrawn once made.

The County shall determine the order in which donated leave will be surrendered to the recipient employee. Donations not used will not be debited against the donating employee's accrued leave.

### **20.2 – PROCESS TO REQUEST LEAVE SHARING**

Donations may be requested by the recipient employee or on his/her behalf by co-workers or his/her union representatives. The requester shall submit a memorandum to Human Resources documenting the reasons for the donation and the approximate amount of time needed by the employee who will receive the donations. Upon approval, Human Resources shall, at the recipient employee's request, notify the requesting employee(s) that the recipient employee is eligible to receive voluntary anonymous donations. The County employees may be notified through e-mail of the donation request, with the recipient employee's written permission.

The Human Resources Department may not solicit donations on the employee's behalf. This must be done by non-recipient employee(s) on non-working time.

The Human Resources Department may not release any medical information regarding the recipient employee unless authorized to do so, in writing, by the recipient employee.

Employees are prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with employee rights involving donating, receiving, or using donated leave time.

This policy is not subject to the grievance or arbitration section of any collective bargaining agreement, nor is it subject to any appeal procedure provided under the Personnel Rules of Polk County.

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Polk County retains the right to change, modify, or discontinue this program at any time.

### 20.3—CONDITIONS FOR RECEIVING LEAVE DONATIONS

An employee who receives any donated leave time must exhaust all available earned leave (personal leave, vacation leave, sick leave, compensatory time, etc.) before using any donated leave.

The recipient employee must file a medical certificate from his/her health care practitioner verifying eligibility under these criteria with Human Resources.

Donated hours shall not be processed in an amount greater than what is approximately necessary to cover the employee's anticipated need.

If otherwise qualifying under this Article, shared leave may be used to provide paid Family & Medical Leave that would otherwise be unpaid, but may not extend the length of Family & Medical Leave entitlement.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

An employee who uses donated leave continues to accrue personal leave days and holidays.

If an employee is otherwise eligible for County paid health benefits, the employee will continue to receive those benefits while receiving donated leave.

### 20.4—CONDITIONS FOR MAKING LEAVE DONATIONS

Donations must be made in increments of whole hours. Donations should be submitted on the donation form, provided in the employee handbook, to Payroll and must remain anonymous thereafter. Donations will not be converted to dollar figures; employees donating an hour of paid leave will pass the hour to the recipient, who will be paid at the recipient's regular rate of pay.

Donors must sign a declaration that their donation is voluntary and is intended as a gift and has been made without coercion, compensation or for other consideration. Donations must be received by the 20<sup>th</sup> day of the month in order to be available for use by the recipient during that pay period.

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## RULE 240 – FAMILY AND MEDICAL LEAVE POLICY

### 204.1 - PURPOSE

This document provides information to employees applying for or being placed on family and medical leave under the terms of the federal Family and Medical Leave Act (**FMLA**) and/or Oregon Family Leave Act (**OFLA**); and

Establishes a policy that allows employees to take up to 12 weeks of protected leave in a 12-month period for: their own serious health condition; for the birth or adoption of a child; for the placement of a foster child; for the care of a child with a non-serious health condition; for the care of a spouse, parent, child, grandparent, grandchild; parent-in-law or same-sex domestic partner who has a serious health condition; for an exigency leave related to a spouse, child or parent who is a service member in the National Guard or Reserves and who is on active duty or called to active duty; for the care of a spouse, child, parent, or next of kin of a covered service member with a serious injury or illness; and

Provides that upon certification by a medical practitioner, the employee shall utilize leave on an incremental (hourly) or full time basis. If an employee has two (2) or more qualifying events during a 12-month period, the employee is still only eligible for a total of 12 weeks of leave benefits (with the exception of parental leave and some pregnancy disability).

#### 204.2 – ELIGIBILITY

**OFLA:** Employees must have been employed by Polk County for a minimum of 180 days and worked an average of 25 hours per week in the preceding 180 days to qualify for state family leave (20 hours/week for military family leave - OMFLA). Employees taking leave to care for a newborn, adopted, or newly-placed foster child only have to meet the 180 day employment requirement (regardless of the number of hours worked).

**FMLA:** Employees must have been employed by Polk County for a minimum of 12 months (need not be consecutive) and worked a minimum of 1,250 hours in the preceding 12 months.

