

# **PERSONNEL RULES TABLE OF CONTENTS**

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## **RULE 1 - GENERAL PROVISIONS**

### **1.0 - WELCOME**

The Polk County Personnel Rules contains the personnel policy for all employees of Polk County. In the event of a discrepancy between the manual as it applies to union represented employees and their applicable labor agreement, the Union agreement shall govern unless otherwise prohibited by law.

### **1.1 - PURPOSE AND OBJECTIVES**

Polk County expressly reserves the right to change, add to, or delete our policies at any time. Changes will be effective on dates determined by the County, and you may not rely on policies that have been superseded. No supervisor or manager other than the Board of Commissioners has any authority to alter the policies, and all such changes must be in writing; verbal statements cannot change the policies.

This manual sets forth the Rules that are to be followed by Polk County (hereinafter referred to as "County") in the administration of its personnel program. The Personnel Rules will be in full force and effect in all cases except where specifically amended or superseded by union contract or other written agreements approved by the Board between the County and employees. The purpose of these Rules is to implement and give effect to a system of personnel administration and to achieve the following objectives:

#### **1.1.1 System for Personnel Administration**

Provide and maintain a system of personnel administration, which provides for a consistent and equitable employment relationship between employees and the employer.

#### **1.1.2 Position Classification Plan**

Establish and maintain a position classification plan that will group positions in the County's employment into classes based upon the similarity of their duties, authorities, and responsibilities.

#### **1.1.3 Compensation Plan**

Provide for a compensation plan that shall include for each class a minimum and maximum pay rate and such intermediate pay rates as are considered necessary and equitable.

#### **1.1.4 Incentives**

Provide incentives and conditions of employment to promote efficiency, economy, effectiveness, and public responsiveness in the operation of the County.

### 1.1.5 Employee Tenure

Provide that the tenure of employees covered by these Rules shall be subject to proper conduct on the job, the satisfactory performance of work, necessity for the performance of work, and the availability of funds.

## 1.2 - APPLICATION OF PERSONNEL RULES AND PROCEDURES

All offices and positions of the County, except Non-employee Service, shall be divided into Classified Service or Unclassified Service.

### 1.2.1 Classified Service

Classified Service shall be comprised of all budgeted positions in the County that are not excluded by Rule 1.2.2. Employees occupying positions in Classified Service are subject to all of the Personnel Rules except when labor agreements or other written agreements approved by the Board between the County and employees specifically amend or supersede the Rules.

### 1.2.2 Unclassified Service

Except as otherwise provided in a specific employment agreement, or contract, employees occupying positions in Unclassified Service serve at the pleasure of the appointing authority, do not possess a property right in continued employment and are subject to all of the Personnel Rules except those addressing Recruitment and Selection, Employee Conduct and Discipline, Complaint Policy, Resignation and Layoff unless specific reference is made to an unclassified employee or unclassified position. Unclassified Service shall include positions listed below:

- (a) All Elected Officials or those appointed to fill a vacancy in an elected position.
- (b) Department heads and deputy department heads.
- (c) Executive and administrative persons serving in a policy-making or confidential position, as designated by resolution of the Board of Commissioners.
- (d) Departmental Office Managers.
- (e) County Counsel.
- (f) Persons employed in temporary positions, as defined in these rules.

### 1.2.3 Non-employee Service

Persons in Non-employee Service shall not be considered as employees; therefore, they will not be extended employee benefits and may be refused the use of County vehicles. Non-employee Service shall include the following:

- (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, suspension or another appropriate action.

## **RULE 2 - ORGANIZATION FOR PERSONNEL ADMINISTRATION**

### **2.1 - ADMINISTRATION OF THE PERSONNEL PROGRAM**

Administration of the personnel program shall be the responsibility of the Human Resources Department. The Board of Commissioners may, through contractual agreement, utilize the services of consultants or contractors for assistance in the administration of these policies, or delegate to an assistant the responsibility of administration or assisting in the administration of these Rules and procedures.

#### **2.1.1 Development of Rules**

Human Resources shall prepare and recommend policies or amendments to Rules to the Board of Commissioners at least once each year under Polk County Code Section 11.110, and as necessary to carry out the Personnel Program. Employees will be provided reasonable opportunity to review amendments to Rules prior to their adoption.

#### **2.1.2 Adoption and Amendment of Rules**

All policy statements and amendments thereto developed, as part of the Personnel Rules of the County, shall be adopted by resolution of the Board of Commissioners.

#### **2.1.3 Development and Establishment of Procedures**

Human Resources shall have the authority to develop and establish operating procedures as necessary to implement the Personnel Rules. Operating procedures shall become effective on the date stated in written memorandum from the Human Resources Director to all employees.

### **2.2 - ESTABLISHMENT AND MAINTENANCE OF PERSONNEL RECORDS**

#### **2.2.1 Attendance Reports and Records**

Payroll shall be responsible for preparing reports for the purpose of recording attendance, leaves, and leave accumulations. The responsible employee(s) shall keep and maintain a record of attendance of official duty, vacation leave earned, accrued and used; and any other leave with or without pay. These records shall be available to supervisors, and individual employees shall be permitted to inspect his/her own records at a mutually convenient time.

#### **2.2.2 Personnel Database**

Human Resources shall be responsible for establishing and maintaining a database of all employees in the County, showing for each employee the class title, salary rate, date of employment, and such other employment data as is deemed pertinent.

### 2.2.3 Personnel Action Reports

Every appointment, transfer, promotion, demotion, separation, change of salary rate, and other temporary or permanent change of status of employees shall be reported in writing on such forms as may be required.

### 2.2.4 Personnel Files

A personnel file will be maintained for each individual employed by the County. This file shall be the official record for an employee of the County and shall contain copies of all official reports, memos, letters, personnel actions, etc., relating to performance and employment status of the employee.

#### (a) Exclusions

Personnel files do not include records of an individual relating to the conviction, arrest or investigation of conduct constituting a violation of the criminal laws of this state or another state or the United States; or confidential reports from previous employers.

#### (b) Public Disclosure

Information in personnel files will be treated as exempt from public disclosure as provided in the Oregon Public Records Law. Information that cannot be treated as confidential under that law includes Name, job title, salary, dates of employment, and employing department. Other information in the files may be subject to public disclosure by court order. Employees who run for public office will have their personnel files made public, upon request from any citizen.

#### (c) Access to Files

Employees may review their files during regular office hours at a mutually convenient time. At the request of the employee, copies of materials included in such files shall be furnished; the cost of which shall be paid by the employee at the current established rate as determined by the County. By signed authorization, an employee may extend the right of review to the employee's official representative. Department Heads will have access to the files of their subordinates. Human Resources will have access to all personnel files for the purpose of carrying out necessary personnel duties, and shall be responsible for the establishment of such files. Human Resources may designate one or more employees to be responsible for the clerical tasks associated with maintaining employee personnel files.

#### (d) References

Only factual information concerning dates of employment, title, and salary are provided unless written consent forms are completed. No supervisor is authorized to give any information about current or former employees. All requests for references about current or previous employees must be referred to the Human Resources Department. All requests for references shall be submitted in writing; Human Resources shall ensure that the employee has signed a consent form prior to responding in writing. Co-workers may provide character references; however, this must be done on their own personal time. Co-workers shall not use Polk County letterhead when writing letters of recommendation.

Information regarding the employee's performance will be furnished only if there is a signed release of information consenting to the release of such information. Information will be provided upon receipt of a duly authorized summons, subpoena, or judicial order. Polk County will not inform an employee that information has been disclosed to law enforcement agencies.

