

**TUESDAY WORK SESSION AGENDA**  
**January 21, 2025**  
**Courthouse Conference Room**

THE LOCATION OF THIS MEETING IS ADA ACCESSIBLE. PLEASE ADVISE THE BOARD OF COMMISSIONERS (503-623-8173)  
AT LEAST 24 HOURS IN ADVANCE IF YOU NEED SPECIAL ACCOMMODATIONS TO ATTEND OR TO PARTICIPATE IN THE  
MEETING VIRTUALLY.

**Approximate  
Time**

**AGENDA**

- |           |   |
|-----------|---|
| 9:00 a.m. | 1. CALL TO ORDER – PLEDGE OF ALLEGIANCE                             |
|           | 2. COMMENTS (for items not on this agenda and limited to 3 minutes) |
|           | 3. APPROVAL OF THE AGENDA   |
|           | 4. APPROVE MINUTES OF January 14, 2025                              |
|           | 5. PERSONNEL RULE REVISIONS – Matt Hawkins                          |
|           | 6. NON-LISTED ITEMS (Pursuant to ORS 192.640)                       |

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The meetings are held in the Board of Commissioners' conference room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m., and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00 a.m. on Every Monday in the Commissioners Conference Room at 850 main Street, Oregon.

The Polk County Board of Commissioners will be attending the Polk County Local Public Safety Coordinating Council meeting on February 3, 2025 at 12:00 p.m., located at 850 Main St., Dallas, OR 97338.

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**APPEARANCE OF INTERESTED CITIZENS**

The Board sets aside a time at each regular meeting for comment by the public on subjects not appearing on the Agenda. Individuals may come forward and make any statement they wish, but not to exceed three (3) minutes in length, except as is required to give concise answers to questions from Board members. If the subject will require a lengthier presentation, or merits inclusion as an item on the Agenda of a future meeting, the Board may schedule it accordingly.

**POLK COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY MEETING MINUTES**  
**January 14, 2025**

1. At 9:00 a.m., Commissioner Pope declared the Tuesday meeting of the Polk County Board of Commissioners in session and led the Board and attending audience in the Pledge of Allegiance. Commissioner Gordon and Commissioner Mordhorst were present.

**2. COMMENTS (for items not on this agenda):**

None.

**3. AGENDA:**      **COMMISSIONER MORDHORST MOVED, COMMISSIONER GORDON  
SECONDED TO APPROVE THE AGENDA**

**MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

**4. MINUTES:**      **COMMISSIONER MORDHORST MOVED, COMMISSIONER GORDON  
SECONDED TO APPROVE THE MINUTES OF January 7, 2025**

**MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

**5. NON-LISTED ITEMS** - (Pursuant to ORS 192.640, the Board of Commissioners considered the below identified non-listed items.)

Todd Whitaker, Public Works Director, wanted to update the Board on some road repairs that need to happen and there is a road closure that may need to occur soon. Next, Mr. Whitaker, provided an update on Black Rock Rd and a temporary speed zone being implemented. Commissioner Gordon stated his support for the 25 MPH recommendation for that stretch of road.

Commissioner Pope adjourned the meeting at 9:08 a.m.

Minutes: Nicole Pineda  
Approved: January 21, 2025



**MEMORANDUM**

**TO:** Board of Commissioners  
**FROM:** Matt Hawkins, Admin. Services Director  
**DATE:** January 14, 2025  
**SUBJECT:** Polk County Personnel Rule Revisions

**Tuesday – January 21, 2025 (10 minutes)**

**RECOMMENDATION:**

The Board approve the proposed revisions to the Personnel Rules.

**ISSUE:**

Shall the Board approve the proposed revisions to the Personnel Rules?

**BACKGROUND:**

The Personnel Rule revisions have been reviewed by the Administrative Officer, County Counsel and BOC. Department heads were asked to review the revisions, and the unions were provided with the revisions and an opportunity to comment. No comments were received.

Revisions to the personnel rules are attached and include multiple changes to a variety of Personnel Rules. The majority of these changes are being made due to law changes around protected leaves under Paid Leave Oregon and the Oregon Family Leave Act.

**FISCAL IMPACT:**

No fiscal impact.

Employees returning to work following a period of disability may be required to provide a medical release from their attending physician or other practitioner attesting that they are medically fit to perform the functions of their positions.

#### 11.3.6 Exhaustion of Sick Leave

Upon exhaustion of sick leave benefits, a regular status employee absent due to a non-job incurred medical disability may be removed from the payroll and their position declared vacant after the procedures established in Rule 11.6.3, 17.3 and 21 have been fulfilled.

#### 11.3.7 Sickness during Paid Vacation Leave

An employee who becomes ill during a period of approved vacation leave may not use sick leave in lieu of vacation leave. If the illness extends beyond the vacation leave period, only the time subsequent to the end of vacation leave will be charged to sick leave.

#### 11.3.8 Sick Leave Credit Following Recall from Layoff or Return from Approved Leave without Pay

An employee who is re-appointed following a layoff, or the expiration of an approved leave without pay, shall have sick leave credits restored that were accrued during the previous employment.

#### 11.3.9 Compensation of Accrued, Unused Sick Leave at Termination

No compensation for accrued unused sick leave shall be allowed for any employee when separated from employment. However, upon retirement under the Public Employee's Retirement System, an employee's accumulated Sick Leave will be credited to the Public Employee's Retirement benefits as provided and in accordance with Oregon Revised Statute 237.350 relating to such conversion and as administered by the Public Employee's Retirement System.

### 11.4 - OTHER LEAVES OF ABSENCE WITH PAY

#### 11.4.1 Service on a Jury

Employees may be granted leave with pay for services on a jury provided that ~~all compensation paid to the employee~~ proof of service for the period of absence is turned over to the County. Employees are required to notify their supervisor as soon as they know they will be serving on jury duty. Employees are required to work all available hours prior to reporting for jury service, and employees who are excused or complete jury service before the ending of their workday shall report to their immediate supervisor for duty. Employees should note "JD" for Jury Duty in the code box on the timesheet for "Hours Taken" that day.

#### 11.4.2 Attendance in Court for County Business

Employee will receive pay for attendance in court when it is part of their employment with the County or for assigned County business.

#### 11.4.3 Competing for County Promotions

- (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, or an adult dependent child with physical or mental impairment, 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)(b)~~ 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 under FMLA and/or Paid Leave Oregon, provided the child does not have a serious health condition. (OFLA)
- ~~(d)(c)~~ 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 44 21 days of unpaid leave per deployment prior to military spouse's deployment and/or when the spouse is on leave from deployment.
- ~~(e)(d)~~ Bereavement Leave. Up to two weeks of leave per death with a maximum of 4 weeks of leave within a twelve (12) 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.

## 20.4 – 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 Sunday before 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 Sunday prior to 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. 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, if~~ Intermittent leave is allowed for the birth of a child and 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.

## 20.5 - 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~~may 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.

## 20.6 – 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.

## 20.7 - 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.



## 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~~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 as required by law. Failure to notify Human Resources prior to applying for Paid Leave Oregon could result in a reduction of benefits for the first week from Paid Leave Oregon.~~

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%.