#### 204.3 – QUALIFYING PURPOSES

Under **federal law (FMLA)**, employees are entitled to leave in the following situations:

- (a) When the employee is unable to perform the essential functions of the job because of a serious health condition, including pregnancy-related conditions. In some situations, additional leave may be available for a pregnancy-related disability; and/or
- (b) In the event of a birth or adoption of a child under the age of 18 (including the placement of a foster child under age 18) within 12 months of the event; and/or
- (c) To care for a spouse, parent, or child under age 18 who has a serious health condition or a mentally/physically impaired child aged 18 or over; and/or
- (d) For a qualifying exigency related to a spouse, child or parent who is a covered service member and who is on active duty or called to active duty



(for members of the National Guard or military reserves, the call to active duty must be to a foreign country); and/or

- (e) Up to 26 weeks of leave in a 12-month period to care for a spouse, child, parent, or next of kin who is a covered service member who incurred a serious injury or illness on active duty in the Armed Forces. Employee is entitled to utilize this leave for up to five years after service member's separation from military service.

In addition, employees are entitled to take Family and Medical Leave in the following situations under **Oregon law (OFLA)**:

- (a) To provide home care for a child under age 18 with a non-serious health condition, provided another family member is not able or willing to care for the child; and/or
- (b) To care for a child age 18 or over, grandparent, grandchild, parent-in-law, same-sex domestic partner, or child or parent of a same-sex domestic partner who has a serious health condition.
- (c) An additional 12 weeks of intermittent sick child leave for those employees who take a full 12-week block of family leave as parental leave, provided the child does not have a serious health condition. (OFLA)
- (d) Oregon Military Family Leave Act (**OMFLA**). An employee who is the spouse of a member of the Armed Forces of the United States, National Guard or military reserve forces and who has been notified of an impending call/order to active duty or who has been deployed is entitled to a total of 14 days of unpaid leave per deployment prior to military spouse's deployment and/or when the spouse is on leave from deployment.
- (e) Bereavement Leave. Up to two weeks of leave within a twelve month period to deal with the death of a covered family member for: attending the funeral or alternative to a funeral of the family member; making arrangements necessitated by the death of the family member; or grieving the death of the family member. Leave must be completed within 60 days of the date the employee receives notice of the death. Employee must provide verbal notice within 24 hours of commencing the leave and written notice within three days of returning to work. The two weeks is included in the 12-week OFLA annual entitlement. Employee may use any type of accrued leave to cover the time off outside the three days of bereavement leave provided by the county.

#### 204.4 – GENERAL PROVISIONS

- (a) Twelve-week leave period. The County may designate, or the employee shall request, up to 12 weeks (480 hours) of leave during any "rolling" 12-month

period for qualifying family or medical reasons. A rolling year means that the 12-month eligibility period starts when the leave begins and continues for the next 12 consecutive months. The 12 weeks of leave will be pro-rated for part time employees. Leave may be authorized by the medical practitioner to be taken intermittently (except for parental leave) or as a solid block of time. For military caregiver leave, employees are entitled to take up to 26 weeks of leave during a 12-month period. Family and medical leave is counted from the first day of absence under the qualifying purpose.

- (b) Paid leaves and leave without pay to run concurrently. Paid leaves and leave without pay run concurrently with family and medical leave where allowed by law. ~~Any accrued paid leave, such as vacation, holiday time, compensatory time, personal leave days, and sick leave must be exhausted before unpaid leave is taken (except for a 40-hour vacation bank, if requested in advance by the employee).~~ Sick leave shall be used consistent with the sick leave policy under Personnel Rule 11.3 or collective bargaining agreements. Leave under OFLA runs concurrently with leave under FMLA in most circumstances.
- (c) Family and medical leave cannot run concurrently with Workers' Compensation Leave.
- (d) Intermittent/reduced schedule leave. Intermittent or reduced schedule leave is not available for parental leave used for the birth of a child unless pre-approved by the Board of Commissioners. However, intermittent leave is allowed to effectuate adoption or foster placement of a child. In situations where intermittent or reduced schedule leave is necessary, employees may be temporarily transferred to available alternative positions that better accommodate intermittent or reduced schedule leave. Leave for the birth, adoption, or foster care placement of a child must be taken within one year of the birth or placement of the child.
- (e) An employee must make a reasonable effort to schedule treatment for serious health conditions in a manner that does not unduly disrupt County operations.
- (f) Family benefit. If two family members work for the County and each wish to take family leave for a qualifying purpose, both employees are eligible to take 12 weeks of leave.
- (g) Continuation of benefits. Employees on leave are entitled to continue health benefits on the same terms and conditions as active employees for up to 12 weeks in a leave calculation year. **When leave without pay is necessary, health insurance premiums and employee-paid optional benefits will be the responsibility of the employee to pay their portion of the benefit to the County by the 1<sup>st</sup> of each month. Employees should contact Payroll to discuss their situation prior to taking leave without pay.**

The County may recover premiums paid on behalf of an employee who does not return to work for reasons other than a serious health condition of the employee or family member or other circumstances beyond the control of the employee.