(e) Entry of Materials to Files

1. Human Resources shall routinely place, or have placed, all official documents relating to an individual's employment history with the County in the employee's personnel file. Such materials include Personnel Action forms, performance appraisals, letters of hire, application form for initial employment, and other materials deemed relevant to an individual's employment history as determined by Human Resources. No materials that reflect critically upon an employee shall be placed in an employee's personnel file without the employee's knowledge.
2. Department Heads may submit materials to be included in an employee's personnel file to the Human Resources Department for review. Human Resources must approve all non-routine materials submitted for inclusion in an individual's personnel file. The employee shall sign all submittals as proof that they have seen the material. Refusal to sign shall be noted and witnessed.
3. Employees may submit written rebuttal to any materials entered into their file, which they believe, reflects poorly on their employment history with the County or is in error. Such rebuttal shall be attached to the materials they are objecting to and shall be part of the file so long as such material remains in the file.

(f) Removal of Materials

Normally, once material has been entered into an employee's personnel file, it shall remain with the contents of the file permanently. However, an employee may request of Human Resources that letters of caution, consultation, warning, admonishment, or reprimand, and records of disciplinary actions, grievances and complaints be removed from the file after a one-year period, if no recurrence of a similar infraction occurs. Upon the employee's request, Human Resources will determine if the material is to be removed from or retained in the file and notify the employee accordingly. In addition, Human Resources will determine if material will be removed from the file before one year has passed but retained in a different file in order to comply with Oregon's administrative rules on retention of public records.

(g) Retention Periods

Items in the employee's official personnel file are retained as provided for by Oregon Administrative Rule 166-150-0160.

(h) Retention Period Freeze

The retention schedule shall be suspended and no records removed upon receipt of a charge of discrimination under the Federal Equal Employment Opportunity Act.

(i) Review and Removal



Personnel files shall be reviewed annually for compliance with OAR 166-103-0040. All material exceeding designated retention periods may be removed.

## 2.3 - MANAGEMENT RIGHTS

### 2.3.1 Management Rights

Except as may be specifically modified by the policies contained in these Rules, the County retains all rights of management in the direction of the work force. Rights of management shall include, but not be limited to, the right to:

- (a) Direct employees.
- (b) Hire, promote, transfer, assign, appraise, and retain employees.
- (c) Suspend, discharge, or take other proper disciplinary action against employees.
- (d) Reassign employees.
- (e) Relieve employees from duty because of lack of available work, curtailment of funds, or other reasons.
- (f) Schedule work.
- (g) Determine methods, means, and personnel by which operations are to be conducted.
- (h) Contract work to outside vendors.
- (i) Determine Dress Code.

### 2.3.2 Department Heads and Employee Accountabilities

- (a) Department Heads are held accountable for knowing the lines of management authority and responsibility.
- (b) Employees are held accountable for knowing their immediate supervisor, and for initiating all requests, questions, or appeals beginning at this level in the organizational structure.

## **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 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 incumbent employee will, within 6 months, meet the minimum qualifications of the position as reclassified.

- (b) If the incumbent employee of the position is serving his/her initial probationary period to the County, the position may be filled with the incumbent. Provided, however, the incumbent meets minimum qualifications for the position as reclassified, and, provided a satisfactory performance appraisal is submitted supporting the employee's competency in performing the job responsibilities. The position may be filled competitively at the discretion of Human Resources if the incumbent is serving the initial probationary period to the County.

### 3.3.6 Effect of Reclassification Downward or to Same Level on Incumbents

When a position is reclassified to a classification at the same salary level or to a classification, that carries a lower salary range, the incumbent probationary employee or regular employee may be accorded the same salary in the new classification provided the employee meets the minimum qualifications for the position as reclassified. If the exact current salary is not in the range for the new classification, the salary may be set at the next higher step. In a downward reclassification, if the employee's salary exceeds the top step of the new classification, the salary may be frozen until general annual salary adjustments cause it to be the same as the top step of the new classification. Employees affected by reclassification as just described shall retain the salary review date previously established during their employment with the County. If the incumbent employee of the position is unable to meet the minimum qualifications of the position as reclassified, the policies governing transfer or layoff may apply.

## **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 5 the Department Head shall present a request in writing to 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 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

When an employee is transferred from one classification to another classification having the same salary range as the employee's assigned

position, the employee's salary and eligibility for salary increases will remain the same.

#### 4.4.4 Working Out of Assigned Classification

In cases where an employee is temporarily reassigned to a position in a higher classification for periods in excess of 40 consecutive hours, such employee shall receive compensation at one step (4%) above their existing salary rate or the first step of the class to which they are temporarily assigned, whichever is greater. Such compensation shall be for all hours of work at a higher classification beginning from the first day of the assignment for the full period of the assignment. Paid sick leave and holidays shall not be considered as a break in the 40 consecutive hours worked. All such assignments must be approved in advance by Human Resources.

#### 4.4.5 Reclassification

Salary adjustments for reclassifications shall be done as set forth in Rule 3.3.5 and 3.3.6.

### 4.5 - SALARY RATE ON APPOINTMENT FROM LAYOFF LIST

When an individual is appointed from a layoff list to a position in the same classification in which the person was previously employed, the employee may be paid at the same salary step, in the same salary range at which such employee was being paid at the time of layoff.

### 4.6 - OVERTIME

#### 4.6.1 Overtime Defined

Overtime shall be considered time worked by an employee in the performance of his/her job duties, which falls under any one of the following conditions:

- (a) Work in excess of 8 hours per day in a 5 - 8 workweek (5 days of 8 hours each), or 10 hours per day in a 4 - 10 workweek (4 days of 10 hours each);
- (b) Work in excess of 40 hours in a given workweek;
- (c) Work in excess of 10 hours in a day or 40 hours in a week while working a flex schedule.
- (d) Non – Represented employees in the Sheriff's Office working a twelve (12) hour shift which causes additional hours to be worked per month, shall receive those hours (one-for-one) in the form of time off.
- (d) On call or standby beeper duty shall **NOT** be considered as hours worked.

#### 4.6.2 Overtime Compensation Eligibility

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 60 hours of compensatory time and carry this amount into each new fiscal year. Compensatory time in excess of 60 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 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, 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.

### 5.3.2 Anniversary Date for Promoted Employees

The Anniversary Date for promoted employees will be the first of the month following appointment to the position and annually thereafter, except those appointed to step 1 whose Anniversary Date will be the first of the month following the completion of 6 full months of the probationary period and then annually thereafter.

### 5.3.3 Anniversary Date for Employees Granted Prior Service Credit

The Anniversary Date for employees who are granted prior service credit will be the first of the month following 6 full months of employment on attaining regular status, and annually thereafter.

### 5.3.4 Adjustment of the Anniversary Date

An employee's Anniversary Date may be adjusted as a result of a change in the employee's Continuous Service Date.

## 5.4 - RESTORATION OF SERVICE CREDIT ON RETURN FROM LAYOFF

A regular status employee who has been recalled from layoff shall have all prior service credits restored. The employee's date of hire will be adjusted by the total number of calendar days they were not employed by the County.

## **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 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 process for announced position vacancies.

(b) Receipt of Applications

All applications must be received no later than the time determined for 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.

(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 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. Correspondence will be sent to those not selected to interview.

## **RULE 7 - APPOINTMENTS**

### **7.1 - CLASSIFIED SERVICE APPOINTMENTS**

Positions in classified service shall be considered regular positions, and shall be filled in accordance with the policy and procedure requirements set out in Rule 6.

#### **7.1.1 Entrance Appointment**

The initial appointment of an employee to a position in the classified service shall be considered an entrance appointment.

#### **7.1.2 Probationary Appointment**

Appointments made as a result of promotion, re-appointment, or entrance to employment with the County shall be considered probationary appointments. Refer to Rule 8 for additional information on probationary periods.

#### **7.1.3 Regular Appointment**

Employees who have successfully completed their probationary period shall be appointed as regular employees. Regular employees in the classified service are subject to all policy and procedure provisions of these Rules.