## 201.5 - REQUEST PROCEDURES

- (a) Anticipated Situations: An employee must submit an **Employee Request for FMLA/OFLA** form at least thirty (30) days in advance of the start of the leave when the need for leave is foreseeable. Failure to provide timely notice may reduce the length of leave entitlement. The **Certification of Health Care Provider** form is also required. Failure to provide sufficient information to support the need for leave will result in leave denial.
- (b) Unanticipated Situations: In unanticipated or emergency situations where there is no opportunity to give notice and the need for leave is not anticipated, the employee must provide notification as soon as is practical and complete the **Employee Request for FMLA/OFLA**. The **Certification of Health Care Provider** form is also required.
- (c) In instances where the leave is taken for the birth or placement of a child, an **Employee Request for FMLA/OFLA** form must be submitted in advance with the anticipated leave dates on it. When the actual birth or adoption occurs, the employee must notify his or her supervisor or Human Resources if different than the dates originally submitted.
- (d) Bereavement Leave (OFLA only): The employee must submit an Employee Request for FMLA/OFLA with an explanation of the need for leave within three days of returning to work.
- (e) Human Resources may also, upon receiving information of a qualifying condition, evoke FMLA/OFLA without a formal request. Human Resources will notify the employee in writing of any such action taken.

## 201.6 – MEDICAL CERTIFICATION

- (a) Certification of Need:
  1. Certification of the need for family and medical leave is required. In the event of a serious health condition of the employee or family member, the certification must be provided by a medical practitioner on the applicable certification form within fifteen (15) days of the request for leave. The due date is specified on the Notice of Eligibility and Rights & Responsibilities form that the employee will receive from Human Resources. Failure to provide the required medical certification may delay the start of the leave or cause denial of family and medical leave. The employee may be required to furnish periodic medical reports as frequently as every thirty (30) days and to complete the full recertification process every six (6) months.
  2. In the event of a request for parental leave to care for a newly adopted child or a newly placed foster child, the employee is required to provide verification from the agency.

3. Prior to allowing an employee to return to work, a **Fitness for Duty Certification** must be submitted by an employee who has been off work due to his/her own illness or injury. This must be completed and signed by a medical practitioner and submitted to the supervisor or Human Resources prior to or upon return. It must indicate that the employee is able to return to work and what restrictions there are, if any.
4. Under Oregon law, employees who use sick child leave on more than three separate occasions in a 12-month leave period may be required to provide medical documentation from the child's doctor to verify that the child was ill and required home care for all subsequent uses of sick child leave in the 12-month period.

(b) Intermittent or Reduced Schedule:

1. **Serious Health Conditions**. If medically necessary, family and medical leave may be taken on an intermittent or reduced schedule. The schedule must be stated by the certifying medical professional on the Certification of Fitness for Duty form.
2. **Parental Leave**. Intermittent leave or a reduced schedule is not allowed for the birth or adoption of a child, except to accommodate the legal process leading to the adoption of a child or the placement of a foster child.

## 201.7 - REINSTATEMENT

Generally, an employee returning from leave will be restored to the same or an equivalent position with equivalent pay, benefits, and other employment terms, unless the former position has been eliminated for bona fide business or fiscal reasons, in which case the employee may have no reinstatement rights. Employees covered by collective bargaining agreements follow the layoff provisions of their applicable agreement; non-represented employees are covered by the Polk County Personnel Rules, see Rule 15.2.

Employees who have exhausted all of their paid leave and have extended leave without pay beyond the time available under FMLA/OFLA are considered to have resigned. All health benefit payments made by Polk County will cease at the end of the FMLA/OFLA leave entitlement period.

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

## RULE 212 - VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

### 212.1 - PURPOSE

Pursuant to ORS 659A.885, this policy allows an eligible employee to take reasonable leave from employment to address documented domestic violence, sexual assault or stalking. The parent or guardian of a minor child or dependent who is the victim of domestic violence, sexual assault or stalking may also take reasonable leave from employment to address same.

### 212.2 - ELIGIBILITY

An eligible employee must have worked an average of more than 25 hours per week for at least 180 days immediately before the date the employee takes this leave for the purposes stated above.