### **7.2 - PART-TIME APPOINTMENTS**

Part-time appointments may be made where positions require someone to work less than 8 hours per day, or less than 40-hours per week.

### **7.3 - TEMPORARY APPOINTMENTS**

Appointments to positions of unknown or limited duration which are for the purpose of seasonal relief, intermittent or on-call relief, ongoing work load relief or for special studies or projects which are subject to the continuation of a grant, contract or award are considered temporary appointments. Temporary appointments are included in unclassified service. Temporary appointments may be full or part-time and shall be designated as temporary when the appointment is made.

### **7.4 – REAPPOINTMENT**

As an alternative to making an appointment from a competitive recruitment and selection process, the Department Head, with the approval of Human Resources, may reappoint any former employee who held temporary, probationary or regular status in the classified service, to a position in the same or similar classification as previously held within 12 months of the date of the employee's separation from County employment. Generally, the County shall not appoint in this manner if the position has already been advertised without completing a competitive process. Employees reinstated under this provision must serve a probationary period pursuant to the applicable collective bargaining agreement or Rule 8.

## 7.5 - APPOINTMENTS OCCURRING AFTER ENTRANCE TO EMPLOYMENT

### 7.5.1 Promotions

The change of an employee from a position in one classification to a position in another classification having a higher salary range constitutes a promotion. Employees must apply for promotions as described in Rule 6. Promoted employees will be appointed on probationary status to the higher paid position as described in Rule 4.4.1

### 7.5.2 Reclassification

The change of an employee from a position in one classification to a position in another classification by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same level on the basis of significant changes in the skill, effort, responsibility or working conditions of the work performed in a position.

### 7.5.3 Reassignment

- (a) The County may reassign an employee from one position to another position in the same classification. The County shall provide the employee with 14-calendar days written notice of reassignment resulting in geographical relocation.
- (b) A reassigned employee shall retain the probationary status or regular status held prior to the reassignment.

### 7.5.4 Transfers

A transfer is the change of an employee from a position in one classification to another position in the same classification or from a position in a different classification having the same salary range. Such employees shall apply for transfer when position vacancies occur and shall be considered as described in Rule 6.

### 7.5.5 Voluntary Demotions

An employee may make a request in writing to Human Resources for demotion from a position in one classification, to a position in a classification of lower rank. If an employee requesting a demotion is qualified for the position requested, Human Resources may approve the request, providing it does not result in the layoff of another employee, is acceptable to the recipient Department Head, and conforms to Rule 4.4.2. The employee shall be eligible for a merit increase to the next step in the salary range at their next evaluation period.



## **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**

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. The performance appraisal 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) Consistently Exceeds High Standards:

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) Exceeds Standards:

Employee exceeded job expectations. Showed consistent initiative, creativity, thoroughness and persistence in at least one performance area.

(c) Fully Meets Standards:

Employee consistently met minimum job expectations in all performance areas. Performed well and exhibited no significant deficiencies.

(d) 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) 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 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 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 be filed no later than 5 working days following the date the appraisal was received. The employee's comments shall be attached to the Performance Appraisal with which they are in disagreement and reviewed by the Department Head, Human Resources, and the Board of Commissioners.

#### 9.5 - APPEAL OF PERFORMANCE APPRAISAL RATINGS

The appraisal of an employee's performance is a management responsibility and falls within the scope of Management Rights as described in Rule 2.3. The employee's appeal of Performance Appraisal ratings is limited to the provisions of Rule 9.4.

## **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 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.

Employees are expected to be at their assigned work site during their scheduled work hours. Employees who are unable to report to work are to notify their immediate supervisor within 30 minutes of their scheduled reporting time on the day of absence

regarding the reason for the absence, and the expected length of the absence. Failure to provide such notice may be cause for disciplinary action.

#### 10.4 - FLEXIBLE WORK SCHEDULES

The Board of Commissioners may approve flexible work schedules in response to various demands in work requirements as requested by Department Heads.

##### 10.4.1 Review of Flexible Work Schedules

In reviewing flexible work schedules, critical consideration shall be given to:

- (a) Ability to supervise staff.
- (b) Ability to coordinate office operations.
- (c) The extent to which positions and workstations are adequately staffed and able to meet public demands for service.
- (d) Effect on productivity.
- (e) Building security and employee safety.

##### 10.4.2 Holiday Compensation

No employee shall receive more than 8 hours holiday pay for those holidays observed by the County, regardless of his or her work schedule. An employee working less than 40-hours per week shall receive holiday compensation on a prorated basis.

##### 10.4.3 Flexible Work Schedules Resulting in Part-Time Employment

Flexible work schedules, which result in an employee working less than a 40-hour workweek, may be approved. All provisions of these Rules governing part-time employment shall apply to employees on such schedules.

#### 10.5 - ATTENDANCE DURING ADVERSE WEATHER CONDITIONS

When, in the judgment of the County, adverse or inclement weather conditions require the closing or curtailing of operations after the employee reports to work, the employee shall be paid for the remainder of their shift if sent home.

When individuals are late or unable to report to work, employees shall use either vacation or accrued compensatory time to make up those hours. In the event that an employee has no vacation or accrued compensatory time, time lost shall be considered approved leave without pay.



## 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
Juneteenth	June 19
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 2<sup>nd</sup> and September 30<sup>th</sup> will receive 3 PLDs.

Employees hired between October 1<sup>st</sup> and December 31<sup>st</sup> will receive 2 PLDs.

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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.

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.
- (d) Temporary employees are not eligible for paid holidays.

#### 11.1.2 Holidays Falling on Saturday or Sunday

Whenever a holiday observed by the County falls on Saturday, the preceding 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, 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

#### 11.2.1 Vacation Accrual

Vacation leave with pay shall accrue at the rate shown below for full-time employees (40-hour workweek).

Accrued leave shall be credited to the leave accounts on the first day of the month for each proceeding full calendar month worked.

Years of Service	Hours Accumulated Per Month	Maximum Accumulation
◇ Less than five (5) years of service	8.0	200.0
◇ Five (5) years, but less than ten (10) years of service	10.0	200.0
◇ Ten (10) years, but less than fifteen (15) years of service	12.0	250.0
◇ Fifteen (15) years, but less than twenty (20) years of service	14.0	250.0
◇ Twenty (20) or more years of service	16.0	250.0

(a) Full-time regular status employees shall accrue vacation as shown above.

(b) Part-time regular status employees working 50 percent or more of a full-time position shall accrue vacation leave on a prorated basis (computed as a percentage of a 40-hour workweek).

(c) Temporary employees shall not accrue vacation leave.

#### 11.2.2 Vacation Accrual during Unpaid Leave

Employees having unpaid leave during a calendar month shall accrue vacation leave on a prorated basis for hours worked during the month.

#### 11.2.3 Maximum Accumulation

The maximum accumulation a full-time employee will be allowed of earned vacation hours will be 200 or 250 hours (per 11.2.1 above). The maximum accumulation a part-time employee will be allowed will be prorated to the 200 or 250 hours (computed as a percentage of a 40-hour workweek, per 11.2.1 above). Employees will forfeit any hours in excess of 200 and/or 250 (per 11.2.1 above) on December 31 of each year or upon termination from County employment, except when there are extraordinary circumstances outside employees' control, in which case, with the prior approval of the Board of Commissioners, employees may be paid for the excess hours.

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 January, May and/or October payroll periods to cash out up to 40 hours of accrued vacation. 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 accrue vacation hours during 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 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 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.

#### 11.3.2 Use of Sick Leave

Employees may utilize their allowance of sick leave when unable to perform their work duties by reason of illness or injury, necessity for medical or dental care, exposure to contagious disease under circumstances by which the health of other employees or members of the public necessarily dealt with would be endangered by the attendance of the employee, or by serious illness of their immediate families (see Rule 11.3.3 for the definition of immediate family) requiring the presence of the employee.

#### 11.3.3 Immediate Family Defined

For the purposes of this policy, immediate family is defined as mother, father, stepmother, stepfather, spouse, qualifying domestic partner, sister, brother, children, daughter-in-law, son-in-law, stepchildren, mother-in-law, father-in-law, grandparents, grandparents-in-law, and grandchildren.

#### 11.3.4 Absence Paid by Workers Compensation Insurance

All County employees will be insured under the provisions of the Oregon State Workers' Compensation Act for injuries received while at work for the County.

The County shall pay to the employees upon request the difference between what the employee receives from Workers' Compensation insurance and their regular salary rate. The dollar value paid by Polk County shall be converted to the employee's hourly wage rate and charged on an hourly basis against the employee's accrued sick leave. If the employee has not accrued sick leave, the charge shall be accrued against the employee's vacation leave, compensatory time leave, or personal leave days. Upon exhaustion of the employee's sick leave, vacation leave, compensatory time, or personal leave days the County's supplemental payments shall cease.

For the purpose of determining calculations herein, the day of injury shall be considered a workday, and the employee shall receive regular wages for that day.

#### 11.3.5 Certification of Illness

The County may require certification of the attending physician or practitioner to substantiate that an illness, injury, or disability prevents the employee from working. The County may also require certification from a physician or practitioner of the County's choosing which will be paid at the County's expense.

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 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

Employees may compete for promotions and transfers for County jobs, without having to take vacation and compensatory time for interviews, tests, and other scheduled selection processes conducted during working hours. Employees may not fill out application forms, writing resumes and other activities normally done on off-duty time, or for competing for jobs with other employers during working hours.

#### 11.4.4 Attendance in Court

Leave without pay may be granted for attendance in Court in connection with an employee's personal affairs.

#### 11.4.5 Bereavement Leave

When a member of the employee's or employee's spouse's immediate family, has died, up to 24 hours per death, bereavement leave with pay shall be granted to an employee by the County for the period of time the employee is unable to perform their duties. Bereavement Leave shall not accumulate from year to year.

For purposes of bereavement leave only, immediate family shall be defined as mother, father, stepmother, stepfather, spouse, qualifying domestic partner, sister, brother, children, stepchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, uncle/aunt, nephew/niece and documented member of household.

### 11.5 - MILITARY LEAVE

#### 11.5.1. ORS 408.238--Definitions for ORS 408.240 to 408.280

Per ORS 408.240 to 408.280, "military duty" is interpreted as training and service performed by an inductee, enlistee or reservist or any entrant into a temporary component of the Armed Forces of the United States, and authorized time spent reporting for and returning from such training or service, or, if a rejection occurs, from the place reported therefore; but does not include active duty training as a reservist in the Armed Forces of the United States or as a member of the National Guard of the United States where the call is for a period of 15 days or less.

#### 11.5.2. Status and Rights of Public Officer and Employee During and After Military Duty

Whenever any public officer or employee leaves a position, whether voluntarily or involuntarily, in order to perform military duty, such office or position shall not become vacant, nor shall the officer or employee be subject to removal as a consequence thereof. Unless he/she dies, resigns or is relieved or discharged from duty under other than honorable conditions, during the term for which he/she was elected, appointed or employed, such officer or employee shall be deemed absent on leave until his/her release from such active service has permitted him/her to resume the duties of his/her office or position. While so absent on leave, he/she shall not receive the pay or other emolument of such office or position, nor become liable, as such officer or employee, on his/her official bond or otherwise, for the acts or omissions of any other person.

This section does not apply unless the officer or employee, upon the termination of such military duty, is qualified to perform the duties of such position, and makes application within 90 days after he/she is relieved from such military duty, or from hospitalization continuing after discharge for a period of not more than one year. If he/she is not qualified to perform the duties of such position by reason of such other public position, the officer or employee shall be restored to such other position, the duties of which he/she is qualified to perform, as will provide like seniority, status and pay, or the nearest approximation thereof, consistent with the circumstances in his case.

#### 11.5.3 Restoration of Employee's Seniority and Tenure

Upon the termination of any leave granted by ORS 480.240, every public employee shall be restored to his/her position without loss of seniority or other benefits. It is the intention of the Legislative Assembly that such employee shall be restored in such manner as to give them the status of their employment that they would have enjoyed if they had continued in such employment continuously from the time of their entering the Armed Forces until the time of their restoration to such employment. Any person restored to their position shall not be discharged from such position without cause within one year after such restoration. Any employee who has not completed his/her probationary period in their position at the time of leaving for military duty shall, upon returning to such position, be required to serve the remainder of such probationary period, notwithstanding the granting of continuous time credit for time served in the Armed Forces.

#### 11.5.4. Benefits for Public Employees on Temporary Active Duty in Armed Forces

Any officer who is a member of the National Guard, National Guard Reserve or of any reserve components of the Armed Forces of the United States or of the United States Public Health Service, is entitled to, upon application, a leave of absence while on active duty for annual training, from his/her duties for a period not exceeding 15 days in any one calendar year, without loss of time, pay or regular leave and without impairment of efficiency rating or other rights or benefits to which he/she is entitled.

Unless he/she has been employed by the State or by any county, municipality or other political subdivision of the State for a period of six months preceding application, no officer or employee is entitled to receive pay for any period during which he/she is on military leave.

#### 11.6 - LEAVES OF ABSENCE WITHOUT PAY

In instances where work and operations shall not be impaired by the temporary absence of an employee, the County may grant a leave of absence without pay. The request, which must establish reasonable justification, shall be in writing to the department head and, when the requested leave will be over five days, subject to the approval of the Board of Commissioners before the leave is taken, except when the leave is for medical reasons pertaining to the FMLA/OFLA. Employees must exhaust their paid vacation, personal leave days, and compensatory leave benefits before taking leave without pay except when the leave without pay is taken under federal or state law covering FMLA/OFLA (see Rule 21), in which case they can have up to 40



hours of vacation remaining after returning from leave upon request. Employees need not exhaust paid sick leave, except as provided in Rule 11.3.2.

#### 11.6.1 Job Availability on Return from Leave

- (a) For leaves of absence without pay for periods of (90) calendar days or less, the employee shall be restored to the position previously occupied at the salary range and step previously assigned.
- (b) For leaves of absence without pay for periods in excess of (90) calendar days, the County shall make reasonable attempts to restore an employee to the position occupied prior to the commencement of the leave of absence. The County is unable to guarantee to an employee that their particular position will be available upon return from the leave due to the possibility of program changes, discontinuance of funds, or other organizational alterations. The County shall notify an employee approved on extended leave if circumstances change and the position must be filled. This does not apply to employees utilizing Family Medical Leave under Rule 11.6.3. For those employees, the provisions of Rule 11.6.3 shall prevail.
- (c) Should the County be unable to restore an employee to their previous position, the County may restore the employee to such other position as may be available. Such position may provide the employee the status and pay, or the nearest approximation thereof, to the position previously occupied.
- (d) Premiums for employee-paid optional benefits and health insurance premiums will be the responsibility of the employee to pay to the County during periods of leave without pay. Employees should contact Payroll about this prior to taking leave without pay.

#### 11.6.2 Adjustment of Date of Hire

Leaves of absence without pay that exceed 14 consecutive calendar days shall result in the adjustment of the Date of Hire by the total calendar days of the leave.

#### 11.6.3 Failure to Return from Leave

Any employee who has been granted a leave of absence and who, for any reason, fails to return to work at the expiration of said leave of absence shall be considered as having resigned the position, and the position shall thereupon be declared vacant, except and unless the employee, within three days after the expiration of such leave of absence, has furnished evidence of inability to return to work by reason of illness, physical disability or other legitimate reasons beyond his/her control.