### 212.3 - QUALIFYING PURPOSES

- (a) An eligible employee may request a reasonable amount of leave as determined by the department head/supervisor for the following purposes:
  - a. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking.
  - b. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or stalking of the eligible employee or the employee's minor child or dependent.
  - c. To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault or stalking.
  - d. To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent.
  - e. To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

### 212.4 - GENERAL PROVISIONS

- (a) Leave Banks. An eligible employee who takes leave pursuant to this policy may use any paid accrued vacation leave or may use any other paid leave in lieu of vacation leave during the period of leave.
- (b) ~~Any accrued paid leave, such as vacation, holiday time, compensatory time, personal leave days, and sick leave must be exhausted before unpaid leave is taken.~~ Sick leave shall be used consistent with the sick leave policy under



Personnel Rule 11.3 or collective bargaining agreements. Leave under this Act runs concurrently with FMLA/OFLA for a qualifying event.

- (c) Continuation of benefits. When leave without pay is necessary, it will be the employee's responsibility to pay their portion of health insurance premiums and optional benefits. Payments shall be submitted to Payroll by the 1<sup>st</sup> of each month. **Employees should contact Payroll prior to taking leave without pay.**
- (d) Recordkeeping. All records and information kept on file by Polk County Human Resources are stored separately from the employee's personnel file and are confidential. No information will be released without the express written permission of the employee, unless otherwise required by law.

## 212.5 - REQUEST PROCEDURES

- (a) Notice. An eligible employee shall give reasonable advance notice of the intention to take leave for the qualifying purposes identified above, unless giving advance notice is not feasible.
- (b) Certification. The County will require certification, which the employee shall be required to provide in a timely manner. Certification may consist of: a copy of a police report; protective order or other evidence from a court or attorney that the eligible employee appeared in or was preparing for a civil or criminal proceeding related to domestic violence, sexual assault or stalking; documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional/counselor, clergy, or victim services provider.

**Please contact Human Resources for further details.**

**RULE 22 – PAID LEAVE OREGON****22.1 – PURPOSE**

This document provides information to employees applying for Paid Leave Oregon with the Oregon Employment Department; and

Establishes a policy that allows employees to take up to 12 weeks of protected leave in a 12-month period for: their own serious health condition; for the birth or adoption of a child; for the placement of a foster child; for the care of a child with a non-serious health condition; for the care of a spouse, parent, child, grandparent, spouse or domestic partner of a grandparent, grandchild, sibling or step sibling, sibling's or step sibling's spouse or domestic partner, or an individual related by blood or affinity whose close association with a covered individual is the equivalent of a family member; and

Provides that upon certification by the Oregon Employment Department, the employee shall utilize leave on an incremental (full day) or full time basis. If an employee has two (2) or more qualifying events during a 12-month period, the employee is still only eligible for a total of 12 weeks of leave benefits.

**22.2 – REQUEST PROCEDURE**

Any employee requesting to participate in Paid Leave Oregon must comply with all application requirements through the Oregon Employment Department. Polk County is not responsible for approving or denying any claims made under the Paid Leave Oregon law. Polk County will comply with determinations made by the Oregon Employment Department.

**22.3 – EMPLOYEE RESPONSIBILITIES**

It is the responsibility of an employee to notify Human Resources that they have applied for Paid Leave Oregon within five (5) days of submitting their application. The employee will also be required to notify Human Resources of any decision made by the Oregon Employment Department.

If an employee's application for Paid Leave Oregon is approved by the Oregon Employment Department it will be the employee's responsibility to notify Payroll of their payments received by the Oregon Employment Department.

- a) Employees who are receiving a percentage of their regular pay from the Oregon Employment Department will be allowed to use their leave banks (sick, vacation, holiday and compensatory time) to make up the difference of their pay. Meaning if the employee receives pay from the Oregon Employment Department equal to 60% of their regular pay, they may use vacation banks to provide for the other 40% of their pay to equal 100%.

b) Employees who receive any percentage of their pay from the Oregon Employment Department while on Paid Leave Oregon may choose to use any leave banks as they normally would have through FMLA/OFLA to receive 100% of their pay also from the County.

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## RULE 23 – PRIVACY

### 23.1 - POLICY

There is no reasonable expectation of privacy in any aspect of your job with the County. The equipment and other areas where information and supplies are stored in the County (including your office space, desk, credenza, drawers, cabinets, bookcases, computer files, e-mail, etc. are all set up and designed to take care of the business of the County. For this reason, no employee should have any expectation of privacy in any such area. If you are not at work, or you are away from your work area, others in the County may need to and should be expected to look through your space, desk, shelves, files, computer files, etc. to find whatever is needed for business purposes. For this reason, you should not keep any personal information at the office. No space in the office may be locked except on the authority of your supervisor as to maintain the confidentiality of County business, financial, or employee records.