#### 11.6.4 Absent Without Leave

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence by the immediate supervisor shall be deemed to be an absence without leave. Any

such absence shall be without pay and may be cause for disciplinary action against the employee.

#### 11.7 - MEDICAL/DENTAL PLANS

Employees, except as noted elsewhere in these Rules, are eligible to participate in the County's health and dental insurance programs subject to enrollment requirements.

An employee who takes leave without pay shall reimburse the County for pre-paid medical and dental insurance on a prorated basis. Part-time employees working 50% or more are eligible to participate in health and dental insurance programs on a prorated basis. Employees working less than 50% are not eligible for medical and dental insurance paid by the County.

#### 11.8 - DOMESTIC PARTNER RELATIONSHIP

For purposes of receiving employment benefits, it is the policy of Polk County to not discriminate between employees who are qualifying domestic partners. Polk County reserves the right at all times to require an employee to produce documentation that the employee is a qualifying domestic partner. The employee shall prove that they are a qualifying domestic partner by submitting a certificate showing a Declaration of Domestic Partnership that has been filed with the County Clerk's office or an Affidavit of Domestic Partnership as provided by the County, either of which will be filed with Payroll.

A qualifying domestic partner shall notify Polk County of a termination of a domestic partner relationship no later than the 31 days of such change.

Polk County is not responsible for eligibility and coverage decisions that a provider of insurance or other benefits may make.

#### 11.9 - EMPLOYEE ASSISTANCE PROGRAM

The County offers an Employee Assistance Program (EAP) that is totally confidential and available to all employees and their immediate families. The EAP provides professional services to employees who may be adversely affected by alcoholism, drug dependence, emotional difficulties, family discord, or other personal problems. The EAP is offered to employees through a variety of different avenues including, but not limited to, counseling in person, on-line; as well as health and wellness programs.

#### 11.10 - UNIFORM CLEANING ALLOWANCE

Non-represented employees in the Sheriff's Office who are issued uniforms are eligible for a monthly uniform cleaning allowance as determined by the Board of Commissioners.

#### 11.11 - BILINGUAL PAY

The County shall pay 5% in addition to the regular rate of pay to employees who use American Sign Language (ASL), Russian or Spanish in addition to English on the job when it is used on a recurrent, regular basis in the course and scope of their work assignment. The County will approve employee positions for bilingual pay and determine the qualifications to be eligible for it.

## **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

## **RULE 13 - EMPLOYEE CONDUCT AND DISCIPLINE**

### **13.1 - EMPLOYEE CONDUCT GENERALLY**

The expected standard of conduct for all employees in the service of the County, whether classified or unclassified, shall be of the highest standards in both their official conduct and their private conduct insofar as it affects job performance. The tenure of every employee shall be conditioned on proper conduct on the job and satisfactory performance of duties.

#### **13.1.1 Romance**

Although romantic relationships between co-workers are permitted, the County discourages employees from becoming romantically involved with one another. The County prohibits supervisors from becoming romantically involved with subordinates. These situations can lead to charges of sexual harassment or retaliation by subordinates, and favoritism by other employees. If a supervisor and subordinate begin a romantic relationship, it is the responsibility of the senior-ranking employee to disclose the relationship to Human Resources. Failure to disclose may subject one or both employees to disciplinary action. The County reserves the right to transfer one or both of the individuals.

#### **13.1.2 Dress Code**

A neat and professional appearance is a requirement at the County. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. These are factors that should be taken into consideration when determining appropriate dress:

- (a) The nature of their work.
- (b) Safety considerations, such as necessary precautions when working near machinery or hazardous work areas.
- (c) The nature of their public contact, if any, and the normal expectations of outside parties with whom they will work.
- (d) The prevailing dress practices of other workers in similar jobs.

### **13.2 - DISCIPLINE**

The principal objective of any disciplinary action shall be to improve the performance, efficiency, and morale of the employee and the County. Improper employee conduct shall be considered cause for disciplinary action up to and including dismissal.

### **13.3 - IMPROPER EMPLOYEE CONDUCT**

Any action that reflects discredit upon the County, or is a direct hindrance to the effective performance of County functions, shall be considered cause for disciplinary action. Improper conduct or action by an employee in an official capacity tending to bring the County into discredit, or which tends to affect the employee's ability to perform their duties, or any improper use of the employee's position as an employee for

personal advantage shall also be judged cause. In addition, cause for disciplinary action shall include, but is not limited to the following:

(a) Use of Intoxicants or Controlled Substances

Being under the influence of intoxicants or controlled substances, or consuming them during work hours, to include breaks or lunch hour.

(b) Insubordination

Unwillingness or failure to follow directive of supervisor or other administrative authority.

(c) Abusive Conduct

Offensive or abusive conduct or language, including sexual harassment, toward the public or toward fellow employees or officers thereof.

(d) Use of Public Property

Using, permitting the use of, or unauthorized use of County-owned or leased vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or employees in the conduct of official business; or willful damage to or negligence in the care and handling of County property.

(e) Abuse of Sick Leave Benefit

Claim of sick leave under false pretenses or misuse of such leave.

(f) Inability to Perform the Job

Inattention to duty, tardiness, indolence, carelessness or not doing the work for any other reason.

(g) Falsifying Information

Willful giving of false information.

(h) Conviction of Crime

Conviction of a crime, which in the County's judgment would render the person unfit to perform in the particular position.

(i) Unauthorized Absence

Absence from duty without leave, failure to report after leave of absence has expired or after such leave of absence has been disapproved or canceled by proper administrative authority.

(j) Violation of Policy

Willful or continued violation of any of these Rules, or any other significant rules or regulations.

(k) Acceptance of Gifts and Favors

Acceptance of any remuneration in addition to regular compensation of an employee, whether in the form of service, loan, thing or promise, from any person who to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County; or granting of the discharge of duties any improper favor, service or thing of value.

(l) Solicitation of Public for Money, Goods or Services

Solicitation, in an official capacity as an employee of the County, of the public for money, goods, or services not specifically authorized by the Board of Commissioners.

(m) Violation of Safety Procedures

All employees are expected to observe the safety related rules and procedures of the County and to call attention to circumstances that may endanger employees or citizens.

(n) Wastefulness, Carelessness or Recklessness in the Use of County Resources

The wasteful use of supplies, moving violations in County vehicles, or intentional abuse of property or facilities.

(o) Excessive Absenteeism/Tardiness

(p) Inefficient Performance of Work

Any employee who fails to meet the minimum performance requirements for his or her position.

(q) Moral Turpitude

Verified acts on or off the job that are so vile that the local community judges them as highly offensive and gross violations of normal human norms of conduct. This includes acts of depravity and certain criminal offenses, which in the judgment of Polk County would render the employee unfit to perform County employment.

(r) Horseplay

Employees are expected to conduct themselves in a professional manner throughout the duration of their shift. Horseplay shall not be tolerated at any time.

(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 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.



They will be nondiscriminatory in their application and be reasonable in their appropriateness to the problem or situation.

#### 13.5.2 Progressive

Disciplinary action will normally begin with an oral reprimand or warning and, when circumstances warrant, proceed to written reprimand, suspension from work without pay or demotion in status and/or pay, and, finally, to discharge from employment with the County.

A severe incident of misconduct may require severe disciplinary measures such as discharge and may not be preceded by lesser forms of disciplinary action.

#### 13.5.3 Lawful

Disciplinary action and the procedures by which this action is administered shall not violate the employee's civil rights. Minimally, when disciplinary action involves suspension without pay, demotion, or discharge of a regular service employee, the employee shall be notified in writing:

- (a) That disciplinary action is being considered.
- (b) Of the charges against them in writing, citing the specific policy or performance violation.
- (c) That the employee will be provided an opportunity to refute the charges either orally or in writing before the Department Head having the authority to effectively recommend the final decision to the Board.

### 13.6 - DEPARTMENT HEADS' RESPONSIBILITY

Department Heads are responsible for administering discipline within the general guidelines of these Rules.

Each Department Head has the responsibility in the disciplinary process for identifying employment deficiencies in employees, seeking with the employee ways to solve and correct those deficiencies and to act appropriately and fairly to resolve the problem. The Department Head will consult with Human Resources prior to taking disciplinary action.

### 13.7 - APPEALS FROM DISCIPLINARY ACTION

The Board of Commissioners has the authority and responsibility for final decisions on all disciplinary actions recommended by Department Heads or initiated by the Board. Disciplinary action may be appealed as provided by law, labor agreement or other written agreement approved by the Board between the County and employees, or Rule 14, Complaint Policy.

## **RULE 14 - COMPLAINT POLICY**

### **14.1 - COMPLAINT POLICY**

It is the policy of the County to provide for an orderly process whereby employees may have their problems and complaints considered as fairly and as expeditiously as possible without fear of reprisal. The County has established a complaint procedure for the purpose of securing at the lowest possible level, equitable solutions to the problems or complaints alleged by employees that may, from time to time, arise. This procedure will be kept informal and confidential, consistent with the ultimate goal of resolving the complaint.

### **14.2 - DEFINITIONS**

#### **14.2.1 Complaint**

As used in these Rules, the term "complaint" means any claim by an employee, or group of employees, that such claimant's rights, benefits, privileges or interests provided for in the Personnel Rules have been violated or that the Personnel Rules have been misapplied or misinterpreted to such claimant in a particular case. A complaint shall not include, and this complaint procedure shall not apply to, any of the following:

- (a) Any matter on which the County is without authority to act.
- (b) Any proceeding for dismissal of an employee during probation or due to layoff.
- (c) The evaluation of any employee's performance.

#### **14.2.2 Complaining Party**

The "Complaining Party" shall be defined as the person or persons who were directly affected by the alleged violation, misinterpretation, or misapplication of the Personnel Rules and who suffered personal loss or injury as a result.

#### **14.2.3 Days**

Days shall mean workdays for the purpose of these Rules.

#### **14.2.4 Representative**

A "representative" shall mean person identified by the complainant to assist them through the complaint process.

#### **14.2.5 Immediate Supervisor**

The immediate supervisor is the person who has direct administrative or supervisory responsibility over the complainant.

## 14.3 - COMPLAINT PROCEDURE GENERAL INFORMATION

### 14.3.1 Time Limits

The procedures should be processed as rapidly as possible to avoid unnecessary strain on the employee and interruption in the workflow. The number of days indicated for settlement or appeal at each step of the procedure should be considered a maximum. The time limits can be extended by mutual consent of the parties involved at any step of the procedure.

### 14.3.2 Employee Protection

There shall be no restraint, interference, discrimination, or reprisal exerted on any employee choosing to use the procedures for resolution of complaint.

### 14.3.3 Failure to Respond

Failure at any step of this procedure by the complainant to appeal a complaint to the next step within the specified time limits shall be deemed to be acceptance of the decision rendered at that step. Failure at any step of the procedure to communicate the decision in writing on a complaint within the specified time limits shall permit the complainant to proceed to the next step.

### 14.3.4 Files

All documents, communications and records of a complaint, if appropriate, will be filed separately from the personnel files. Reference to the records, such as a summary, may be placed in the appropriate personnel file.

### 14.3.5 Initiation of Complaint

- (a) Each complaint must be initiated within 10 working days of the occurrence of the cause for the complaint; however, if the complainant did not become aware of the occurrence until a later date, then the complaint must be initiated within 10 working days of their first knowledge of the cause. Failure to initiate a complaint within the specified time limits may be grounds for rejecting the complaint.
- (b) Complaints should be initiated at the lowest supervisory level in the departmental structure and advanced to the Board of Commissioners as the final authority on complaint resolution. If it is not appropriate to initiate the complaint with the immediate supervisor, then the complaint will be initiated at the most appropriate level in the organizational structure.

### 14.3.6 Confidentiality

All information relating to the initiation of a complaint shall be considered confidential information as much as entirely possible.

## 14.4 - COMPLAINT PROCEDURE

### 14.4.1 Informal Conference (Step 1)

Since the purpose of this complaint procedure is to settle equitably and informally, if possible, disputes constituting a complaint at the lowest possible administrative level, a thorough discussion of the claim shall be conducted by the complainant and their immediate supervisor to seek grounds for the resolution of the problem.

### 14.4.2 Formal Conference (Step 2)

In the event the problem has not been resolved at Step 1, the complainant shall, within 5 working days after the informal conference, prepare a written statement of the facts constituting the complaint and setting forth:

- (a) The section of the policy allegedly violated;
- (b) The nature and extent of the injury or loss suffered;
- (c) The results of previous discussion of the complaint;
- (d) Their dissatisfaction with the decision rendered at the informal conference;  
and
- (e) The remedy sought.

This information shall be sent to the employee's Manager or Department Head who shall, within 5 working days of receipt of the complaint, meet with the complainant and, if necessary, the supervisor to attempt to resolve the matter. Within 5 working days of the formal conference, the Manager or Department Head shall prepare and provide the complainant a written statement of the decision and the reasons for it.

### 14.4.3 Appeal (Step 3)

Within 5 working days of receipt of the decision or within ten working days after the formal conference held at Step 2, whichever is later, the complainant may file an appeal in writing to the Board of Commissioners, setting forth the grounds upon which the complaint is based and the reasons why the complainant considers the decision rendered at Step 2, to be unacceptable. Copies of the decision and statement of reasons from Step 2 above shall be filed with the appeal.

### 14.4.4 Meeting with the Board (Step 4)

- (a) Within 10 working days after receiving the appeal the Board of Commissioners, or its designee, shall meet with the complainant for a thorough discussion of the complainant's claim. The Board of Commissioners, or its designee, may ask the Department Head, Manager, the immediate supervisor, or other applicable staff to participate in this meeting. The complainant may request that a representative accompany them to this meeting. The purpose of the meeting shall be to resolve the complaint.

- (b) The Board of Commissioners, or its designee, shall render a written decision regarding the complaint within 10 working days of the meeting. The decision of the Board of Commissioners, or its designee, is final other than provided by law.

## **RULE 15 - RESIGNATION AND LAYOFFS**

### **15.1 - RESIGNATIONS**

Any employee may resign from County service by presenting resignation in writing to their supervisor. To resign in good standing, an employee must give the Department Head at least 2 weeks, unless, because of extenuating circumstances, the Department Head agrees to permit a shorter period of notice. Resignations shall be promptly forwarded to Human Resources.

### **15.2 - LAYOFFS**

The County may separate an employee without prejudice due to the shortage of funds, curtailment of work, abolition of position, a material change in duties, or nepotism. The conditions of layoff shall be as follows:

#### **15.2.1 Notification of Layoff or Pending Layoff**

Human Resources shall notify an employee of a pending layoff in writing, at least 15 calendar days prior to the effective date of the layoff.

#### **15.2.2 Order of Separation**

When identifying the individual employees subject to layoff, the classification within the organizational departments in which layoff is to occur will first be determined. Temporary employees who occupy positions in classifications in which layoff is to occur may be terminated prior to the layoff of any probationary or regular status employee in the affected classification. Probationary employees may be considered for layoff prior to laying off any regular status employee.

Retention of employees subject to layoff shall be based first upon the Performance Rating, and when this is not decisive, then upon Seniority of Service determined by the Date of Hire.

The above notwithstanding, if two or more employees in the affected classification are performing assignments in differing areas of specialization, then qualifications of the incumbents shall be considered in lieu of the Performance Rating.

#### **15.2.3 Offer of Reassignment or Transfer**

A regular status employee shall not be laid off before they have been made an offer of reassignment to a different position within the organizational department in the same classification or a classification of the same salary level, for which the employee is qualified and for which a position vacancy is available. Such offers of reassignment shall be in writing, and shall be offered by Human Resources.

All such offers must be accepted within 3 calendar days of written notification.

Should a regular status employee reject a written offer of reassignment or transfer to another position in the same classification or a classification of the

same salary level, such employee shall be considered to have voluntarily terminated their employment as of the effective date of the original layoff notice.

#### 15.2.4 Demotion of Laid-off Employees or Offer of Part-time Employment

The County may offer an employee who is on notice of pending layoff a demotion to a position in a lower classification, or part-time employment in lieu of layoff to a position for which the employee is qualified, and for which a position vacancy is available. The demotion or offer of part-time employment in lieu of layoff shall be a non-competitive appointment, and shall be offered to the employee in writing by Human Resources. The employee shall have three calendar days from the date of such written notification to accept or reject the offer.

- (a) An employee, who rejects or accepts an offer of demotion or an offer of part-time employment in lieu of layoff, shall have their name placed on the layoff list for the classification within the organizational department from which the layoff occurred, and shall be considered for reappointment.
- (b) Any employee serving a probationary period who voluntarily accepts an offer of demotion to a lower classification or part-time employment in lieu of layoff shall have all time spent in the higher classification or previous position count toward completion of the probationary period in the lower classification.

#### 15.2.5 Layoff Lists

Names of regular service employees who were laid off or demoted, or who were placed in part-time positions in lieu of layoff, shall be placed on the layoff lists for the classification within the organizational department from which the layoff occurred. If an employee has been on layoff for more than 1 year, they shall be removed from the last layoff list.

#### 15.2.6 Recall of Employees on Layoff Lists

Regular service employees who were separated from service by layoff, or who were demoted or placed in part-time positions in lieu of layoff, shall be considered for non-competitive reappointment for full-time employment for any position vacancy which occurs which is in the same organizational department and classification they held prior to the layoff and for which they are qualified to perform the duties. Non-competitive reappointment, as just described, is limited to 12 months from the effective date of the layoff, demotion, or part-time assignment in lieu of layoff.

- (a) If an employee rejects a written offer of reappointment to a full-time position, such employee's name shall be removed from the layoff list.
- (b) If an employee accepts a written offer of reappointment, such employee shall be non-competitively re-appointed to that classification with all prior benefits restored. The employee's Date of Hire will be adjusted by the total number of calendar days in which the County did not employ them.

- (c) Failure of an employee to respond to a written offer of reappointment within 3 calendar days of the date of such offer shall be deemed a rejection of the offer. The employee's name shall be removed from the layoff list as if the employee had rejected the offer.
- (d) All written correspondence shall be sent by mail to the last known address of the employee. Mail returned as undeliverable or addressee unknown, etc., shall be considered a failure to respond.



## **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 their independence of judgment or action in the performance of 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 person beyond that which is available to every other 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 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 their duties as a representative of the County or in the performance of 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

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

- **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

- **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)]

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

#### 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 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 another employee as determined by the Department Head.

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 their office or other favor or reward in return for partisan and non-partisan political activity on 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 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 their interpretation of the facts at issue and of any applicable provision of these Rules to Human Resources.

#### 16.4 - EFFECT OF VIOLATION OF THESE RULES

Violation of any provision of these Rules may constitute a cause for suspension, removal from employment, or other disciplinary action up to and including dismissal.

## **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 person's 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. In order to report harassment please contact Matt Hawkins, Administrative Services Director at [hawkins.matt@polkcountyor.gov](mailto:hawkins.matt@polkcountyor.gov) or by phone at 503-623-1888. The County will take no action against an employee whom in good faith reports harassment to the County or participates in an investigation. The County prohibits retaliation of any kind against employees,

who, in good faith report harassment and/or discrimination or assist in investigating such complaints. If an employee feels they have been subjected to any form of retaliation, the employee should report that conduct Human Resources. The County will attempt to maintain confidentiality, consistent with the County's obligation to conduct an adequate investigation and to take prompt corrective action in response to any harassment or retaliation.

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

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing their experience.

The County is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the County to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the County regarding their experience and/or employment status, the employee should contact Matt Hawkins at [hawkins.matt@polkcountyor.gov](mailto:hawkins.matt@polkcountyor.gov) or 503-623-1888. The employee's request to enter into such an agreement must be in writing (email is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the County and employee do reach an agreement, the County will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the County or making comments that would lower the County in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the County and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

### 17.3 - AMERICANS WITH DISABILITIES ACT

ADA Procedures Generally. The ADA requires reasonable accommodation to applicants and/or employees with disabilities. The applicant and/or employee or someone acting on their behalf must request accommodation either verbally or in writing as soon as the need arises. Polk County may ask for documentation of such disability from an appropriate professional such as a doctor or rehabilitation counselor. Not all medical limitations constitute a disability. Disabilities that are transitory or temporary do not qualify for accommodation under this Act. Medical documentation verifying the alleged disability and/or detailing precise limitations of the employee's ability to perform their job duties may be required. In such event, accommodation options will be explored with the employee through an interactive process.



Requests for accommodation shall be made to Human Resources for evaluation, and factual finding as to the validity of the requested accommodation. Requested accommodations cannot change or alter the essential functions of any classification.

Human Resources may consult, investigate, and/or require a second medical opinion at Polk County's expense in order to gain the necessary information to make a reasoned and factual finding on requests for accommodation.

#### 17.3.1 ADA Complaint Process

In the event that any Polk County employee believes that they have been discriminated against on the basis of their disability status, they may file a written complaint within one year of the alleged discriminatory incident with Human Resources. Human Resources shall provide a procedure that ensures that the concerns contained in the complaint will be thoroughly investigated.

The Claimant is further entitled to seek equitable resolution of their Title II complaint pursuant to the complaint procedure set out in Rule 14.

#### 17.3.2 ADA Coordination

In compliance with the ADA, Human Resources is appointed to coordinate ADA compliance in all aspects except facilities. The Administrative 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 coordinator (Administrative Services Director). Complaints concerning employment practices will be submitted to Human Resources; those concerning County facilities will be submitted to the Administrative 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.

#### 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 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.

Where investigations confirm the allegations, appropriate disciplinary action will be taken as outlined in these Personnel Rules, up to and including the possibility of termination of employment.

All employees are expected to cooperate with the investigation. Failure to cooperate with an investigation may lead to disciplinary action including termination of employment.

Information provided by individual employees in the course of the investigation will be treated as confidential and will only be provided to those who have a need for the information or when it is required in the course of investigating the complaint.

Providing false information in the course of the investigation is grounds for discipline up to and including dismissal.

## **RULE 19 - POLK COUNTY SAFETY POLICY**

### **19.1 - POLICY**

It is Polk County's intention to establish and maintain an effective safety and health program and provide a safe and healthful workplace free of recognized employee hazards. In doing this, we pledge compliance with Oregon Revised Statutes and Oregon Occupational Health Regulations.

A designated Human Resources employee acts as the County Safety Officer. The Safety Officer, Department Heads, managers, and supervisors will implement the safety and health program. They will have the authority to investigate accidents, correct any hazardous conditions or unsafe work practices, and ensure these rules are followed. Polk County has two safety committees: one for the Sheriff's Office and Jail, and the other that covers all other areas of the County. Minutes of safety committee meetings and names of committee members are available on the County G drive in the Employee Handbook and posted monthly in each building. Employees are encouraged to contact the safety committee in their work area if they have safety concerns.

### **19.2 - GENERAL RULES**

- (a) Employees must ensure all possible precautions are taken to maintain safety on the job. They must use the provided safety equipment and personal protective equipment and devices. Employees are required to promptly report all unsafe acts and unsafe conditions to their supervisor for corrective action.
- (b) Safety and health equipment suitable for each job must be worn as a condition of employment. (Example: hard hats, eye protection, hearing protection, gloves, protective footwear, leg protection, aprons, etc.)
- (c) Illegal drugs and alcoholic beverages will not be permitted on the job or in County vehicles.
- (d) Managers and supervisors have the right to immediately stop any part of the operation to correct a dangerous condition or unsafe work practice.
- (e) Employees are required to use proper lifting techniques, and take advantage of all lifting and material handling apparatus.
- (f) Employees must immediately report all injuries to their supervisors. Failure to do so may result in disciplinary action, up to and including termination of employment.
- (g) All accidents resulting in injury will be investigated to identify the cause and ascertain necessary corrective measures.
- (h) Any violation or failure to comply with Oregon Revised Statutes, Oregon Occupational Health Regulations, and/or Polk County's Safety and Health Policy, may result in disciplinary action.

### 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. This form must be filled out on any accident no matter how minor. The Accident Report is retained by 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 Accident/Incident Form to Human Resources with the employee 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 by calling Rapid Care at (855)959-2741.

2. HUMAN RESOURCES:

A Human Resources representative will complete the employer portion of the online 801 form after receiving it from SAIF.

## RULE 20 – FAMILY AND MEDICAL LEAVE POLICY

### 20.1 - 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).

### 20.2 – 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.

### 20.3 – 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, 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) An additional 12 weeks of intermittent sick child leave for those employees who take a full 12-week block of family leave under FMLA and/or Paid Leave Oregon, provided the child does not have a serious health condition. (OFLA)
- (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 21 days of unpaid leave per deployment prior to military spouse's deployment and/or when the spouse is on leave from deployment.
- (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 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 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 Human Resources if different than the dates originally submitted.
- (d) Bereavement Leave (OFLA only): The employee must submit an Employee Request for 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.

All health benefit payments made by Polk County will cease at the end of the FMLA/OFLA leave entitlement period.

# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, to request FMLA leave you **must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your employer **may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

## What does my employer need to do?

If you are eligible for FMLA leave, your employer **must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer **cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer **must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your employer **must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

Call 1-866-487-9243 or visit [dol.gov/fmla](https://www.dol.gov/fmla) to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

SCAN ME



WH1420 REV 04/23

## **RULE 21 - VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING**

### **21.1 - 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.

### **21.2 - 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.

### **21.3 - 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.

### **21.4 - 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) 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.

## 21.5 - 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 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%.

- 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.

## **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.



## **GLOSSARY OF TERMS**

### **ALLOCATION**

The assignment of an individual position to an appropriate classification on the basis of the skill, effort, responsibility, and working conditions of work performed in the position and required employment qualifications. As used in these rules employees are assigned to positions and positions are allocated to classifications.

### **ANNIVERSARY DATE**

The date upon which an employee is eligible for a salary increase based on performance appraisal.

### **ANNUAL SALARY INCREASE**

An increase from one-step on an assigned salary range to the next higher step on the salary range as a result of meritorious performance. Employees are eligible for salary increase after completing a full year of service until they reach the highest step on the salary range.

### **CLASSIFIED EMPLOYEE**

A person who has been appointed to a position in the classified service.

### **CLASSIFIED SERVICE**

All budgeted positions in the County subject to all of the Personnel Policies.

### **CLASS, OR CLASSIFICATION**

A group of positions, which are sufficiently alike in duties, authorities, and responsibilities that the same qualifications may reasonably be required and the same schedule of pay applied to all positions in the group.

### **CLASS SPECIFICATION**

The written description of a class of positions containing a title, statement of duties, authority, responsibilities and the minimum qualifications for the class.

### **CONTINUOUS SERVICE OR CONTINUOUS MONTH(S)**

Service in the employ of the County, unbroken by an absence without pay in excess of 14 consecutive calendar days.

### **CONTINUOUS SERVICE DATE**

The first calendar day of the first full month worked following date of appointment, adjusted by any absence without pay in excess of 14 consecutive calendar days.

### **DAYS**

Calendar days unless specifically noted otherwise in these rules.

### **DEMOTION IN CLASSIFICATION**

The change of an employee from a position in one class to a position in another class having a lower maximum salary rate.

### **DEMOTION IN PAY**

The reduction of the salary of an employee to one of the lower steps on the salary range to which the employee's position is assigned.

**DEMOTION, VOLUNTARY**

A demotion requested by an employee in order to retain employment when a layoff is imminent or for other reasons where the action is entirely voluntary on the part of the employee.

**DEPARTMENT HEAD**

The individual responsible for developing, planning, directing and supervising the activities of personnel engaged in carrying out a program's objectives and who are so designated by the Board of Commissioners. Includes Department Heads and elected officials or their designees.

**DOMESTIC PARTNER**

Two persons of the same gender who jointly share the same permanent residence and intend to continue to do so indefinitely; are committed to each other, except that the partners do not have the status of a traditional marriage but would be if permitted by Oregon law; are not legally married to anyone; are each other's sole domestic partner; and are jointly responsible to each other for the necessities of life. This relationship must be certified by an affidavit available through Payroll., and as applicable, registration as per state law.

**LAYOFF**

The separation from employment because of a shortage of funds or materials, abolishment of position or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.

**PART-TIME**

A work schedule, which has daily, weekly and monthly hours equating to less than a 40-hour workweek.

**PERSONNEL ACTION**

An action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting status of employment.

**POSITION**

A group of duties and responsibilities assigned or delegated by department head requiring the full time or part time employment of one person.

**PROBATIONARY PERIOD TO COUNTY**

A period of no less than 6 full calendar months, beginning at the Continuous Service Date. The Probationary Period to County only applies to new hires and promoted employees and normally runs concurrently with the Probationary Period to Position. No rights accrue to an individual appointed to a probationary position, except as otherwise stated in these Rules.

**PROBATIONARY PERIOD TO POSITION**

A period of 12 full calendar months for professional, technical, and supervisory positions and 6 full calendar months for all other positions, during which an employee is required to demonstrate, by actual performance of duties, their fitness for the position to which they have been appointed.

**PROMOTION**

The change of an employee from a position in one class to a position in another class having a higher maximum salary.

**RECLASSIFICATION**

A change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same level on the basis of significant changes in the skill, effort, responsibility or working conditions of the work performed in a position.

**REGULAR POSITION**

A position in the Classified Service.

**REGULAR STATUS**

The status of an employee holding a position in the Classified Service who has successfully completed the required probationary period.

**REAPPOINTMENT**

The return of a former employee to the employment of the County.

**REASSIGNMENT**

The movement of an employee from one position to another position of the same class.

**SUPERVISOR**

Any individual having authority in the interest of the employer to direct and/or discipline other employees, or to adjust their grievances, or effectively to recommend such action.

**TEMPORARY POSITION**

A position in the unclassified service of unknown or limited duration which is for the purpose of seasonal relief, intermittent or on-call relief, on-going work load relief or for special studies or projects which are subject to the continuation of a grant, contract or award. No rights accrue to an individual appointed to a temporary position.

**TRANSFER**

The movement of an employee from one position to another position of the same class or of another class having the same salary range, involving the performance of similar duties, and requiring essentially the same basic qualifications.

**UNCLASSIFIED POSITION**

A budgeted position, which has been excluded from the classified service by Rule 1.2.2 of the Polk County Personnel Rules.

**WORKDAY**

A 24-hour period containing a shift of assigned hours commencing when the employee is scheduled to perform the duties of their assigned position.

**WORK SCHEDULE**

A schedule of the workdays during a week and the hours during the workday that an employee regularly performs the duties and responsibilities of the position they are assigned to.

**WORKWEEK**

A seven-day period that begins at 12:01 a.m. on Monday and ends at midnight on Sunday.